Corruption in India: Causes and Remedial Measures

Ghulam Nabi Naz

Abstract—After independence, the popular belief that Gandhian will not indulge in corruption got a setback, post-independence setup paved the way for heavy corruption. The menace which would have dealt with strong legal provisions has become a way of life of Indian society. Corruption is recognized as the single biggest problem facing the country today. It undermines democracy and rule of law, violates human rights, distorts market and corrodes the moral fibre of people. The paper discusses the causes and possible remedial measures of corruption and response of people in Indian society. It emphasizes the factors which provide fertile ground for growth of corruption like, degradation of moral values, absence of a strong anti-corruption law and its effective enforcement, accountability, consistency and a defective system of fighting elections. The paper also highlights the reforms necessary for fighting corruption in India.

Keywords—Embezzlement, colonial, licence Raj, good governance, misappropriation, Sangh ideologue, Anna movement.

I. INTRODUCTION

CORRUPTION is recognized as single biggest problem of the contemporary era, it has engaged the attention of analysts as well as the public at large from the time of the emergence of civil societies in ancient times to the complex polities of present day. Corruption has captured almost all social systems, feudalism, capitalism, socialism and communism. Corruption has adverse effect on economic and political sphere of society and corrodes the moral fibre of people. It is insidious plague that has a corrosive effect on societies, it undermines democracy and rule of law, violates human rights, distorts markets and leads to erosion of quality of life, and it is also the root cause of other social problems like organized crime and terrorism [1].

In conventional terms it was described as the dishonest or illegal behaviour especially of people in authority (oxford advance dictionary). Santhanam committee report defines corruption as improper or selfish exercise of power and influence attached to public office, which suggests that only public servants are susceptible to corruption but privatization has brought number of changes in administration and governance, so public sector units corporations and functionaries working in private sector are also supposed to be susceptible to corruption, so in response to these changes understanding of corruption has also got new dimensions now it is defined as the misuse of public power for private benefits. Section 161 of the Indian penal code defines corruption as: ''Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to gratification whatever, other than legal remuneration as a motive or a

Ghulam Nabi Naz Research Scholar, is with the Department of Political Science, Aligarh Muslim University, Aligarh, 202002 India (phone: 07417607141, e-mail: ghulamnabinazamu@gmail.com).

reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official function, favour or disfavour to any person, with the central or state government or parliament or legislature of any state of with any public servant''[2]. Section 161 aims at penalizing simply the receipt of illegal gratification. Section 123 of the Representation of the People Act, defines corruption as practised in relation to elections. Section 5 (1) of prevention of corruption act, 1947, defines criminal misconduct of a public servant in discharge of his duties in fallowing terms: A public servant is said to commit the offence of criminal misconduct:

I. If he habitually accepts or obtains or agrees to accept or attempt to obtain for himself or any other person, any gratification (other than legal remuneration) as a motive or reward such as mentioned in Section 161 of the Indian penal code; or

II. If he habitually accepts or obtains or attempt to obtain for himself or any other person any valuable thing without consideration which he knows to be inadequate, from any person, whom he knows to have been, if he is dishonestly or fraudulently misappropriate or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allow any other person to do so; or

III. If he by corrupt or illegal means or by otherwise abusing his position as public servant, obtain for himself or for any other person any valuable thing or pecuniary advantage; or

IV. If he or any other person on his behalf is in possession or has, at any time, during the period of his office, been in possession, for which public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his own income.

Corruption is a fact of life; it is as old as human society itself. It exists in one form or another in every society, governmental corruption is found in all bureaucracies and in all periods of political development, but its degree is not uniform at all times or under all conditions. During ancient times in Egyptian, Babylonian and Hebrew society judges did not hesitate to take bribes. In ancient Rome bribery was the regular source of income for those who were in charge of issuing contracts of public work, the ethical atmosphere of republic was polluted and strict morals of forefathers were replaced by corrupt practices. During the medieval period also corruption manifested itself in the form of extortion of revenue local and central officials, and then came the period of exploration and colonization during the period, corruption took the same form as under the Roman Republic [3].

In the Indian context, corruption has been known since the inception of administration, like other countries India was also not free from corruption in ancient times, but the extent of the

World Academy of Science, Engineering and Technology
International Journal of Humanities and Social Sciences
Vol:11, No:4, 2017

evil was certainly far less than what it is at present. Rig Veda refers to social corruption, Kautilya refers to judicial corruption; he also has mention 40 types of embezzlement in Arthasastra under the chapter "Detention of what is embezzled by government servant out of state revenue". They are: what is realized earlier is mentioned later on; what is realized later is entered earlier; what is collected is shown as not collected; what has not been collected is shown as collected etc., The medieval period was also not free from this plague, corruption of every type was present like it was an effective tool in the hands of conspirators, and people close to the King were more prone to corruption, like during the Khilji rule in India, corruption was rampant among the lower officials, particularly, those belongs to department of revenue. The same was the case with Tughlaq dynasty, like until the time of Feroz Shah Tughlaq appointments were not hereditary, but on efficiency, qualified persons and even foreigners were appointed in different services. However, the criteria of merit and efficiency were ignored by Feroz Shah Tughlaq and he introduced hereditary elements in imperial and provincial services this system of nepotism was full of corruption. Sir Thomas Rao wrote about corruption in Mughals period as "The people of India live as fish do in the sea the great ones eat up the little. For first, the farmer robs the peasants, the gentleman robs the farmer, the greater robs the lesser, and the king robs the all". The colonial government was also a heavily corrupt government, like the government paid to its own officials a handsome salary where as officials at the lower level were paid poorly, this affected integrity and lead to corruption [4]. Further, during the World War II, due to scarcity of goods, these goods were available on ration card which constituted a corrupt system. Moreover, the salaries of officials did not match the rate of inflation so it created a climate of corruption.

After independence, popular believe that Gandhian will not indulge in corruption got setback, post independence setup paved the way for corruption, due to mixed economic setup, leaned toward socialistic pattern the Licence Raj was introduced which remained operational until opening of the Indian economy which paved the way to heavy corruption. Corruption from the top to bottom has been the hallmark of the Indian political scene since independence, but during the last 30 years, the magnitude of corruption has increased to a great level and has attracted great deal of media and public attention. Rajiv Gandhi, who came to power with a thumping majority, lost the next round of election in the wake of scandal relating to defence deal like Bofors guns and the HDW submarine. The term of Narasimha Rao government was marked by mega scandals such as the Harsad Metha security scam, Jain Hawala case and JMM MPs bribery case. Sukhram, the communication minister in Rao's government, made history of sorts when a suit case with currency notes worth several cores (ten million) were recovered in a CBI raid in his house. Lalu Prasa than Chief Minister of Bihar was embroiled in an animal husbandry scandal; however, despite the scandal his party won the next round of election and his wife became Chief Minister. National Democratic Alliance, led by BJP

with Atil Behari Vajpayee as the Prime Minister who came into power in 1999 on the slogan of "a government that is different", could not bring an administrative culture different from congress that is, free of corruption. The Tehelka Tape on defence deals exposed that how some key functionaries of government were embedded in corruption in utter disregard of national security [5].

The UPA government headed by Manmohan Singh is regarded as most corrupt government since independence. It is embroiled in major corruption scandals such as the 2G spectrum allocation, Commonwealth Games and cash for votes in the confidence vote on the Indo-US nuclear deal. The state governments are equally embroiled in unsavoury controversies. The Mayawti government in UP has acquired agricultural lands at throwaway prices in Greater Noida from helpless farmers and palmed it off to builders for luxury housing at fancy prices. The BJP government of B.S. Yeddyurappa in Karnataka is alleged to have taken huge sums of money to allow illegal mining of vast tracts of forest lands depleting ecology of area [6].

The current BJP government led by Narendra Modi, which came into power on promise of 'Good Governance' and 'zero tolerance to corruption' that it swore by, does not seem to be in a position to fulfil the promise. Instead of punishing the culprit, the BJP has decided to brazen out the serious charges of impropriety and corruption, both at the centre and in the states. Though in the congress lead- UPA government there erupted a lot of corruption scandals, but they did not resist the public pressure and whenever they were attacked, the UPA ministers were asked to resign and to prove their innocence. Congress did not try to save them, every single minister charged with corruption and misappropriation ultimately resigned. Comparing it with the BJP, 'the party with difference' that promised: good governance and zero tolerance to corruption. Despite clear evidence of thee misuse of office, explicit conflict of interest and even pecuniary benefits, the party chose to justify and protect the culprits, the party clearly protected Sushma Swaraj and Vasundhara Raje in Lali–gate. Its stand was no different on the allegations against Maharshra minister Pankaja Munde (corruption), HRD minister Smriti Irani (fake education claims), Maharashtra CM Devendra Fadnavis and Kiran Rijju (misuse of power) and most shocking was the Vayapam scam which resulted in the killing of people related with a scam under Madhya Pradesh CM Shivraj Singh Chouhan. The same brazenness of mis-governance was also seen in the appointment of Sangh ideologues with dubious credentials to key public institutions, the latest being a small time actor with a laughable portfolio heading the prestigious Film and Television Institute of India (FTII) in Pune, which lead to outrage in the film fraternity throughout the country, but the party does not care. Even Home Minister Rajnath had clearly said that, "our ministers don't have to resign. This is not their (congress') government. This is what we call 'old wine in new bottle'.

II. CRUSADES AGAINST CORRUPTION AND PUBLIC RESPONSE

In the wake of the eruption of large numbers of scams

World Academy of Science, Engineering and Technology
International Journal of Humanities and Social Sciences
Vol:11, No:4, 2017

involving big business houses, government officials, media and defence personals like the 2G scam, Antrix-Devis, Advash Society scam, Commonwealth scam and many cases of paid news and government inaction against corruption, a movement against corruption was launched under the leadership of social activist Anna Hazare which received massive support across the country. Before this, another attempt was also made by 14 distinguished Indian citizens, including business leaders, eminent economists and legal luminaries, who wrote an open letter to government over the governance deficits. All this has created a groundswell of resentment against the ruling United Progressive Alliance government; this was further ignited by figures released by the World Bank, which has estimated that almost 800 million Indians still live on $2 a day. Ultimately, the government was forced to bring a bill to parliament in the monsoon session of 2011 and the government agreed to discuss terms with civil society leaders.

A proposal for Jan Lokpal is pending since 1968 in parliament and could not be passed due to the inaction of political leaders. The key features of strong Lokpal Bill proposed by civil society are.

a) It should be a multi-member body and should be completely independent of Government control and its members be selected by an independent panel.
b) It will have its own investigating and persecuting agency all anti corruption agencies such as CVC, CBI and ACB will function under its wing and it will complete its inquiry in a time bound manner.
c) There will be a special court for trial and punishment of person found guilty.
d) It will have power to recover illegal money and assets amassed by guilty public servants.
e) There should be a single act which will constitute separate Lokpal and Lokayukta at centre and in states.
f) All public servants including lower level functionaries should be brought under its ambit.

Arvind Kejirwal another social activist, who was troubled by the rampant corruption in the Income Tax department, has also fought a remarkable fight against chaos and corruption, he started journey against corruption from the formation of a social movement named Parivartan. Earlier, he was part of Anna Movement, but later formed Aam Aadmi party and led it to a historic win. Kejirwal's Aam Aadmi Party surged to a landslide win in Delhi and left a routed Bhartyia Janta Party licking its wounds in the city-state from where it rules the whole country [7]. Aam Adami party won a record 67 seats out of 70, a full 39 seats more than it won in 2013. The massive support to the Anna movement and a historic win of AAP are clear evident of the fact that people are fed up of the inefficiency and corruption and want a change.

III. CAUSES AND REMEDIAL MEASURES

To fight corruption, we have to analyze the causes of corruption so that we can devise appropriate methods to fight it. Causes of corruption are many, but some main cases deserve a mention here are: First, the weak legal system for punitive action. It is often said that in India corruption thrives because it is a low risk and high profit business. There are so many safeguards and protections in the system that it is very difficult to catch and punish an official indulging in corruption. To deal with corruption among public servants, a Prevention of Corruption Act (PCA) 1988 was enacted, which replaced the PCA act of 1947. The act widened the scope of the term public servant and brought elected representatives, such as MLAs and MPs within its purview. However, the judicial process in India is very slow and time-consuming; CBI alone has hundreds of cases pending in various courts under the PCA, some of them as old as 25 years. The conviction rate in criminal cases in India is hardly 6%. There is also a statutory bar that the CBI cannot prosecute a public servant of the rank of joint secretary and above without the prior permission of government – the government often delay in giving sanction [8].

Second is the system of fighting elections, in which money and power plays a decisive role – the political corruption. It is widely recognized that huge money is required to fight elections and is the foundation of political corruption. Due to the vast geographical area of a constituency, with more than two million voters in many cases, a candidate has to spend huge sums of money to contest elections. A good part of this money comes from big business houses, who expect quid pro quo in the form of opportunities to make black money and other favours. There are several other problems with our electoral system such as flaws in the electoral roll, lack of education, booth capturing, etc., the big problem of persons with a criminal background getting elected; 128 MPs with criminal charges were elected to the14th Lok Sabha and 162 MPs to the 15th Lok Sabha. The distribution of criminal charges within the Indian Parliament is weighted towards MPs representing smaller parties, whose support base depends upon the politics of cast and Ethno-regionalism. Between two major parties in the 15th Lok Sabha election, the Congress party, whose ideology is a secular state socialism, has 5% of its 205 MPs facing charges. While the Bharatiya Janta Party, representing a broad platform of Hindhu nationalism, sees 16% of its 116 MPs charged. The existing 'First Past the Post' system, under which a person securing highest numbers of votes gets elected, makes a mockery of representative democracy. The person getting, less than 50% got elected. The Law Commission and National Commission to Review the workings of the Constitution have expressed a view in favour of devising a system in which only a candidate, who has polled a minimum of 50% of votes should be elected. Political scientist Jagdeep Chohokar suggested 'negative voting'. Several other suggestions have also been made to reform electoral process. The small constituencies, direct election, and state funding recognized political parties are some notable suggestions. As the matter stands today, it is very difficult for an honest person to win elections without huge resources and money.

Third, the economic policy and controlled economy has also played a crucial role in corrupting the system. It is a well-known fact that countries which have open and liberal economies have achieved fast-track economic development

World Academy of Science, Engineering and Technology
International Journal of Humanities and Social Sciences
Vol:11, No:4, 2017

and have a low-level of corruption. India adopted a socialist model of economic development with the state occupying the commanding heights, from the time the five-year plan was launched in 1950. This model of development led to the government doing almost everything and placing vast discretionary powers in the hands of public officials in what has been called Licence-Permit Raj. The socialist policies of the Indira Gandhi government led to the enactment of the MRTP Act in 1970 and FERA in 1973. These policies required licence permits and clearance for the setting up of new industries, and expending the capacity of existing ones. This created a corrupt system. The fourth one is bureaucratic corruption. Even after the liberalization of economy, no reforms came in bureaucracy and public administration to keep pace with the fast changing economic scenario. We continue to follow archaic rules and procedures which have a built-in provision to delay and prevarication giving opportunity to officials to indulge in corruption and harass helpless citizens. Departments, such as the police, municipal corporations, land records, sale tax, income tax, as well as excise and customs, are known to be corrupt and even routine work cannot be done without giving a bribe. There is no accountability on the part of public servants. The conduct and disciplinary rules are so porous that no public servant receives punishment for a dereliction of duty and harassment to people [9].

Fifth, the big business houses and economic liberalization also ignited corruption. Mega corruptions thrive because of the nexus between big business houses, bureaucrats and politicians. When the Indian economy opened, the Licence Raj (rule), the system of bureaucracy required to set up and run businesses, got a huge setback and large numbers of companies gained entry to the Indian market. As a result, large infrastructure projects and defence deals were concluded between giant companies and the government in which government officials misappropriated huge amounts of money, as when ONGC provided extra concession to the Reliance consortium for the exploration of oil and gas fields. The 2G scam, Antrix–Devis deal and the Adarsh society scam exposed a graphic detail of the nexus between politician, civil servants and big business houses. Global Financial Integrity (GFI) estimated that out of the illicit flow of $462 billion from the country since 1948, 68% has occurred in the post-reform period (1991-2008).

Wide ranges of political, administrative and legal reforms are required to tackle corruption. Indian civilization was built on the foundation of truth, honesty, self discipline and sacrifice and this is the Dharma of living. However, today there is an all-round decline in the value and character of the people. Money has become the new God and people use all kinds of illegitimate means to earn it, and even commit heinous crimes, like fake poisonous drugs, adulteration of milk, etc., these evils, which have permeated every section of society, cannot be eradicated without changing the values of society and people imbibing immoral code. It is only through a well-designed education system that we can build a value-based society. The first step is to give an intensive course of moral and civic education to our students, particularly at the primary and secondary level and lay a solid foundation of their character. Moreover, college and university students should be imparted with value education and should be familiarized with India's ancient wisdom and culture. Further, we should have a strong independent anti-corruption institution - Jan Lokpal, which should have power to investigate, prosecute and award stiff punishment, with all public servants under its jurisdiction. Further, election laws should be modified so that only men of integrity, who have a spirit of social service, are elected to parliament, legislative assemblies and other electoral offices. The role of money and muscle power should be eliminated. The core values of integrity, honesty, objectivity and impartiality should be prescribed through ethics code, violation of which should invite disciplinary action. The UK civil services ethics could act as model. A large number of laws, rules and procedure of administrative business are outdated, delays decision making and is regulatory in nature, bringing the imprint of colonial legacy. They provide opportunity to the corrupt to harass the public. They need to be modified and made citizen-friendly.

IV. CONCLUSION

We must first have a vision of corruption-free India, and work tirelessly to achieve it. There is a need of a wide range of political, administrative and legal reform. Corruption is an intractable problem; it is like diabetes, which can only be controlled, but not totally eliminated. It may not be possible to root out corruption completely at all levels, but it is possible to contain it within tolerable limits. The battle against corruption should be multi-pronged and long drawn. It has to be a combination of good laws, effective enforcement, and above all, adoption of high moral standard by political masters, civil servants as well as citizenry.

REFERENCES

[1] Abdul Kalam, A.P.J. (2002). Ignited Mind, 1st ed.; Penguin Books: New Delhi, India, pp.50-53.
[2] Zakaria Fareed. (2003). The Future of Democracy, 1st ed.; Penguin Books: new Delhi, India, pp.74.
[3] Guhan S. (1999). Corruption in India: Agenda For Action, 2nd ed.; Vision Books: New Delhi, India, pp. 106.
[4] Heidenheimer Arnold J. (1989). Political Corruption: A Handbook, 1st ed.; Transaction Publications: New Brunswick, Canada, pp. 40-44.
[5] Halaya M. (1975). Emergency: A War on Corruption, 1st ed.; S. Chand and Co. (Pvt.): New Delhi, India, pp. 99-102.
[6] Klitgaard Robert. (1988). Controlling Corruption, 1st ed.; University of California Press: California, USA, pp. 60-69.
[7] Noorani A.G. (1973). Minister's Misconduct, 1st ed.; Vikas Publication House: New Delhi, India, pp.104-109.
[8] Vital N. (2003). Corruption in India, 1st ed.; Academic Foundation: New Delhi, India, pp. 33.
[9] Johnston Micheal. (1996). The Search for Definitions: The Vitality of Politics and Issue of Corruption, 48: p 321.