

THE INSTITUTIONALIZATION OF CORRUPTION AND ITS IMPACT ON POLITICAL CULTURE IN JAMMU AND KASHMIR.

Riyaz Ahmad Mir

Doctoral Researcher scholar, Department of Political science,
University of Kashmir, 190006

ABSTRACT

Corruption is widespread in Indian Civilization and it has caused maximum suffering to the human kind. The paper discusses issues related to the nature, causes, consequences and possible remedial measures of corruption in Indian Society. It emphasizes that lack of transparency, morality, accountability and consistency as well as institutional weakness provided fertile ground for the growth of corruption in India. It also emphasizes that how corruption related to development issues in India and which kind negative effects are shown in Indian social, political and economic system. The paper also touches that which kinds of reforms are necessary to fight against corruption in India. The paper examined critically the various ways through which corruption had become institutionalized in Jammu and Kashmir and its subsequent impact on political culture on the one hand and its implications for development on the other hand. The paper hypothesized that the institutionalization of corruption leads to an overall change in the value-system and norms of behavior in a society. This was eventually related exclusively to politics and the manifestations of corruption in the political arena were discussed. The paper also touches that which kinds of institutionalizations reforms are necessary to fight against corruption in Jammu and Kashmir.

Keywords: Corruption, Institutionalization, Politics and the manifestations of corruption, Prevention of Corruption ETC

INTRODUCTION

The corruption in India has an ancient history. The author of the Arthashastra made some remarks on government officials of his time which are relevant even today. They state that, 'it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue,' so it is impossible for a government servant not to eat up at least a bit of the king's revenue. Corruption has been an age-old phenomenon, deep-rooted evil and a universal malady afflicting each and every society in one form or another at one time or another. Vishnu and Manu punished people

who accepted bribe. Ancient Indian history is replete with countless anti-corruption measures and punishments. Two thousand years ago, “Kautilya” an Indian king had written a book “Arthashastra.” Corruption has an old history, seven centuries ago “Dante” placed corruption in the deepest part of the hell; Shakespeare also gave corruption a prominent role in some of his plays. Montesquieu, Bentham and other philosophers commented on the destructive role of corruption. Great philosopher Machiavelli believes that, corruption weakens ethics and rightness among the people and resultantly creates many problems for the communities. Ibn-e Khaldun (700-770AD) the Arabic and Islamic scholar and philosopher is also another scientist who has discussed about corruption and believes that strong desire of rulers to luxurious life causes corruption; luxury lives oblige them to be corrupt.³ Accordingly studying the ancient civilization reveals that “corruption in the human communities is as old as the civilization itself and now has become the serious and continuous problem of country”.

THE IDEA OF CORRUPTION

Corruption is an old and universal social problem. Corruption was a serious issue in the ancient world. Problem of corruption is severely condemned all over the world and poses a big challenge to social scientists and policy makers from the ancient period till modern days. We have sincerely and systematically taken legislative measures to curb this disease of corruption but we have always failed to eradicate or even to prevent corruption in the society. Due to political interference and mentality of corrupt bureaucrats as well as changes in the legal system, legislation, policy of the government has now changed. Government itself is not interested to eradicate corruption and has a limited capacity in addressing a problem of corruption. Corruption increases when control of public administration is weak. The inadequacy in the existing law is also pointed out by the researcher, in this research. Prosecution under the IPC 1860 or the Prevention of Corruption Act, 1988 is not sufficient. The Indians learnt well two things from the British during their two-hundred-year rule – one is the “English language” and the other is – “corruption”. Some people will continue to blame the British for introducing the culture of spending money to rob the Indian resources; but we Indians, over the years, seem to have turned out to be a morally corrupt nation. We don’t even hesitate to sell our children on the pretext of poverty. We don’t hesitate to sell our air, water, earth and its underground resources. We cut down the trees and sell them off. Basically a person has a tendency to acquire money from ancient times. Human tendency is now changing day to day and for acquiring money has accepted the mode of criminal activities for it. Conventional crimes, corruption are committed by an individual, a corporation, an occupation, or an organization. For the purpose of this research, it is necessary to limit the scope of the term “criminal misconduct”. The genesis of the term is credited to Sociologist Edwin Sutherland in 1939 and simply states that, criminal misconduct is the “abuse

of Power by an individual situated in a high place, where by virtue of that position they are provided with opportunities for such abuse”.

ROOTS OF CORRUPTION IN INDIA

Though a relatively new Nation, India’s establishment rests upon a long period of imperial governments. European merchants, attracted by the lure of a burgeoning silk and spice trade, eventually became colonial masters. British encroachment into India began, however, with exclusive trade rights granted to the British East India Company in 1600 AD. Thus, the British “entry into politics was gradual, first as allies of country powers, then as their virtual directors, and only finally as masters.” A British proclamation in 1858 transferred all of the East India Company’s rights in the Indian Territory to the British Government. With British rule came early examples of corruptive bureaucratic practices. For instance, Warren Hastings, the first Governor General of the colony, caused so much embarrassment to the British Government that Edmund Burke famously stated at Hastings’s impeachment trial. “I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted whose property he has destroyed, whose country he has laid waste and desolate. I impeach him in the name, and by virtue, of those eternal laws of justice which he has violated. Corruption was rampant at such high levels in the colonial government, “it was only to be expected that the East India Company’s petty officials came to India with almost the sole objective of swiftly amassing a fortune, which axiomatically meant taking recourse to financial irregularities.” Some have argued that since colonial Governments were labeled as illegitimate, any corruptive act against that Government was acceptable. Thus, corruptive practices became common fixtures in the early Indian landscape. By the end of World War II, formerly imperialistic countries had begun to dismantle previous colonies. Shortly thereafter, on August 15, 1947, India gained its independence.

The Indian independence movement may have ultimately usurped authority from the British Government and brought the promise of fundamental rights, such as equality and freedom, to all Indian citizens, but it also inherited the colonial institution of corruption. Corruptive practices that occurred at all levels of Government in British India continued into modern India. India’s first prime minister, Jawaharlal Nehru, was more honest than the British colonial government, but unfortunately he overlooked corruptive activity in his administration and thus “legitimized it in politics.” Indira Gandhi, the third Prime Minister of India, used corrupt practices to undermine those political figures and movements that opposed her and to ensure her electoral victory. In 1960s corruption remained at the level of folklore, in 1980 and 1990s it moved into the heart of national provincial political institutions. The sequence of events which culminated in the present situation began before the national general elections in April and May 1996. Following the

revelations of the Hawala Scandal of widespread payments for favors to leading politician's bureaucrats by a businessman, the incumbent, Prime Minister Shri. P.V. Narasimha Rao, dismissed some leading members of his own cabinet who are under investigation. Since India's independence, corruption scandals have engulfed Chief Ministers, Central ministers, Supreme Court Justices, and even Prime Ministers. In fact, even today, there is still a pending investigation by the CBI regarding a claim against the former Prime Minister, Rajiv Gandhi, alleging that he and his associates received a bribe of 65 million rupees in exchange for awarding a Government contract worth billions of rupees. Political corruption in India extends past traditional boundaries and into the electoral process. As in many countries, costs of electoral campaigns are escalating in India, and not surprisingly, once in power, officials intend to keep their positions. As the amount of funding for campaigns increases, so does the risk of corruption. Since 1969, Indian corporations have been prohibited from giving money to campaigns. Consequently, illegal and corruptive backing has become the major source of such funds. Even worse, argues one scholar, "while politicians do raise funds to further their personal fortunes, the bulk of the amounts garnered illicitly by them is undoubtedly taken by the party for election purposes. In a sense, this is worse than the corruption of an individual legislator." India's institutionalized corruption requires comprehensive changes at all levels of Government. The present State of India as a corrupt country is really pathetic. According to Transparency International, Corruption Perception Index (CPI) corrupts, India ranks 79 out of 180 countries in the world as per the 2016 rankings.

INSTITUTIONAL FRAMEWORK AND CORRUPTION IN JAMMU AND KASHMIR

The state of Jammu and Kashmir forming the crown of India and situated in the extreme north of Indian Union lies between the coordinates 32° 17' to 37° 20' North latitude and 73° 25' to 80° 30' East longitude. The territory is bound on north by Afghanistan and China, East by China, South by two states of India as Himachal Pradesh and Punjab and West by the North-West Frontier Province and Punjab Province of Pakistan. The entire territory extends over 640 km. from north to south and 480 km. East to West, covering a total area of 2,22,236 sq.km. The state comprises of 22 districts with three divisions, Jammu, Kashmir and Ladakh, offering a rich diversity of landscapes. The Ladakh occupies maximum area of the three regions. The total population of the state is 1.25 crore (Census 2011). The recorded forest area of the state is about 20,441 sq.km. The Modern State of Jammu and Kashmir came into being in 1846 consisting of three regions- Kashmir, Jammu and Ladakh. It had seen many vicissitudes and subjugations for centuries together. Nonetheless, the political awakening and developments during the last decades of 20th century did provide rejuvenation, galvanization in the thoughts and minds of the populace who wrote a new socio, economic and political fortunes of the state. Besides in its political landscape, the geo-strategic importance has had its impact from times immemorial whether in terms of

colonialism, imperialism, later on by the cold war politics and now by the new emerging trends of globalization. The Jammu and Kashmir society is sometimes referred to as a permissive society, with the implication that something is ‘wrong’ in some sectors of the society. The sociologist’s role in making the society a better place observing systematically changes in the society, evaluating them and making suggestions on the ways in which social problems can be tackled. Today Jammu and Kashmir has degenerated with basic cultural characteristics fast disappearing for the mundane. The most single canker worm that has eaten into the fabric of our society today is the problem of corruption. And this has so pervaded the nation that most Jammu and Kashmir are corrupt in one way or the other. Jammu and Kashmir is presently in a state of disequilibrium as activities in the various social institutions have become rather unethical and synonymous with decadence. Consequently, the Jammu and Kashmir society is presently characterized by social malaise such as insecurity of life, poverty, all forms of corruption, moral degeneration, succession crisis, and a general lack of accountability by those entrusted with governance.

corruption in Jammu and Kashmir include among others: Corruption ascendancy to political leadership through election rigging and genocidal political techniques; son of the soil philosophy; politics of expediency; doctrine of ten per centers, judicial fractionalization of human beings; political self-aggrandizement; political Hitlerism as a mechanism for retention of power; replacement of “we-feeling” by “me-feeling”, contractor controlled political machinery, curtailed lust for wealth, giving and receiving of kickbacks for government contracts, Police insistence on taking bribes as precondition for performing their duties, Bureaucrats indulgence in the act of falsifying accounts, false declaration of assets, violation of oaths of office, payment of money for government jobs not done or not well executed, pen robbery and looting of the public treasury. The institutionalization of corruption in Jammu and Kashmir is not without its telling effects on the emerging political culture and behavior. Institutionalization of corruption can be defined as the long-term consequence of corruptive behavior in a society. Institutionalization of corruption refers the phase when corruption accesses the value-system in society and becomes a habit and part of the cultural behavior. Corruption can be perceived as a serious problem, and institutionalized, when corruptible behavior has become rather a rule than an exception. In 2005 Jammu and Kashmir in a study by Transparency International—a non-governmental world body (NGO)—was declared second the most corrupt state after Bihar. By now it must have qualified to number one slot because corruption here is not limited to government administration only. It is equally rampant in social and political life as well. Bribes are paid here to buy loyalties. It is rather a political concession that people and politicians enjoy with complete approval of the system they live in. **Corruption in Kashmir was formally institutionalized in Bakhshi Ghulam Mohammad’s regime**, who took over the reins of government after Sheikh Abdullah was toppled and jailed on August 9, 1953. Bakhshi ruled the state for 11 years (1953-

64). **New Delhi threw open the doors of its treasury and sent in bags full of money to bribe people and politicians in order to stem resentment and anger in the wake of Abdullah's arrest.** A culture of subsidy (on food and ration) was introduced to woo common people. It made corruption a rightful thing with people and politicians at all levels competing with one another in accumulating wealth. "Union government, by and large, turned blind eye to the existence of corruption in Kashmir. Corruption touched new heights during succeeding governments of Ghulam Mohammad Sadiq and Syed Mir Qasim as well. Sadiq, who ruled Kashmir for six years (1965-71), in person had clean image but the largesse from New Delhi continued to flow to placate and appease people. In return, government of India got huge political and constitutional concessions. It was during this period that the offices of Prime Minister and Sadr-e-Riyasat were closed down to pave way for introduction of chief minister and governor's offices in the state. Congress, as party, was formally launched in Kashmir and Sadiq became the first (Congress) chief minister of the state. Treasure troves were also left open for close aides of Sheikh Mohammad Abdullah as well. Many of them deserted Abdullah in late 60s and early 70s to join the mainstream politics and government. Senior Plebiscite Front leaders—Ali Mohammad Nayak, Mubarak Shah, Ghulam Qadir Mir along with many other middle-rung leaders—participated in elections against Abdullah's call for boycott. **Common perception, though not supported by any substantial evidence, is that some members of Abdullah family were also wooed that paved way for 1975 Indira-Abdullah Accord under which Sheikh Mohammad Abdullah returned to Indian political mainstream to become the chief minister of the state.** How money power was used to topple Farooq Abdullah's government and install his brother-in-law Ghulam Mohammad Shah as chief minister in 1984 is a common knowledge in Kashmir. Corruption assumed the status of culture, more particularly at administrative level, after Farooq Abdullah returned to power following an agreement with Prime Minister Rajiv Gandhi in 1986. The rise of militancy in 1989 gave a new flip to the distribution of government 'charities' in Kashmir. It opened for all and sundry. Buying loyalties took the center-stage of institutional functioning. Militants, their over-ground helpers, Imams of mosques, religious leaders, political activists, journalists, sports persons, social and human rights activists and village heads got the attention of state institutions. Many a militants and political activists operated under direct sponsorship of the state agencies. Ikhwan and Muslim Mujahedeen were two dreaded militant groups operating in tandem with security forces to combat militants. Awami League was state-sponsored political outfit. Hundreds of people among common masses got engaged as 'informers' by police and security and intelligence agencies. There is a general perception in our Jammu and Kashmir State that Corrupt are free to loot the resources of the State. To cite an example all officials involved in infamous Kashmir Sex Scam were made to get clean chit on technical grounds as the so called prosecutrix had turned hostile. The cruel joke with the people of the State was played when a Senior Bureaucrat acquitted on technical grounds in infamous

Kashmir Sex scandal was elevated to the coveted post of Chief Secretary when law of the land is that parallel disciplinary proceedings can lie in such a situation but the laws rules judgments of Apex Court are selectively used by those in power in State of J&K.

The Jammu and Kashmir Cricket Association (JKCA) has been accused of siphoning of more than Rupees 80 crores meant for the promotion of Cricket in State of J&K and fake accounts were opened under the nose of its President but till date not even a single official has been punished and off late the investigation was entrusted to CBI by the J&K High Court and the CBI is yet to come out with its findings. The biggest transfer industry over which successive Chief Ministers have also expressed their concerns and resolved to end this menace is also continuing to flourish with active connivance of those at the helm of affairs. Not only this the lucrative/sensitive postings are given to those who are known corrupt and are in the habit of obliging their political mentors. The J&K Government went to the Supreme Court to assail the order of J&K High Court which had directed the transfer of a tainted Deputy Commissioner of Srinagar District facing trial in infamous Gulmarg Land Scam and the said officer being a blue eyed person is presently occupying responsible position as he has the patronage of powers that be.

Recently the SVO and State Accountability Commission established a recruitment scam in J&K Legislative Assembly and came out with startling revelations indicting three Former Speakers for making 37 illegal-backdoor appointments but the spineless anti-graft State Vigilance Organization referred the established case of corruption to the General Administrative Department Law Department for opinion after bypassing the State Vigilance Commission which is a supervisory Institution over State Vigilance Organization created by an Act of the Legislation. This is high time both for State as well as Central Government to show spine and call spade-a-spade in J&K. Few Families in J&K had been taking the Government of India and people of the State for a ride and rest are suffering because of corruption, militancy and non-governance. There is writing on the wall that no big fish is to be touched in State of J&K. And because of this mind set the leaders irrespective of party affiliations are looting the State Exchequer/Resources without any sense of accountability. Despite repeated orders from Government of India the utilization certificates are not given, centrally sponsored schemes are utter failure because of organized corruption and fate of MNREGA is not hidden from anyone but who cares for laws and rules in State of J&K.

CONCLUSION

A common factor of the practice of corruption noted in all these cases is that of withdrawals made against non-performed works and assignments by producing fake and false reports and vouchers. It shows that bribery is rampant among all cadres and that there is a nexus between

various agencies to hoodwink the Government. Ordinary people cannot get their problems solved unless they pay bribes and bring in political pressure. Thus, political class is emboldened to play negative role in indirectly encouraging bribery and corrupt practices. Those who are not in a position to pay bribes do not find any solution of their problems even if these are genuine. Be it lighting of the streets, repairs to the local school building, availability of medicines in the Primary Health Centre, driving license, to get a small scale unit registered, an application to get loan from any State financial institution, an urgent surgery in a Government hospital or simply a complaint to lodge an FIR, obtaining Permanent Resident Certificate, obtaining annual pollution control certificate for industrial units, to get benefits of various social welfare schemes, distribution of ration, to get date of birth certificates and job card etc, common masses' perception is that they have to pay bribe for all these public services. Throughout history, it has been the inaction of those who could have acted, the indifference of those who should have known better, the silence of the voice of justice when it mattered most, that has made it possible for evil to triumph. The youth of the State is forced to look for avenues outside the state, as they are fed up with a cognitive network of corruption where the elite, bureaucratic and political class holds the control. The youth is suddenly finding hope as the Governor has spoken about launching a proactive campaign against the corrupt. He needs to walk his talk. There must be impartial and high level probes in all the cases of corruption. This culture of corruption must be replaced with one where integrity, transparency and fight against corruption are seen as fundamental values. The central theme of this paper is that corruption has been completed institutionalized in contemporary Jammu and Kashmir politics and this is now reflecting in the political culture and behavior. This paper emphasized that corruption should be seen as a social problem which should be tackled through concerted societal efforts rather than focusing on the institution level. The emphasis is on the reconstruction of the society via a vis - eradication of poverty, enthronement of good governance, national reorientation programmes and the likes as a way to ensuring a new social order in the polity. Any social problem deserves a societal focus, attention and efforts. Above all, the society has the responsibility to educate, mobilize, socialize, enlighten and sensitise its members towards a tradition of honesty, excellence, truth, diligence, integrity, honour, reputation, good name and other moral virtues that will make the society a better place for the people.

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