# Scholarly Research Journal for Interdisciplinary Studies,

Online ISSN 2278-8808, SJIF 2019 = 6.38, www.srjis.com PEER REVIEWED & REFERRED JOURNAL, SEPT-OCT, 2019, VOL- 7/53



#### **CORRUPTION FREE STATE: MYTH AND REALITY**

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#### **Abstract**

Corruption' is a meaningful concept in our society because it is a part of social practice not only in modern times but also in medieval and ancient ages. Throughout the ages, people perceived practice of corruption as a deviation from social ethics. It affects every sphere of life like society, politics, economy, and administration. IN present India corruption is a big issue. Like cancer, corruptions have polluted our society. The sources of corruption in India are found in every sphere of life and society, there are problems in the collection of actual data about corruption, due to lack of reliability/credibility of published data or information. Many cases related to the big scam are not proven. This leads to an institutional crisis. Many institutions are formed to prevent corruption like CVC, CBI, LOKPAL etc. These institutions are losing their credibility and legitimacy due to their inability to effectively deal with cases related to corruption which in the long run may undermine the credence of Indian State.

**Keywords:** Corruption, Administration, government institutions for preventing and inquiry of corruption



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**Introduction:** Corruption has caused maximum suffering to the humankind. Corruption can be seen in every sphere of life nowadays. Like cancer, corruption is damaging out the sociopolitical and economic environment. A corrupt society is characterized by immorality. Injustice, discrimination, and lack of fear or respect for law and state. There are different forms of like bribery, black marketing extortion, fraud, embezzlement, misappropriation of public goods, misuse of profiteering power, nepotism, cronyism, etc. Widespread corruption is a reflection of a poorly functioning state. A poorly functioning state can undermine and face problem in social, economic and political development and modernization.

According to the Corruption Perception Index (CPI) 2011 of Transparency international, India ranked at 95 out of 183 countries, with a CPI score of 3.1 out of 10. In 2012, 2013 India ranked 94 out of 174, In the year of 2016 India stood at the 79 the place among 176 countries but in 2017 India has been ranked 81<sup>st</sup> in the global corruption Index. It indicates a high degree of corruption among public officials and politicians.

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1. Definition of Corruption: There is quite clearly no one universally accepted the definition of corruption. But we are found many different definitions of corruption. In ancient India, we find instances of corruption in the time of Ramayan, Mahabharat, and the Mauryan Empire. Kautilya the author of 'Arthashastra' refers in cynical mood its various forms and even its inevitability. In his book, he says that "Just as it is impossible not to taste honey that finds itself at the tip of the tongue, so it is impossible for a government official not to eat up, at least a bit of king's revenue." Corruption was also seen in the sultan, Mughal and British company periods and even after Independence corruption has become a part of social, political and economic life.

Corruption is the use of public office for private gain, section 161 of the India panel code defines "corruption in legal terms" whoever being or expecting to be public servant accepts or obtains or agrees to accept or attempts to obtain from any person whatever other than legal remuneration as a motive or reward for doing or forbearing to do any official act, or for showing, or to show, in the exercise of his official function, favor or disfavor to any person or for rendering or attempting or render any service or disservice to any person, with the central or any state government or parliament or legislature of any state or with any public servant as such shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both but this section of India penal code was repealed and currently corruption has been brought under section 7 of the prevention of corruption Act of 1947 which was amended in 1988 in post Independent India.

Formation of Santhanam committee in 1962 can be regarded as a watershed in the administrative history of India. This commission elaborately discussed corruption prevalent in our system. It also came up with a definition of corruption: (Santhanam Committee Report 1964-65)

In its widest Connotation, corruption includes or selfish exercise of power and influence attached to a public office or to the Special position one occupies in public life.

The Santhanam Committee, probing administrative corruption, was succinct: corruption has, in recent years, spread even to those levels of administration from which it was conspicuously absent in the past.

Bribery, nepotism, misuse of power and position, black marketing, profiteering and similar other malpractices commonly associated with administration, polities, or business and industry are common forms of corruption.

# 2. Mode of Corruption:

Kautilya was the first political theorist to realize the importance of Corruption. On the difficulties of corruption detection, Kautilya says "just as a fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servant employed in the government works cannot be found out taking money."

**Corruption** means the state of being bad and dishonest, especially in matters concerning money. It creates a tremendous impact on the country's education, occupation, lifestyle, and mostly humanity. Corruption has a sway all over the world nowadays. It can be categorized into three types. First is - **Political corruption**, Second - Administrative corruption and the third one - **Professional corruptions**.

**Political Corruption** includes kidnapping, murder, violence, injustice etc. To win an election, political leaders distribute wine, wealth and everything among the people. **Administrative Corruption** includes persons like higher authorities, officers, police officers, clerks, peons, etc. For example, If we bribe then we can get anything easily. *Money makes the mare go*. In the hospital, court, & other Govt. Offices everywhere you have to bribe for any kind of job.

**Professional Corruption** includes duplicating medicines, duplicating important items, manufacturing spurious eatables etc. The mixture of stones in cereals, animal fats in ghee, kerosene in petrol etc. are also forms of corruptions. One of the main cause of corruption is also the modernization of lifestyle like *eat*, *drink*, *be merry*. In modern society, they don't think about the country and its future, due to which indirectly they are responsible for this. To control this corruption, we the people of the nation should work together to fight against it. The election procedure should be changed. Political parties should give tickets to well educated and reputed candidates for election. The tax system should be clear for the literate and general people to pay tax easily. The Govt. expenses should be liberal. Law and order should be strict in each and every sector, and then only it can be controlled.

The **Central Vigilance Commission** has identified the following twenty-seven modes of corruption namely; Acceptance of substandard stores/works, Misappropriation of public

money and misappropriation of stores, Incurring pecuniary obligations of persons with whom the public servants have official dealings, Borrowing money from contractors/firms having official dealings with officers, Showing favors to contractors and firms Claiming of false traveling allowance, house rent, etc., Possession of disproportionate assets, Purchase of immovable property, etc., without prior permission or intimation, Causing loss to the government by negligence or otherwise, Abuse of official position/powers, Acceptance of illegal gratification in recruitments, postings, transfer, and promotions, Misuse of government employees for personal work, Production of forged certificates of age, of birth, of community, etc., Irregularities in the reservation of seats by Rail and by Air, Non -delivery of money orders, insured covers, value payable parcels, etc, Replacement of new postage stamps by used ones Irregularity in the grant of import and export licenses, Misuse of imported and allotted quotas by various firms with the connivance of the public servants, Irregularity in the grant of telephone connections, Moral turpitude, Acceptance. of gifts, Under-assessments of income tax, estate duty, etc., for pecuniary gain, Misuse of advances sanctioned for purchase of scooters and cars, Abnormal delay in settlement of compensation claims to displaced persons, A wrong assessment of claims of displaced persons, Cheating in connection with the sale and purchase of plots. For residential Purposes and Unauthorized occupation and subletting of government quarters.

#### **3.** Causes of Corruption:

There are many causes of corruption. Many thinkers have identified many causes of corruption. But in brief, I like to mention two ideas to understand the causes of corruption. N Vittal in his book "Measures to combat corruption in bureaucracy" (2005) listed five factors as the basic causes of corruption in the Bureaucracy: The scarcity of goods and services, 2. Red tape and delay which encourages speedy money, 3. Lack of transparency in systems and procedures, 4. Legal cushions of safety created under the healthy principle that everybody is innocent till proved guilty, and 5. Tribalism or brotherhood among the corrupt. Jeevan Singh Razak in his Article "Corruption in India: Nature, Causes, Consequences and Cure" identified that Corruption is a global phenomenon and it is omnipotent. It has progressively increased and is now rampant in our society. Corruption in India has wings, not wheels. As the nation grows, the corrupt also grow to invent new methods of cheating the

government and public. The cause of corruption is many and complex. He identified following causes of corruption:-

- The emergence of a political elite which beliefs in interest oriented rather than nation oriented programmers and policies.
- Artificial scarcity created by people with malevolent intention wrecks the fabrics of the economy.
- Corruption is caused as well as increased because of the change in the value system and ethical qualities of men who administer. The old ideals of morality, services, and honesty are regarded as anachronistic.
- Tolerance of people towards corruption. Complete lack of intense public outcry against corruption and the absence of a strong public forum to oppose corruption allows corruption to reign our people.
- The vast size of population coupled with widespread illiteracy and the poor economic infrastructure lead to endemic corruption in public life.
- In a highly inflationary economy, low salaries of government officials compel them to resort to corruption. Graduates from Indian institutes of management with no experience draw a far handsome salary than what government secretaries draw.
- Complex laws and procedures deter common people from seeking help from the government.
- Election time is a time when corruption is at its peak. Big industrialists fund
  politicians to meet the high cost of the election and ultimately to seek personal favor.
  Bribery to politicians buys influences and bribery by politicians buys votes. In order
  to get elected, politicians bribe poor, illiterate people.

#### 4. Issues relating to Corruption in India:

#### A. Role of Political Parties in Corruption:

Political corruption is the use of powers by government officials or their network contacts for illegitimate private gain. An illegal act by an officeholder constitutes political corruption only if the act is directly related to their official duties, is done under color of law or involves trading in influence. In India, many political parties are involved in the corruption process. History proves that in the center or state government which political party or parties formed a government they have been significantly involved in corruption. In the congress

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period there are many scam or scandal have happened. Major scams are The Mundhra scandal, Bofors scandal, 2G spectrum scam, Commonwealth Game Scam, Coal allocation scam (or Coalgate), The Punjab National Bank Fraud Case or Scam etc. Some major Political parties are directly or indirectly involved in these scams. Corruption in India is a problem that has serious implications for protecting the rule of law and ensuring access to justice. As of December 2009, 120 of India's 524 parliament members were accused of various crimes, under India's First Information Report procedure wherein anyone can allege another to have committed a crime. Many of the biggest scandals since 2010 have involved high-level government officials, including Cabinet Ministers and Chief Ministers, such as the Hawala Scandal (100 Crore),Harshad Mehta & Ketan Parekh Stock Market Scam (5000 Crore), Commonwealth Games scam ( $\Box$  70,000 crore(US\$9.7 billion), the Coal Mining Scam( $\Box$  1.86 lakh crore (US\$26 billion), Wakf Board Land Scam (1.50,000 Crore) The Saradha Group financial scandal (2,500 crore). The Punjab National Bank Fraud Case or Scam( $\Box$  14,35684 crore (US\$ 2.1 billion) etc. After Independence to till now, many data proved that political parties names are involved in these scams and corruption cases.

**B**. Problems in the Collection of Data about Corruption: It was very difficult to collect actual data about corruption or scams. After Right to Information act, 2005 Government gave us the right to have information about government affairs. The Right to Information (RTI Act 2005) was touted as one law which would bring in transparency and eradicate corruption by the direct involvement of civil society. In India, following a nationwide campaign led by grassroots and civil society organizations, the government passed the Right to Information Act in 2005. Since then, social activists, civil society organizations, and ordinary citizens have effectively used the Act to tackle corruption and bring greater transparency and accountability in the government. Thousands of Indians remained glued to their television sets as a veteran social activist and anti-corruption crusader Anna Hazare carried his twelveday long fasting. A stalwart of the RTI movement, the 74-year-old Gandhian's campaign for a strong anti-corruption agency in the country, or Jan Lok Pal, galvanized tremendous public support with citizens coming out on the streets of Delhi, Bangalore, and other cities to voice their anger and discontent over mounting corruption in the country. While the debate on corruption in the country rages on, the RTI Act is fast emerging as an effective anticorruption tool. Civil society organizations here have played an important role in raising public awareness about RTI and assisting citizens in filing petitions for information. But question is that what is the reliability and credibility of published data? like me, many Indians has doubt about authenticity of published data.

# C. Lack of effectiveness of Government in corruption cases:

There have been numerous corruption cases in India and cases have been filed, most of which have remained unproven. Here, three case studies have been attempted to assess the government's approach, effectiveness toward the corruption and the role of organizations to prevent corruption.

Mundhra Scandal: Today, we see scams worth thousands of crores of rupees happening in India. But fifty-nine years ago in 1957, took place Independent India's first big financial scam. It was called the Mundhra Scandal. Haridas Mundhra, a Calcutta-based industrialist and stock speculator got the government-owned Life Insurance Corporation (LIC) to invest a sum of Rs 1,26,86,100 (one crore, twenty-six lakh, eighty-six thousand and hundred) in the shares of six of his troubled companies. This investment was done under governmental pressure and without consulting LIC's investment committee. In one of the most transparent investigations ever, Mr. Chagla worked remarkably fast and submitted his report in just 24 days. The hearings of the Chagla commission were conducted in public. Several leading stockbrokers who were in the LIC Investment Committee testified that the investment could not have been made for the purpose of propping up the market, as was claimed by the Finance Ministry. They also stated that had the LIC consulted the Investment Committee, they would have pointed out Mundhra's forged shares episode from 1956. After Mr. Chagla filed his report Mr. Krishnamachari resigned from his post of Finance Minister on February 18, 1958. Mr. Mundhra was also arrested and he went to jail for 22 years.

**Bofors scandal:** The Bofors scandal was a major, weapons-contract political scandal that occurred between India and Sweden during the 1980s and 1990s. the Indian prime minister, Rajib Gandhi, and several other members of the Indian and Swedish governments who were accused of receiving kickbacks from Bofors AB, a bank principally financed by the Wallenberg family 's Skandinaviska Enskilda Banken for winning a bid to supply India's 155 mm field howitzer. The scandal relates to illegal kickbacks paid in a US\$1.4-billion deal between the Swedish arms manufacturer Bofors with the government of India for the sale of 410 field howitzer guns, and a supply contract almost twice that amount. It was the

biggest arms deal ever in Sweden, and money marked for development projects was diverted to secure this contract at any cost. The investigations revealed the flouting of rules and bypassing of institutions. On March 18, 1986, India signed a Rs 1,437-crore deal with Swedish arms manufacturer AB Bofors for the supply of 400 numbers of 155 mm Howitzer guns for the Army. A year later, on April 16, 1987, a Swedish radio channel alleged that the company had bribed top Indian politicians and defense personnel to secure the contract. The scandal rocked the Rajib Gandhi led government in the late 1980s. On January 22, 1990, the Central Bureau of Investigation (CBI) lodged an FIR against the then president of Bofors Martin Ardbo, the alleged middleman Win Chadda and the Hinduja brothers for criminal conspiracy, cheating, and forgery. It was alleged that certain public servants and private persons in India and abroad had entered into a criminal conspiracy between 1982 and 1987 in pursuance of which the offenses of bribery, corruption, cheating, and forgery were committed. The first charge sheet in the case was filed on October 22, 1999, against Chadda, Ottavio Quattrocchi, the then defense secretary S K Bhatnagar, Ardbo and the Bofors company. A supplementary charge sheet was filed against the Hinduja brothers on October 9, 2000. A special CBI court in Delhi on March 4, 2011, discharged Quattrocchi from the case saying the country could not afford to spend hard-earned money on his extradition which had already cost Rs 250 crore. Quattrocchi, who had fled from here on July 29-30, 1993, never appeared before any court in India to face prosecution. He passed away on July 13, 2013. The other accused persons who died were Bhatnagar, Chadda, and Ardbo.

**2G Spectrum scam:** This scam surfaced when it was revealed that the government, in 2008, had undercharged mobile telephone companies for frequency allocation licenses. These licenses are used to create 2G spectrum subscriptions for cell phones. The government awarded 122 telecom licenses with 2G spectrum in January 2008 at 2001 at the price of (Rs 1,685 crore) ignoring the current market value of the spectrum. In February 2007, Hutch sold its 67% equity to Vodafone at Rs 75,000 cr signaling a substantial increase in spectrum value. Even if 15% of this is considered to be spectrum value, then it is Rs 11,250 crore per pan-India licenses. However, Raja ignored this price. In November 2007, S-TEL offered Rs 6,000 cr for pan-India license; in December 2007, it increased the offer to Rs 13,752 crore. This was also ignored by Raja. After obtaining licenses at cheap rates, the private companies sold (diluted) their equities to foreign telecom companies at a very high price. Every company that

had pan-India licenses was valued at about Rs 10,000 cr in which it had assets of the 2G spectrum (Rs 1,659 cr.) Thus, the difference in these figures (Rs 10,000 cr and Rs 1,659 cr) is per pan-India license loss to the Government and gain to private companies.

- Shyam Telecom: Sold 74% to Sistema of Russia (MTS brand)
- Unitech: Sold 67% to Telenor of Norway (Uninor brand)
- Swan Telecom: Sold DB Group about 45% to Etisalat, UAE (Cheers brand) and 5% to Genex, Chennai
- Tata Teleservice: Sold 26% to NTT of Japan (DoCoMo brand)

Comptroller Auditor General of India (CAG) started auditing of new licenses in March 2010. On 8.11.2010, CAG submitted its report to the President of India in which it estimated the loss on account of 2G scam as Rs 1.76 lakh crore. Apart from this, it also found that of the 122 licenses issued on 10.01.2008, 85 licenses were issued to companies which were not eligible to get a license. In February 2012, the Supreme Court of India declared the allotment of the spectrum as "unconstitutional and arbitrary" and canceled the 122 licenses issued in 2008 under A. Raja, then Minister of Communications and IT. On 21 December 2017, the special court in New Delhi acquitted all accused in the 2G spectrum case including prime accused A Raja and Kanimozhi. This verdict was based on the fact that CBI could not find any evidence against the accused in those 7 years. As per the judgment, "Some people created a scam by artfully arranging a few selected facts and exaggerating things beyond recognition to astronomical levels. On 19 and 20 March 2018, the Enforcement Directorate and CBI respectively filed appeals against this verdict in the High Court.

#### **D.** Institutional crisis:

After the independence to prevent corruption, many government organizations have been established in India and laws have been made even after most cases of corruption have been unproven, so the question that arises here is how the effectiveness of these organizations is in the prevention of corruption. After independence, many institutions are formed for preventing of corruption. India's fight against corruption is led by a robust and time tested institutional and legislative framework including the Prevention of Corruption Act, an independent Central Vigilance Commission, the Comptroller and Auditor General, the Judges (Inquiry) Act, the Lok Pal and Lok Ayukta Act 2013, Whistle Blowers Protection Act 2011, Prevention of Money /Laundering Act, Benami Transactions (Prohibition) Act which cover a number of

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areas of criminalization and bribery. All civil servants are mandatorily required to declare their assets on an annual basis. The Elected Representatives are required to declare their assets every election cycle. India's "zero tolerance to corruption" approach, as well as "minimum government and maximum governance" approach resulted in a simplification of the governance model in recent years. But these Institutions have to work properly for the prevention of corruption, many restrictions have tightly bound their hand. Today we have reached such a stage that corruption is taken for granted. The root cause of poor governance is corruption. The recent expose, the disclosure of financial scams have highlighted the extent of corruption that is going on across the country. And corruption can only be fought with a coordinated effort. There are acquisitions that government is using these institutions for political purpose. Many people say that these institutions are puppets in the hand of government. So the lack of proper activity of these institutions has created a situation of institutional crisis.

- E. Major scandals: In recent years so many major scandals involving high-level public officials have shaken the Indian public services. These scandals suggest corruption has become a pervasive aspect of Indian political and bureaucratic system. Some of the major scams are following: Harshad Mehta & Ketan Parekh Stock Market Scam (5000 Crore),Coal Allotment Scam (Cost − 186000 Crores),2G Spectrum Scam (Cost − 176000 Crores), Commonwealth Games (CWG) Scam (Cost − 70000 Crores), Mega black money laundering Scam (Cost − 70000 Crores), Adarsh Housing Scam (Cost − 18978 Crores),Stamp Paper Scam (Cost − 20000 Crores),Boforce Scam (Cost − 400 Million), Fodder Scam (Cost − 950 Crores), Hawala Scam (Cost − 8000 Crores),Satyam Scam (Cost − 14000 Crores),Stock Market Scam (Cost − 3500 Crores) , Madhu Koda Scam (Cost − 4000 Crores),The Punjab National Bank Fraud Case or Scam( □ 14300 crore) and many others scams.
- **5. Existing Legal Framework**: The Prevention of Corruption Act 1947 defines the scope of corruption in regard to a public servant as follows:

A public servant is said to commit the offense of criminal misconduct in the discharge of his duty:

1. If he habitually accepts or obtains or agrees to accept for himself or attempts to obtain from any person, any gratification (other than legal remuneration) as a motive or reward as mentioned in Section 161 of the Indian Penal Code.

- 2. If he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person concerned.
- 3. If he dishonestly or fraudulently misappropriates or, otherwise abuses his position as a public servant, obtains for himself or any other person any valuable thing or pecuniary advantage.
- 4. If he, by corrupt or illegal means or by otherwise abusing his position as a public servant, obtains for himself or any other person any valuable thing or pecuniary advantage or
- 5. If he or any person on his behalf is in possession or has, at any time during the period of his office, been in possession, for which the public servant cannot his knowns sources of income cannot satisfactorily account of pecuniary resources or property disproportionate to his known sources of income.

The Prevention of Corruption Act, ] 947 was amended in 1988 to tighten its provisions. Also, the term 'public servant' is now more broadly defined which is proper as well: it includes elected representatives like Ministers and Members of Parliament.

# 6. Measures to Check Corruption:

- 1. The government can selectively withdraw from the areas of over-regulation provide scope for corruption. Moreover, personnel of good career record and integrity are preferred in heading an inspection team.
- 2. Downsizing the administrative machinery would ensure better efficiency and integrity.
- 3. There should be greater transparency in administration. Right to information is better Step in this regard.
- 4. Proper backing of administrative reforms by electoral and political reforms because they have increasingly become integrated.
- 5. Slackening the power of politicians in transfer and posting of bureaucrats will ensure discipline and integrity in them; it will also influence them to act in a way that is not solely political.

- 6. Effectively empowering bodies like Central Vigilance Commission, which is a statutory body. It conducts its investigation through CBI.
- 7. Set up an institution of Lokpal to investigate alleged cases of corruption against political leaders at the union level. This step was recommended by the Administrative Reform Commission. Despite claiming a commitment to Lokpal Bill, the political leadership is reluctant to give it a statutory status.
- 7. Administrative Machinery to the Prevention of Corruption: Corruption is anti-national, anti-socio-economic development. The fighting against the corruption is the need of today. Following Administrative machinery are established to the prevention corruption:
  - Legal Provisions(The Prevention of Corruption Act 1947, Amended 1988)
  - Code of Conduct for Public Servants[All India Services (conduct) Rules 1954, Central
     Civil Services (conduct) Rules 1955, Railway Services (conduct) Rule 1956]
  - Special Police establishment (Delhi Special Police Establishment 1953)
  - Committee (Railway Enquiry Committee 1953-55, Committee on The Prevention of Corruption or Santhanam Committee 1962)
  - Central Vigilance Commission (C. V. C.),
  - Central Bureau of Investigation (C. B. I.),
  - Vigilance Commission in Ministry (Chief Vigilance Officer),
  - State Vigilance Commission (S. V C.),
  - Lokpal and Lokayuktas.

Conclusion: Considering the current situation of corruption in India, by explaining the causes, modes of corruption and example of the various scam, we can say that corruption is a disease of our state. If the government does not take action, then our society will be affected. Before and after independence, there have been many corruption cases which have affected India in a socially, politically and economically manner and today there have been many corruption cases which pollute the social economic and political environment. After the independence, many corruption cases have occurred, most of them which have been unproven and lots of corruption cases pending in court. Regardless of the party-wise political leaders, there is a lack of good will against corruption, no such organization has been established in India to solve the problem of political and economic corruption quickly. The corruption that took place day after day has made people tolerant of corruption. As a result,

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there has now been a situation that has transformed corruption into an integral part of society. So, to build a corruption-free India, the government will have to adopt a positive attitude and action toward the prevention of corruption. Existing organizations like CBI, CVC, Lokpal etc. must also play a neutral independent role toward corruption. The blame is not only of political leaders, but bureaucrats should be punished equally in the same way. Since Independence, the government has developed various institutions to the prevention of corruption, but the question is how they succeed in their independence and neutral role? Again, it is necessary to consider why such organizations involved in the prevention of corruption are not able to play the role independently. So Arrangements will have been made to ensure that they can act independently and impartially. Above all, citizens should have a positive attitude towards the prevention of corruption. Otherwise, the dreams of forming a corruption-free India will remain a myth.

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