Preface

Nobody really knows the extent of corruption in India. However, everybody is aware that it is eating into the vitals of the nation. If corruption is not checked in time, there is no doubt that the future of democracy is in peril. To those who remember the high standards of morality that prevailed before, and soon after, independence, the comparison is indeed heart-breaking. One looks in vain for uprightness, efficiency, excellence and devotion to duty which characterised the administration of former times. One begins to wonder whether we are the same who rode to freedom with truth and sacrifice as our motto.

With the declaration of Emergency by the Government of India on the 26th of June, 1975, most of us thought that He last days of democracy were over. But contrary to the feeling at that time, Emergency has proved to be a godsend for reasons more than one. All over India officers and their subordinates known to be corrupt have been caught, suspended or retired, widespread raids by the income-tax have torn the masks of many a wolf in sheep's clothing; quite a few crores of evaded income-tax have been detected; tike requirement that price lists and stocks have to be amended have hit the blackmarketeers and hoarders hard; travel on trains has come down considerably; strikes, trestle and bundhs, which were striking at the root of the apparatus of the nation, have disappeared; smuggling of foreign goods, which was so very widespread, has come down; and those of us who are manning the IOEGTS and universities of the country are now able to heave a sigh of relief because of the near-disappearance of indiscipline and Fascism on campuses. Will this trend continue?
Correspondence Between Prime Minister (Mrs. Indira Gandhi) and the Chief Minister of Tamil Nadu (Mr. M. Karunanidhi)

The following letter was written by the Prime Minister, Mrs. Indira Gandhi to the Chief Minister of Tamil Nadu, Mr. M. Karunanidhi on November 15, 1972:

Dear Thiru Karunanidhi,

I enclose two memoranda submitted to the President by Shri M. G. Ramachandran and Shri M. Kalyanasundaram. Please let me have your comments on the allegations which have been made.

Yours sincerely,
(Sd.) Indira Gandhi

Mr. Karunanidhi’s reply to Mrs. Indira Gandhi to the memoranda of charges was as follows:

Fort St. George, Madras-9,
14th December, 1972

Dear Prime Minister

Please refer to your letter No. 311-PMO/72 dated 15th November, 1972, forwarding to me the memorandum containing allegations against me and some of my Cabinet colleagues and some others, presented by Thiru M. G. Ramachandran and Shri M. Kalyanasundram. Please let me have your comments on the allegations which have been made.

Yours sincerely,
(Sd.) M. Karunanidhi

I need not say how painful it has been to write my comments on the extremely frivolous, vexatious and false allegations made maliciously in the petitions. After going through my comments, you would be more than convinced, how hollow and baseless the allegations are. But Ramachandran, the actor that he is, has truly enacted a political stunt both at Madras and New Delhi on the eve of his presentation of the petition to the President of India. The political Machiavellism of the Communist Party attempted to lend a colour of realism and respectability to this political gimmick.

The petition itself is clothed in intemperate and vile language. Obviously hollow falsehood needs such hyperbolic expressions in order to prop them on paper, viz., the expression used therein “Jallianwallah Bagh”, “Terrorism”, “Police Raj” and the like.

With all the earnestness at my command, I would like to impress upon you, respected Prime Minister, that what is now in question is not which party should be in power. The question is, should the great institution of democracy be made a mockery of by a handful of wily political adventurers having no scruples whatsoever? Strangely enough, the antidemocratic forces are combining and conspiring to subvert the structure of democracy in the State. The people of Tamil Nadu are definitely not in a mood to be fooled by these attempts of mud-slinging and by the cries of “corruption”. But a certain section of the press, which is in the hands of the reactionary forces, put out headlines misrepresenting that the handful, who are attracted by the actor Ramachandran and who are prone to indulge in acts of violence on the slightest pretext, represent the masses of Tamil Nadu who are said to be against this Government! Only in February 1971 this Government had received the massive mandate of the people. What has happened between February 1971 and now? Nothing except the loud wish of the reactionaries against the forces of democratic progress.

Before I conclude, I would like to refer to a matter which is of fundamental importance which is one of principle and I think deserves your serious consideration. The petitioners seek the appointment of a Commission of Enquiry against the entire Cabinet of the Tamil Nadu Government. Kindly permit me to point out that our Constitution is not unitary but federal in framework, the essence of which is that the constituent States are not subordinate to the Central Government, each State being autonomous within certain defined limits. Further, as you are aware, every State has the parliamentary system of Government and the Cabinet is collectively responsible to the Legislative Assembly of the State. There is no provision in our Constitution which makes the State Cabinet accountable to the Union and as such it would be subversive of the entire scheme of the Constitution and the system of responsible Government if a State Cabinet is sought to be subjected to a Commission of Enquiry constituted by the Union.

For the present, however, I feel it my duty to clear the clouds raised by these petitions and hence I am sending the enclosed detailed letter containing comments on the points raised in the body of the petition along with my detailed answer to the specific charges made in the annexure to the petitions.

With kind regards,

Tours sincerely,
(Sd.) M. Karunanidhi
Corruption in India

statutory standards.” (Kenneth Culp Davis, "Ombudsman in America: Officers to Criticize Administrative Action", University of Pennsylvania Law Review, June, 1961, p. 1075). Brian Champman observes as follows about the success of the Scandinavian experiment in his Profession of Government: The Scandinavians are to be congratulated on their institutional achievement. The Ombudsman is clearly one of the reasons why Sweden has public service of an integrity, impartiality, and authority hardly matched, if at all, in any other country.

The reasons for the success of the Ombudsman may be briefly summarised as follows: The Ombudsman has no executive power. He is just a national counselled and a guardian of public conscience in matters of private right. He stands aloof of the Government to observe, to judge and to censure. What, then, are his powers? According to Sir John Wyatt, "In practice the real sanction is in the publicity which is given to the Ombudsman's criticisms of the administration in his annual reports to Parliament but more specially to the daily press.''

The flies relating to the complaints received and the decisions of the previous day are laid on a table every day and at 11 A.M. a representative of the Swedish Press Bureau calls at the office to examine them. Those cases which are of general interest are selected by this representative and the information is passed on to the national newspapers. If the information is only of local importance, it is passed on to the provincial newspapers. On certain occasions, the newspaper report contains criticisms of the Ombudsman's handling of a case if there happens to be undue delay in his office. The civil servants of Sweden have to be always on their mettle lest they should be exposed by the Ombudsman and the press.

Still another reason for the success of the Ombudsman in Sweden is the easy accessibility and the personal touch. The citizens regard him as a people's tribune who is independent of the government and who will investigate fairly all complaints against the administration which come within his jurisdiction. He welcomes all and people feel free to come.

APPENDIX 5

Fair Elections

By
Shri J. B. Kripalani

The Congress, whether divided or undivided, when and where in office, has always used Government's power and machinery to influence the electoral vote in its favour. It has also collected large sums of money for its legal and illegal expenses in the elections. These devices to influence the voters are extensively used at the time of general elections which decide for the succeeding five years the question of office, and the power and prestige that go with it.

The habit of collecting large funds for elections from individuals and commercial and industrial houses commenced with the first general election, after independence, in 1952. I had occasion then to mention this fact in the Lok Sabha. I brought to the notice of the House the fact that a Minister in U.P. had written a letter to the sugar magnates there to contribute so much money per bag of sugar sent out of their factories. The speaker asked me if I was sure of my facts. I replied that the letter in question was published in the press. As evidence of what I had said, I laid the newspaper containing the letter on the table of the House the next day. The Opposition parties at the time also complained that Prime Minister Jawaharlal Nehru was using military planes for election propaganda, a facility not available to the Opposition parties. Jawaharlal's explanation was that the military planes had to fly anyhow for so many hours a year. Afterwards he made some token payments for the use of the planes.

The practice of collecting funds from commercial and industrial houses went on increasing in successive general elections and by-elections. Political power too was used more freely and blatantly. There was an outcry against the grant of funds by joint-stock companies. This led to a law being passed against this practice. Now that industrial and commercial concerns are prohibited by law from donating company funds to political parties and individuals for election purposes, all donations are given by individuals or through them by business houses 'under the table', that is secretly. There is no record available anywhere. They are given through Ministers and administrators or through their agents,
Commerce and industry are not philanthropic activities. Whatever money is given is an investment which must yield adequate returns. Generally the returns are out of all proportion to the money thus invested. Who can give returns except those in power, those who control licences, permits and quotas? Sometimes, a whole industry or commerce is allowed to raise prices of goods in lieu of the contributions, which, if rumour is to be believed, go into crores of rupees. It is the general belief, which was also voiced by the Opposition parties in Parliament, that the recent price rise of free sugar was sanctioned by the Government for a large sum of money received from sugar magnates.

Further, the Government and the party in power at the Centre allow certain facilities and advantages to a State at the time of its general election, which it would not have received otherwise. Uttar Pradesh, which goes to the polls next month, has been given a larger supply of foodgrains and electricity than it would otherwise get. Costly projects are sanctioned to be speedily executed in that State. When doubts were raised in Parliament about the motives behind these special advantages given to U.P., it was said that the projects were sanctioned long ago. However, the present was considered the most appropriate time for their speedy execution. The new Chief Minister of U.P. announced that the Prime Minister would visit U.P. in January to inaugurate some important and costly projects. These are a rail link, a power plant, a milk centre, a large bridge, a drinking water scheme, two textile mills, all this activity in the course of a few days. These schemes could have been inaugurated a couple of months earlier or a month after the U.P. election. But U.P. is the biggest of our States and it is the home State of the Prime Minister. Elections there are most important and crucial. It is the question of the Prime Minister’s prestige.

In recent by-elections, contested by important persons belonging to the ruling party, it is said that tens of lakhs of rupees were spent. There may be some exaggeration in the figure, but the amounts spent, even when allowance is made for exaggeration, are breath-taking. The law prescribed a limit for election expenditure. It is illegal to spend more. It may nullify the election and penalise the person indulging in it. But the practice of spending more than the prescribed amount has become so customary that even the law courts take little notice of it.

It is true that illegal practices have always been indulged in for elections. It is also true that the Opposition parties also indulge in some of them. But, the party in power can indulge in them to a greater extent and more freely and go scot-free. The malpractices increased so greatly between the parliamentary mid-term election in 1970 and the States’ election in 1971 that the difference ceased to be quantitative. It became qualitative. If those in authority, indulging in illegal and immoral practices, imagine that their subordinates have no knowledge of their doings, they are living in a fool’s paradise. It makes no difference whether the funds collected are for private gain or for party purposes.

It is well-known that some Ministers lost their jobs because they were known to have misappropriated funds collected in the name of the party; Today, people from whom funds are demanded are told freely by the Ministers that a particular quota has been fixed for their State for U.P. elections. Even district authorities, approaching people for funds, tell them that they are required to collect so much money on the pain of displeasure from above. Such conduct of the politicians in power and the administrators demoralises the public. The evil example of those in authority corrupts the ordinary citizens. It encourages people to indulge freely in blackmarketing, in tax evasion, in smuggling, in adulteration, impairing human health and sometimes resulting in loss of life. The whole social order is permeated with fraud, falsehood, deceit and corruption. Only a few and rare individuals can escape this all-pervasive atmosphere of widespread falsehood and hypocrisy.

It is freely said that Rs. 20 crores are to be collected by the party in power to fight the U.P. elections. If this is a fact there can be no better, or rather worse, way of corrupting the morals of the people. They see the actions of those whom fortune has placed in high and responsible positions and follow their example. They consider the sermons preached to them as hypocrisy. All this not only encourages them in immoral conduct but, what is worse, it breeds cynicism. There is nothing more degrading, for an individual or a nation, than cynicism. It means disbelief in all moral and social values. Dishonesty can be cured but not cynicism. It destroys all belief and faith in humanity. Let those in power beware. They stand at the bar of future generations. They stand at the bar of history.