

TACKLING THE MENACE OF CORRUPTION: NEED FOR A BROAD FRAMEWORK

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Abstract

Corruption in India is a pervasive and complex issue that has plagued the country for decades. Despite efforts by successive governments to tackle the problem, corruption continues to be a significant challenge to India's development and progress. This abstract will provide an overview of the problem of corruption in India, including its causes, consequences, and potential solutions. It will examine the role of institutions such as the judiciary, police, and bureaucracy in perpetuating corruption and the impact of corruption on the economy, politics, and society. The abstract will also highlight some of the key initiatives that have been taken to combat corruption in India, including anti-corruption laws, whistleblower protection, and digitization of government services. Finally, the abstract will discuss the challenges that remain in the fight against corruption in India and the need for sustained efforts to address this critical issue.

Keywords : Corruption, Bribe, India, Laws, Menace

1. INTRODUCTION

From the beginning of time, corruption has been endemic to human culture. However, in the present day, corruption is commonly linked to positions of authority. Corruption, in the eyes of the average citizen, is the practise of offering or accepting monetary or other benefits in exchange for services that are performed dishonestly or by exceeding one's legal authority. For services rendered in the course of performing one's regular administrative or other lawful duties, it is a form of reward promised or taken, or gratification expected. To "offer, give, solicit, or accept an inducement or reward which may influence the action of any person" or "to use office for private profit" are all possible interpretations. This manifests itself in a variety of ways, from paying more for a train ticket to the ticket collector to securing a contract for the construction of a building. Subtle shifts in party membership or the distribution of election tickets are two examples of how this can manifest itself in politics. A public servant is considered corrupt if he or she "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." Corruption, as defined by the World Bank, is "the misuse of public power for private gain." Bribery, according to the Council of Europe's Multidisciplinary Group of Ministers, defines corruption because it results from a combination of unchecked monopoly of power and unrestrained discretion in decision-making without any form of oversight or responsibility. Corruption can be attributed to a variety of factors, the most prominent of which are greed, opportunities, and temptations like party funds, patronage money, fear of losing office, the need for additional funds to maintain standards, and so on. A clash of values is inevitable in a flourishing economy brought on by rapid industrialization and the development of an acquisitive society.

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1.1. Research Objectives

The study aims to explore and analyse the state of Corruption in India and specifically explores the means and measures to curb this menace.

1.2. Methodology

The main literature that were used as mainly secondary source of data are; Books, Articles, Journals, unpublished dissertations, newspaper and internet sources were examined in order to arrive of conclusion in an objective way.

2. DISCUSSION AND RESULTS

Corruption flourishes as the age-old value of evaluating people for who they are rather than what they have crumbles. The rising cost of living, the large gap between real wages and the opportunities to make quick money, and the lack of effective regulation all contribute to an environment that is conducive to corruption among public servants and businessmen. Moreover, in Indian culture, wealth accumulation is celebrated as a sign of success. The evil social practises of dowry and the pressure to pay for education are additional factors. The Central government's Santhanam Committee found that corruption stems in part from sloppy procedures. There is a lack of transparency, as well as goods and services that are scarce, as well as a surplus of bureaucracy and administrative delays. So, on the one hand, we have businessmen who are willing to pay "speed money," and on the other, we have public servants who are willing to use their discretion on occasion for nefarious ends.

The Prevention of Corruption Act, 1988 was passed into law in India to bring the country's anti-corruption laws under one umbrella. When it comes to combating corruption, the government has set up a number of different institutions. It wasn't until 1965 that the Ministry of Home Affairs established its Administrative Vigilance Division. In 1946, the government of India passed the Delhi Police Establishment Act. The Central Bureau of Investigation now incorporates the former Special Police Establishment. The government's new central watchdog agency is called the Central Vigilance Commission. In the US, equivalent organisations already exist. The goal was to instill public confidence by having an objective third party investigate allegations against government officials. In 1964, a commission dedicated to ensuring administrative integrity and public trustworthiness was established, and since then, it has served as the country's highest authority on such matters. The Central Vigilance Commission Act, which established the organisation, entered into force on September 11, 2003. An Act to provide for the constitution of a Central Vigilance Commission to inquire, or cause inquiries to be conducted, into offences allegedly committed under the Prevention of Corruption Act, 1988, by specified categories of public servants of the Central Government, corporations established by or under any Central Act, Government companies, societies, and local authorities owned or controlled by the Central Government, and for matters connected therewith or incidental thereto. A Central Vigilance Commissioner and two additional Commissioners make up the Commission. If the Commission receives a complaint alleging corruption, gross negligence, misconduct, recklessness, a lack of integrity, or any other kind of mal-practice or misdemeanour on the part of a public servant, it may conduct an investigation into the matter and issue a report. In every case like this, the Commission provides sound counsel to the relevant disciplinary authorities. Also, it oversees the Central

Government's administration of vigilance over its various ministries and corporations. Legal presumption is applied to proceedings before the Commission. Two Chief Technical Examiners are on staff at the Central Vigilance Commission to provide guidance on technical and contractual matters. All contracts and works falling under the purview of the Chief Technical Examiners are subject to a thorough review. Numerous defects in the awarding of contracts, defective contract conditions and clauses, overpayment to the contractor, execution and acceptance of sub-standard work, infructuous and avoidable expenditures, etc. are uncovered during such audits. These are reported to the Chief Vigilance Officers so they can take the necessary corrective measures. Chief Technical Examiners' duties extend beyond simply looking for instances of wrongdoing. They may also recommend corrective actions to be taken to prevent future instances of malpractice or corruption by strengthening organisational systems and closing any gaps in policy or practise that were found. When major inconsistencies or laxness are detected, the Chief Vigilance Officer is notified and asked to conduct a thorough investigation.

Causes of Corruption in India

There are various factors that contribute to the problem of corruption in India. Some of the key causes of corruption in India are:

3. **Lack of transparency:** Lack of transparency in government policies and decision-making processes creates opportunities for corruption. When there is no transparency, it becomes easy for corrupt officials to manipulate the system and take advantage of their positions.
4. **Weak institutional frameworks:** India's institutional frameworks, such as the judiciary, police, and bureaucracy, are often weak and prone to corruption. These institutions lack the resources and the political will to enforce anti-corruption measures effectively.
5. **Poverty and inequality:** Poverty and inequality are major contributors to corruption in India. When people are struggling to make ends meet, they are more vulnerable to corruption, and often resort to bribing officials to get their work done.
6. **Political interference:** Political interference in administrative and judicial processes is another major cause of corruption in India. Politicians often use their power to influence decisions and actions of government officials, creating opportunities for corruption.
7. **Culture of impunity:** There is a pervasive culture of impunity in India, which allows corrupt officials to get away with their actions without fear of punishment. This encourages more corruption and undermines the rule of law.
8. **Lack of accountability:** Lack of accountability for government officials and politicians is another contributing factor to corruption in India. Officials and politicians are rarely held accountable for their actions, which leads to a sense of impunity and encourages corruption.
9. Overall, corruption in India is a complex problem that is caused by a combination of political, economic, social, and cultural factors. To effectively address corruption, it is essential to identify and address the root causes of the problem. This requires a sustained effort to strengthen institutions, promote transparency, and create a culture of accountability.

Role of Investigation and prosecution

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Customs, excise, taxes, foreign exchange, narcotics, drugs, banking, insurance, trade, export, and import are all subject to a variety of specialised laws. Concealment of ill-gotten gains is a feature of some current laws. Information on the quantity, value, and nature of goods seized by Customs officers is compiled annually by the Directorate of Revenue Intelligence. In 2001 alone, authorities made 38,998 seizures totaling about 10,197,000,000 rupees. Gold, silver, electronic goods, narcotic drugs, machines, fabrics/yarns/silks, and other items were among the goods seized by customs. Equally, 295 searches and raids were conducted by the Enforcement Directorate in 2001, with currency confiscated and fines levied in response to cases registered under the Foreign Exchange Regulation Act. In addition, the Central Board of Direct Taxes carried out 5,321 searches in 2001, from which it was able to recoup roughly 5,123 million rupees. Offenses against the Export and Import Act have also been documented by the Directorate General of Foreign Trade. Under the Prevention of Corruption Act, the Central Bureau of Investigation and the State Vigilance Bureaus of various state governments file cases and make arrests. Between 2001 and now, 3,223 people have been arrested under this Act, with 2,990 cases registered by State Vigilance Bureaus and 858 by the CBI. Corruption hinders economic growth, destroys jobs, and dampens hopes for eradicating poverty. The price of doing useful things is increased by petty corruption. Poor people bear a disproportionate share of the cost. Petty corruption in public health or police services can have disastrous results for the poor and the powerless. Poverty people are also impacted by corruption in a variety of other ways. As a result, money that could be used to improve the lives of the poor is instead spent on less important things. Defense contracts, for example, are a prime example of how this trend can lead to an increase in public spending on capital-intensive investments. Since kickbacks are more lucrative on equipment purchases, this reduces the quality of infrastructure. Public services are also weakened by corruption. When corrupt officials send money abroad, it has a devastating effect on a country's economy.

The allocation of funds becomes skewed, international assistance is cut, and productive capacity is further eroded. Voters often look the other way at corruption when they have more pressing concerns, such as the cost of food, the availability of clean water, or the availability of jobs. According to this voter, there is no meaningful difference between the parties other than which ones have been exposed for their corruption and which ones have not. Second, delays in many public offices are the result of a complex system and unnecessary red tape, which leads the average person to believe that paying a bribe is the simplest and quickest solution. Voters are less concerned with corruption at the top levels of government than they are with the corruption at the front lines, where it is more visible and has a greater impact on their daily lives. According to its author, "The Citizens Guide to Fighting Corruption" "contains the distilled essence of the strategies evolved so far to fight corruption and the principles that can be adopted (by) every patriotic citizen of India who wants to fight corruption." — Central Vigilance Commissioner. No one person or organisation, not even the Central Vigilance Commission, the Central Bureau of Investigation, or the Government Anti-Corruption Bureaus, can win the fight against corruption. This fight must take place on all social levels. Since corruption is anti-poor and hinders the development of an equitable and just society, it is crucial that the general public, and not just government institutions, be made aware of the dangers it poses to India's development. "Incentive for corrupt behaviour arises when public officials have wide discretion and little accountability," states a 1997 World Bank report. The state will deliver more effectively to all its citizens, but to poor people in particular, if public

administrations implement policies efficiently and are accountable and responsive to users, if corruption and harassment are curbed, and if the power of the state is used to redistribute resources for actions benefiting poor people, as stated in the World Development Report on Poverty 2000-2001. Corruption can be mitigated through the streamlining of bureaucratic processes, simplification of tax systems, elimination of excessive regulations, privatisation of state-owned enterprises, and motivation of public servants.

Distributing data on government spending and revenue is also crucial, as it allows citizens to hold officials to account and thus decreases wasteful spending and corrupt practises. And with the help of the community and some vigilance, we can keep it under control. Governance that is accountable to its citizens is effective. Transparency in procedures makes this a reality. As a result, increased access to information, rules, and regulations is necessary to achieve greater transparency in public life. Freedom of information and citizen access to information are prerequisites for government transparency. 'Right to Information Acts' have recently been adopted by a number of states, allowing any interested party to submit an application to the appropriate authority requesting access to specific records. If the competent authority does not provide the information within the allotted time, it must explain its reasoning. The Delhi Government, as one example, has passed the Delhi Right to Information Act, 2001. To a limited extent, it guarantees the right to data protection. Applicants can submit a request for data to the appropriate official in the relevant government agency, along with payment, and receive it within 30 days. If the details are unavailable, a rejection letter detailing the reasons why must be sent. Faster processing of information not only reduces the scope of corruption but also improves the quality of service to the citizens, thanks to the development and use of information technology in daily life and even in governmental operations. The CVC has recommended that the full bid documents along with application forms be posted on the organization's website in addition to publicity of tenders in newspapers, trade journals, and providing tender documents manually or through the mail, etc. The processing of papers for the transfer of property in the state of Andhra Pradesh's registration department has been reduced from a couple of weeks to about half an hour thanks to the use of information technology. When government workers and citizens talk more to one another, corruption goes down. As an example of how a public feedback mechanism can hold government agencies accountable to their constituents, consider Bangalore's "report card," which compiles citizen feedback on the city's public services. The fact that there are those in authority who profit from the current system is a major contributor to corruption. Out of India's population of over a billion, it's unlikely that more than 50 million will benefit. Those in positions of power often find themselves in the unenviable position of having to be the ones to initiate reforms designed to reduce corruption. People need to take responsibility in this area. Public interest litigation allows citizens to petition the court system in an effort to influence policy changes or preventive measures against corruption by the government.

The Central Vigilance Commission and the Lok Ayuktas are two examples of government bodies that citizens can contact. Public opinion can be influenced by using the internet and print media. Non-governmental organisations (NGOs) can help combat corruption at the case level and push for systemic change. If a member of the public discovers a public official spending excessively, they are encouraged to file a complaint. Many municipalities in Maharashtra have formed vigilance cells by uniting concerned citizens under a common goal of adhering to legal requirements and bringing up the issue

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with the appropriate authorities. About 45 government agencies in India have also published citizens' charters outlining the services they intend to offer to the general public. Non-governmental organisations (NGOs) are encouraged to, among other things, document and rank the corruption perception index of government organisations by consulting the 'Guide'. The Corruption Perception Index is the result of a methodology adopted by Transparency International (CPI). Publishing the CPI has many benefits. To start, they give us a solid footing to discuss the issue of corruption from a knowledgeable perspective. Second, they promote integrity by outing and publicly shaming corrupt law enforcement officials. And in fact, in some states, this has already begun. To create a social climate where corruption is socially unacceptable, it is essential that children are mobilised in the classroom to learn about ethics. Through their students, schools can reach not only the children and their families but also the wider community. Mobilizing the public against corruption through the media is one strategy that can be implemented. Mumbai-based NGO Praja has created a novel online complaint registration system to facilitate the resolution of citizen complaints. The relevant authority and Praja are copied on the complaint. As a result of these complaints, Praja and the local authorities have begun meeting regularly to discuss the matter. India ranks #72 out of 91 countries on Transparency International's annual Corruption Perception Index, which ranks countries from least corrupt to most corrupt.

The organisation is based in Berlin. From this vantage point, the war against corruption is an ongoing effort. A 1.3% increase in GDP growth and a 2.9% increase in investment are predicted if "the corruption level in India decreases by 15%." Although corruption has become pervasive, it is still possible to break free. There needs to be firm political will and dedication to a well-defined anti-corruption agenda. There needs to be a wide range of interventions aimed at decreasing corruption. In order to foster more openness in government, it will be necessary to make adjustments to the legal framework, such as updating the Indian Official Secrets Act. In order to ensure that corrupt public servants face real punishment, the Corrupt Public Servants (Forfeiture of Property Act), 1999 was passed into law. Codes of conduct based on the International Code of Conduct for Public Officials can also be considered, as can the appointment of independent ombudsmen by major public utilities for the redress of grievances. Good practises need to be adopted and encouraged in our fight against corruption. Some examples of such steps include the development of transparency in the adoption of discretionary practises, tendering, and procurement, the strengthening of accounting standards and practises, and the establishment of accountability in administration and the promotion of responsibility at lower levels through decentralisation, deregulation, and the elimination of unnecessary controls. Last but not least, it is essential for families, schools, and communities to work together to instill in their children morally sound principles that promote integrity in thought, word, and deed. The UN's efforts in this field are highly commendable. The International Code of Conduct for Public Officials was adopted by the General Assembly and is now being recommended to Member States as a tool to guide their efforts against corruption in resolution 51/59. The Assembly has adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions in its resolution 51/191. In 1997, the OECD adopted the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and the Lima Declaration against Corruption was adopted at the Eighth International Anti-Corruption Conference. In order to combat corruption effectively, these tools provide a comprehensive framework within

which to develop strategies that take into account local circumstances. The need to combat corruption is paramount if we want our countries to develop economies in which all citizens can exercise their rights and enjoy a high standard of living. Both the government and the people must work together to meet this demand.

3. CONCLUSION

Indian democracy and the rule of law are on shaky ground due to corruption, which is also a major threat to the concept of constitutional governance in the country. Corruption on this scale runs counter to the ideals of a socialist, secular democratic republic. Corruption is the undisputed endpoint of all rights. Corruption undermines the values of justice, liberty, equality, and fraternity enshrined in the preamble to our constitution, lowering the value of human rights and stifling development. Therefore, the canker of venality must be fought on all fronts and at all levels if it is to be checked and eradicated lest it destabilise and weaken the diverse foundation of democracy, erode the rule of law through moral decay, and render the entire administration ineffective and dysfunctional. Without concrete, actionable steps to eliminate corruption, all the apocalyptic sermons in the world naming its evils and shouting its watchwords will amount to nothing.

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