

## Major Impediments in Combating Corruption

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### Abstract

Any action that benefits a powerful entity at the detriment of others is considered corrupt. As a result, it is viewed as a power abuse. When someone in a position of authority uses their influence to sway decisions or engages in any other dishonest or fraudulent activity, such as offering or accepting bribes or inappropriate gifts, engaging in underhanded business dealings, influencing elections, rerouting funds, laundering cash, or defrauding investors, that is corruption.

The effects of corruption are extensive. When it's reported, it might attract negative media coverage. It can also undermine democratic principles, stifle (economic) development and growth, skew laws and regulations, add red tape and bureaucratic obstacles, and hinder investment, to name a few. As a result, the offending party's reputation suffers, and there is an erosion of trust. That's because individuals and organisations in question may lose public trust. The present paper focus on the major impediments in combating corruption after understanding various factors and causes of corruption

**KEYWORDS:** Corruption, major impediments, factors, measure

Corruption is a malaise and is spreading in every sphere of life in India and the society wants this to be uprooted without any delay. Corruption in all societies is as old as the Power itself. However, the forms and manifestation of corruption have been continually changing. Almost all countries in the world today are plagued with the cancer of corruption irrespective of their stages of development. Corruption is not merely distinguishing feature of developing countries; it is common even in the developed societies. However, its nature, volume and dimensions differ largely from country to country and from one environment to another. Although the incidence of corruption in public life is a wide phenomenon but in recent years it has assumed frightening proportions in India. It has not only spread to every part of the governmental machinery, but has had a more rapid growth among the professional politicians, the party men at all levels and even in highest echelons of political leadership both at the state and central levels. (Jain, 2001, 223).

Political In India, political corruption is at its worst. The main reason for worry is that corruption is weakening the democratic system and diminishing the value of the law as the ultimate authority over society. Criminals exclusively participate in politics these days, and politics is where criminals belong. In several regions of the nation, elections are now linked to a variety of illicit enterprises. Voters, especially those from weaker social groups like tribals, dalits, and rural women, are frequently threatened to vote for a specific candidate or physically prevented from entering the polling place in

numerous regions of the nation. The Government just enhanced the M.P.'s salary by almost 300% of the previous amount. But many of them are dissatisfied with the rise and want the Government to increase the salary to a much more extent. This demonstrates unequivocally how politicians are always hungry for financial gain and don't care about the wellbeing of the populace. One of the most common types of corruption is tax evasion. It is primarily used by government employees and politicians, who encourage the amassing of black money, which in turn lowers people's morale.

Bureaucratic corruption cannot be studied separately from political corruption. Corruption in India is a result of the connection between bureaucrats, politicians and criminals. Way back in 200 B. C. Kautilya meticulously described 40 different kinds of corruption in his Arthashastra. He said that just as it is impossible to taste poison or honey when it is on the tip of the tongue, it is also impossible for a government employee to avoid eating up some tax money. Similarly, government cannot determine whether a fish swimming in water drinks or not, so that employees of the government cannot be exposed while stealing money for themselves. (Awasthi and Maheshwari, 2002, 427).

### **Definition of Corruption**

It is not easy to define corruption. Once it is in the system, it keeps growing. Today, it is widespread and has progressively become the norm. Over one trillion US dollars are thought to be spent annually on just global bribery. This demonstrates how widespread corruption is. Given that the system is flawed, it is in fact the biggest difficulty facing any administration. Currently, if someone wants to work for the government, they must at a time when euphoria of anti-corruption seems to be sweeping the nation, for this 'movement' to have real strength, one has to self-reflect, to realize the stirrings that won their independence from colonial rule is the first place.

In the past, paying a bribe meant getting the wrong things done, but today it means getting the right things done at the right time. Furthermore, because respectable people participate in corruption in India, it has become a respectable activity. Social corruption has persisted in society for a long time, including under weighing of goods, adulteration of edibles, and different forms of bribes.

Today, regardless of meeting all eligibility requirements, a person must pay lakhs of rupees to higher officials in order to obtain a government job. To get work done at every office, one must either provide the employee in question with money or make other arrangements. Unscrupulous employees who mess with people's health and lives to defraud consumers adulterate and weigh products twice in the food and civil supplies department. Even if the house is constructed correctly in accordance with the laws and regulations of the government, the officials who assess property taxes levy money.

### **Major factors responsible for corruption**

Among the factors affecting the supply of acts of corruption are

- (1) legacy from the past;
- (2) post-Independence atmosphere and problems;
- (3) acute poverty;
- (4) conflict of values in our expanding economy;

- (5) the bureaucratic tradition;
- (6) the level of public sector wages;
- (7) the penalty systems;
- (8) lack of strong Public Opinion against the evil of corruption;
- (9) economic necessity;
- (10) Institutional controls;
- (11) the transparency of rules, laws, and processes;
- (12) The structure or system of government induces corruption;
- (13) complicated and cumbersome working of government offices;
- (14) protection given to the public services in India;
- (15) the examples set by the leadership;
- (16) Article 311 of the Constitution – Art. 311 (1) which gives provision to save public servant from the caprices of officers of inferior rank. The other security which is guaranteed by the constitution is that no dismissal, removal or reduction in rank shall be ordered against a civil servant unless he has given a reasonable opportunity of being heard in respect of charges brought against him (Basu, 1997, 364); and
- (17) Slow disposal of cases

#### **Measures towards combating/control/eradication of corruption in India**

Combating the corruption in India is not an easy task. Strengthening the legal frameworks, institutions, and capacities that countries enact and sustain to prevent, detect, and prosecute corruption. Legal reforms are insufficient without capacity to implement or enforce them, such as the ability to effectively investigate, prosecute, and adjudicate crimes.

1. The main source of corruption in India has been politics, and it is there where the process of eradicating has to start. Politics affects the people's life. Elections which are the main planks to sustain a democratic polity have become the fountain head of corruption. Therefore, election commission should come up with electoral reforms which must be implemented.
2. There is need for curbing the role of money in Election. Full State funding for the election should be done so that illegal expenses in election can be stopped.
3. The Lok Pal institutions should be set up at the Central level. He should be given constitutional status. He must have the authority to look into the complaints of corruption against Members of Parliaments ministers and Prime Minister. C.B.I's anti-corruption wing be placed lok pal so that impartial investigation can be carried out. There is need to strengthen and depoliticize the existing officers of the lokayokta in many states.
4. The Right to Information Act (RTI) enables one to obtain all necessary information about the government, including details about how it uses our tax money. One has the right to inquire of the government about any issue they may have under this statute. Every government agency has a Public Information Officer (PIO), who is in charge of gathering information requested by the public

and disseminating it to interested parties in exchange for a small fee. The applicant may file a complaint with the relevant information commission, which has the authority to levy a fine of up to Rs. 25,000 in the event that the PIO rejects the application or fails to provide the petitioner with the necessary information in a timely manner. A harsh punishment for the incompetent official will undoubtedly have a deterrence effect.

5. The Central Vigilance Commission is another effective anti-corruption measure (CVC). It was established by the government to provide guidance and advice to Central Government entities about vigilance. Any instances of corruption or complaints regarding it may be submitted to the CVC. The CVC is also in charge of raising public awareness of the negative effects of corruption and the payment and receipt of bribes.
6. Establishment of special courts for speedy justice can be a huge positive aspect. Much time should not elapse between the registration of a case and the delivery of judgment.
7. In many instances, the employees opt for corrupt means out of compulsion rather than free will. Some people believe that the wages received are insufficient to provide for their families' needs. They wouldn't need to take bribes if they were paid more.
8. Civil society can play an important role in eradicating corruption cases.
9. The ultimate root causes of corruption is human greed and lack of moral values, so we have to inculcate the values in our people especially children. Our effort should be to inculcate the culture of integrity which can be done with the help of NCERT, CBSE and State Education Boards by including such values in text books.
10. Strong and stringent laws need to be enacted which gives no room for the guilty to escape.
11. Section 4(4) of Prevention of Corruption Act, 1988 clearly envisaged for conduction of trials on day-to-day basis so that corrupt person may not get any financial benefit from the Government and his/her continuance in Public office will further spoil the honest officers/staff. Therefore, the corruption cases should be disposed of speedily and this issue was raised by the Hon'ble Mr. Justice Sathasivam on 23.02.2013 at Tamil Nadu State Judicial Academy, Chennai during the special training programme for District Judges dealing with CBI cases on Corruption. The Prevention of Corruption Act, 1988 has not laid punishment of Judges & others for causing delay in speedy & final disposal of cases within the stipulated period.

Further, as corruption is increasingly transnational in nature, the ability of officials of individual countries to prevent and pursue corruption must be complemented by regional and global efforts and measures to support effective international cooperation and partnerships also. International's efforts to strengthen country systems are enhanced by strengthening the abilities of countries to cooperate internationally and building up frameworks that facilitate such cooperation. This includes capacity building efforts related to strengthening international legal cooperation, complex case investigation, asset recovery, and multi-country networks of practitioners.

The UNCAC (United Nations Convention Against Corruption) works with governments all around the world to help them meet their responsibilities under this extensive set of standards. The UNCAC is almost global and addresses all facets of fighting corruption with over 189 States parties.

Denying corrupt individuals access to the other countries and global financial systems sends a strong message about the values, and it demonstrates in meaningful ways that there are consequences for those who engage in corruption. Both economic sanctions and visa restrictions have exposed corruption and blocked corrupt officials at all levels of government from visiting and spending their ill-gotten gains in other countries.

The one thing that needs to be ensured is proper, impartial, and unbiased use of various anti-social regulations to take strong, deterrent, and timely legal action against the offenders, irrespective of their political influences or money power. Firm and strong steps are needed to curb the menace and an atmosphere has to be created where the good, patriotic, intellectuals come forward to serve the country with pride, virtue, and honesty for the welfare of the people of India.

### **Major impediments in Combating Corruption**

The parliament has enacted many legislations like **Delhi Special Police Establishment Act, 1946 (DSPE); Prevention of Corruption Act 1988, Central Vigilance Act 2003; Right to Information Act, 2005 (RTI), The Lokpal and Lokayakuts Act, 2013; Whistleblowers Protection Bill 2015** to combat corruption. It is startling to find that corruption cases are on rise inspite of these said legislations. The main legislation brought in for combating and eradication of corruption is Prevention of Corruption Act, 1988. Though, this Act of 1988 is stringent enough to bridle corruption but executive, Judiciary and Parliament have detected some weak points which need to be strengthened and amended to make this legislation more effective.

Our Indian parliament is now seriously thinking to bring some amendment to this Prevention of Corruption Act, 1988 by bringing "The Prevention of Corruption (Amendment) Bill, 2013" which has been passed by a voice vote in the Rajya Sabha recently. This Bill which had been repeatedly listed for discussion in the preceding 5 years, will now be debated in the Lok Sabha. Many critics say that the proposed Bill will help the accused instead of punishing them.

The various issues raised in the proposed Bill, 2013 are as under:-

#### **1. Bribe giver can be held guilty**

After recommendations from experts, an exception was made to the proposed amendment- Under which, people who are compelled to pay bribe will have the option of reporting the incident to the law enforcement authorities **within 7 days** to avoid being punished.

#### **2. Known source of Income**

Another contentious definition is the "*known source of income*" in the proposed bill. Earlier, the known source of income for a public servant (MP/MLA) included those which had been declared or filed in an affidavit by him/her. Now, the bill proposes that the public servant can give additional sources of income even after the declaration.

This amendment will indirectly work as a shield for the corrupt public servant (MP/MLA). Earlier provision is cogent and hence this proposed amendment will simply help in increasing corruption rather than eradication. Rather this amendment should carry a provision for life imprisonment if any wrong information is furnished by the public servant (MP/MLA) in the affidavit at the initial stage and that information should not be allowed to be altered at later stage under any condition.

### **3. Opposition's stance**

Referring to the provisions of Bill, the Leader of the Opposition said that the issue when the citizen is coerced to pay bribe needs to be looked into more speedily.

The implementation of the said act, is the need of hour to control and eradicate corruption from the society.

### **WHISTLEBLOWERS PROTECTION (AMENDMENT) BILL, 2015.**

The people in India are extremely fed up with the corruption prevailing everywhere and they want to bring such cases of corruption to the notice but are hesitant to do so because of fear of their life from corrupt persons. The parliament of India brought into a "The Whistleblowers Protection (Amendment) Bill, 2015, to protect the lives of those people who report the corruption (scandal) cases to the notice of competent designated authorities mentioned in the Whistleblowers Protection Act, 2014 by not disclosing their identities. Under the proposed amendment Bill of 2015, the Government does not provide any security cover to the complainant. To make whistleblowers protection (Amendment) Bill, 2015 stringent, the security cover should be provided to all the complainants who intend to disclose scandals, eating into the economy of India.

### **DELHI SPECIAL POLICE ESTABLISHMENT ACT, 1946**

The section 6(A) of Delhi Special Police Establishment Act, 1946 prohibits holding of enquiry and conduction of investigation under PCA, 1988 by the Central Bureau of Investigation in absence of approval by the Central Government.

In my opinion, this said section 6(A) of DSPE Act, 1946 should be amended suitably and obtaining of approval from Central Government to make CBI more effective and autonomous to eradicate corruption from society should be done away with. It is requirement of time now to provide more teeth to the CBI to nail corrupt public servants in the best interest of nation.

The afore-mentioned are some of the major impediments which need the immediate attention of Government of India to combat corruption to make Indian society an ideal one which was dreamt of by Mahatma Gandhi.

### **Conclusion**

Corruption certainly needs to fought and overcome. BY merely accusing the other as a blame game in hysterical tones, by politicizing the issues and making these scoring points to do down the other, and by incessantly spreading sensationalizing such infraction and immoral as also illegal acts through hourly media bombardment and daily press headlines, this battle cannot be won. Corruption is not a partisan issue nor a sensational, regional or particular occupation or profession related one. It is pervasive cancerous growth that has affected the national Political and Social fabric and practically all walks of life.

The corruption in India is breeding primarily due to lack of morality in General masses, Therefore the students in the schools and colleges should be delivered lectures on morality and spirituality for the purpose of containing corruption. Necessary amendment to Education policy by laying stress on morality is the need of the hour and Government of India should immediately take proactive steps in this direction.

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