



## A Glimpse of Corruption

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**Abstract:** *Assessment and collection of Taxes, sanctioning contracts, passing Bills, a pre-determined percentage is paid to the officials in certain department like Public Works, municipalities from top to the bottom. As a result of bribing the Officials, inferior quality of goods are supplied. Corruption is rampant in the Public Service Departments like Police, Stamps and Registration. Income Tax, Customs & Central Excise, Road Transport Authority. In the Railways, money is paid for allotment of wagons, booking parcels of perishable goods, for passing damage, claims etc., In Government Offices, even after the permission has been granted for a project, he demands 1 to 2% of the transaction to type the order and for a separate amount to the dispatch clerk, otherwise he will stop at the dispatch which is the end process.*

**Key words:** *Corruption, sanctioning contracts, passing Bills*

### Introduction

The evil of Corruption has embraced and is embracing in all walks of life, particularly in Government Offices by Civil Servants. India is a Secular Socialist State each preaching their own religion and God Dishonesty and least botheration of corruption Laws is the order of the day. Corruption is a customary practice and has its historical origin. During preceding the commencement of 2<sup>nd</sup> World War in the year 1939, the system of paying small amounts of Rs. 2-00 to the lower category of Officials had developed. At the end of the day the total amount will be shared with a common understanding among the lower officials in a particular office in an agreed proportion. Even though petty corruption is prevailed, there is no harassment from the Bureaucracy. After the 2<sup>nd</sup> World War, due to shortage of essential commodities corruption started<sup>1</sup>.

**Glimpse of Corruption:** The scope of corruption is greater where substantial decisions are taken example. Assessment

and collection of Taxes, sanctioning contracts, passing Bills, a pre-determined percentage is paid to the officials in certain department like Public Works, municipalities from top to the bottom. As a result of bribing the Officials, inferior quality of goods are supplied. Corruption is rampant in the Public Service Departments like Police, Stamps and Registration. Income Tax, Customs & Central Excise, Road Transport Authority. In the Railways, money is paid for allotment of wagons, booking parcels of perishable goods, for passing damage, claims etc., In Government Offices, even after the permission has been granted for a project, he demands 1 to 2% of the transaction to type the order and for a separate amount to the dispatch clerk, otherwise he will stop at the dispatch which is the end process. At the lower level even a peon want a tip of Rs.10/- to 20/- to inform the officials of a visitor wishing to see him<sup>2</sup>.

In India, Kautilya has given a reference in his famous treatise namely Arthashastra to various embezzlement by Government ervants out of the State



Revenue. In his treatise he mentioned 40 types of embezzlement and corrupt practices adopted by Government servants<sup>3</sup>.

At present, India is viewed as the 7<sup>th</sup> most corrupt country in the World, according to a non-Government German Organisation called transparency International<sup>4</sup> (The Hindustan Times, May 5, 1996). With the increase of States Resources and distribution of Wealth and population growth, the scope of corruption has increased leading to the human greediness and in order to control their greediness and disproportionate Assets, laws like

- 1) The Prevention of Corruption Act, 1988
- 2) The Indian Penal Code 1860
- 3) The whistle Blower Protection Act, 2011
- 4) The prevention of Money Laundering Act, 2002
- 5) The Right to Information Act, 2005
- 6) The Benami Transactions (Prohibition) Act, 1988 are in force

Besides the above, there is Anti-Corruption Bureau for State Government employees and Central Bureau of Investigation for employees working in Central Government and public sector undertaking in order to book the corruption cases. The overall examination of the functioning of our political, executive and

Judicial wings is necessary. The social structure plays a vital role to enhance or eradication of corruption.

As stated above, our each organizational function is explained briefly.

1) **Social Structure:** Most of our Citizens are educated and lack in probity. They are encouraging the Public Servants with various types of Mal-Practices such as for reduction of Income Tax, House Tax, etc., and to help the growth of White Collar Crimes. Speed Money is a source of getting the works done in a speedy manner in most of our Official transactions. The honest Tax payers are paying Tax. The dishonest are bribing the Public Servants and the Tax is reduced.

2) **Political elite:** Most of our Political Leaders are corrupted. As a result of which they could not able to curb corruption in various Government Offices. In the olden days, the National leaders are honest and fought for the Nation. Now, the situation is entirely different.

3) **Legislative:** The Parliament or the respective State legislatures are not making efficient and effective laws to curb the menace of corruption except this problem, the others are discussed in the Legislature.

4) **Bureaucracy:** The top Bureaucracy is not bothered on the burning problem of corruption. They could not able to control the dishonest and corrupt Public Servants working under them despite of strict Departmental Rules.

5) **Judiciary:** our judicial system is very cumbersome. The convicted person in some cases can be acquitted. The judiciary could not give judgment with a minimum 2-3 years. It is dragged on min to 20 years in appeals.

6) **Anti corruption laws:** the laws are very lenient. There is no provision for permanent dismissal. The utility of



the laws can be assessed only when they have an effect on elimination of corruption. Since there is an enormous increase on the corruption, the importance of Laws is not practically not there. The laws are only in theory but, it has no practical value. Moreover, the corrupt Civil Servants are not afraid of Anti Corruption Laws as they knew that time is a growing factor to Justify their sin.

7) **Re-employment of retired persons:** in some government offices like judiciary, the State services, the retired officials are employed by which they can influence in the day-to-day working process. Weak Anti Corruption Agencies: The Anti-Corruption Agencies like ACB and CBI are very weak. They have no independent entity even to prosecute Senior I.A.S Officer. They have to obey the orders of political rulers. In such a situation, it is not expected fairness from these agencies.

8) **Press and media:** Each paper is controlled by a political affiliation. The press could not express their opinion freely and frankly as in the past 40 decades.

**Conclusion:** Out of 8 Agencies mentioned supra, if even 5 are effective corruption can be eliminated. So long as they are in theory, but are not of practical value, it is impossible for anyone to expect to throw out the devil of corruption.

Public Interest Litigation, Judiciary enforcing the Rule of Law 'Vineet Narain Case' (5) If there is any inaction or delay on the part of the concerned departments or police agencies, then it has to be solved by way of public interest litigation in the High Courts or the Supreme Court. The scope of such

Public Interest Litigation has been laid down by the Supreme Court of India in a series of cases entitled<sup>5</sup> (6) Vineet Narain vs. Union of India 1998(1) SCC 26, the Court observed "the holders of public offices are entrusted with certain powers to be exercised in public interest alone and therefore, the office is held by trust for the people. Any deviation from the path of rectitude by any of them amounts to breach of trust and must be severely dealt with instead of being pushed under the carpet. If the conduct amounts to an offence, it must be promptly investigated and the offender against whom a prima facie case is made out should be prosecuted expeditiously so that the majesty of law is upheld and the rule of law vindicated.<sup>6</sup> It is the duty of the judiciary to enforce the rule of law and, therefore, to guard against erosion of the "Rule of Law"<sup>7</sup>.

#### References

<sup>1</sup> Sri C.P. Srivastava, Corruption, India's enemy within Page:19 Macmillan India Ltd, New Delhi, 2001

<sup>2</sup> Ram Ahuja, Social problems in India, page 453, Rawat publications ,NEW DELHI, 1997

<sup>3</sup> ibid page 450

<sup>4</sup> ibid page 451

5. Law Commission of India 179<sup>th</sup> report page 27, The Public Interest Disclosure & Protection of informers, December 2001.

6. Ibid page 28

7 Ibid page 29