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Corruption: Present Challenge before Indian Republic

-Dr. Ravindra Kale, Beed

Introduction :

Indian democracy goes away from many problems and challenges in the present scenario. Corruption in India is a problem that has serious implication for both protections the rule of law and ensuring access to justice. Corruption is pervasive in the system of governance in India, undermining effectiveness of all governance.

Corruption is a global phenomenon and it is omnipresent. Corruption has progressively increased and it now rampant our society. Corruption is a cancer, which every Indian must strive to cure. Corruption is widespread in India. India is ranked 85 out of 179 countries in Transparency International's Corruption Perceptions Index, although its score has improved consistently from 2.7 in 2002 to 3.4 in 2008. Corruption has taken the role of a pervasive aspect of Indian politics and bureaucracy. The economy of India was under socialist-inspired policies for an entire generation from the 1950s until the 1980s. The economy was shackled by extensive regulation, protectionism and public ownership, leading to pervasive corruption and slow growth. In this research paper I have explain the meaning of corruption, what is causes and remedies measures to combating corruption in India.

1. What is Corruption?

Way back in 200 B.C., Kautilya meticulously described 40 different kinds of corruption in his Arthashastra. He has aptly commented: "Just as it is impossible not to taste honey or poison when it is at the tip of the tongue, so it is impossible for a government servant not to eat up a bit of revenue. And just as it cannot be found out whether a fish swimming through water drinks or not so also government servants cannot be found out while taking money for themselves." Corruption is an age-



old phenomenon. The word corruption means destruction, ruining or spoiling a society or nation. Selfishness and greed are at the root of it; it also implies lack of integrity and honesty. "A corrupt society is characterized by immorality and lack of fear or respect for the law. When it stops valuing integrity, virtue or moral principles it starts decaying. Corruption is the abuse of public power for private gain." Corruption comes under many different guises: bribery, misappropriations of public goods, nepotism (favoring family members for jobs and contracts), and influencing the formulation of laws or regulations for private gain.

2. Corruption in India :

Under Indian constitution, the government consists of three branches: the legislative, the executive, and the judiciary with clear mandate for independent functioning of each branch. Therefore, for good governance each of these units must function with integrity and efficiency - this is the bottom line. The legislators or law makers are elected representatives of the people - their prime job is to frame clear, simple and effective laws. The executive branch consisting of ministers, bureaucrats, and the whole government machinery is expected to implement the laws framed the legislative assemblies. The ultimate responsibility for running the administration rests with the elected representatives of the people which are the ministers. "These ministers are accountable to the legislatures which are also elected by the people the third segment, the judiciary, acts as an impartial watchdog to see if the people are governed as per the law. It lacks the power to frame any law"³ it can only interpret the laws passed by the law-makers under the constitutional framework and give its verdicts accordingly.

But when corruption invades, governance begins to degrade - implying loss of integrity and efficiency both. Situation in India is obviously far from ideal.

*** Corruption in the Legislative :**

The behavior of Indian legislators both at the Center and in the States leaves a lot to be desired. Every time they act motivated by personal gain (unfortunately, it is more common than it should be), they betray their constituencies that elected them. Corruption in the assemblies as seen from this perspective implies floor crossing, cash-for-vote, taking money or other benefits to ask questions, framing rules under the influence of big corporate houses at the cost of common people, etc.

When the government is running on thin majority, potential defectors can take the government to ransom. The collapse of the Janata Party Government (1977-80), fall of V. P. Singhand Chandrasekhar Government (1990-91), turning his minority Government into majority by Narsimha Rao by buying JMM MPs, split in Telugu Desam Party (1994), defection of Ajit Singh with his supporters to Congress (1993), defection of S. S. Vaghela from BJP, maneuvering defection by Kalyan Singh to keep the BJP led Government in power in UP are some of examples to prove that a sizeable number of our politicians are not immune to corruption. The most recent example is the 2008 case of cash for vote scandal where some BJP MPs claimed to have been offered cash to vote Manmohan Singh's government.

*** Corruption in the Executive :**

Ministers are at the top of the hierarchy of the executive branch. The most blatant recent case of corruption at the highest level is the 2G spectrum scam which forced telecom minister, A. Raja to resign and is now in jail along with another DMK law-maker. Sukhram was another minister in the nineties in the same ministry to go to jail. Fodder scam in Bihar is another scandal for which Laloo Yadav is being tried and he is now in jail.

A recent analysis of reports of bribery demands in India conducted



by Trace International was published in January 2009. "It provides an overview of the general pattern of corruption in the country. 90% demand for bribe came from government officials, of which over 65% for avoiding harassment. 50% bribery was for timely delivery of services to which the individuals were already entitled; only about 10% were meant to provide any advantage. These findings confirm the prevalence of the bureaucratic and administrative corruption when the public and public officials interact."⁴ The 2006 World Bank Enterprise Survey also confirms the prevalence of bureaucratic and administrative corruption in the country. Red tape and wide ranging administrative discretion serve as a pretext for extortion and almost 50% of the firms surveyed expected to pay informal payments to public officials to get things done. 26% respondents identified corruption as a major constraint for doing business in the country.

*** Corruption in the Judiciary :**

Independence of the judiciary is guaranteed by the Constitution. India is ranked at 26th of 131 countries on indicators of judicial independence in the Global Competitiveness Report 2007-2008. However, political interference in judicial decisions involving powerful individuals, just as in investigation, is a sure possibility. In spite of the various legal provisions in place, the appointment of judges is not always free from political interference. Recent Global Integrity Report also rates judicial accountability as weak.

There has been a wide-spread corruption scandal - Rs 23 crore Ghaziabad PF scam - involving a Supreme Court judge (now retired), 7 Allahabad High Court Judges, 12 judges from the subordinate courts, and 6 retired high Court judges. The key accused died in jail mysteriously in October 2009. The recent charge of Supreme Court lawyer, Shanti Bhusan that many former Chief Justices of India were corrupt has given a new twist to judicial corruption. The Supreme Court is seized of the



matter (see image). The huge backlog of cases (there are over 3 crore pending cases), slow and complicated court procedures are another course of corruption in the judiciary.

*** Corruption in politics :**

Political parties are perceived to be the most corrupt institutions by Indians, according to 2009 Global Corruption Barometer. "The Barometer, a global public opinion survey released by Transparency International, found that 58 per cent Indian respondents identified politicians to be the single most corrupt individuals. Forty-Five per cent of the people sampled felt that the government is ineffective in addressing corruption in the country."⁵ The survey in India, conducted at the national level between October and November last year, also indicated that the perception of government effectiveness in relation to addressing corruption had improved from 2007. Forty-two per cent respondents analyzed that government's actions in the fight against corruption was effective.

People's trust in democratic processes is seriously undermined by opaque financing of electoral processes, various forms of corrupt practices, and misuse of power. Although politicians are regularly involved in major corruption scandals, investigations of their activities are rare and conviction of politicians and civil servants are rarer. Circumstantial evidences of buying votes of legislators with bribe or promises of "lucrative positions" are fairly common in Indian politics. According to the 2007 Global Corruption Barometer, Indian citizens perceive the political parties as amongst the most corrupt in the country - India got a score of 4.6 on a 5 point scale. Freedom House 2008 reports that the electoral system relies on black money obtained by dubious means, including tax evasion. According to a 2009 Global Integrity report, the country struggles with promoting transparency and accountability in the financing of political parties and candidates. For



instance, there are currently no regulations that require parties or candidates to disclose donations.

"Political corruption excludes citizen stakeholders from decisions that affect them. Political corruption is usually achieved when politicians or officials uphold democratic norms in public but violate them in private."⁶ This definition of political corruption demonstrates logically the inverse relationship between political corruption and normatively functional democracy. Increased political corruption decreases functional democracy.

Lack of transparency in electoral funding and entry of criminals into the electoral process are two major sources of political corruption that is at the root of several other corrupt practices in the country.

*** Corruption in Religious institutions :**

In India, corruption has also crept into religious institutions. "Some members of the Church are making money by selling baptism certificates. A group of church leaders and activists has launched a campaign to combat corruption within churches. Among Indian Muslims, the recent "cash for fatwas scandal" was a major affair that exposed the Imams of the Islamic ulama accepting bribes for issuing random, often nonsensical fatwas."⁷ Also among Hindu religious leaders (Maharaj, Gurudev, Baba, etc.) are most corrupt; they always cheat to Hindu people. Many temples and 'Mathas' became place of corruption under name of the Bhakti. Recent example is Aasaram Bapu. He is not only corrupt but also attempt charge of sexual harassment case.

*** Corruption in Media :**

"As many as 8 per cent of the respondents in India consider that corruption in the media affects the lives of the people."⁸ The media, while not being perceived as clean, scored best with just over 40 per cent of respondents labeling the sector as corrupt, globally.



* Corruption in economy :

The world would be a better place without corruption and it does impose a cost on the economy. When one considers the economic consequences of corruption, the adverse impact of grand corruption comes readily to mind. "Corruption on a grand scale associated with some dictators and their cronies can involve embezzlement of huge sums of public funds, and the mismanagement, wastage, inequity, and social decay that come along with it, can be disastrous for an economy."⁹ There are familiar tales of fortunes in gold, gems and jewelry stashed away in secret hiding places by corrupt officials and hundreds of millions of dollars spent in acquiring real estate abroad and in depositing into their foreign bank accounts. The devastating impact of misconduct on such a massive scale, especially for poor countries that are facing perennial and severe foreign exchange shortages, is obvious and requires no further comment. But corruption does not have to be on a grand scale to inflict serious damage. There are other adverse effects that can be just as damaging for a poor country. These deserve a closer look and are taken up below.

3. Causes of Corruption :

Corruption in India has wings, not wheels. As the nation grows, the corrupt also grows to invent new methods of cheating the government and public. The causes of corruption are many and complex. The following are some of the causes of corruption.

- * Emergence of political elite which believes in interest-oriented rather than nation-oriented programmes and policies.
- * Artificial scarcity created by people with malevolent intentions wrecks the fabric of the economy.
- * Corruption is caused as well as increased because of the change in the value system and ethical qualities of men who administer. The old ideals of morality, service and honesty are regarded as



anachronistic.

- * Tolerances of people towards corruption, complete lack of intense public outcry against corruption and the absence of a strong public forum to oppose corruption allow corruption to reign over people.
- * Vast size of population coupled with widespread illiteracy and the poor economic infrastructure lead to endemic corruption in public life.
- * In a highly inflationary economy, low salaries of government officials compel them to resort to corruption. Graduates from Indian Institutes of Management (IIMs) with no experience draw a far handsome salary than what government secretaries' draw.
- * Complex laws and procedures deter common people from seeking help from the government.
- * Election time is a time when corruption is at its peak. Big industrialists fund politicians to meet high cost of election and ultimately to seek personal favour. Bribery to politicians buys influence, and bribery by politicians buys votes. In order to get elected, politicians bribe poor, illiterate people.

Shortly, Political Patronage, Administration Labyrinth, Lack of Punishment, Social Environment these are main causes of corruption in Indian democracy.

4. Remedies Measures to Combating Corruption :

Some remedies measures to combating corruption are as follows:

1. Leadership :

Corruption is a cancer, which every Indian must strive to cure. Many new leaders declare their determination to eradicate corruption but soon they themselves become corrupt and start amassing huge wealth. There are many myths about corruption which have to be exploded if we really want to combat it. For proper house cleaning and repairs, it is a good idea to begin by fixing the roof. "Hence, many authors, including



Professor Syed Hussein Alatas of Malaysia, a noted authority on corruption, are of the view that the leadership in a country has a key role to play in combating corruption." It is an Asian tradition to hold leaders and those in authority in high regard and esteem. Hence the top leadership must set a good example with respect to honesty, integrity and capacity for hard work. Since fighting corruption will involve taking difficult decisions, the leadership must also display firmness, political will and commitment to carry out the required reforms. But honest and dedicated leaders are a necessary, but not a sufficient, condition to counter corruption. Several other conditions need to be satisfied

2. Credibility :

Credibility is one of them. For success, the offenders both on the demand and supply side of a corrupt deal must be convinced that the government is serious about fighting corruption. One suggestion towards this end is to "fry some big fish", that is to publicly try and punish some well-known corrupt people in the country. Some highly publicized trials and convictions of important officials and businessmen on charges of corruption have taken place in several Asian countries. "However, since allegations of corruption are often used to discredit political opponents, the suggestion is further made that the fish that is fried should preferably be from your own pond."

3. Involving people :

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. A publicity campaign to create greater awareness on the adverse effects of corruption and a clear and unequivocal official pronouncement on the desirability to bring it under control would be helpful. Ordinary citizens have a lot of firsthand



experience with corruption, they are a good source of information and their help and cooperation should be solicited for the successful launch of an anti-corruption drive. Once people are convinced that a sincere and genuine effort to combat corruption is underway, they will respond and extend their full cooperation in resolving the problem. Just a little opening up and providing opportunities for them to express their views on the matter will bring forth an outpouring of information, ideas and suggestions that will be beyond anyone's imagination.

4. Responsible press :

A responsible press to gather, analyze, organize, present and disseminate information is considered vital to create greater public awareness and to provide the momentum for undertaking reforms to overcome corruption. Secretiveness has been a key factor that has enabled public officials and politicians to get away with corruption. "A responsible and an investigative press has played an important role in many countries, both developed and developing, in exposing misconduct as well as in serving as a watchdog to limit corruption and preventing it from getting out of hand." The press has not always acted in a responsible manner, and like everything else in this world, it is not perfect. Nevertheless, its power to limit conduct and improper behavior should not be underestimated.

5. Oversight bodies :

Views on the effectiveness of anti-corruption oversight or watchdog bodies are mixed. There are instances where they have proved useful. For example, the Independent Commission against Corruption in Hong Kong, China and similar institutions in Botswana, Chile, Malaysia and Singapore are regarded as having done a good job. "However, in surveys and interviews of public officials and members of civil society organizations, most respondents do not have a high opinion of them. The prevailing view is that for such bodies to be effective, they have to



be created in a political atmosphere where leaders are honest, civil servants are insulated from political interference, and better incentives are provided to discourage corruption. Otherwise, the oversight bodies will be rendered useless or worse, misused for political gain." An unwelcome situation can then arise and the country may have to appoint a watchdog to watch over the watchdog body.

6. Improving institutions :

This is a very large area and only brief mention can be made of the relevant issues. It involves such things as improving the legal framework; smoother, less time-consuming and less burdensome ways to conduct business in the functioning of law courts and in the administration of justice; promoting efficiency of the police force; strengthening the auditor general's office; and appointment of a responsible inspector general empowered to investigate and prosecute corruption.

Conclusion :

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. Honest and dedicated persons in public life, control over electoral expenses, could be some of the important prescriptions to combat corruption. Corruption has a corrosive impact on our economy and leads to loss of overseas opportunities. Corruption is a global problem that all countries of the world have to confront solutions, however, can only be home-grown.

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