Chapter III

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CORRUPTION IN INDIA: DIMENSIONS AND DEVICES

The basis of a social system is the community of interest of its members. In a social system, relationships grow and change in accordance with the changing attitudes and interests of its members, of some or all of the units or individuals who compose it. The system derives its significance from its support of and contribution to the ends – the purposes – of individuals themselves. Without these ends social unity cannot be envisaged. Thus, in the “colourful confusion of interhuman life (which) falls into patterns of avoidance and approach”, corruption is an anti-social act whereby an individual places his own interest above the common interest of society.

The phenomenon of corruption has existed in all organized social systems except in primitive societies at all times. History is replete with the instances of rampant corruption in governmental and high public officers under different socio-political systems. The histories of Egyptians, Babylonians, Hebrews, Romans, British and Spanish are full of instances of corruption of those who held high public offices.

2. Ibid., p. 51.
Ralph Braibanti rightly points out that “Government corruption or improbity is found in all forms of bureaucracy and in all periods of political development. To imagine that in earlier periods of history all was pure and idealic is to make an incomplete and imperfect reading of history”.  

The prevalence of bribery in human affairs is demonstrated by references to it in the earliest historical records. The Code of Hammurabi, King of Babylon, dating from the twenty second century B.C. provides that if “a man (in a case) bears witness for grain or money (as a bribe), he shall himself bear the penalty imposed in that case”. Similarly, the Edict of Harmhab, King of Egypt (14th Century B.C.) provided capital punishment for the officials or priests who accepted a bribe in the performance of their judicial functions. Ashur-bani-pal of Assyria is reported to have resorted to bribery during his troubles with the Elamites in the Seventh Century B.C. A study of the penal provisions prevalent in various ancient social systems indicate that bribery was a great problem among the Jews, Chinese and Japanese, among the Greeks and Romans and among the Aztecs of the New World.

It may not be quite correct to assume that the religion enforced moral values in earlier periods of history and therefore people tended to be less dishonest. Ralph Braibanti aptly points out in this behalf that “it is

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8. “Encyclopaedia of the Social Science”, op.cit.
equally inaccurate to assume that in earlier periods religion had a greater rectifying capacity than it now has".  

However, the notion that taking of bribe is unethical and hence illegal has its roots in religion. Jhon T. Noonan Jr. has very ably traced this ethical and religious connection of bribery. According to him, notion of bribery has its roots in the ancient Near East. As in most archiac societies, peaceful relations with strangers were here established in two ways, by gift and by contract. God or the gods were similarly made approachable by offerings or covenants. Against the norm of reciprocal relations ran two concepts. First, the ruler was the protector of the powerless, of "the widow and the orphan", as texts from Lagash (2400 B.C.), Babylon (1700 B.C.), and Israel (600 B.C.) expressed it. Second, men was adjudged by the gods impartially as shown by the scales in the judgement scene of the Egyptian book of the Dead (2500 B.C.). A ruler who aids the powerless is not responsive to gifts, nor is one who judges in the place of the gods. These religious insights crystallized in an image of a judge who does not take gifts for his judgements and ideal apparent in Egyptian texts by 1500 B.C. The ideal received an expression of great influence on western culture in Denteronomy (7th Century B.C.), where it was stated that God in Judging "does not take reward" (Dent. 10:17) and man in Judging should not "take reward" (Dent. 16:19). The total biblical message on reciprocity was mixed but provides the main religious outlook from which the bribery prohibition in the word developed.

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9. Supra note 6.
John T. Noonan Jr. further maintains that biblical hostility to bribery was reinforced by a political tradition that appeared in the Greek city states, and had a strong impact on the ideals of the Roman Republic. The classic expression was provided by Cicero in his prosecution of Verres (whose name in Latin means "hog"), among the worst of whose offences was "taking money for Judgement", a crime described as "the foulest (against Verres pp. 2,3,78).\textsuperscript{11}

The emergence of a new socio-political order resulted in an unprecedented and sudden extension of the economic activities of the governments. The large armoury of regulations, controls, licences and permits provided new and large opportunities of taking bribes and indulging in corruption. The quest for political power at different levels made successful achievement of the objective more important than the means adopted. Thus the society started being moulded in a new form and fashion. Such a society has been described by Peter. H. Odegard as an 'acquisitive society'. According to him, "Corruption is, in a sense, a product of the way of life of an acquisitive society where money 'talks', where that which 'works' is justified and where people are judged by what 'they have' rather than what 'they are'. The growth and consolidation of American business into ever larger units have increased the pressures of private interests upon public servants. But even more important is the fact that they have created a society in which pecuniary values are dominant. In such a society prestige is measured in terms of wealth. Successful grafters

and corruptors become respected and a million dollars cover a multitude of 
sine".\textsuperscript{12}

The process of attainment of material gains through illegal means 
and methods is multi-channel. Different organs of the state machinery and 
different agencies of the government play their roles in this process. The 
situations arise where one ‘offers’ and the other ‘accepts’. Moreover, it is 
by now well established that bureaucracies are susceptible to differential 
influence. It depends on the economic and political power of the groups 
attempting to exert their influence on them as to what extent can they exert 
their influence. There are, in fact, factors involved:

\textit{"The economic elite of the city does not simply play golf 
with the political and legal elite. There are, in fact, 
significant ties between the two".}\textsuperscript{13}

We know that corruption, like water, flows from top to bottom. So 
the starting point of handling corruption has to be the government itself, 
beginning with ministers. Otherwise, it will be yet another ‘tamasha’ of a 
wild goose chase which is bound to have an element of witch-hunting. This 
is simply because corruption in the Indian setting is seen through political 
angles. Every political party sees corruption at the other side of the fence 
without caring to see things under its very nose. Well, this is how the 
politics of corruption goes on in this country.

India is well-known all over the world for its rich culture, spirit of 
toleration and brotherhood. There has been great erosion of human and 

\textsuperscript{12} Odegard, Peter H. ‘Political Corruption – United State’ Encyclopaedia of the Social Science, 
Vol. IV, op.cit., p. 454.

moral values during these years which is the proud and precious treasure handed over to us by our great philosophers, saints and sages in various periods of history.

Corruption not only has become a pervasive aspect of Indian politics but also has become an increasingly important factor in Indian election. The extensive role of the Indian state in providing services and promoting economic development has always created the opportunity for using public resource for private benefit.

During the 1980s and 1990s, corruption became associated with occupants of the highest echelons of Indian Political system. Rajeev Gandhi’s Government was rocked by scandals, as was the government of P.V. Narasimha Rao. “Politicians have become so closely identified with corruption in the public eye that a Times of India Poll of 1,554 adults in six metropolitan cities found that 98 percent of public is convinced that politicians and ministers are corrupt, with 85 per cent observing that corruption is on the increase.\textsuperscript{14}

The corrupt politicians and officials who occupy high positions in Government are in a position to suppress evidence or resort to threat or inducement because of their privileged access to government records.

The extensive literature on the subject of corruption draws attention to political systems and practices, economic development, economic policies, sociological characteristics and the cultural milieu as the main factors which are relevant for a causal explanation of corruption.

\textsuperscript{14} “Corruption in India End the Anti-Establishment Vote” on the Indian Government Corruption website http://cvc.nic.in/.
For example, it has been argued that democracies and the costly electoral cycles associated with them are fertile grounds for political corruption. While in office, the political leadership and legislators, dependent on external sources of funding for their re-election campaigns, tend to be influenced by pressure groups.

There is considerable agreement about the adverse effects of corruption on society, polity and the economy. Corruption corrodes the moral fibre of society. It undermined the legitimacy of Governments because of the widespread cynicism bred on a texture of facts and perceptions concerning the level of corruption.

In the background of the characteristic causes and cost of corruption, we could move on corruption in the contemporary Indian context. It would appear that most of the political, economic, sociological and cultural factors that generally account for corruption operate in India to a greater rather than a lesser degree. India is a low-income developing country in which there is intense competition among both the affluent and the poor for scarce resources in an environment of rising expectations. It is an active democracy in which the high cost of electoral politics has been a major factor in fuelling corruption in the electoral process and, subsequently, governance.

India has not been free of corruption, whether in ancient times, the immediate pre-colonial period, British rule or the decades following Independence. Gandhi was concerned with corruption in the provincial Congress Ministries formed after the 1935 Act.15

Number of cases of corruption in the States have been documented during the critical decades after Independence when Nehru was Prime Minister, nor were cases of corruption absent in the Centre itself. It was in response to the concerned expressed in Parliament on the growing menace of corruption in public administration that the Government of India set up a Committee of MPs and officials, under the chairmanship of Mr. K. Santhanam in the closing years of the Nehru period, to undertake a comprehensive inquiry into the problem.\textsuperscript{16}

It is not an exaggeration today to talk about corruption in terms of a crisis or a cancer endangering India's society, polity and economy. Considering following:

There has been a distinct increase – in terms of the number and amounts – in transaction in which the presence of corruption has been substantiated. At the Centre, these have included, but have not been confined to, defence contracts (e.g. Bofors, HDW submarines), civil contracts (e.g. railways), telecommunication contracts, commodity imports (e.g. fertiliser and sugar), privatisation (e.g., Bailadilla mine), house allotments, the financial sector (e.g., the Bank scam) and violations of the Foreign Exchange Regulation Income Tax Acts (Hawala cases) oil for food-scam in 2005 etc.

A number of Ministers and Governments of States have had to resign on account of being legally charged with corrupt transactions. Leading politicians belonging to different political parties have been in the

\textsuperscript{16} Ibid., p. 10.
legal proceedings related to violations of the Foreign Exchange Regulation and Income Tax Acts. In more than one instance Prime Ministers have been tainted with suspicion though investigations against them do not seem to have been expeditiously or effectively pursued. In any event, it is not credible that widespread Ministerial corruption would have been possible without the adequate involvement of the head of the Government.\footnote{17}

India has acquired the unenviable reputation of being, among the most corrupt countries in the world. A careful poll taken among business interest and financial journalists by Transparency International, the reputed anti-corruption non-Government organisation, placed India 9th from the bottom in its 1996 list of 59 countries.\footnote{18}

In a number of States, Chief Minister and Ministers have been implicated in major corrupt transactions relating to liquor regulations, real estate approvals, large government contracts, allocation of scarce materials transfers of public servants and so on.\footnote{19}

At the national level, India still does not have an Ombudsman type, Lok Pal legislation and machinery to deal with corruption among ministers and the higher bureaucracy. In general, Governments at the Centre and in the states have been tardy, at best, and insecure, at worst, in investigating and pursuing corruption. Commissions of Inquiry established for these purposes over the years have not been able to effectively prove or punish corruption.

\footnote{17. Chitkara, M.G. \textit{“Consumerism, crime and corruption”} APH Publishing Corporation (New Delhi), 1988, p. 8-9.}
\footnote{18. Ibid., p. 9.}
\footnote{19. Ibid., p. 9.}
Corruption has been politicised—just as politics has been corrupted—in the sense that cases of corruption have been used for partisan political purposes rather than with any serious intent to objectively tackle the problem.

The corruption is a National concern in the consciousness of the people has been demonstrated by the fact that it was the most important issue in the general elections to Parliament in 1989, 1996 and in several elections of State legislatures.  

Earlier, the criminals helped the candidates in winning the elections. The mafia leaders now think why others should run their races; why not themselves. This explains widespread presence of criminals in Parliament as well as the state legislatures. Mr. G.V.G. Krishnamoorthy, Election Commissioner, has estimated that as many as 40 MPs in the Lok Sabha have criminal cases pending against them and over 700 out of 4000—odd members of the State assemblies have a history of crime to back their rise in politics.

In the foregoing pages, a general appraisal of the phenomenon of corruption from ancient to the modern times and corruption and criminalization of politics has been carried out. In the proceeding pages, the problem be estimated in Indian context. In order to place the issues in their right perspective, it is relevant to view the problem in the historical perspective.

20. Ibid., p. 11.
21. Ibid., p. 16.
A. HISTORICAL PERSPECTIVE

The earlier Indian religious texts and codes of conduct, viz., Shastras and Smiriti texts are full of references to the dynamics of bribery and corruption and suggesting various methods to the kings and rulers to deal with this phenomenon.

Kautilya, Katyayana, Manu, Narada, Brahaspati and other sages, seers and Hindu law givers have mentioned about the phenomenon of bribery and suggested techniques to have the king and people from corrupt officials and bribe seekers.22

Kautilya wrote in Arthashastra, “as it is impossible not to taste the honey or the poison that is placed at the tip of one’s tongue, so is it impossible for government servants’ not to eat up at least a bit of the king’s revenue”.23

Commenting on the modus operandi of this class of people, Kautilya further wrote, “Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants cannot be found out while taking money”.24

It is amazing to read the forty kinds of embezzlements indulged in by corrupt government officials enumerated by Kautilya in Arthashastra. It appears that the historical continuity regarding the dubious methods

employed by government officials has been maintained over a period of time – which may be thousands of years.\textsuperscript{25}

According to Kautilya\textsuperscript{26}, the forty kinds of embezzlements are:

"I. What is realised earlier is entered later on; II. What is realised later is entered earlier; III. What ought to be realised is not realised (by taking bribe); IV. What is hard to realise is shown as realised (such as taxes from the Brahmanas); V. What is collected is shown as not collected; VI. What is collected in part is entered as collected in full; VII. What is collected in full is entered as collected in part; VIII. What is collected is of one sort, while what is entered of another sort (such as pulses in place of rice etc.); IX. What is realised from one source is shown as another; X. What is payable is not paid; XI. What is not payable is paid; XII. Not paid in time; XIII. Paid untimely (giving gift later with a view to enforcing the receiver to give bribes to the officer or clerk); XIV. Small gifts made large gifts (by taking bribe); XV. What is gifted is of one sort while what is entered is of another sort; XVII. The real is one while the person entered (in the Register) as done is another; XVIII. What has been taken into (the treasury) is removed while what has not been credited to it is shown as credited; XIX. Raw materials that are not paid for are entered; while those that are paid for are not entered; XX. An aggregate is scattered in pieces (such as representing as assessment of 1,000 panes levied from a whole village as small individual assessments); XXI. Making up the total in view of making use of the part of the taxes for himself under the pretext of non-

\textsuperscript{25} Arthshastra was written around 300 B.C.
\textsuperscript{26} Kautilya 'Arthshastra', op.cit., pp. 23-25.
payment of that part; XXII. Scattered items are converted into an aggregate (making ryotwar assessments as village assessments); XXIII. Commodities of greater value are bartered for those of small value; XXIV. What is smaller value is bartered for one of greater value; XXV. Price of commodities enhanced; XXVI. Price of commodities lowered; XXVII. Number of nights increased (with a view of misappropriating the wages due for the increased or decreased days); XXVIII. The year not in harmony with its months; XXIX. The month not in harmony with its days; XXX. Inconsistency in the transactions (stating that the labour has been paid outside the office while in reality no such payment has been made); XXXI. Labour carried on with personal supervision where no such supervision has been done (samagamavisamah); XXXII. Misrepresentation of the source of income; XXXIII. Inconsistency in giving charities; XXXIV Incongruity in representing the work turned out (as in the case of the superintendents of boats misappropriating ferry dues under the false plea that only Brahmanas crossed river on a particular day); XXXV. Inconsistency in dealing with fixed items; XXXVI. Misrepresentation of test marks or the standard of fineness (of gold and silver); XXXVII. Misrepresentation of prices of commodities, XXXVIII. Making use of false weights and measures; XXXIX. Deception in the articles; XL and making use of false cubic measures such as bhajana.”

This enumeration of Kautilya made centuries ago reads like a report of an inquiry commission on corruption of government officials of present day times.
The later historical developments reveal that corruption did exist in the Indian social and political system. However, under such systems, where all political and administrative powers vested in the kings and rulers, corruption was not all pervasive in the modern sense of the term. The structure of the state afforded to a small category of Officers the opportunities of corruption. These officers were the revenue collectors, administrators of justice and prosecutors etc.

Thus during Sultanate period\textsuperscript{27} ‘Kotwals’ enjoyed vast discretionary power which they tended to misuse for their private gains. They arrested people on the complaints of collectors in connection with the collection of revenue.

The instances of corruption among the functionaries of the king during the Mughal period are contained in various historical documents.\textsuperscript{28} It is again, that among the functionaries, called as Mohatasabs, who were in-charge of prosecutions under common law, and Kotwals, who would keep people under confinement, that corruption thrived. According to R.F. Bilgrami, Mohatasabs would extort money from the shopkeepers (on false pretenses).\textsuperscript{29} It was during Shah Jahan’s reign that one famous Kotwal was executed for corruption.\textsuperscript{30}

The phenomenon of corruption during British period may be discussed in a little detail because British Raj was proceeded by

\textsuperscript{27} Bashir, M., “Administration of Justice in Medieval India”, Manager of Publications, Karachi, p. 115.

\textsuperscript{28} Sharma, Dr. Satya Prakash, “Crime and Punishment”, Sterling Publishers (Delhi), 1967.

\textsuperscript{29} Bilgrami, R.F., “Religious and Quasi-Religious Department of Mughal Period 1556-1707 A.D.”, Munsi Ram Manohar Lal Publishers (Delhi), 1884, p. 174.

Independence. The corruption during British may be divided into two phases. One phase is the corruption during the period when East India Company was at the helm of affairs. Another phase is when patterned Civil Services were organised under the Crown in India.

P.E. Roberts portrays the situation around 1757-1760 India in these words:

"The truth is that everywhere at this time, and especially in India, as Sir Jhon Malcolm (Lord) Clive's biographer, admits, a 'spirit of plunder' and a passion for rapid accumulation of wealth' actuated all ranks. The whole atmosphere was corrupt from modern point of view".31

According to L.S.S. O'Malley, "In 1787, within a year of assuming office as Governor-General, Lord Cornwallis found abundant evidence of frauds, peculation and corruption. A glaring case was that of the Resident at Benores, who, in addition to his salary of Rs. 1,000 a month, obtained from irregular emoluments little less than Rs. 400,000 a year, exclusive of a monopoly of the trade of the surrounding countries".32

In fact, the corruption of officials of the East India Company scared the members of House of Commons to such an extent that Lord Chatham is reported to have said in January, 1770:

"Without connexions, without any natural interest in the soil, the importers of foreign gold have forced their way into Parliament by such a torrent of..."

corruption as no private hereditary fortune could resist".  

The corruption in high echelons aside, corruption thrived in the agencies responsible for collection of revenue. It took the forms of extortion. The police departments were rife with corruption during British Raj.

The lower functionaries of the East India Company were paid very low, rather nominal salaries, leaving them to find other avenues to make good the loss.

The year 1772 onwards, Warren Hastings and Lord Cornwallis tried to organise Civil Services in the modern sense. However, patterned Civil Services were organised under Crown from 1858 onwards where Civil servants, who were professionally trained administrators, administered India. It is after 1858 that civil servants were distinguished from other servants or employees of the Crown.

With the distinction of civil servants and other servants of the Crown, another phase of phenomenon of corruption starts. The civil servants were very well paid and they enjoyed special privileges which officials at the other rungs of administration did not enjoy. Thus, those who worked at other levels, particularly at lower levels, made good the loss by

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34. O’Malley, L.S.S., p. 16-22.
36. O’Malley, L.S.S. Ibid. p. 9. According to O’Malley even as late as 1744, at such an important place as Dacca the annual salaries were: £ 40 for chief, £ for junior merchant, £ 15 for factor end, £ 5 for a writer, p. 9.
37. Ibid., pp. 83-134.
corrupt means and methods. Corruption became rampant at the lower levels of administration.

The brief appraisal of corruption in historical context provides an insight into the prevalence of corruption historically. In the next section, the problem of corruption and its extent in post-independence India would be estimated.

B. CORRUPTION IN POST INDEPENDENT INDIA

"At the stroke of the midnight hour when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends and when the soul of a nation, long suppressed, finds utterance".38

Jawaharlal Nehru

"India did not inherit a system which was free from corruption at the Time of her Independence in 1947. In fact, the situation was so bad that Gandhiji is reported to have said that "I get frighted to see the enormous corruption all around me".39

In contrast to the rejoicing throughout the country at the time, the writings and utterances of Mahatma Gandhi clearly indicated his deep anguish and forebodings. He was quite unable to accept partition, and beyond that the communal riots and 'holocaust' that preceded and followed it. Even at the time, complaints of corruption against Congressmen and the ministers, who had assumed office first in 1937 earlier and then in 1946, had perturbed him greatly.

On 15 August 1947, when the Congress ministers of West Bengal came to meet him at his house in Calcutta he advised them to be wary of the dangers of power and corruption. He said:

From today you have to wear the crown of thorns. Strive ceaselessly. Cultivate truth and nonviolence; Be humble; Be forbearing. The British no doubt put you on your mettle. Now, on your own you will be tested through and through. Beware of power; Power corrupts; Do not let yourselves be entrapped by its pomp.⁴⁰

Later, in December 1947, when Gandhiji was in Delhi, he received a letter from Konda Venkatappaiah of Andhra Pradesh, a veteran freedom fighter, whom Gandhi had described as an aged friend and an ‘old decrepit with broken leg’, who referred to the ‘moral degradation of the Congress legislators who were making money by use of influence’ and ‘obstructing administration of justice-in criminal courts’. It was around this time that Mahatma Gandhi has suggested the Indian National Congress be dissolved.

As early as December 1928 he wrote in Young India that drastic measures needed to be taken against corruption to prevent the Congress being overtaken by decay. Still earlier, in 1925, he had warned about the ‘demon of corruption’ and said that if left unchecked it would seriously damage the party and the country. Corruption and criminalization of politics have brought our democratic system and the country to the brink of disaster.⁴¹

The history of corruption in post-Independent India starts with jeep scandals in 1948, when a transaction concerning purchase of jeeps for

⁴¹ Mahatma Gandhi “Criminalisation of Politics”, Young India, Dec. 27, 1928.
the army needed for Kashmir operation was entered into by V.K. Krishna Menon, the Commissioner for India in London. After this scandal Feb. 3, 1956 Krishan Menon was inducted into the Nehru cabinet as Minister without port folio.

In 1950, A.D. Gorwala, an eminent civil servant was asked by Government of India to recommend improvement in the system of Governance in his report submitted in 1951 he made observation “Quite a few of Nehru ministers were corrupt and this was common knowledge”.42

Corruption charges in case like Mudgal case (1951), Mundra deals (1957-58), Malaviya Sirajuddin Scandal (1963) and Pratap Singh Kairon case (1963) were leveled against the congress ministers and chief Minister but no Prime Minister resigned.

Few in history excelled Jawaharlal Nehru in the sheer love and affection he had for his people and which was reciprocated by them throughout his seventeen years at the helm as prime minister. Nehru was, however, more a visionary and dreamer than an administrator. Inevitably mundane matters like corruption, even among ministers, did not receive much of his attention. On the contrary, his reaction to serious charges of corruption and nepotism levelled against Sardar Pratap Singh Kairon and a few others was quite feeble. Even when he was obliged to accept the resignation of T.T. Krishnamachari under the pressure of public opinion, his unhappiness with that development was evident, and he went so far as

to go to the airport to see him off when the latter was returning to Chennai after demitting office.43

Pandit Nehru acted according to highest traditions of parliamentary democracy in 1951 in what came to be known as ‘Mudgal Episode’. H.G. Mudgal, who ran an organization called H.G. Mudgal Publications in Mumbai, was elected to the provisional Parliament in April 1950. On 6 June 1951, Nehru moved a motion in Parliament that a five-member committee of the house be set up to investigate Mudgal’s conduct in influencing members of Parliament in favour of support to the Bullion Association of Bombay with which he was associated. The committee was satisfied that the services to be rendered by Mr. Mudgal were to include putting questions in Parliament... It held that his conduct had undermined the dignity of the House, and Parliament adopted a motion, moved by the prime minister, that Mudgal ‘deserved expulsion from the House’. However, during the discussion in Parliament, Mudgal tendered his resignation.

Subsequently, however, there was a clear climb down in the jeep scandal case, in which serious allegations were levelled against no less a person than V.K. Krishna Menon, who had entered into two transactions as high commissioner of India in the UK for the purchase of jeeps. When the first consignment of about 155 jeeps reached Chennai after nearly six months of the order being placed they were deemed unsuitable and the Defence Ministry refused to accept the vehicles. Krishna Menon then

entered into a new contract with another firm for the supply of 1,007 jeeps at a delivery rate of sixty-eight per month. Almost two years later, only forty-nine jeeps had arrived. A high-powered committee with Ananthasayanam Iyengar as chairman was constituted and, taking an adverse view of the procedure followed in the transactions, urged further inquiry. The government, however, ignored the recommendations, notwithstanding repeated criticisms within Parliament and outside. The Public Accounts Committee too took exception to the entire deal, yet despite strong opposition by a large number of members of Parliament, the government eventually announced on 30 September 1955, that the jeep scandal was closed, leaving a distinct impression that the matter had been brushed under the carpet. Krishna Menon, on the other hand, was inducted into the Cabinet, as minister without portfolio, on 3 February 1956.44

When Indira Gandhi's coming to power, however, heralded an entirely new culture in the politics and governance of the country. The foremost casualty was of course probity in public life.

Indira Gandhi institutionalized it by holding both posts of the Prime Minister and Party President by doing so she was herself controlling the Party funds, which gave birth to the money power in Politics. The famous V.P. Malhotra (Chief Cashier of State Bank of India) case in which he got a telephone call believing from Indira Gandhi to pay Rs. 60 lakhs to one Nagarwal remained a mystery. Corruption cases like Fairtax, HBJ Pipline, HDW Submarine dial came up since then.45

44. Ibid., p. 12.
Amrit Nahata, a member of Parliament, who produced a satirical film, *Kissa Kursi Ka* has recorded that once in the course of conversation with some MPs over dinner including him, Indira Gandhi remarked, 'Nahataji, what is right and wrong in politics?'. 46 Nahata says he was shocked that here was the prime minister of the country who felt that morality had no place in politics. Thereafter, she never looked back. Indeed, the devastation of democratic institutions, the virtual collapse of the criminal justice system, rampant corruption in high places and sycophancy facing the country today can be traced back to the years when she ruled over the nation.

The veteran octogenarian CPM leader, and chief minister of West Bengal, Jyoti Basu, according to his recent authorized biography by Surabhi Banerjee, is of the view that the present disintegration of values in Indian politics began with Indira Gandhi. He is quoted as saying 47:

It is Indira who started it. The two major drawbacks of Indira were her political excesses, and vindictiveness. She loved to settle scores with political as well as personal adversaries.... The excesses that Sanjay indulged in the name of population control with the tacit approval of Indira Gandhi were equally condemnable... Sanjay [actually] became an extra constitutional source of power and he just intimidated everybody.

It is the period when Indira Gandhi was at the helm, that first witnessed the employment of 'muscle' power and 'state' power for large-scale rigging of elections. It happened in West Bengal during the midterm poll in 1971 and subsequently in the election of 1972. Jyoti Basu himself

46. Amrit Nahata, "The Story of Power Politics", Kissa Kursika, p. 120.
provides an account of it in his biography by Surabhi Banerjee. About the 1971 midterm poll, Jyoti Basu is quoted as saying that it occurred against a backdrop of contrived violence. Hemant Basu, the veteran leader of the Forward Bloc, was murdered, and the CPM was accused of the crime by the Congress party.\textsuperscript{48}

The date West Bengal went to the poll, 11 March 1972, is not one that Jyoti Basu is likely to forget. He is quoted as saying, ‘I could not even enter many areas of my constituency in Buranagar nor could my comrades’. The CPM, which has secured 113 seats barely a year earlier won only 13. What was unparalleled and unprecedented was that Jyoti Basu himself, who had never been defeated in Burangar since the first general elections lost to a CPI candidate by a large margin of thirty-eight thousand votes. Not many in the country were prepared to accept that such a verdict could have come about through a fair election.

“Indira Gandhi’s commitment to Democracy is illustrated by the imposition of a state of Emergency and dismantlement of other democratic, institutions and safeguards to protect herself against the Allahabad High court judgement. In an unscheduled broadcast to the nation at 8 am on 26 June 1975 Indira Gandhi justified the proclamation of emergency. She attacks on Freedom followed this address to the nation. On 26 June 1975 the citizen right to move the court under Art. 14, 21, 22 of the Constitution was suspended by President. Art. 19 of the Constitution was suspended for the duration of Emergency by a Presidential order of 8 January 1976.

These right are broadly known as the “seven freedoms” i.e. Freedom of speech and expression, right to assemble peacefully and without arms, Form Association, the right to move truly throughout the territory of India, acquire hold, and dispose of Property, Practice and Profession, any occupation, trade”.

Bofors, and other scandals like St. Kitts, Airbus surfaced. V.P. Singh fell out with Rajiv Gandhi and eventually left the government and the Congress party. In the elections held in 1989, principally on the issue of corruption in general and the Bofors deal in particular, Rajiv Gandhi lost power. Much of this is discussed in the chapters that follow. Suffice it to say here that during the last days of Rajiv’s regime, lack of probity in public life and corruption in high places had stirred up the conscience of the nation more than ever before. This became a central political issue over which the 1989 elections to the Lok Sabha were fought.49

In the area of probity in public life, fighting corruption in general, and particularly in high places, Shastri scored over the rest, barring perhaps, Sardar Patel. Shastri set a notable example early in his career as a politician in power when as railway minister in Nehru’s cabinet, he resigned in January 1956, accepting moral responsibility for some serious railways accidents. Notwithstanding persuasion to the contrary by Nehru himself, Shastri remained adamant. He exhibited exceptional firmness in dealing with corruption in high places. He initiated concrete steps in curbing corruption in the services by setting up elaborate institutional arrangements for the same.

49. Ibid., pp. 19-22.
Lal Bahadur Shastri constituted a committee under Dr. K. Santanam, MP, to recommend measures to check corruption. The committee first submitted its interim report followed up by its final report in March 1965, the recommendations of which were readily accepted. It was at his initiative too, that a long-pending proposal to constitute a central Bureau of Investigation was implemented and the bureau came into existence on 1 April 1963. In accordance with the recommendations of the Santanam Committee, the Central vigilance Committee was also set up. It was under the leadership of Lal Bahadur Shastri and with his full backing, ably assisted by the then home secretary, L.P. Singh, and the first director of CBI, D.P. Kohli, that very high standards were laid down for the CBI. Very soon the agency earned a reputation for honesty and efficiency and there were demands even from the Opposition for CBI probes into various allegations against highly placed individuals.

The Janata Party government also constituted a committee under former Union Home secretary and governor of North East Provinces, L.P. Singh, which also included the first director of the CBI, D.P. Kohli, to suggest measures to insulate the CBI and other sensitive central agencies from corrupt political interference. No follow-up action has been taken on the recommendations made by the L.P. Singh Committee in the early '60s either. 1962, Also, there was no victimization by the Janata government. Even the officers of the CBI who had conducted the Baroda dynamite case against George Fernandes and others, faced no problem. On the contrary they were treated with respect and confidence, even though George
Fernandes was a powerful minister in charge of industry in the government. The case was entirely of a political nature.\(^{50}\)

The V.P. Singh Janata Dal government that succeeded Rajiv Gandhi after the Lok Sabha elections towards the end of 1989, was even more short-lived than the Janata Party government of 1977-79, but did succeed, during this short period, in restoring autonomy to some institutions such as the CBI, and more generally, probity in governance. V.P. Singh had come to power principally on the issue of corruption in high places, especially the Bofors scandal. The various allegations of corruption and some serious crimes such as the St. Kitts forgery were taken up for investigation in all earnestness by the CBI, and the agency given a free hand.

The Chandrashekhar and Narasimha Rao governments saw a nadir with regard to a total want of probity in public life, blatant interference in the investigation of cases of corruption in high places, and a partisan administration. The Narasimha Rao government faced the most serious corruption and criminal charges with the prime minister himself the focal point of attack. Narasimha Rao also came under serious criticism for playing politics in the investigation of cases like Bofors and also misleading Parliament on several occasions. Narasimha Rao was the first Prime Minister being prosecuted in corruption charges. Cases like Rs. 2500 crore Airbus A 320 deal with France involving Kickback (1990), Harshad Mehta Security Scam (1992), Gold Star Steel and Alloys controversy

(1992), JMM Bribery case, Hawala Scam of Rs. 65 crore and Urea Scam (1996) also came up during the period of Narasimha Rao Government.51

The governments of Chandrashekhar and Narasimha Rao also shared another thing in common in ample measure, i.e. the clout Chandraswami enjoyed at the highest level of governance. It is difficult to say who between them was closer to Chandraswami. When Chandrashekhar visited Hyderabad on 3 January 1996 to attend a reception organized in his honour as the best parliamentarian of the year. On that occasion, he told the press at Hyderabad that Chandraswami was his friend.52

The Janata Party under Jayaprakash Narayan was the outcome of a struggle against the threat to democracy and corruption in high places. It is true that there are no permanent friends and enemies in politics, but has the Congress party denounced the Emergency to date? On the contrary, during the debate in the special session of Parliament in August 1997 on the golden jubilee celebration of India’s Independence the star-speaker of Congress (I), Madhav Rao Scindia, and MP from West Bengal, Priya Ranjan Das Munshi, at least obliquely justifying the Emergency.

Corruption in high places, in particular Bofors, were issues on which V.P. Singh had fallen out with Rajiv Gandhi. There were hardly any investigations of the Bofors case, the St Kitts case in which V.P. Singh was personally the target, and the Hawala cases under either Chandrashekhar and P.V. Narasimha Rao. In desperation, citizens eventually sought the

52. “It is a party of the corrupt and the criminals”, The times of India, 4 July 1996, p. 2.
intervention of the Supreme Court and high courts to direct the investigating agencies to proceed in these cases and set the law in motion; one aspect of what is termed 'judicial activism'.

The Gujral government created a record of sorts in its novel methods of fighting corruption and criminalization and curious ways of ensuring probity in governance. Faced with a challenge to his position with the submission by the CBI of its report on the 930 crore Fodder scam, seeking prosecution, apart from others, of former chief minister of Bihar, Laloo Prasad Yadav, Gujral initially adopted a stance of helplessness. Widely known for his personal integrity and commitment to value-based politics, Gujral's 'helplessness' in dealing firmly with the Fodder scam case in Bihar involving Laloo Prasad yadav dismayed and disappointed the people. In an interview to Home TV, former Prime Minister I.K. Gujral said that he knew of no 'magic wand' to root out corruption. He added, 'Let us understand the police organizations are not what you call, "doodh ke dhuley hue" (not as innocent as you think they are) and that to make the action against corruption effective there was need for an upright police force too.

Later on 15 August 1997, addressing the nation from the ramparts of the Red Fort, the then Prime Minister I.K. Gujral, spoke at length about 'canker' of corruption and called for an all-out war against crime and corruption in politics.

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54. "I have no majie wand to stop graft", P.M. says an interview, The Hindustan Times, 21 July 1997, p. 8.
55. Indian Prime Minister speech on The Red Fort, 15 August, 1997.
The action of former prime minister I.K. Gujral in abruptly removing the director of CBI, who was in any case due to retire after only a few months in October 1997, when he was pursuing cases against Laloo Prasad Yadav in the Fodder scam and Bofors scandal naturally attracted widespread criticism, as did the lame excuse for this. The Gujral government thus took a few concrete steps to inspire confidence that they really meant business when talking of fighting corruption and criminalization in high places, though Gujral personally set a high standard of integrity and probity as prime minister.  

Even a constituent of the United Front, the CPI(M), which was supporting the United Front government of Gujral accused him of inaction in curbing corruption. A member of their politburo, Sitaram Yechuri, was quoted to have said, 'No one can fault his pious and well-matching declarations. These, however, cannot remain mere declarations of intent' and also that 'the sincerity of declaring the intentions of the address to the nation, does not seem to be reflected in the actual working of the government'. The reaction of veteran CPI leader and home minister of the United Front government, Inderjit Gupta, to the announcement of the Election Commission that a person who stood convicted of any crime would be disqualified from seeking election to the Lok Sabha even if the case was pending in appeal, made things worse. A special session of the Lok Sabha on 30 August 1997, moved a resolution committing all parties to a pledge that they would not give tickets to persons with a criminal  

background or those involved in corruption cases. It was a welcome move because this is, perhaps, the most effective way of ensuring that corrupt and criminal elements are kept out of the legislatures and Parliament. It, however, came as a bit of an anticlimax when, while moving the resolution, the home minister dismissed the Election Commission’s order debarring convicted persons from contesting elections on the ground that the commission’s orders suffered from ‘many infirmities’ and would not stand legal scrutiny. There was no need for the home minister to rush to find fault with the Election Commission order, when the legal experts were generally in agreement that the order was legally sound. Earlier, the home minister had expressed to his colleagues his helplessness in breaking the nexus between criminals and public leaders. ‘Being a minister means nothing!’ Inderjit Gupta is claimed to have said in apparent disgust, to the CPI leadership at the party’s national council meeting in early August 1997:

After the Congress Party when B.J.P. came into power, a web-based news site specializing in sensational scoops from the worlds of politics and showbiz dramatically disclosed the result of sting operation it had been conducting over the previous seven months. Filming thought with concealed cameras, they caught on videotape the National President of India’s largest political party, Mr. Bangaru Laxman. The Bhartiya Janata Party (BJP which is also the Central element of India’s coalition Government) casually accepting the equivalent in Indian currency of £1,500 and commenting, with an equally blasé air, that he would not mind
receiving dollar payment in future. The tap also contain lengthy discussion with an Indian general and other senior army officers.

The sting clearly exposed an intricate web of official corruption running vertically (from clerks through middle men to top politicians and senior army officers) after than forced the resignations, among others, of the BJP President and Veteran politicians serving as Defence Minister Mr. Farnandes.57

In the past 10 to 20 years, Indian have been saturated with High profile scandals, ranging from the infamous field artillery deal with Bofos (Swedish arms company) for which former Prime Minister Rajeev Gandhi has been posthumously indicated to the case for which another Former Prime Minister P.V. Narasimha Rao, was convicted in 2000 (this involves money given to Parliamentarians of a small political party in 1992 in Exchange of their support to Rao Government which lacked an outright Parliamentary Majority) both Gandhi and Rao were Congress prime minister's in March 2001. The current BJP Prime Minister Mr. Atal to openly warn agitating congress member in Parliament that those who lives in glass house should not throw stones. Indian politics is a moral wasteland, and a career in politics is commonly viewed as atypical resort of the scoundrel but the tentacles of corruption radiate outward from the political class to affect, and implicate, society as a whole.58

There is nothing we can do to end the unholy nexus between criminals and politicians, politiciens and

57. Bose Sumantra, A culture of corruption? Democracy and Power in India” Article 2000 (Mr. Bose Lecturer in Comparative Politics at London School of Economics and political Science).
58. Ibid.
bureaucrats. All we can do is to pass legislations which cannot be implemented. I see no end to the problems in the country, especially as there are criminals in every section of society.  

A brief appraisal of socio-political structure of pre-independence India and politico-administrative system of Britishers may provide some clues to the understanding of the problem.

Indian society was essentially a feudal society with a large number of princely states and landed aristocracies dominating socio-political scene of Indian society in pre-independence era. It was customary for these princes, Maharajas and Jagirdaras (Landlords) to present gifts, presentations and ‘nazranas’ to their British overlords. These people in turn would also accept ‘gifts’ and ‘nazranas’ from their officers who administered their states and estate as well as from the other subjects. It was very customary for the state officials to receive gifts, ‘nazranas’ and ‘dalis’ from the people in cash and in kind. The officials would accept such offerings, in cash and in mind, as a matter of right and people offered these by way of duty. Since officials were responsible for maintaining law and order, collection of revenue and taxes and administrations of justice, there was scant regard for rules and regulations. The system afforded them with greater opportunities for arbitrary actions and decision making and hence their actions were greatly influenced by bribes and corrupt practices.

Two instances, though apocryphal, quoted by a high official of C.B.I. (Ministry of Home Affairs, Government of India) are worth to be

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60. Indian terms used for Gift in cash and in kind.
61. Offered to officials
These instances provide an insight into the psyche of the corrupt rulers and officials of that period.

One, of a Maharaja of a state, who after being introduced to the Viceroy, enquired about the salary of the Viceroy, and "income from other sources". Thanks to the wits of the bewildered interpreter who saved both of them from embarrassment.

Another, pertains to an unscrupulous government official who was appointed to count waves at riverside as a punishment for his corrupt practices. Soon it was discovered that he had found out a novel method of making money even in that capacity. He would charge money from the fishermen on the pretext that they would impede his official duty of counting waves by disturbing the waves.

The British politico-administrative policy was based on a differential treatment to the officials of the Crown. The British officers of the Crown in India were very well paid and enjoyed enormous privileges, concessions and facilities. However, Indian officials of the crown were meted out other treatment. Their salaries were low and they did not enjoy the same amount of privileges and concessions which their counterparts enjoyed. Consequently, they would make good the loss by indulging in bribery and petty corruption.

The officialdom which Independent India inherited comprised mostly of these people and these traditions.

Independence of India changed the whole socio-political scenario of the country. However, the efforts of the leaders like Gandhiji and others, who tried to build the edifice of a new socio-political system in India on the foundations of moral and spiritual values aside, the menace of widespread corruption, nepotism, bribery and abuse of authority and power for material gains could not be controlled in the new socio-political system of post-independence India. The stories of rampant corruption in all walks of public life are vividly told by the various Commissions of Inquiry which have been set up against high public officials and governmental organizations from time to time. Administrative Reforms' Commission reports, newspaper exposures of scandals of high public officials, frequent accusations of corruption in public offices by opposition political parties in parliament and State Legislatures and outside these houses, Vigilance Commission Reports and conviction of corrupt public servants and government officials by the courts and departmental actions provide the extent and magnitude of the problem of corruption.

committee on Prevention of Corruption portrayed the situation in the following words:

"It was represented to us that corruption has increased to such an extent that people have started losing faith in the integrity of Public administration. We heard from all sides that corruption has in recent years spread even to those levels from which it was conspicuously absent in the past. We wish we would confidently and without reservation assert that at the political level, Ministers, legislators and party officials were free from this malady". 63

Whatever the reasons are, the situation in India at present appears to be dismal in as much as the "scarlet thread of bribery and corruption runs throughout the fabric of public life". 64 The menace is everywhere, in the echelons of public offices, in the places of worship, in the arts and literature, in the press and the media, in politics and in schools and colleges. 65

65 . Kohli, Suresh (ed.) ‘Corruption in India’, Chetna Publications, East Park Road, New Delhi (1975), Eminent intellectuals and writers have portrayed the corruption in different walks of life in India in this collection.

• Raj Gill writes in the essay entitled “Corruption in Press” (p. 58): “Corruption in the Press takes many subtle forms. A public relation man may please newsmen with liquor and good food for months of even just to be able to get his pound of flesh back when most need...”.

• Dev Dutt in the essay entitled “Corruption in Politics” (p. 78) writes that: “they (guardians of law) and the underworld of crime and anti-social elements have mutually advantageous relations-cuts from burglars, hold up men and racketeers and regular stipends from brothels, gambling dens, narcotic peddlers and smugglers. And consequently, the high public officials auction remunerative police stations to the highest bidding subordinates”.

• “The Jailors break prison rules. The judicial administration particularly at the lower levels is a cesspool of corruption. It seems to have penetrated even in some aspects of the working of our own armed forces”.

The problem of corruption in Indian politics has been highlighted, time and again, by the Commission and Committees appointed by the government to look into the allegations and charges of corruption. The findings of the Committee authenticate reports of independent surveys and newspaper exposures of scandals on corruption in Indian Public Offices. It is amazing that all such reports further establish the continuum of phenomenon of corruption in public offices in India. Sometimes it appears that modes and methods of talking bribes have remained unchanged over a period of time. One instance may suffice to prove the point that modes of receiving bribes transcend the limitations of time and space.

Santhanam Committee Report\(^6\) records the number of cases registered by the Delhi Special Police Establishment during the period 1957 to 1962 and the number of government servants involved in these cases. These figures show a step rise over a period of time.

The problem of corruption is highlighted by empirical surveys also. According to James C. Scott:

"There is strong evidence that the Indian public assumes, probably with good reasons, that administrative corruption is widespread. Well over half of respondents to a survey felt that 50% or more of government officials were corrupt".\(^6\)

In regard to the levels of corruption in various sections of the society, MARG survey came out with interesting conclusions.

\(^6\) Santhanam Committee Report, pp. 14-16.
55 percent respondents were of the opinion that police had "generated the highest level of corruption". Next came the politicians; 47 percent respondents held them responsible for growing corruption. 41% respondents expressed the opinion that government servants were responsible for increased in corruption. The Industrialists were indicated by 30 percent respondents, and 29 percent respondents held traders and other professionals responsible for increase in corruption.

Thus, highest number of respondents, according to this survey agreed that corruption had increased and that politicians and government servants were responsible for it.

In another pilot survey which reveals pessimism about the future of democracy in India, corruption was held to be one of the important factor leading towards such a pessimism. According to the survey, "all the respondents felt that the corruption starts from the top of the political and administrative echelons".  

The newspapers and Journals have been very active in exposing the acts of corruption in public offices in India. The material on corruption in Public offices abounds. It would require volumes to record the instances of corruption as reported in newspapers, journals, magazines and books.

The phenomenon of corruption as prevailing in India cannot be focussed in a better way than with the remarks of the Prime Minister of India, Shri Rajiv Gandhi, which he made during the Congress Centenary Celebrations in Bombay in December 1985, "and what of the iron frame
of the system, the administrative and the technical services, the police and
the myriad functionaries of the state? They have done so much and can do
so much more, but as the proverb says (that) there can be no protection if
the fence starts eating the crop. This is what has happened. The fence has
started eating the crop. We have government servants who do not serve but
oppress the poor and helpless, police who do not uphold the law but shield
the guilty, tax collectors who do not collect taxes but connive with those
who chest the state, and whole legions whose only concern is thick private
welfare at the cost of society.."69

Mr. Rajiv Gandhi lamented that "... corruption is not only
tolerated but even regarded as the hallmark of leadership. Flagrant
contradiction between what we say and what we do has become our way
of life. At every step, our aims and actions conflict. At every stage, our
private self crushes our social commitment".70

Indira Gandhi was also said that "Nahataji what is right and
wrong in Politics" Mr. Nahata a member of Parliament, who produced a
satirical film, "Kissa Kursi Ka".

Mr. Atal Bihari Vajpayee (former Prime Minister of India) also
said that every MP elected to the Lok Sabha began his parliamentary
career by making a false statement.71

A lot of dust and din is raised at the public level by newspapers,
social workers, academics, politicians, intelligentsia and people of all hues

69 . Excerpts from Prime Minister's speech "Illustrated weekly of India", June 19, 1986.
70 . Excerpts from Prime Minister's speech "Illustrated weekly of India", op.cit.
71 . Mitra Chandan, "The Corrupt Society", Criminalisation of India from Independence to the
and shades on ever increasing phenomenon of corruption. Thus, after periodic intervals, anti-corruption campaigns are waged, laws are amended and made up-to-date, vigilance commissions are exhorted to gear-up their machinery and even commissions of Inquiry are appointed. These exercises invariably result in cashing and punishing officials at the lower level of the administration.

Even the change of government replacing one party by another does not seem to effect the levels of corruption. The editorial comment of ‘Indian Express’ during Janata Party rule is worthy of reproduction here in this behalf: “Corruption has become such an accepted social phenomenon that we cease to be shocked any more by fresh evidence revealing its many facets. These include, not only the “mamool” or the “dastur’ which, as the very names imply, are routine bribes paid to underlyings but also the big cuts that men add women of eminence are said to have received on dubious, big business transactions”.

Such a situation may pose a serious threat to the entire socio-political system of India. In case the problem is not tackled seriously, the present parliamentary democratic system in India is under a severe threat. There are rumblings to change the existing socio-political system. As observed by Sh. B.K. Acharya, former Central Vigilance Commissioner: “I am sorry to have to say that corruption has seeped down to even the lowest layer of public service... society faces a serious challenges today from the advocates of a cult of extreme violence and one of the charges against the existing administrative and political system is that corruption has become

so rampant that it must be destroyed and a new fabric created in its place.\textsuperscript{73}
The idea to replace the present socio-political system to which the phenomenon of widespread corruption is attributed is gathering momentum.

C. FROM CRIMINALISATION OF POLITICS TO POLITICIZATION OF CRIMINALS

"That more especially, all political parties shall undertake all such steps as will attain the objectives of ridding of our polity of criminalization or its influence".\textsuperscript{74}

Three Cs', I.E. corruption, criminalization and casteism/communalism (two of the same coin) are eating into our political life and system. The combination of corruption and criminalisation in politics deadly and posing a serious threat to our democracy and body politics.

Chief Election Commissioner T.N. Seshan, has said the main problems plaguing election inn India were three M's; money power, muscle power and minister power, muscle power and minister power, Indian elections still contained" an unacceptably large amount of money in sense of cash, criminality and corruption". There were far too many wrong-doers who were getting into legislatures and were people who “ought to be in jail are not in jail but elsewhere”. While there was corruption in every part of the world” Indian corruption owes a great deal to political corruption related to elections.\textsuperscript{75}

\textsuperscript{74} From the text of resolution adopted by the Lok Sabha at its special session, on 13 August 1997, on the occasion of the Golden Jubilee year of Independence.
\textsuperscript{75} “Three M's Plaguing Election: Sheshan” The Indian Express, April 22, 1996, p. 9.
Clearly, corruption and criminalisation have a direct bearing on problems such as unemployment, illiteracy, poor health services, etc., confronting India. Otherwise, what else explains, for instance, the situation in Bihar today.

Politics and crime are siblings. Kautilya describes various criminal ploys as part of statecraft. Neither politics nor crime can survive without corruption. Thus the triad of politics, crime and corruption is tied by an umbilical cord.

Crime did not surface suddenly in the political life of the country. The process started with the depoliticization of the polity. When power became the only goal of political activity, norms and ideals became obstacles in the way of its acquisition. As Rajni Kothari wrote, "The notion of a party as an instrument of mass transformation gave place to that of the party as a mechanical contrivance which keeps you in power. So we entered an era of no-holds-barred politics."76

In comparison to the form of corruption that raised its ugly head even prior to Independence, particularly after popular governments were formed in the states under the 1935 Act, the criminalization of politics (nexus between criminals and politicians) is a later phenomenon. It all began with politicians seeking the assistance of criminals, in particular to fight elections. Broadly, criminalization of politics would mean, (i) the use of money power and muscle power by politicians, especially during elections, (ii) aiding and abetting crimes and sheltering criminals by politicians in power, if necessary, by interfering in the working of the law enforcement agencies; (iii)

politicization of the administration, particularly the police with the latter obliging politicians in power by permitting interference and sometimes being privy to it; (iv) persons with a record of heinous crimes such as murder, extortion, kidnapping being elected to the state legislatures and Parliament, and (v) criminals succeeding in occupying high places of honour and status in governance, say becoming ministers and governors. Thus what we are facing today is not only criminalization of politics, but what is a more sinister development, politicization of criminals. A stage came when criminals felt that rather than helping politicians, why did they not themselves get into the legislatures or Parliament and occupy ministerial positions, and use these to further their criminal activities.

Interpol in its first international symposium on organized crime held in May 1988, by majority decision, defined organized crime as: Any enterprise or group of persons engaged in a continuing illegal activity which has as its primary purpose the generation of profits, irrespective of national boundaries. The organized criminal groups that are polluting our public life today, have become a challenge to national institutions, and indeed are a cause of concern to the entire international community because the huge profits that they generate are capable of jeopardizing the economies of several countries. That they are prepared to use violence, intimidation, and corruption to achieve these ends, should be a matter of the gravest concern.

Speaking of Mumbai, for instance, B.G. Deshmukh, former cabinet secretary, Government of India, wrote: The police have been a fine force with enviable tradition and reputation. So what has happened to it

that mafia gangs can move and kill with impunity is not an overnight phenomenon or a short-term occurrence. It is the result of so many factors but more important is the criminalisation of politics.

This began in the late 70s when political parties started taking help from criminals for various purposes, especially fighting elections. It naturally led to criminalisation and persons with criminal record being given party tickets.

The police were not sure what would be the reaction of the political masters, if they took stringent action against criminals. Also many in the police force are corrupted by these elements. What I am trying to say is that criminalisation of politics and politicization of police forces make it difficult to remove the 'evils'.

This growing nexus between criminals and politicians is, however, no longer confined to urban centers; having spread to rural areas to a substantial degree, particularly in Bihar and U.P.

David H. Bayley of the Graduate School of International Studies, University of Denver, has done an extensive study of police work in India over a long period.

He wrote: Police officers began to feel that India was developing a dual system of justice – one through the formal channels of criminal justice system and the other through political ones.

79. In a paper 'The Police and Political order in India' presented at Tenth Annual conference on Southeast Asia at Madison, held from November, 6-8, 1981.
The underworld of smuggling, liquor trafficking, drug peddling, girl running, gambling and gun running is thriving in collusion with criminal politicians and police, and big money is involved. With the mushrooming of criminal gangs, the support they received from politicians, and the easy availability of firearms, India entered an extremely dangerous phase since late 1960s.\(^\text{80}\)

During the early years of independence the gangsters were kept subdued because those were the days when a galaxy of national leaders, both at the centre and in States as well as in the opposition, steeped in normal values and personal integrity governed country. Those were the days when a person with criminal background never dared to seek elections on any party tickets. All was comparatively well.

As we slide downwards from the "Age of Heroes" to the "Age of Pygmies", the downhill drift of politics and politicians was swift with disastrous consequences. Today, politicians accused each other of hiring gangsters to kill their rivals, attack polling booths and loot polling boxes during elections. Gangsters have emerged extremely powerful. They are fighting elections, providing finance to politicians and political parties, becoming MPs, MLAs and ministers. They wield more power than the Government itself.\(^\text{81}\)

Gone are the days when the gangsters were a pawn in the hands of politicians. The position is practically reversed today. It is the gangsters who


\(^{81}\) Ibid., p. 141.
are using politicians and political parties as instruments for their personal advancement. It is no longer the dog that wags the tail but the tail that is wagging the dog.

Politics is most brutalized in the Hindi speaking and eastern States where gangsters have emerged every powerful, over the years, as a result of political struggles. Here, criminal activities do not affect the respectability and social standing of politicians. Every political party in these regions maintains a cadre of antisocial and gangsters.

A matter of most immediate concern to a politician is the winning of an election. Despite the rivers of money that flow during the polls, money alone does not win you elections. Use of violence provides an effective short cut. If you capture a booth or frighten away hostile voters from reaching the polling station, you have moved closer to the goalpost. The way poll violence has spread in India is truly frightening. In the 1957 general elections, repoll was ordered in sixty-five booths. This figure rose to 1,670 in 1989. In Bihar alone repoll had to be ordered in 1,046 booths in 1991, and 1,273 booths in 1996. In the 1984 Lok Sabha elections thirty-three persons were killed. This figure rose to 130 in 1989 and 198 for the 1991 Lok Sabha poll. Figures for assembly elections have also kept pace with this trend. The extent of the rot in Bihar may be gauged from the remark of an MLA, 'Unless you have hundred men with guns you cannot contest elections in Bihar.' A minister in Karpoori Thakur's ministry said, I am honest enough to declare that I keep goondas. For, without them, it is virtually impossible to win elections. Earlier, poll

violence was mostly confined to UP and Bihar. Now it has spread to Andhra Pradesh, Tamil Nadu, Gujarat, Maharashtra, Haryana and other states.  

A few cases of nexus between politicians and gangsters, including notorious absconding dacoits are given here. These cases can be multiplied.

A minister from Bhagalpur, Bihar, harboured notorious dacoit Sudama Mandal, wanted in a number of cases of dacoity, some of them with murder, and on whose arrest a reward had been declared. The Indian Nation, a Patna based English newspaper dated 9 December 1980 demanded the arrest of the minister.

Notorious dacoit Kamdeo Singh was killed in a police-encounter in early 1980 in Bihar. Ministers of Bihar not only went to the gansters house to offer their condolence to the bereaved family but transferred all police officials involved in the gangster’s killing.

Bihar Congress(I) MP was arrested from a brothel in Calcutta a few years ago, but nobody took any notice of the incident. His standing did not suffer when he was accused of leading a criminal gang to attack the striking teachers of the Ram Lakhan Singh Yadav College near Patna. Another Congress (I) Rajya Sabha MP patronized the Jehanabad (Bihar) criminal lobby and Bihar Congress(I) revenue minister maintained links with a criminal gang. Both of them had been revered figures inn Bihar’s corridors of power and wielded enormous influence in the State Government.

83 . Ibid., p. 13.
85 . Ibid.
A few years ago, two MLAs from Jehanabad district, Bihar, namely Ram Jatan Singh and Sardar Krishna were involved in a court case in Patna. The order passed by the Patna High Court is a revealing reflection on the State of affairs in Bihar. The Judge said: “The case presents a true picture of politicians today – a picture of post election gang war warfare both members of Bihar Legislative Assembly.\(^{86}\)

Every political party which ruled Bihar ever since late 1960s maintained close rapport with Suraj Deo Singh, the Dhanbad Coalfield gangster. Not only the ministers of Bihar but a Prime Minister called on him and accepted his invitation at his house to breakfast. He was arrested along with five others in 1988 as a part of clean up operation, since more than a dozen of criminal cases including murder, rioting, extortion and attempted murder were pending against him. He obtained his release, on bail, from Court. The Deputy Commissioner (District Magistrate) and superintendent of police were transferred since they were instrumental for his arrest.\(^{87}\)

The lynching of Cupalganj district magistrate G. Krishnaiah by a mob led by Bihar Peoples’ Party Chief Anand Mohan and his MP wife Lovely Anand symbolizes the rot. Laloo Prasad Yadav, Chief Minister, Bihar encouraged criminals like Dularchand Yadav to fight what he called the Brahmin dominated social order and was not ashamed to get himself photographed with Dularchand. Bihar had sent to Parliament a number of MPs with criminal records including Mohammed Taslimuddin, who adorned

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86. Ibid.
87. Ibid., p. 144.
the Dev Gowda's U.F. Government as a minister of State in the Home Ministry. He was involved in several cases of rape and kidnapping.\textsuperscript{88}

Two cases of electoral violence merit special mention. In the 1989 Lok Sabha elections, Rajiv Gandhi was contesting from Amethi, and his main opponent was the Janata Dal candidate Rajmohan Gandhi. To ensure Rajiv's success his minions turned it into the most violent poll fought by a prime minister. The police openly helped the roughnecks to capture booths, stuff boxes with stamped ballots, and thrashed the supporters of the other candidates. Sanjay Singh, a prominent Janata Dal leader, received gunshot wounds in his stomach when he tried to stop the miscreants in Bhasiawan, five kilometers from Amethi, and had to be rushed to Lucknow for an emergency operation, Rajmohan Gandhi was assaulted in Jagdishpur when he objected to the Congress workers stuffing ballot boxes with the help of the local police. The chief election commissioner ordered repoll in 89 booths owing to these glaring malpractices.

Devi Lal was the deputy prime minister in V.P. Singh's government in 1990 when his son, Om Prakash Chautala, became the chief minister of Haryana. As he was not an MLA, he contested a by-election from Meham. This was perhaps the bloodiest election in India's history. For two days, 27 and 28 February, 1990, his sons and followers let loose a reign of terror in the constituency, with the active connivance of the police. So strong was the public reaction to this Meham that at one place a furious mob surrounded the booth where Chautala's son Abhay Singh was busy stamping ballot papers

\textsuperscript{88} Ibid.
and cried for his blood. Abhay Singh quickly exchanged his clothes with a constable and slipped out. The mob mistook the hapless constable for Abhay Singh and clubbed him to death. In view of widespread rigging and violence the poll in Meham was countermanded.

Even when the mild mannered P.V. Narsimha Rao contested a by-election from Nandyal, Andhra Pradesh, unemployed youth from Hyderabad were truck-loaded for impersonation. Seventy per cent turn out of voters was reported on a day of heavy rains.  

Whereas the criminalisation of politics is bad enough, a much more sinister development has been the politicization of criminals. The criminals who were earlier used by the politicians to win elections have now themselves entered the electoral arena. A few examples would illustrate the point. During the 1989 electioneering in the Gorakhpur Division of UP, H.S. Tiwari was contesting from Chillupar assembly constituency, and V.P. Shahi for the Maharaj Lok Sabha seat. Both were involved in over forty cases of murder and attempted murder. Both had been detained under the National Security Act in 1984 and 1985.  

Virendra Pratap Singh of UP had sixty three criminal charges pending against him. But this did not prevent him from winning two assembly elections.  

T. Shukla, contesting Sahajwan assembly seat, had seventeen murder cases pending against him.  

All the political parties (in UP) maintain gangs of criminals. A pre-assembly election report (1996), prepared by a top police official, identified 136 such gangs, fifty five of which were

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90. Ibid., pp. 99-100.
92. Ibid.
patronized by political parties. In the UP assembly elected in 1996 almost 185 of the MLAs had criminal records. Almost five hundred of the candidates belonging to almost all mainstream political parties who contested (these) elections had criminal backgrounds. No less an authority than the Election Commission gave out in August 1997 that forty sitting MPs and seven hundred MLAs had criminal records.

It is a common practice in Bihar and UP that winning candidates take out victory processions with scores of their followers carrying unlicenced arms. When Sharad Yadav, the then secretary general, Janata Dal and its present president of J.D.(U) won Lok Sabha by election in 1991, he was driven around by Pappu Yadav, a dreaded criminal, who had escaped from police custody only a fortnight earlier. (Incidentally, Pappu Yadav is now an MP). Ranbir Yadav, the head of Ranbir Sena, got elected from Khagaria, and his gang twelve Dhanuk and threw their pieces into the Ganga. Perhaps the best known of them all was Surya Deo Singh, the supreme mafia don of the Dhanbad coal belt who got himself elected repeatedly as MLA from Jharia.

“When an interviewer asked Laloo Prasad Yadav about the election of hardened criminals as legislators, his cryptic reply was, none of the MLAs can be called criminal as people have elected them”.

The entry of criminals into politics was a logical corollary of using them to gain political power. If the criminals could put others in power, they were bound to use the same violent methods to get into positions of power themselves. As Surendra Yadav, an MLA from Bihar, put it succinctly, Those

93. Ibid.
whose feet we used to touch, are now touching our feet. We captured booths for them, now we are in power.96

Election related crime and corruption are mostly a state level, small scale, overt phenomenon. The big time economic crimes with political linkages and international ramifications are highly secretive and professional affairs.

In the Jain hawala case that the conduits for the remittance of money in London and India were the same for both the jains and the Kashmiri terrorists. It was this money which was passed on to the top politicians for their nefarious game.

Says A.K. Barry, an expert on economic crimes, 'there is a strong incentive for them to seek to infiltrate the political structure. Indeed, in the long term for organized crime to survive and prosper, it must do so.'97

In September 1992 there was a sensational shoot-out in J.J. Hospital, Bombay, in which Sailesh Haldankar, a gangster, and two policemen were killed. Two of the suspected killers, Subhash Thakur and M.A. Mansoor, were close associates of Dawood. When Thakur returned from Dubai after meeting Dawood in August 1992, he met Kalpanath Rai, minister for power, and requested him to arrange his stay in Delhi. The minister got him accommodation in the NTPC guest-house. From there he went to Bombay to carry out Haldankar's murder and when Thakur returned to Delhi along with Mansoor, the minister had already learnt about their involvement in the hospital shoot-out, and refused to get him a room in the guest-house. So he

97. Ibid., p. 112.
approached BJP MP, Brij Bhushan Singh, who had thirty-four police cases pending against him. The MP arranged accommodation for Thakur and his accomplice Mansoor in Nainital for a fortnight.

The case acquired importance owing to Kalpanath Rai’s links with the accused and the judge pulled up the CBI for ‘deliberately ignoring’ the nexus between politicians, businessmen and criminals. So Kalpanath Rai and some others were also charge sheeted. Judgement in this case was delivered on 17 March 1997, and Kalpanath Rai was sentenced to ten years’ imprisonment. He was later acquitted by the Supreme Court. 98

Another hitman of Dawood was the notorious Babloo Srivastava. While in police custody, Babloo disclosed that the godman Chandraswami had visited Dubai to meet Dawood. Confirming this charge, Choota Rajan claimed that he had received the godman at the airport (at Dubai) and met him several times later along with Dawood before the two flew to America together to meet Adnan kashoggi (the international arms dealer). Chandraswami’s closeness to P.V. Narasimha Rao, Chandra Shekhar and several other ministers and top bureaucrats is well known, and he has helped them all in several ways.

Though his political contacts mostly remain submerged, his familiarity with a number of politicians of Maharashtra and Goa is common knowledge. G.R. Khairnar, deputy municipal commissioner, Bombay and an intrepid social activist, had publicly accused Sharad Pawar, the then chief minister of Maharashtra, of having close links with Dawood.

The way politicians and officials feel beholden to gangsters is well demonstrated by the story of two funerals as narrated by a former inspector general of police. In March 1987 Babu Rashim, a well known criminal don of Bombay, was killed in a shoot-out when he was in police custody. His funeral was attended by nearly five thousand mourners, including leading politicians of the city.99

The second funeral was that of a constable who had also died in the same shoot-out. No police officer was present at his cremation, and no tributes were paid to him for his devotion to duty.

Karim lala, one of Bombay’s leading smugglers. A senior and determined police officer raided his liquor, gambling and narcotics dens, and hauled up their managers before the court. However, Zail Singh, the then president of India, and Vasant Dada Patil, the former chief minister of Maharashtra had been at Lala’s functions, and the judicial processes were kept suspended to enable him to continue his activities unchecked.100

In Uttar Pradesh (UP) politicians have worked as informers to dacoit gangs of Chambal ravines and supplied firearms to them in return for their help during elections. MLAs in U.P. harboured dacoits, wanted in police cases, in the Darulshafa legislators multistoreyed building in Lucknow. A senior police officer quipped. “If the police were allowed to raid legislators rooms at Darulshafa it would definitely ferret out a couple of dacoits wanted by the police. Darulshafa has been a dacoit-khana”.101

100. Ibid.
In the eleventh Lok Sabha elections Bandit queen Phoolan Devi, who had killed 22 persons, was elected as MP on Samajwadi Party ticket. At present Kanpur Court is trying 10 cases against her including one in which she is accused of shooting 17 Thakurs and three others.\textsuperscript{102}

The Robin Hood of Western U.P., D.P. Yadav is Bahujan Samaj Party MP from Sambhal, the constituency he preferred to his hometown, Bulandshahr. Involved in several cases of kidnapping, loot and murder, he was minister in the U.P. government. He is entering parliament for the first time. Yadav is the most well known former outlaw after Phoolan Devi.\textsuperscript{103}

In 2007, the B.J.P. opened its doors in D.P. Yadav a “hardened professional criminal” as Police records describe him. His area of operation is said to extend across national capital New Delhi and neighbouring state of Uttar Pradesh and Haryana. Yadav’s names figures in three cases of attempt to murder. Two case of dacoity, several cases of kidnapping for extortion. Yadav has been charged under a number of Acts, including the Excise Act, Gangsters Act, and even the Terrorist and Disruptive Activities Act. His son, Vikas Yadav also convicted in a murder case in New Delhi in 2008.\textsuperscript{104}

Yadav’s criminal record can be traced back to the late 1970s in 1989, he stood for elections, won and even held a Ministrial post in the Uttar Pradesh during the Mualayam Singh government. He has made his way through several parties including the Janata Dal, the Samajwadi Party, Bahujan Samaj party and the B.J.P. lasted barely four days. The party

\textsuperscript{102} Ibid., p. 145.
\textsuperscript{103} Ibid., p. 145.
withdraw membership to the mafia don. While Yadav membership episode has thrown the spotlight onto the B.J.P.’s nexus with criminals.

The BJP had sent 13 MPs in the Eleventh Lok sabha with criminal backgrounds. Gangacharan Rajput Messiah at Bundalkhand was elected from Hamirpur constituency. He was involved in sheltering a notorious dacoit. Samajwadi Party (S.P.) has 7 M.Ps with criminal records of whom four were history sheeters. U.P. sent 28 MPs from different parties, with criminal records to parliament in 1996. Major criminal cases are pending against 52 MLAs, some of them were ministers.

In Madhya Pradesh, police officials still recall that home minister Narsingarao Dixit used to entertain dacoit gang leaders in his house while the other senior officers of the government waited outside to meet the minister. It was reported that when a minister was camping in Gwalior circuit house, the dreaded dacoit Mohar Singh had free access to his bedroom.105

“Criminalisation of politics is worrying because Parliament is losing its credibility” said the CPI’s Indrajit Gupta, Union Home Minister under the United Front Government. So nobody is surprised when an MP reveals a glimpse of his real self. Wahan aakar dant tod doonga (I will come there and break your teeth) snarled an MP (BJP) at his Janata Dal counterparts during a Lok Sabha debate.106

The Government of India woke up very belatedly to this alarming situation of a growing nexus between criminals and politicians and convened

a conference of chief ministers on the Administration of Criminal Justice in India in 1992 which, in a unanimous resolution expressed its concern at the increasing criminalisation of politics and politicization of criminals. The conference recommended the formation of a ministerial group under the chairmanship of the union home minister to take follow-up action. This group hardly met and the recommendations of the chief ministers' conference remained for all practical purposes a dead letter.

The government constituted, in the Ministry of Home Affairs, on 9 July 1993, a committee with Union home secretary N.N.Vohra, as chairman, and secretary, RAW; director, IB; director, CBI; special secretary (Home) as members, and joint secretary (police), as the member-secretary. The committee inter alia reported on 3.10.93 that, (i) all over India, crime syndicates had become a law unto themselves. Even in the small towns and rural areas. A nexus between the criminal gangs, police, bureaucracy and politicians was a common occurrence in various parts of the country. (ii) There has been a rapid spread and growth of criminal gangs, armed senas, drug mafias, smuggling gangs, drug peddlers and economic lobbies in the country, which have, over the years, developed an extensive network of contacts with the bureaucrats/government functionaries at the local level, politicians, media persons and strategically located individuals in the non-stage sector. (iii) In states like UP, Bihar, and Haryana, the mafia gangs enjoy the patronage of local level politicians and the protection of government functionaries. Some politicians become leaders of these gangs and get elected to the state assemblies and Parliament. (iii) These syndicates have acquired substantial financial and muscle power, social respectability and wield enough
influence to make the task of the investigating and prosecuting agencies extremely difficult. Even members of the judiciary have not escaped the influence of mafia. (iv) Not infrequently, officers in charge of cases are transferred long before they can complete their task, etc.

Ravi Ray, former Speaker of the Lok Sabha, the report was placed before the parliament, under somewhat dubious circumstances, to draw attention away from the scandalous naina Sahni murder case involving a worker of the ruling party. It appears that some of the vital information defining the nexus between high political functionaries and the mafia, which were made available to the Vohra Committee, were totally omitted. They make startling revelations, some of which are given below:

1. It talks about Mool Chand Sampat Raj Shah alias Moolchand, alias Choksi, r/o 604 Rajinder Vihar, Gwilder lane, Wellington Road, Bombay. He developed close relations with Dawood Ibrahim as long ago as 1980 and was responsible for transferring money from various important people in Bombay to the Middle-east and other countries for safe custody, including Rs.20-50 crore for a former chief minister.

2. Moolchand was arrested by the Mumbai Police in April 1991. During interrogation by the CBI, Moolchand allegedly claimed that he could not be held under detention for long and in this context spoke of high political connections.

3. The report confirmed that Moolchand wielded a great deal of influence amongst politicians and bureaucrats.
4. East-West Airlines is a subsidiary of East-West Travel and Trade Links Ltd., Bombay. Its chairman, who is an NRI based in Bahrain, maintained very close links with Dawood Ibrahim. It was reported that a politician related to the Janata Dal allegedly worked as a conduit for funding East-West airlines through one of its directors, who in turn was helped to raise money allegedly by a cabinet secretary through Dena Bank, Allahabad Bank, etc.

0. It was also understood that a person close to a former PM, who worked as his personal secretary, had allegedly helped East-West Airlines to raise funds from persons known to be close to a former Prime minister.

0. It was reported that one Usman Ghani ran a flourishing currency exchange business in Dubai. Some of the important personalities whose money he dealt with included top politician of Bombay. Usman Ghani was part of the Bombay blast conspiracy.

0. Dawood Ibrahim entrusted Rs. 3 crore to a political worker of Delhi for the purchase of a plot adjacent to Sun-n-Sand Hotel in Bombay. This political worker was once very close to a former prime minister.

Mr. N.K. Singh D.G. Bureau of police research and Development (B.P.R. & D.) received a brilliant report from the Centre in August 1995, with very practical and useful suggestions for action and countermeasures.

The report of the Research Centre was noteworthy in many ways. It raced the historical background of the growth of some of the notorious criminal gangs such as those of Vardha, Haji Mastan, Yusuf Patel, Dawood Ibrahim, Ram Nayak, Om Prakash Srivastava alias Babloo Srivastava, Arun
Gawli, Varadarajan Mudaliar, Karim Lal. Babu Resham Shabir Ibrahim Chota Rajan etc. The report contained details of their nexus with politicians only confirming what had been cited in the Vohra Committee report. Some of the startling facts are summarized below.

1. A councilor in the Bombay municipal Corporation allowed his office to be used by the makabwala gang to assemble before going on a murder mission.

2. Maulana Sinhuddin Bukhari an ex-MLA was shot dead in front of his house by the Arun Gawli is M.L.A. in present time of Maharashtra Assembly.

3. When Babu Rashim of the Ram Nayak gang, and later Ram Nayak himself were killed, several politicians, including MLAs belonging to the ruling party in the state, attended their burial and eulogized them as social workers, etc.

4. Subhash Singh Thakur, a trusted hitman of Dawood Ibrahim. Thakur who had taken a leading part in the JJ hospital killings, had used the official residence of a sitting MP as their operational headquarters as well as a safe haven in Delhi.

5. Bhai Thakur in his statement confessed that he had stayed in the house of the MP in Delhi for one and a half months in 1992.

6. Subhash Singh Thakur has a penchant for befriending politicians. He narrated how he had easy access to a Central minister, who even arranged accommodation for him at NTPC Guest House in Delhi. In
fact, the MP as well as the nephew of a Central minister took a keen interest in the details of the JJ Hospital shoot out.

0. Subash Singh Thakur also knew the PA of a former prime minister. He allegedly used this contact to arrange a meeting with the former prime minister.

0. Manish Lala, legal adviser to the Dawood Ibrahim gang, disclosed in his statement to the CBI that in July 1993, he took an important functionary of the former prime minister's political faction to Nepal to settle matters with the Nepal police.

According to the report, the situation in Delhi is no better. The report, however, did not go into details but briefly discussed the nexus between a dreaded gang led by a politician, who is now an MLA and other top politicians.

Politicians and the underworld were publicly revealed in newspapers. One newspaper carried a headline: Thakur says he met Shekhar before arrest. He had been allegedly provided accommodation at the NTPC guest house in the capital. In an interview to the Indian Express, gangster Subash Singh Thakur said that he and members of his gang met Chandrashekhar for whom he had earlier campaigned in the election, to facilitate their surrender. He claimed that he had revealed this to the CBI. Interestingly, Chandrashekhar's political secretary, H.N. Sharma, had in a statement as early as 11 August 1993, said that Thakur had indeed campaigned for the

former prime minister in February 1992, revealing that Thakur and his associates had met Chandrashekhar at his Bhondsi Ashram.108

Around this time, close links between ‘godman’ Chandraswami and notorious ganster Babloo Srivastava

Chandraswami, while deposing on oath, between 7 and 27 October 1996, before the justice M.C. Jain Commission inquiring into circumstances leading to the assassination of Rajiv Gandhi, named important personalities whom he said he knew or who were his friends/disciples Adnan Kashogi as one of his best friends

*Chandraswami also claimed to know the Sultan of Brunei, and know very well included P.V.Narsimha Rao, his son P.V. Rajeswar Rao, Elizabeth Taylor, Babloo Srivastava, Uma Bharti, Mulayam Singh Yadav, Dr. Subramaniam Swamy, Chandrashekhar, Arif Mohammad Khan, T.N. Seshan, etc.* He added.

I have no influence in “the present government except my personal relationship with P.V. Narasimha Rao. I visit the official residence of the PM. My car goes direct to porch of the residence of the PM and was not checked by SPG before entry”.109

About Chandrashekhar, Chandraswami inter alia stated before the commission.

When Adnan Khagogi came India, he was received at the Airport by PA to Chandrasekhar. Chandraswami, Khagogi and others went to

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Chandrashekhar's Ashram. According to another report Chandraswami had been paid millions of dollars deposited in Island Bank account by underworld mafia leader Dawood Ibrahim between 1990-1992.

In an exclusive interview given to the Indian Express, Babloo Srivastava claimed that he had got an offer of rupees five crore from Chandraswami to retract from his statement implicating him in the Rajinder Jain bomb blast case.

What is significant are not the claims and counterclaims of these underworld dons but the fact of the proximity of such notorious criminals to the highest political functionaries in the country. Around the time when Chandraswami had told the Jain Commission that he was a regular visitor to the official residence of the then prime minister, P.V. Narasimha Rao and that he was not subjected to usual frisking by the security staff posted there, the then minister of state for internal security, Rajesh Pilot, openly demanded that Chandraswami should immediately be arrested.110

He added that it was undeniable that Chandraswami had established a connection with international racketeers, including Adnan Kashogi, and had become a security risk for the country, but the government could not act against him as he claimed to be close to the powers that be Pilot went on to say that he had to pay for this outspokenness against Chandraswami111 (The Hindustan Times 4.5.96). It may be recalled that around that time Rajesh Pilot was unceremoniously shifted from the Ministry of Home Affairs to the Ministry of Environment.

110. Ibid.
111. Ibid.
Given the widespread concern at the increasing criminalisation of politics, undermining the very foundation of our sociopolitical system, and posing a direct threat to law and order and national security.

No less a person than the president of India expressed his deep anxiety over this state of affairs. While addressing the nation from the Central Hall of Parliament on 15 August 1997 President K.R. Narayanan earnestly exhorted his countrymen to fight corruption, communalism, casteism and criminalization of politics and life in the country. The president said:

Fellow citizens, we have several reasons to be proud of our democracy. But we still have to strain our every nerve to purify our political administration and electoral process and to remove aberrations and distortions that have come into the functioning of our democracy.

The Election Commission also started the nation with statistics showing the grip that the criminals appeared to be gradually tightening over our political life and system.

In the 1996 general elections, according to the joint election commissioner, based on the available statistics of 13,952 candidates who contested the general election to the Lok Sabha in 1996, nearly 1500 had criminal records of murder, dacoity rape, theft or extortion. Uttar Pradesh alone accounted for 520 such candidates and Bihar had the second highest number at 350. Elaborating further, he revealed that during the eleventh Lok Sabha nearly 40 candidates reportedly had a criminal background and four ministers, faced criminal charges which including Murder, rape, dacoity, abduction, assault, and breach of peace. Nearly 700 MLAs out of 4722 in the
country were involved in criminal cases and trials were pending against them in 25 states and 2 Union territories.

Uttar Pradesh Assembly, which was replaced by the present (1996), the Election Commission revealed that 180 out of 425 members had criminal records.

An investigation into the record of 500 person who were candidates in the Lok Sabha (lower house of Parliament) election of 1998 revealed the 72 members of the had criminal proceedings pending against them.

With his penchant for plain speaking, the President of India Mr. K.R. Narayanan, while forcefully exhorting political parties to refrain from nominating persons with criminal backgrounds.  

When B.J.P. High command has given its blessing to the appointment by the chief Minister of Uttar Pradesh, Mr. Rajnath Singh, of at seven Ministers facing criminal charges. One of them has been chargesheeted in as many as 26 cases (including three murders), another, an A class history-sheeter, not for behind with 16 criminal cases (three murder, three attempted murder and one dacoity) and a third with 10 criminal cases.  

In January 2001 the Prime Minister, Mr. Atal Behari Vajpaye, tied himself in knots in the Lok Sabha explaining the presence in his cabinet of three minister accused of offences connected with the demolition of Babri Masjid. In Uttar Pradesh there are as many as 266 political leaders and 70 legislators notorious for their criminal proclivities.  

113. Ibid.
In National Election (Lok Sabha) 2004 from Bihar, more than half a dozen prisoners contested the elections from jail. These prisoners play a vital role in the politics of the state. Where candidates rely more on muscle power than on soliciting support through the democratic process of canvassing.

The CPI (ML) candidate from Bettiah, Verendra Gupta, contested from jail. The CPI ML leaders claim that he had been implicated in false case. The Ranbir Sena chief – Brameshwar Singh from Aara. Though in jail, hundreds turned up to accompany him when he went to file his nomination paper, it is clear indication that he calls the shots even from jail. There also others, such as the two MP in the dissolved Lok Sabha, Mohammed Shahabuddin and Rajesh Ranjan alias Pappu Yadav, who has since joined the LJP (Lok Janshakti Party of Ram Vilas Paswan) contested the election from jail, from Siwan and Purnea respectively. Wife of Pappu Yadav also contested from Saharsa.115

The weekly news magazine “India Today” reported that of the 5,539 candidates who contested the Uttar Pradesh Assembly election in 2007, 965 had criminal records. The National Commission to review the working of the constitution pointed out that criminalisation has become a worrying characteristic of Indian politics and electoral system.116

After Assembly Election 2007 of Uttar Pradesh India’s first lower caste Chief Minister, Km. Mayawati who recently regained power in the key

northern state of Uttar Pradesh says "she will wipe out crime and corruption".\textsuperscript{117}

Mayawati Kumari told journalists in the capital Delhi, that strict action would be taken against criminals. Of course, more than half of the ministers in her government are facing criminal cases. Many of them are charged with serious offences like murder and gang war and Mayawati also faces corruption charges.\textsuperscript{118}

Corruption and criminalization of politics was major issues in Uttar Pradesh. During her election campaign, Mayawati vowed to end the criminal's hold over politics, but the election watch says "70 to 206 elected legislators from Bahujan Samaj Party are facing criminal cases and some of them even fought elections from within jail.

Ishwar Dwivedi of Election watch says, "the Chief Minsiter's promise to wipe out corruption and criminalization is a mere slogan" and "if the political bosses are corrupt or facing criminal cases can the bureaucrats who are their subordinates do anything to weed out corruption or criminalization?"\textsuperscript{119}

Lok Sabha M.P. Ateeq Ahmad to Samajwadi party who was arrested in Delhi on 01 Feb. 2008 in connection with the 2005 murder of Bahujan samad party (BSP) legislator Raju Pal was among the "most wanted" criminals of Uttar Pradesh. Uttar Pradesh police said that Ateeq Ahmad as head of a gange of 138 members and he is facing trial in as many as 35 criminal cases. Ateeq Ahmed’s criminal history dates back to 1979 when the first criminal case was

\textsuperscript{117} B.B.C. News Delhi by Geeta Pandey “Uttar Pradesh CM will end crime”, May 25, 2007.
\textsuperscript{118} Same day.
\textsuperscript{119} Same day.
registered against him. Since than, he was booked in as many as 175 cases in his home district Allahabad state principal home Secretary J.N. Chamber told IANS.120

Now recently in Karnataka polls 2008 as many as 132 candidates contested in the Karnataka Election this year had a criminal records. The charges against the candidates vary from murder, attempt to murder, assault with deadly weapons.

The Bharatiya Janata Party leads the pack with 39 candidates while the Janata Dal secular comes second with 28. The Congress has fielded 25 candidates with criminal records. The remaining parties like Bahujan Samaj party, the Janata Dal united and others have 42 such candidates with criminal records in 2004 Assembly Election, the BJP had 49 candidates with a criminal background as against the 39 this year. Janata Dal secular had fielded 39 candidates with criminal background in 2004 but fielded only 28 this year.121

The president’s plain speaking on the occasion of the golden jubilee celebrations in the Central Hall of Parliament and the statistics revealed by the Election Commission appear to have had an impact on some sections of the political parties in the country. The issue figured prominently during the special session of the Parliament held from 26-31 August 1997. At the end, in a show of a sense of rare unanimity, they passed a resolution reiterating their commitment to rid the polity of criminalization of politics, but not many have taken this determination seriously. Such resolutions in the past have not borne much fruit.

D. TYPES OF CORRUPTION

The examination of cases dealt with by the commission revealed that corrupt practices on the part of public servants broadly fall into the following categories:

1. Acceptance of illegal gratification in recruitment, postings, transfers and promotions;
2. Misappropriation of public money and misappropriation of stores;
3. Possession of disproportionate assets (to the known source of income);
4. Abuse of official position/powers;
5. Acceptance of gifts
6. Moral turpitude;
7. Acceptance of substandard stores/works;
8. Borrowing money from contractors/firms having official dealing with officers;
9. Incurring pecuniary obligation of person's with whom the public servants have official dealings;
10. Showing favours to contractors/firms;
11. Claiming of false T.A., house rent etc.
12. Irregularities in the grant of import/export licences;
13. Irregularities in the reservation of seats by Rail and by Air;

(14) Misuse of imported and allotted quotas by various firms with the convenience of the public servants;

(15) Under-assessment of income Tax, Estate duty etc. for pecuniary gain;

(16) Production of forged certificates of age, of birth, of community etc.;

(17) Non-delivery of money orders, insured covers, VPs etc.

(18) Replacement of new postage stamps by used ones;

(19) Irregularities in the grant of telephone connections;

(20) Purchase of immovable property etc. without prior permission or intimation (of the concerned authorities);

(21) Misuse of Government employees for personal work;

(22) Causing loss to Government by negligence or otherwise;

(23) Misuse of advances sanctioned for purchase of scooters and cars.

In all these modes, penal provisions of corruption and bribery are not attracted. Certain cases as enlisted above warrant disciplinary action only. However, majority of these cases fall within the ambit of anti-corruption laws.