

Corruption, A Major Threat to National Security: A Socio-Legal & Remedial Analysis

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Abstract

Though there are various laws on the subject right now and many are in pipeline ; the real question is of the intent of the legislature and our body politic . Our country does not need a revolution or other radical measures to subdue the monster of corruption . Even marginal changes to the existing laws can catalyze and unleash lasting improvements to governance . The numerous reports of the law commission and administrative Reforms commission gathering dust in the corridors of power should be retrieved , re-examined and their well-intentioned recommendations implemented . Some reforms in school education regarding inculcation of lessons of morals and social values are also needed.

Keywords

Indirect means , corruption , Ultimate, etc...

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The expose of massive corruption in government had made people wonder whether crookedness is a typical Indian trait. The national mood was sullen, cynical, and despondent. Are Indians incorrigibly venal? Is dishonesty embedded in our DNA? Are our brains wired to corruption?¹ The problem is very much deep rooted . Though in recent past we have not heard of any massive corruption but it is still rampant in day to day life in various forms.

Political corruption was there even during the time of Nehru. But later a rapid erosion in the selfless dedication of leaders led to the growth of corruption in the entire body politic. National interest became nobody's business. Welfare schemes turned the biggest source for siphoning off public funds. In the post-independence era, only seven Prime-Ministers had a term of five years or more. Out of these Prime Ministers, the tenure of Shri Narendra Modi till now can be said to be an exception in a way that we have not seen a single proven scandal of national level.

This paper gives an overview of corruption during the rest of the six Prime Ministers tenures. All figures are converted to the 2011 price level to make them comparable. The wholesale price index numbers are used for this purpose. Three scams of Nehruvian govt. viz. the jeep scandal, mundra scandal, and the Dharma Teja loans were unearthed during his regime valuing Rs. 869.57 crore in 2011. Indira Gandhi's tenure was tainted with the Nagarwala scandal , Kuo oil scandal , the cement scam . The total indexed value of them was Rs. 244.70 crores in 2011. Rajiv Gandhi's term is known for the Bofors scandal of Rs. 313.72 crore (indexed value in 2011). Narasimha Rao's regime saw many scandals , like Lakhu Bhai Pathak Pickle's scam, the Sugar import scam, Sukhram telecom scandal , C.R. Bhansali scam , Fertilizers scam , the indexed value of all these scandals in 2011 were Rs. 4381.56 crores. Bajpayee's led BJP govt. was also not free from scandals. The Cargill coffins scandal , the Barak missile scandal valued Rs.68 crore in 2011. The govt. of Manmohan Singh was tainted with the biggest scandals like the scorpene submarine deal , the cash for vote scandal, the 2G spectrum scam , the Common Wealth games scam the indexed value of which was Rs. 198546 crores in 2011.

All these scams directly or indirectly involved Cabinet Ministers of the then Prime Ministers .

These figures do not include black money stashed away by politicians and bureaucrats in numbered accounts outside India . According to a whitepaper brought out by the govt. of India , the black money stashed away in Swiss Banks by Indians stood at Rs. 9295 crore during 2010. According to FICCI , by July 2012 this figure stood at Rs. 45 lacscore . CBI , Director A.P.Singh , in his address to the Interpol Global Program on Anti-corruption and Asset recovery , said such amount stood at 500 billion dollars. This statement came up before a case in the Supreme Court in

Feb. 2012 . These estimates exclude money stashed away abroad as valuables in safe deposit boxes , a recent innovation by Swiss banks to overcome international treaties².

Whatever is the figure, it is sure that it's a big amount , that is affecting our National security in one way or another .

HOW THIS AFFECTS THE NATIONAL SECURITY —The banishment of poverty , not by expropriation of those who have , but by the multiplication of national wealth and resources and an equitable distribution thereof amongst all who contribute towards its productions , is the aim of the State envisaged by the Directive Principles of State Policy³. The State in a democratic society derives its strength from the cooperative and dispassionate will of all its free and equal citizens⁴. Social and economic democracy is the foundation on which political democracy would be a way of life in the Indian policy ⁵.

When the Constitutional approach is so good and the system is running according to it —why some areas of the same India is facing the problem of starvation , farmer suicides , Naxalism, etc. ?

The answer lies in the natural tendencies of a human being . Every person wants himself to be secured and safe . Most of the person thinks right now that they can achieve these ends only by accumulating wealth . They are of the opinion that more and more the wealth they have and so they will get the pleasure and happiness proportionally . And to some extent , in this era especially, this is a truth. But as we know that excess of everything is bad ; this is equally true so far as the hoarding of money is concerned .

Hoarding money by inadequate means promotes corruption ; which in turn works as a catalyst to accumulate more wealth . This tendency affects every segment of society and reduces the spirit of common brotherhoods .

This is the principle that goodness or badness flows from top to bottom , from leadership to the governed ; from forefathers to the children The masses have seen many scams as aforesaid These all things affect the feeling of the common man very badly . Prosperity attracts everybody, especially those people who come from the lower middle class , starving and poor , for whom the leadership established the level of poorness or richness by the earning of a person Rs. 32 per day etc. .

Starving people can't understand law or morals . They have started to take the law into their hands . History speaks it well . Whenever the livelihood of the common man has been occupied by unscrupulous persons , the downtrodden have become rebels . The recent example of this truth is the example of Egypt , Libia, etc. . Naxalism (in its initiation) is also the product of these circumstances . The devil of

corruption leaves none whether it's a politician , executive , judge , armed officers, etc. . Ultimately they are also the human beings ; affected by their surroundings . Sukna land scam , scorpene scam are some examples of it. General V.K.Singh also raised some issues regarding this at that time .

These things are horrible so far as the national security is concerned .

Remedies Through Law

Governments, in any form , can't run by themselves. The laws, rules , orders, etc. are the vehicles of any govt. , to govern not only the peoples it ruled but also to regulate itself . For every act of government, especially in democracies like ours , there is some law behind it . In our country also , the legislators have tried to enact or have already enacted some laws to curb this evil of corruption . Some examples are – The Right to Information Act ,2005 ; Anti-corruption Act ; Central Vigilance Commission, etc. .

The importance of the RTI Act , 2005 is observed by Supreme Court in the Dinesh Trivedi vs. Union of India case . In which it held that the citizens have the right to know about the affairs of govt. . This right is implicit in Article 19(a) . It is observed by the court that it is essential to ensure the continued participation of the people in the democratic process that they are kept informed of the vital decisions taken by the govt. aimed at their welfare and basis thereof . Democracy expects openness and openness are the concomitants of a free society .

Some Bills are also under consideration before the Parliament e.g. Whistle blower's Protection Bill, Judicial Accountability Bill, etc. .

The Ultimate Force

The imperfection of the penal system has caused new expedients to be sought for to supply its deficiencies . These expedients have for their objects the prevention of offenses, either by preventing the acquisition of the knowledge necessary to their commission or by taking away the power or the will to commit them . The most numerous class of these means relates to the art of directing the inclinations by weakening the seductive motives which excite to evils , and by strengthening the tutelary motives which impel to good .

Indirect means , then , are those which , without having the character of punishments , act upon man physically or morally , to dispose him to obey the laws , to shield him from temptations , to govern him by his inclinations and his knowledge.

These indirect means not only have a great advantage on the side of mildness , but they succeed in a multitude of cases in which direct means will not answer ⁶. The examples of such means are the prohibition of acquiring knowledge that may be turned to a bad purpose , cultivation of benevolence , employment of the motive of

religion , use to be made of the power of education, etc. .

All the religions are very much cautious about these basic moral educations . They teach about how to be a good person . They are full of lessons about good parenting, to prepare good persons . They teach about how to differentiate right from wrong . Because the first school of every child is , in general , is his/her home ; this becomes the sole and pious duty of the parents to teach children about what is good or bad. The next school to make difference between good and bad things is the school where he/she studies . The schools should accept their responsibility by imparting their pupils morals as well as social values . The ultimate school is the company which he/she joins . A close watch of parents towards their wards as well as the society in which they grow may contribute a lot on this stage .

Conclusion

Though there are various laws on the subject right now and many are in pipeline; the real question is of the intent of the legislature and our body politic . Our country does not need a revolution or other radical measures to subdue the monster of corruption . Even marginal changes to the existing laws can catalyze and unleash lasting improvements to governance . The numerous reports of the law commission and administrative Reforms commission gathering dust in the corridors of power should be retrieved , re-examined and their well-intentioned recommendations implemented. Some reforms in school education regarding inculcation of lessons of morals and social values are also needed.

The challenge before the people is how to make the political class realize that the old order must change yielding place to the new . To develop the national character , among children should be the paramount object of every govt. . For the sake of our national security , steps should be taken by the governments immediately.

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