



DARK SHADOW OF CORRUPTION

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ABSTRACT

Corruption is widespread plague that has caused maximum suffering to the human kind. The paper discusses issues related to its historical relevance, nature, causes, consequences and possible remedial measures of corruption in Indian Society. The paper emphasizes that lack of transparency, morality, accountability and consistency as well as institutional weakness provided fertile ground for the growth of corruption in India.

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Introduction

All forms of corruption are unjustifiable and there is a need to promote a culture of zero tolerance of corruption. Experience has taught most citizens that there is a vicious cycle of corruption operating and they often end up losing much more by resisting corruption. Delays, harassment, lost opportunity, loss of precious time and wages, uncertainty and, at times, potential danger of loss of life or limb could result from resistance to corruption and non-compliance with demands. In such cases, the citizen is an unwilling victim of coercive corruption.

But there are several cases of collusion between the bribe giver and corrupt public servant. In such cases of **collusive corruption**, both parties benefit at immense cost to society. Awarding of contracts for public works and procurement of goods and services, recruitment of employees, evasion of taxes, substandard projects, collusive violation of regulations, adulteration of foods and drugs, obstruction of justice and concealing or doctoring evidence in investigation are all examples of such dangerous forms of collusive corruption. The menace of corruption has grown worldwide to the extent that, **Internationally Anti-Corruption Day** is being observed on **09 December** every year.

Diversity and Corruption in India: A brief overview over times

History lead us to Kautilya's **Arthashastra** which had thrown light on forty types of corruption including bribery, graft, favouritism, frauds, hoarding, change in prices of commodities, theft in different departments of Government etc. and suggested remedies to corruption. According to Kautilya, human nature has corruption. He said that, it is impossible not to taste the honey that finds at the tip of the tongue. One of its chapter entitled "**Detection of what is embezzled by Government servants out of state revenue**" depicts as if it is a modern report on modes of corruption. He opined "**one cannot observe fish drinking water likewise we cannot know who are involved in corruption**".

To understand the advent of corruption in India and to understand its influence on society as a way of life, we must understand India's history. India, a young democratic country gained its independence in 1947 after nearly 200 years of British rule. The British came to India under the banner of East India Company and over the decades they came to realize that India was neither a geopolitical entity nor culturally homogeneous. The combined influences of a **shift in focus from trade to territory, and from commerce to political and finally**



to control through advanced military power – rife with the corruption of its private stockholders (colluding with the local rulers) – further divided an already diverse region¹.

In 1947, finding itself reduced in power and ability after the Second World War, along with the growing tide of call for Independence across the world, the British Empire left India. Governance (control over the political, military & finance) came into the hands of the democratically elected Indians for the first time. To completely eradicate Western influence, we made a strategic decision to adopt a socialist approach vis-à-vis the economy. Heightened government controls resulted in reduced economic opportunities. Increased population, low per capita income², and slow GDP all combined to create near hyperinflation. Low salaries of government employees (such as bureaucrats and the police), excessive regulations, complex tax and licensing systems, opaque bureaucracy, lack of opportunities, discretionary powers, government monopoly, and an old-fashioned legal system with a lack of transparent laws and processes only further exacerbated an already tainted and corrupt system³.

The Jeep scandal, LIC scandal, corruption in Orissa, Jammu & Kashmir, Punjab, Bofors case, stock scam, sugar scandal, 2 G Telecom scandal, Coal gate Scandal, all have tarnished the image of governance system in India. Since Independence, two **Administrative Reforms Commissions** have been appointed with the broad objective of suggesting measures to bring down the corruption in our country. While the first commission suggested broad measures to curb the menace and bring in transparency in public dealings, the Second Administrative Reforms Commission⁴ went ahead and made specific recommendations. Some of the important recommendations are as under: -

- The **Official Secrets Act, 1923 (OSA)** in its current form is incongruous with the regime of transparency in a democratic society. OSA should be repealed, and suitable safeguards to protect security of State should be incorporated in the National Security Act.
- At least half the members of the Information Commissions should be drawn from non-Civil Service background, so that members represent the rich variety and varied experience in society.
- **Complete reorganization of public records** is a precondition for effective implementation of RTI. A Public Records Office should be established in each State as a repository of expertise, to monitor, supervise, control and inspect all public records. 1% of the funds of all flagship programmes of Gol should be earmarked for five years for updating all records and building necessary infrastructure.
- The Information Commission should be entrusted with the authority and responsibility of monitoring the implementation of the RTI Act in all public authorities.
- **Clear and unambiguous guidelines** need to be evolved to determine which non-governmental organizations would come under the purview of RTI Act.
- Most requests for information are usually to use it as a tool for grievance redressal. States may be advised to establish independent public grievance redressal authorities to deal with complaints of delay, harassment and corruption. These authorities should work in close coordination with the Information Commission.
- Certain safeguards should be introduced to discourage frivolous and vexatious requests so that the system is not overloaded, and discipline and harmony are not jeopardized.
- A roadmap should be charted out for **effective implementation of RTI Act** in the Legislature and Judiciary at all levels. The Commission made specific recommendations and suggested a roadmap to implement each of them.

Administrative machinery

At the level of Central Government, the principal agency for preventing corruption is the **Central Vigilance Commission** which was created on the recommendation of the Santhanam committee. The commission was set up to advise the Central Government on all matters pertaining to the protection of



integrity in administration. While the Central Vigilance Commission advises in individual Vigilance cases and exercises general check and supervision over vigilance and anticorruption work in Central Government, the primary responsibility for the maintenance of integrity and efficiency of each department/organization rests with the respective chief executives who are assisted by a Chief Vigilance Officer.

The **Central Bureau of Investigation** is responsible for preparing and implementing a comprehensive programme of Vigilance and anticorruption. There is heterogeneity in the structure of anticorruption machinery at state level in India. Certain states have State Vigilance Commissions, while others have Anticorruption bureaus within the framework of the police administration. The States Vigilance Commissions are patterned after the Central Vigilance Commission. We also have **Anti-Corruption Committee of India** to realize the dream of a corruption free India.

Ombudsman System: Lokpal and Lokayukta

With a noble aim to have a corruption free India, the **Jan Lokpal Bill**, also referred to as the **Citizen's Ombudsman Bill**, an anti-corruption bill drawn up by civil society activists in India seeking the appointment of a Jan Lokpal, an independent body to investigate corruption cases was drafted. This bill also proposes improvements to the Lokpal and Lokayukta Bill 2011, which was to be passed by Lok Sabha in December 2011. The Jan Lokpal aims to effectively deter corruption, compensate citizen grievances, and protect whistleblowers. The prefix Jan (translation: citizens) signifies that these improvements include inputs provided by "ordinary citizens" through an activist-driven, non-governmental public consultation.

To draw the attention of the government, a focused campaign "**India Against Corruption**" (IAC) was started in 2011⁷. **Anna Hazare** is the head of civil society and the IAC movement. The bill has not seen the light of the day due to the differences between the draft prepared by the activists and the government. While the activists want this bill to be all pervasive and include everyone in its ambit with power of police and investigation, the government wants this Bill just to be a recommendatory authority with no powers of its own.

India's Fight against Corruption

Corruption is a cancer, which every Indian must strike to cure. Many new leaders declare their determination to eradicate corruption but soon they themselves become corrupt and start amassing huge wealth. This is because these kinds of people have no moral accountability to anybody or about society or nation.

There are many myths about corruption which must be exploded if we really want to combat it:

- **Public awareness** is must to combat corruption in India, for this it should be must to improve our education system because education is the best mean to understand fundamental rights and Right – Wrong conversation.
- Corruption can be remedied if people can understand and start to believe the **value of ethics and morality** in their life.
- **Foolproof laws** should be made so that there is no room for discretion for politicians and bureaucrats. The role of the politician should be minimized.
- Application of the **evolved policies** should be left in the hands of an independent commission or authority in each area of public interest. The decision of the commission or authority should be challenged only in the courts.
- Cooperation of the people must be obtained for successfully containing corruption. People should have a right to recall the elected representatives if they see them becoming indifferent to the electorate.
- Funding of elections is at the core of political corruption. **Electoral reforms** are crucial in this regard. Several reforms like state funding of election expenses for candidates, strict enforcement of statutory requirements like holding in-party elections, making political parties get their



accounts audited regularly and filing income-tax returns, denying persons with criminal records a chance to contest elections, should be brought in.

- Responsiveness, accountability and transparency are a must for a clean system. Bureaucracy, the backbone of good governance, should be made more citizen-friendly, accountable, ethical and transparent.
- More and **more courts** should be opened for speedy and inexpensive justice so that cases don't linger in courts for years and justice is delivered on time.
- **Local bodies**, independent of the government, like Lok pals, Lok adalats and vigilance commissions should be formed to provide speedy justice with low expenses. The Strongest lokpal is must to remedy corruption in India.
- With the help of the **Right to Information Act**, citizens should be empowered to ask for information related to public services, etc. and this information should be made available to general public as and when required. Such stringent actions against corrupt officials will certainly have a deterrent impact.

Global Institutional Fight against Corruption

Corruption is a global phenomenon and has also become a serious global concern. **The United Nations Convention against Corruption** was adopted by the UN General Assembly in October 2003, providing an international instrument against corruption. **The ADB-OECD Anti-Corruption Action Plan**, which has been signed by the Government of India, is a broad understanding to further the cause of inter-regional cooperation in the matter of prevention of corruption. The World Bank has also declared war against corruption by refusing to fund projects whose implementation is tainted by corrupt practices. At the annual meeting of the **International Monetary Fund** and the **World Bank Group** in Singapore in 2006, a joint statement was issued with major multilateral financial institutions agreeing on a framework for preventing and combating fraud and corruption in the activities and operations of their institutions⁸.

Conclusion

An across-the-board effort is needed to fight deviations from ethical norms. Such an effort needs to include corporate ethics and ethics in business; in fact, there should be a paradigm shift from the pejorative 'business ethics' to 'ethics in business'. There is need for ethics in every profession, voluntary organization and civil society structure as these entities are now vitally involved in the process of governance. Finally, there should be ethics in citizen behaviour because such behaviour impinges directly on ethics in government and administration. The Politician-criminal nexus, electoral corruption, land mafia, overflowing black money phenomena have become so pervasive that any fresh case involving colossal corruption doesn't even startle/kindle? the conscience of most Indians, as if living with corruption is their destiny.

No amount of legal or administrative action can be successful in curbing corruption in an effective manner unless a social climate evolves where corrupt persons however successful they may be, suffer social opprobrium. We need to put in place strong and effective state machinery to deal with this growing menace of collusive corruption, which is undermining the very foundations of our democracy and endangering peaceful society.

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