

India, which boasts of being the world's third-largest economy, is a country of contradictions. That remains true of the manner in which it continues to grapple with one of its most crippling problems: corruption. The international conventional wisdom seems to be that corruption in India is on the retreat, but this may be surprising news to many Indian citizens.

As India slowly shifts into an early election mode (imminent due to a rift between the ruling United Progressive Alliance (UPA) and its Left Front allies, it is evident that corruption will continue to be a major campaign issue, along with inflation and national security.

Even as the UPA government can take credit for initiating reforms to fight graft, the public perception of these efforts is poor. Evidence of this came from a CNN-IBN-Indian Express pre-poll survey in which 49 percent of respondents stated that corruption had gotten worse in three years of UPA rule. Only 11 percent felt there was a tangible improvement. The rest had no opinion on the subject.

This gap between government moves to curb corruption at an institutional level and their effects on the man on the street still dogged by the malaise is acknowledged by officials who head the most powerful anti-corruption agencies.

The multi-tiered system is led by the Central Bureau of Investigation (CBI), the country's premier investigation agency. Its director, Vijay Shankar, rated the 2005 enactment of the Right to Information Act as the most significant contribution aimed at bringing transparency and accountability into governance.

Shankar, however, admitted, "A determined political will is required to combat corruption, and the situation in the states is alarming. The criminal-political-bureaucrat nexus is worrying, and the criminal justice system is crumbling under its own weight."

This is a rare admission from the CBI chief, who describes how efforts to book the errant and corrupt are often stymied: "The rich and powerful are able to frustrate the trial process at will by filing frivolous petitions, and getting the trials stayed for years on end. Crucial witnesses are won over or suffer genuine memory loss owing to delays. As a result, the corrupt and the criminals escape scot-free, and fear of the law diminishes. The criminal justice system needs to be reformed and strengthened greatly. The state anti-corruption and vigilance organizations are in urgent need of empowerment."

For the CBI, 2005-2006 was marked by a curious absence of any mega-corruption scams being referred to it, while several high-profile corruption cases were wound up.

Two examples: Chief Minister Mayawati of Uttar Pradesh State was let off in 2007 for her role in the alleged embezzlement of 175 crore rupees (US\$ 4.4 million) from the Taj Mahal Heritage Corridor, a now defunct tourist facilities project. Because the governor did not provide the mandatory “sanction” to prosecute her, no trial took place, despite objections from advocates.

Then, there is the two-decade old Bofors scandal, in which Indian officials were allegedly given huge bribes in exchange for purchasing artillery from Bofors, a Swedish arms manufacturer. The agency lost its chance of extraditing Ottavio Quattrocchi – an Italian businessman accused of taking kickbacks – to trial in India because the Union Law Ministry withdrew its appeal in the Argentine Supreme Court.

However, even as political interference resulted in historic corruption cases ending in a whimper, the volume of cases being booked against middle-level government officials rose sharply.

A snapshot from among the dozens of corruption cases registered by the CBI in just two months shows a case against another commissioner of excise for accepting a 20-lakh rupee (US\$50,290) bribe from a company he was investigating, a municipal councilor and her husband being arrested for demanding bribes for use of a sewerage connection, an auditor working in the Defence Pension Unit being arrested for demanding a 25,000 rupee- (US\$628) bribe from a widow, and a case against one of CBI’s own superintendents who was trapped while he was threatening and demanding bribes from an accused under investigation by the agency.

Such cases of “routine” corruption do not even make newspaper headlines in India. In fact, a large number of recent corruption scandals have been exposed by sting operations mounted by TV channels. But the government has proposed introducing a lengthy content code for the electronic media to regulate intrusive journalism and protect privacy.

While they may have been out of the loop of the CBI some corruption scandals did make news, such as the May 2007 report of the Asian Legal Resource Centre titled “Widespread Corruption in the Public Distribution System (PDS) Causing Starvation Deaths.” The report concluded that the PDS management continued to suffer from corruption due to the failed criminal justice system and gave a set of recommendations on how to tackle the problem.

Another significant revelation came with the report of the World Bank's Anticorruption Unit (Department of Institutional Integrity), which shows how huge kickbacks were paid to Indian ministers and officials of the Union Health Ministry in its multi-million-dollar projects to reduce maternal and infant mortality. The 2005 report listed health projects in which evidence of corruption was traced, performance certificates forged and substandard drugs purchased.

Pritush Sinha, the head of the country's other major anti-corruption unit, the Central Vigilance Commission (CVC), which has supervisory powers over the CBI, acknowledges that such instances do reflect a corruption-ridden society. "Unlike more developed economies, in India corruption is more pervasive in the case of delivery of public services," Sinha says. "This is a fact which affects the poorer sections the most, and is more intractable to address in terms of effective anticorruption measures."

Sinha adds, "Institutional corruption is another aspect of corruption in India. Corruption stems from complex rules and procedures and from delays. The opening-up of the economy and large all-around investments allow greater opportunity for graft and bribery. There is a general impression that, in the wake of the promulgation of the Right to Information Act, the liberalization of the economy and the use of technology, there has been some improvement in the perception of corruption in India. But I cannot say there has been a significant improvement as far as the average citizen is concerned."

It is for this reason that the head of Transparency International India, retired Adm. R. H. Tahiliani, says it has been decided to make rural India and "below poverty level" states the focus of its next corruption report, on which work has just begun. TI India's 2005 report concluded that 62 percent of Indians had a firsthand experience of paying a bribe or "using a contact" to get a job done in a public office. The report listed the Indian police highest on the corruption score in India, followed by the judiciary of the lower courts, hospitals, electricity services and the PDS.

"The country may be headed in the right direction in its fight against corruption, but the political will is largely lacking," Tahiliani says. "This is the reason why we felt the target for our forthcoming corruption study should be the rural masses living below poverty levels. They continue to be affected by corruption in their day-to-day existence."

On the plus side of the government's response to the corruption problem is implementation of the 2005 Right to Information Act, increasingly being used by Indians as a tool to expose corruption. The "whistle-blower" legislation, called the Public

Interest Disclosure Resolution (PIDR), has logged over 1,300 complaints in the three years of its existence, and provided a secure route for exposing wrongdoing in officialdom.

However, the CVC has recently reported to the Union Home Ministry that over 30 of these whistle-blowers were harassed or victimized despite the supposedly secret PIDR complaints.

On the flip side, key pieces of proposed anti-corruption legislation have been held up for years, some for decades.

The most significant is the Lok Pal Bill, meant to curb corruption in high offices, including the office of the prime minister. The bill was first introduced in Parliament in 1968. Meanwhile the Corrupt Public Servants Bill has been pending since 1999. Besides these, the Election Commission's recommendation to debar candidates with a criminal background from parliamentary or State Assembly elections is held up, as is the controversial Judges Inquiry Bill, designed to set up an inquiry mechanism for allegations and complaints against members of the judiciary.

This is probably why so many Indians feel political will to fight corruption is lacking.

