

Fighting Corruption in India: An Impossible Dream

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ABSTRACT

Corruption, in its widest meaning, encompasses any conduct which is evil or dishonest. But in no country of the world, the word corruption is used with its widest meaning. In its generally accepted sense, any misuse of public office for private gain is corruption. Corruption is very old social malady. It is pertinent to note that 'Atharva Veda' warn people to refrain from corruption by the statement that the wealth earned through pious means flourishes and those who earn through dishonest means are destroyed. Emancipation of our country from the yoke of British rule and taking over the reins of power by the leaders of the freedom movement did not bring about reduction in the extent of corruption in the administration. The effect of corruption is harmful in every field of human activity-whether social, economic or political. Because of corruption, execution of development projects taken up in any society becomes qualitatively poor or remains incomplete. Corruption makes rich people richer and the poor poorer. In this article, an attempt is made to understand and explore the nature and extent of corruption in India and tries to find out some possible way out.

Keywords: Corruption, Government, India, Administration, Politics.

Introduction:

Corruption, in its widest meaning, encompasses any conduct which is evil or dishonest. But in no country of the world, the word corruption is used with its widest meaning. In its

generally accepted sense, any misuse of public office for private gain is corruption. Shri. K.Santhanam, who happened to be the Chairman of the Committee constituted by Government of India many years ago on prevention of corruption in the functioning of the Government machinery, had stated in its final report, submitted on March 31, 1964, that 'any action or failure to take action in the performance of duty by a Government Servant for some advantage is corruption'¹. However, it has to be remembered that there is no direct definition of corruption in any law. The Prevention of Corruption Act, 1988 which repealed the Prevention of Corruption Act, 1947, has given comprehensively and specifically what constitute the offences of corruption involving public servants and has also laid down the penalties for such offences and their abetment.

Historical Background:

Corruption is very old social malady. It is significant to note that 'Atharva Veda' warn people to refrain from corruption by the statement that the wealth earned through pious means flourishes and those who earn through dishonest means are destroyed. Prophet Muhammad was also concerned about corruption in society and said that Allah curses the giver of bribes and the receiver of bribes and the person who paves the way for both parties. This human failing finds mention in the Bible also which points out to the people that a bribe blinds the eyes of the wise and subverts the cause of the righteous. Kautilya's Arthashastra written in 4th century B.C. mentions forty 'modus operandi' adopted by the corrupt people to misappropriate government funds. In Arthashastra, Kautilya was concerned among other things, in designing an effective administration and we have many remarkable passages- "Just as it is impossible not to taste honey or poison that one may find at the tip of one's tongue, so it is impossible for one dealing with government funds not to taste, at least a little bit, of the kings wealth. Just as it is impossible to know when a fish moving in water is drinking it, so it is impossible to find out when government servants in charge of

undertakings misappropriate money. Those officials who do not eat up the king's wealth but increase it in just ways and are loyally devoted to him shall be made permanent in service.”²

Around 5th century B.C. corruption of public servants in the Greek states had become a matter of great concern for the right minded people. With the growth of the Roman empire in the 2nd and 4th century B.C. corruption had also spread its tentacles in the official activities of the Romans. In the middle ages, the revenue and other tax collection machinery were deeply affected by corruption in western countries. Russian history speaks of considerable corruption in the administrative set up of the country in the 13th century.

In fact, our country also suffered more or less, equally from corruption in the medieval period. Alauddin Khilzi (1296-1316 A.D.) , the Sultan of Delhi, had to considerably increase the pay of the revenue staff and arrange much closer supervision of their work, in an effort to rid the revenue administration, of corruption. But after his demise, corruption had again raised its ugly head. We therefore, find mention in history about measures taken by Sher Shah(1540-1545 A.D.) and Akbar (1556-1605 AD.) to make their revenue administration corruption free³. Pandit Jawaharlal Nehru has remarked that, the extent of corruption, nepotism, injustice and atrocities indulged in by officials of East India Company in our country is beyond imagination⁴. Among the British officers ruling India, Robert Clive(1725-1774 A.D.) was the most corrupt. Corruption became more widespread and deep rooted in our country as well as in other countries since the Second World War.

Corruption in independent India:

Emancipation of our country from the yoke of British rule and taking over the reins of power by the leaders of the freedom movement did not bring about reduction in the extent of corruption in the administration. Even before six months had passed since our country attained independence, Gandhiji lamented-‘there is so much corruption today that it frightens me.’ Louis Fischer observed that, after independence, unable to steer Congress, Gandhi

planned to build a new vehicle which would push the Government and, in an emergency, carry the Government's load⁵. It would be in politics without seeking political power. Instead of trying to win votes, it would teach the masses to use their votes intelligently. Painfully observing the craze for power and loaves and fishes of office among the congress leaders after independence, Jyoti Prasad Agarwala, the great freedom fighter and cultural icon of Assam, in his famous essay –*'Biyallishor Kahini'* (The story of 1942 Movement) expressed his anguish in the following words- Freedom came thus through the blood and tear of many people, and we have today polluted this freedom to our corruption and moral degradation.

Exasperated by rampant corruption in every field of Government activity and in our society, Pandit Jawaharlal Nehru has pledged to hang every corrupt person on the nearest lamp post. But in spite of wielding almost absolute power in the government of our country, he did not take appropriate and resolute steps to match his words with deeds. Nocholas Kaldor, an eminent economist estimated in 1954 that the total amount of black money circulating in our country at that time was around Rs.14000 crore, which could by itself, finance one five year plan⁶. In 1985, the then Prime Minister of India, Rajiv Gandhi ruefully remarked that out of every rupee provided for the welfare of the people, only about fifteen paisa, eventually reached the actual beneficiaries. In 1993, a non government organisation, known as Citizen's Assembly for Alternative Economic Policies, estimated the black money in circulation in our country to be Rs.240000 crore that is about thirty percent of the total Gross Domestic Product. The Transparency International has stated in its report Corruption Perception Index 2019 that in the scale of 0 to 100 , higher marks indicating less corruption, India secured only 41 marks with just 80th position among the 180 surveyed countries of the world⁷. It is obvious that public servants would not have been able to indulge in so much corruption without the collusion of the major section of the civil society in this nefarious activity So far as the electoral process in our country is concerned, Shri.T.N.Seshan , one of the former Chief

Election Commissioner of India, lamented in 1990 that the election process in our country has been vitiated so much by caste, criminality and corruption that Indian elections have become a joke. Gone are the days when society used to look down upon corrupt people and increasing number of people appears to have accepted corruption to be an unavoidable part of everyday life⁸. Now, if a man wants a government job he has to pay huge amount of bribe to the higher officials irrespective of fulfilling all the eligibility criteria. In every office one has either to give money to the employee concerned or arrange for some sources to get work done. There is adulteration and duplicate weighing of products in food and civil supplies department by unscrupulous workers who cheat the consumers by playing with the health and lives of the people. In the assessment of property tax the officers charge money even if the house is built properly as per the Government norms.⁹

Political corruption is worst in India. The major cause of concern is that corruption is weakening the political system and damaging the prime importance of the law governing the society. Nowadays politics is only for criminals and criminals are meant to be in politics. Elections in many parts of the country have become associated with a host of criminal activities. Threatening voters to vote for a particular candidate or physically prevent voters from going in to the polling booth occurs frequently in many parts of the country. A study conducted by Transparency International in 2005 recorded that more than 62% of Indians had at some point or another paid a bribe to a public official to get a job done In 2008, another report showed that about 50% of Indians had firsthand experience of paying bribes or using contacts to get services performed by public offices¹⁰, According to an international report, huge amount of Indian black money deposited in tax heaven foreign banks, if it is return back in India then the annual budget of India can be made without tax burden to next 30 years. It is pertinent here to note that, India immediately after independence witnessed many high profile

scandals like jeep scam in 1948, the Mudghal case (1951), Mundra case (1957), Malviya – Sirajuddin Scandal (1963) etc.

In recent years so many major scandals involving high level public officials have shaken the Indian public services. These scandals made it clear that the corruption has become all pervasive. Some of the major scams that happened in India during last four decades are - Coal Allotment Scam (Cost – 186000 Crores) , 2 G Spectrum Scam (Cost – 176000 Crores), Commonwealth Games (CWG) Scam (Cost – 70000 Crores), Mega black money laundering Scam (Cost – 70000 Crores), Adarsh Housing Scam (Cost – 18978 Crores), Stamp Paper Scam (Cost – 20000 Crores) , Boforce Scam (Cost – 400 Million) , Fodder Scam (Cost – 950 Crores) , Hawala Scam (Cost – 8000 Crores), Satyam Scam (Cost – 14000 Crores), Stock Market Scam (Cost – 3500 Crores) ,Madhu Koda Scam (Cost – 4000 Crores), Punjab National Bank Scheme (11,356.84 crore) and so on.

Corruption in India: Major Causes

The causes of corruption in India are many and complex. The causes of corruption in India include excessive rules and regulations, red-tapism in administrative work, hierarchical administrative structure, complicated tax and licensing systems, numerous government departments with opaque bureaucracy and discretionary powers, monopoly of government controlled institutions on certain goods and services delivery, and the lack of transparent laws and processes¹¹. Besides, following are some other causes of corruption:

1. The most vital factor is human nature and the consumerist culture of the society. People in general, have a great thirst for luxuries and comforts and as a result of which they get themselves involved in all unscrupulous activities that result in monetary or material benefits. Moreover, in the era of globalisation, the capitalism has created a tendency of artificial demands among the people which in turn develops a consumerist culture in the society.

2. Moral degradation is another root cause of corruption. In the present educational system moral and spiritual values are not given due importance, which is highly responsible for the deterioration of the society.

3. The salary paid to government employees in many department is very less and as a result of which they are forced to earn money by illegal ways. In a highly inflationary economy, low salaries of government officials compel them to resort to corruption. Graduates from IITs and IIMs with no experience draw a far handsome salary than what many IAS and IPS officers draw¹².

4. The existing legal structure and the absence of stringent law against corruption is also responsible for the prevalence of corruption in Indian society. The punishments imposed on the criminals are inadequate. Moreover, complex laws and procedures deter common people from seeking help from the government.

5. Political parties and political leaders are also responsible for corruption in Indian society. They lead a luxurious life and do not care much about the society. Big industrialists and corporate giants fund politicians to meet high cost of election and ultimately to seek personal favour. Industrialists buy influences by funding political leaders and politicians buy votes by giving money to the voters. In order to get elected, politicians bribe poor, ignorant and illiterate people. In India votes are sold during election.

6. In India people are less awakened and enlightened. Indian political culture, as described by Sydney Verba, as 'subject political culture' where people have knowledge about the output but very poor in the input process of the political system. People have indifferent attitude towards social and administrative issues. They fear to raise their little finger against misappropriation of public funds by government officials or political leaders. Moreover, civil society movement is very fragile and inactive in India. Lack of intense public outcry against

corruption and the absence of a strong public platform is also held responsible for the existence of corruption in India.

Consequences:

Corruption has many far reaching consequences in India. The effect of corruption is harmful in every field of human activity-whether social, economic or political. Because of corruption, execution of development projects taken up in any society becomes qualitatively poor or remains incomplete. As a result, it becomes necessary for the government to earmark more funds for the purpose, often necessitating increase of tax burden on the people, which in turn, adversely affects the economic condition of the people. Again the urge to augment one's wealth by any means, fair or foul, prompts corrupt people to divert and misappropriate funds and essential goods earmarked for distribution among poor people continues to be miserable. According to an estimate, more than 30 percent of rice and sugar provided for allotment through the public distribution system to the people below the poverty line reaches the black market. Dishonest businessmen with the connivance of dishonest public servants do not even refrain from adulterating medicines and baby food for making undue profit, causing thereby the untimely death of people. Conscience weakened by corruption does not stand in the way of corrupt people, brimming with ill-gotten money, to indulge in any other immoral activity, undermining the moral standards of the society as a whole.

Corruption makes rich people richer and poor poorer, thereby sowing seeds of discord and conflict between the 'haves' and the 'have nots' in society. Even though as per electoral law, even a poor person can contest in any election, unless he is a minor, mentally unsound or a convict, hardly any such honest person can win in any election, competing with candidates having plenty of surplus cash to spend in election campaigns and in buying votes. Therefore, at present, as remarked by Nani A.Palkivala, 'The greatest problem of India is that its finest men- men of calibre and vision, knowledge and character are not in politics and stand little

chance of getting elected having regard to the murky atmosphere of our political life.¹³ Naturally growing number of people have begun to entertain doubts about the desire and ability of the democratically elected governments to solve their genuine problems and are tending to take the law into their own hands, causing violence and bloodshed.

Corruption minimises public income and increases public spending. Corruption contributes to larger fiscal deficits, making it more difficult for the government to run a sound fiscal policy. Corruption is likely to increase income inequality because it allows rich and elite class to take advantage of the government activity at the cost of the ordinary masses. It distorts markets and the allocation of resources because it reduces the ability of the government to impose necessary regulatory controls and inspection to correct for market failures¹⁴.

Corruption of any type is a fundamental challenge to the rule of law and distorts the mechanism of resource allocation designed by the state. Basic human rights and freedoms comes under threat. as key judicial decisions are based on the extent of corrupt bribes given to court officials rather than on the innocence or guilt of the parties concerned. Police investigations and arrests may be based on political victimization or personal vendettas rather than on genuine legal grounds. The Supreme Court of India rightly observed that- 'corruption in a civilized society is a disease like cancer. If not detected in time it was sure to turn the polity malignant leading to disastrous consequences.'

How to Combat Corruption:

Just because corruption is an ancient malaise and it has contaminated every branch of our country's administration and every section of civil society, one should not become disheartened and entertain the notion that the situation cannot be retrieved, and what cannot be retrieved and what cannot be cured, must be endured. In the 18th century and the first half of the 19th century, the administrative system of England was notorious for corruption. But William Gladstone, as Finance Minister of England in 1850 A.D. and thereafter as Prime

Minister for four times from 1868 A.D. exhibited required political will and adopted effective measures to bring about required electoral reform and in the administrative rules and regulations, as a result of which corruption got reduced so much that England earned a place among the first fifteen of the less corrupt countries. Similarly, because of the sincere desire and efforts of LEE Kuan Yew, a highly respected Prime Minister of Singapore, corruption in that country became so insignificant by the end of the 20th century that Singapore could secure the 5th position in the list of less corrupt countries.

In order that our public servants and the society as a whole become corruption free, the following measures, in my view, are required to be taken.

1. It has to be ensured that only people having a clean image get elected to the Lok Sabha, Assemblies and any other democratically constituted Public Body, constituted by such people cannot be contaminated by corruption. In order to ensure election of such good representatives, the Parliament, state Assemblies, political parties and the voters as the case may be, will have to take the following steps –

(a) The political parties should refrain from giving party ticket to any corrupt person in any election. Voters should also under any circumstances, refrain from casting their votes in favour of corrupt candidates. They can opt for NOTA option if none of the candidate is found suitable in the election fray.

(b) In order to prevent money power from facilitating election campaigns and eventually casting of votes in favour of wealthy candidates who may not be otherwise suitable, election laws should be amended to enable Election Commission to meet the expenses of election campaigns, of course, under certain conditions. This will encourage men of character, who generally have hardly any surplus fund to gamble in elections, to become candidates in any election and will also have reasonable chance of getting elected.

(c) It has been noticed that over the years criminals are not only expanding their influence on the administration through the politicians, but more and more persons with criminal records and known to be corrupt are also directly contesting in election. To reverse such a disturbing trend, Representation of the Peoples Act, 1951 should be suitably amended so that, even a person against whom charge sheet has been submitted by police for any offence the sentence of which, if convicted, will not be less than two years, become disqualified to contest in any election till exonerated by the competent court. The above act should be further be amended to ensure that any person who is ordered to execute a bond under section 117 of the code of criminal procedure for being a habitual offender as defined under section 110 of the same code, become disqualified for a period of five years from the date of such order or till the order is vacated by competent court whichever is earlier.

(d) Very surprisingly, as per explanation one under Section 77 of Registration of People Act, 1951, any expenditure incurred or authorised in connection with the election of a candidate, by a political party or by any individual (other than the candidate or his election Agent) is not required to be treated as part of the election expenses of the candidate. This exception places the independent candidates in a disadvantageous position and makes a mockery of the maximum limits of election expenses for a candidate in any Parliamentary and Assembly constituency fixed by Conduct of Election Rules, 1961 and should be withdrawn forthwith. Further, the Election Commission should have the full authority to nominate any Chartered Accountant to audit all these accounts and public should also have the scope of checking these accounts under the Right to Information Act.

(e) As per directive of the Election Commission, all candidates in an election are required to submit along with the nomination papers, affidavits declaring their movable and immovable properties. The Election Commission should be bound to verify the authenticity of these declarations with the help of competent agencies within a fixed time limit and should have

the authority to disqualify any candidate or elected representative from contesting in any election or becoming a member of any elected body if his declaration is found to be false wholly or partially or if it is proved he has acquired property by corrupt means.

2. It is my firm belief that, even if the political executives happen to be insincere and try to create hurdles in any crusade against corruption, the officers of different services can still bring down corruption significantly in their respective spheres of responsibility if they (a) become determined to combat this menace, without being overawed by the inconveniences and sacrifices involved, (b) adopt a multipronged vigilance strategy consisting of motivational, preventive and punitive measures and maintain unity and spirit-de-corps among themselves to deny any scope to political bosses to use one officer against another for their selfish ends. The existing vigilance measures should, therefore, be reviewed and strengthened to improve their effectiveness. While doing so, the following suggestions should be kept in mind.

(a) Prevention being better than cure, greater importance should be attached to preventing scope of corruption in the conduct of business of different organisations. For this purpose, existing rules, regulations, working procedures etc should be thoroughly reviewed and all loopholes should be plugged to eliminate or minimise factors which provide opportunities for corruption.

(b) One of the common cause which enables the corruption prone public servants to demand and obtain illegal gratification is the non-enforcement of any fixed time-limit for disposal of receipts, files etc. The Santhanam Committee had also mentioned this to be one of the main causes which provide scope for corruption. Therefore, steps should be taken to fix a reasonable time limit in this regard and compliance should be ensured.

(c) Detailed inspection of subordinate establishments should be carried out by authorised senior officers on regular basis and timely follow up action on the observations should be

ensured through close monitoring. Further, surprise checks should be conducted as frequently as possible to detect any lapse in the functioning of subordinate officers and establishments.

(d) For awarding of any contract for execution of any public work or for supply of articles for any public purpose, tender procedure should be strictly followed in letter and spirit. Wide publicity should be given to tender notice and the proof of the same should be retained. There should be no vagueness in the wording or the clauses in the tender notices and contract agreements which can be taken advantage of by the contractors or suppliers in collusion with unscrupulous public servants. Similarly, specifications and designs of works to be executed. Specifications, qualities, brands etc. of articles to be supplied should be very clearly recorded in the contract agreements giving no discretion to contractors or suppliers and leaving no room for subsequent alteration and also litigation. Time limit for completion of any work or for completion of any supply should be very realistically fixed to obviate the possibility of any time overrun and consequently any cost overrun.

(e) In case of execution of any work such as construction of any bridge, road, building etc, photographs and video recordings with reference to some permanent land mark, should be maintained of the work at different stages, from collection of materials up to the completion of the work, for facility of verification. As regards supply of articles, there should be a committee of at least three officers, at least one of them being from another establishment, to check and certify whether the articles supplied strictly conform to the quality and specifications laid down in the supply order.

(f) All allegations of corruption of specific nature, received from any source should be promptly enquired into and it should be ensured that the enquiries are completed within a reasonable time limit. In case of any omission or commission which come within the purview of Indian Penal Code or Prevention of Corruption Act, 1988 or any other criminal law in

force, there should be no hesitation to cause registration of criminal case by competent police authority. Other types of lapses should be dealt with through departmental proceedings.

(g) Arrangements should be made to maintain close watch on the life styles of subordinate officers and other personnel, and information should be gathered confidentially about their general reputation and movable and immovable properties acquired by them., to form an idea whether any of them is corrupt and owning assets beyond his known sources of income. Such information will enable the authority to decide whether any such employee should be prosecuted for corruption or whether he needs to be shifted to a post which is not considered lucrative. Such information will also be useful in recording comments about-‘integrity’ of such an employee in his periodical appraisal reports.

(h) Steps should be taken to involve the employees more and more in the process of decision making on various policy matters so that they develop a stake in the implementation of the decisions and in improving the decision and over all performances of their respective organisation.

(i) Senior officers should take special care to ensure security of the ‘whistle blowers’ in their organisation and ‘need to know’ principle should be strictly followed as regards their identities.

3. All the good people in civil society, genuinely desirous of getting rid of corruption from public services and the society as a whole, and the media including social media should play a much more active role to make the society corruption free.

(a) They should make sustained effort for creation of a strong public opinion so that corrupt people are looked down upon by society and they are socially criticised. They should launch a campaign among the voters to make them fully conscious to vote for only candidates who have a clean image, in any election.

(b) They should make special efforts to collect information about shady transaction of all corrupt persons whether holding any public office or members of the civil society and arrange their publicity and they should also move the competent anti-corruption Agencies of the Government to enquire into such activities and to take appropriate actions.

(c) The institution of the Lokpal at the centre and Lokayuktas in all the states should be made more active and people-centric. The Lokpal should have full powers to start enquiries suo-moto into any specific allegation of corruption against any public servants, including the Prime Minister. In order to facilitate the work of the Lokpal, a Central Bureau of Anti-corruption should be created and placed at the disposal of the Lokpal and the existing CBI may be divested of the responsibility of enquiring into corruption cases.

(d) They should generate strong public opinion so that the Government and the Parliament amend the Criminal Procedure Code to repeal section 321 of the Act which enables the Government to withdraw from prosecution, with the help of the Public Prosecutor and the consent of the competent court, of any person even if involved in corruption offences.

Concluding Remarks:

Thus, corruption is found to be one of the most damaging consequences of poor governance characterised by lack of both transparency and accountability. Corruption lowers investment and hinders economic growth and human development by limiting access to basic social services as well as increasing the cost of their delivery. It also increases poverty, subverts the financial system and undermines the legitimacy of the state. Corruption is anti-poor, anti-development, anti-growth, anti-investment and inequitable. The cost of corruption to a nation is very high. However, it may not be possible to root out corruption completely at all levels but it is possible to contain it within tolerable limits.

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