

# **CURBING POLITICAL CORRUPTION IN INDIA**

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## **INTRODUCTION**

Political corruption is an unsolved issue since ancient times in India. It can be observed in various governmental offices and many other areas of day to day survival. It is a question whether the people themselves promotes such kind of unethical activity and the answer is affirmative because the rich section of the society would always prefer to the work getting solved faster and to get desired result as officials holding the particular department aims to make money instead of earning a good reputation which will further lead to overall good governance that will ultimately result into country's overall progress. People belonging to the middle section and the poor section of the society are the main victims of the political corruption as they can't afford the expenses to get their work done by paying illegal and additional amounts.

Political corruption is the use of powers by government officials or their network contacts for illegitimate private gain. Forms of corruption vary, but include bribery, extortion, cronyism, nepotism, parochialism, patronage, influence peddling, graft, and embezzlement. Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth. India is also facing the problem called nepotism where the heirs of the prominent politicians can join the politics even if they are lacking education and knowledge. If this is the situation how can one hope for the revolution in the political standards. Poor section of the Indian population becomes the main victim of the political corruption unlike the richer class they can't afford the degree of bribes and if not then they cannot expect the reasonable results, many a times even from the lower courts of justice. The poor is the ultimate victim. This happens in the many departments of government in India.

As per the Transparency International reports on corruption perception index, India ranks 78th out of 180 countries in the list of corruption free countries. As we are very well aware of the unethical approach of the political leaders since earlier times some personalities attempted to take preventive measures in curbing political corruption. After the independence in the year 1947, Mr Lakshmi Mall Singhvi, A member of parliament, BJP leader in Lok Sabha, proposed the bill called Lokpal and Lokayukt Act in 1963. Since then the bill came for proposal of 8 times in the parliament till 2011 but nobody showed any interest in upbringing the bill. Even in 2005 under the 2nd administrative committee, Verrappa Moily was the chairperson also strongly stated in his reports that the need of Lokpal and Lokayukt is definite but it still remained undecided and finally Anna Hazare protested with 'Annshan' (hunger strike) in 2011 and the bill was passed in both the houses i.e., Lok Sabha and Rajyasabha in the Parliament after prolonged debates. In the year 2013 the act called Lokpal and Lokayukt Act, 2013 came into existence which is applicable all over India including the state of Jammu and Kashmir.

The Lokpal and Lokayuktas Act, 2013, commonly known as The Lokpal Act, is an anti-corruption Act of Indian Parliament in India which "seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain important public functionaries including the Prime Minister, cabinet ministers, members of parliament, Group A officials of the Central Government and for matters connecting them".

Surprising thing to be noted is that the bill came into existence in the year 2013 but it finally got its chairperson appointed in the year 2019 i.e., after the time of 6 long years.

## **EFFECTS OF POLITICAL CORRUPTION**

Political corruption is affecting in overall development of the Nation whether it is economic, social, environmental, education and health aspects. Let us have a bird eye view on all such aspects:

Effects on politics, administration, and institutions: Corruption in elections and in the legislature reduces accountability and distorts representation in policymaking; corruption in the judiciary compromises the rule of law; and corruption in public administration results in

the inefficient provision of services. For republics, it violates a basic principle of republicanism regarding the centrality of civic virtue.

**Economic Effects:** In the private sector, corruption increases the cost of business through the price of illicit payments themselves, the management cost of negotiating with officials and the risk of breached agreements or detection. Although some claim corruption reduces costs by cutting bureaucracy, the availability of bribes can also induce officials to contrive new rules and delays. Openly removing costly and lengthy regulations are better than covertly allowing them to be bypassed by using bribes. The example is shutting down of established companies such as Reliance telecommunication. Even Public sector units are suffering due to the hindrance of the politicians for eg: BSNL. Due to lack of transparency in the functioning of the government, uncertain change in the government policies and stringent processes to be undertaken in the government respective department offices, new companies face lots of difficulties in establishing the business.

**Environmental and Social effects:** Corruption facilitates environmental destruction. While corrupt societies may have formal legislation to protect the environment, it cannot be enforced if officials can easily be bribed. The same applies to social rights worker protection, unionization prevention, and child labour. Violation of these laws rights enables corrupt countries to gain illegitimate economic advantage in the international market.

**Effects on Humanitarian Aid:** The scale of humanitarian aid to the poor and unstable regions of the world grows, but it is highly vulnerable to corruption, with food aid, construction and other highly valued assistance as the most at risk. Food aid can be directly and physically diverted from its intended destination, or indirectly through the manipulation of assessments, targeting, registration and distributions to favour certain groups or individuals.

**Effects on Education:** Education forms the basis and the fabric in which a society is transformed and different facets of well-being are shaped. Political corruption in higher education has been prevalent and calls for immediate intervention. Increased corruption in higher education has led to growing global concern among governments, students and educators and other stakeholders. Those offering services in the higher education institutions are facing pressure that highly threatens the integral value of higher education enterprise. Corruption in higher

education has a larger negative influence; it destroys the relation between personal effort and reward anticipation.

## **FAMOUS INSTANCES OF POLITICAL CORRUPTION IN INDIA**

On 1 November 2012, Subramanian Swamy filed a private complaint in a court in Delhi alleging that both Sonia Gandhi and Rahul Gandhi have committed fraud and land grabbing worth ₹16 billion (US\$220 million) by acquiring a publicly limited company called Associated Journals Limited (AJL) through their owned private company, Young Indian. He also claimed that, through this fraud, they had got the publication rights of the National Herald and Qaumi Awaz newspapers, with real estate properties in Delhi and Uttar Pradesh. He alleged that the acquired properties were given by the government only for the purposes of publishing newspapers, but were used for running a passport office with rental income amounting to millions of rupees.

His complaint in the court further alleges that, on 26 February 2011, AJL approved the transfer of an unsecured loan of ₹90 crore (US\$13 million) from the All India Congress Committee at zero interest with all ninety million (9 crore) of the company's shares of ₹10 (14¢ US) each to Young Indian. Swamy argued that it is illegal for a political party to lend money for commercial purposes as per Section 29A to C of the Representation of the People Act, 1951, and Section 13A of Income-tax Act, 1961, and demanded investigation by the Central Bureau of Investigation (CBI) and the de-recognition of the Indian National Congress party for using public money. On 2 November 2012, the party responded that the loan was given only for reviving the National Herald newspaper with no commercial interest.

The hearing of the criminal proceedings case was taken up by the magistrate on various dates while the defendants opposed the petition and asked the magistrate to dismiss it. The court finally observed that prima facie evidence against all the accused was found. The court issued summons to the defendants to appear in the court to defend themselves against all the allegations made in Swamy's complaint.

On 26 June 2014, Metropolitan Magistrate Ms. Gomati Manocha summoned Sonia Gandhi, Rahul Gandhi, Motilal Vora, Oscar Fernandes, Suman Dubey and Sam Pitroda to appear in the

court on 7 August 2014. She said that according to the evidence so far, "it appears that YIL was in fact created as a sham or a cloak to convert public money to personal use" to acquire control over ₹20 billion (US\$280 million) worth of AJL assets. The court noted that all accused persons had allegedly acted "in consortium with each other to achieve the said nefarious purpose/design".

INX Media, founded by media entrepreneurs Indrani Mukerjea along with husband Peter Mukerjea, allegedly violated foreign investment laws. INX Media had permission to source foreign investments to the tune of ₹4.62 crore (US\$650,000) but it has allegedly received funds worth ₹305 crore (US\$43 million).

In March 2007, INX Media had approached the Chairman of Foreign Investment Promotion Board (FIPB), for permission for foreign direct investment (FDI) from three non-resident investors based in Mauritius. This money was sought for creating and operating a number of television channels under the banner of INX Media. The application to the FIPB mentioned its intention to "make a downstream financial investment to the extent of 26 per cent of the issued and outstanding equity share capital of INX News Private Limited".

The FIPB approved the proposal for FDI inflow which should not go beyond 46.20 percent of shareholding in INX media, but did not approve the downstream investment. However, according to the CBI, the company "deliberately and in violations of the conditions and approval", carried out the downstream investment. Moreover, it generated FDI exceeding Rs. 305 crore "by issuing shares to foreign investors at a premium of more than Rs 800 per share".

When the Income Tax Department sought clarifications on the matter in February 2008, INX Media allegedly sought to evade the investigation by approaching Karti Chidambaram to leverage his family name. The CBI alleged that Karti Chidambaram received kickbacks to the tune of ₹10 lakh (US\$14,000) for his assistance, via his consulting firm Advantage Strategic Consulting Ltd.

In 2009, Peter and Indrani Mukerjea exited INX Media by selling their 30% share in the company, which was making losses by this time. The company was subsequently renamed 9X Med



## **INSTANCES OF NEPOTISM**

- To handover Chief Ministership of Bihar by Lalu Prasad Yadav to his wife Rabri Devi while the former was charged for corruption.
- To handover the leadership of Indian National Congress Party to Rajiv Gandhi after the sad assassination of his mother Indira Gandhi and later to Rahul Gandhi.
- In U.P. the handing over of Chief Ministership from Molayam Singh Yadav to Akhilesh Yadav.
- In Odisha the handing over of Power of Supremo of BJD party to Navin Pattanayak, son of Biju Pattanayak.

## **LAWS IN INDIA FOR THE PREVENTION OF POLITICAL CORRUPTION**

India has made several attempts in enacting the laws for the prevention of corruption by providing the respective punishments. Public servants in India shall be penalised under The Prevention of Corruption Act, 1988. The Indian Penal code, 1860, under Section 171 A to 171 I lays down the provisions in terms of electoral fraud and Section 171 E prescribes the punishment for bribery which is the imprisonment which may extend to one year or with fine or both. The other laws such as The Benami Transactions (Prohibition) Act, 1988 to prohibit benami transactions, Prevention of Money Laundering Act, 2002 is an Act of the Parliament of India enacted by NDA government to prevent money laundering and to provide for confiscation of property derived from money laundering.

## **CONCLUSION**

Political corruption not only hinders in the economic growth of the nation but also affects the day to day working of the people living in the country. Offering and accepting the bribe, facilitation payments or gifts is the question of ethics and values of the leader who has acquired a specific designation and is one of the components of the government. The effects and the types of political corruption are discussed in detail earlier through which we can predict the

seriousness of the problem of such corruption India is facing even though several preventive measures are being taken.

Increasing awareness amongst common people by different modes such as publishing articles, broadcasting and telecasting advertisements in regional languages and educating children from the initial stage in schools itself can really bring a remarkable revolution in India.

If we take into account Indian situation, we could not say that India is not taking any preventive measures but its fighting hard as it's the fastest developing economy and there are several laws which enacted to gain control over such corruption and there are many such actions taken by the Modi government as discussed earlier. Still taking into account the causes of political corruption, it is very difficult to change the mentality of people who are taking wrongful advantage out of their seats. Due to very slow systems such as judicial and other administrative systems, the richer section of the population still believe to offer bribe, facilitation payments or gifts to the related officials or ministers to get their desired work faster and the surprising thing is that such offers are being accepted so easily in spite of strict laws because Indian judicial system is highly functioning with governmental interference and as studied earlier the situation is very much opposite in the least corrupt Countries like Denmark, as the judiciary is functioning independently and has achieved a remarkable level of trustworthiness amongst the people. There is transparency in the functioning of the government even the police department is working efficiently whereas Indian situation is different here as police is very much under the control of the political leaders.

The expectation is, if we adopt good governance from the least politically corrupt countries by creating transparency amongst government and the people and also by enacting stricter laws would prove fruitful in curbing political corruption in India which will also lead foreign investments and new Indian companies would able to establish without facing lots of difficulties.

If Indian government brings revolution in the above mentioned terms then it can really bring a lot of improvement in its economy and will be able to build a strong bond between its people and government which will again be bringing tremendous growth in terms of education, employment and in combating poverty in the country.

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