

- Module 8 : Issue areas in Indian Administration
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Chapter -I

People's Participation in Administration

In a parliamentary form of democratic government, the public administration is responsible to the people through their representatives in the legislature. Although, the people are ultimate sovereigns, it is difficult to imagine a situation in which each and every people of public will act as the master of each and every civil servant. The influence of public on the administration has therefore to be channeled in some organized ways. Ultimately, people are not capable of exercising any definite or specific control over administration. Richard Warner has observed that, "The people are, indifferent to questions of Government machinery save when the machinery works in such a way as to outrage public opinion".

The people are generally ignorant and unorganized and are therefore incapable of exercising any regular and definite impact over public administration. However, Warner goes on to say that in spite of ignorance of the people they ultimately determine what the public administration is going to be. He, observed, "In the least resort, the final words remain with the public in all democratic countries, since they are the electorate by whom the whole mechanism of the Government must be set in motion. Indirectly, therefore in the long run, the p-public controls public administration absolutely and completely".

As already mentioned, the influence and control of the people over the administration has to be channeled in some sort of an organised way. It is very rare that an unorganized mass of people are able to influence the administration to any significant extent. In this Chapter, we propose to study the various means of people's participation in administration. In other words, we would explore the manner in which the people are able to influence the administration.

A. Modes of Public influence on Administration

The public influence on administration is mostly in an indirect and informal manner. There are formal modes of influencing the administration. These are:

- (i) System of election;
- (ii) System of Recalls;
- (iii) Advisory and Consultative Committees;
- (iv) Pressure Groups.

We would discuss in brief as to how these modes of influence operate in actual practice.

B. System of Elections

The highest officials of the State namely, the political executives are always elected by the people directly/indirectly. The top administrations are appointed by the political executives and are responsible to them. The influence of the people on the administration is therefore through the political executives who are responsible to the people. Since the political heads have to seek re-election after a fixed period of time they have to take care of the problems of their constituency. The people are, therefore, able to influence the political executives in his functioning. They are able to bring pressure on them by virtue of their voting power. The political executives have to listen to them as they have to return to them periodically for their election. However, in practice, the system of elections has not been very effective instrument of the exercise of people influence over administration. The elections are held at long intervals say once in five years. After getting elected to their administration, the Ministers can afford to ignore their electorate for a considerable period of time.

In some countries, there is also a system of electing the administration officials. The Canton Government in Switzerland and some States in the USA and local government have elected officials. The system is good from the administrative point of view, but ensures direct and close control and influence of people over administration. However, it leads to favoritism and patronage. The system is also impracticable in a large country where elections for a large body of administrators are not possible. The system has therefore fallen into disuse. Most of the modern democracies have appointed administrators rather than elected ones.

C. **System of Recall**

This system of recall of officials is a corollary to the system of election of officials. It is based on the premises that the whole of democracy is more democracy. Under this system, the officials have to retire from his office even before the expiry of his term of office, if he is defeated in a recall poll. The system of recall is as rare as the system of elected administrative officers. In any big democracy this type of system is impractical.

D. **Advisory Committees**

The above mentioned methods of people's influence over administration are a general nature. In these methods individual citizens hardly find an opportunity of being able to sue their wisdom and knowledge to influence the decisions of the Government. The most important mode of exercising peoples influence on demonstration is that provided by advisory committees.

In India, the Advisory Committees are generally a post independence innovation in administration. In 1957, there were not more than dozen advisory committees in existence. Moreover the committees that exist do not have the distinct complexion that such bodies under democratic set up normally acquire. Moreover, the colonial government has very few development function sot perform. There was therefore not much need to have advisory committees. With the advent of independence the government took upon itself a large number of functions requiring policy initiatives in many new directions. Since these policies were meant for the development of the people, their participation was considered essential in the successful implementation of these policies. A number of committees have therefore multiplied enormously after independence. There are a number of such advisory committees in each ministry. The Ministries are not even able to indicate the exact number of advisory committees they have. A tentative list of advisory committees in 1961 indicates there were more than 500 such committees in Government of India.

Types of Advisory Committees

The advisory committees may be classified into the following types:

- (i) Representative advisory committees
- (ii) Expert Committees
- (iii) Advisory Committers for independent administration
- (iv) Territorial advisory committees
- (v) Zonal Committees.

The most important of these committees are the territorial committees and expert committees. A representative advisory committee is an extension to the democratic principle. It provides representatives to the various interests and this enlists the participation of concerned people in the administrative process, broadening thereby the democratic base. Since modern democracies deny having been representative, the representative advisory committees provide the government an opportunity of ascertaining the connected people with the decision making process. For this reason, the use of representative advisory committees is becoming more and more widespread in public administration.

The expert committees as their names suggest enable the government to associate various experts in professional bodies with the decision making in areas where their advice may be useful. For example, Planning Commission appoints a number of panels of experts from outside the government. Some of the reports of these expert committees have been found very useful to the Government in framing polities in complicated technical areas.

The advisory committees may be really useful if their function remains only advisory. Otherwise, there is a danger of public responsibility being impaired. It is also necessary that the members of these committees have a broad and representative perspective of their function rather than a narrow and personal use. On the other hand, the system of advisory committees also requires that their suggestions and advice should be given due weight and consideration by the Government. Their members should be appointed with great care and attention. If their influence and advice is not given proper

consideration, no self-respecting people will join these advisory bodies. Even those working on these advisory committees will lose all interests if they know that their advice carried no weight with the administration. It may also lead them to make irresponsible suggestions in the belief that the government is not serious about the implementation of the advice rendered by the committees. If properly used, the system of advisory committees can prove as the most effective one for ensuring people's participation in administration. It is true that the system does not give an opportunity for each and every citizen to participate in the decision making process, nor does it appear possible to do so.

E. Pressure Groups

Another method of exercising peoples influence over public administration is through the operation of pressure groups. "Pressure Group" is an American term, which means a section of people organized and active in the pursuit of some special interests which its members join to promote. Usually, they are groups of industrialists, traders, businessmen with organized commercial interests. The various chambers of commerce and industry, trade unions, caste and religious groups etc, belong to the category of pressure groups. Although the pressure groups are more prominent in the United States they also exist in other countries and influence the public policy to varying extent.

Some people have criticized pressure groups for promoting their narrow interest. However, if properly organized, the pressure groups may also serve that following useful functions:

- (i) To put its own point of view of the policy making organizations of the Government that is legislature and the administrative agencies.
- (ii) To keep its members informed about the new rules and regulations etc., framed by the Government about its activities.
- (iii) To resist unduly restrictive policies of the Government which may have and adverse effect on the economic activities pursued by the group.
- (iv) To explain to the people the view point of the group so that favorable opinion is formed a bout their activities.

However, sometimes the pressure groups may employ unlawful means for securing official favour. This may give rise to various malpractices in administration like corruption and favoritism.

In many case, the pressure groups are important instrument in ensuring peoples participation in the administrative process. The advice can be used both for legitimate and illegitimate purposes. It is for the administration to interact with it and channelize it in the right direction.

F. **Public Opinion**

Besides the organized methods of people's participation in public administration, there are some informal methods also. One such method is the formation of public information which is expressed through various publicity media like press, television, radio etc. while in India, radio and television are government controlled, press is an important independent medium through which people can exercise their influence on public administration. This is done through various means like giving press statements, writing letters to the editors etc. The government can also interact with people through its public relations machinery which explains to the people the Governments policies and programmes in a constructive way. They can also use the various media mentioned above for their interaction with the people. For example, the Government may organize an open national debate on important issues concerning public administration. One may recall the issue of Parliamentary versus Presidential form of Government which was widely discussed in the newspapers. The newspaper discussion did appear to have made a lot of impact on the Government about this question.

In any democratic government people's participation in the public administration is very important from the point of view of making Government policies, a success. Even the best of programmes launched by the Government cannot be successful unless people participate in them willingly. It is also the endeavor of the Government to ensure people's participation because most of their programmes are meant for the benefits of the people. Without active

cooperation and participation of the beneficiaries, the Government programmes cannot be effectively implemented. It is therefore necessary for the Government to associate the people with the decision making process in the Government by various forms of informal ways discussed above.

Chapter II

Relationship between Political and Permanent Executives

The Parliament form of Government postulates the political executive to be a part of the legislature. The highest decision making level in the Government is the Minister who is a part of the parliament and is jointly and individually responsible to it. The minister being a political person does not have the time or the expertise to run the day-to-day affairs of the Government. In this function he is assisted by the permanent executive headed by the Secretary. Besides finding the best methods of carrying out the policies laid down by political executive, the secretary provides the necessary information and analysis to enable the Minister to formulate the policy. The policy formation is, therefore, also a collective process in which the political executives as well as the permanent executive i.e. Minister and the secretary jointly participate. The relationship between the Minister and the secretary is a very crucial one for the effective functioning of the Government. Both compliment each other's functions and none probably could do without the other. The minister is a professional politician who brings to his office knowledge of what people expect from the Government and what they would not stand. He has to credit legislative experiences and may be some governmental experiences also. The secretary on other hand is a permanent civil servant, who possesses wide administrative experience. In a normal and healthy functioning of the Government both of them should supplement each other. Further, when any one of them tries to over-step his limits, the conflicts are bound to occur. Such conflicts have risen in the past and they continue to recur in the functioning of the government from time to time. In this chapter, we propose to study some of the important aspects connected with the relation between the political executive and the permanent executive i.e. between the Minister and his Secretary.

A. **Historical Perspective**

Historically, the politician-Minister in the present form appeared on the Indian scene in 1921 when the Montague Chelmsford reforms of 1919, established the system of hierarchy. Under the system some of the transferred subjects were placed for the first time under the elected

Ministers. The relationship did not come off entirely without friction and conflict. Generally, the permanent executive i.e. Secretaries tried to adjust to their new role of serving the political masters who were till recently adversaries. A number of civil servants who could not adjust to the new situation did seek retirement and went away to England. The remaining ones; however, made a remarkable job of adjusting with the new situations. Still there were many instances of strained relations between the two. L.K. Rushbrock William contemplated that “despite the general harmony which seems to have marked the relationship between the Ministers and the permanent officials of the department under their control, the position has not been free from difficulty and there is reason to believe that some Ministers have considered themselves unduly upset”. It may be noted that C.Y. Chiatamani, who was holding the portfolio of Education in the United Provinces, resigned on the issue of having been by passed in a certain matter which was directly communicated to the Governor.

The Government of India Act 1935 established the provincial autonomy under which fully responsible government was provided in the provinces. This brought to fore very prominently the question of relationship between the Secretary and the Minister. The Committee on Organization and Procedure set up in 1937, under the Chairmanship of R.M. Maxwell, examined the question of proper relationship between them. It pointed out that the Minister has a right to accept advice based on widest administrative experience available under the department, and further more, the Secretary was the only officer in the department qualified by experience to render such advice. The Minister, who was naturally not in a position to attend to the day-to-day business of administration, expected the Secretary to carry on this work efficiently. The Secretary should, therefore, be consulted by the Minister in regard to the administrative matters in the Ministry/Department. The committee also held that the Minister had the freedom to consult experts or other department officers on technical or even administrative questions, but, the Secretary was to be invariably associated with such consultations, and final decisions should not be taken without consulting the Secretary.

The Maxwell Committee also recommended that in view of the political, parliamentary and public pre-occupations the Minister, the matters of major importance should be referred to the Minister for his

decisions. With this in mind, the committee suggested the following classes of business to be submitted to the Minister.

- (i) Cabinet cases;
- (ii) Business which is likely to have political repercussions;
- (iii) Parliamentary business;
- (iv) Patronage
- (v) Any other class of business which in the opinion of the Secretary is sufficiently important to be submitted to the Minister. Obviously, the committee was in favour of giving maximum, possible discretion to the Secretary in running the affairs of the department. He was supposed to refer to the Minister only the cases of above mentioned category and dispose off most of the business which he thought he could dispose off. The Committee also felt that for efficient functioning of the Government, it was necessary that the relationship between the Secretary and the Minister must run smoothly. This relationship must be characterized by mutual confidence and trust.

After Independence

Even after the independence, the intransigence of some of the civil servants caused awkwardness in the relationship between the political and permanent executives. Shri Prakash, the former High Commissioner of India in Pakistan, recalled the difficulties he had encountered in getting his instructions implemented by an ICS officer who was his deputy in the High Commission. He also narrated an instance of being told by Prime Minister, Pandit Nehru of similar experience of having difficulties with the ICS officers. It has been pointed out by many that at least during the early days of independence some of these officers had entertained somewhat strange view about their own position in the newly emerging administrative set up and found it rather difficult to act in complete harmony and cooperation with the political elements in the Government i.e. the Ministers.

There were a number of cases of open rift between the Ministers and their Secretaries. One such case was about the

purchase of shares of certain private companies by the nationalized Life Insurance Corporation. Finance Minister Mr. T.T. Krishnamachari's disowning responsibility for a decision taken by him after an oral decision by him with the Finance Secretary, Mr. H.M. Patel erupted into a great controversy. Justice Vivian Bose inquiry commission found the working relationship between the two rather strange. As a result of the controversy, Mr. T.T. Krishnamachari had resigned and Mr. Patel sought voluntary retirement.

In 1966 another important case of ministers-secretary conflict was noted. Mr. Gulzari Lal Nanda, the Home Minister, complained to the Prime Minister that he was not getting full cooperation from his secretary, Mr. L.P. Singh. The Prime Minister did not change the Secretary and the Minister resigned.

Another almost comic case of minister- secretary conflict, occurred in 1971, Mr.K. Hanumanthayya, Railway Minister did not see eye to eye with the Chairman of the Railway Board, Mr. Ganguli. The Minister created an ugly situation by refusing the tour programme of the chairman and got his bogie detached from the railway train. Mr. Ganguli also created a scene by continuing to sit in his bogie. However the government terminated the services of Mr. Ganguli who claimed that the reason for the wrath of the Minister was Mr. Ganguli's attack on some vested interests. Equally comic was the recent conflict between railway minister Mr. Ghani Khan Chaudhary and the Chairman of the Railway Board.

B. Reasons for Conflict

The most important reason for conflict between the Ministers and the Secretaries is that either one or both of them wish to transgress their limits. Usually, the Minister being a political figure cannot give detailed attention to the government work. The Minister, therefore, should give the secretary full freedom to advice on the policy and decision making. The Secretary should ideally be left free to express whatever opinion he wishes to express on any matter he placed before the Minister. The ultimate decision has to be taken by the Minister as

he alone is responsible to the legislature, this relationship has to be reinforced by the loyalty of the Secretary to his Minister. The Secretary should appreciate the concerns of the Minister which arise from his being a political person. He has to ensure that the decisions of the Minister do not make him unpopular on account of remaining within the four corners of the legal and constitutional provisions. The Minister on the other hand has to give full freedom to the Secretary to express his views and take decisions according to his likes. The Secretary then has to execute the orders of the Minister even if they are contrary to his advice. It is the responsibility of the Minister to defend the Secretary and the administrative machinery below him for their actions in executing the policies laid down by him. He has to act as their leader and inspire them to perform their jobs, in a most efficient and motivated manner. This is more or less the ideal relationship that should exist between the Minister and his Secretary.

However, the ideal conditions do not always prevail and the conflict between the Minister and the Secretary occasionally comes to surface. The main reasons for this conflict are:

- (i) The Minister does not remain satisfied with his policy making functions. He wants to interfere in the day-to-day working of the department. He takes interest in even petty transfers and postings leaving the Secretary and the head of the department with no control over their subordinates. At times, he interferes even in the disciplinary matters affecting the normal disciplinary control of the permanent executive.
- (ii) The Minister does not permit the Secretary to express his views freely. He wants the Secretary to tender the advice which is palatable to him. Ministers like Pandit Jawarhalal Nehru and Sardar Patel appreciated their Secretaries to express themselves freely and had the courage to take decisions contrary to their advice. Today's Ministers desire that the advice of the Secretary should be according to their liking so that they can hold the Secretary responsible for every decision.
- (iii) Being political persons many Ministers want their Secretaries to take decisions which are contrary to laws, rules and regulations. Sometimes they do not even take responsibility for these decisions. This tendency of the Ministers to distribute patronage against the rules, and norms laid down by the Government is

often resented by the Secretaries who are responsible for the observance of these rules and norms.

- (iv) On the other side, it has also been observed that many Secretaries do not coordinate with the Minister and do not comply with the orders lawfully passed by him. If their advice is rejected they tend to sabotage its implementation through the machinery which they also control. No Minister would be able to appreciate this situation.
- (v) Some Secretaries do not give their undivided loyalty to their Ministers. In coalition governments or even in one party government where factionalism prevails, some Secretaries tend to play one Minister against the other, or a Minister against the Chief Minister, etc. It means that they depart from their role of neutral bureaucrats, advising the Minister without fear or favour.

Some of the Secretaries often adopt a very rigid attitude and do not take a human view of various situations. They tend to follow the rules and regulations blindly without regard to the effect it has on human beings. The Minister being the representative of the people cannot adopt and appreciate such an attitude. The biggest cause of conflict between the Minister and the Secretary appears to be this charge of red tapism against the bureaucracy.

C. Minister and the Field Officers

The Minister-Secretary relationship is not the end of relationship between political and permanent executives. It should include the relationship between the Minister and head of the department as well as relationship between the Minister and the district and divisional level functionaries. Here again the problem arises for not following the norms of proper conduct. Very often, the Ministers bypasses a Secretary and deals directly with the head of the department or even a district or divisional officer. The conflict cannot be one sided. Some of the heads of departments and the divisional level officers try to build direct relationship with the Minister over the head of their Secretary, if these informal relationships are used for the purposes of patronage and personal gains. The Minister wishes the head of the department and lower functionaries to carry out his wishes against the

rules and regulations etc. These officials in turn take advantage of the patronage of the Minister giving him in return some undue favours. This type of relationship is specially detrimental to the functioning of the parliamentary democracy like ours.

The relationship between the political and the permanent executive is a delicate one. It requires an understanding of their respective role by both of them. Usually, no conflict should arise if they perform their roles within the norms expected of them.

Chapter –III

Generalists vs. Specialists

The controversy about the respective role of generalists and specialists in administration is age-old. The question has, however, acquired new dimensions due to the increasing role being played by science and technology in all walks of life. For example, fifty years back the department of Space or Ocean Development of Atomic Energy would have not even been thought of. But, today developments in these fields are simply overwhelming. The role of specialists in administration has, therefore, acquired a new significance. At the same time even the traditional roles of maintaining communal harmony and peace and order are also acquiring new dimensions. There have, therefore, been attempts to redefine the roles of generalists and specialists in different countries. For example, Fulton Committee of England has made wide-ranging recommendations on the subject. Similarly, Administrative Reforms Commission of India (1966-69) has also examined the question at length and made a series of recommendations on the subject.

In this chapter we propose to begin by attempting to define the terms “generalists” and “Specialist”. We would then examine the important arguments for and against both and see if any reconciliation of the two views is possible.

A. **Definitions**

Definition of Generalist

There is no precise definition of the term Generalist. Usually, it is taken to mean a public servant who does not require any specialist qualification for entry into the service. He is supposed to have had a liberal education in classics, literature and humanities. He is supposed to be an all-round man who can perform jobs of managerial class. It means that he performs the usual POSDCORB functions.

In the USA, a generalist is a person who rises from early specialization to broad administrative assignments in later years.

Definition of Specialist

On the contrary a specialist is an officer who requires some practical professional or vocational knowledge for entry into service. His professional and vocational qualifications are to be certified by a University degree or some other recognized training course. He usually performs a job in which his specialist knowledge is required.

Again specialist is a very relative term. For example, a general medical practitioner is a specialist by profession. However, when it comes to more specialized fields in the medical profession like Orthopedics, Gynecology, etc, a general medical practitioner becomes almost a Generalist in comparison. Administrative Reforms Commission of India distinguished between professional services in the field from those in the laboratory. They called the specialist services in the field as functional services. In this definition of functional services, they also included those services where officers have to specialize after joining the service. For example, the officers joining services like Income Tax, Audit and Accounts, Defence Accounts, etc. do not require any specialized degree at the time of entry. However, over a period of time in their service they tend to specialize in their particular fields.

Fulton Committee used the term specialist administrators for those whose career provides opportunities for the exercise of their specialist skills.

The IIPA Conference on Public Administration attempted a detailed definition of the term “Generalist Officer”, and “Specialist or Technical Officer”. They defined the Generalist Officer as a bright young man who has received a liberal college education in any subject. He is appointed at the middle level supervisory post for which no educational qualifications in technical or professional subjects is prescribed. He is appointed to higher administrative positions irrespective of his previous experience and training.

The Specialist Officer is appointed to middle level supervisory post for which technical or professional educational qualifications are

prescribed. He is excluded from posting in the areas where his specialized knowledge or training does not find direct application.

B. **The Controversy**

In performing various Government jobs, services of both the Generalists and Specialists are required. As already mentioned, their relative position has long been a matter of controversy among the scholars and administrators alike. We now study the views expressed in the favour of Generalists and Specialists and later consider ways of getting over this controversy.

Case for Generalist

Several arguments have been given in favour of the supremacy of the Generalists. Examples of such supremacy are usually drawn from the UK and other countries influenced by the British connection. The major arguments in favour of generalists are summarized below:

- (i) In UK the Generalist administrative class always had a superior position. Its origin can be traced to the Northcote-Trevelyn Report (1853) on “organization of Permanent Civil Service” and Macaulay Report of Indian Civil Services (1859). The philosophy of those reports is that a person with liberal education and varied multi-functional experience is much better than the specialist who has deep knowledge of a very narrow field. The same traditions have been carried over to other countries like India, Canada, Australia, etc, which were connected with England. In India also the Generalists occupied superior positions during the British rule and to some extent even after that.
- (ii) The most important argument in favour of the Generalist civil service, as it developed in India, is that it established contact of higher echelons of Civil Service with the grass root administration. It is a unique system in which the Generalist administrative service is organised as an All India Service borne on the permanent cadres of the State Governments. These officers serve in the districts and come in contact with the people at grass root level. They are then moved to the various positions in the State Secretariat and get an idea of the working

of the State Governments. These very officers are deputed to the Government of India to man senior positions there. Lord Curzon introduced the tenure system in which these officers serve in the Government of India for a fixed tenure and go back to the State Government and to the Field. These officers serving at senior levels in Government of India have the advantage of vast experience of working at the State Headquarters and in the field. This gives a touch of realism and inter-connectedness to the entire system of administration. The vision provided by this kind of experience cannot be equaled by the limited technical experience of the Specialists.

- (iii) The administration in India is organised on area basis. Each area requires a generalized administrator to coordinate the activities of the various technical departments working in that area.
- (iv) By their education, training and experience the Generalists have a broad view of the problems facing the society. The Specialists, on the other hand, have a very narrow view of their own specialty. They tend to exaggerate the imports of their specialty in the whole scheme of things. If they were to occupy senior positions at the policy level, it would be difficult to reconcile the view points of various specialists. Appleby has emphasized this point when he said that parochialism is the price that he pays for specialization.
- (v) In a Parliamentary Democracy like Britain and India the Ministers are usually amateurs and have to spend a lot of time in their political work. They have to keep contact with the legislators, their constituents and have to answer questions in Parliament. Apart from carrying out the administrative work, they have an overload of political work. They, therefore, need generalists to advise them on administrative and policy matters.
- (vi) At the senior levels, Government gets a greater flexibility in the placement of officers if these positions are manned by Generalists.
- (vii) It is well known that USA has a strong preference for specialists in their administration. Even there, it is being realized that too much of specialization is causing a lot of fragmentation and creating problems of integration. They are also feeling the need for coordinators who can make sense out of the myriad technical advice that is available from the specialists. The

problem is less acute there because Ministers need not be politicians. They may be experts in their own lines. However, in practice they are also feeling the need for Generalist Coordinators.

- (viii) It has also been argued that it is wrong to call these senior administrators as Generalists. They are also professionals in their own field. To understand the general political and administrative situation to appreciate the aspirations of the people as expressed by their political masters as well as the legislature, to advise the political executive in their policy formation functions are specialized tasks in themselves. Anybody performing these onerous tasks has to develop a professional expertise to become successful. These Generalists can in that sense be called administrative professionals.
- (ix) At higher levels of administration, very little technical knowledge is required. As would be clear to anyone with knowledge of management, the need for technical knowledge is highest at the operating level and lowest at the top-most level. The skills required at the top level are in the field of conceptualization, forming informed judgments etc. Very little technical knowledge is required for acquiring these skills.
- (x) When the specialists are required to do the job of a Generalist, they lost both works. They neither remain specialists nor do they become good generalists.
- (xi) In any decision making process, technical inputs form only a small part. Other matters like financial, administrative, legal and political issues are of equal, if not more importance. The Generalists with a broad background of working in various departments is better suited to perform these jobs.
- (xii) In developing countries like India which have adopted a federal democratic constitution, the Generalist services provide an integrating force also. They are woven in the entire fabric of the administrative system and provide the necessary cohesion to its working.

Case for Specialist

The case of specialists starts with a grievance from their side that for no fault of theirs, they are excluded form the top policy making

positions. It may be worthwhile to examine the argument given to substantiate these grievances.

- (i) In the colonial period or even during early post-independence period the administrative tasks were relatively simple. The main functions of administration were maintenance of law and order, collection of taxes and revenues and providing a modicum community services. However, the tasks of the administration have now become very complex and cannot be given their due importance in performing these jobs from the highest to the lowest levels.
- (ii) Specialists feel that generalists are not required to intervene between them and the Ministers. In fact they have a better knowledge of their subjects and can explain it better to the Minister.
- (iii) The Generalists do not understand the implications of the technical proposals. There are inordinate delays in the clearance of the proposals submitted to them. They have, all the time, to depend on the advice of the specialists and in the absence of their expert knowledge are unable to make up their minds.
- (iv) Fulton Committee in England recommended greater role for the specialists in administration. The Committee also observed that to meet the challenge of the scientific and technical developments, the specialists have to be given due place in the administration. The same arguments apply to the conditions prevailing in India.
- (v) Administrative Reforms Commission of India (1969) recommended that the senior posts in functional areas should be held by the specialists in those functional areas. They also recommended that non-functional posts should be thrown open to all the cadres including the Specialists and the Generalists.
- (vi) In other countries like Sweden, USA, Australia, France, etc., the specialists and professional cadres are not precluded from occupying the top administrative posts. In fact, in most of the countries a large number of top positions are manned by technical people.

Scholars' view

After examining the views expressed on behalf of the Generalists and Specialists, it may be worthwhile to consider what the prominent scholars of public administration have to say about the question.

Braibanti feels that in the new States where national integration is still a very important matter, the proliferation of specialists in administration adds to the centrifugal forces that already exist. He says that the functional expertise is needed in the administration to promote economic development. But he also cautions that the generalist administrator has a critical coordinating role as well which should not be ignored. According to him the developing countries need a generalist service to provide cohesion in the administrative framework of the country.

Joseph La Palombara also felt that it is not wise to give too much of importance to the specialist in administration. It may create the problems of control over the bureaucracy. In the developing countries who have adopted a democratic framework, the political control over the administration is likely to be weakened in the face of specialist bureaucrats. He cautioned that the new States who emphasize functional expertise in public administration often tend to ignore the possible political price that may have to be paid for such a system, sums up the argument by saying that one of the great dilemmas of many of the developing countries is that they tend to value economic development more than freedom.

F.M. Marx also thought that the growth of functional exercise in bureaucracy seriously weakened the integrating functions of the generalist administrators. The specialists do not have the knowledge of the whole organization. This results in the loss of spirit de corps. The specialist is insular in his outlook. He reveals in the techniques of his own specialty. The Government then gets involved with too many technical view points which become difficult to synthesize. The insularity of specialist limits his vision of the broader national problems and reduces his capacity to tender policy advice.

It would thus be seen that the scholars have tended to emphasize the integrating role of the Generalist and decry the narrow view promoted by the specialists.

C. The Way Out

The most important question now is as to what is the way out of this situation. No country can afford such a war going on among its generalist and specialist administrators. Some solutions have been suggested from time to time. A few of them are mentioned below.

- (i) Better status may be ensured for the specialists by creating more All India Service and Class-I Central Services. Some new services like Indian Economic Service and Indian Statistical Service have already been created.
- (ii) Appointment to the top positions should not be denied to the specialists. It is not necessary to presume that all generalists will have a broad view and all specialists will have a narrow view. Such of the specialists who acquire the necessary breadth of vision should not be debarred from occupying senior most positions. To a great extent this is already being done in our country. More than 50% of the posts of the level of Joint Secretary, and above are already being filled by the specialists or functional services.
- (iii) Creation of parallel hierarchy. This is a system prevalent in Australia where the Generalists and the Specialists have a parallel hierarchy carry similar pay scales and status.
- (iv) It has also been suggested that some post in the senior most Generalist service should be filled up by lateral entries from other services. This will give all the services an opportunity to enter the senior most generalist service. To some extent such an opening has been provided in our country.
- (v) Unified Civil Service. This is a radical suggestion of completely revamping the administrative system. At lower level the services should be organized on functional lines. Entry to the top positions should be opened for everyone by the process of selection. Such a change has already been affected in Pakistan Civil Service. However, it appears that it is too radical a suggestion to be implemented in our country immediately.

D. A Synthesis

If we could look at the administrative system prevailing in different countries, we will find Britain at one extreme where Generalist Services predominate and the USA on the other extreme where specialization has reached extreme proportions.

Both of them have realized that such a situation is not conducive for efficient functioning of the Government. The Fulton Committee in England has suggested a synthesis. They have argued that the Generalist administrators should now try to get more training and specialize in certain broad functional areas. They have also argued that the specialist should be given training in broad general management principles. This should make it possible to have a happy expertise of the specialist in the USA. The second Hoover Commission pointed towards the need of greater coordination of the technical specialties. They had therefore, suggested that creation of Senior Executive Service which would be blend of both the Generalists and the Specialists. The other countries can take a hint from the shift which is taking place in the UK and the USA from the extreme positions. Some sort of a middle path should be worked out where generalists and specialists should play a meaningful role in the national development.

Chapter IV

Neutrality and anonymity of Civil Service

The twin concepts of neutrality and anonymity make sense in a democratic context. The concepts assume greater significance in the context of the assumption of welfare functions by the State. The functions assumed by the Government have proliferated so much that the citizen at every point in life comes in contact with the Government. But, with regard to discharge of its functions, the Government to the citizen must mean bureaucracy or civil service. When it comes to the provision of services or distribution of benefits, the civil servant has to be given a lot of discretion as not all the contingencies can be foreseen by the rule makers. In many laws, the civil servants have been given direct adjudicatory functions. It is natural for the citizens to expect that the civil servants will use their discretion without fear or favour. They should neither be influenced by the partisan consideration on political grounds nor should they be guided by selfish motives, whether, for self or for relatives or friends. Ideally, therefore, the civil service should be impartial and neutral as between citizens always basing actions on the consideration of rule of law. In practice, however, this does not happen. Neither the civil servants always remain neutral nor the citizens in totality always desire them to be so. What then is the concept of neutrality? What are its advantages and disadvantages? What are the conditions under which neutrality can prevail? These are some of the questions that arise while thinking about neutrality. We propose to study some of the answers to these questions attempted by some eminent scholars. The concept of anonymity by and large goes with the concept of neutrality. Only some distinguishing features of the former will, therefore, be considered separately.

A. The Concept of Neutrality

Max Weber's Contribution

The concept of neutrality was first developed by Max Weber. The bureaucrats/public administrators have to discharge impersonal official obligations. They have to be selected and promoted on merits. They have to act strictly according to the rules and regulations. The

bureaucracy consisting of such impersonal bureaucrats/administrators has obviously got to be politically neutral.

Positive and Negative views of neutrality

F.M. Max and others examined the positive and negative views of neutrality. Actually speaking the administrators should not pass on the problems to the political masters without making his own contribution. In other words the administrator does not have to indulge in an ostrich like behavior. Positively speaking the neutrality means working without reservation. It means working with devotion for the success of the political Government which the bureaucracy is serving. It is a two-way phenomenon involving the political executives as well as the bureaucracy. The political executive has to lay down the policy with the help of the expertise of the bureaucracy. The bureaucracy on its part has to execute the policy without reservation even if its views have not been considered and over ruled.

British concept of neutrality

In practice, the concept of neutrality developed most in Great Britain. The British concept of neutrality was highlighted by Masterman Committee when it said. “The characteristic which has long been recognized in his impartiality and, in his public capacity, a mind unhinged by political pre-possession”.

Regarding the neutrality of civil service there is a consensus between the public, the Government, the political parties and the bureaucracy. Every one is agreed that bureaucracy has to serve with impartiality whatever Government is in power. The personal view of the bureaucrats has to be subordinated to the requirements of the constitution and the law. In short, it is characterized by:

- (i) The public confidence in the freedom of civil service from all political bias;
- (ii) Minister’s confidence in obtaining loyal service;
- (iii) High staff morale based on confidence that promotions and other rewards do not depend upon their political views or partisan activities but on merit alone. These are the salient points of the British concept of Neutrality.

The American Concept of Neutrality

The US concept of neutrality has been highlighted by the Hoover Commission. This involves the following:

- (i) The civil servants should keep clear of all political activity. They have to keep a neutral posture in respect of policy matters.
- (ii) Civil servants have to avoid emotional attachments to the policies of any administration. This will come in their way of harmonizing their actions when a new Government comes to power and initiates new policies.
- (iii) Senior civil servants have to refrain from all political activities which may interfere with their work. There is a tendency in the senior civil servants to identify themselves with the politicians with whom they work closely. This tendency has to be completely avoided.
- (iv) The senior civil servants should make no public or private statements to the press except those of a purely formal nature. They should not make any speeches of a political or controversial nature.

It may be observed that the doctrine of anonymity has crept in (iv) above, meaning thereby that it is an integral part of doctrine of anonymity.

B. Rationale of Neutrality

Karl Marx rejected the idea of neutrality. He said that the civil service has to be an instrument of the ruling party. Similarly single party authoritarian states also accept the civil service to be an instrument of carrying out the will of the party. In fact, in these types of systems the party and the state become almost synonymous.

The concept of neutrality has, however, been extolled in USA and Britain.

It would thus be observed that neutrality of civil service is not a universally accepted concept. However, it has a tremendous appeal. The basic assumptions behind this concept are:

- (i) It is a product of the merit system and secures natural political public service.
- (ii) Advantages are permanence, continuity, reliability, professionalism. Disadvantages are conservatism, devotion to routine and resistance to change. Obviously the advantages of neutral bureaucracy far out weight its disadvantages.
- (iii) Neutrality of bureaucracy appears to be an essential requirement of a multi-party system. If bureaucracy aligns itself with any particular party it may find it difficult to adjust with another party which may later come to power.
- (iv) The alternatives to the neutral bureaucracy are (a) spoils system in which bureaucracy changes with every change in Government. (b) a bureaucracy totally aligned to a particular party and perpetrating injustice on all those opposed to that particular party. Obviously none of these alternatives is a better substitute for a neutral bureaucracy.

C. Traditional Concept Challenged

The traditional concept of the neutrality of bureaucracy grew in Britain and flourished in a favorable climate. This probably happened because of the following reasons:

- (i) The British concept of ministerial responsibility encompasses the neutrality and anonymity of civil service.
- (ii) In Great Britain power was shared between two political parties which were evenly matched in their strength. There was always a possibility of a change in Government by electoral verdict. The bureaucracy obviously had to keep a neutral stance between them.
- (iii) The political parties also realized that any attempt to draw the civil service towards their party may ultimately be counter-productive. When the other party came to power, things would go against them. Both the parties, therefore, thought it better to have an impartial or neutral civil service which acted according

to laws and rules set by the legislature and the Government of the time.

- (iv) The political parties, the members and the people in general were wedded to the democratic principles which meant that the Government was based on rule of law, rather than rule of an individual or party. There was general agreement that the parties in power had a right to change the policy as well as the rules but had no right to act on the personal whims of the individual leaders. There was an agreement on the role of the civil servants to follow rules and regulations.
- (v) Backgrounds of the civil servants, legislators and the political executives were almost similar. They were highly educated and shared the same beliefs.
- (vi) The ultimate principles of action of bureaucrats were not in conflict with those of their political masters. There was a two-way acceptance of the principle of neutrality of civil service in dealing with individual cases.

The same principles were implemented in Australia, Canada, India, etc. In India an added reason for keeping the principle of neutrality of civil service completely sacrosanct was that any kind of politicization could only be anti-Britain.

D. Other Countries

A lot theoretical and empirical work has shown that the same conditions do not prevail in other countries and bureaucracy is no longer remaining neutral in most of the countries. Some reasons for this phenomenon are indicated below:

- (i) The concept of neutrality of the civil service is based on politics-administration dichotomy which meant that the political executive lays down the general policy which the civil service executes impartially. The decision making now is well distributed all over the organization and no longer remains a prerogative of only the political executive. It is true that the final seal on the policy is put by the political masters, but the whole process of policy making involves so much of data gathering, expert analysis etc., that it has become a collective process involving political executives as well as civil service.

The civil service is, therefore, getting more and more involved in the political process.

- (ii) The civil service in developing countries has to perform more of a leadership role. This obviously involves it in some sort of political process.
- (iii) Party politics is different from policy politics. The civil service has definitely to take part in the process of policy formulation which cannot avoid touching the political issues.
- (iv) The concept of neutrality is said to mean that civil servant should not have emotional attachment with any political party to such an extent that it cannot adjust itself to the change in the Government. However, when development issues are involved, how can a civil servant implement such programmes unless he has some sort of faith in them? The question often asked is that political attachment to party may be given up but what about professional and moral attachment to the development programmes?
- (v) The performance appraisal of the civil servants at higher levels is done by the political executives. It is, therefore, difficult to avoid the political pressures, may be very subtle, on the civil servant.
- (vi) The whole upbringing and experience of civil servant can also not be ignored. Taking an extreme example of civil servant brought up in liberal democratic system may find it extremely difficult to work if a new government based on autocratic principles comes to take over.
- (vii) When the political parties of widely different views may make alternative governments, it may be difficult for the civil servants to make the necessary adjustments.
- (viii) The bureaucracy has ultimately to operate in a particular social and political milieu. While advising the political executives on policy matters the civil servant cannot keep himself aloof from the live issues of the time. Politicians and intellectuals desire change while the bureaucracy may resist it. This may create conflicts and may involve the civil service into politics.
- (ix) Sometimes the civil service develops its own vested interests and may dabble into politics to serve its interests.
- (x) Individual bureaucrats attempt to tag on to a particular party or to a politician to serve their personal ends.

- (xi) Some people argue that the bureaucracy in the grab of neutrality wants autonomy. They, therefore, advocate that such a tendency should be curbed by the political executive. This explains the attitude of some politicians in trying to impose their will on civil servants often for their partisan ends.
- (xii) If carried to the extreme, neutrality may also lead to moral corruption. For example, a question can ultimately be asked whether a civil servant should serve the commands of a dictator like Hitler to annihilate his enemies by using criminal methods.

E. Politicization of Bureaucracy

Since the very concept of strict neutrality has been challenged, people have started talking of a politicized bureaucracy. It means the bureaucracy which is involved in or influences or is influenced to any degree consciously or unconsciously by overt or by covert actions in the stream of the politics of the day whether the party in power or of the party in opposition. Such type of bureaucracy has been classified according to the degree of politicization into the following categories:

- (i) De-politicized bureaucracy. This is the usual neutral anonymous, a political bureaucracy. It is not at all involved in political activity.
- (ii) Semi-politicized bureaucracy. In this type, the political executives dominate the civil service to take decisions on party lines. There is some interference in personnel matters. The civil servants have a right to vote and can join a political party after resignation or retirement.
- (iii) Committed bureaucracy. Such a bureaucracy is committed to the programmes of the party in power. The public servants are allowed to become members of the political parties and participate in their meetings. There is a lot of interference in personnel matters. Public thinks such a bureaucracy to be corrupt and a stooge of the party in power.
- (iv) Fully politicized bureaucracy. Such a bureaucracy exists in a single party authoritarian structure. Such a civil service is very powerful and serves its own ends while serving the party. There is a no difference between the party and the government.

F. Measures of Neutrality

While neutrality has been discussed by many, it has not been found easy to measure the extent of neutrality prevailing in any political system. However, some measures of neutrality have been devised, which we mention below:

- (i) The degree of influence in decision-making.
- (ii) The degree of segregation of the political executive from bureaucracy.
- (iii) The extent of political interference in the administrative work.
- (iv) The degree of its involvement in politics.
- (v) The extent of confidence bureaucracy enjoys with the public.

G. Extent of permissible political activity

The dilemma before a political system is that:

- (i) A civil servant happens to be a citizen and as a citizen he has certain fundamental rights, which include the right to form association and taking part in political activities.
- (ii) As a civil servant he is also supposed to maintain impartiality in his public dealings. This is not compatible with his fundamental rights of forming association, freedom of expression and freedom to take part in political and social activities of the society. Joining a political party and taking part in its activities may commit a civil servant to a particular course of action. This obviously compromises his impartiality in dealing with the citizens. Even if he acts impartially his commitment to a political party will not inspire confidence in public mind about the impartiality. It leads us to the crucial question how to maintain a correct balance between the rights of the civil servant as a citizen and the need for impartiality in public work. Different countries have resolved this problem differently. In U.K. the civil servants have been divided into three categories (a) free; (b) Intermediate,; and (c) restricted.

The civil servants of (a) category belong to lower levels of hierarchy and do not have much discretion in dealing with the public. They have

been given full political rights to vote, to become members of the political parties, participate in political activities like contesting elections; etc. Civil servants of (b) category are the middle level officials. They are subject to some restrictions. They can vote and take part in the political activities, but cannot contest elections to Legislatures. The civil servants in (c) category are denied most of the political rights except for voting and passive party membership.

Individual workers are not subjected to any restriction with regard to political activities. In spite of this liberalization, the civil servants in U.K have behaved in a discreet and restrained way and have not allowed their political activity to become an embarrassment for the Government.

In USA the civil servants are not allowed to take part in any political activity except voting and restricted expression of opinion. In India there is a total prohibition on the political activities of Government employees except that they can vote and that too without letting anybody knows about the preference exercised by them. In Belgium and Switzerland the public servants are free to contest elections for Parliament by having to resign their seats if elected. France and Germany go a step further. There the civil servants have to resign their post only on their election to the Legislature. They can, however rejoin their post in case they cease to be members of Legislature.

H. Are complete de-politicization and neutrality possible or desirable?

This section is more or less a summary of the previous sections and tries to briefly describe to the changing concept of neutrality in relation to the changing political environment. The concept was probably first expounded during French Revolution where the neutral bureaucracy suited the changing political power equations. A non-partisan bureaucracy emerged as a bulwark against the instable political conditions in the Western Europe. In England a non-partisan civil service was created for preventing the monarch and aristocracy from manipulating the electoral system and official patronage against the Parliament. Thus by a different route Britain and Western Europe reached the same destination viz. a depoliticized and non-partisan civil service. The merit system was gradually introduced to keep

partisan politics out of the civil services. The process was aided by the complexity of administrative work introduced by modern technology as a part of the industrial revolution. The politicians could no longer handle the complex administrative problems which required full-time specialized attention. The concept of neutral bureaucracy, therefore, came to be supported by the political elite as well as the masses who were willing to pay the civil service well if they were prepared to work efficiently and stay neutral. This enlisted the support of the bureaucracy also to the concept of their neutrality.

The conditions were, however, different in USA where the spoils system prevailed for quite some time after the emergence of neutral and depoliticized civil service in Western Europe. However, public pressure for efficiency and integrity of civil service forced the demonstrative reforms that introduced merit system which ultimately established depoliticized and neutral civil service.

The concept of de-politicization and neutrality of civil service, very simply stated means that the politicians should lay down the policy and the bureaucracy should passively implement it. This presumes absolute loyalty to the political masters of the day. This no longer holds true. Today the civil servant faces a conflict of loyalties some of which are:

- (i) Humanity – Public bureaucracy should be an instrument to serve the entire humanity.
- (ii) Nation
- (iii) State of Polity
- (iv) Constitution
- (v) Social Class, Tribe, Caste Etc.
- (vi) Party
- (vii) Trade Union
- (viii) Profession of Programme
- (ix) Clientele or citizens

Which one of the loyalties will dominate at a point of time is difficult to say. It may also be seen that all of them may not be reconcilable with each other. Moreover the public bureaucracies have become highly specialized and professionalized. They face a lot of challenges

and have to act with drive and initiative and cannot act as more passive instruments of political power.

Of course, most of the Governments have maintained some taboos on direct participation of public servants in partisan political activities to maintain public confidence in them. But, the participation of public bureaucracies in the political process has been growing rapidly. The separation of the role of the politician and the public servant is no longer valid. There is a fusion of the two. For example, the politician never likes to feel that he only makes policies which others have to administer. He wants to accept responsibility for policy making as well for policy implementation. No administrative matter is too small for them to interfere, because they feel that they have been elected by the people to represent them. The doctrine of Ministerial responsibility buttresses this claim of the politician. When the minister is responsible for every action of every subordinate, he may as well keep everything in view. The civil servant on the other hand is called upon to perform many political functions even while implementing policy decisions. While the politician does lay the policy, the civil servant has to provide the rationale for it. He has to gather and analyse a lot of data and present before the politician for deciding policy. The politician is thus not so independent in deciding policy as he appears to be and similarly the public servant is not a docile passive implementer of decisions. The politician being busy with so much public contact does lean on the civil servant to advise him effectively about the pros and cons of various policy alternatives. The civil servant is of course dependent on the politician for supporting his actions. There is thus a lot of intermingling. There are no clear cut lines of demarcation between the politics and public administration. The former subsumes the latter, but cannot subsume it completely.

The concept of de-politicization and neutrality of civil service has thus undergone a change over time.

I. Anonymity

The principle of anonymity flows directly from the doctrine of ministerial responsibility which is a feature of the Parliamentary democracy as prevalent in England. As is well known the doctrine of ministerial responsibility means that the Minister in-charge of a

department is responsible for the actions of the civil service subordinates to him. He has to defend their actions in the Parliament and before the general public. In case he cannot defend them he has to resign his post. This obviously means that the civil servants can neither address the Legislature nor the public through press to present their case. They have to act according to the policy of the Minister impersonally and impartially. This impersonal exercise of power means that his name is not to be involved in any decisions. The decision is to be taken strictly according to the rules and regulations and policies laid down by the political executive. Every civil servant is supposed to take the same action in similar circumstances. His name, therefore, does not have to appear anywhere before the public or the Legislature. His actions are the actions of the Government for which the Minister is responsible.

The doctrine of anonymity fits well with the doctrine of civil service neutrality. The civil servant who is neutral is to act according to the impersonal application of rules and regulations and hence has to act anonymously.

Chapter V

Integrity in Public Administration

These days, we hear a lot about the lack of integrity in public life. Public administration is a part of the general social system and similar conditions appear to prevail there. The tax payer, out of whose money the public servants are paid expects them to do an honest job for the remuneration they receive. The Public Servants on the other hand complain that their emoluments have not kept pace with the rising prices. This acts as a tremendous pressure on their integrity specially when the severely controlled economy provides them with immense opportunities to make money on the sly. Corruption is no longer a peripheral phenomenon. It is so widespread that it threatens to eat into the vitals of the system. Everyone appears to be concerned, but no one appears to be able to do anything about it. What are the causes of this widespread lack of integrity in public administration? What can be done and what has been done to combat the problem of corruption. What kind of institutional arrangements are necessary to contain the evil of corruption?

An attempt will be made here to answer these and some other related questions about corruption. This will only be an attempt as no one has been able to answer all the questions about corruption.

A. Meaning

The dictionary meaning of integrity is “soundness of moral principles: character of uncorrupted virtue, uprightness; honesty; sincerity”. The concept of integrity is one of the fundamental features of modern public administration. It is a natural outcome of the modern legal system based on “rule of law”. In earlier societies favours from the Government were as a matter of rule obtained on payments or gifts etc. Anybody going to Government functionaries had to make some gifts with him. Favours were often given to the highest bidder. With the development of the modern concepts of state sovereignty and citizenship, this system started changing. The Government servants were to be compensated for government work by payment of salaries

and not by receiving gifts from the citizens. The citizen on the other hand had to pay taxes to the Government to receive protection and other services. The taxes were to be imposed on the basis of laws and not in the form of gifts to the officials. Gradually, this developed into the modern concept of the integrity of public servants according to which they are not supposed to use their official position and status for obtaining any financial or other advantages for themselves or for their relatives or for their friends. If they are given any powers, these are meant to help them in discharging their duties towards the public and not for self-aggrandizement. In this modern concept of civil service integrity, it is also understood that the civil servants will be recruited on merit and will receive their salaries, promotions etc. on the basis of merit as long as they perform their functions according to the laws, rules and regulations of the state with efficiency and honesty. Those who do not do so violate the essential conditions of their service and render themselves liable for action.

Integrity is a wide concept which includes intellectual, honesty, courage, as well as cleanliness in pecuniary matters. Lack of integrity has, however, come to be mainly associated with corruption which by and large, means obtaining pecuniary benefits which are not sanctioned by the laws, rules and regulations or norms.

The great Historian, Writer, Philosopher Edward Gibbon, when after completion of his famous book 'The Decline of Roman Empire' was confronted to reply in one word the reason for the decline of Roman Empire, he remarked –“Corruption”. The Corruption not only adversely affects the social, economical and political structure of the State, but destroys the democratic values and ideals. Corruption impedes the development and investments. In absence of the accountability and transparency corruption ultimately destroys the moral, social and political values of the civil society. When economic structure is polluted by corruption, the progress and development is largely effected. A survey conducted by the Transparency International and ORG Mark India, reveals that in Corruption perception index, India is considered to be one of the corrupt nation of the world. It earned 2.7 marks out of 10 in honesty. It is the duty of the State and all its limbs as well as the people at large, to fight against this menace.

Arbitrary, unjust, unfair, improper and selfish exercise of power by public servants who enjoy power, result into advantage to one and disadvantage to another. Corrupt public servants penalizes the honest person and encourage dishonest people. This become possible only because of the influence and power, a Public Servant holds. Corruption and mal-administration are like twin sisters. Corruption results into mal-administration. Corruption creeps into administration when public servants enjoy unbridled, uncanalised and absolute power ignoring the laws and the rules. When administration lacks accountability and transparency, corruption take its shape in various forms e.g. delays in movement of files, delays in decision making process, arbitrary, unjust and unfair actions.

Good governance requires accountability through transparency, right to information, proper check and balance, financial control, effective internal and external audit, official competency, free from corruption, nepotism and undue influence, impartial and just decision in accordance with laws and rules. Wherever any of the principle of good governance is eroded, corruption not only penetrates, but, ultimately wrecks the system.

A Consultation Paper on ‘Probity in Governance’ prepared the National Commission to Review the Working of the Constitution for generating a public debate and eliciting public response says the following on corruption:

“Menace of corruption in public life

Corruption is an abuse of public resources or position in public life for private gain. The scope for corruption increases when control on the public administrators is fragile and the division of power between political, executive and bureaucracy is ambiguous. Political corruption which is sometimes inseparable from bureaucratic corruption tends to be more widespread in authoritarian regimes where the public opinion and the Press are unable to denounce corruption. The paradox of India, however, is that in spite of a vigilant press and public opinion, the level of corruption is exceptionally high. This may be attributed to the utter insensitivity,

lack of shame and the absence of any sense of public morality among the bribe-takers. Indeed, they wear their badge of corruption and shamelessness with equal élan and brazenness. The increase of opportunities in State intervention in economic and social life has vastly increased the opportunity for political and bureaucratic corruption, more particularly since politics has also become professionalized. We have professional politicians who are politicians on a full time basis, even when out of office. India is rated at 73 out of 99 countries in the corruption perception index prepared by a non-governmental organisation, Transparency International. Corruption today poses a danger not only to the quality of governance but is threatening the very foundations of our society and the State. Corruption in defence purchases, in other purchases and contracts tend to undermine the very security of the State. Some of the power contracts are casting such financial burden upon some of the States that the very financial viability of those States has fallen into doubt. There seems to be a nexus between terrorism, drugs, smuggling, and politicians, a fact which was emphasized in the Vohra Committee Report.

Corruption has flourished because one does not see adequately successful examples of effectively prosecuted cases of corruption. Cases, poorly founded upon, half-hearted and incomplete investigation, followed by a tardy and delayed trial confluence a morally ill-deserved but a legally inevitable acquittal. The acceptance of corruption as an inexorable reality has led to silent reconciliation and resignation to such wrongs. There needs to be a vital stimulation in the social consciousness of our citizens. It is true that the present process of withdrawing the State from various sectors in which it should have never entered or in which it is not capable of performing efficiently may reduce the chances of corruption to some extent but even if we migrate to a free market economy, there has to be regulation of economy as distinct from restrictions upon the industrial activity. The requirements of governance would yet call for entering into contracts, purchases and so on.

The Scandinavian economist-sociologist, Gunnar Myrdal, had described the Indian society as a 'soft society'. He also clarified what the expression 'soft society' means. According to him, a soft society

is: (a) one which does not have the political will to enact the laws necessary for its progress and development and/or does not possess the political will to implement the laws, even when made, and (b) where there is no discipline. In fact, he has stressed the second aspect more than the first. According to him, if there is no discipline in the society, no real or meaningful development or progress is possible. It is the lack of discipline in the society - which expression includes the administration and structures of governance at all levels - that is contributing to corruption. Corruption and indiscipline feed upon each other. One way of instilling the discipline among the society may be to reduce the chances of corruption and to deal with it sternly and mercilessly wherever it is found. For this purpose, the inadequacies in the criminal judicial system have to be redressed. Corruption is also anti-poor. Take, for example, the Public Distribution System (PDS) and the welfare schemes for the poor including Scheduled Castes (SCs) and Scheduled Tribes (STs). It is well-known that a substantial portion of grain, sugar and kerosene oil meant for PDS goes into black-market and that hardly 16% of the funds meant for STs and SCs reach them – all the rest is misappropriated by some of the members of the political and official class and unscrupulous dealers and businessmen. The famous economist, Late Mehabub-Ul-Haq succinctly and poignantly set out the ill-effects of corruption in a South Asian country like ours. He said:

“Corruption happens everywhere. It has been at the center of election campaigns in Italy and the United Kingdom, led to the fall of governments in Japan and Indonesia, and resulted in legislative action in Russia and the United States. But, if corruption exists in rich, economically successful countries, why should South Asia be worried about it? The answer is simple: South Asian corruption has four key characteristics that make it far more damaging than corruption in any other parts of the world.

***First**, corruption in South Asia occurs up-stream, not down-stream. Corruption at the top distorts fundamental decisions about development priorities, policies, and projects. In industrial countries, these core decisions are*

taken through transparent competition and on merit, even though petty corruption may occur down-stream.

Second, *corruption money in South Asia has wings, not wheels. Most of the corrupt gains made in the region are immediately smuggled out to safe havens abroad. Whereas there is some capital flight in other countries as well, a greater proportion goes into investment. In other words, it is more likely that corruption money in the North Asia is used to finance business than to fill foreign accounts.*

Third, *corruption in South Asia often leads to promotion, not prison. The big fish – unless they belong to the opposition – rarely fry. In contrast, industrialised countries often have a process of accountability where even top leaders are investigated and prosecuted. For instance, former Italian Prime Minister Bettino Craxi was forced to live in exile in Tunisia to escape extradition on corruption charges in Rome. The most frustrating aspect of corruption in South Asia is that the corrupt are often too powerful to go through such an honest process of accountability.*

Fourth, *corruption in South Asia occurs with 515 million people in poverty, not with per capita incomes above twenty thousand dollars. While corruption in rich rapidly growing countries may be tolerable, though reprehensible, in poverty stricken South Asia, it is political dynamite when the majority of the population cannot, but to massive human deprivation and even more extreme income meet their basic needs while a few make fortunes through corruption. Thus corruption in South Asia does not lead to simply Cabinet portfolio shifts or newspaper headlines inequalities. Combating corruption in the region is not just about punishing corrupt politicians and bureaucrats but about saving human lives. There are two dimensions of corruption. One is the exploitative corruption where the public servant exploits the helpless poor citizen. The other is collusive corruption where the citizen corrupts the*

public servant by a bribe because he gets financially better benefits. Collusive corruption depends on black money.”

Mahatma Gandhiji had understood the gathering crisis of corruption and prophesied that the public would need to be in the forefront in exposing corrupt practices and taking to task those who were involved in them. As early as 1928 Mahatma Gandhi wrote in *Young India*, ‘Corruption will be out one day, however much one may try to conceal it; and the public can, as its right and duty, in every case of justifiable suspicion, call its servants to strict account, dismiss them, sue them in a law court or appoint an arbitrator or inspector to scrutinise their conduct, as it likes.’

Just five months after Independence, Mahatma Gandhi had said, ‘Today politics has become corrupt. Anybody who goes into politics gets contaminated. The greater the inner purity, the greater shall be our hold on the people, without any effort on our part’. We have to cultivate ‘the inner purity’ at all levels - of the individual, of the society and of the nation - for enlisting people’s support for purging the system of corruption, inefficiency and sluggishness. While Lokayuktas and Uplokayuktas are of paramount importance in our daunting struggle for creating such an India of our dreams, we have to build a national movement and public opinion for hastening the process of ensuring probity in public life. I am confident that your Conference is a step in that direction and I have, therefore, great pleasure in extending my greetings and good wishes to all of you for your future success.”

Corruption had been defined in Section 161 of the Indian Penal Code which reads as follows:

“Where being or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or to do any official act or for showing or forbearing to show in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person with the Central or any State Government or Parliament or the Legislature of

any State or with Local Authority, Corporation or Government Company referred to in Section 21 or with any public servant as such shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both”.

The Prevention of Corruption Act, 1947 calls it criminal misconduct and defines it as follows:

- a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in Section 161 of the Indian Penal Code; or
- b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration which he knows to be inadequate, from any person, whom he knows to have been or to be, or likely to be concerned in any proceeding or business transacted or about to be transacted by him or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so connected; or
- c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other persons so to do; or
- d) If he, by corrupt or illegal means or by otherwise abusing his position as public servant, obtains for himself or for any other person any valuable thing or pecuniary advantages; or
- e) If he or any person on his behalf is in possession or has at any time, during the period of his office, been in possession, for which the public servant cannot satisfactorily account of pecuniary resources or property disproportionate to his known source of income.
- f) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and shall be liable to fine.

Provided that the court may, for any special reasons recorded in writing, impose a sentence of imprisonment of less than one year.”

B. Forms of Corruption

The report of the Santhanam Committee identifies following forms of corruption:

Securing pecuniary benefits: The Committee felt that the most common form of corruption was securing some kind of pecuniary or other material advantages directly or indirectly for oneself or family or relatives or friends by misusing one’s official position. Another widespread form of corruption is “speed money”. With the complexity of the modern welfare state, a number of laws, rules and regulations have come into force. For example, for getting any services from the government or having any transactions which the government requires the observance of government procedures and formalities which take time; often the administrating officials cause deliberate delay in completing this process or charge some “speed money” for shortening it. Another form of corruption is embodied in the liaison men who try to cultivate close social relations with senior officers who are in a position to influence the government policies in their favour. Needless to say that tries to give a number of favours to win them over.

A number of other forms of corruption have been pointed out in various reports of different committees and commissions which examined the question of corruption from time to time. Some of them are indicated below:

- i) Donations by rich individuals and big companies to the political parties are a very important and widespread form of corruption. Since the major beneficiary is the ruling party, it influences the administrators in passing on some undue benefits to the donors.
- ii) Sometimes the private companies offer jobs to retired officials. This may lead to corruption in as much as an officer may bestow undue favour to the company in the expectation of future employment. To some extent a remedy has been

provided for this by prohibiting the government servants and their family members from taking up private employment within two years of their retirement.

- iii) In all contracts of construction, purchases, sales and other regular business on behalf of the Government, there is a chance of money being passed on to the Government officers for showing some favours in relaxing the specifications, etc.
- iv) Sometimes the corruption operates at lower levels also when money is demanded for helping a person in his service matters like promotions, transfers etc.
- v) At times, the performance evaluation of an honest officer is distorted for not meeting the pecuniary demands of the superior officers. The resulting damage on the moral of honest officers can be well-imagined.
- vi) Then there are some minor forms of corruption like availing of the facilities of private guest houses, lavish expenditure during the tours of Ministers and senior officers, etc.

No list of mode of corruption can ever be complete. The methods listed above give only a small sample. A dishonest officer can discover methods of corruption in almost any situation.

C. Harmful effects of Corruption

Corruption in high places affects the very fabric of the social system. It has many direct and indirect harmful effects. Some of the important ones are described below:

- i) Corruption in high places reduces the faith of the people in the Government. The people expect high standards of morality from their rulers. When these standards are not met, it may result in the alienation of people from the Government.
- ii) Corruption increases the effective cost of administration. The people who are in any case paying to the Government for its services in the form of taxes are unofficially required to pay more to its officers.

- iii) The widespread corruption in the bureaucracy causes cynicism and social disunity. This may reduce the willingness of the people to make sacrifices for the economic development of the society.
- iv) Corruption comes in the way of making decision on merits. When the decisions are made on the basis of pecuniary benefits to be obtained from the transactions, the merit naturally gets the second place. There is even a possibility of sacrificing the national interest for the sake of these benefits. This may for example, happen in case of purchase of sub-standard arms, which may not be effective during a battle.
- v) Corruption has a very adverse effect on the morale of the honest officers. In fact, it militates against the very basis of the principles of a pure bureaucracy. When the evaluation of work, placement and promotion are dependent on consideration other than merit, the whole system may be vulgarized and demoralized. Corruption has often resulted in a tremendous waste of national resources. For example, purchased goods not used for years result in the depreciation of goods as well as increase in inventory cost.

D. Causes of the Decline of Integrity

Decline in integrity is a complex phenomenon, which naturally has complex causes. A curious mixture of historical, social, political and economic factors causes the phenomenon of corruption. We describe below some of these causes:

i) Historical Causes

- a) The colonial Government paid their own senior officers handsomely. The local officers, working mainly at lower levels, were paid very poor salaries. This definitely affected their integrity.
- b) During World War II, there was scarcity of goods; even articles of common consumption like food, clothing etc. were available on ration cards. All these controls provided opportunities for corruption.

c) The climate for integrity which had been rendered unhealthy by war time control and scarcity was further aggravated by the post-war flush of money and inflation. The salaries of the employees did not keep pace with inflation. The increasing economic activity with excessive Government controls created the climate for corruption on a large scale.

ii) Post-independence Problems

The administrative machinery of the independent India was considerably weakened by (a) war-time neglect; (b) sudden departure of a large number of British and Muslim Officers. A large number of promotions of people of unproved merit had to be done. A large scale recruitment also brought down the quality of the staff recruited. All this resulted in a great turmoil in the administrative system. The stability and the continuance of traditions received a jolt.

iii) Environmental Causes

A very important cause of corruption is the vast urbanization and industrialization. This created an environment in which material possession and economic power determine the status and prestige of a person in the society. Since the salaries of the Government servants were not enough to afford this ostentatious living, this created a lot of strain on the integrity of the administrative officers.

iv) Economic causes

Inadequate compensation to the Government servants in the form of low salaries and benefits is by far the most important cause of corruption in the society. The increasing prices have brought down the real income of the Government employees, especially those in a higher position whose salaries have not at all been protected against inflation. When the salaries are not enough to meet even the basic needs of the employees, they naturally succumb to the temptations of illegal money.

v) Lack of Strong Public Opinion against Corruption

The correct officials, even when they are known to be corrupt are often not looked down upon in the society. In fact, they are

often more respected than their honest counterparts because of their ability to help and entertain their friends and relatives. Sometimes the corrupt politicians are re-elected to high offices by the people even when corruption charges against them are established by judicial enquiry. Very often corruption is accepted by the people as a way of life and they do not complain against it.

vi) Corrupting influence of big industrial magnates

A number of big businessmen try to oblige the Government servant in many ways to obtain some favours in future. They take it as an investment for the future. This acts as a temptation to the Government servants.

vii) Complicated and Cumbersome Procedure

The procedure of the Government even in respect of simple things like getting a ration card has unnecessarily been complicated. This provides the Government employees an opportunity to extract money from the clients. The situation probably can be remedied by simplifying procedures and reducing the discretion of the lower staff.

viii) Existence of influence peddlers

The cumbersome procedures of the Government and all pervasiveness of Government controls have created a tribe of influence peddlers. These people maintain liaison in the Government offices. They get the work of the clients done through their contacts in the Government. They operate at all levels. In fact, they are the middlemen of the corruption between the Government employees and their clients.

ix) Inadequate Provisions and Enforcement of the Law

The Indian Penal Code and Prevention of Corruption Act do not provide adequate framework for punishing the guilty officers. Moreover, the administration of these laws leaves much to be desired. Not many prosecutions are launched. Out of the prosecutions launched not many are pursued vigorously. The result is that a number of guilty persons do not get punished.

This encourages the dishonest employees in continuing their corrupt practices.

x) Undue Protection Given to the Govt. Employees

The constitution of our country as well as the disciplinary procedures etc., make it almost impossible to take action against corrupt employees. Naturally, there is nothing to deter them from following their corrupt practices with a vengeance if they are so inclined.

E. Growth of Anti-corruption Machinery in India

Due to scarcity and controls during World War II, corruption became rampant. To cope with this problem, the Government of India constituted the Special Police Establishment (SPE) in 1941. Starting with the transactions of the War and Supply Department, the jurisdiction of SPE was extended to cover other departments and also the affairs connected with the States and UTs. In 1963, Central Bureau of Investigation was created and SPE was made one of its divisions. They now have a big establishment and can investigate cases of corruption all over India. In spite of SPE, the corruption could not be controlled and the Govt. of India appointed Santhanam Committee in 1962. Some of the recommendations of the Committee were:

- a) That Article 311 of the Constitution should be amended to make judicial process in the corruption cases more speedy;
- b) Government servants conduct rules should be amended restricting the employment of retired Government servants by private business.
- c) The committee also suggested certain amendments in Defence of India Bill, 1962.
- d) SPE should be strengthened to speed up the investigation of corruption cases.

F. Legal and Institutional Framework to check Corruption in India

Indian Penal Code and Prevention of Corruption Act, 1947 are the major enactment to combat corruption in India. Several institutions have also been set up by the Govt. of India and state Governments to investigate the corruption cases and take legal action according to law. An inventory of this framework is given below:

- i) Section 161 of the Indian Penal Code
- ii) Prevention of Corruption Act, 1947
- iii) Government Servant Conduct Rules.
- iv) Central Vigilance Commission (CVC)
- v) State Vigilance Commissions
- vi) Central Bureau of Investigation (CBI/SPE)
- vii) Lok Ayuktas in Some States.

Vigilance Machinery at the Administrative Level

There are two levels of vigilance organizations in Government of India.

- i) The administrative vigilance division in the Ministry of Home Affairs; and
- ii) The Vigilance Units in the respective Ministries and Departments and their counterparts in public sector undertakings.

Each Ministry has a Chief Vigilance Officer and attached offices have a vigilance officer. They maintain a close liaison with the Administrative Vigilance Division of Home Affairs Ministry and the Central Vigilance Commission.

Central Vigilance Commission (CVC)

The Central Vigilance Commission (CVC) is the body which is independent of the Govt. of India and advises it on all matters connected with vigilance. It has jurisdiction and powers in respect of all matters. It came into existence by an executive resolution of the

Govt. of India. It is headed by a Central Vigilance Commissioner who is appointed by the President and cannot be removed from office except in the manner provided for the removal of Chairman or members of the UPSC.

Functioning of the Commission

The Commission receives complaints from the citizens and has the following alternatives of dealing with them:

- i) It may entrust the matter for enquiry to the Administrative Ministry/Department concerned.
- ii) It may entrust the matter to CBI to make an enquiry
- iii) It may ask the Director of CBI to register case and investigate it.

The Chief Vigilance Officer of the Ministry provides a link between the CVC and the Head of the Department.

The CVC is an advisory body, which makes recommendations to the Govt. for taking action against the erring officers. The report of the CVC along with the cases where its advice is not accepted by the Government is placed on the Table of both the Houses of the Parliament.

State Vigilance Commission

The State Governments have organised the State Vigilance Commission on the same lines as the Central Vigilance Commission. The Vigilance Commissions also have their own investigating agencies.

Lokpal and Lokayuktas

The stride to have a mechanism to curb corruption was first time realised in Sweden by appointing Ombudsmen in the year 1809. There-after in most countries of the world Ombudsmen were appointed to eradicate mal-administration and corruption.

After India became free, eminent personalities like Hon'ble Mr. Justice Gajendra Gadkar, former Chief Justice of India, Shri C.M.Setalwad, former Attorney General of India, etc. raised their voice for evolving such a machinery to curb the corruption. Parliamentary Committee headed by Late Shri K.Santhanam was constituted to submit his report to the Parliament to control this menace, which recommended to constitute Vigilance Commissions in every State. Soon as it was realised that such a machinery, which is part and parcel of the State Govt., can not inspire confidence of the people. On 30 December, 1963 the former Home Minister, Shri Gulzari Lal Nanda expressed the view that the old methods will not eradicate corruption. The Administrative Reforms Commission headed by Late Shri Morarji Desai recommended for the creation of the Lokpal/Lokayukta at the Centre and as well as in other States.

The Lokpal Bill thereafter was introduced in Lok Sabha in the year 1968 but till now it has not been passed. Since the nineteen sixties, almost every party has not only accepted the need for an ombudsman to keep a vigilant eye on the political decision-making process in the country but has actually introduced the necessary legislation in the house. The Congress did it not once but thrice' Janata Party, Janata Dal, the United Front, the NDA all have introduced the legislation in the house. And, allowed it to lapse. It must be a history of sorts for a bill to have been introduced and suffered to lapse so many times. More so when the bill does not need any special passage. It is an ordinary legislation that can be passed by a simple majority. Every Government that introduced the bill at various times could have got it passed by the house, but chose to let it pause in the select committees to get ultimately lapsed. Clearly the consensus was not there to see it through.

As far as the Lokayukta is concerned, many States have created the office of the Lokpal/Lokayukta/Upa-Lokayukta. It is significant to note the Lokpal Acts or the Lokayukta Acts which are enforced in several States are not uniform in nature. For example Madhya Pradesh and Karnataka Lokayukta and Up-Lokayukta Acts include the Chief Minister as well into the definition of 'Public Servant'. The Lokayukta has been given suo-moto powers to investigate into the matters falling within his jurisdiction. Under

the provisions of the Karnataka Lokayukta Act, the public servant should not continue to hold the post held by him, if the charges made against him are established and the Lokayukta has directed for the same. As per provisions of the Madhya Pradesh and Karnataka Lokayukta and Up-Lokayukta Act, the Vigilance Commission has been abolished and all the work of Vigilance Commission and Anti-Corruption have been vested to Lokayukta. Special Police Force has been established which investigates the matter under the direction, control and supervision of the Lokayukta. To examine the technical aspects of the complaints, the technical wing is also functional under the direction, control and supervision of the Lokayukta. The District Vigilance Committees have been set up to report all the matters of corruption against public servants/public functionaries to the Lokayukta. The Gujarat Lokayukta Act provides for the appointment of Lokayukta for the investigation of allegations/complaints against the public functionaries and also provides for safeguarding the dignity and prestige of public functionaries against false and frivolous complaints. Functions of the Lokayukta is, thus dual, on one hand, he has to investigate the complaints received from public and on other hand, he has to act as a protecting wall against false, malicious, frivolous and irresponsible allegations which may have the effect of impairing the dignity and image of public functionaries. All Ministers, Chairmen and Vice-Chairmen of Government Companies/Statutory Boards/Corporations and Vice Chancellors of Universities have been brought under the jurisdiction of Lokayukta. The Lokayukta is fully empowered to initiate investigation proceedings against any public functionary on his own evaluation of the fact of the case. There are several important provisions in some Acts like initiation of Criminal proceedings, payment of compensation, power to punish for contempt, furnishing of property statements, disproportionate assets being ground of inquiry, power of search and seizure, independent Investigating and prosecuting agency etc.

Comparative study of the Lokayukta Acts of different States reveals that the role of Lokayukta is advisory and not adjudicatory. A study of the legislations of those States who have taken the initiative in this direction also reveals their legislations are not in the true spirit of the concept. Only a handful of functionaries were

brought under the domain of Lokayukta. The serious drawback against this legislation of various States is that the Lokayukta after investigating the complaints has no power to suggest action for remedy. He has only to make report of his findings to the competent authority and the rest will depend on such authority. It is for the competent authority to decide what sort of action is to be taken or not to be taken against his report. If the competent authority does not take any action against the culprit within the reasonable time, there is no remedy available in the present law for the Lokayukta. Therefore, the law should prescribe the minimum time limit for taking action on the report of the Lokayukta. The law should also define the offences which may be constituted by the facts proved and nature of appropriate punishment.

G. Some Suggested Remedies

Apart from anti-corruption measures which are in the nature of a deterrent, some suggestions have been made to reduce the extent of corruption in Government servants. Some of these are examined below:

i) Making Conditions of Service Attractive

More government servants, especially those at lower levels are getting very low salaries. They are not even able to make their both ends meet and educate their children. Some of these are driven to corruption due to these difficulties. The obvious remedy appears to give them better salary and facilities so that their temptation to indulge in corrupt practices is reduced.

ii) Creation of Public Opinion against Corruption

Public opinion must be created against the corrupt officers. Unless people take up cudgels against corruption, no amount of anti-corruption measures can succeed. Even in corruption cases people do not easily come forward to tender evidence. This apathy has to be tackled appropriately.

iii) Simplification of the Procedures

As already mentioned, one of the main causes of corruption is the existence of very complicated and involved procedures in the working of the Government. If the procedures are

simplified, it may not be necessary for the people to approach many functionaries to get their jobs done. To that extent the opportunities for corruption would be reduced.

iv) Ensuring High Standards of Conduct in Top Personnel

The tone has to be set by the political executive at the highest level. It is often said that the corruption flows from the top. If the Ministers are clean in their public life, it will not be possible for their top advisors to indulge in corruption. The chain will come down and reduce the extent of corruption even at lower levels.

In the case of Vineet Narain vs. Union of India (AIR 1998 SC 889), the Supreme Court, in its decision, referred with approval the recommendations of Lord Nolan Committee on Standards in Public Life in the United Kingdom. The following principles of public life, of general application, were commended by the court:

“Principles of public life

The general principles of conduct which underpin public life need to be restated. We have done this. The seven principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership are set out .

Codes of conduct

All public bodies should draw up codes of conduct incorporating these principles.

Independent scrutiny

Internal systems for maintaining standards should be supported by independent scrutiny.

Education

More needs to be done to promote and reinforce standards of conduct in public bodies, in particular through guidance and training, including induction training.”

The Seven Principles of Public Life are stated in the Report by Lord Nolan, thus -

“The Seven Principles of Public Life

(i) Selflessness:

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

(ii) Integrity:

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

(iii) Objectivity:

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

(iv) Accountability:

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

(v) Openness:

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

(vi) Honesty:

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(vii) Leadership:

Holders of public office should promote and support these principles by leadership and example.”