

EFFECTS OF BRIBERY ON THE ADMINISTRATION OF INDIA

Vaishnavi Parate*

ABSTRACT

“POWER CORRUPTS A PERSON AND ABSOLUTE POWER CORRUPTS A PERSON ABSOLUTELY.”

Since the beginning of time, corruption has been a severe problem that affects the entire world. It not only obstructs access to justice and the rule of law, but since it is so pervasive across the government system, it also reduces the efficacy of other government institutions. Despite the fact that several legislative steps have been taken to prevent corruption, they are not succeeding because of a fundamental lack of seriousness. The structure of society and the general public are both significantly impacted by corruption. In a sense, it hinders any nation's advancement and business endeavours and has the potential to ruin the economy through its progressive process. A country's ability to advance will be severely hampered if its economic foundation is tainted and corrupted by corruption. According to James Wolfensohn, “a former president of the World Bank, Corruption is one of the greatest impediments to equitable development and the fight against poverty. It can mean the difference between life and death for many people¹.”

Keywords: Corruption, Society, Bribery, Preventive Laws, Investigation.

INTRODUCTION

Corruption is a cancer spreading in our society. Despite thousands of efforts, corruption has not ended because even highly educated people in the country are involved in corruption, taking advantage of their positions and taking bribes. The whole of society has to pay the price of corruption. This law is primarily a law dealing with bribery and corruption. Both accepting and giving bribes a crime under the law and is known as corruption, and embezzlement is known as corruption. A law has come into existence to punish such persons as per the understanding of bribery and corruption abuses in office discipline. Accordingly, it

*LLB, THIRD YEAR, SHRI. NATHMAL GOENKA LAW COLLEGE, AKOLA.

¹ Jeevan Singh Rajak, ‘Corruption in India: Nature, Causes, Consequences and Cure’ (2013) 18 IOSR Journal Of Humanities And Social Science 20 <<http://www.iosrjournals.org/iosr-jhss/papers/Vol18-issue5/C01852024.pdf>> accessed 13 May 2023.

came into existence in India, Pakistan, and later in Bangladesh². In addition to having a negative impact on the state's social, economic, and political framework, corruption also undermines democratic ideals and values. Investments and progress are hampered by corruption. Corruption ultimately undermines and harms the moral, social, and political ideals of civil society when there is no accountability or transparency³.

CAUSE OF CORRUPTION

The biggest issue facing the world's emerging countries has been corruption, which hinders the development and prosperity of the populace and gravely impairs the well-being of society, turning it into an immoral and unethical institution. There is widespread corruption in society, which has a variety of negative repercussions on societies⁴.

It undercuts democracy and the rule of law, abuses human rights, skews markets, lowers the standard of living and promotes organised crime, terrorism, and other security risks. The threat of corruption exists in practically all nations, both large and small, wealthy and impoverished. People's thinking has changed. Some people want to earn money without working hard. They want to live a life of luxury through corruption. Even the biggest and smallest businessmen in the country pay bribes to save their taxes⁵. Due to this the country does not develop. People also understand the wrong ways to earn money by understanding everything about money. Corruption has become a series of bribes, from high officials to petty soldiers, each predetermining his commission. There is a lack of patriotism and human sensibilities.⁶

POLITICAL CORRUPTION

The abuse of power given to someone is corruption. Anybody can commit corruption, and it can happen anywhere, at any time. One of the most common forms of corruption is political corruption⁷. Political corruption is the misuse of public office by elected politicians for their

² Rachit Garg, 'An Analytical Study on Political Corruption in India in the Last 10 Years' (*iPleaders*, 14 July 2021) <<https://blog.ipleaders.in/analytical-study-political-corruption-india-last-10-years/>> accessed 13 May 2023.

³ *ibid*

⁴ Ravikiran, 'Corruption in India: Status, Causes & Impacts | UPSC Notes' (*IAS EXPRESS*, 23 November 2022) <<https://www.iasexpress.net/corruption-india/>> accessed 13 May 2023.

⁵ 'Corruption In India' <<https://legalserviceindia.com/legal/article-10641-corruption-in-india.html>> accessed 13 May 2023.

⁶ Garg (n 2).

⁷ *Ibid*.

own financial gain. It does not include the misuse of government power for other ends, such as the repression of political opponents or widespread use of force by the police, nor does it cover illegal actions carried out by private citizens or companies that are not associated with the government. Political corruption is only deemed to exist when an officeholder's illegal actions are directly related to their official duties⁸.

TYPES OF CORRUPTION

Corruption in the public sector or the private sector has a foothold across the country. Corruption is rampant in trade unions, education systems, industry, and in the name of religion. Simply put, we think of bribery as corruption, but it has many forms⁹. such as:

- Extortion.
- to blackmail.
- A tough election.
- Linguistics.
- Making corrupt laws.
- Black marketing.
- The wrong or prejudicial decision by the judge.
- Abuse of government machinery to suppress opposition.
- Collusion with merchants.
- Dynasty.
- Copy in Exam.
- Incorrect evaluation of the candidate.
- Covering incorrect financial activities of business by chartered accountants.
- tax evasion.
- Perjury and perjury.
- Voting for money and liquor.
- Buy awards and medals by paying.

According to Indian Penal Code section 21, a public servant means a servant in the employment of a corporation or a government-recognized body established by law which

⁸ Ravikiran (n 4).

⁹ Ibid

includes the chairman, vice-chairman, member, officer, director, executive director, trustee, member, or any other servant¹⁰.

Bribe taker - In a case where it is proved under section 161 and under section 165, that the person convicted in the case agreed to receive or received things, money other than his lawful salary or demanded different remuneration for the work and considered that the amount of salary which he received under the rules is less and he is expecting more for it, it constitutes an offence under Penal Code 161¹¹. If a person is found to have accepted a bribe, he will be punished¹².

Bribery - Under section 165A, if a person attempts to give any valuable thing or money for doing his work by deducting the wages lawfully received by the person doing the work or if any valuable thing or money is given in consideration of such work. Such a person can be punished.

If an incident occurs under both the above types, the judge determines the nature of punishment taking into account the facts and evidence. A public servant has committed an offence by his conduct, as well as his If the behaviour is found to be improper, the person is liable to punishment becomes Such a person at the behest of another person or by another If such an attempt is made for another person, that person guilty¹³. It can also be part of a property, that is in which any form of dishonesty or corruption is found That is if the servant has made such an effort for himself for so disposed of the property in his possession. If so, it is also a crime.

Investigation of crime - A person may be held guilty if corruption is found in a transaction or if it is discovered that he has tried to obtain some valuable thing or money by illegal means by abusing the position he has obtained or inducing or permitting others to do so, as well as knowing the income of a person¹⁴. If such a person is found to have committed such malfeasance in the name of his family or relatives, that person may be held guilty. In which assets are held much more than the income of those individuals¹⁵. Dependents include a

¹⁰ 'Section 21 in The Indian Penal Code' <<https://indiankanoon.org/doc/1052367/>> accessed 13 May 2023.

¹¹ 'IPC 161, 162, 163, 164, 165 Section of Indian Penal Code - OFFENCES BY RELATING PUBLIC SERVANTS' <<https://indianconstitution.guru/ipc/ipc-161-162-163-164-165/>> accessed 13 May 2023.

¹² Ibid

¹³ 'INDIANMIRROR- Political Corruption in India.' <<https://www.indianmirror.com/corruption/political-corruption.html>> accessed 13 May 2023.

¹⁴ Rajak (n 1).

¹⁵ Ibid.

wife, children, adopted son or daughter, parents, sister, and younger brother. Under this Act, such a person can be punished with imprisonment for seven years or may also be fined¹⁶. There is no provision in the Act to reduce such punishment. According to the Act of 1898, in all these types of offences, no officer below the rank of Inspector of Police should be investigated, and the investigating officer should be of the same rank as the Inspector of Police. Apart from that, a person cannot be arrested without a court warrant¹⁷. For this, the law provides for the issuance of such warrants by Class-I Judges. But the 1953 Act has made some changes in the issuance of warrant of arrest and it has been amended that such a person can be arrested without many of the above provisions¹⁸.

HISTORY

India was largely mired in a culture of bribery due to the country's overzealous regulations. Especially in the case of economic activities, which dogmatically led to the infamous 'License Permit Raj'¹⁹. This 'permit raj', which curbed foreign investment and severely stifled competition in the name of a 'socialist economy', encouraged bribery or the act of acquiring surplus wealth to obtain any business from the government. This created a black market for everything and smuggling of imported goods became the norm²⁰. With the onset of economic reforms and liberalization in 1991, a decisive phase of India's bribery culture began. Economic reforms led to the abolition of licenses for industrial activities and the abolition of import quotas. Interestingly, corruption has taken on many new and innovative incarnations due to the behaviour of trying to acquire additional wealth²¹.

STEPS TO CHECK BRIBERY CULTURE

Given the reach and menacing nature of corruption affecting every aspect of society and economy, concerted efforts are being made to reduce corruption in India. A serious effort was made in 1963 in this connection²². The then Nehru government set up the Santhanam

¹⁶ Garg (n 2).

¹⁷ 'Corruption In India' (n 5).

¹⁸ 'Governance in India: Corruption | Council on Foreign Relations' <<https://www.cfr.org/backgrounder/governance-india-corruption>> accessed 13 May 2023.

¹⁹ Ibid

²⁰ Ibid

²¹ 'Corruption Perception Index: India Falls to 86th Rank in Corruption Perception Index 2020 - The Economic Times' <<https://economictimes.indiatimes.com/news/economy/indicators/indias-rank-slips-to-86th-in-corruption-perception-index-2020/articleshow/80512814.cms?from=mdr>> accessed 13 May 2023.

²² 'Corruption in India: An Analysis' <<https://www.10pointer.com/current-affairs/corruption-in-india-an-analysis>> accessed 13 May 2023.

Committee after the Mundra corruption case. The Santhanam Committee scrutinized several major sources of corruption in the country, including red tape and administrative control. A notable outcome of this committee was the establishment of the Central Vigilance Commission as the apex anti-corruption body. In addition, the government established the Comptroller and Auditor General of India in 1971 to audit public finances in important institutions and to prevent instances of corrupt practices.²³

Government representatives are legally compelled to reply to inquiries about government matters under the Right to Information Act²⁴. The 'Right to Information' Act has become a crucial anti-corruption instrument. For instance, a 2008 Right to the Information request made by two activists, Simpreet Singh and Yogacharya Anand, revealed what some perceived to be biased in the distribution of units in an Adarsh housing community constructed for Kargil war survivors²⁵. In a similar vein, the petitioner revealed the Commonwealth Games scam in an RTI. However, the transparency movement, which has gained traction in political and administrative circles, is currently under pressure²⁶. Due to administrative changes and constitutional amendments in recent years, the current government has not only curtailed the powers of the Chief Information Commissioner but also limited the scope of the application of RTI²⁷.

CONCLUSION

India's anti-corruption efforts are slow and inconsistent, despite the fact that corruption is widespread and deeply ingrained throughout the country. This is primarily due to the fact that the important institutions established to combat corruption lack true autonomy and tenacity. A few anti-corruption organisations that have considerable autonomy, like the Central Vigilance Commission and the Lokpal, have not demonstrated their independence. But these few significant or eminent institutions shouldn't be the sole ones fighting corruption. This is due to the fact that while significant corruption that affects the average person is pervasive in business and frequently receives public notice, there is occasionally a tremendous sense of outrage in the nation against this unjustified corruption. However,

²³Corruption Perception Index: India Falls to 86th Rank in Corruption Perception Index 2020 - The Economic Times' (n 21).

²⁴Can RTI Eradicate Corruption? - Ipleaders' <<https://blog.ipleaders.in/rti-corruption/>> accessed 13 May 2023.

²⁵ibid

²⁶Can RTI Eradicate Corruption? - Ipleaders' (n 24).

²⁷ibid

technology alone will not end corruption, corruption is like a many-headed monster, which grows back when cut down.

