

## Corruption: Relationship with law is married or divorce

\*Dr. Monika Jain

Corruption in the Indian society immemorial in one form or the other basic foundation of corruption started with our opportunistic leaders who have done greater damage to our nation principles are unrecognized and considered to be irrational in the modern society. Corruption in India is a result of the connection between bureaucrats, politicians and criminal, bribes, Social corruption like less weighing of products, adulteration. Section 7 of the Prevention of Corruption Act, 1988 defines corruption as: “Whoever being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain gratification whatever, other than legal remuneration as a motive or a reward or for bearing to do any official act or for showing or for bearing to show, in the exercise of his official functions favour or disfavour to any person with the Central or State Government or Parliament or Legislature of any State or with any public servant as such<sup>1</sup>. Political corruption is most terrible in India. Corruption is weakening the political body and damaging the supreme importance of the law governing the society politics is only for criminals and criminals are meant to be in politics. Elections in many parts of the country have become associated with a host of criminal activities weaker sections of the society like tribals, dalits and rural woman. The momentum of last year’s hunger strike by the anti-corruption campaigner Kisan ‘Anna’ Hazare currently sees India’s parliament wrestling with the formation of a national corruption ombudsman. Between 1969 and 1998, six separate Lokpal bills have been passed in India, only to lapse with the dissolution of parliament. Most recently, the 2010 background paper on electoral reforms prepared by the Indian Election Commission has revisited two un-heeded recommendations with which to combat the criminalization of Indian politics, both of which were first proposed in 2004. Lokpal bill will be passed, and its associated ombudsman proven effective remains to be seen. India itself: a challenge which requires a serious engagement with the problems of state corruption. How to decrease effects of corruption on society?

Keywords: corruption, central and state government, society, politics, parliament.

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<sup>1</sup>Section 7 of the Prevention of Corruption Act, 1988

*If a country is to be corruption free and become a nation of beautiful minds, I strongly feel there are three key societal members who can make a difference. They are the father, the mother and the teacher<sup>2</sup>.*

A. P. J. Abdul Kalam

### **Introduction**

Corruption in the Indian society immemorial in one form or the other basic foundation of corruption started with our opportunistic leaders who have done greater damage to our nation principles are unrecognized and considered to be irrational in the modern society. Corruption in India is a result of the connection between bureaucrats, politicians and criminal, bribes, Social corruption like less weighing of products, adulteration. There is adulteration and duplicate weighing of products in food and civil supplies department by unscrupulous workers who cheat the consumers by playing with the health and lives of the people. In the assessment of property tax the officers charge money even if the house is built properly according to the Government rules and regulations.

Section 7 of the Prevention of Corruption Act, 1988 defines corruption as: “Whoever being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain gratification whatever, other than legal remuneration as a motive or a reward or for bearing to do any official act or for showing or for bearing to show, in the exercise of his official functions favour or disfavour to any person with the Central or State Government or Parliament or Legislature of any State or with any public servant as such<sup>3</sup>.

The World Bank defines corruption as the abuse of public office for private gain<sup>4</sup>.

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<sup>2</sup> A.P.J.Abdul Kalam,  
<http://www.brainyquote.com/quotes/keywords/corruption.html#6B7D3OJFm5JsUcfd.99>

<sup>3</sup>Section 7 of the Prevention of Corruption Act, 1988

<sup>4</sup> WorldBank, 1997, UNDP, 1999)

Corruption is "an illegal payment to a public agent to obtain a benefit that may or may not be deserved in the absence of payoffs" (Rose-Ackerman) or "the sale by government officials of government property for personal gain"<sup>5</sup>.

The Santhanam Committee constituted by the Central government has identified certain procedural causes of corruption. These are: red tape and administrative delay; unnecessary regulations; scope of personal discretion; cumbersome procedures; scarcity of goods and services and lack of transparency. Thus, we have a situation where on the one hand enterprising businessmen are ready to pay "speed money" and on the other civil servants agree to exercise discretion, not infrequently, for ulterior motives. Other reasons for corruption are where officers on behalf of the State engage private companies to perform specific tasks or public works or provide services and these companies, in collusion with officials, indulge in corrupt practices such as overcharging, providing low quality work, etc. Secondly, wide discretionary powers conferred to people with specialized skills and knowledge as in the field of defense projects can lead to corrupt practices. Of late, a number of such scams have unfolded such as Bofors, HDW Submarines, defence purchases, etc. Thirdly, lack of transparency, unclear, ambiguous and technically complicated regulations lead to corruption, as the public is unable to exercise effective control<sup>6</sup>.

Political corruption is most terrible in India. Corruption is weakening the political body and damaging the supreme importance of the law governing the society politics is only for criminals and criminals are meant to be in politics. Elections in many parts of the country have become associated with a host of criminal activities weaker sections of the society like tribals, dalits and rural woman. Tax evasion is one of the most popular forms of corruption practiced by Government officials and politicians who lead to the accumulation of black money which in turn spoils the moral of the people.

### **Major Factors Responsible For Corruption**

1. Nature of the human being.

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<sup>5</sup> Shleifer and Vishny, "Corruption," Quarterly Journal of Economics, 1993, 108

<sup>6</sup> The Santhanam Committee report in 1964

2. thirst for luxuries and comforts
3. Material benefits.
4. Moral and spiritual values are not given in educational system,
5. The salary paid to employees is very less and as a result of which they are forced to earn money by illegal ways.
6. The political leaders have spoiled the society completely.
7. People of India are not awakened and enlightened.

### **Historical Background of Corruption**

Kaikeyi exploited the situation of given throne to eldest son ram in a accordance with the exile is practice and king Dasaratha violate the principals of hierarchy and given thrown of ram the eldest son. evil of gambling the putting woman at its take was common in those days which clear example of droupadi was put at the gamble it take non but as by her husbands yudishtar, bhim etc. they lost intake and the winner party duryodhan misbehave with her in open court violating all norm as civilized society and when duryodhan humiliating droupadi the great reputing of court like bhism, dronacahrya and other who present in court did not raise any voice against the injustice violating the law.

The momentum of last year's hunger strike by the anti-corruption campaigner Kisan 'Anna' Hazare currently sees India's parliament wrestling with the formation of a national corruption ombudsman. Between 1969 and 1998, six separate Lokpal bills have been passed in India, only to lapse with the dissolution of parliament. Most recently, the 2010 background paper on electoral reforms prepared by the Indian Election Commission has revisited two un-heeded recommendations with which to combat the criminalization of Indian politics, both of which were first proposed in 2004. The Commission advises that prospective candidates for the lower house of the Indian parliament be required to declare all previous convictions, pending criminal cases and assets prior to standing, and suggests that the withholding of such information should be made punishable by a minimum of two years imprisonment. Moreover, the commission recommends disqualification for all candidates against whom charges have been brought at least six months prior to election for the most serious category of offences. While a number of the Committee's wider

recommendations (regarding restrictions on the publication of exit poll results and the closer scrutiny of deposit monies) have been enacted, the bulk of suggestions that would curtail the entry of criminals into parliament have yet to find favour. These include inadequate provisions for commissions of inquiry, courts and investigative bodies such as the Central Bureau of Investigation that are open to nepotistic appointments, and a legislative position of public officials that places them beyond the scope of some forms of legal scrutiny. Whether the Lokpal bill will be passed, and its associated ombudsman proven effective remains to be seen. India itself: a challenge which requires a serious engagement with the problems of state corruption. Whilst the task facing the Indian state is indeed substantial, the recent popular outcry shows that the country is rich in the popular will to enact such reforms.

### **Types of Corruption**

- **Political corruption:**-Political corruption is the use of powers by government officials for illegitimate private gain. An illegal act by an officeholder constitutes political corruption only if the act is directly related to their official duties, is done under color of law or involves trading in influence. Forms of the corruption vary, but include bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement. India has been rocked by a spate of scams in the recent past. Here is an overview of some most infamous scams that have hit the country over the years. Tell us which of these scams has caused the most damage to the country.

**2013 Chopper scam:** Better known as Chopper gate, the scam involves several politicians and defense officers, who have been accused of having accepted bribes from Augusta Westland to clear a contract to supply 12 Augusta Westland AW101 helicopters to India. India had signed a contract to purchase 12 Augusta Westland AW101 helicopters in February 2010. The Rs3600 crore-scam came to light on February 12, 2013, when Finmeccanica CEO Giuseppe Orsi was arrested by Italian authorities for bribes allegedly paid to secure the sale of 12 helicopters to India. Finmeccanica is the parent company of Augusta Westland. Indian Defense Minister AK Antony ordered a CBI probe into the contract the very next day. Investigations revealed that three persons related to the then Air

Force chief Shashi Tyagi had bended the rules in the tender to help AgustaWestland secure the contract. On March 13, 2013, the CBI had filed an FIR against the former IAF chief and 12 others for alleged cheating and criminal conspiracy in the Rs3600 crore VVIP helicopter deal. Tyagi is first chief of the Indian Air Force to be named in a corruption or criminal case by the CBI. The FIR also named brother of former Union minister Santosh Bagrodia, Satish Bagrodia and Pratap Aggarwal, Chairman and Managing Director of IDS Infotech in the case. According to Reuters, the investigation into the Italian firm Finmeccanica, which started more than a year ago, is one of a series of corruption scandals in defense deal making in India<sup>7</sup>.

**2012 Coal block allocation scam:-**Dubbed as Coalgate by the media, the scam once again exposed corruption in the higher echelons of power in the country. The scandal involves allocation of the country's coal deposits to public and private sector Company by Prime Minister Manmohan Singh. The officer of Comptroller and Auditor General of India (CAG), in a draft report in March 2012, accused the government of allocating coal blocks in an arbitrary manner during the period 2004–2009, causing a loss of Rs1.86 lakhs crore. Initially the loss was pegged at over Rs10 lakhs crore, but the CAG revised it to Rs1.86 lakh crore after leaving out PSUs from its final report. The BJP lodged a complaint regarding the matter which led to a CBI probe into the scam and demanded Prime Minister Manmohan Singh's resignation. However, Singh read a statement in the Parliament on 27 August 2012 refuting the CAG's report. The scandal caused a lot of furor both inside and outside the Parliament due to its magnitude. The scandal got murkier when 43 files containing crucial information on how the coal fields were allocated to private firms went missing. Dr Manmohan Singh was in charge of the Coal Ministry between 2006 and 2009. Some of the files missing contain information on allocations of coal fields during this period. After a lot of hammering by the Opposition, all except seven files were traced and sent to the CBI to further the probe<sup>8</sup>.

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<sup>7</sup> Times of India, November 2013

<sup>8</sup> March 2012. Draft CAG Report on Coalgate

**2011 Tatra truck scam:** - Top officials of Bharat earthmover Ltd (BEML), a defense public sector undertaking, and the defense ministry siphoned off Rs750 crore in bribes and commissions over the past 14 years in the purchase of components for Tatra trucks. For over a decade, the BEML flouted defense procurement guidelines and sold Tatra trucks to the army at an inflated price. Flouting defense ministry guidelines, BEML, formerly Bharat Earth Movers Limited, a Rs3,500 crore company in which the government of India is the majority shareholder, has been buying components for the 6x6 and 8x8 trucks from a middleman in London. The defense procurement guidelines clearly mention that all purchases are to be made from the original equipment manufacturer (OEM). However, a DNA investigation revealed that BEML, was dealing with Tatra Sipox (UK) Ltd, which is neither the OEM nor a subsidiary of the OEM. However, no action was taken by the government until former Army Chief General VK Singh, in an interview, admitted that he was offered bribe of Rs14 crore for clearing the purchase of 600 substandard Tatra-all-terrain vehicles<sup>9</sup>.

**2010 2G spectrum:-** one of the largest financial scams in the country, the 2G scam involves undercharging by government officials to various telecom companies during the allocation of 2G licenses for cell phone subscriptions. The telecom bandwidth tender was undervalued and offered to a preferred few on a 'First-Come-First-Served' basis instead of a transparent auction system, advised by the PMO. While the CAG pegs the scam amount at Rs176, 000 crore, the CBI estimates it at Rs30, 984 crore .Investigations revealed that 122 licenses were issued in 2008 during the tenure of then minister for communications & IT A Raja, who is the main accused in the case .Raja was forced to resign on November 14 and has been booked under the Prevention of Corruption Act for accepting illegal gratification. Apart from Raja, daughter Tamil Nadu Chief Minister, M. Karunanidhi, MK Kanimozhi and late Pramod Mahajan have also been named in the case<sup>10</sup>.

**The Vohra Committee,** which was set up in July, 1993 to study corruption in India by taking stock of the links of both government submitted its report in 1993 and proved that a) The Crime exists in politics and exposed the nexus between criminal worlds with our

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<sup>9</sup> Press Trust of India: New Delhi September 20, 2013

<sup>10</sup> CAG report, March 2010

legislator. It has stated that the network of the mafia is virtually running a parallel government. b) The committee has stated that some parliamentarians and state assembly members have come into political power through the leadership of gangs and armed senas the report of the committee reflects the real picture of present legislators which now poses a serious threat even to our national security. In the present scenario following statement of vohra committee seems right, that “when democracy becomes corrupt, the best gravitates to the bottom, the worst floats to the top and the vile is replaced by the viler<sup>11</sup>.

- **Administrative Corruption**:-Administrative corrupt means to act dishonestly or unfaithfully towards ones official duties or preservation or destructions of integrity in discharge of public duties by bribery misuse a public position. It means performance of illegal acts, corruption, and increasing discretionary power for personal gain or extortion of money from poor and needy.
- **Corruption by police**: Police corruption is a form of police misconduct in which law enforcement officers seek personal gain, such as money or career advancement, through the abuse of power, for example by accepting bribes in exchange for not pursuing, or selectively pursuing, and investigation or arrest. Police corruption is soliciting or accepting bribes in exchange for not reporting organized drug or prostitution rings or other illegal activities. Unconstitutionality of “Third Degree Method” and Uses of Fatal Force by Police are permitted to use force. Under certain circumstance mainly in cases of arrest, search and handing unruly crowds and dispending unlawful assemblies custodial torture “third degree” has become a common phenomenon and a routine police practice of interrogation these days. Third degree refers to use of coercive measure including inflicting of physical violence on suspected for extracting confession Following are some landmark cases where the Supreme Court held the use of” third degree “method as unconstitutional. In *Niranjan Sing v. Prabhakar Rajaram*<sup>12</sup>, The supreme court while dealing with the cases of custodial torture and uses of third degree method observed that “the police instead of being

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<sup>11</sup> The Vohra (Committee) Report was submitted by the former Indian Union Home Secretary, N.N. Vohra, in October 1993

<sup>12</sup> *Niranjan Singh & Anr vs Prabhakar Rajaram Kharote & Ors* 1980 AIR 785, 1980 SCR (3) 15



protector of law, have been become the engineer of terror and putting people into fear”. In *Kishore Sing v. state of Rajasthan*<sup>13</sup>, the Supreme Court held that the use of “third degree” method by police is violated of Art 21 and directed the government to take necessary steps to educate the police so as to inculcate a respected for the human person.

- **Professional corruption:** Professional corruption is apart among the various types of corruption. Professional corruption is adoption of such way of any corruption which it is not expected to adopt some code of conduct prescribes some rules, condition or ethics of that profession. There are several fields where professional corruption prevailed such as legal medical, journalism, education, engineering, and architected etc.

### **Causes of increased of Professional Corruption**

- Increase of industrialization, urbanization,
- growing competitive tendency,
- greed and lack of morals and ethics or
- lack of vigorous punishment
- People are poor and illiterate and backward.
- Sometimes satisfaction of the client may be the cause which turned the way of professional toward corruption.
- The institution of private property and laissez-fairs help to promote such corruption in society.

### **Factors contributing to corruption in India**

In a 2011 report on Corruption in India<sup>14</sup> one of the world's largest audit and compliance firms KPMG notes several causes that encourage corruption in India. The report suggests high taxes and excessive regulation bureaucracy as a major cause. India has high marginal

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<sup>13</sup> *Kishor Singh Ravinder Dev Etc vs State Of Rajasthan* on 4 November, 1980, 1981 AIR 625, 1981 SCR (1) 995

<sup>14</sup>“Survey on Bribery and Corruption – Impact on Economy and Business Environment” KPMG. 2011.

tax rates and numerous regulatory bodies with the power to stop any citizen or business from going about their daily affairs<sup>15</sup>.

This power of Indian authorities to search and question individuals creates opportunities for corrupt public officials to extract bribes. In cases of high taxes, paying off the corrupt official is cheaper than the tax. This, claims the report, is one major cause of corruption in India and 150 other countries across the world. In real estate industry, the high capital gains tax in India encourages large-scale corruption. The correlation between high real estate taxes and corruption, claims the KPMG report, is high in India as well as other countries including the developed economies; this correlation has been true in modern times as well as for centuries of human history in numerous cultures<sup>16</sup>. The report suggests regulatory reforms, process simplification and lower taxes as means to increase tax receipts and reduce causes of corruption<sup>17</sup>.

KPMG report claims corruption results from opaque process and paperwork on the part of the government. Lack of transparency allows room for maneuver for both the demanders and suppliers of corruption. Whenever objective standards and transparent processes are missing, and subjective opinion driven regulators and opaque/hidden processes are present, the conditions encourage corruption<sup>18</sup>.

Vito Tanzi in an International Monetary Fund study suggests that in India, like other countries in the world, corruption is caused by excessive regulations and authorization requirements, complicated taxes and licensing systems, mandated spending programmes, lack of competitive free markets, monopoly of certain goods and service providers by government controlled institutions, bureaucracy, lack of penalties for corruption of public officials, and lack of transparent laws and processes<sup>19</sup>. A Harvard University study finds these to be some of the causes of corruption and underground economy in India<sup>20</sup>.

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<sup>15</sup> The Economist. 10 March 2011.

<sup>16</sup> "Survey on Bribery and Corruption – Impact on Economy and Business Environment" KPMG. 2011.

<sup>17</sup> Ibid

<sup>18</sup> U Myint (December 2000) Asia-Pacific Development Journal 7 (2).

<sup>19</sup> Vito Tanzi (December 1998). *Corruption Around the World – Causes, Consequences, Scope, and Cures* 45 (4). IMF Staff Papers.

<sup>20</sup> Anant and Mitra (November 1998). Harvard University.

## Impact of corruption

*Corruption is the enemy of development, and of good governance. It must be got rid of. Both the government and the people at large must come together to achieve this national objective<sup>21</sup>.*

Pratibha Patil

### Loss of credibility

A study on Bribery and Corruption in India conducted in 2013<sup>22</sup> by one of the largest global professional services firm Ernst & Young (EY), a majority of the survey respondents from PE firms said that a company operating in a sector which is perceived as highly corrupt, may lose ground when it comes to fair valuation of its business, as investors bargain hard and factor in the cost of corruption at the time of transaction.

According to a report by KPMG, "high-level corruption and scams are now threatening to derail the country's credibility and economic boom"<sup>23</sup>.

### Economic loss

Corruption may lead to further bureaucratic delay and inefficiency as corrupted bureaucrats may introduce red tape in order to extort more bribes<sup>24</sup>. Such inadequacies in institutional efficiency could affect growth indirectly by lowering the private marginal product of capital and investment rate<sup>25</sup>. Levine and Renelt showed that investment rate is a robust determinant of economic growth<sup>26</sup>. According to the neoclassical growth model,

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<sup>21</sup> <http://www.brainyquote.com/quotes/keywords/corruption.html#6B7D3OJFm5JsUcfd.9>

<sup>22</sup> Nirvikar Singh (19 December 2010). The Financial Express.

<sup>23</sup> Colvin, Geoff (20 April 2011). CNNMoney. Retrieved 23 May 2011.

<sup>24</sup> Myrdal, Gunnar. Asian Drama: An Enquiry in the Poverty of Nations, The Australian Quarterly (Dec 1968, Vol. 40, 4)

<sup>25</sup> Mauro, Paolo. Corruption and Growth, The Quarterly Journal of Economics (Aug 1995, Vol. 110, 3)

<sup>26</sup> Levine, Ross. Renelt, David. A Sensitivity Analysis of Cross-Country Growth Regressions, The American Economic Review (Sep 1992, Vol. 8, 4)

institutional variables contribute to determining steady-state per capita income levels and speed of convergence to its steady state, hence affecting its growth rate<sup>27</sup>.

Bureaucratic inefficiency also affects growth directly, such as through misallocation of investments in the economy<sup>28</sup>. Additionally, corruption results in lower economic growth for a given level of income<sup>29</sup>.

### **Lower corruption, higher growth rates**

If corruption levels in India were reduced to levels in developed economies such as Singapore or the United Kingdom, India's GDP growth rate could increase at a higher rate annually estimates the lost opportunity caused by corruption, in terms of investment, growth and jobs for India is over US\$50 billion a year<sup>30</sup>.

### **Measures to Control Corruption**

There are some specific measures to control increasing corruption.

1. The Right to Information Act (RTI) has the right to ask the Government on any problem. There is a Public Information Officer (PIO) appointed in every Government department, who is responsible for collecting information wanted by the citizens and providing them with the relevant information on payment of a nominal fee to the PIO. If the PIO refuses to accept the application or if the applicant does not receive the required information on time then the applicant can make a complaint to the respective information commission, which has the power to impose a penalty up to Rs.25, 000 on the errant PIO<sup>31</sup>.
2. Central Vigilance Commission (CVC) setup by the Government to advise and guide Central Government agencies in the areas of vigilance. If there are any cases of corruption or any complaints thereof, then that can be reported to the CVC,

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<sup>27</sup> Mankiw, N. Geogory et al: A Contribution to the Empirics of Economic Growth. The Quarterly Journal of Economics (May 1992, Vol. 107, 2)

<sup>28</sup> World bank

<sup>29</sup> Mauro, Paolo. Corruption and Growth, The Quarterly Journal of Economics (Aug 1995, Vol. 110, 3)

<sup>30</sup> Nirvikar Singh (19 December 2010); The Financial Express.

<sup>31</sup> Right to information, Act 2005

shoulders the responsibility of creating more awareness among people regarding the consequences of giving and taking of bribes and corruption<sup>32</sup>.

3. 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.
4. Strong and stringent laws need to be enacted which gives no room for the guilty to escape.

### **Anti-corruption laws in India**

Public servants in India can be penalized for corruption under the some legislation:

- Indian Penal Code, 1860<sup>33</sup>.
- Prosecution section of Income Tax Act, 1961<sup>34</sup>.
- The Prevention of Corruption Act, 1988<sup>35</sup>.
- The Benami Transactions (Prohibition) Act, 1988 to prohibit Benami transactions<sup>36</sup>.
- Prevention of Money Laundering Act, 2002. The Prevention of Money Laundering Act, 2002 provides that the properties of corrupt public servants shall be confiscated<sup>37</sup>.
- However, the Government is considering incorporating provisions for confiscation or forfeiture of the property of corrupt public servant in the Prevention of Corruption Act, 1988 to make it more self-contained and comprehensive<sup>38</sup>.
- A committee headed by the Chairman of Central Board of Direct Taxes (CBDT), has been constituted to examine ways to strengthen laws to curb generation of black money in India, its illegal transfer abroad and its recovery. The Committee shall examine the existing legal and administrative framework to deal with the menace of

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<sup>32</sup> The Central Vigilance Commission (CVC) was established in 1964, **CVC Act, 2003**, Retrieved 20 June 2012.

<sup>33</sup> Indian Penal Code, 1860

<sup>34</sup> Prosecution section of Income Tax Act, 1961

<sup>35</sup> The Prevention of Corruption Act, 1988

<sup>36</sup> The Benami Transactions (Prohibition) Act, 1988

<sup>37</sup> Prevention of Money Laundering Act, 2002

<sup>38</sup> Prevention of Corruption Act, 1988

generation of black money through illegal means including inter-alia the following:

1. Declaring wealth generated illegally as national asset;
  2. Enacting/amending laws to confiscate and recover such assets; and
  3. Providing for exemplary punishment against its perpetrators. (Source: 2013 EY report on Bribery & Corruption)
- Companies amendment bill 2013
  - India is also a signatory to the UN Convention against Corruption since 2005 (ratified 2011). The Convention covers a wide range of acts of corruption and also proposes certain preventive policies<sup>39</sup>.
  - The Lokpal Bill, 2011 is a bill pending before the Rajya Sabha. India's lower house of parliament, the Lok Sabha voted to pass The Whistle Blowers Protection Bill, 2011. The bill is now pending in the Rajya Sabha, the upper house<sup>40</sup>.
  - The Directorate General of Income Tax Investigation

### **Anti-corruption police and courts**

Central Bureau of Investigation all deal with anti-corruption initiatives. Certain states such as Andhra Pradesh (Andhra Pradesh Anti-corruption Bureau) and Karnataka (Lokayukta) also have their own anti-corruption agencies and courts<sup>41</sup>. Andhra Pradesh's Anti Corruption Bureau (ACB) has launched a large scale investigation in the "cash-for-bail" scam<sup>42</sup>. CBI court judge Talluri Pattabhirama Rao was arrested on 19 June 2012 for taking a bribe to grant bail to former Karnataka Minister Gali Janardhan Reddy, who was allegedly amassing assets disproportionate to his known sources of income. Investigation revealed that India Cements – one of India's largest cement – had been investing in Reddy's businesses in return for government contracts<sup>43</sup>. A case has also been opened against seven other individuals under the Indian Penal Code and the Prevention of Corruption Act<sup>44</sup>.

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<sup>39</sup> Issue Brief: PRS Note of Corruption Laws in India

<sup>40</sup> Status of Whistleblower's Bill of India (checked in July 2012)

<sup>41</sup> A.P. Government. Retrieved 25 June 2010.

<sup>42</sup> PTI (19 June 2012) The Times of India.

<sup>43</sup> Tariq Engineer (19 June 2012). ESPN CricInfo

<sup>44</sup> PTI (19 June 2012) The Times of India.

### Civic anti-corruption organizations

A variety of organizations have been created in India to actively fight against corrupt government and business practices. Notable organizations include:

- 5th Pillar is most known for the creation of the zero rupee note, a valueless note designed to be given to corrupt officials when they request bribes.
- India against Corruption is a movement created by citizens from a variety of profession and status to work against corruption in India. The movement gathered tremendous media attention and came to the forefront in 2012. Prominent people associated with the movement were Arvind Kejriwal, Kiran Bedi & Anna Hazare. In late 2012, Arvind Kejriwal took the route to form a political party to fight corruption while Anna Hazare & Kiran Bedi remains a political. The apolitical movement is currently headed by Anna Hazare while the political party formed by Arvind Kejriwal & his followers is called Aam Aadmi Party<sup>45</sup>.
- Jaago Re! One Billion Votes is an organization originally founded by Tata Tea and Janaagraha to increase youth voter registration<sup>46</sup>. They have since expanded their work to include other social issues, including corruption<sup>47</sup>.
- Association for Social Transparency, Rights and Action (ASTRA) is an NGO focused on grass-roots work to fight corruption in Karnataka.

*The fight for justice against corruption is never easy. It never has been and never will be. It exacts a toll on our self, our families, our friends, and especially our children. In the end, I believe, as in my case, the price we pay is well worth holding on to our dignity<sup>48</sup>.*

Frank Serpico

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<sup>45</sup>G Babu Jayakumar (10 April 2011). "Wasn't easy for Anna's 'thambis'". The New Indian Express (in Indian English) (India). Retrieved 12 May 2011

<sup>46</sup>The Hindu. 16 September 2008. Retrieved 30 May 2011.

<sup>47</sup>Tata Tea. Retrieved 30 May 2011.

<sup>48</sup><http://www.brainyquote.com/quotes/keywords/corruption.html#6B7D3OJFm5JsUcfd.99>

Corruption in India is a phenomenon that one has to face practically at entry level and in every walk of life it could be the local rationing department, police, municipal authorities, or educational institution like school and collages in industry, regular bribe are collected by the public servants. Corruption is anti national, anti economical development and anti poor, nevertheless there does not seem to be in the public at large a proper and adequate realization of the danger of corruption. In 2012 India has ranked 94th out of 176 countries in Transparency International's Corruption Perceptions Index. Corrupt leaders and bureaucrats are spared from strict punishment for all their criminal activities. The criminals easily get away by paying large sums of bribes to the judicial authorities. The people too are tolerant of such activities, they fear raising their voice against such anti-social elements. A corruption Free State will surely lead to more development and justice will prevail. Due to the large scale corruption prevailing in almost all the sectors, among all the developing countries India has the largest budget deficits. Reduction in corruption will increase the scope for investment in public services like education and health facilities.

### **Conclusion and suggestions**

Corruption is widespread in our country that it is difficult nowadays to see a public servant without corruption. Such corruption may be seen in every sphere of public life. Corruption is an act of violation of legal codes of conduct in discharge of public duties by public servant for personal benefit to cope up with the increasing cases of corruption. Following are some recommendations, which may be useful to decrease effects of corruption on society.

- The existing law should be made more effective so that culprits may not escape punishment. Moreover exemplary punishment should be awarded to defaulters the honest instead of being penalized and curbed, as we sometimes hear, should be suitably rewarded.
- There is need to reorganize and strengthen the anti corruption organizations, special police establishment, etc.



- The privileges and payments to employees should be made on the basis of contribution they make to the development of the people and the nation and not for strengthening the hands of politicians.
- Society too should take part to remove corruption from society. At the time of election votes only for the honest, proper candidates. Because people choose them then only politicians become legislators.
- There is a need to keep close watch on the legislators as well as bureaucrats and if any grave breach of duties is committed by them, it should be highlighted and for that media should take part effectively in activities to expose such corruption. A complete end to the corruption is the only way these people can lead a better life.