

CHAPTER - 6

CONCLUSION AND SUGGSTIONS

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FINDINGS :

An attempt has been made in this study to examine the availability of anticorruption measures initiated by the executive and legislative wing under Indian legal system. However for the purpose of effective approach, the provision of aspect of anticorruption measures of international scenario have been discussed on the basis of available information obtained from different sources. In this work also, an attempt has been made to frame historical and conceptual development of anticorruption measures. Unless we point out the evolution of law of corruption, we cannot tackle the present situation or develop laws for the coming days. Besides, we have to find out how legislature enacted legislation on anticorruption laws keeping in view of the development of anticorruption law in international aspect. Judicial interpretation and its remedial measures have been highlighted on the vice of corruption in the Indian society. On the basis of this research study, following findings may be made for betterment of society from the vices of corruption.

Corruption is a global phenomenon. It is violation of human rights and it flourishes where there is tolerance on corruption. Corruption usually emanates from all level of administrative set up since it is global phenomenon. The decline of ethical value and culture heritage has led to the birth of corruption. The person who is placed in higher echelon is not at all serious to reduce the quantum of corruption. Corruption was in vogue during British period and even prior to British period. In USA also till the beginning of 20th century, it can be brought down though it was not possible to eliminate

corruption to its entirety. During aforesaid period, quantum of corruption was not in vicious circle like present day society. In previous era corruption used to take place when people wanted to get wrong work done but in present society speed money is to be paid even to get the right thing done. Due to corrupt behavior of public servant, general people are being deprived to get minimum service from them. Corruption may lead to law of anarchy where might is right.

A person with unaccounted money and illegal activities promote corruption because he can dominate the society. Due to corruption, state fund is diverted and as a result, health, education, housing and transportation are directly affected and such diversion of fund by corrupt practice affect the government ability to provide basic and essential services to the general people. Corruption also undermines economic development by creating inefficiency and it creates economic distortion in the public sector by directing public investment into central project where there is existence of bribery and kickback. Corruption also reduces the cost of business due to illegal transaction though some people are of view that corruption reduces cost by cutting red tapism. That is why; general people think that it is convenient to pay bribe rather than facing complicated and rigid regulations.

Corruption in some departments of Railway Organization prevails from top to bottom. Corruption dominates in some area particularly in respect of allotment of wagon, booking of perishable and non perishable goods, awarding contract, purchase of store item, recently purchase of signal and telecom cable and high price loot by quad cables. There is tendency in rejecting lowest tender by applying discretionary power and such power has been exercised arbitrarily. There are some sensitive areas of government department which provided more opportunities for corruption than other departments. It has been observed that discretionary power has been vested

upon high officials who apply their discretion arbitrarily and such power has been exercised which is not proportionate to his limit and capacity. Corrupt officials are so skilful that they do not leave any evidence behind which they can be caught. They have expertise by their clever skill and nefarious activities, pollute national fabric and create atmosphere congenial for corruption.

There is also corruption in international scenario. Transparency International surveyed during 2007 and 2008 on 180 countries. The index showed from zero level to optimum level of corruption. As per above report, Denmark is reported to have been placed as least corrupt country where as Somalia is marked as most corrupt country. But according to survey made by Transparency International during 2009 that corruption perception index showed that least corrupt countries are Newzeland, Denmark, Singapore, Sweden and Switzerland where as most corrupt countries are marked as Iraq, Sudan, Myanmar, Afghanistan and Somalia. In the international scenario, it is not secret that corruption plagues the underdeveloped and developing world but as political and corporate scandals in rich countries remind time and again, it plagues the developed world as well. According to global survey released by Transparency International on 09.12.2010, India is amongst one of the most corrupt nations in the World. The survey titled the global corruption barometer survey says that about 54% Indian paid bribes during 2009. The survey found that India was 9th most corrupt country in the World during 2009 in the ranking of 86 Countries. In the survey Indian political parties are stated to be shown as most corrupt ranking 4.2 on a scale of one to five, police 4.1, Parliament 4, Civil servant 3.5, Private Sector, NGO & Judiciary 3.1, Media 2.8 & Religious bodies 2.9. Corruption may be widespread and pervasive in poor nations (with almost no one untouched by it) but the scale and intensity by and large are often of much smaller in magnitude than the rich nations (with a few notable exception of countries). This however, by no means makes corruption in poor nation's wrecks on victims is perhaps more divesting than it

does in rich nations. In rich nations, on the other hand, corruption is not as pervasive but where it occurs in severe scale and intensity.

Since dawn of independence, Government of India has been taking some efforts to deal with corruption. Accordingly, a committee was set up by Government of India in 1949 under the Chairmanship of Dr. Bakshi Tekchand. The said committee laid emphasis on the special police establishment with a view to assess among other things, the success achieved by special police establishment in combating corruption and to make recommendation regarding the continuation, strengthening, curtailment or abolition of special police establishment. The Bill is intended to make the existing anticorruption laws more effective by widening their coverage and by strengthening the provision. That is why the Prevention of Corruption Act 1947 was amended in 1964 based on the recommendation of Santhanam Committee. There are provisions in chapter ix of Indian Penal Code 1860 to deal with public servants and those who abate them by way of criminal misconduct. There are also provisions in Criminal Amendment Ordinance 1944 to enable attachment of ill gotten wealth obtained through corrupt means including from transfer of such wealth. The Bill seeks to incorporate all these provision with modification so as to make provision more effective in combating corruption amongst public servant. The Bill inter alia envisages widening the scope of definition of expression 'the public servant' incorporation of offences under section 161 to 165A of Indian Penal Code 1860, enhancement of penalties provided for these offences and incorporation of provisions that order of trial court upholding the grant of sanction for prosecution would be final if it has not already been challenged and the trial has commenced. In order to expedite the proceeding for day to day trial of cases and prohibitory provisions with regard to grant of stay and exercised of power of revision or interlocutory orders have been included. Since the provisions of Sec. 161 to 165A of Indian Penal Code 1860 are incorporate in the propose legislation with an enhanced punishment, it is not necessary to

retain these sections in Indian Penal Code. Consequently it is proposed to deal it those section with necessary saving clause.

Prevention of Corruption Act was brought in the statute in 1947. The law was enacted to make more effective provision for prevention of bribery and corruption which was rapidly spreading in the public services. This itself indicates that the existing law was found inadequate to deal with growing evil which had become rampant and so it had to be supplemented by new measure which could deal with it more effectively. The scope of Criminal Law (Amendment) Ordinance 1944 has been fairly enlarged. The property has been made liable for attachment. Any conspiracy to commit or attempt to commit an offence has been brought under the provision of Prevention of Corruption Act 1988. In addition, all pending investigation on prosecution punishable under Prevention of Corruption Act 1947 can be continued. Prevention of Corruption Act 1947 shall not be bar for instituting any investigation. It shall be deemed as if Prevention of Corruption Act 1988 has not been passed.

Prior to independence of India, offences relating to public servant have been dealt under Sec 161 to 165A of Indian Penal Code 1860. Prevention of Corruption Act 1988 consolidates the provision of Prevention of Corruption Act 1947, Sec. 161 to 165A of Indian Penal Code 1860, Criminal Law Amendment Ordinance 1944 and Criminal Law (Amendment) Act 1952. The sole purpose is that relevant provisions of above legislation are brought in the single statute. Various provisions have been inserted effectively with a view to curb the menace of corruption from the society as a whole. Both Prevention of Corruption Act 1947 and Prevention of Corruption Act 1988 give idea, significance and importance of expression 'corruption' in Independent India. This Act was the expression of an effort to eradicate

corruption from the society. Prevention of Corruption Act may be termed as more effective provision of prevention of bribery and corruption.

After few years, it was felt necessary that the provision of Prevention of Corruption Act is required to be further strengthened subsequently Criminal Law Amendment Act came in to force in 1952. Prevention of Corruption gives concept and importance of corruption in Administrative set up. They are supporting and supplementary to each other. This Act provides safeguard to the public servant that they cannot be prosecuted in the court of law without sanction from competent authority for the criminal offences committed by them in discharge of their official duty. This provision has been incorporated in the statute book with a view to protect honest public servant. Thereafter Prevention of Corruption Act 1988 came into force during September 1988. After passing above Act, the definition of public servant has been widened. After passing of Prevention of Corruption Act 1988, the existing laws for corruption have been more effective and streamlined with a view to combat menace of corruption act from the society. Effective provision has been incorporated for day to day trial of cases so that proceeding is concluded within a very short time. Again Prevention of Corruption Act has been amended during 2008. With the strength of above amendment, burden of proving the acquisition of unlawful properties has now shifted on prosecuting agencies instead of accused person.

In pursuance of judgment passed by Supreme Court in Vineet Narain –v- Union of India, Central Vigilance Commission Act 2003 was passed. Prior to enactment of Central Vigilance Commission Act 2003, Central Vigilance Commission was non statutory and now Central Vigilance Commission has become multi member body. United Nation General Assembly passed resolution in 2003 adopting United Nation Convention

against Corruption. Government of India has not ratified the above convention.

Recently Central Government has cleared proposed legislation to protect whistle blower and provide for stringent punishment for those people exposing the identity of people disclosing information. It is signification step to encourage whistle blower. The necessity of such legislation was urgently felt into the work of reported victimization and even murder of whistle blower including RTI activists engaged in exposing wrong doing of individuals in the governments or private department. On 26.08.2010 Mr.Prithviraj Chawan Minister of State for Home introduced in the Lok Sabha Public Interest Disclosure Bill 2010 providing severe punishment for those disclosing their identities on victimizing them. The above Bill seeks to put in place of mechanism that would not only encourage disclosure of information on corruption or deliberate misuse of authority of public servant causing demonstrable losses to the government exchequer but also ensure adequate protection to the complainants. The above Bill provides Central Vigilance Commission the power of civil court to hand down harsh penalty to people revealing the identity of whistle blower. The Bill will encourage disclosure of information in public interest, has clauses which provide for fine and penalties to people who punish those exposing corruption.

Santhanam Committee on Prevention of Corruption in its report (1964) has expressed some idea since moral behaviour of citizen is vital condition for the growth of healthy public life. Railway Corruption Inquiry Committee was set up under the Chairmanship of J.B.Kripalini. The said committee outlined the problems with reference to Railways which by nature of its work is prone to corruption. The said committee also highlighted the corruption and inefficiency of police administration having a direct bearing on the problem of corruption in the Railway.

Administrative Reforms Commission headed by Sri Veerappa Moily submitted its 4th report on 12.12.2007 on ethics in governance. The said report recommended that Lokpal be given constitutional status and it should be renamed as Rastriya Lokyukta. The said commission recommended the abolition of schemes such as Member of Parliament Local Area Development Scheme and Member of Legislative Assembly Local Area Development Scheme.

Election Commission of India has taken some effective steps to control criminalization of politics and has not allowed convicted people from contesting election in Parliament and State Legislative Assembly and at the same time commission has compelled political leaders involved in the crime to disclose all charges pending against them. Election Commission has also directed them to settle the cases. There is problem that top level politician survive against political corruption owing to people indifference. The establishment of Ombudsman Institute like Lokyukta and Lokpal have become ineffective in curbing corruption against high level political elite because people feel hesitant in lodging complain against them for fear of suppression and exploitation.

Both Prime Minister and Chief Justice of India during April 2008 laid special emphasis for setting up special courts to tackle quickly the menace of corruption in public life. Asserting that corruption poses challenge to both government and judiciary, Chief Justice of India suggested to establish special courts to deal with corruption related matters. In order to curb the menace of corruption in Indian Judicial system, Parliamentary Committee of Justice has already studied the matter and has submitted detailed report along

with recommendations for providing more teeth to the proposed law related to service matter of High Court and Supreme Court Judges. The proposed Judges Enquiry Act with provision of a National Judicial Committee is the only weapon because it contains provision to take care of matters such as corruption in judiciary. A committee headed by former Chief Justice of Kerala High Court Mr.V.S.Malimath suggested reforms to criminal justice system in its report in 2003. The main recommendation of such committee is that criminal justice system should aim at finding truth but not shift through evidence to see whether prosecution has established guilt beyond reasonable doubt.

Parliament expressed grave concern over rampant corruption amongst public servants which has become major cause of demoralizing society as a whole. Corruption has been entered in every sphere of society and it affects social, political and economical strata of state and also destroys democratic value. General law of the country has been made more stringent following recommendation of Santhanam Committee and Civil Service Conduct Rule has been greatly modified to accommodate many more new situations uncovered by the rule. In order to check against unauthorized accumulation of wealth and property by public servant, revised form of property return both movable and immovable have been introduced in whole revised CCS (Conduct) Rules 1964 & All India Service conduct rule have been made more stringent. It is very difficult to take action against corrupt official due to lack of strong evidence and proof. Maximum protection has been provided to public servant as per Art 311 of Constitution of India. The provision of Art 311 of Indian Constitution has made it complicated to deal with corrupt official effectively. As such, there is need for proper amendment of the said provision.

Parliament took initiative by passing Right to Information Act 2005 in order to curb the menace of corruption from the society with a view to

bring transparency and democracy requires informed citizen and transparency of information which are vital to the functioning and to hold government and their incumbent accountable to be governed. Parliament passed above statute which has provided sufficient opportunity to the citizen of India to know the detail functioning of Government of India.

To deal with corruption amongst public servants, Parliament enacted Prevention of Corruption Act 1988. It is quadruplicate legislation as it contains provision of Prevention of Corruption Act 1947, Sec.161 to 165A of Indian Penal Code, Criminal Law Amendment Act 1952 and Criminal Law (Amendment) Ordinance 1944. Prevention of Corruption Act 1988 aimed to consolidate and amend the law relating to Prevention of Corruption and matters connected therewith. In order to combat menace of corruption, existing anticorruption laws have been made more effective and strengthened. The definition of public servant has been widened. With the interpretation of Sec.21 of Indian Penal Code, large number of employees would come under the purview of public servant. As per Apex Court order, employees of Nationalized Bank, Member of Parliament and Member of Legislative Assembly would come under the definition of public servant.

The Government of India intends to come with comprehensive Bill to deal with complaint of corruption against judges. Corruption against politician and civil servant must be sternly dealt with. Government of India has set up so many committee and commission in order to eradicate corruption from the society. The only thing lacking is strong determination and courage to adopt some of the valuable suggestions made in these reports and to execute them with strong hand. The people who are growing under poverty and rolling in the dust will breath sigh of relief when corrupt official throughout the country will be paraded with handcuff in broad day light and this exercise will create sense of horror in the minds of officials. So, a common standard of

morality and value education are sine qua non for curbing corruption from the society. Cleansing corruption should start from higher echelons.

Chief Justice of India delivered key note address at National Summit for restoration of National value at India habitat centre at New Delhi on 18.11.2008 and said that corruption is the violation of human rights. Chief Justice of India Sri K.G.Balakrishnan has been impressed by teaching an ideal of swami Bhooma Nanda Tritha. There is clear focus on evolving specific measure for instilling values in public as well as private life. Chief Justice of India firstly emphasized corruption in public institution secondly means use for corruption resolution in our society. He has focused attention that these two themes in particulars since they have direct bearing in the common understanding of citizenship on morality. Ordinary citizen face unnecessary problems in their routine interaction with government agencies. Practices such as acceptance of favour or misappropriation of public fund have actually come to be described as parks for holding public office and employment. Admittedly, the extent of corruption may have link with increasing disparity between pay scales offered in public and private sector. However, pervasive culture of graft provokes pessimism about the quality of governance. Chief Justice of India further remarked that procedural delay in granting sanction and difficulty in marshalling large number of witnesses were the major hurdles in achieving meaningful conviction. Chief Justice of India has also recommended that any Judicial Officer who is unfit, ineffective, incompetent or has doubtful integrity should be retired from service before his continued ability assessed in terms of direction of Supreme Court in All India Judges Association case. If such procedure is implemented in right earnest such provision will keep deviant behaviour in check. There are other systematic factors such as procedural complexities in the provision public service administrative inefficiency, lack of transparency in judicial appointment and delay in filling vacancy. These factors fasten corrupt practices and endanger inefficiency and dispensing justice. Chief Justice of India stressed the need for quick disposal of cases registered under Prevention of Corruption Act and

favoured creation of special vigilance courts. This exercise will instill greater confidence in our justice delivery system at home at abroad. Both Prime Minister and Chief Justice of India expressed grave concern over range of issues including mushroom pendency of cases in the country's court abysmal existing infrastructure of courts and severe problems be setting the judicial architecture and delivery of justice to common people. Backing judicial reforms, Chief Justice of India said that adequate laws, institutional mechanism and sufficient infrastructure are also needed.

Supreme Court passed direction on the basis of Public Interest Litigation filed by Ghaziabad local bar association on government provident fund scam of Ghaziabad that public servant guilty of corruption should be treated as corrupted till Supreme Court exonerates him. Apex Court directed that mere fact that appellate forum has decided to entertained challenge and go to his findings once again should not be temporarily resolved. If such public servant becomes entitled to hold office and to continue official act until he is absolved from such finding by suspension of conviction, it is public interest suffers and some times irreparably. Apex Court further observed that "corruption in public servant has now reached a monstrous dimension in India. Its tentacles have started grappling even the institution created protection of republic. Proliferation of corrupt public servant could cripple the social order if such men are allowed to continue and to manage to operate public institution".

It has been observed that in number of cases, Supreme Court had been pleased to reduce sentence of imprisonment against the order or conviction passed by courts below with a view that matter are pending for long time and also observed that accused might have lost job and suffered mental agony. So question may come whether quantum of punishment be reduced due to prolong trial? Because delay is the usual feature in all most all

cases starting from trial court to apex court. Due to rigid procedure of law, attitude of courts and prosecution, trial gets delayed and conviction comes after long time. It is the defect inherent in implementation of the system that longevity of cases tried under Prevention of Corruption Act is too lengthy. If that is to be treated as sufficient reason for reducing the quantum of sentence, legislative exercise would be defeated. It is needless to mention that court cannot go beyond statutory obligation. Secondly in every conviction, there is mental agony of the accused. It is to be mentioned in this connection that while committing any crime, accused person should have thought regarding the consequence of crime. Thirdly there is no time limit to dispose of cases triable under Prevention of Corruption Act. Apex Court in some cases considered the age of public servant who has been convicted on the charge of corruption under Prevention of Corruption Act and court has reduced period of imprisonment by increasing quantum of fine. It has been observed that accused who has been convicted on charge of corruption might have earned money by dishonest way and in such a situation, it becomes easier to pay enhanced fine. It is seen that in number of cases that bribe money was not received by the accused since there was no demand of bribe money. It has been observed that in number of cases bribe money was collected by lower staff on behalf of main accused with a view to avoid trap and conviction thereafter. Official holding high rank dominates or creates pressure upon lower staff to collect money on his behalf. That factor has been overlooked by apex court. Due to such consequences, main accused has been acquitted and poor staff has been convicted. It is also seen that in number of cases, apex court did not give cognizance on the version of prosecution witness of the observation that they are official witness and no independent witness was associated. So the version of prosecution of witness cannot be thrown merely on the ground that they are official witness and no independent witness was associated. It has also been observed in some cases that accused has been acquitted by apex court on the ground of benefit of doubt and preponderance of probability. So while acquitting the accused, strict interpretation of benefit of doubt and preponderance of probability should have been made otherwise corrupt person in the event of such acquittal will engulf the entire society. Parliament measured the parameter for condign punishment and in that

process wanted to fix minimum sentence of imprisonment for giving deterrent impact on other public servants who are prone to corruption. It is the intention of the parliament to meet corruption with strong hand and to give indication of deterrence as most indispensable feature of sentencing of corruption cases. It is to be stated in this connection that corruption has become so rampant and global in country and the offences of corruption cases cannot be treated as trivial at all. So question of lenient view in respect of dealing with the matter even in petty cases should not be encouraged.

Law is mechanism of social changes. Its hands are long enough and effective to protect from exploitation at the hand of exploiter. Good legislation even it is enacted but it remains ineffective due to improper or lack of implementation by the executive. Laws are means to an end. Here success depends upon the strong will of implementation by the executive as well as people's awareness and respect for them. Persons belonging to "have's not group" should come forward to protect their interest and enforce their legitimate right through the provisions of different statutes that have been made for them so that laws made for them will not be a dead letter in statute book.

CONCLUSIONS :

In view of present research study and findings derived from the study, it may be briefly concluded as follows :-

1. Every political party either leftist or rightist does not say anything regarding menace of corruption since they usually apply criminal elements

to capture power. It is reported that nearly 40% of legislators have criminal background.

2. It is seen that law breakers are cleverer than law makers because they do not leave clue of corrupt practice. Corruption has enlarged growth of black money rather parallel economy is running which is equivalent to 35% of gross domestic product.
3. Due to lack of transparency, rigid rules, regulation, lack of flexibility, corruption has been flourished.
4. Corrupt countries appear to spend less on education may cause illiteracy. Corruption impedes foreign investment and as a result World Bank has showed reluctance for granting loan.
5. Information Technology and Computer have brought speed in working environment but it has given birth of cyber crime. Existing legislation has not provided any specific measures to prevent such crimes though cyber crime did not come into existence when law was enacted.
6. It has been observed that investigating agencies often fails to submit charge sheet within stipulated time as a result accused persons are getting bail and even charge sheet filed by investigating agencies is not up to mark resulting into less number of conviction in corruption related matter.
7. Lengthy procedure of trial and lethargic attitude of investigating agencies have not brought fruitful result in combating corruption. Present legal

system is much complicated because they depend on high degree of proof rather than preponderance of evidence.

8. General people has notion that economic inequality gives the birth of corruption. But such notion is not always correct in view of the fact that persons becomes dishonest not arising out of need but from greed also. It is not understood as to why such person takes unfair practices or corrupt practices in order to earn money though they are economically stronger. It indicates that they are not guided by ethical and moral values.
9. After passing Right to Information Act 2005, the opportunity has been given the general people to know the detail functioning of different departments of Governments. But unfortunately most of the people are not aware of such legislation and they suffer as a result of such in action.
10. Due to prolong trial of cases, justice has become costly affairs to the general people because litigants have to move from lower court to higher court to get justice after several years. Due to such attitude, litigants are being demoralized and frustrated. They are of view that it is better to bear the burden of injustice than to move in the court of law.
11. The present system of appointment of judges of High Courts & Supreme Court rest with the collegiums of Supreme Court which suffers from some infirmities.
12. One major source of corruption and encouragement of offender is that corrupt person is not punished adequately and departmental proceeding is time consuming as a result proper punishment is not being inflicted

against offender which gives impetus corrupt person to be more corrupt.

13. Lack of education on the part of political leaders has enlarged the growth of corruption. There is no model code of conduct for political leaders like public servant.
14. Maximum protection has been provided to public servant as per Art 311 of Indian Constitution. The provision of Art 311 has made it complicated to deal with public servants effectively.
15. It has been observed that corrupt public servants have amassed wealth disproportionate to the known source of income but no steps have been taken to recover ill gotten properties.
16. Lack of public awareness and lack of will on the part of political leaders have enlarged the growth of corruption.
17. Though Central Vigilance Commission has become statutory body after passing of Central Vigilance Commission Act 2003. But Central Vigilance Commission does not enjoy power like Election Commission of India or Comptroller & Auditor General of India.
18. Amendment Sec 13 of Prevention of Corruption Act 1988 has provided wide opportunity to corrupt public servant because amended provision has shifted onus on prosecuting agencies to prove that accused public servant has accumulated assets beyond known source of income. Such amended

provision has made the system more complicated to the prosecuting agencies.

19. More attention has been given against bribe taker but no such attention has been given against bribe giver although both stand equal in the eye of law.

20. United Nation General Assembly passed resolution in 2003 adopting United Nation Convention against Corruption. India being largest democracy in the World though signatory to United Nation Convention against Corruption but Government of India has not ratified the above convention.

21. Lok Pal Bill so pending for 43 years was approved by Union Cabinet on 28.07.2011. The said Bill provides formation of institution of Lok Pal to prove allegation against Union Minister, Group A Officer and above but it keeps out Prime Minister, judiciary, conduct of Member of Parliament in Parliament and officer's below Group A. This Bill provides power to enquire into the allegation of corruption against Prime Minister after he/she vacates office. The said Bill has not provided any provision regarding establishment of Lok Yukta in the States and also in respect of protection to whistle blower. This Bill has not included any provision to bring back black money deposited in different foreign banks.

A. SUGGESTIONS

There is urgent need to legislate complete legal frame work for the protection of general people from the vices of corruption. Existing laws are not adequate to provide proper relief. Hence it is suggested that stringent laws on anti corruption must be enacted in our country.

In view of present research study and observations made from above study, it may be suggested as follows:

1. Amended sec 13 of Prevention of corruption Act 1988 has shifted onus on prosecuting agencies to prove that accused public servant has accumulated assets beyond known source of income. Such provision should be amended by shifting onus on accused public servant who is in better position to know how he has obtained illegal properties.
2. To prosecute public servants, prior sanction from competent authority is required as per Sec 1997 CRPC and Sec 19 of Prevention of Corruption Act. Such provision conflicts with the policy of equality before law which has been enacted in the Indian Constitution for Indian Quality but not for benefit of some individuals. Now requirement of sanction from competent authority should be deleted from the statute book with a view to facilitate expeditious trial on corruption matter. So in order to ensure justice and equal treatment of all classes of people in the society, law should treat general people accused of same crime identically.
3. United Nation General Assembly passed resolution in 2003 adopting United Nation Convention against Corruption. India being largest democracy in the World is signatory to the above convention but has not ratified the same. India Government should immediately ratify the above convention like USA & UK in order to alleviate corruption from Indian society.
4. It is difficult to take action against corrupt official due to lack of strong evidence and proof. Trial under Prevention and Corruption Act should be made expeditiously and conviction should be made on the basis of preponderance of evidence but not on the basis of proof beyond reasonable doubt.
5. Maximum protection has been provided to public servant as per Art 311 of Indian Constitution. The provision of Art 311 has made it complicated

to deal with corrupt official effectively. As such, proper amendment of Act 311 need to be made and these view has to be considered by the parliament with a vide to tackle corruption related cases against public servant effectively.

6. Right to Information Act 2005 has provided opportunity to the citizen of India to know the detail functioning of different departments of Government of India. But most of the people are not aware of such legislation. So in order to equip, utility of Right to Information Act should be published through media, electronic media and also by wide campaigning.
7. In order to curb the menace of corruption and to reach at least corruption at tolerable limit, special tribunal should be established. President of India should have independent power to constitute such tribunal and Government of India should not have any control regarding the establishment of such tribunal to deal with corruption related cases. As such, such tribunal should be established immediately.
8. There is need for total judicial reforms. Appointment and promotion of judges should be made on the basis of quality rather than quality on the basis of political allegiance.
9. Suitable provision should be made for standing election either parliamentary, assembly or other local bodies. Persons against whom criminal cases are pending and even before filling charge sheet should be debarred for standing in election with a view to cleansing the society from the vices of corruption.
10. Suitable provision should be made for recovery of ill gotten wealth from corrupt official after conviction. If such act is taken into

consideration, such corrupt public servant will not be able to enjoy the benefit of illegally earned property. Corrupt public servant should be subjected to criminal action like ordinary people. Global public opinion may create fear psychosis against public servant. This will act as deterrent to prospective offender. The provision of Secs 61 & 26 of Indian Penal Code dealing with forfeiture of property abolished in 1921 need to be introduced in order to inflict punishment against those who were bent upon accumulating wealth disproportionate to the known source of income. Such forfeiture of wealth would lend teeth to the fight against corruption and even few instances of confiscation of ill gotten wealth will go long way in restoring faith amongst general public. This action if taken into account shall have deterrent effect on prospective offender. Illegal property should be deposited in Prime Minister Relief Fund or Ram Krishna Mission for well being of hapless people of the society.

11. Central Vigilance Commission has been passed in 2003 following the judgment of Vineet Narain Case passed by Apex Court. Though Central Vigilance Commission has become statutory body but Government of India has full control over Central Vigilance Commission and Central Bureau of Investigation. So, Central Vigilance Commission should be independent body like Election Commission of India.
12. Prime Minister, Member of Parliament and judges of Supreme Court & High Courts should come under the purview of Jana Lok Pal Bill. No retired judges should be appointed in Lok Pal as they may be committed judges. Such type of persons if appointed may be tempted to act in favour of Government with a view to get future employment. To curb the menace of corruption from the society, death sentence or life imprisonment should be imposed against those persons convicted in corruption charges like China. This exercise will act as deterrent for the prospective offenders.

13. Minimum educational qualification should be prescribed for standing any election similar to public servant. Conduct rules along with moral code of conduct should be introduced for all politicians.
14. Member of Parliament and Member Legislative Assembly since declared as public servant by Apex Court must file affidavit before statutory authority which has investigative arm to verify the correctness of declaration about assets held by them and their spouse, relatives, their past conviction in criminal cases if any, charges pending against them if any. Such candidate should also declare source of finance as to how assets have been acquired. If declaration or affidavit made on account of property proves to be false is liable to be prosecuted and in such case, they should be disallowed for standing in any election. This efforts will act as deterrent for prospective offender.
15. It has been observed that court usually takes long time to dispose of cases ranging from 3 years to 10 years. As such, modern system like computerization of court and video witnessing should be arranged in order to reduce time for disposal of cases. Proceeding before court should be conducted in summary trial basis and unnecessary adjournment should not be allowed and fixed time limit should be prescribed for disposal of court cases.
16. In order to check the menace of corruption, economic reforms are indispensable. It means uniform tax rates without any exemption and with strong determined enforcement. Besides, improved pay structure, incentive and reward of highly meritorious honest officers and to provide them accelerated promotion with a view to provide moral booster since such practices have brought good result in private sector.

We should also treat financial corruption and scams as an act of treason. Persons involved in such crime should be declared as enemy of nation. It is matter of shame that we have not been able to provide basic amenities to our countrymen. Had huge amount of black money deposited of foreign banks and illegal properties obtained by corrupt public servants been confiscated, same could have been utilized to provide basic amenities to our countrymen.

17. There should be decentralization of power with a view to bring transparency in Government Department. Because power concentrated in few hands may give birth of corruption. So area of discretion should be reduced. Power should be entrusted to group of people. Beneficiaries should be contacted and their problems and grievances should be identified and solved. The person of doubtful integrity though efficient should be compulsorily retired from service because existence of such element may pollute atmosphere of office. The concept of accountability and responsibility should be effective in such a way by which public servant is answerable for each decision. Existing rules, regulations and bye laws should be simplified in order to ascertain any lacuna and to find out suitable corrective steps with a view to avoid delay and to ensure that work is done within prescribed time limit. Complicated procedure should be simplified and level at which decisions are taken should be earmarked. So in order to reduce the menace of corruption, we can adopt American system which avoids over dependence on government, over centralization in government, over concentration of power in government, undue tenure of public servant and undue faith in public servant.

18. Once a person is convicted on appeal, widest possible publicity to such conviction and details of crime must be made available through media and electronic media. It will in deed have telling effect if a Minister or Bureaucrat convicted in corruption cases are marched to prison like

ordinary criminal throughout street in broad day light and forced to indulge hard labour in the prison and then video graphed. Such programme should be shown in National T.V. Channel.

19. In order to make Administrative Department more effective, suitable attention should be given on moral value and character building. To curb the menace of corruption, maintaining purity and integrity are essential. To help build up strong public opinion against corrupt official and create social climate congenial to the growth ethical environment, special emphasis should be given on moral education and also introduce subject on cultural heritage of India. So, new tradition of integrity can be ensured only if instance is created by those who have ultimate responsibility of the governance of our country. So we should adopt economic socialism suggested by Dr. S.Radhakrishnan Ex-Vice President of India. He defined that economic socialism is ethical in quality.
20. Judges of High Courts & Supreme Court should be appointed by the committee to be established by President of India. Such committee should consist of person belonging to different profession of people like eminent jurist, lawyer, academician, social activist & judges also. The present system appointment of High Courts & Supreme Court judges lies with collegiums of Supreme Court. The present system of appointment has not stopped some of corrupt judges in the judiciary at the top.
21. The effective Lokpal Bill i.e. Jana Lok Pal Bill as stated by Civil Society Group has not accepted the proposal of Union Cabinet. So suitable provision for inclusion of conduct of Member of Parliament in Parliament and higher judiciary should come under purview of effective Jana Lokpal Bill. Besides all officials irrespective of status

should also come under the purview of above bill. Alternatively, Judges Accountability Bill should be passed by the Parliament in order to make judiciary free from vices of corruption. Suitable provision should also be made to bring back huge amount of black money deposited in different foreign banks.

Mahatma Gandhi spoke in the prayer meeting on 26th January 1948 only four days before the darkest day of India,

“The subject of corruption is not new only; it has become worse than before. Corruption will go when the large numbers of persons given to the unworthy practice realize that the nation does not exist for them but they do for the nation. It requires high code of morals, extreme vigilance on the part of those who are free from corrupt practices and who have the influence in such matters is criminal. If our evening prayers are genuine that they must play no part in removing from our midst the demon of corruption”.

Concluding Remarks

In view of observations of research study, the suggestions as made above, if accepted and implemented in letter and spirit with strong will and determination by executive, legislature and judiciary, it is highly expected that one day India will be least corrupt country in the World and general people who are victim of corruption will be highly benefited. Last not the least, general people who are victim of corruption should be aware in respect of rules, regulation and laws so that they are not victimized at the hand of corrupt public servant.

The topic of research is such dynamic in nature that there can't be a real conclusion in curbing the problems of corruption in the modern world. Hence, researcher just highlighted few aspects of the problems and there are many other deeper problems need to be researched by future researchers.