

CORRUPTION AS AN ECONOMIC, CULTURAL, SOCIAL AND POLITICAL PROBLEM

Suman Saharan, Pawan Kumar

Advocate at Tis Hazari Court, New Delhi

"If we cannot make India corruption- free, then the vision of making the nation develop by 2020 would remain as a dream."

Dr. A.P.J. Abdul Kalam

INTRODUCTION

Corruption is considered to be one of the greatest impediments on the way towards progress for developing country like India. The economic, social and cultural structure of our country is very strong; however, due to the menace called- corruption, it has been adversely affected and has become defenseless against the forces of anti-social elements. According to Shri N. Vittal, Former Chief Vigilance commissioner, the first stage in the dynamics of the rule of law is the framing of effective rules and laws, which are equipped to hinder the ever-rising escalation of the corruption graph. It is in this context that the Prevention of Corruption Act, 1988 becomes highly significant.

THE CONSTITUTIONAL PERSPECTIVE

The Solemn Constitutional resolution by the People of India which ensure to all its Citizens Justice, social, economical and political, equality of status and of opportunity has its basis in clean administration of the governance of the country at all levels without which these would simply be empty platitudes. The Constitutional directives even if followed only broadly by the state, expected to strive to promote welfare of the people, would leave no scope for a corrupt regime. The Constitutional duty of every citizen to strive towards excellence in all spheres of individual activity is obviously in context of lawful activities that enhance individual and national prestige. The Constitutional Oaths of its functionaries bind them to faithful and conscientious discharge of duties without fear or favour, affection or ill will and to upholding the law. There is therefore, no scope in the Indian Polity for use of corrupt practices, such as bribery or fraud in the governance of the country if these Constitutional values are scrupulously observed, upheld and if need be, enforced. There are built in provisions in our Constitutions system to ensure that those guilty of this gross misconduct are impeached or removed. Collective wisdom is necessarily pure because no society is so debased as to collectively declare negative values of avarice and self- aggrandizement which are at the root of corruption.

POLITICAL CORRUPTION

The general administration in our country particularly during the last few years has been so sullied by corruption which has permeated every sphere of activity that our existence as an independent, democratic, self respecting republic is at stake. Leaders of all shades of opinion & to dismay we find encouragement to corruption from the very same quarter which declared from the house tops that corruption should be weeded out from the body politic. In respect of all matter, affecting the citizen where the response from the govt., a local body, a public sector organization or even a private sector organization is required before the next step can be taken, a time limit should be set before which the response should be given. If such response is not forthcoming the citizen should presume that he can go ahead and will be at liberty to do so. Even an account of the matter requiring serious consideration there is likely to be delay in the response. A final time limit for the ultimate response should be fixed so that the citizen can proceed further in the absence of the response. However this should not be an encouragement for providing an easy escape by a negative response. It must therefore be laid down that all negative response should be accompanied by reasons for rejecting the request of the citizen so that he can frame his case for appeal, correction or other alternatives. Obviously, the time limit of the response cannot be the same for all types of requests. Where it is a question of undertaking an irrigation project or a telecommunication scheme or other highly sophisticated technical or political venture, the limit should obviously be much longer. But in case different limits are laid down for different types of requests this should be communicated to the citizens without any reservation. Such a system should form a part of a scheme for the right to freedom of information.

The introduction of complete openness and the total demolition of any wall of Jericho in respect of any matter of public importance other than matters affecting defense, the safety of the state or preservation of harmony between various

sections of the people is needed. Every department of the govt. or of semi govt. should have effective public information in whose primary duty would be to inform the citizen about any and every matter that concerns that particular department. In my view, this wing, the department would be the most be the most sensation and therefore the most important. The every effort therefore should be made to see that the best persons are posted to meet it and its functioning is monitored from time to time by the head of the department. It may be argued that this will result in an inordinate expansion of the staff the fact is just the contrary. The expenditure on a strong sensible and understanding public relation wing will have the effect of directly reducing considerably staff in various other departments and result in an overall saving of expenditure.

Govt. must concern itself in future only with such activities as cannot be performed by or transferred to voluntary agencies. In all fields the main instrument for implementations of all policies directed towards the welfare and protection of the people should be the non-governmental instruction and all funds which hitherto have been earmarked in govt. for the use of particular department in charge of such activities would need supervision and monitoring and this can be done on a selective and affirmative basis by govt. Political preference or other consideration should not weigh in the selection of voluntary organization for undertaking the activities mentioned above. In fact in this case through proliferation and duplication, should undoubtedly be avoided, the involvement of as many voluntary organization as possible in such activities should be desirable as it would give citizens of all shades of all opinion an aptitudes and opportunity to participate in such activities should a particular agency be found dishonest or unfit it should be taken to task and the work should be immediately handed over to another voluntary agency in the same or neighbouring area.

Since corruption in the service sector viz. rail transport, public distribution, communication, supply of manufacturing commodities, Information and Entertainment is the highest and effects the most vulnerable section of population, the administration of such services should be totally open and left to citizen bodies. The govt. or semi govt. parapherhelical in these spheres should be totally dismantled our friends in govt. will start saying that this will lead to chaos. It will lead on the other hand to convenience and contentment. Such safeguard as are necessary to contain aberrations can always be undertaken.

SOCIAL CORRUPTION

Most important is the preservation of moral values and the instantaneous acceptance of the accountability of men and women in administration and political authority to the supreme of the moral law where any person in authority is accused of malpractices or of corruption and such accusation is made before a responsible authority under whose control he is working the person making the accusation must be asked with a reasonable time to justify the accusation with facts and figure and if such justification is not received within a reasonable period, a public statement must be made to the effect that the accusation was irresponsible and unjustified. If however the person making the accusation gives facts and figures and justification with the time limit, a copy of such letter should be send to the person who has been accused and should be given a reasonable time to make an affidavit in respect of his position with regard to the accusation. Simultaneously if the authority to which such a accusation has been sent feels that a prima facie case has been made out for an adhoc enquiry such an enquiry should be made and a report asked for within a reasonable time not exceeding 3 months during which the person against whom accusation has been made will be temporarily functus officio. The persons selected as for conducting the adhoc enquiry should be selected as far as possible from among Judicial Officers or prominent persons of the large. A large number of public spirited persons would come forward to perform this duty happily because this will result in a thorough cleansing of the body politic. Moreover in the sphere of protection and defense of society, we have the creation of National Human Rights Commission. When the system of fundamental guarantees is corruption it is impossible to have civilized coexistence and equitable progress. In this way new demands for exercising authority have been imposed or the exercise of authority requiring accountability and a conception of public things a stage open to supervision by citizens, communities and representation agents.

ECONOMIC CORRUPTION

Upon this social factor we must add the economic factor of the situation of many societies where income distribution is not on an equal basis, where public servants are adequately paid or do not have any legal protection to feel job security at the time of government changes when they are due for retirement. The amount of money may be minor or nil. The important fact is the position of the person involved since the citizens have the idea or rather want to have the idea that their authorities are people of inapproachable conduct and for that reason many times accept economic measures which are contrary to their interests because they believe the explanation offered by their leader. With respect to economic factor we should mention that in our country is the level of development of companies of several developed countries is to restore to any means to obtain an order or a contract of public works. This fact shows that the corrupted bound not only in the third world but in every society. Tenth of companies around the world do not

restitute in corrupting public officials everywhere in order to sell their products or services. From the social and economic standpoint we should also include the role of international organizations which provide funding and support to developing countries. It is simply not possible to apply the same criteria or to give the same treatment to every country without due regard for our cultural, ethnic, social and development differences. Among the social and economic aspects with corruption there is a quite interesting one the perception of people on corruption is a function of their own personal situation. When people know that policemen and public servants earn so little, most of them do not disapprove the fact that they take part in corruption practices via small amount of money. The assumption is that in almost every case they would never become rich and most of them live in poverty after 30 or 40 years of work. There is no doubt that the problem of low wages has not been seriously tackled in any of our countries and that it is neither a magic stick that will solve the minor corruption in place.

CONCLUSION

Corruption is a termite that is eating up with the pith of our society it not only hampers the individual's growth but also the collective growth of our country. Hence, it stands highly imperative to control and then stop this growing menace. We now stand at the threshold of heightened public awareness. Ethics in public service is crucial to success of any democratic set-up. The strength of the Court system to combat corruption lies in its own stature and image to the large extent as also in its own accountability and respect for the law. This is reflected from the dictum of the majority decision of the Apex Court in *K. Veera Swami v. Union of India*¹ that there is no law providing protection for judges from criminal prosecution. The existing Court system is efficient but it has to derive its strength from those who man it and whose adequate extent of knowledge, experience, involvement and determination alone can effectively curb the evil of corruption.

¹ 1991 3 SCC 655