

COMBATING CORRUPTION

• By Dr. M.N. Buch

When Indira Gandhi, as Prime Minister, commented that corruption is a global phenomenon, meaning that we need not be unduly worried about corruption in India. I was both shocked and horrified. No Prime Minister can make such a statement and hope to escape the responsibility for keeping a country on the straight and narrow path of honesty. The Scandinavian countries, New Zealand, Canada, even the Dominican Republic, Switzerland and Singapore are all countries with a very low corruption quotient and they are also the most welfare-oriented societies in the world. Some oil rich Arab countries may have wealth but because of the level of corruption there they are not welfare oriented. Certainly India, whose Constitution mandates social, economic and political justice and equality of status and opportunity, which directs the State to secure a social order for the promotion of welfare of the people, can neither justify corruption nor tolerate it. This one statement of Indira Gandhi showed a level of toleration of corruption which almost amounts to justification.

There are many causes of corruption but in terms of corruption methodology there are three classifications which go well back into our history and which need mention in this paper. The first is 'Nazrana' or the traditional tribute to be paid to the person in power by ordinary people. If one is in business, if one is trying to lead a normal life, the rulers have always expected that 'Nazrana' or their tithes will be paid. The second form of corruption is 'Jabrana' or extortion. Anyone who wants anything done in government has to pay the extortioner his fee or 'Jabrana'. The 2 G episode, the Commonwealth Games bribes, the money every contractor has to pay for a contract at every stage are examples of 'Jabrana' and this has reached a dimension in India which amounts to open rape of the public economy. The third form is 'Shukrana' or money paid by way of gratitude, by a person whose work has been done without his having to pay a bribe. My own experience is that it is possible to bring a complete halt to 'Nazrana', a similar halt or at least an almost total halt to 'Jabrana', but perhaps one will have to live with 'Shukrana' where the sums involved are token and need not to be considered a bribe. Personally I would eliminate 'Shukrana' also, but that is because I see things in black or white and cannot recognise the colour gray.

Even British India had its 'dali' or customary gifts that were given to officials at the time of such festivals as Diwali and Christmas. When I was heading the Delhi Development Authority one of the biggest builders in Delhi drove up to my house in his Mercedes Benz car on Diwali day, unlocked the boot and began to unload such goodies as crate of whisky, baskets of fruits and sweet meats and various knick-knacks, all as a Diwali offering. I refused to accept anything except one token apple. When he protested that this was a Diwali offering I told him that when I no longer headed DDA he was welcome not only to leave the gifts but even his Mercedes car if he so desired. That was the last I saw of him because I left DDA a year later and never received any 'dali' from him. This indicates the nature of the 'dali' also. However, in British days 'Jabrana' and 'Nazrana' were not of a dimension which hurt and, therefore, the extent of corruption was perhaps still manageable. This happy state continued for the first two decades after independence because there was a commitment of our political masters to the welfare of the people and to the Gandhian ideals which guided society.

1967 was the watershed year in which governments were purchased through engineering defections and we entered an era in which the politicians suddenly found that they could command a price. The politics changes from a profession of service of the people into a game of purchasing power for personal gains. In order to pay blood money it was necessary to subvert the State so that its authority

could be used for garnering funds. To subvert the State one needed to make the civil service pliant and a willing partner in the game of making money. Therefore, the civil services were first attacked and one is sorry to state that the IAS and IPS succumbed, initially with reluctance, subsequently with acceptance and then with enthusiasm. What started as a tactical exercise in collecting money to purchase power soon developed into a major strategy to loot the State. In other words, corruption has now risen from the merely operational and tactical into the stratospheric height of being a total strategy. That explains Bofors, Harshad Mehta and 2G, the whole multitude of land related scams, the Commonwealth Games and in fact the whole rotten system of corruption which is eating into our vitals. One illustration of this is a former Chief Minister telling me that he had told his supporters that he needs money to run the party and to send to his party chief in Delhi and that they should collect money by whatever means and give it to him. When such a statement becomes a substitute for political ideology it is but natural that the nation should become corrupt, at least in that sector which wields power and can use it to squeeze the citizen.

We live in a hierarchical system, both in politics and in the executive government. This hierarchy can be the main instrument either in promoting corruption or in eliminating it. If those at the top of the hierarchy demand money from their subordinates they, in turn, will pressurise their own subordinates to produce money and ultimately the citizen at the receiving end will be the person who is made to pay. At the same time if the persons at the top of the hierarchy do not make such demands on their subordinates and insist that each level of administration will supervise, direct, control and correct the next lower level in order to ensure honest government, then we can build a system of interlocking accountability in which each level of the administration acts as both implementer and vigilance officer who sees to it that his subordinates deliver good government to the people. This is an old fashioned idea, but I am convinced that if we build such interlocking accountability and ensure that each level of supervising officer does his duty or pays the price of failure, we can restore a delivery system which is efficient, honest and people oriented. One sees some signs of this in Gujarat, whose development programmes seem to be progressing very well indeed. In my view if this system is reestablished we do not need a Lok Ayukt, a Vigilance commissioner or various commissions which have proliferated with almost zero results and which have in fact contributed to increasing corruption as more palms now to be greased by the corrupt.

When we come to the highest levels can we apply interlocking accountability? Under the Rules of Business of the Executive Government framed under Article 77 of the Constitution in the case of Union Government and Article 166 in the case of the State Governments, it is the duty of the Secretary of each Ministry or Department to ensure compliance with the rules and the conduct of business in accordance with the law, rules and canons of propriety. It is not the job of the Minister, the Chief Minister or the Prime Minister to ensure that the Rules of Business are complied with. That is why the Secretary is required to advise the Minister about the legal position, the precedents and likely consequences of a particular decision. The Minister has the popular mandate to decide policy and obviously this would be reflective of his political ideology. However, it has to be formulated within the existing laws, or the laws have to be changed through due process and implementation thereof has to be completely impartial. If the Minister passes an order which is contrary to the rules, which tries to bypass the Finance Department in a case where there is a financial implication or in disregard of legal advice, or is on an issue where a policy decision by the Council of Ministers is necessary, then the Secretary must advise the Minister accordingly and if necessary bring the matter to the notice of the Chief Secretary in a State or the Cabinet Secretary at the Centre so that, if need be, the Chief Minister or Prime Minister may intervene. A Secretary who fails to do this is guiltier than the Minister if a wrong order is issued or implemented. I mention this because in the Adarsh Society case and 2G scam, in the Commonwealth

Games case, the Chief Secretary and the Secretaries of the Departments concerned in Maharashtra, the entire hierarchy of the Ministry of Communications, especially the Secretary, Telecommunications, the Cabinet Secretary and the Secretary, Sports and Secretaries of the Ministries concerned in the Commonwealth Games, the Chief Secretary of Delhi and his other Secretaries are guilty of not ensuring that the Business Rules are followed, the rules of commonsense are followed and that accountability is ensured at every level so that wrong doing is checked at the very initial stage.

We have removed the Ministers concerned, but what about the officers? I joined the IAS in 1957, that is, more than fifty-three years ago and today's Secretaries are children before me. I am thoroughly ashamed that my Service has become so utterly rotten to the core that its officers facilitate massive wrongdoing and presumably benefit from it. In my days it was inconceivable that a Secretary to Government could aver what a retired Secretary of the Ministry of Communication, Department of Telecommunication, has said in the context of the 2G episode. He stated that when the Minister did not accept his advice he told his subordinates not to route the 2G files through him. The only issue on which an officer can excuse himself is where there is a personal clash of interest. An ostrich like attitude does not excuse an officer from culpability. The Prime Minister must come down heavily on the officers and use Article 311 (2) B and C liberally to remove them from service without an enquiry and also hound them to perdition through prosecution or other form of harassment in order to ensure that our officers once again begin to distinguish between right and wrong. No punishment, including being hung, drawn and quartered in public would be too excessive for such officers.

Let us now come to one final point, which is political blackmail. The Prime Minister of this country, coalition dharma notwithstanding, cannot succumb to political blackmail by his allies. There can be no compromise with honesty and if as a result of this government falls, so be it. A Prime Minister who stands up for honesty will win popular praise and his reelection would become a certainty. A party which compromises with the corruption of the Chief Minister of Karnataka deserves to be consigned to the trash heap. Correct political positions would lead to elimination of corruption. Compromise can only feed this hydra headed monster. Deterrent action against wrong doers will control corruption. Delayed or denied justice can only strengthen it.
