Anti-Corruption Movements & Measures In India

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Abstract
The journey of Indian democracy after independence has been remarkable in every field. Though India progressed slowly but maintained pace with global changing scenario. The early political leadership was determined to develop world class infrastructure in India. Everybody was in an enthusiastic mood to shape the dreams of freedom-fighters who have fought a long struggle to see India as a free nation. Ideals and values of freedom movement were guiding Indian people in a right direction to make Indian democracy self reliant. It was successfully done through Planning Commission of India and its Five-Year Plans to boost development of India. But after 1985, Indian democracy faced a new challenge of corruption in public life. The menace increased day by day in India. It defamed the image of developing India. In this type of environment, voices against increasing corruption were also heard from different quarters. The government also responded to this evil from time to time with legislations but there were some loopholes and it benefitted the culprits all the time. And in the recent times India witnessed a great movement against corruption and in the support of Jan Lokpal in the leadership of social activist Anna Hazare that rocked the whole country. As a result of this movement we also saw rise of Arvind Kejriwal and later a strong government in National Capital Delhi in his leadership in the name of Aam Aadmi’s fight against Corruption.

Keywords: Corruption, Democracy, Government, India, Movements, Measures, Political, Practices, Public, Society

1 Introduction
The word ‘Corruption’ has no globally accepted definition. Oxford Advanced Learner’s dictionary defines the word ‘corruption’ as dishonest behavior. In general terms, corruption is the abuse of bestowed power or position for personal benefits. Corruption includes activities like bribery and embezzlement. Political corruption occurs when a Politician or other government official acts in an official capacity for personal gains.
The word ‘Corrupt’ when used as an adjective literally means "utterly broken". The word was first used by Aristotle and later by Cicero who added the terms bribe and abandonment of good habits (1). Stephen D. Morris, a professor of politics, writes that political corruption is the illegitimate use of public power to benefit a private interest (2). Economist Ian Senior defines corruption as an action to (a) secretly provide (b) a good or a service to a third party (c) so that he or she can influence certain actions which (d) benefit the corrupt, a third party, or both (e) in which the corrupt agent has authority (3). Daniel Kaufmann, from the World Bank extends the concept to include 'legal corruption' in which power is abused within the confines of the law—as those with power often have the ability to make laws for their protection(4).

As it is clear from the above description that corruption has been defined and explained in different ways by different scholars. In simple words, corruption is unethical behavior by a person for his own benefit. Corruption is a global phenomenon and it is not limited to India alone. Its roots are also old and it is not a new thing which developed in Modern era. Now we will discuss the term ‘corruption’ in Indian context. India started its journey to the road of development with a slow note because it needed basic infrastructure to keep pace with global scenario. The early leadership preferred to take cooperation and help from Soviet Union for infrastructural development in India. The roadmap to development was chalked out on a socialistic pattern of economy. This pattern of development continued till Indira Gandhi era. In the 1980’s the leadership of the country showed some interest towards United States capitalistic economy. Many big scandals came into light. As a result, to inquire into the matter lot of commissions were constituted. But due to lack of strict legislation and procedural delay in enquiry nothing concrete was achieved. The pathetic attitude of political leadership was also responsible for not cracking hard on corrupt politicians and bureaucrats. The investigating agencies were used to take on political opponents. In this power game, real offenders of corruption found their way to escape. It inspired others to take a chance for wealth.

First major scandal of corruption that rocked Indian politics was known as Bofors Scandal. On 24th March, 1986, a $285 million contract between the Government of India and Swedish Arms Company Bofors for purchase of 410 Howitzer field guns. Later on Swedish Radio alleged that Bofors has paid kickbacks to top Indian politicians and key defense officials to win the contract. This sensational news created a political turmoil in India. An unprecedented political drama started in India with direct allegations of bribe against Prime Minister Rajiv Gandhi through Italian businessman Ottavio Quattochhi. Defense Minister V.P. Singh resigned on the issue from Rajiv Government.

2. Objectives

The present study has been carried out with the following objectives:-
(a) To study the growing pace of corruption in India
(b) To study the voices against growing corruption in public life
(c) To study about the measures taken by the government to curb corruption
(d) To suggest honest actions to be taken by the government to curb corruption strictly
(e) To focus on the present scenario of working in government and non-government sectors.

3. Scope of the Study

The present study will discuss the political situation of India after independence and road to development. The study will be focused later on to the rise of corruption in public life due various factors. The present study will also discuss the way outs to curb the menace of corruption in public life as well as in the Indian society.
4. Major Anti-Corruption Movements in India

As the graph of corruption increased in public life in India, it was opposed from various individuals and non-governmental organizations. The 2011 Indian anti-corruption movement was a series of demonstrations and protests across India intended to establish strong legislation and enforcement against perceived political corruption. The movement was named among the "Top 10 News Stories of 2011" by Time magazine.

The movement gained momentum from 5 April 2011, when anti-corruption activist Anna Hazare began a hunger strike at the Jantar Mantar in New Delhi. The chief legislative aim of the movement was to alleviate corruption in the government through introduction of the Jan Lokpal Bill. Another aim, spearheaded by Ramdev, was the repatriation of black money from Swiss and other foreign banks. Grievances of mass protesters focused on legal and political issues, including political corruption and other forms of corruption. The movement was primarily one of non-violent civil resistance, featuring demonstrations, marches, acts of civil disobedience, hunger strikes, marches and rallies, as well as the use of social media to organize, communicate, and raise awareness. The protests were non-political and most protesters were hostile to attempts made by political parties to use them to strengthen their own political agendas.

5. Measures Taken by the Government to Curb Corruption

Legislations:

- The Prevention of Corruption Act 1988 (Amended in 2008) is a specialized law aimed at curbing corruption in India. It criminalizes corruption in the form of attempted corruption, active and passive bribery, extortion, abuse of office and money laundering. Public servant involvement in private sector activities is also restricted by law. According to a May 2012 Economic Times article, the government considers placing income tax offences under the Prevention of Money Laundering Act, making way for easier prosecution and more severe punishment and placing the responsibility on the accused to prove they are not guilty.

- The Right to Information Act, 2005 has played a central role in the fight against corruption in India. The RTI Act stipulates that citizens have the right to access government documents within 30 days from the filing of the request. Thereby, a mechanism of control of public spending has been granted to ordinary citizens. Read more about the RTI Act and different views about its implementation in the Transparency Reviews regularly published by the Centre for Media Studies. India has signed and ratified the UN Convention against Corruption.

- Government Strategies: In September 2010, the Central Vigilance Commission (CVC) unveiled the long-awaited long-term governmental anti-corruption initiative, the Draft National Anti-Corruption Strategy. However, according to the written report from a steering group meeting of ADB/OECD Anti-Corruption Initiative for Asia and the Pacific, the implementation of National Anti-Corruption Strategy has been weak. Independence of civil servants is sought by various initiatives, such as the rotation of senior officials in sensitive positions every two to three years and the prohibition for civil servants to accept gifts/lavish hospitality by companies with which they have official dealings unless the government has given its approval.
• **Anti-Corruption Agencies**: India has a number of institutions at the federal and state levels with the authority to deal with allegations of corruption. Each state is responsible for setting up local anti-corruption agencies with powers to investigate cases of corruption involving state officials. Links to the local anti-corruption bureaus can be found at state government websites. The most important federal anti-corruption institutions are discussed below.

• **Office of the Ombudsman**: The Lokpal and Lokayuktas Act will, among other things, allow the creation of a corruption ombudsman with the power to prosecute all civil servants and politicians, according to a January 2014 *ABC News* article. According to Global Integrity 2011, the Central Vigilance Commission (CVC, see below) is the ombudsman body for the central government.

• **Central Vigilance Commission** (CVC): The CVC is an independent watchdog agency with a mandate to undertake inquiries or investigations of transactions involving certain categories of public servants and has supervisory powers over the Central Bureau of Investigation (see below). The CVC does not have direct powers to investigate. The CVC Act 2003 gives the CVC powers to inquire into alleged offences committed by officials under the Prevention of Corruption Act 1988. The CVC is mandated to deal strictly with public sector corruption at the federal level, as opposed to state level. The CVC has a whistleblower/complaint mechanism on its website; however, it requires citizens to first register before they can lodge a complaint. The independence of the CVC has been questioned; for example, Global Integrity 2011 reports that the process of appointment to the agency does not always support its independence, since merit is not necessarily a criterion to obtain senior positions. A February 2014 article in *Economic Times* reports that out of the 36,101 reports of corruption in 2013, approximately 1,300 of them were sent for investigation or factual report. However, the government does not always act on the CVC's findings. An April 2011 news article by *BBC News* points out that between 2005 and 2009, only 6% of cases in which the CVC found that corruption had been authorized were prosecuted by the government.

• **Central Bureau of Investigation** (CBI): The CBI functions under the Ministry of Personnel, Pension & Public Grievances. The CBI consists of three divisions: the Anti-Corruption Division, the Special Crimes Division, and the Economic Offences Division. These units have the power to investigate cases of alleged corruption in all branches of the central government, ministries, public sector entities and Union Territories. The CBI does not have the power to investigate cases in the states without the permission of the respective state governments. However, the Supreme and High Courts can instruct the CBI to conduct investigations. The CBI has a whistleblower/complaint mechanism on its website, where corruption can be reported. The Human Rights Report 2013 notes that the CBI registered 583 cases of corruption in 2012. However, CBI's independency has been questioned, and according to Commonwealth Human Rights Initiative 2011, the CBI's record is not very impressive, especially in cases related to ruling party politicians or powerful individuals who can influence the ruling party's fortunes. The report further notes that there is some evidence to support allegations that the CBI has become a tool in the hands of the ruling party to harass and intimidate political opponents and to favor supporters of the ruling party. In addition, the CBI is not free from corruption scandals itself.

• **Office of the Comptroller & Auditor General** (CAG): The CAG of India is the supreme audit authority in the country. The office of CAG is located in New Delhi, but Accountant Generals (AGs) offices can be found in all state headquarters (AGs are independent of state
governments and are accountable only to the CAG). Public expenses management reportedly suffers from poor monitoring, poor targeting, and corrupt practices. According to the UNODC 2013 report, the Public Procurement Bill 2012 gives CAG power to audit the accounts of public-private partnership (PPP) projects, which is seen as the government's effort to improve compliance between the UNCAC (United Nations Convention against Corruption) and domestic laws in India. According to Global Integrity 2011, the CAG does not have power to initiate investigations; however, there have been discussions about amending the CAG Act of 1971 to give more power of enforcement to the CAG. Furthermore, the appointments to this agency do not always support its independence from the executive branch. There have been allegations of corruption and conflicts of interest against CAG's audit staff, according to Global Integrity 2011. On the positive side, CAG's office publishes audit reports regularly on its website, with free public access.

- **Supreme Court**: The Transformation Index reports that the Supreme Court enjoys a high degree of recognition in India. The Transformation Index 2012 notes that judges have displayed unprecedented activism in response to public interest litigation over official corruption, environmental issues and other matters. This expanded role has received considerable public support. The Supreme Court has been taking corruption seriously in recent years, both in general and political domains.

- **Central Information Commission (CIC)**: The CIC delivers decisions instructing the government, courts, universities, police, development NGOs and ministries on how to share information of public interest. State information commissions have also been opened, thus giving practical shape to the Right to Information Act 2005 (RTI Act), though they have not been immune from criticism. According to the Human Rights Report 2013, there are concerns that public authorities remain unable to adequately implement the RTI Act.

- **E-Governance**: A wide range of public services have been digitised, considerably increasing the speed of government services and removing some of the direct contact points with public officials. The National Portal of India lists all these services and thus serves as an ideal entry point for companies wishing to do business in India. The United Nations' E-Government Survey 2012 states that e-government development in India is at the formative stage due to India's large size and population. The same report also praises the development of India Development Gateway, which seeks to share knowledge with rural communities. The customs service is increasingly integrated into the e-governance project of the Government of India. Under the e-governance project, many of the possibilities for extraction of bribes related to trade across borders have been removed. See the homepage of the Central Board of Excise and Customs for more information on e-payment, which also contains information on how to complain about corrupt officials. Access e-governance in India.

- **Public Procurement**: Note that the Public Procurement Bill 2012 is yet to pass through India's Parliament. According to the US Commercial Service 2013, there is no central procurement law in India, despite the procurement sector forming a total of around 15 to 20 percent of the economy. A large variety of laws and regulations are implemented by several agencies, and there is often a lack of transparency and standardization in government procurement practices and procedures. Nevertheless, several measures have been taken to make the Indian procurement system more transparent and efficient, such as the newly revised defense. However, companies should be aware that states have their own specific procurement laws and regulations and that bias in government procurements still exists, such
as when local suppliers receive a price preference over foreign suppliers. In addition, the government in October 2011 announced the National Manufacturing Policy, which encourages government procurement practices that would discriminate against foreign companies, according to the US Commercial Service 2013. Information on tenders is available online through the Indian Government Tenders Information System, the main source for government and public sector procurement. All major public authorities are also required to publish on their website a monthly update of all their contracts/purchases above a certain value threshold. Some states, such as Andhra Pradesh, have their own online tender information system. Each state has its own financial rules based on the broad principles of the General Financial Rules, which govern procurement by all government agencies of the central government. The absence of a central law or state act in public procurement means that each ministry, department, agency, local body and state enterprise is free to devise its own rules for public procurement and contracting as long as they follow the basic rules of the open tender system. Companies should report corruption or any kind of misuse of office by any employee of the central government to the Central Vigilance Commission. Complaints of corruption by state officials should be directed to the respective anti-corruption bureaus at the state level, which can be found by visiting the homepages of state governments.

- Whistle blowing: Following massive protests from the public and international organizations, the courts made it clear that the Central Vigilance Commission (CVC) is authorized to protect whistleblowers and to act on their complaints. The CVC can now take action against anyone who leaks names of whistleblowers, and witnesses and can request police assistance to investigate complaints. See the CVC's brief introduction to the Public Interest Disclosures and Protection of Informer Resolution (PIDR) whistleblower legislation. See also the Central Bureau of Investigation's online whistleblower/complaints mechanism, which guarantees the protection of whistleblowers when they report corruption. The Right to Information Act 2005 has reportedly improved bureaucratic transparency by giving citizens better access to records. Nevertheless, according to an October 2011 article by Bloomberg, at least 12 whistleblowers were killed since January 2010, while at least 40 people were assaulted after seeking information under the law. This signals serious institutional flaws within the whistleblower protection system. In August 2010, the Public Interest Disclosure and Protection to Persons Making the Disclosure Bill (commonly known as the Whistleblowers' Bill) was introduced in the Parliament, enabling the CVC to provide harsh penalties to persons revealing the identity of whistleblowers. The Bill was passed by the Lower House of Parliament in December 2011 but has yet to be passed by the Upper House, according to a May 2012 article by the Hindu. At the time of writing (May 2014), the Whistleblowers' Bill has not yet passed into law.

6. Suggestions to check corrupt practices in Indian context
   (a) A strict law against corruption is the need of the hour with no loopholes.
   (b) A massive awareness campaign through Central and State Public Relations Departments.
   (c) The trial in corruption cases must be time bound so that others take a lesson.
   (d) The politicians and bureaucrats who face corruption charges their powers must be withdrawn immediately.
   (e) The system of taking prior sanction to prosecute a person who is facing corruption charges must be done away.
(f) The trail of corruption cases where huge public money has been embezzled should be on daily basis.

(g) There should be special designated courts to deal with corruption cases where politicians and public servants are involved in misusing public funds.

(h) Where a person is authorized to spend lots of funds for public purpose he should be paid a handsome salary so that he works honestly.

(i) Those persons should be rewarded who are working honestly in discharge of their duties.

(j) A fair system should be developed to watch out that officials who enquire into the matters of corruption are not involved in corruption and work sincerely.

7. Conclusion

As we have seen, the roots of corruption are very deep in the system. India has faced corruption in government and non-government sectors at a large scale. Increasing corruption in public life has been resisted by different voices right from its negative impact in public life. In last year, graft watchdog Transparency International has placed India at 94th rank among 175 countries of the world in its annual report 2013. India has showed some improvement in curbing corruption at various level in the current year. This is something positive for us. But we have to march on a long journey to address corruption if we really want to curb it from public life. For this we should have to make a roadmap without worrying about our near and dear.

References