

# TOLERATING THE CORRUPT

Relevant for: Ethics | Topic: Challenges of corruption

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The writer is a constitutional jurist and senior advocate to the Supreme Court.

Has the campaign against corruption succeeded? I am not at all sure it has. Let me tell you why.

When talking of corruption, we always make a common mistake — to use the number of laws enacted or convictions obtained as an index of the fight against corruption. Wrong.

The only real index is the visible degree of tolerance of corruption amongst people who individually abhor it — or at least say that they abhor it.

Over the years, it seems to me we have come to tolerate it more and more — not less and less. For instance, in the forthcoming general elections I don't think any political party in the country, major or minor, national or regional, has raised the issue of corruption in public life in a big way.

In our part of the world, people's expectations were and unfortunately still are:

Whatever be the form of government, be sure that corruption will ultimately corrode it.

An Australian author has criticised a proposal made last year by the then Australian government in establishing what was then called the Commonwealth Integrity Group and he quotes one appellate judge in Australia saying: "This kind of integrity commission is one you would have when you don't want to have an integrity commission. It creates a wall behind which corrupt public officials can hide. (It was and is) . like a colander — it would be really good to make rice in it, it's got so many holes."

The same goes for our vigilance commissions, the CBI and the lot. They are all like colanders (with too many holes in them). Recent events, too close, too embarrassing to recall, have proved it.

I have a book in my library — a fat book of about 800 pages and it is called 'Bribes: The intellectual history of a moral idea', by John T Noonan Jr. Noonan believes that the fight against corruption will succeed ultimately because, as he puts it: "The nature of bribes is antithetical to the nature of human power in its full development". And the author ventures a prediction. It reads as follows: "Just as slavery was once a way of life and now has become obsolete and incomprehensible, so the practice of bribery in the form of exchange of payment for official action will become obsolete."

But then, let me be the Devil's Advocate and tell you that "slavery" did "become obsolete" in the USA by the passing of the 13th Amendment (to the US Constitution) — but it was by [Abraham Lincoln](#) buying over a couple of Congressmen to make up the two-thirds majority required for passing the 13th Amendment to the US Constitution!

The anti-corruption laws that have been brought on the statute book in India have so far exhibited a marked tendency to grind slowly: Too slowly for the likes of that great one-time doer: Central Vigilance Commissioner N Vittal (1998-2002). Which of us can forget him?

When in office, he had publicly “named” 94 civil servants who were under investigation (that is, who were accused of corruption on the basis of documentary evidence, but not yet charged in any court of law). It was on his instructions that their names were posted on the Internet.

“Sue me if you dare”, Vittal appeared to say, but no one sued him. His bravado had struck a sympathetic chord amongst many people — myself included! Vittal retired from government service decades ago and has been succeeded by CVCs who have not been half as effective as he was. They say that corruption in politics is as old as the hills. But never forget that in India it is older!

In the Arthashastra (4th century BC), it is written: Just as it is impossible not to taste honey or the poison that one may find at the tip of one’s tongue, so it is impossible for one dealing with government funds not to taste a little bit of the king’s revenue. Just as it is impossible to know whether a fish moving in the water is drinking it, so it is impossible to find out when government servants employed in government work are taking money for themselves. Beautiful imagery!

“Corruption” is also one of the most elastic of words in the English language. To every individual, it is something of which he or she disapproves.

Some years ago, at a seminar of the International Bar Association held in Berlin, Jeremy Pope (of Transparency International) gave what then struck me as the most comprehensive, and yet the most concise definition. He said: “Corruption is the misuse of public power for private profit.” But subsequent events have shown that his definition was not all-embracing, because there are simply no limits to where, when or how corruption rears its ugly head.

Cricketers, footballers, cyclists do not hold any public office, and yet they exercise moral power — the power to instil idealism among millions of sport-loving fans. Such fans feel cheated when a player, due to corrupt motives, plays badly or does not play well. Pope’s definition needs restructuring.

The definition of corruption keeps on requiring restructuring as time passes, as more ways to be corrupt are invented, but meanwhile I have a suggestion.

There are two types of people in this world — those who want to be somebody and those who want to do something. As the great book says: “Whatsoever a great man doeth, that other men also do; the standard he setteth up, by that the people go.”

The need of the hour, then, is great men (and women). And quite frankly they are, as yet, in extremely short supply.

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