

**A SOCIO LEGAL STUDY: CORRUPTION, BLACK MONEY AND LAW  
IN INDIAN DEMOCRACY**

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**Abstract**

The History of corruption is as old as the development of human .It is compulsory and essential that a person, family, society, state, nation, world, must be free from corruption and other disorders in the establishment of public welfare state , in the pursuance of rule of law and in the welfare and interest of world human and living creatures. The problems of corruption and black money are very extreme not only in India but also the most of countries in the world .Now prime question is that how to prevent it, What should be done to root out and wipe out this problem? Now first of all it is considered as essential and compulsory form that why does any person commit corruption? What is the need of it? One ground of human life and it's every area that is theory of balance and convenience .Every person has to spend one's life while striking a perfect balance in each and every areas. when in the life of person, the theory of balance starts to break or break then the person thinks expect one's regular act and activities or compel to think or according to the tendencies of human mind keeps inspiring , to think , or not to think or to do or not to do minute after minute. Accordance with the nature process As the case may be on the ground of obtained results, human reacts or not , sometimes human gets and if it did not end then the person inspires from the feeling of revenge or others accordance with time and circumstances, what so ever

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happened or omission with the person. At what atmosphere the person brought up, grow up, to effect considered question of fact; because, it is said that, "Human is the production of atmosphere." all factors are liable to mainly corruption. In the special form due to break the principles of balance and convenience and upset it. Due to aforesaid a person refrains from to do or not to do something and regular work then the moment, at the time, a house of thinking, opinion, and abstract as determination is constructed in to the heart and mind in conclusive, definite determined form. This is the specific time from this time starts, misconduct corruption, offences or other like these.

Human takes birth with some habits, conduct, indefinite, conclusive form and some habits, conducts, and others get by atmosphere and people. out of all one of its to store, or to collect ,to reserve , now the collection collected stored ,reserved, and to other , according to time and circumstances to protect, to preserve and it's all to use or to get it used , not to use or not to get it used . Therefore "when a person, or a group of persons is given as money or other thing in any form, as a thing illegal, wrongfully to do or not to do something other than one's remuneration that is called bribery, corruption. It is said that to the person or group to do or not to do specific or regular, simple conduct bit by bit, due in course of time, the conduct changes in to habit, the habit changes in to addiction after all in definite, conclusive form as determined make all determination, thereafter in the pursuance of it to do or not do it, the person keeps binding in definite conclusive form and to keep on making pollution a person, family , society , state , country, world. "Convenience and balance theory is the major root, to do or not to do something or to end." Hence the structure and foundation of the system is appropriate, relevant provided in the working persons and the system need to reform as essential and compulsory form. "We don't want to change the major fundamental system but we want reform. These reformatory steps as compulsory and essential form can be reformed and freed from corruption of a person, family, society, state, nation world, up to a specific limit but not wholly crime free.

### INTRODUCTION:-

{i} **Democracy** :-Democratic system is the supreme and well settled in all types of the systems in all over worldwide . The term Democracy ' Demos' means group and 'Kratien' means power . There are two kinds of democracy first is Direct Democracy second is Indirect Democracy. Indirect democracy is in existence in India in it 'The elected representatives by public are ruled .' so the power , authority and sovereignty have vested in the people . The president of America Abraham lincon in his famous Gettysburg speech has been provided the definition of democracy is "Democracy is the government of the people, by the people and for the people ."In Switzerland is in existence the direct democracy.

{ii} **Corruption is an offence, Public servant taking gratification other than legal remuneration in respect of an official act** :- whoever , being or expecting to be a public servant, accepts or obtained or agrees to accepts or attempts to obtain from any person , for himself or for any other , any gratification whatever other than legal remuneration , as a motive or reward for doing or for bearing to do any official act or showing or for bearing to show , in the

exercise of his official functions, favor or for disfavor to any person or for rendering or attempting to render any service or disservice to any person, with the central government or any state government or parliament or legislature of any state or with any local authority, corporation or government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise shall be punishable with imprisonment which shall not be less than six months but which may extend to five years and shall also be liable to fine<sup>1</sup>.

**{iii} Black money in India:-** Black money means, "The money is acquired from the illegal means and methods and is not contained in records. many sources of black money but most are following :- (i)-The black money which is earned by illegal means like Bribery, black marketing, illegal trafficking, gambling, unauthorized illegal acts and such as others. (ii)- The black money earned from legal means provided that such money is not declared for the evasion of taxes which is payable to government as the source of income.

**Direct taxes enquiry committee:** - This committee is known as Vanchoo committee. It is made efforts in quest of black money accordance with report of this committee 'In India in 1961-62, 700 crore rupees, IN 1965-66, 100 crore rupees. 1400 crore rupees had been in existence as black money.<sup>2</sup>

**Government efforts to prevent the black money :-** Black money is increasing on the largest level so government had been made efforts as under :-  
voluntary disclosure scheme :-

- (1)-Income tax inquiry commission -1946-47
- (2)-voluntary disclosure scheme 1951 and I and II, 1965, 1965-66 etc.<sup>3</sup>

**Anti corruption agencies:** - For the prevention of corruption money agencies have been establishment as follow :-

- i. **Ombudsman (LOKPAL):-** In the parliamentary government ombudsman is an officer who is functioned as an agent of parliament ombudsman acts to supervise and to prevent of administrative in justice, misadministration to hear complaints of public against corruption, misconduct, mobility etc. 'Guard of administration or protector of common person.'<sup>4</sup>
- ii. **Central valiance commission:-** To prevent corruption, on the recommendation of Santhanam committee, it is established and connected with home ministry but not under control of it. Enquiry commission:-It is established under enquiry act, 1952 under section 03 for the purpose of sound, will, organized settled system free from corruption.
- iii. **Lokayukt:-** It is also prevented the corruption on the complaint of public.
- iv. **Under article 32 and 226 respectively supreme court and high court, constitution of India:-** In violation of fundamental rights, human rights and other purposes, public interest litigation and other appropriate procedures under above articles are filed. Corruption and black money are given the deepest effect on the economical system as an abstract in the economical development of the country.

**Anti corruption laws :-**

- (i)- Constitution of India under article 32,226,136
- (ii)- Indian penal code 1860 under section 171(E)punishment for bribery .
- (iii)- The Code of criminal procedure 1973,Prevention of corruption act, 1988
- (iv)- Income and property act 1975
- (v)- Finance act, 1985
- (vi)- Right to information act, 2005
- (vii)- Right to know as a fundamental rights under article 19(1)A, prabhudatt V/S Union of India AIR 1982 SC 61 and under article 21 constitution of India .
- (viii)- Prosecution section of income tax act 1961.
- (ix)- Bemami transactions prohibition act 1988 to prohibit bemami transactions.
- (x)- Prevention of money laundering act 2002 .
- (xi)- Jan lokpal bill of Annahazare is passed.
- (xii)- Lokayukt In states :-
  - (i)- Andrapradesh lokayukt and sub-lokayukt act 1983,
  - (ii)- Bihar lokayukt act 1973,
  - (iii)- Himanchal Pradesh lokayukt act 1983,
  - (iv)- Karnatika lokayukt act 1984,
  - (v)- In M.P law passed by state legislature in 1975 as to lokayukt,
  - (vi)- Gujrat lokayukt and lokayukt act 1971,
  - (vii)- Maharastra lokayukt abd sub-lokayukt act 1970,
  - (viii)- Orrisa lokapal and lokayukt act 1970,
  - (ix)- Rajisthan lokayukt and sub-lokayukt act 1971,
  - (x)- Uttar Pradesh lokayukt and sub-lokayukt act 1975.
  - (xi)- The Lokpal and lokayuktas act,2013(1 of 2014)

**Examination of corruption and black money and laws in public life :-**

For the prevention, root out, wipe out of corruption and black money from India. Government has been made many efforts , many agencies have established by the government, for above it many non government organizations are functioning ,and making policies due to increasing black money government have been ceased to the currency note of 1000,5000, and 10,000/-. For the purpose of recovery of deposit black money in 2011, July constituted a special inquiry team under the presidency of former justice B.P. jeevan reddy<sup>5</sup>. But it did not get success. In present time India stands fifty rank to send black money in foreign countries. Between 2002 to 2011 is sent outside of India.21,24,446 crore rupees as black money<sup>6</sup>. There are five top most corrupt sectors are following :- (i)-Political parties 86%,(ii)-Police 75%,(iii)-Members of parliament and legislative assemblies 65%, (iv)-Education system 61%,(v)-government employees 65%,<sup>7</sup> are corrupt in India in the present time. “India is stood five places to send Black money to foreign Countries.

The black money (2124446 crore rupees)sent to outside of country between 2002 to 2011.India has been got the fifth place to send black money between 2002 to 2011.During this total 343.04 billion dollar(almost 21,24,446 crore rupees) as black money was sent to foreign counries. The black money earning was sent to outside of country only in 2011, 84.93 billion

dollar(almost 5,25,971 crore rupees).This report has issued by GLOBAL FINANCIAL INTIGRITY(J.F.C.) which is organization of Washington for research and advertisement. The report ‘The Flow of Illegal Money From Developing Countries-2002-2011’has conferred information. According to this report in 2011 through offences, corruption and theft of taxes almost 946.7 billion dollar(almost58,62,913 crore rupees) as black money has been gone to foreign countries. In this year, the black earning money almost 1,000 billion dollar (almost 61,93,000 crore rupees) was sent to foreign countries. Whereas between 2002-11 (5,900)billion dollar were sent to foreign countries. Out of fifteen of top countries, there are six countries of Asia as to black money. About above and other countries in respect of black money are following:-In Asia countries:-China,Malaishiya,India,Indonaishiya,Thailand,Filipins.Two countries of Africa:-Naijeeriya, and South Africa. Four countries of Europ:- Rassaia, Bailarus, Poland and Sarbia. Two countries of Western area:-Maxico and Brajeel. One country from Medieval-East:- Irak. Every year is increasing the flow of black money. In this regard stated by REMAND BAIKAR CHAIRMAN,J.F.I. that “When the world Economy was facing ups and down due to global financial crisis then the black money was sent to outside from developing countries year after year.” DEVKAR,CHIEF ECONOMIST,J.F.I. It is very painful that how much speed is increasing of the flow of black money; In last one decade every year in it has increased at 10.2%.Every year the flow of black money is increasing.”<sup>10</sup>

India is a democratic country so there are many rights have been provided under Indian Constitution for Indian citizens as like Fundamental Rights, Human rights, other legal and Constitutional rights however these are rights very much strong but these are not implemented practically due to corruption. There are many Laws available for anti corruption although now a day’s corruption is deep rooted in India. Each and every person affected badly on the large scale by the corruption whether he is common man or others. Now a day’s youth is very much affected by the partiality scams and corruption. We have seen many news on news channels about the corruption, scams and bribery. Since when the Government of The **Aam Admi Party** comes to power in Delhi State many sting operations have been conducted against the corruption in Delhi. It is the first time and it is the first Government who seeks to eliminate the corruption from the society with strong steps. Since when our Country got freedom many political parties came to the power in our country and promise to the people but they all are failed to control corruption due to from top to bottom generally employees or parties **worker** are corrupt. That’s why they didn’t control or eliminate corruption, scams black money and poverty form India. Now a day’s launched the service on 08.01.2014, Honorable chief minister Arvind Kejriwal described it as a helpline to catch bribe-seekers and said it was not a complaint number. The helpline would instruct the caller on how to conduct a sting operation by secretly recording the demand of the accused (in audio or video) to create the first evidence, on the basis of it where by the government’s anti-corruption team will lay a trap to catch the offender red-handed.<sup>8</sup> It is the best step for public as far as my opinions are concerned that every state government should do like this. If we talk about the Gwalior in present era specially perspective then corruption is going on over here also as like that Young applicants for Guest faculty have been suffered and deprived by way of arbitrary by Jiwaji University Gwalior M.P by the selection committee in session of 2013-14 from the Guest faculty . In this matter UGC- NET qualified candidates were thrown out from the selection. And other the candidates were selected who were not qualified UGC-NET.<sup>9</sup> Furthermore Annahazare who is social activist of India conducted an anti corruption movement



and for passing the 'Jan lokpal Bill'. As a result it is passed by parliament of India and has been given assent of president of India; it has enacted as The Lokpal and lokayuktas act, 2013(1 of 2014) in spite of all aspects in democratic India is not free from corruption but up to a specific limit it has been prevented but not wholly still it is in existence from roof to pillar. Corruption can be prevented up to a specific limit provided can never be rooted out forever from any society, state, country and world in any time.

### **Conclusion:-**

In a nut shell the problem and issue of corruption, scams and black money not only in India but also it is in the most of countries, to prevent it laws must be strict, rigorous, the main fact is that first of all education must be imparted, trained and awareness with the access to the general public as well as aforesaid other reformatory steps for the empowerment of agencies shall be taken and reform ourselves in initial stage because 'If we are reformed with determination then like the resolution must be taken of all people, for corruption free India and world. "By any means one day we will have to take this determined resolution for the welfare and interest of world human and living creatures. Finally first of all we must be reformed ourselves. The Lokpal and lokayuktas act, 2013(1 of 2014) has been passed provided it is not being implemented effectively by the state government and also government of India therefore it must be implemented as an essential and compulsory form and must be taken all necessary steps to prevent corruption and protect human rights in the furtherance of 'Rule Of Law' in welfare state and democratic republic India; For the welfare and interest of world human and living creatures.

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