

Corruption through Ages

Nirmalya Biswas

DECEIT, DISHONESTY, CONS-piracy and corruption lived throughout history. Kautiliya wrote a nice allegory in his *Arthashastra*, a treatise on public administration dating back to the fourth century BC in India, "Just like one cannot resist tasting the drop of honey or poison that finds itself on the tip of the tongue, a government servant can never resist devouring even a bit of the king's revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out while taking money for themselves".

Administrative corruption was rife among public servants under British rule. During the early stages of British Rule in India, Corruption was quite rampant among the officers of the East India Company and of the British Government. During the period of war money was spent for procuring essential supplies. It created unprecedented opportunities for dishonest officers and unscrupulous contractors to acquire wealth by illegal means. The wartime scarcities coupled with controls and licensing system provided ample opportunities for bribery and corruption.

"Corruption puts sand in economic machinery; it is a force slowing down development" wrote Gunnar Myrdal in 1968 in "Asian Drama: An Enquiry into the Poverty of Nations". Corruption emerges as one of the major barriers to economic development of India. It is most shocking for a country where people get drenched in rain, shivered in winter, and parched in summer for not having proper shelter, and then millions of rupees are siphoned off.

Corruption assumed alarming since 1970s when one scandal regularly went after the other. Since 1991, with economic liberalization, the much hyped higher growth rates failed to reduce severity of poverty, hunger, malnutrition, social injustice and corruption.

Earlier a civilian was induced to bribe a public servant to get something out of turn. But today nothing can be done, not even what is most legitimately entitled, without greasing the palm. People either offer sweetener or manage favour by way of recommendations or references from persons in corridor of power for getting any small thing done. Uncompromising few face odds. Government utterly fails to check corruption. A sense of despair engulfs the public. They do not expect the situation to improve in near future.

Power tends to corrupt, absolute power corrupts absolutely. An ex-Chief Minister of Bihar quit office when he was arrested on a charge of multi-crore fodder scam. His wife was neither a legislator nor a politician. But he got his wife elected as the leader of the ruling party and made her his successor without any protest from any corner.

In July 2008 *The Washington Post* reported that nearly a fourth of the 540 Indian Parliament members faced criminal charges, "including human trafficking, immigration rackets, , embezzlement, rape and even murder". Democracy in India is seriously undermined by opaque financing in election race despite mandatory disclosure of candidates' assets and criminal antecedents. The ingress of criminals in Indian politics is disquieting.

Corruption Perception Index (CPI) has been brought out annually since 1995 by the *Transparency International* (TI), a Berlin-based global non-governmental agency, monitoring political and corporate corruption across the world. The report is based on 13 surveys conducted throughout the year by various international bodies, including the WB, IMF, EU, and others. According to TI's CPI for 2010, India ranked 87 among 178 countries. India's integrity score declined from 3.5 in 2007 and 3.4 in 2008 and 2009 successively to 3.3 in 2010. A score of zero means most corrupt while 10 indicates the lowest level of corruption.

The findings of the 2010 Global Corruption Barometer, the largest cross-country survey on worldwide public opinion and experiences of corruption confirm that 74 percent Indians believe that corruption levels have increased in the past three years. 54 percent Indians reported they greased the palms of authorities to get things done. The 2007 TI India study indicates that 48% of below poverty line households who interacted with the police have paid a bribe. They paid a bribe to get their grievance recorded in the First Information Report. Many of them claimed that procedural holdup was part of a designed ploy to induce citizen to pay bribe.

A study by the US-based Global Financial Integrity, an international watchdog on the illegal running away of money from a country, notes that some \$462 billion or Rs 20 lakh crore flew out of India between 1948 and 2008. It amounts to nearly 40 percent of India's gross domestic product and nearly 12 times the size of the estimated loss to the government because of the 2G spectrum scam. Illicit money flowing out of India has grown at an average of 11.5 percent annually. Some 68 percent of India's collective illicit financial loss took place since India's economic reforms in 1991.

The judiciary is too expensive, obscure and dragging. According to TI report judicial corruption in India is attributable to factors such as "shortage of judges and complex procedures ". This results in backlog in the disposal of cases and a loss of public confidence in the judiciary system. There is also a high degree of discretion in the processing of paperwork during trials where court officials often misuse their power with impunity. The inordinate delay at times affects the strength of the evidence to collaborate with the accused to escape punishment.

Obsequious handling of tax and duties by Income Tax, Customs, Central Excise, and Enforcement authorities in favour of the wealthy is common.

TI's study corroborates that truck drivers are to pay bribes to the authorities to obtain permits, to escape traffic violations and get away toll payments. Hefty money is extorted at the check posts on the pretext of checking documents in course of transit. TI estimates that truckers pay annually \$5 billion in bribes.

Government officials apply their discretion while awarding contracts to preferred contractors and compromise with quality of production ingredients. Construction mafias control the government projects. Substandard materials are used in building roads, highways, flyovers, underpass and bridges making them perilous.

Government Hospitals are not corruption immune. Non-availability of medicines and diagnostic services, distribution of sub-standard medicines and admission of patients by the touts are common.

Central Vigilance Commission (CVC) and Central Bureau of Investigation (CBI) are to get permission from the government which runs on the support of those who have to be prosecuted. The bureaucrats in good books and the members and patrons of the ruling party are rarely caught and even if caught are let off with minor or no penalties.

The basic idea of the Lok Pal is borrowed from the prototype of the institution of Ombudsman in Scandi-navian countries and Parliamentary Commissioner for Investigation in New Zealand. The Administrative Reforms Commission (ARC) headed by Morarji Desai submitted an interim report on Problems of Redressal of Citizen's Grievances in 1966. In its report, the ARC recommended for setting up of a two-tier authorities designated as Lokpal at the Centre and Lokayukt(a)s in the states. The word lokpal is derived from the Hindi words "lok" (people) and "pal" (protector or caretaker). Lokpal then means 'Protector of people'.

The first Lokpal Bill was introduced in the 4th Lok Sabha in 1968 and passed in 1969 but could not get through the Rajya Sabha. Subsequent Lokpal bills were introduced eight times in 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2005 and 2008 but all failed to pass. Each time, after the bill was introduced in the house, it was referred to either departmental standing committee or to the joint parliamentary committee.

The concern for protection of whistleblowers caught the attention of the entire nation after the murder of Satyendra Dubey, the NHA engineer, Manjunath Shanmugam and many social activists. Pressure was built up on the government to enact suitable law. Officially called the Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010 was approved by the Union Cabinet on 9th August 2010. The bill is yet to be tabled in Parliament.

India witnessed a series of scams since Independence. Recent Sukhna land scandal involving four Indian Lieutenant Generals and the shameful Adarsh Housing Society scam in Mumbai, the latter being carried out invoking the sacred reminiscence of Kargil martyrs have shaken public faith in the country's armed forces. This revelation comes in the wake of two other appalling scams—the gross irregularity in Commonwealth Games (CWG) and allocation of 2G spectrum telecom licenses to a select group of companies otherwise ineligible at throwaway prices. The grave indictments of the then Union Sports Minister and Union Telecommunications Minister by the investigating authorities point to an unprecedented huge loss of Rs 1.7 lakh crores to the public exchequer.

A series of anti-corruption protests, rallies and fasting demanding introduction of the Jan Lokpal Bill (Citizen Ombudsman Bill) were organised across India in 2011. Anna Hazare, the well-acclaimed Gandhian social activist started a 'fast unto death' from 5 April 2011 at Jantar Mantar in Delhi. The movement attracted prompt attention of the media. Thousands of people joined to support Hazare's effort. Almost 150 people were reported to join Hazare in his fast. Politicians were not allowed to hijack the campaign for mean political interest. Social activists including Medha Patkar, Arvind Kejriwal, the former IPS officer Kiran Bedi, the spiritual leader Swami Agnivesh stood by Hazare's anti-corruption campaign. Many conveyed their support in Internet social media such as *twitter* and *facebook*.

Social activists consider the government drafted Lok Pal bill as toothless. An improved version of the bill, the Jan Lokpal Bill has been jointly drafted by Justice Santosh Hegde (Lokayukta of Karnataka), Prashant Bhushan and Arvind Kejriwal after series of consultations with public and social activists.

Mounting corruptions in public administration set the wind blowing in favour of an ombudsman in India. On 8 April 2011, the Ministry of Law and Justice issued the Gazette notifying the formation of the Joint Drafting Committee of the bill comprising of ten members with an equal representation of five cabinet ranking ministers and five civil society members. After four days of Anna Hazare's fasting struggle the Government of India announced that the Jan Lokpal Bill would be introduced in the 2011 monsoon session of Parliament. With the recent developments and arrival of Ramdev on the scene, the entire scenario looks more bizarre than ever before. Maybe the Union Government is trying to deflect the very purpose of Ombudsman. □□□