

REPORT

OF THE

Anti-Corruption Committee



ALLAHABAD:

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GOVERNMENT OF THE UNITED PROVINCES

No. 1796/III—332-1937

GENERAL ADMINISTRATION DEPARTMENT

Dated Lucknow, the 11th May, 1938

NOTIFICATION

THE following report of the Anti-Corruption Committee is published for general information. Public opinion is invited on the recommendations of the Committee within a period of one month, after which Government will proceed to take the report into consideration.

By order,
PANNA LALL,
Chief Secretary.

REPORT OF THE ANTI-CORRUPTION COMMITTEE.

Our Committee was appointed under the following resolution of
Terms of reference and Government, dated Lucknow, the 14th January,
personnel. 1938 :

RESOLUTION

“ For many years the problem of corruption in the public services has received the anxious consideration of the United Provinces Government : from time to time the question has been raised in the legislature, and previous Governments have frequently issued orders on the subject. The present Government, on assuming office, made it plain that one of their cardinal principles, as it was their firm resolve, is the eradication of corruption from the public services of the province. Accordingly they appointed an officer to be on special duty at the headquarters of Government to inquire into specific cases that were referred to him and provision was made in the budget for this purpose. Towards the end of the autumn session of the legislature a resolution was moved by Pandit Bishambhar Dayal Tripathi, M.L.A., in the Assembly recommending the appointment of a committee to go into the matter. It aroused general interest in the House and many speakers stressed the importance of a full inquiry. Government accepted the resolution and agreed to appoint a committee. The following gentlemen have been invited to form the personnel of this Committee :

Chairman :

Kunwar Sir Maharaj Singh, M.A., C.I.E., BAR.-AT-LAW, M.L.A.

Members :

- (1) Syed Agha Haider, M.A., LL.B., BAR.-AT-LAW, M.L.C.
- (2) Shri R. S. Pandit, BAR.-AT-LAW, M.L.A.
- (3) Shaikh Saiduddin Ahmad, B.A., Advocate, M.L.A.
- (4) Pandit Bishambhar Dayal Tripathi, M.L.A.
- (5) Mr. H. G. Walford, BAR.-AT-LAW, M.L.A.
- (6) Mr. C. W. Gwynne, C.S.I., C.I.E., O.B.E., Chief Secretary to Government, United Provinces.

Secretaries :

Muhammad Suleman Ansari Sahib, M.A., LL.B., Advocate, M.L.A.

Mr. T. P. Bhalla, M.A., LL.B., I.P.

Government are anxious that the Committee should meet and submit its recommendation as early as possible. It will control its

own procedure, but it is hoped that it will examine witnesses and invite written statements and general opinion.

The terms of reference to the committee are :

(1) To enquire into the extent of corruption in the public services of the United Provinces including the Local Self-Government services, and to ascertain its causes, means and occasions.

(2) To suggest suitable and effective remedies and to submit a report to Government.

With the concurrence of the Hon'ble Premier, the two Secretaries of the Committee were treated as Members.

2. In place of Mr. Gwynne, who proceeded on leave on 1st March, 1938, on account of illness, Mr. A. A. Waugh, I.C.S., Secretary to Government in the Revenue Department, was appointed on 3rd March, 1938. He left Lucknow on leave on 13th April, 1938, and was, therefore, unable to see or sign our report. We had the advantage, however, of his assistance at a few sittings of our Committee.

3. The Committee held eleven meetings. The first meeting was on 8th February, 1938, and the last on 20th April, 1938. Considerable difficulty was experienced in fixing dates and hours suitable for all the members at a time when the meetings of the Legislative Assembly were long and continuous. Our Committee had to meet out of Assembly and Council hours. In certain cases illness or absence from Lucknow interfered with the presence of members with the result that frequent meetings were not feasible, while even in those which were held the number of members was seldom large.

On 11th February, 1938, a circular was issued to all members of the United Provinces Legislature, the Registrars of the High Court and Chief Court, Bar Associations, Commissioners of Divisions, Heads of Departments, Collectors, Deputy Commissioners, Superintendents of Police, and Chairmen, municipal and district boards in the United Provinces inviting their attention to the terms of reference of our Committee. They were asked to favour us with their written statements. It was expressly stated that it was essential that any suggestions made for the prevention as well as detection of corruption in all its forms should be practicable and effective. A copy of this letter appears as Appendix 1.

The number of replies was disappointingly small particularly from members of the legislature and Chairmen of municipal and district boards. Some interesting and useful information, however, was obtained especially in regard to the prevalence and occasions of corruption

It soon became evident that if, as indicated in the terms of reference, witnesses had to be examined, the work and duration of the Committee would be prolonged and it would be impossible for the members to complete their report by the end of April, 1938. With the concurrence, therefore, of his colleagues, the Chairman in a letter, dated the 5th March, addressed to the Hon'ble Premier, asked whether Government considered it essential for the Committee to examine witnesses. It was pointed out that if oral evidence had to be taken, it would not be possible for the recommendations of the Committee to reach Government at an early date. In such circumstances the Chairman thought it desirable in fairness both to Government and to his colleagues that some other person should be appointed in his place as he was sailing from India at the end of April. The Premier was also informed that the Committee were unanimously of opinion that it was not necessary to examine witnesses or, at any rate, more than a few persons. In his reply, dated the 6th March, 1938, the Hon'ble Premier wrote that Government were not particularly keen about the examination of witnesses and had no desire to insist on this. He did not agree to make any change in the present personnel of the Committee. He was anxious to take practical steps without delay and would highly appreciate an early report, which, in any case, should be submitted before the Chairman's departure for Europe.

5. On receipt of the above reply a questionnaire was issued to a selected number of officials and non-officials (*vide* Appendix 2). The persons addressed were asked to send their answers by 25th March, 1938. Replies were received from all officials and a majority of non-officials by the beginning of April. Here again though the results did not come up to our expectations, in some cases the answers have been helpful. Time was pressing and did not allow us to examine witnesses nor was this essential in view of the Premier's letter and the ample information before us.

6. It is not easy to define corruption in a few words. The sense in which it is employed in popular talk is often vague and elastic including every variety and degree of irregular and undesirable practices in the public services from flagrant extortion to the receipt of perquisites or so-called customary payments. In general, it is applied to the use or abuse of his official powers by a public servant for his material advantage. In a more limited sense it is often used in connexion with the offences of extortion and bribery. It includes payments in cash or kind to government servants to influence their course of action or to escape prosecution or punishment or to obtain employment or to secure official information. Extortion and bribery are obviously objectionable *per se* and can generally be distinguished from the receipt of customary payments. As, however, illegal perquisites form an

offence under section 161, Indian Penal Code, and the line of demarcation between them and the more serious exactions are not always clear or well-defined and as both forms of malpractices should in our opinion be condemned and eradicated, we have not in our report differentiated between them.

7. The first term of reference relates to the extent of corruption, its causes and occasions. We have ample information—it is indeed common knowledge that corruption exists in all departments of Government, none being immune though its prevalence varies with the nature and functions of each department. There are also corrupt practices in offices controlled by local bodies such as municipal and district boards. It is far less prevalent among gazetted officers than among the non-gazetted or clerical or menial staffs. This is mainly due to the superior educational qualifications of the former, their traditions of service and higher ideals and the larger emoluments which they enjoy. So far as extortion and bribery are concerned standards of integrity have greatly improved among the gazetted staff in the past 30 years though black sheep unfortunately still exist in all ranks and all departments. In particular even among gazetted officers influence through *sifarish* is not uncommon.

8. The causes of corruption are many and varied. In the opinion of the Committee the following, though by no means exhaustive, are the main reasons. They are not necessarily placed in order of importance :

(a) The reluctance of the bribe-giver, who has in many cases received his *quid pro quo*, to give evidence against the receiver.

(b) The comparative absence of a strong public opinion, especially against the minor forms of corruption.

(c) The attitude of *laissez-faire* adopted by not a few superior officers and a consequent lack of close supervision of their subordinates in respect of malpractices.

(d) The demoralizing effect upon his subordinates of a superior officer with a reputation for dishonesty.

(e) The demand for a high standard of proof in departmental inquiries and the difficulty of securing adequate evidence of definite charges, partly in view of (a) above and partly because of the fear that the giving of evidence may lead to untoward consequences against the witness by the official concerned and his sympathizers.

(f) The existence of a large number of poorly paid persons in the lower ranks of government service.

(a), (b), (c), (d) and (e) need no elaboration. As regards (f), it is not, of course, true to say that an increase in the salaries of such officials will render them immune from corruption. Experience has shown that this is not the case. At the same time it is evident that a person who is in receipt of pay not amounting to a living wage is more liable to temptation than one on a higher scale of pay.

9. In view of the general prevalence of corruption it seems unnecessary to deal at great length with the opportunities presenting themselves to a corrupt government servants especially when one of our recommendations is that each head of a department as well as Chairmen of Bar Associations and local bodies should with the help of committees carefully examine the occasions on which corrupt practices are resorted to with a view to minimize them.

We give as illustrations some common occasions and forms of corruption in the departments noted below :

Revenue Department

Maintenance of revenue records, distribution of taqavi, contributions from subordinate officials, inquiries, partition proceedings, and periodical payments by certain estates to non-gazetted employees.

Police Department

Reports at thanas, investigations, and prosecutions, services of summons and warrants, registration of motor vehicles, release of prisoners on bail, hush money from gamblers and cocaine smugglers, contributions at the time of inspections and petty exactions from drivers of public vehicles.

Courts

The presentations of applications, fixation of cases, receipt of official information, inspection of documents, services of summons and warrants, execution and attachment proceedings and the record of judicial statements by subordinates.

Collectorate

Appointments and promotions, obtaining of copies and records, inspection of official documents, purchase of furniture and repair of buildings.

Jail Department

Supply of contraband and other articles to prisoners, unauthorized correspondence and interviews, purchase of stores and release of prisoners.

Medical Department

Unauthorized fees from indoor and outdoor patients, grant of medical certificates and giving of evidence in medico-legal cases.

Excise Department

Contributions from excise contractors, excise shops and smugglers.

Registration Department

A fixed percentage on the valuation of documents and unauthorized inspections.

Forest Department

Investigations and prosecutions of forest offences, grazing rights, contracts and marking of trees.

Public Works and Irrigation Department

Grant of contracts, opening of tenders, charging of illicit percentages on bills, passing of incorrect accounts and the supply and stoppage of canal water.

Agriculture Department

Purchase and distribution of seed, supply of tools and construction of irrigation wells.

Education Department

Selection of text-books and transfers and postings of teachers.

Public Health Department

Vaccinations, improper chalans and abstention from legitimate prosecutions.

Local Bodies

Contracts, auctions, building applications, purchase of supplies, appointments and transfers, works and sale of impounded cattle.

We repeat that the above list is merely by way of illustration and is by no means exhaustive.

10. It is when we come to the second and more important term of reference, viz. the suggestion of suitable and effective remedies that difficulties present themselves. Remedies. It is obvious that any measures that are recommended should not only be practical but efficacious. While safeguarding the legitimate rights of honest government servants they must be sufficiently drastic.

The attention of previous Governments has been drawn from time to time to the prevalence of corruption among public servants in this province. In 1921 a resolution was moved in the United Provinces Legislative Council, calling attention to corruption among public servants as a result of which Government issued a circular, enjoining

that all cases of alleged corruption on the part of government servants should be most carefully sifted and that where offences of this nature were proved, exemplary punishments should be inflicted. It added that officers should take definite steps to discover what opportunities existed for corruption among their subordinates and endeavour to reduce them to the greatest extent.

These instructions, as admitted by Government, met with little response, there being no indication that the evil of corruption had been checked. The matter again received the attention of the Legislative Council when a resolution was passed in January, 1925, asking for the appointment of a committee to consider the extent to which corruption was prevalent among public servants in the various departments of Government and to recommend steps for its removal. In consequence Government issued more detailed instructions to Commissioners of divisions and heads of departments. As these were of a confidential nature, we are not at liberty to quote from them. In general, however, it may be stated that stress was laid on the major forms of corruption rather than on the receipt of so-called customary payments and that Government had in mind gazetted officers more than subordinates. Strict scrutiny was enjoined on the part of superior officers and annual integrity certificates were required for deputy collectors and officers of similar standing, while progress reports dealing with the problem of corruption were asked for in annual administration reports of heads of departments. In 1936 further instructions were issued drawing attention to the orders of 1926 and stressing the desirability of recording progress from time to time.

11. We cannot help feeling that Government in the past in view of the complexity of the problem and the difficulties of eradicating the evil have been content in an excessive degree to rely upon the growth of public opinion for its solution. The fear that an innocent officer might be victimized, the dangers arising from false complaints, the elaborate inquiries necessary before a government servant can be dismissed, the difficulties of securing adequate proof have had a depressing and discouraging effect both upon Government and their officers. As a result, action has been haphazard and not sufficiently concerted or sustained.

12. We are strongly of opinion that the problem must in future be viewed from a different angle both by Government and officers serving under them and further that half-hearted measures are altogether inadequate. It must be realized that bribery and corruption are amongst the greatest evil prevalent in public life, that they give rise to much discontent, that they press hardly on the poorer citizen and last but not least, that an officer, though personally of high integrity, cannot be absolved from his share of responsibility for the prevalence of malpractices among his subordinates. The example of Sir Grimwood Mears,

when Chief Justice of the Allahabad High Court, shows what can be done by a superior officer to purify administration by personal zeal and sustained effort.

The time has come for more drastic action. Only this can secure the removal of a noxious plant which has taken deep root. It is because we feel strongly on this point that some of the measures which we have suggested are of a stringent nature. Moreover, the varied experience which the several members of our Committee have had in different spheres of life, both official and non-official, have convinced us that the wholly innocent man, though he may be falsely implicated in a particular charge, has rarely, if ever, been convicted of or punished for corruption. Nor is this a likely eventuality in the future even if all our suggestions are accepted.

13. We now come to our recommendations. They fall under two heads, viz. (a) the prevention and (b) the detection and punishment of corruption. Under (a) we include publicity, the lessening of opportunities for corruption, and the stoppage of practices which, though seemingly innocent in themselves, are liable to abuse by dishonest officials. Under (b) we include the establishment of machinery for dealing with corruption and more effective measures for the removal of dishonest officers.

Not all the measures recommended by us are of equal value. In some cases they are but a repetition of existing Government order which in our opinion require special emphasis. Yet others are instances of tightening up procedure. Some are altogether new. Among the latter the more important in our view are the establishment of district anti-corruption committees, widespread propaganda, the removal of offenders on grounds of continued bad repute, the creation of committees by heads of departments and the maintenance of an anti-corruption department at headquarters.

We are fully aware of the desirability of not impairing the morale of the various Government services. Indeed, we are anxious to utilize their help to the full in attempts to eradicate corruption, for it is obvious that without their co-operation a large measure of success is not possible.

It is very probable that at least in the beginning a large number of false or frivolous complaints may be made against government servants. In regard to this we definitely recommend that no government servant should by our proposals be prevented from exercising all such rights as he at present possesses in dealing with persons who bring such accusations. Government should make this clear. We also hope that local heads of offices will learn to appreciate the co-operation of non-officials in their attempts to cope with the evil. We believe that on this point anti-corruption committees working in a

spirit of helpful co-operation will be able to assist local officers in any measures taken by them.

14. Our recommendations which are not in order of importance are as follows :

The prevention of corruption

(1) Every government servant when first appointed should furnish a full and accurate list of all immovable property belonging to him and members of his family in any way dependent on him. He should report immediately to his superior officers the acquisition of any such property both in his name or in the name of his dependents including *benami* transactions.

(2) The receipt of *dalis* by government servants of all ranks and members of their families in any way dependent on them whether from their subordinates or from non-officials should be absolutely prohibited. Wedding presents also should not be allowed. The decoration of the camps of government servants and the giving to them by private individuals of shooting parties and expensive entertainments should not be permitted. This prohibition does not apply to entertainments by recognized public bodies and associations for which the sanction of the higher authorities should be obtained.

(3) Prompt and full payments should be made by government servants whether on tour or otherwise for all articles bought by them. Supplies must never be purchased through subordinate officials.

(4) Government servants of all grades should not be permitted save in wholly exceptional circumstances to use or maintain conveyances belonging to private persons or subordinate officials.

(5) All free travelling by government servants of all grades in vehicles plying for hire should be prohibited.

(6) The Government Servants' Conduct Rules should be strictly observed and in particular rules 3, 8, 9 and 16 relating respectively to public demonstrations, lending and borrowing money, buying and selling property and habitual indebtedness.

(7) *Sifarish* or a recommendation, written or oral, for a specific appointment should be prohibited. It should be impressed on applicants for posts that such recommendations render them liable to immediate disqualification.

(8) Annual integrity certificates should be given by their superior officers to all classes and grades of government servants in receipt of a monthly pay of Rs.30 or more. The form of such certificate should be as follows :

“ Certified that nothing has come to my knowledge which casts any reflection on the integrity of ”

(9) No government servant should be allowed to cross an efficiency bar unless he has an unblemished record for integrity.

(10) Notices should be placed in prominent places in every court and public office warning both officials and non-officials against taking or giving illegal payments in any shape or form.

(11) Separate petition boxes should be placed near or in the room of each local head of an office for the receipt of complaints of corruption and should be opened daily.

(12) All appointments and promotions save those provided for by any special laws or rules should be made by heads of offices personally. Similarly, the fixation of cases and hearing of complaints should be undertaken only by the presiding officers in courts. In short, every opportunity should be taken by superior officers to curtail the occasions of corruption among their subordinates.

(13) Heads of departments at the headquarters of Government should with the help of departmental committees devise measures with the approval of Government for lessening the opportunities for corruption among government servants subordinate to them.

(14) The salaries of poorly paid subordinates in all departments should be increased to a living wage.

(15) The co-operation of the Local Bar Associations should be invited and encouraged. Such Associations should be asked to form their own committees with the object of eradicating corruption by and through the instrumentality of their clerks.

(16) Propaganda by means of lectures, broadcasting, leaflets, etc. should be undertaken by local heads of offices, anti-corruption committees and others in their districts and in particular in places where there are one or more Government offices. The Education Department should be asked to consider the inclusion of references in relevant text-books to the evils of corruption and the desirability of the instruction of their pupils by teachers in schools and colleges on the objectionable nature of dishonest practices.

The detection and punishment of corruption

(17) The character rolls of Government officers of all grades should be examined without delay and where their records are unsatisfactory in respect of corruption they should be warned and carefully watched.

(18) Instructions should be issued to all officials having subordinates under them that they should exercise strict supervision with a view to check corruption and for this purpose make surprise visits. Such officers should receive full support from their superiors.

(19) Periodical inspections by the officers mentioned above should be insisted upon and annual reports sent to their superior officers giving

information regarding the nature and extent of the supervision exercised, the results of their surprise visits and the number of persons against whom action has been or is proposed to be taken by them.

(20) Annual reports should be obtained by their superior officers from all local heads of offices regarding the prevalence of corruption in such offices and the measures taken to cope with it including the number of persons detected and punished. Heads of departments should periodically report to Government in the matter.

(21) In cases where the head of a department has adequate material before him that a superior officer has been negligent in detecting corruption a note to this effect should be made in his character roll. Similarly, good work in this direction should be rewarded by a suitable entry in his record.

(22) Anti-corruption committees composed of officials and non-officials should be created in every district. They should consist of the District Magistrate as President, the District Judge or the Senior Civil Judge, the Superintendent of Police, two members elected by the Bar Association, one member each elected by the District and Municipal Board, and all local members of the United Provinces Legislature. The Committee may co-opt members for special occasions. No member of the Legislature shall be a member of more than one Anti-Corruption Committee. These committees should at least in the beginning meet once in two months. Their functions will be as follows :

(i) To organize publicity work in the district for educating the public and government servants against the evils of corruption.

(ii) To review the problem of corruption in each department in the district and suggest means both for dealing with it and for lessening the opportunities for corruption.

(iii) To bring to the notice of local heads of offices any matter relating to corruption which requires their particular attention.

(iv) To see that complaints received by individual members are forwarded through the Secretary of the Committee to the local head of the office concerned.

(v) To see that all complaints relating to corruption received by local heads of offices on which action is not taken by them are sent without delay to the local Secretary of the Anti-Corruption Committee to be placed before the Committee at their next meeting. The Committee, if not satisfied, may (1) ask the local head of the office concerned to reconsider the matter, or (2) address the Anti-Corruption Department at the headquarters of Government.

(Mr. Pandit, Mr. Walford and Mr. Bhalla disagree with this recommendation in so far as it may involve a discussion of individual complaints by anti-corruption committees.)

(23) There should be a member of the district staff in each district one of whose duties should be to act as *ex officio* Secretary to the Anti-Corruption Committee.

(24) The High Court and the Chief Court should be requested to ask the courts subordinate to them to co-operate with the anti-corruption committees in eradicating corruption.

(25) Local heads of offices should seek the co-operation of the anti-corruption committees eradicating corruption and have periodical meetings with them.

(26) Malpractices in local bodies should come within the purview of the anti-corruption committees. The suggestions made in regard to government servants should apply *mutatis mutandis* to the employees of local bodies.

(27) There should be an Anti-Corruption Department at the headquarters of Government. It should consist of one experienced officer assisted by a sufficiently large staff. Among the functions of the department should be :

(i) To co-ordinate the work of anti-corruption committees, to convey to them any useful information or suggestions for their work and to receive from them information relating to corruption in their districts.

(ii) To investigate with the approval of Government complaints regarding corruption sent by the district anti-corruption committees or heads of departments or cases in which Government themselves may direct inquiry, and to secure evidence should the results of the investigation disclose a case for departmental or judicial action.

(iii) To receive and examine complaints in regard to corruption sent by Government or private individuals and advise Government regarding the action to be taken on them.

(iv) To visit different districts and get into touch with the anti-corruption committees as well as other public-spirited citizens who may be interested in anti-corruption work.

(v) To advise and assist the district anti-corruption committees and the local heads of offices in any important anti-corruption measures that they may wish to take in their district.

(vi) To examine the periodical statements sent by various heads of departments on anti-corruption work done in their department and to submit reports to Government from time to time.

(28) An immediate inquiry should be instituted against a government servant against whom there is strong suspicion of corruption. In such cases the official concerned should be suspended and, if necessary, transferred pending inquiry.

(29) The present procedure governing departmental inquiries against sub-inspectors and higher officers in the police is unduly complicated and should be brought into line with the procedure in other departments.

(30) The standard of evidence required in departmental inquiries against officials of all departments charged with corruption should not be so rigid as that demanded by a court of law. In cases where Government think it desirable, a judicial officer of not lower standing than a civil judge should be associated in the inquiry.

(31) Evidence of unsatisfactory general reputation in regard to corruption as recorded in his character roll or in the judgment of a court or an order of a local head of an office may be received in departmental inquiries against a government servant charged with corrupt practices. Such documentary evidence should be freely used in cases where it is recent.

(32) Departmental inquiries should be completed with dispatch and exemplary punishment given to persons found guilty of corruption.

(33) An acquittal of a government servant charged with corruption in a court of justice should not necessarily result in his re-instatement in government service.

(34) A government servant whose general repute has been recorded as corrupt by not less than three different officers should be liable to removal from service without the necessity of proving any specific instance of corruption.

(35) Officers with fifteen years' service or more whose record for honesty is bad should be compulsorily retired.

15. Several of the recommendations made above are self-evident and do not require further elucidation. In some cases, however, we think it desirable to add explanatory notes. At the outset, we would remark that by heads of departments we refer to officers stationed at headquarters such as members of the Board of Revenue, Inspectors General of Police, Jails, Hospitals, etc. By a local head of an office is meant, generally speaking, the highest officer in a district of the department or office concerned. There are, of course, offices away from the district headquarters such as tahsils, thanas and the offices of sub-registrars. The heads of some of these offices can exercise certain functions referred to in our recommendations such as inspections and surprise visits. It is difficult to define a superior officer but in general in making use of this term we refer to a head of a department or to a

local head of an office or department such as a Collector, Superintendent of Police, Civil Surgeon, Executive Engineer, District or Civil Judge.

Recommendation 7 relates to *sifarishes* which in our opinion are unduly prevalent and not only waste the time of officials and non-officials but are often a scandal inasmuch as they constitute an attempt to influence in a particular direction the action of the appointing authority. It is evident, however, that unless officers in general take stringent action by disqualifying an applicant, who directly or indirectly brings a *sifarish*, our recommendation will be of little avail. We do not include in *sifarish* certificates which are required under rules by the appointing authority.

We have taken Rs.30 in recommendation 8 as roughly constituting a dividing line of pay below which it may be difficult to give the requisite certificate of integrity without treating it as a matter of routine.

We attach considerable importance to recommendations 12 and 13. It is obvious that malpractices will decrease *pari passu* with the lessening of opportunities for corruption.

Recommendation 15 is important. Members of the legal profession have special means for ascertaining the prevalence of corruption in courts of law. It is hardly too much to say that if their full co-operation is forthcoming, in certain departments at least corruption and the opportunities for malpractices will be greatly reduced. The formation by Bar Associations of their own committees should help to check malpractices.

Number 22 is one of our most important recommendations. We are confident that local anti-corruption committees, if they work properly, will be of considerable assistance in checking corruption. They will enable responsible local officials and non-officials to meet and co-operate in a common task. They will afford opportunities for the appreciation of the difficulties of officials and will enable common experience to be pooled. It is possible that certain officers may feel that some encroachment is being made on their powers and functions by the formation of such committees. We do not agree. We think that with goodwill on both sides and a spirit of mutual co-operation nothing but good can result. The fact that three responsible local heads of offices will be members should help to prevent any untoward results.

Moreover, we have provided that the committees as a whole and not their individual members as such will deal directly and officially with local heads of offices. Their main functions will be to advise and to suggest. On the other hand, it is necessary that local heads of offices should supply them from time to time with information as regards action taken on complaints forwarded to them by the Committee or on suggestions made by them.

As regards recommendation 26 we have ample evidence of the existence of corruption in local bodies. We are aware that the latter are semi-autonomous but we are of opinion that in many cases they will themselves welcome the assistance of district anti-corruption committees especially as two members of such committees will be elected by local bodies.

Another important recommendation is contained in 27. As regards the work and utility of the officer on special duty at headquarters and his staff who were appointed by Government in November, 1937, to inquire under their orders into cases of corruption, Government have the necessary information. It is, however, our considered opinion that in view of the formation of local anti-corruption committees and the probability that more sustained measures and on a larger scale will be taken, it is very desirable that an anti-corruption department should be maintained at headquarters. Apart from the help which it should give to local committees and local officers it will have a heartening effect on the public as indicating that Government are in earnest in the matter of the eradication of malpractices. Opinion in our committee is divided whether the person in immediate charge of the anti-corruption department should be an official or a non-official. Mr. Agha Haider thinks that he should be a trained and experienced lawyer on a monthly pay between Rs.1,500 and Rs.2,000. Mr. Pandit agrees with Mr. Haider except that in his view the pay should not be more than Rs.500 a month. Mr. Shaikh Saiduddin Ahmad is indifferent on this particular point but considers that, if a non-official is appointed, his pay should not exceed Rs.500 a month in addition to any allowances that may be deemed necessary. In any case he is opposed to the selection of a police officer. The Chairman and the other members are of opinion that the head of this department should be an official of standing and experience, the policy of the department being of course directed by a member of the Government. Mr. Ansari and Shaikh Saiduddin consider that no official, once he has been appointed to the anti-corruption department, should revert to his former department.

We look upon recommendation 34 as of great importance. In fact we are of opinion that this recommendation together with nos. 17 and 35 should *per se* lead to the removal of a considerable number of corrupt government servants against whom it may not be possible to proceed on definite charges in the absence of adequate evidence. In view of the safeguards inserted by us we do not consider that any honest official has any reason to fear victimization. While we have not recommended any modification of the general procedure governing departmental inquiries against government servants we see no reason why the procedure against certain classes of police officers should be subjected as at present, to a restrictive and cumbersome machinery which incidentally seems to us to militate against the provisions and intentions of section 7 of the Police Act of 1861.

16. We have completed our task. We appreciate to the full the difficulties which confront Government and their officers in attempting to remove corruption. The problem is indeed complex but we do not consider that it is insoluble. With courage and determination and sustained effort on the part of superior officers of Government and with the increasing co-operation of the public we are confident that much can be done. Education is becoming more widespread, the power of the Press is growing and there is now a popular Government increasingly susceptible to public opinion. All these are hopeful signs. Our recommendations, taken individually, may not seem to be of much value, but we are confident that their cumulative effect is likely to be considerable. In any event we trust that the orders of Government will be passed without delay. In conclusion we desire to express our acknowledgments to those gentlemen and associations, official and non-official, who have favoured us with replies to our circular letter and questionnaire. We are also indebted to Mr. T. P. Bhalla, our Secretary and colleague, who has placed his experience at our disposal and has done a great deal of very useful work. Mr. Khanna, the stenographer of Mr. Bhalla, has throughout worked hard and well.

MAHARAJ SINGH.

AGHA HAIDER.

R. S. PANDIT.

SAIDUDDIN AHMAD.

H. G. WALFORD.

MOHAMMAD SULAIMAN ANSARI.

T. P. BHALLA.

Dated the 20th April, 1938.

APPENDIX I

No. 75/A.C.

FROM

T. P. BHALLA, Esq., M.A., LL.B., I.P.,
 SECRETARY, ANTI-CORRUPTION COMMITTEE,
 CIVIL SECRETARIAT,
 UNITED PROVINCES,

TO

ALL M. L. A.'s AND M. L. C.'s, HIGH COURT, CHIEF COURT
 AND DISTRICT BAR ASSOCIATIONS, CHAMBERS OF COM-
 MERCE, LABOUR ASSOCIATIONS, COMMISSIONERS OF DIVI-
 SIONS INCLUDING COLLECTORS, IN CHARGE JHANSI AND
 KUMAUN DIVISIONS, AND HEADS OF DEPARTMENTS,
 COLLECTORS AND DEPUTY COMMISSIONERS, SUPERINTEN-
 DENTS OF POLICE, CHAIRMEN, MUNICIPAL AND DISTRICT
 BOARDS, UNITED PROVINCES.

Dated Lucknow, the 11th February, 1938.

SIR,

I HAVE the honour to invite your attention to Government resolution no. 4155/III—332, dated the 14th January, 1938, which appeared in the *Government Gazette*, dated the 15th January, 1938, on page 87 of Part VIII, appointing a committee with the following terms of reference :

(1) To inquire into the extent of corruption in the public services of the United Provinces, including the Local Self-Government services, and to ascertain its causes, means and occasions ;

(2) To suggest suitable and effective remedies and to submit a report to Government.

The Committee met on 8th February, 1938, and decided to invite written statements from representative individuals and bodies, both official and non-official, as well as from the public.

I am to request you kindly to favour the Committee with ^{your} written statements on both the above terms of reference as early as possible and not later than 28th February, 1938. It will be helpful to the Committee if the case of each department with which ^{your} ~~your association~~ may be conversant is dealt with separately. The extent of corruption prevailing therein, the causes and occasions of such corruption and the measures which in ^{your} ~~your association's~~ view should be taken to deal with it should be clearly stated. As ^{you} ~~your association~~

(18)

will readily appreciate, it is essential that any suggestions made for the prevention as well as detection of corruption in all its forms, including not only extortion but also *dasturi* or customary payments, should be practicable and effective.

Your
Your association's replies may kindly be sent to me.

I have the honour to be,

SIR,

Your most obedient servant,

T. P. BHALLA,

Secretary,

Anti-Corruption Committee.

APPENDIX 2

QUESTIONNAIRE

1. What is the extent and nature of corruption including payment of so called *dasturi* and *haq* prevalent amongst each class of officer in your department, gazetted, non-gazetted, ministerial and menial ?

2. Which particular duties of such officers offer special temptation ?

3. What are the occasions and who are the recipients of tips or *bakshish* ?

4. Do you think it possible to reduce opportunities for various forms of bribery, extortion and *dasturi* by making any alterations in the rules, practice and procedure in the department or departments with which you are conversant ? If so, please state the alterations that you would propose.

5. Do you think officers promoted to gazetted ranks are as honest as officers directly recruited ?

6. Will the extension of the system of competitive examination diminish corruption ?

7. Can you make definite suggestions for more effective supervision with the view to stamp out corruption ?

8. (a) Do you consider that an annual integrity certificate from his superior officer should be required for all classes and grades of officials ? If this is not considered practicable then for which classes of officials ?

(b) What do you consider should be the form of such certificates ?

9. What are the difficulties of superior officers in the department or departments you are conversant with in detecting corruption among their subordinates and can you suggest any effective remedy ?

10. Do you consider that the present departmental procedure in taking action against persons accused of corruption should be simplified ? If so, in what way ?

11. Do you consider it feasible and desirable to remove an officer on continued general bad reputation as noted in his character roll by several officers ?

12. Do you consider it desirable that officers with say 25 years' service whose record for honesty is indifferent should be compulsorily retired ?

13. Do you think the anti-corruption committees consisting of non-officials and officials should be established in each district with the object of eradicating corruption and of securing in this matter the co-operation of the public ?

14. What should be the composition of these anti-corruption committees and what should be their functions ?

15. Do you consider it desirable that there should be more extended use of the C. I. D. in the detection of corruption ?

16. Do you think that the employment of secret agents other than the C. I. D. is likely to be useful ?

17. What means do you suggest should be adopted to educate the public so that they may refuse to give bribes or submit to extortion ?

18. Have you any practical and effective remedies to suggest other than those indicated in the questions referred to above ?

T. P. BHALLA,

LUCKNOW :
The 10th March, 1938.

Secretary,
Anti-Corruption Committee.