

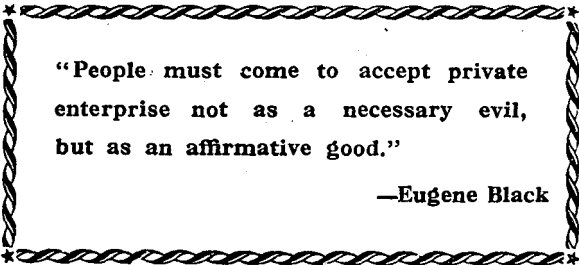
INTEGRITY IN NATIONAL LIFE

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**“People must come to accept private
enterprise not as a necessary evil,
but as an affirmative good.”**

—Eugene Black

INTEGRITY IN NATIONAL LIFE *

By

NITTOOR SRINIVASA RAO

I am deeply sensible of the honour done to me in asking me to deliver this Lecture and in that manner pay tribute to the memory of a person who, while he distinguished himself in his vocation, dedicated his rich faculties to the cause of public enlightenment. I am particularly happy to know, as indicated by Mr. K. Santhanam in the course of the memorial lecture delivered by him, that the Forum provides a platform for all persons who think freely and objectively irrespective of their views. The topic of my lecture, "INTEGRITY IN NATIONAL LIFE", is one of basic importance to all systems of society whatever their political or economic complexion, though, of course, what I shall say will largely relate to the context of our country.

Deep concern has been expressed in recent times by responsible persons, particularly after the attainment of our Independence, about widespread corruption in our public life and the urgent need for effective steps to check the phenomenon if disaster is not to overtake us. At the same time, the view also has been expressed that this is an unduly alarmistic assessment of the situation, as some allowance has always to be made for lapses of rectitude on the part of public

* This is the text of the A. D. Shroff Memorial Lecture delivered under the auspices of the Forum of Free Enterprise, Madras Centre, on 7th November 1970. The author was the Chief Justice of Mysore, and the Central Vigilance Commissioner from 1964 to 1968.

functionaries. It is true that, ever since human communities began to lead an organised life and the art of administration made its appearance, the potentiality of abuse of power by those in charge of administration also arose. We find the problem of corruption on the part of public servants dealt with in Kautilya's *Arthashastra* and the way in which political corruption works is graphically brought out by Aristophanes in his drama, "The Frogs". Maintenance of efficiency and integrity has always been a necessary and important function of all Governments. Just as the human body is heir to ills, so are all human agencies liable to err. But in both cases, while the occurrence of lapses may be taken as normally incidental to their functioning, it is clear that there is necessarily a limit of tolerance beyond which lies peril. Corruption was a potent cause for the fall of the Roman empire and in contemporary times it is said that the corruption prevailing at high political levels led to the defeat of France in the last War. The collapse of Chiang Kai-Shek's regime is attributed to the rampant corruption prevalent in every branch of his administration.

As regards the causes which bring about corruption, it is difficult to identify all of them and to assess the potency of each one of them. There can, however, be no doubt that the community functioning at a low economic level renders it easy for corruption to spread. In many matters, the private citizen has to seek the favour of public functionaries for the fulfilment of his economic needs, and the functionaries in such society would feel tempted to put a price on the favours they bestow. The motive force in respect of both classes is the need to attain economic security. These factors would not operate in an affluent society,

though other causes may. In fact, over-affluence may lead to a surrender of moral values in pursuit of comfort and luxury and consequently to corruption and decadence, which is what seems to have happened, as I have already stated, to Roman society before the collapse of the Roman empire.

Then again it is said that corruption gets an easy foothold in societies which have newly acquired independence and embark on a process of development. In most cases, freedom arrives without preparation for its exercise. The result is an emergence from subjection to the exercise of freedom without any sense of inner inhibition. There is a tremendous urge to make up for past deprivations, accompanied by vast opportunities for exercise of power. This state of affairs may turn out to be a transitional phenomenon, the moral standards gradually improving with the attainment of stability in administration. Then again, a weak and inefficient administration may lead to the prevalence of corruption, for, when the citizen cannot have his representations attended to in a normally efficient way, he seeks to attain his ends by offering undue inducements to the public officials. A notable example of this source of corruption is bureaucratic delay. The passing of what is called speed money for expediting matters is bad enough, but it soon takes the vicious form of deliberately delaying matters in order to exact illegal gratification.

Further, in the very nature of things, different fields of administration provide varying scope for the incidence of corruption. Where there is little or no occasion for the public functionary to come into contact with the public, there is hardly any chance of

corruption. In contrast, there is great scope in departments dealing with the grant of licences or permits or with contracts involving large amounts for supplies or disposals or construction.

While all these are important factors, there is another factor which is more important than all these; and that is, the level of individual and public ethics. The general moral climate prevailing in any community has a vital bearing on the behaviour of the individual, not only because it is natural for a person to adopt the prevailing code, but because it becomes exceedingly difficult for one to resist the compulsive force of conformity. Thus, in a corrupt environment, an honest man finds it virtually impossible to function with positive rectitude unless he is a person of exceptional strength of character. He allows corrupt practices to operate, consoling himself with his individual abstention. But, it sometimes becomes difficult for him to adopt even such a negative attitude and his non-participation may make him the butt of the ill-will of his colleagues. Indeed, it sometimes happens that it ends up with the honest man being framed and victimised.

In regard to the effect of the prevailing moral standards so far as the administrative hierarchy is concerned, it has to be emphasised that the higher the level of any echelon the greater will be its effect on the general morale. If those functioning at higher levels themselves adopt low standards of integrity, not only will those below them follow the example, but it becomes obviously impossible to keep those below under discipline and control. Hardly less demoralis-

ing will be the effect of indifference, ease or avoidance of responsibility.

Amongst public functionaries, there are the permanent public servants and there are also those who function at the political level, i.e., as Ministers or Legislators. Great as the effect of the conduct of highly placed officials is on the morale of the administration, the conduct of the members of the Government has an even more vital effect. It must be remembered that corruption or lack of integrity does not comprise only cases in which money or some material gain figures as consideration for doing something which is improper, but all acts by way of exercise of one's power or use of one's position in an improper manner with an ulterior object. In fact, power itself is more potent than material wealth and, even more than in the purely administrative field, the attainment of power or position and its retention by improper means becomes the object of ambition in the political field. If power or position is so acquired the chances are that it has been so acquired for improper use and will be so used.

In this context I would like to say a word or two about the potentiality for corruption in representative democratic systems. The very principle underlying democracy is that the community should be governed by the representatives of the people so as to carry out the wishes of the people. If the systems function as they are intended to, there would not be much scope for corruption. But whether they will function properly or not depends upon the prevailing moral level of the people and even more, on the calibre, competence and character of the leaders, though I should add

that the electors and the elected react on each other. If the leaders are not men of stature, they resort to all available means, of whatever character, to win positions of power and to retain the positions so won. This makes them dependent upon their supporters and when such support is not based on principles or policy, it can be secured only for something in return, which necessarily takes the form of a present or prospective benefit. Thus the Ministers are dependent upon the members of their party and the members of the legislature. The latter in turn are dependent upon persons of influence in their constituencies and their support is also obtained in the same way. Thus the total picture is one of attainment or retention of power by improper utilisation of power and position and conferment of undue favour. This really can be only at the cost of the community at large. Apart from those who actually wield political power either by being members of the Government or the legislature, others in a position to exploit power are political leaders outside the legislature and government and men of position and wealth who in return for favours supply the sinews of war to political parties and to the men in power. If those in positions of political authority are not men of character and calibre, their ways will seriously affect the functioning of the administrative machinery also. It is no doubt true that in principle the permanent services are expected to tender objective and independent advice even though they are bound to carry out the decisions and policies of those in charge of the government. But it would be futile to expect those who have to work under Ministers day in and day out not to be influenced by the attitudes of their masters. Thus public functionaries

functioning at the political level in an improper way will bring about the deterioration of the permanent services also.

It may be stated in general terms that the level of individual and public ethics in many countries in the West and particularly in Great Britain and the Scandinavian countries is of a very high order. This has been achieved over a very long period of years. Corruption in the sense in which we come across it is virtually unknown there today. In fact, when some time ago, Mr. Freeman who was the High Commissioner of Great Britain in this country was, in the course of a talk he gave, asked how they dealt with matters of corruption in his country, he took a little time to understand the implication of the question and then said that no such cases arose there. While that has been the position in that country for some time, it must be remembered that corruption was the order of the day during the days of Walpole. It was he who said that every man has his price. It should, however, be noted that, in terms of the life of nations it was not very long ago that Walpole flourished. This would indicate that the building up of a tradition of integrity and a clean public life is capable of achievement if the requisite factors are forthcoming. It should also be added that in a limited way what is regarded as amounting to corruption is also dependent upon prevailing notions. Commissions in the Army and Navy were available for purchase in England, till the later years of the last century. Some time earlier the sale of public offices to the highest bidder was the order of the day. Notions have changed and such modes of appointment to public offices would be against the standards prevailing today. But it may

be pointed out that in the United States, even today, a very large number of public offices running into thousands are at the disposal of the President to be given as reward to those who work for him during his election and change hands after every election. It is, however, of interest to note that a change appears to be contemplated in regard to these offices by assimilating their tenures and other conditions to those of other government appointments.

In this country when the East India Company was the ruling power, the general standard of integrity on the part of the Company servants was very different from what it became when the Queen took over the government. It is well known that many of the Company's servants, including very highly placed ones, amassed vast fortunes by corrupt means. But during the subsequent period, morale greatly improved. It underwent a change for the worse to some extent during the period of the First World War. Thereafter, there was improvement again for some time when the political developments induced the rulers to allow factors to operate which to some extent affected the morale of the services. Then came the Second World War which brought in its wake war expenditure and war contracts. All these greatly affected the morale of public servants. It was in this context that the Special Police Establishment came into existence to deal with the fast mounting cases of corruption.

Soon after the termination of the war, came Independence. It has to be stated with great regret that after the attainment of Independence there has been a progressive deterioration in standards. It is difficult to say what the causes have been. Though we em-

barked on our career as an independent nation under the shadow of tragic circumstances, resulting from the partition of the country, the outlook was one of hope and confidence. It is true that the administrative framework had suffered from the depletion of senior and experienced officers and had to face unforeseen problems of gigantic dimensions. But we had the advantage of a continued tradition of orderly and settled administration, and the great good fortune of having at the helm of affairs some of the greatest leaders that any country has produced. They proved to be as great in consolidating the country and laying the foundations of a sound administration as they had proved to be in winning freedom. They knew how to win the loyalty of the services and the latter also responded well. But the change-over to Independence had given rise to other forces also. A large number of persons occupied positions of political power and authority as Ministers, legislators and party functionaries and many of them did not have the equipment or stature necessary for the purpose. The acquisition and retention of political power by resort to all manner of means and the unscrupulous use of such power led to the deterioration of political standards and the demoralisation of the Services. The electorate has not been in a position to exercise any effective control either in returning men of character and competence or in keeping them to a proper course of conduct. For, there has been a fall in the ethical standards of the people at large. Whatever people's professions may be, the active faith in established values has got eroded. Every one seems to have as his aim the acquisition of the maximum of the world's goods with the minimum of effort and without regard to means. It

cannot also be denied that large masses of people still continue to live sub-standard lives and the hope cherished by them of progressive improvement has got dimmed, for they find that nothing moves without oiling the wheels of the administrative machinery. There is thus a general feeling amongst the people that their prospect is bleak, when there is lack of integrity amongst political and administrative functionaries alike and that it is only those who can propitiate these functionaries that can survive and prosper.

This development in the state of affairs has been the subject matter of serious consideration and several committees dealing with various problems have dealt with this matter also. An Administrative Vigilance Division was established in the Home Ministry to deal with this problem. Later on, the Government of India appointed a Committee under the Chairmanship of Mr. K. Santhanam to go into this question and suggest measures. The Committee made an interim report recommending the setting up of a Central Vigilance Commission whose function it would be to assist the administration in the maintenance of integrity amongst permanent civil servants. The recommendation was adopted and such a Commission was set up. It was thought that it would be appropriate for the States also to take similar measures and most of the States also set up State Vigilance Commissions. In its final report, the Committee made several suggestions bearing upon administrative practice and procedure calculated to achieve the same purpose.

As regards corruption at the political level, the Committee suggested that the President should nominate a panel of some twenty persons of eminence and

experience and that any complaint against a Minister endorsed by a minimum specified number of persons of the legislature should be remitted for enquiry to a Committee of two or three persons from out of the panel. This recommendation was not accepted by the Government, but meanwhile the Administrative Reforms Commission submitted its first report recommending the appointment of a Lokpal and a Lokayukta in the Centre and a Lokayukta in each of the States. Their functions would correspond to the functions of the Ombudsman in the Scandinavian countries. That office has been found exceedingly helpful in those countries for the redressal of the grievances of citizens for which they cannot obtain any remedy at the hands of other existing institutions or authorities or for which no remedy can be had promptly and effectively even where remedial provisions exist. The Commission was of the view that the function of the Lokpal and the Lokayuktas would automatically include the functions of the Vigilance Commission also. This is correct to the extent that matters can be brought to the notice of the Lokpal and Lokayukta in the form of grievances; but in most cases of corruption, where the corrupt act takes the form of pecuniary or other material form for the conferment of a favour, there is no aggrieved party figuring in the transaction. Indeed, both the parties are too well satisfied. It is only in exceptional cases where some one wants to act as a fifth columnist or where the favour conferred hurts the interests of competing parties, that there may be occasion for an act of corruption being ventilated as a grievance. The machinery of the Vigilance Commission not only provides for matters which come before it as complaints or re-

presentations, but questions relating to the integrity of any permanent official which may come to the notice of the administrative authorities or which may have been inquired into by the Central Bureau of Investigation have to be referred to the Commission. The Bill placed before Parliament on the recommendations of the Administrative Reforms Commission meets the situation by providing for the functions now being carried on by the Central Vigilance Commission being entrusted to the new set-up. The essential feature of an institution like the Vigilance Commission or the Lokpal or Lokayukta is that it functions outside the framework of the Executive Government and is independent of the executive and the legislature and is therefore not subject to political pressures or to the stresses and strains of those who are part and parcel of the organisation in which the erring official may be functioning.

One matter which causes considerable anxiety is the effect that the deteriorating norms of conduct on the part of those functioning at the political level is bound to have on the general morale not only of the public services but of the people at large. For, there can be no doubt that the conduct of those functioning as members of Parliament and the Legislatures has progressively deteriorated from accepted norms of social conduct and in particular the phenomenon of unprincipled floor-crossing and defection shows that the elective positions are being used with unabashed lack of scruple for pursuit of power. This deterioration started during the last days of Jawaharlal Nehru's Prime Ministership. But no one could have imagined the extent to which the process would progress. Dignity, decorum, tolerance and courtesy began to disappear from the conduct of the proceedings in Parliament as also in the State Legislatures. Ugly scenes

became the order of the day. The rules regulating the proceedings began to be deliberately defied. It has become more and more difficult for presiding officers to see that the scheduled business is got through. Not only are their rulings frequently challenged, but their very *bona fides* is questioned. When, the other day the Governor of Mysore referred to this deplorable state of affairs, the reaction of a member of the Legislature was to remark that any such comment was undue interference with the functioning of the Legislature. It is equally remarkable that the Speaker of the Lok Sabha thought it appropriate to appeal to the Press not to give publicity to the unhappy scenes occurring in the Legislatures while another Presiding Officer went to the extent of admonishing the Press for publishing such occurrences. One would have thought that adverse comments would perhaps induce our legislators to look inwards and see if the real remedy did not lie in conforming to the accepted code of behaviour. Apart from the deterioration in the standards of behaviour in the course of the proceedings, it is seen day after day that matters are dealt with from the point of view of gaining advantage for one's party or group or embarrassing the opposing party. Those in charge of the administration have neither the strength nor the will on many occasions to act firmly in pursuance of duly considered decisions, but try to safeguard their position from jeopardy by propitiating their party men and appeasing aggressive opponents. There have been instances when the Government has gone back on its own decisions to secure peace from a stormy onslaught. This would mean that either the original decision was ill-considered or that the Government wanted to purchase peace at any price.

The retention of position or power on the part of those who are "in" and the attainment of position or

power on the part of those who are "out" have become ends in themselves and since this game involves the support of the members of the legislature, the politics of defection has assumed phenomenal proportions. Every incident, occasion, opportunity or situation is looked at for exploitation in pursuance of power politics. Disruptionist and separatist forces are actively encouraged for party advantage even if it means undoing whatever consolidation has been achieved, and controversies are raised and carried on in respect of all sorts of issues to cause trouble or embarrassment to the opposite side though sometimes they may cause damage to national dignity, national self-respect and national interest.

The principle that the permanent personnel of administration should be kept immune from political influence or exploitation is constantly infringed both by the ruling party and by the opposition, inevitably leading to the demoralisation of the services. No one would suggest for a moment that the public act of any functionary, however high the office he holds, should be exempt from scrutiny or criticism. Such occasions, however, should be rare and great care should be taken before any criticism is made. Today, it has become almost a matter of routine to attack the conduct of all functionaries, be it the President, the Chief Election Commissioner, the Judges of the Supreme Court or the High Courts, if the particular act or decision does not suit the cards of any party or individual. Quite often, even the *bona fides* of the functionary is questioned. The Speaker of the Lok Sabha had occasion to mention the other day the circumstances surrounding the motion for impeachment of some of the Judges of the Supreme Court and how, though some of the signatories admitted that they had affixed their signatures without fully understanding the implications, they would not withdraw the signatures.

These features in the functioning of our Ministries and Legislatures indicate improper use by them of their powers and position and have a direct bearing on the question of integrity. These and other similar features have caused deep misgivings in the minds of the people as to the future of the country.

It is difficult at the moment to see in what concrete way the situation can be remedied. Nor can any mechanical expedient by way of formulation of rules and codes or even structural alterations in the constitution and relevant legislation afford any real remedy. While it is undoubtedly important to keep the functioning of the machinery in constant review with a view to removing defects and increasing efficiency, the basic governing factor is the national and individual character and it will not do for people at large to point their finger at public functionaries and think that they have no part to play. The functionaries after all are not a group apart. They are an integral part of the whole community and the level of their integrity is inseparably bound up with that of the community itself. It follows that it is equally important to bestow thought on the proper norms of conduct of the citizen also. It should be remembered that a public functionary, while he feathers his own nest by his act of corruption, the occasion is the conferment of an illegitimate benefit on a citizen who seeks the favour. While by definition it is only a public servant that can commit a corrupt act, the unethical character of a private individual's act when he makes improper use of his position is the same. Thus the man who makes excessive profit by exploiting the needs of society or by creating a monopoly also acts without integrity and anti-socially.

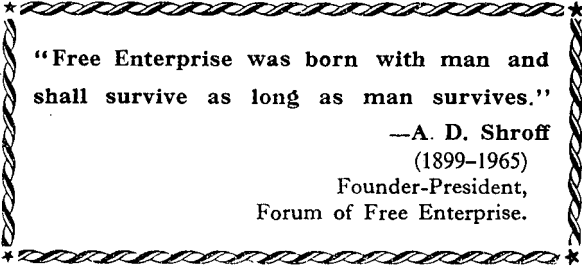
There is no room for doubt that, as things are at present, the community at large suffers as much at

the hands of those in positions of Governmental power as at the hands of those with economic power on account of their unscrupulousness.

There is no denying the fact that, as we look around us, the situation fills our mind with anxiety. It is a matter of some satisfaction that efforts are being made towards remedying the situation by the establishment of the Lokpal and Lokayuktas and, perhaps, strengthening the existing Vigilance machinery. This must, however, be supplemented by the voluntary effort of non-official agencies. No one can, on the basis of the course of events of the past few years, say with assurance to what extent such efforts, on the governmental and on the non-official side will be successful. But we cannot remain idle. When I referred to voluntary agencies, I had in mind organisations like Citizens' Advice Bureaus which could be approached by the aggrieved citizen with his problem. The bureau would consist of men of experience and knowledge. It would have a systematized way of attending to the persons who come for advice, and guiding them in regard to the course of action to be taken by them, or, where necessary, itself taking up the matter with the authorities concerned, including, in the last resort the Lokpal or Lokayukta. Similarly, Consumers' Organisations could be established to deal with the cases of exploitation by those in possession of economic power.

Let us hope that, gloomy as the existing situation is, we are passing through a transitional stage and that the nation's inner strength and stamina will assert itself in due course, but before long.

*The views expressed in this booklet are not necessarily the views of the
Forum of Free Enterprise.*



**“Free Enterprise was born with man and
shall survive as long as man survives.”**

**—A. D. Shroff
(1899–1965)**

**Founder-President,
Forum of Free Enterprise.**

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