

Corruption

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Corruption takes many forms and is facilitated and promoted by various factors. Our general approach to tackling corruption is to enact a law to prevent corruption, create an organisation for investigating cases of corruption and then leaving it to the courts to punish the corrupt. The Delhi Special Police Establishment, the various States Lokayukts and the Central Vigilance Commission and the investigating agencies functioning in the States have not so far inspired confidence either by their professional competence, impartiality, integrity or their intention to actually book the corrupt. Consequently there are allegations of investigating agencies functioning according to political diktats, themselves becoming a part of the system of corruption by being corrupt during investigation and by failing to produce convincing evidence in the courts have a conviction record which is miserable. The penal approach to tackling corruption can succeed only if government has a firm political commitment to eradicating corruption, the investigating agencies are competent, unbiased and immunised from political or other interference and the functioning of these agencies is so efficient that investigation is prompt, prosecution is relentless and the conviction rate is high. Otherwise the penal approach has no deterrent effect.

One could classify corruption on the following lines:-

(A) Political corruption which arises from the need to make money to meet the high cost of election. It also arises from a practice which has now become fairly common whereby politicians are purchased through actual cash payment and by such purchase governments are formed and power snatched. Once power is a purchasable commodity it no longer remains a means of serving the people and promoting their welfare. It becomes a means of acquiring ill gotten personal wealth. The need for money to buy power ultimately corrupts the whole system of government and this is the phenomenon which we are witnessing in India. Therefore, the first set of remedies for corruption must begin by attacking the problem of political corruption head on.

(B) Corruption which has traditionally been described as 'jabarana' or extortion, 'nazarana', or tribute and 'shukrana', that is gratitude. This is the most rampant form of corruption prevalent at bureaucratic level. In fact it is generally believed that nothing moves in India without money being paid on one or the other of these counts and it is this which is hurting the common man. Political corruption also hurts the common man, but more than that it derails the economy at national level. Both types of corruption need to be tackled. A ten-point programme to tackle corruption could take the following form. Political corruption can be substantially reduced by making elections affordable.

(1) Let there be State funding of a prescribed minimum of expenditure by candidates for State Legislature and Parliamentary elections. This would include cost of transport for one month and a fixed amount for miscellaneous and incidental expenditure.

Strengths and opportunities

- (a) State funding of elections would permit good candidates who cannot otherwise afford to fight an election to offer their candidature.

- (b) If locally respected persons are thus able to stand for elections participative democracy would be encouraged because local people could exercise their choice in favour of a candidate they respect.

Weaknesses:

- (a) Despite State funding parties or well-to-do candidates could spend extra funds to bribe voters.
- (b) Monitoring of expenditure requires a foolproof system which is still not in existence.

How to get it done:

- (a) Give every nominee one vehicle, with driver, POL and incidentals, per assembly constituency, with two spare vehicles in the case of parliamentary elections. In the case of assembly elections the total number of vehicles would be restricted to four.
- (b) Incidental expenses should cover the cost of giving a daily allowance to polling agents on the day of poll and publicity and other such expenses.
- (c) Giving the District and Sessions Judge of the district in which the constituency is located the authority to hear summarily complaints of excess expenditure by candidates and authorising them to debar that candidate from seeking election.

Case Study: Whereas this experiment has not been tried in India, in Sri Lanka somewhat similar practices have been adopted and candidates are given certain facilities, such as transport and postal facilities, while being prohibited from displaying posters, banners and publicity material except at approved sites of election meetings. Ministers are not permitted to do canvassing for candidates, thus eliminating the possible misuse of their official vehicles. Candidates are prohibited from doing door to door canvassing themselves, though their supporters and party workers can do so. This also reduces the cost of travel of the candidate. We should fine-tune the system.

(2) Strengthening political parties in order to have viable governments at the Centre, by reducing the role of independents and regional parties in Parliament.

Strengths and opportunities:

- (a) If there are strong parties in Parliament coalitions, if any, would be stable and the smaller parties, which are individually insignificant but marginally important, would no longer be able to extract their pound of flesh for supporting a coalition.
- (b) This would substantially reduce corruption because bribing one's way to power would become very difficult.

Weaknesses:

- (a) There would be an outcry from regional parties and independents that the measure would deny them their democratic right to enter Parliament.
- (b) Till the system stabilises political horse trading would take place.

How to get it done:

- (a) Prohibit an independent from standing for a State Assembly election until he has successfully contested a local government election at panchayat or municipal level.

- (b) Prohibit an independent from contesting a parliamentary election unless he has successfully contested both a local government and a State Assembly election. That would leave only serious independent contenders in the fray.
- (c) Prohibit any political party from contesting parliamentary election unless it holds at least five seats each in the State Legislatures of at least three States. Regional parties would then either have to merge with larger parties, increasing their viability, or would have to expand their horizon beyond just one State, or would be kept out of Parliament, thus preventing them from exerting disproportionate pressure in a situation where the major parties are delicately balanced in Parliament.

3. Curb political corruption by totally eliminating defection

Strengths:

If the fruit of political defection is denied, then the incentive to defect will disappear and people will have to take the mandate of the people for a particular ticket very seriously.

Weaknesses:

It is difficult to make an anti defection law foolproof and underhand means such as not obeying the party whip but still representing this as non defection will be adopted.

How to get it done:

- (a) If there is a total prohibition on switch of loyalty from the ticket on which one is elected, with a change of loyalty automatically inviting removal from the Legislature and being debarred for six years from contesting an election, then power cannot be purchased by defection and governments would tend to be stable.
- (b) If defections jeopardise the government by reducing the government to a minority, then the President or the Governor, as the case may be, should be constitutionally bound to dissolve the House and order fresh elections. Every member who defected would stand barred from contesting elections for six years.

Jabarana, Nazarana and Shukrana forms of corruption arise out of administrative factors, in which arbitrary executive decisions, excessive discretion, deliberate delay and procrastination are causal factors, especially if they deny justice to those who have a genuine case and benefit those who take advantage of arbitrariness in decision making. To the extent that a system is governed by a set of rules and norms which apply equally to all, thus reducing the power of officials to extort money from applicants, Jabarana can be curbed or even eliminated. To the extent that a person's office does not give him the authority to make people fear him, Nazarana or tribute can be eliminated. For this certain steps need to be taken.

4. Reduce personal interaction between the citizen and officials to a bare minimum.

Strengths:

To the extent that the interface between officials and citizens is reduced and the citizen is not required to run frequently to a government office, the opportunity for extracting Jabarana would be drastically reduced.

Weaknesses:

If government servants do not interact very much with the citizens, then for not doing their legitimate work they can always find an excuse that they were not approached by anyone for remedy.

How to get it done:

Review all rules and regulations which bring the citizen in contact with officials, simplifying them as far as is possible and facilitate the citizen in obtaining remedy for grievances through a system which does not brook delay.

Case Study:

(A) In 1978 the Delhi Development Authority reviewed the system of obtaining completion certificates after construction of a building. The citizen had the option of either approaching the City Planning Department for such a certificate, or he could go to an architect who could issue a certificate in accordance with a prescribed checklist. The DDA officials extorted sums for issuing a completion certificate, without which the owner could not use the building. The architects were in no position to extort money as they had no official post. What is more, they were in competition with each other and, therefore, they could only charge a reasonable fee. In two years not a single complaint was received on account of delay or non-issuance of completion certificate, though the illegal earnings of DDA planners plummeted. The minute the officer who headed the DDA and had introduced this reform was moved out the old system was restored and corruption came flooding back.

(B) The Rajkot Municipal Corporation some years ago made all building permission applications on line. If a plan confirmed to the permissible norms building permission was issued on line the same day. As this covered more than 90 percent of applications the process became largely corruption free.

5. Ensure that the separation of functions between the Executive and Legislature is strengthened and Members of the Legislature are kept away from executive administration and restricted to their function of overseeing the Executive through the Legislature.

Strengths:

If legislators are not allowed to interfere directly in executive matters they would not be able to pressurise officers into wrongdoing. This would strengthen the system, while at the same time permitting the executive officers to perform their duty without bias and strictly in accordance with law.

Weaknesses:

There would be strong opposition from elected people who would condemn this move as anti democratic.

How to get it done:

Give no executive functions to elected representatives, tell officers to obey the law and the mandate given to them and to function without bias and fear, with a guarantee of support for all bona fide actions. This would almost totally eliminate corruption indulged in by elected representatives for getting certain executive functions performed in favour of those who bribe them.

6. Ensure that the executive functions effectively for promoting the welfare of the people and dealing with every administrative matter judiciously.

Strengths:

Once people know that the executive government will function effectively and that every case will be dealt with on merit, with no premium being attached to a matter which does not merit approval, the incentive to bribe an official for a wrong decision would reduce and the Executive would be able to function effectively and honestly

Weakness:

Unless accountability is built into the system the above measures will not necessarily make the Executive efficient or honest.

How to get it done:

If the officials are made accountable for every action taken by them, if there is reasonable protection for executive decisions taken on best judgement, then the system can work.

Case Study: When P.C. Sethi was Chief Minister of Madhya Pradesh he strongly discouraged legislators from interfering in administrative matters and strongly supported officers who did their duty. As a result of this administrative efficiency improved, many development projects were undertaken, corruption was substantially reduced and the morale of the Civil Services shot up. This model can be replicated if there is political will.

7. Prescribe time limits for dealing with every case and hold the official concerned accountable for any unexplained delay.

Strengths:

Delaying a decision, even a legitimate one, is a standard practice for extorting money. If delay itself becomes an offence, then certainly the process of decision making will be expedited and corruption would reduce.

Weaknesses:

Under the excuse of avoiding delay there can be perfunctory examination of issues and there could be a tendency of rejecting applications on flimsy ground.

How to get it done:

There must be insistence on a monitoring system whereby undue delay invites action, perfunctory examination of a case would also invite action and if unjustified negative decisions are taken, the official will be called to account. What should be ensured is the smooth and time bound movement of the files and decision making within a prescribed time limit.

Case Study:- Collector, Jabalpur, by setting up a system whereby every application passed through a registry, the department to deal with it noted on the application, a time limit prescribed for its disposal follow up action was taken and for every delay the official concerned was hauled up. The resulting transparency substantially reduced corruption. The Collector was given an e-governance award by the Central Government.

8. Create a system of interlocking accountability, together with a strong system of inspection, monitoring and evaluation.

Strengths:

Interlocking accountability means that a superior officer would be held as liable for wrongdoing as his own subordinates who are indulged in wrongdoing. The superior officer, in order to avoid such a contingency, would supervise his subordinate in such a way that they do their duties properly and as per law.

Weakness:

It is possible that in the case of interlocking accountability a subordinate may hesitate to take decisions and just submit the matter to his superior. That would defeat the purpose of the whole exercise and this itself could become an excuse for delay which could be used to extort a bribe.

Case Study: There is a well known case of a certain Secretary to Government of India (name deliberately withheld) who wrote on an important file on which he was required to take a decision, "Seen, thanks, I have not read it". How does one fix responsibility in a case such as this?

9. Combine interlocking accountability with a system of rewards and punishment.

Strengths:

If good work is rewarded and lack of performance invites punishment, officials would be encouraged to take decisions quickly and then to implement them.

Weaknesses:

If bad work invites punishment, then officials could use procrastination and passing the buck as a means of avoiding any responsibility from vesting in themselves.

How to get it done:

If every level of government from the Prime Minister down is assigned specific duties or areas of operation, then it becomes fairly easy to judge performance. At every level one could have an evaluation system which could judge performance and on this basis rewards and punishment could be awarded.

Case Study: There was a time when the Madhya Pradesh Housing Board decided that if a Division under an Executive Engineer completed a work ahead of schedule and at less cost than the administrative approval of the work, ten percent of the savings would be given as a reward collectively to officials of that Division, to be distributed amongst them as collectively decided by the officials. In one case of Satna a saving of approximately Rs. 4 lakhs was effected and Rs. 40,000 were passed on by way of reward. This significantly improved the performance of all the Divisions of the M.P. Housing Board and resulted in substantial savings to the Board. When the practice was given up the performance nosedived, corruption increased and quality of works suffered.

10. Tighten discipline, allow superior officers to take swift departmental action against errant officials and speed up the process of investigation and prosecution of criminal offences pertaining to corruption.

Strengths:

If accountability is interlocking, if the superior is accountable for the actions of his subordinate, if he is also empowered to discipline a nonperforming subordinate, if the taking of bribe leads to swift penal action we can definitely control corruption.

Weaknesses:

I cannot think of any.

Case Study: When the Municipal Corporation of Bhopal was superseded in 1971 and brought under administration, there was a ruthless policy of punishment of all officials who underperformed, took bribes or did not listen to the people. Suddenly the confidence of the people in the Corporation employees increased. By ruthless weeding out of errant employees corruption was brought under control and within one year there was a twelve fold increase in the revenues of the Corporation as loopholes and leak points were plugged. This is how dramatically purposeful administration can dramatically improve the picture, tackle corruption and promote welfare.

I have yet to find a way of eliminating Shukrana. Provided it is by way of a token only one can, perhaps, ignore it, leaving it to the conscience of individual officials to decide whether to retain a gift or not. If, however, it is more than a token it should be treated as a bribe, a part of Nazarana.
