

**Corruption in India in the First Half of the Twentieth Century:
From a 'Custom' to a 'System'**

*Dissertation submitted to Jawaharlal Nehru University in partial
fulfilment of the requirements for the award of the degree of*

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GOONJA MUKHERJEE



CENTRE FOR HISTORICAL STUDIES

SCHOOL OF SOCIAL SCIENCES

JAWAHARLAL NEHRU UNIVERSITY

NEW DELHI – 110067

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Declaration

I, Goonja Mukherjee, hereby declare that the dissertation titled *Corruption in India in the First Half of the Twentieth Century: From a 'Custom' to a 'System'*, submitted by me to Jawaharlal Nehru University, in partial fulfillment of the requirements for the award of the degree of Master of Philosophy, has not been previously submitted for any degree to this or any other university, and it is my original work.


Goonja Mukherjee

Certificate

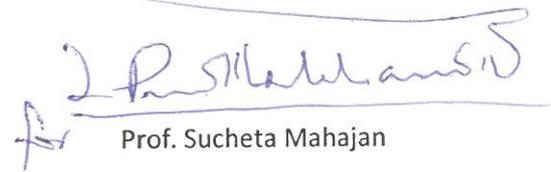
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Dr. Indivar Kamtekar

Supervisor

 Centre for Historical Studies
School of Social Sciences
Jawaharlal Nehru University
New Delhi - 110067, (India)



Prof. Sucheta Mahajan

Chairperson

 CHAIRPERSON
Centre for Historical Studies
School of Social Sciences
Jawaharlal Nehru University
New Delhi - 110067, INDIA

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INTRODUCTION

Corruption, by itself, is not a topic that can be studied within a single academic discipline. A broad concept eluding a single definition, it is a topic in which everyone has some wisdom to contribute. The public interest in the topic seem to converge at a point of government /state inadequacies, the acceptance of the phenomenon as all pervasive, and the success (or failure) of anti corruption movements.

To study the history of “corruption” is a broad venture, the beginning and the ending points being the primary concern. Corruption as a phenomenon does not encompass a single monumental event or an individual epochal moment. Thus a simple fact based narrative fails to encompass the complexity. The topic cannot be approached thematically alone either. The standard discussions on the topic often revolve around the relationship of “corruption” with states and societies, and studies how identities are formed in accordance with a particular set of practices understood as “corruption”. Most of the ethnographers and political scientists working on the topic have used administrative or rather political corruption to draw out clear connections between states and societies. The focus of historians on corruption has been both charting the changes in practices of corruption over time and studying its relationship to the state. Understanding how corruption has been represented over time in the public domain also becomes important.

In order to historicize “corruption” in the Indian context, administrative corruption could be a starting point. The commonly known forms from accepting bribes to illegal gratification were abundant in ancient India as suggested by the pre-cautionary measures mentioned in Kautilya and Yajnavalka. In the punishments noted for such vices such as transfer or fining, the very first attempts to control corruption can be noted.¹ *Arthashastra* elaborately deals with schemes to combat corruption. Appointment of positions directly answerable to the king, selection of ministers through a four step

¹ Jitendra Narayan, ‘Corruption in Administration in Ancient India’, *The Indian Journal of Political Science*, Vol. 66, No. 3 , July-Sept, 2005, pp.559-574

procedure to ensure integrity, and designations based on the relativity of corruptibility were some of many steps suggested.²

The peculiarity of corruption in India cannot be divorced from religion. S.S Gill, a retired officer of the 1952 batch of the Indian Administrative Service, in his interpretation of corruption, attempts to place corruption within the society. He questions the very notion of Hindu view of wealth. While his position as a bureaucrat does not sanction knowledge in the *shastras*, he offers a fresh perspective. His analysis places the support for bribery within the society to a more accommodative attitude of money and money making among Indians following the *Dharmashastras*. For him a flexible view of sin and celebration of wealth was what was unique to India.³ However what is problematic in his analysis is a brahmanical assertion that ascribes the breaking down of social mores to the breaking down of the *Varnashrama Dharma*⁴. Thus hinting corruption was customary.

The relationship between corruption and custom actually forms the bulk of scholarship on corruption. The issue has been dealt with in details in this thesis as the very title suggests. The representational politics behind defining “custom” becomes the doorway to understanding “corruption”.

Jitendra Narayan (professor of Political Science, Utkal University) offers a perspective that markedly differs from Gill. He suggests that, that misappropriation of materials would happen was accepted as a margin of human error, it was more a reflection of the psyche of the official than a custom. There was a strict differentiation between higher and lower level officials as well. While there were expected norms for conducts for higher level officials, not much was said about lower subordinates except they were expected to be honest.⁵ Thus, though a set of rules for conduct might have already been in place, the root to the concept of custom might be traced to a later period. Vinod Paravala (a faculty member in the University of Hyderabad from the department of

² Parikshit Goyal, Pratibha Goyal, ‘Ethical Ways of Earning Money and Corruption Control in Ancient India’, *International Journal of Ethics*, Vol. 10, No. 3, 2014, pp.245- 246

³ S.S. Gill, *The Pathology of Corruption*, Harper Collins Publishers, India, 1998, p.5

⁴ *Ibid*, p.11

⁵ Interestingly, there seems to be a similar norm in the colonial bureaucracy as well, with the ICS officials having a strict code of conduct while the same for lower rungs of the service being more flexible. Only difference seems to be it was broadly accepted the lower parts would be amoral while the highest was out of blame.

Communication) has addressed the relation between corruption and religion in the contemporary backdrop. He has studied religious attitudes and the ways in which corruption has been conceptualized by different groups in contemporary society. He seeks to find if immersion in religion can be a solution to corruption. Contrary to Gill's view, he says following the path of duty and righteousness described in the religious texts (like the *Bhagawad Gita*) can be effective in a moral fight against corruption.⁶ Though he addresses how following textual practices of organized religion incurring morality can fight corruption, he does not make any connection between the basic structure of the way religion is followed in India, and its similarity to the basic structure of bribe giving . None of these authors alludes to the fact that an offering to any God in a promise of profit, or some gain is an allegory to the basic contours of bribery.

Moving on to the connection between state and corruption in medieval times, with centralization and a large bureaucracy understandably corruption increased as well. By quoting early historian J.N Sarkar, Gill states during the Mughal era practices of turning of the payments to gifts started. Emulating the king, subordinates began to establish their rights of gifts, the chain of exploiting the subordinates ran from the top to bottom, the emperor squeezed the *subedar* and the *subedar* oppressed the *zamindar*. Legitimization of the terms like *nazrana*, *shukrana*, along with *jabrana*, (extortion) shows practices falling in places. According to Gill, these were mainly urban centric practices, with lesser effects on the countryside.⁷ Jonathan Parry suggests during the Mughal era no clear distinctions were drawn between public office assets and elements of private interest, the officials received a share of the revenue (*dastur* and *mamul*) instead of a salary⁸. These practices become important in understanding the premise of corruption by East India Company servants, and even later colonial corruption in India.

They were not universal to all colonial states however. In Nigeria by contrast, same factors played out differently. Steven Piece's study of Nigeria shows that in colonial Nigeria, the British did not simply inherit the local tax systems categorized under

⁶ Vinod Pavarala , Kanchan K Malik, 'Social Constructions of Religiosity and Corruption', *Economic and Political Weekly*, Vol. XLVII, No.1, January, 2012, pp.61-68

⁷ Gill, *Pathology*, pp.19-21

⁸ Jonathan Parry, 'The Crisis of Corruption and the Idea of India : A Worm's Eye View', in I.Pardo ed. *The Morals of Legitimacy* ,Berghahn Books, New York, 2000 , pp-27-55

kharaj and *zakkat*. The British began to reform the system, mainly to bring indirect taxation under direct state control. As the ex village chiefs were now supposed to be salaried state officers, corruption emerged as individual failings of these men. Unlike India, change, rather than continuity fuelled corruption. Pre-colonial customs could not be blamed.⁹

East India Company was becoming synonymous with corruption by mid eighteenth century. The *Nabobs* with their fabulous riches were catching the imagination of the British public in a negative way. This culminated in the impeachment trials of Robert Clive and Warren Hastings. These trials were the sites of defining corruption, vis-à-vis administration. The dichotomy between the eastern and western forms of corruption as separate forms is an interesting phenomenon. Even in Leslie Holmes's 2015 book, *A Short Introduction to Corruption*, she says that what was earlier defined as economic or modern corruption has been called western corruption and social or traditional corruption has been labeled Asiatic.¹⁰

Nicholas Dirks shows how the empire was premised on scandal itself. He focuses on the trial of Hastings by Edmund Burke where, through rhetoric and monologue good governance was defined, and colonialism justified. Corruption became fallacious eastern traditions that contaminated the Europeans and something that could be molded as a part of the civilizational mission for the orient. Now corruption as the topic began to be used directly for the purpose of rule¹¹. The issue has been treated by Kate Teltscher as well. In her work, more than the event itself, it is the representation that becomes important. She highlights how representation of Hastings as a *soubahdar*,[sic] or as a *bashaw* of 3 tails [sic] distanced him from his British identity. How the eastern imperial possessions infected the British was already common in writings criticizing company rule.¹² Samuel Foote's play, *The Nabob*, first performed in 1772, is one such example. In the sensational

⁹ Steven Pierce, 'Looking Like a State: Colonialism and the Discourse of Corruption in Northern Nigeria', *Society for Comparative Study of Society and History*, Vol. 48, No 4, 2006, pp.902- 903

¹⁰ Leslie Holmes, *Corruption a Very Short Introduction*, Oxford University Press, United Kingdom, 2015, p.5

¹¹ Nicholas. B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain*, The Belknap Press of Harvard University Press, London, 2006

¹² Kate Teltscher, *India Inscribed, European and British Writings on India- 1600-1800*, Oxford University Press, Delhi, 1995, pp.166 -169

case involving Arthur Crawford, the Municipal Commissioner of Bombay and a member of the Provincial Civil Service, the bribes extrapolated were *Nazrana* from the *Mamlatdars* in the lines of *darbar* idiom.¹³ Bal Gangadhar Tilak used this to speak out against British administration. Allegations against Crawford were ultimately not proved, but the administration was forced to make him retire. This case too falls under the stereotypical portrayal of eastern practices as corrupt. Aukland's narration unquestioningly accepts this perspective. For him, focus is not the representational politics, but on the event and what was achieved by it¹⁴. The eastern corruption trope reaches its epitome in 1897 when in the backdrop of plague inquiries from Hong Kong to Bombay, Bram Stoker penned *Dracula*. Robert Gregg says that in Stoker's rendering, Transylvania was imagined as a place in the east with some characteristics of an Indian principality. *Dracula* arrived at the heart of empire and wrecked havoc, personifying a metaphor for the plague. He became the ultimate sign for corruption.¹⁵

A look at the west becomes important in this context. Interestingly the prevalent system called Old Corruption in England can shed some light on this. W.D Rubinstein's study shows Old Corruption was widespread in use of pensions, sinecures and gratuitous emoluments granted to persons whom the British government wished to bribe, reward or buy between earlier eighteenth century and the age of reform. These were all pervasive features of British politics until Burke's reforms.¹⁶ Old Corruption was a system of managing parliamentary power, the wealth owners of this period were professionals rather than land owners or merchants. 10% of the millionaires were engaged in clerical works, or were in professions of law, judiciary or bureaucracy, suggesting scope for underhand moneymaking. Their numbers decreased between early to mid nineteenth century. There were multiple forms of informal norms co-existing. Chief was the political influence of the crown, the government patronage to members of parliament, and the older forms, encompassing the fundamental nexus that existed between the aristocratic

¹³ Knut Aukland , 'Connecting British and Indian, Elite and Subaltern: Arthur Crawford and Corruption in the Later Nineteenth Century Western India', *South Asian History and Culture*, Vol.4, No.3, 2013, p.327

¹⁴ *Ibid*

¹⁵ Emmanuel Kreike ,William Chester Jordan ed., *Corrupt Histories*, University of Rochester Press, USA, 2004, p.374

¹⁶ W.D Rubenstein, 'The End of Old Corruption in Britain 1780-1860', *Past and Present*, Vol. 101, No.1, 1983, p.55

government of the British ancient regime and the older commercial and professional middle classes. The East India Company was a part of this same structure. Following the abolition of such companies, the rationalization of the British Civil Services was a chief theme of the reforms. Much of this very legal and bureaucratic straightjacket was imposed on India. Good governance thus came with its own baggage. Gill attributes the corrupt cultures expanding in India to the fact that the system in England itself was fairly corrupt!

Eighteenth century England is often portrayed as a society teeming with corruption and venality. Acceptance of improper gifts and inducements were not unheard of among English judges from later middle ages to mid eighteenth century. Wilfrid Prest's study shows that eighteenth century judiciary continued to accept hospitality customarily offered by county notables and corporations¹⁷. In the light of this, the British journalistic portrayals of the lower courts in Burma of the nineteenth century expose the double-standards of colonial politics. Johanathan Saha's study of the legal processes in Burma highlights the common perception of corruption as practices of the eastern society, notwithstanding what happened in England. *The Times of Burma* was rife with stories of the Burmese magistrate's incompetence, and the Burmese referred to as 'Christy minstrels'. The British colonial press made covert associations between race and delivery of justice, implying that the native judges were corrupt.¹⁸

Christopher Kam points out that electoral corruption persisted throughout the nineteenth century. Three reform acts of 1832, 1868, and 1885 were steps towards transforming Britain from a corrupt clientelistic oligarchy to a modern democracy. The use of traditional payments was not unheard of either. Kam says in York City one guinea was the traditional payment for one vote. Other places had similar standard payments. He says politicians switched away from direct bribery because the 1841 legislation made them more vulnerable to charges of direct bribery¹⁹. Sale of offices was a common form

¹⁷ Wilfrid Prest, 'Judicial Corruption in Early Modern England', *Past and Present*, No.133, Nov 1991, pp. 68-70

¹⁸ Jonathan Saha, 'A mockery of Justice? Colonial Law, the Everyday State and Village Politics in the Burma Delta, c.1890-1910', *Past and Present*, No. 217, Nov 2012, pp.193-194

¹⁹ Christopher Kam, 'Four Lessons about Corruption from Victorian Britain', *Workshop on Corruption and Democracy*, University of British Columbia, Vancouver, BC, June.2007, p.85

of corruption in France in seventeenth century. However, Kam and Prest both point out that increasing public demands for answerability was also a western feature by the eighteenth century. By the mid eighteenth century the lack of bias of judiciary too began to be increasingly eulogized.²⁰ Similarly, “the men of 1789 were determined to abolish privilege, nepotism monopolies and patrimoniality”.²¹

Shifting the focus back on India, in the colonial era, with the obvious transformation of state machinery, there were changes in the forms of corruption and the public dealings as well. While there is no dearth of work on postcolonial corruption, Studies of corruption in the early part of twentieth century remains a less ventured area. The problem of plain narratives or journalistic approaches on corruption can be noted here. It is apparent from works like JRB Jeejeebhoy’s *Bribery and Corruption in Bombay* (published by Jeejeebhoy himself) or *Political Corruption in India* by journalists Surendranath Dwivedy and G.S Bhargava that narration is not enough. While they are informative readings, the purpose hardly goes beyond that. While the former narrates a number of incidences from Bombay province alone, starting from seventeenth century, up to the mid twentieth, ending with corruption within the Congress, the latter covers scandals starting from the jeep scandal and continues for first two decades on independent India.²² The stated objective in both is simply to narrate, and not to purport malice against any individual, but serve as cautionary tales for people wanting good governance.²³ However, Jeejeebhoy’s position is to be taken with a pinch of salt, given in an older work of his, titled *Non Co-operation, its Pros and Cons* he is identified as the Joint Secretary of Western India National Liberal Association and Anti-Non-Cooperation-Committee of Bombay. This, coupled with his misgivings about the Congress rule in the present work, hints a political agenda. Neither work is helpful in understanding the shift from colonial to postcolonial corrupt practices. In exploring contemporary forms of corruption, a more thematic approach thus becomes necessary.

²⁰ *Ibid*, p.89

²¹ *Corrupt Histories*, pp. 88- 89

²² Surendranath Dwivedy , G.S Bhargava, *Political Corruption in India*, , Popular Book Services, New Delhi , 1967

²³ J.R.B .Jeejeebhoy , *Bribery and Corruption in Bombay*, Printed by Faredun R. Mehta at Sanj Vartaman Press , Bombay 1952

Thematically speaking, the main author whose works have been covered here is William Gould, who has worked on corruption in pre and immediate post independence United Provinces.²⁴ Akhil Gupta²⁵ and J. Parry²⁶ have approached the contemporary forms of corruption through everyday citizen interactions with the state. By contrasting these strictly academic understandings with the bureaucratic one of SS Gill, I attempt to understand late colonial to post colonial corruption.

Democracy has been a slow process in India, says Gill. More than the state, people have been loyal to caste, kin and clan. Even in the post-partition era, celebrating democracy became an exercise in aristocracy as the highest functionaries of democracy indulged in lavish aristocratic practices²⁷. Vested interests of groups in power kept democracy in a check all throughout. Rigid structures did not change in accordance with new political and economic agendas of independent India. Demolition of colonial structures was needed but did not happen. The assumption that India's lack of true democratic progress is the root cause for long-term corruption is pervasive in Gill's work. In the short run, for him it is the individual who is responsible, a position Gould largely differs from.

In Gould, Gupta and Parry, the state is seen as the distant far-off superstructure that is negotiated through a number of intermediaries in the eyes of "the public". Gill's main goal seems journalistic in bringing to light corrupt practices in all spheres ranging from politics to education to corporate to retail. For him the size of the state machinery is

²⁴ William Gould, *Bureaucracy, Community and Influence in India*, Routledge, London and New York, 2011. Gould is the senior lecturer in Indian History at the University of Leeds and has extensively worked on nationalism and the transformations of the state and bureaucracy from 1930s to 1960s, of which the studies about corruption form a part of. The works, published post 2011 in the United Kingdom shows the very recent historical interest in the topic. The historical works have been contrasted with the ethnographic works of Akhil Gupta, professor of anthropology in the University of California, focusing on the anthropology of state and development, published in 1995 by American Ethnologist and with that of J. Parry who is a faculty in London School of Economics in anthropology. He has worked on the rural areas of India. Both Gupta and Parry look into rural societies in 1970s to 1980s.

²⁵ Akhil Gupta, 'Blurred Boundaries: The Discourse of Corruption, the Culture of Politics and the Imagined State', *American Ethnologist*, Vol.22, No.2, May 1995, pp.375-402.

²⁶ Parry, *Worms Eye View*,

²⁷ Gill gives the example of the glamorous almost comical spectacle of the Indian President riding a Mercedes Benz flanked by horse drawn carriages and bodyguards dressed in glamorous attire. See Gill, *Pathology*, p.42

directly proportional to corruption²⁸. The central argument in Gould is that though the state is an exercise of the government officials, police, and politicians, such interactions are complicated by individual and family connections to the state, but it is the structure that is responsible, while individuals negotiate. State transformation lead to broadening of the meaning of corruption in the local state. His study is largely archival in nature, and thus there is a clear approach to the state as constituted by the state officials. The forms of corruption that were or that became were resultant of what the official discourses were and what the public, or rather the individuals who participated in it made of it. Gould tells the story of how in the backdrop of the intense political transformation, a new system came to place and how it managed to legitimize itself in the post colonial era as well , and corruption, rather multiple forms of corruptions came along with these changes. He sees corruption not just as bribery and embezzlement, but a complicated network - corruption as inevitable and everywhere. The modern forms he traces back to colonial formations. In imagining corruption, Gould largely agrees with Gupta and Parry that corruption has its own forms of publicity and forms of normalization. Systems of cultural performances as have been illustrated , and especially the culture of *daali*, and *dasturi*, which are not counted as bribes, but only accepted norms in getting a job done are examples of such normalizations. Unlike some scholarships that place the problem to the over-exposure, talking about it or constantly keeping it in the public domain, Gould argues that changing state machineries of 1940s popularized the practices. Relations between the givers and takers changed along with reconfiguration of some customs.²⁹

Relation between state agencies and non state interest groups and individual political spheres controlled by social cultural idioms often detached from colonial structures gave rise to certain forms. Customs and rituals were put in place for approaching the government. Gould argues the *Raj* was aware of parts of it. The best example would be that of the Indian Civil Service (henceforth the ICS). He defines public, private and customary spheres (following Francesca Orsini) and brings forth

²⁸ Gill, *Pathology*, p. 17

²⁹ A close look can be taken at the workings of the food and civil supply departments during the 1940s. With a doubling of population within one year , there was a severe case of forged ration cards and the civic guards seized the opportunity to make extra money. See William Gould, 'From Subjects to Citizens? Rationing, Refugees and publicity of corruption over independence in U.P', *Modern Asian Studies*, Vol.45, No.1, January 2011, p. 41

public moralities of accepted norms and formations of approaching the ICS. Much like in the ancient era, there were not only standard government official codes of conduct, the expectations from different cadres were very specific. The officials often played into the notions as it corresponded well with the India mission. Thus in the official representation of ICS and the Provisional Civil Service, the provincial services were shown to be more prone to corruption. Thus these hierarchies, along with the changing politics of family connections, caste and minority representation were emerging. Nuances of illicit activities and complex realities behind bribery, embezzlement extortion etc came fore as the aim in corruption was not simple money making any more. Custom had taken a back seat to opportunism. What was prioritized was who wanted to be in the system and who could tap into it effectively. Gould believes these networks are best looked at through administration and reflection on structures in the media.

The British could not ask too many probing questions about the local ruling elites like landlords. Legitimacy rested on integrity of the district officer.³⁰ Public knowledge of hierarchies in different departments led to the maintenance of a chain of transactions. As representational politics played into political party circles, local interests rolled into caste and religious identities. Thus local power groups were best able to acquire information on recruitment policy. Gould further argues that, from the late 1930s, the official misconducts played into the opportunities for politicians seeking out networks in electoral politics.

A significant part of Gould's work is on the anti- corruption drives. Though, the problem of corruption was being discussed at least since 1920s as the archival records suggests³¹, Gould opines that starting from the 1935 Government of India Act, the provincial governments took corruption seriously.³² This was the first measure to investigate and expose corruption. Primary solution was in strengthening the colonial bureaucracy. By the time of passing of 1947 Prevention of Corruption Act, corruption was already a complex phenomenon involving systematic networks, and the provision of

³⁰ Gould, *Bureaucracy*, p.35.

³¹ File no. 40/ 1924/B/ financial /C.C, Delhi State Archive (Measures for prevention of embezzlement and fraud).

³² Gould, '*Subjects to Citizens*', p..38.

habitual offender was also brought in. Pre 1947, complex rules and protection for high level civil servants made it harder to punish them.³³ Role of fear of the public gaze and other personalized informal and internal procedures helped the curbing more than high level anti-corruption enactments. Congress era anti-corruption required public representatives and also non officials to be effective. Though the 1938 United Provinces anti-corruption report blamed some corrupt practices on customs in motif of oriental despotism, 1940s exposed the problems of the colonial regime enough to now push forward both terms corruption and anti- corruption in the public domain as a legitimizing and de-legitimizing tools.

The rapid expansion of government services, widespread concerns of changing loyalties and belongings changed people's notions of public service and of the everyday functioning of the state. The state functionaries seemed increasingly malleable and easy to influence. But independence also saw the solidifying of anti-corruption initiatives. The government started to act on popular anxieties and anti-corruption propaganda was the new way to maintain political patronage and to undermine political rivals. Not all corruption was custom, many were new forms. For instance compulsory grain movement gave rise to bribery, and the black market became a means for the government servants for earning more. Politicians also started exerting greater control over government servants post 1937 reforms. Wide spread notion arose that even to get ration card resorting to corruption was the only option.³⁴ The rhetoric of anti corruption was used to purge the services of the ones deemed disloyal. Corruption in government services were linked to notion of loyalty to the state, and those of citizenship. Communal biases formed the other part. Syed Ahmed, an official of Basti in United Province (henceforth UP) was smeared by the Hindi press for his alleged Muslim bias and sexual advances towards Christian and Hindu girls. The UP press portrayed the Muslim civil servant as evacuee and potential Pakistan sympathizer.

³³ For instance the dividing up of ill gotten gains by the staff in supply offices . Total of 18,361 rupees was misappropriated and took two years to unearth! See Gould, 'Subjects to citizens', p.46.

³⁴ William Gould, Taylor. C. Sherman, Sarah Ansari, 'The Flux of the matter: Loyalty Corruption and the 'Everyday State' in the Post Partition Government Services in India and Pakistan', *Past and Present*, No 219, 2013, p.271

Moving beyond only the Congress discussing about anti- corruption it became much more publicized topic as local bodies and even private individuals showed more interest in the topic. Though Gould shows the changing representation in the press, the official position remains to be stagnant in imagining the lower cadres chiefly corrupt.

Gould concludes that in India there are tensions between national promises, social justice development, prosperity and quotidian realities. Indians are not ready for democracy and are more aware of rights than of duties thus putting the state in a much more active position as everyone has a better idea of what the state should do, rather than what the individual should do. Corruption as something that victimizes the public came to be closely associated with the rights of citizens moving beyond subjects.³⁵

Though Gould does not directly attack the average Indian mindset for corruption, his reflection on state- society fuzzy boundaries and flourishing of political patronage and corrupt networks puts the lion's share of blame on an un-changing attitude and the acceptance of authority by the average Indian. It appears people were forced to see corruption as media saw it; Gould gives the impression that the new ideas and practices were imposed on the people by the new government, instead of the people internalizing them. Also, as it is a regional study, Gould does not include other forms of corruption becoming prevalent during war- for example black market functioning, or smuggling rackets of arms and other supplies, leaving these areas untraced.³⁶

Gill traces the fast growth of corruption in the post independence era. What was chaotic and haphazard during the war becomes much more systematic later. Nehruvian era saw the making of connections between the private business class and the government machinery. Officials needed political and business links. This in turn gave rise to networks of corruption. Gill's insistence that Nehru was "pure as a crystal" cannot veil the fact that Nehru legitimized graft in high places by extending protection to his corrupt colleagues.³⁷ Unchecked bureaucracy made the state omnipresent and made the citizen deal with it throughout their lifespan. Demand for state services increased, but machinery

³⁵ *ibid*, p.56

³⁶ In fact the term black market was first used in the Indian context in the Times of India of March 19, 1942, in reference to black-market in wheat in Lucknow

³⁷ Gill, *Pathology*, p. 60

made to deal with the slow moving colonial times could not cope with this. Complications in bureaucracy reached such a level of tedium that even small signatures and processes involved files passing through nine levels before reaching the destination. As a result scope for corruption at all levels increased. Previously bureaucracy was a wall between the people and their representatives. Local politicians acted as a bridge. Before independence the police and the local officials would not cooperate, but the changing face of electoral politics convinced them it was mutually beneficial if they did. People became doubly distanced from their elected representatives now.

Gill charts the details of all the major corruption scandals to hit the newspapers from the Krishna Menon jeep scandal up to the Bofors scandal. That there was double standards in dealing with high end corruption and lower is apparent from studying the cases. Menon was made cabinet and later defense minister³⁸, but H.G Mudgal, and a clerk working in High Commission of London were prosecuted when found guilty of misuse of postal stamps! Indira Gandhi's License Quota Permit Raj, the Monopolies and Restrictive Trade Practices Act in 1970 and the Foreign Exchange Regulation act of 1973, were genuine pursuits of socialist goals with the view to reduce income disparities and mobilizing higher resources. However these turned out to be landmarks in spreading corruption. With complex and elaborate import-export regulations, government's extensive powers of patronage and bribery became pervasive phenomenon. Following this, during the emergency of 1975, with discretionary powers every petty official became a potentate. Further with the rise of Sanjay Gandhi, nepotism was sealed in India's political structure. The very institutions made to uphold the rule of law now perpetrated lawlessness.³⁹ Even the elitist services like the Indian Administrative Service (henceforth the IAS), which in the earlier years, as a result of a prestige attached, did enjoy a fair reputation, with all round degeneration of standards, started falling. Officials came to accept hospitality and presents from the business class. Gill deems there were three types of officials- honest, mid ground, the ones guilty of corruption by the virtue of silence or indifference, and the last variety who swam with the tide. However he

³⁸ Gill, *Pathology*, p. 49

³⁹ Police blackmailed rich citizens with blank arrest paper signed by a magistrate. See Gill, *Pathology*, p.134

specifically mentions there hasn't been a single case where an IAS officer has been named as a major player.⁴⁰

Where Gould shows the regional roots of appropriation of funds and people, the fish is not too big. Personal gain is in terms of survival of self and destruction of the other (mainly for political gain) were the objectives. Money involved was not the chief focus. Gill shows the much depressing result of what happens when money becomes the sole focus. He assumes urban corruption was mostly money based while rural corruption power and patronage based. While Gould shows a society becoming corrupt, Gill shows a society that has become corrupt. The negotiation between the two stages is further illustrated in Gupta and Parry.

Akhil Gupta in his ethnographic study sees the state itself constructed through corruption as a mechanism. It's not always dysfunctional; in fact it constitutes the state. He presumes that the citizen creates the state through the participation, and not vice versa. He explores some sites where the people came in contact with the state and where their images of the state were forged. They came in contact with the every day practices of the local bureaus, and this led to a discursive construction of public culture. He calls his work an anti- Oriental study and argues specific notions of statehood and civil society are conjoined. At the local level it is hard to experience the state as a coherent entity, it is discrete and fragmentary. Through the local institutions, the translocal becomes imagined. Through three case studies he shows the people are forced to play into the established norms. For him Sharmaji, a state official who basically graces an individual by accepting a bribe becomes the blurred boundary between the state and the civil society. He argues that this category of "blurred" is invented to highlight the shortcoming of western scholarship on state and corruption, which is descriptively inadequate to the lived realities of the civil society. These scholarships would see the problem in the bribe having to be paid, but in the present context the issue is the competence of the system after a bribe is paid. Corruption is indeed more visible in the lower rungs of the state where the official interactions can happen between an individual who is a part of the state and another who has a certain idea about his role in the system and the system itself. The

⁴⁰ Gill, *Pathology*, p.143

contested boundaries between state and society are not exclusive to India. The conditions are in no way unique to India either. The informal practices in Russia and China, respectively *Blat* and *Guanxi* are important in this context. These were both informal practices in place in the regimes in order to obtain goods and services, compensating for the shortages in the state distribution systems. *Guanxi* involves exchange of gifts, favors, banquets and the cultivation of personal relationships and networks of mutual dependence and creation of obligation and debts; it becomes necessary survival strategy in an environment of shortage. *Blat* on the other hand is using personal networks to obtain goods by skirting formal procedures. These are exercised at the expense of public resources. Alena Ledeneva⁴¹ traces the series of words in both the local languages to show that the roots of both these are strong in the custom of the areas. While *Blat* was used to obtain regular needs including foodstuffs and periodic needs like holidays, access to health clinics or even escaping military practices, these became like safety nets making participation compulsory rather than voluntary. These systems were well known within the state regimes. While absent from official discourses in practice, participants and observers both sought to legitimize these. The participant's logic being "the system made me do it", and observers conceptualizing these as weapons of the weak, a form of passive resistance, symbolizing state opposition. These were thus in a place between the flawless ideological framework and the limitations of human nature.⁴²

Back to the Indian context, though there were no organized systems, the informal systems were fast being semi-legitimized, as Gupta shows. Newspaper recordings as a primary source are used by both Gupta and Gould. Gupta says a noteworthy feature in the regional was that they constructed the public itself. He sees "*Lok*" as a unified unit that is exploited creating a space where the grievances of masses could be aired. Gould says English newspapers dealt with it as a nationwide problem giving it greater exposure while vernacular press saw it in personal levels.⁴³ Gupta finds the vernaculars to be richer in representing the multilayered nature of the state as the reportage focused on different

⁴¹ Ledeneva is the professor of Politics and Society at the School of Slavonic and East European Studies, University College London.

⁴² Alena Ledeneva, 'Blat and Guanxi: Informal Practices in Russia and China', *Comparative Studies in Society and History*, Vol. 50, No.1, 2008, pp.120-125

⁴³ Gould, *Bureaucracy*, p.19

communities which corresponded to lower levels of state hierarchies and also the bigger issues as they could not be sidetracked, while the English ones dealt with national issues only.⁴⁴ The difference in approach of the two scholars shows a difference in the way corruption has been reported over time in the media.

Noticeable shifts from colonial times to in Gupta's work is that the state becomes a much bigger part in everyday conversations much more implicated in the textures of everyday life than in the colonial era. The concept of translocality is not applicable to Gould's work as he deals with people already a part of the system. Most of his case studies are of acting or retired officials who sees how the people worked and thought while Gupta goes to the people themselves. Thus in a way Gupta carries forward Gould's work where he left off.

J.Parry also pushes the idea that bribery and corruption were legitimate prerequisites of office⁴⁵. The universal and impersonal values easily legitimized it. Impersonal act of transaction to a personal act of friendship was achieved through simply offering a bribe. Corruption became the sole way of success in the lived reality. It was a means by which Indian citizens internalized some of the ideals of state neutrality and citizenship, basically their role in the state machinery. He explores the obligations that forces individuals to connect to such networks once again through case studies and fieldwork. He also pushes the notion of the everyday state as a site of competition and dispute not easily related to a structured system of rules, but as a space to get things done. He however keeps it in a local level and does not show the link to the highest levels.

He further explores a very interesting side; the mindset of the donor who is usually at peace with himself and loud in condemning the bribe taker. Giving a bribe is the sensible choice. Logic of the bribe taker again goes back to universal vs. particular, which in this context is being embedded in culture. The notion of self preservation easily places the burden of morality on the other. The general psyche of the people shows a shift from being a subject to being a victim and thus gaining a moral right to appropriate the

⁴⁴ Gupta, *Boundaries*, p.385

⁴⁵ Parry, *Worm's Eye View*, p.13-17 .

system in any way. Which leads to an important question Parry asks- corruption thrives better in secrecy or in publicity? ⁴⁶.

This brief survey of scholarship on corruption is to serve as a background to my own work. In standard narrative, the Second World War is taken as a watershed for corruption in India. . The central thrust of the thesis is to examine this very claim. This is why the time period chosen is the first half of the twentieth century, whereby I try to trace the changes in patterns of corruption. The first chapter picks up from the colonial representation of societal or rather everyday corruption and looks at the Indian retaliation to this perception before the war. The second chapter is based on specific war stories to illustrate what exactly happened. The first is that of an ICS officer S.K.Ghose. A tale of political corruption that probably is the first of its kind in the novel involvement of government officials of highest rank to the lowest in an organized case of embezzlement. The novelty of the story also lies in the fact that it goes against the self-imagery of the harrowed ICS. The second story is also that of opportunistic corruption but by a store clerk. European officials make appearances as well. In contrasting the cases and looking at government intervention, what is being examined is what the war brought into corruption. I try to see everyday corruption separated from bigger scams, and not as a connected phenomenon. The third chapter sees the post war period and studies the conditions right after the war including the social history of the first decade of the Special Police Establishment that later became the Central Bureau of Investigation. This again focuses on how corruption was being perceived in the national state, its inheritance and contradictions with the colonial legacy.

As noted, the primary task of dealing with corruption remains defining the topic. I have chosen to go with a narrow legalistic approach here. The working definition here is taken from an anti corruption committee report, and stated that

The sense in which it (corruption) was employed in popular talk was often vague and elastic. It included every variety and degree of irregular and undesirable practices in the public services from extortion to the receipt of prerequisites or so called customary presents in general. It was applied to the use or abuse of his official powers by a public servant for his material advantage. In a limited sense it is used in connection to offences

⁴⁶Parry, *Worm's Eye View* , p.12

of extortion or bribery, including 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.⁴⁷

Though extortion/bribery was generally distinguishable from customary payments, the committee was of opinion both should be condemned and thus had not differentiated between them.

In a gist, thus the forms of corruption have shifted partly in accordance to the utilization of state resources by both the state and its subjects and partly because of means and opportunities. Shifts in representation of corruption was most noticeable in seeing it as a customary practice to seeing it as a legacy of colonial past, Gill's work is a perfect example of that. I look into how the gaze changes at every stage in the focused time period from both the public and the official point of views.

⁴⁷ Government of India, General Department, Public Branch, File No. 67/38, National Archives of India (hereafter NAI)

CHAPTER 1

Interpreting Corruption before the War: 1900-1939

In 1893, Iltudus Thomas Pritchard¹ depicted a lively scene of what we understand as corruption. The satirical account of Pritchard traced how the small town of Budgepore, owing to an art exhibition saw a whole hierarchy of bribery in different places. Corruption is a topic that garners a lot of fictional and factual interest. In the present day, corruption has become the battle cry of elections and targeted public policies. However, though visible, it was not a main defining factor of the state in the first half of the twentieth century. Standard historiography alleges the Second World War changed that picture. To be precise, it was the “watershed”². A study of patterns of corruption before the war helps to examine the claim.

There is no comprehensive explanation of corruption. Towards defining corruption, an anti-corruption committee report of 1938 stated the sense in which it was employed in popular talk was often vague and elastic. It included every variety and degree of irregular and undesirable practices in the public services from extortion to the receipt of prerequisites or so called customary presents in general. It was applied to the use or abuse of his official powers by a public servant for his material advantage. In a limited sense it was used in connection to offences of extortion or bribery, including payments in cash or kind to government servants to influence their course of action or to escape prosecution or punishment. To obtain employment or to secure official information were also prior causes.³ Taking this as a working definition of the subject, I

¹ Pritchard, born 1826 served in the Bengal Army till 1859 he edited the *Delhi Gazette* and served as barrister. Throughout his life, he turned his Indian experiences into several books, including a memoir of his mutiny experiences (1860), a novel *How to Manage It* (1864), and the satire *The Chronicles of Budgepore* (1870)

² The word ‘watershed’ has been used by several sources. The entire premise of William Gould’s work is this. Most post-colonial works, including S.S. Gill in *The Pathology of Corruption* starts from the second world war being a watershed. Further, in the Indian Railways Vigilance Manual of 2006, Second World War is called the watershed for corruption in the railways. See, *Indian Railways Vigilance Manual*, 2006, Government of India, Ministry of Railways, Railway Board. Even the Santhanam Comitee report clearly states that wartime scarcities and controls provided for opportunities for corruption. See Report of the Committee on Prevention of Corruption, Government of India, Ministry of Home Affairs, 1964 , pp. 6-7

³ General Department, Public Branch, File No. 67/38, NAI

start with fiction and then go into the facts to understand the topographies of corruption in the first half of the twentieth century.

I look into the themes and patterns of what was interpreted as corruption by several sections of society between 1900 and 1950s. It reaffirms a common knowledge that just like the British government in India was not a single unit, nor were the Indians. The British civil society was different from the government. The Indian elites on the other hand, while keen on combating corruption from their perspective, were often guilty of robbing the Indian masses of any agency in the matter.

In the first part I suggest the British identified Indians as inherently corrupt. This part starts with the fictional account of Budgepore , an English civilians views on how Indian society functioned , and the stamping of the fact that Indians were corrupt and not the British. I illustrate more specifically with a case study of how “corruption” in Sind [sic] was looked upon by the government. This is looking at what the representatives of the colonial state interpreted as “customary corruption”. The government was keener to sideline and see and interpret it as an Indian problem. In the second part I assert that it raised a question of race and racial politics. By looking at some organized sections rife with corruption (for instance the railways, or the police), the government’s stance to corruption in general is brought out. The factor of race is eminent in the matter. I look at more universal forms of corruption that cannot be interpreted by Indian mentalities alone and government’s attitudes to them. This looks at networks and connections within the system that corruption cannot work without. The third part outlines the retaliation to the British interpretation and attitude by the Indian elites. What is noticeable is the government was mostly non- interfering and the retaliation to corruption was coming from the Indian elites. The class that was well versed in English and able to draw comparison to the west. While a certain kind of background, education and privilege was not needed to identify the rampant bribery in official spaces as a problem, it was definitely needed to raise a voice against it. Elite perspective and elite Indian or rather the politically conscious Indian as the spokesperson of the masses is something that was coming up. This was a challenge indeed to the fact that the British tried to see corruption as Indian societal problem. Thus this becomes an exercise in

understanding what is being seen as such, and in turn a history of interference, resistance and reactions to corruption. The ending point of the chapter is the discussion around the United Provinces anti-corruption bill and the understanding of the society reflected in the eve of the war.

In looking at snippets of histories from United Provinces, to Sind to Bombay and even Karnataka, this chapter gives a panoramic view of corruption as a generalized set of practices before the war. The focus is to find out how far post-war networks and systems were rooted in the war. What were the forms that continued from before? Similarly, what discontinued.

Custom Overlapping with Corruption

According to Franz Rosenthal, a means for the individual to achieve his desires has been one of the earliest results of the civilizing processes of mankind.⁴ This fits in perfectly with the working of corruption. In Mughal era the *nazrana*, *firmana* were within the acceptable domain of gifts, specifically in order to gain royal favours. As already noted, these were precursors of the practices to be deemed customary by the British⁵. Moving forward to the colonial era, with the obvious transformation of state machinery, there were changes in forms of exchanges and the public dealings as well. The initial years of the company were marked by underhand dealings of the officials, enveloped as customary practices. Clive, later knighted and christened the “founder” of empire, was blatant in his demand of loot and his collection of “presents.” The use of gifts in this power play does not end here. The House of Commons that sat in 1772– 1773 estimated that “presents” worth over two million pounds had been distributed in Bengal. Between 1757 and 1765 presents were the most direct way for the EIC servants to enrich themselves.⁶ Including £20,000 for the interim governor, Jonathan Holwell, £50,000 for the new governor, Henry Vansittart, and another £150,000 for the Company’s council, along with a guarantee for another £18,000 a year for the governor, these spectacular riches collected by EIC officials doesn’t go with our understanding of legitimate gifts.

⁴ Franz Rosenthal, ‘Gifts and Bribe: The Muslim View’ *Proceedings of the American Philosophical Society*, Vol.108, No.2, 1964, p.135

⁵ S.S. Gill, *The Pathology of Corruption*, Harper Collins Publishers, India, 1998, p.51

⁶ Nicholas B Dirks, *The Scandal of Empire*, Harvard University Press, U.S.A.,2008, pp. 8-10

They are translated as absolute proof of company corruption. The *Nabobs* being at the centre of discussion in Britain has already been noted. These very systems came under criticism from England, resulting in impeachment trials for both Clive and Hastings. In the impeachment trial, Hastings admitted that he had accepted an allowance or a gift of 150,000 rupees—or about £19,000, maintaining that the amount was indeed a customary allowance for expenses associated with a “state” visit. However this allowance constituted a breach of his covenant not to accept any “gift, reward, gratuity, allowance, donation, or compensation.”⁷

Clive’s trial of impeachment was a site where the new governance rules were defined in order to create a proper revenue system. The old method where ceremonial gifts were common was thoroughly discredited, now defined as unacceptable and taboo for the colonial governance. A rule of justice for the natives now became the colonial agenda. The Queen’s Proclamation of 1858 concretized this approach. The Proclamation further guaranteed non-interference in Indian society, especially in religious practices, and vowed to abide by Indian rights and customs in making laws.⁸ This resulted in an attitude to interpret certain practices as corruption as well as customary for Indians. A moral /ethical divide was thus created between the Indian and the British that the government was keen to maintain as well. By the twentieth century, the table was turned from the corrupt company servant prototype to the corrupt Indian psyche. Simultaneously, the resistance as well formulated in this period.

To delve deeper into Pritchard’s satirical account, the protagonist, named ‘Old Mortality’ was very skeptical from the very beginning when an exhibition was suggested in the upper Indian town of Budgepore to give a stimulus to trade and manufactures. He was convinced all it would do is to give a stimulus to bribery and corruption. The protagonist pointed out the voluntary blindness of the British ruling class as well , ‘as it is, you deliberately blind yourself to what goes on, partly from deep-rooted prejudice and

⁷ *Ibid*, p.226

⁸ Proclamation by the Queen in Council to the Princes, Chiefs and People of India, Published by the Governor-General at Allahabad, November 1st , 1858, sourced from www.csas.ed.ac.uk/mutiny/confpapers/Queen%27sProclamation.pdf , p.2

partly from indolence.’⁹ He asked his domestic help, Salim, to pose as an artisan and meet the collector, named ‘Dakhil Duftar’ , to test the limits of bribery. He sent the man with a bag of marked notes, and fake artifacts.

At the first step to register his name, Salim had to pay 5 rupees to the *chuprasee*, while the standard pay was 1 rupee; Salim had to pay more because he was better dressed. The second *chuprasee* took 10 rupees from him, passing him off to the *kotwal*, who kept some of the artifacts as *najar* and finally allowed him to register his name with the *serishtadar*. The *seristedar* refused to enter his name until he offered to pay 50 rupees. It is to be noted at no level the man was forced. The money seemingly flew out of his free will. He finally registered under the fake name Pir Khan after paying more than 60 rupees. On the following day Salim was sent to meet the collector in order to report the scam. This day he started with paying 1 rupee to the first *chuprasee*, and was rebuked for not paying the *dustoor*. The last step was the *jemadar*, who was so magnificently dressed that Salim himself felt the need to give him at least 10 rupees. After all these, when he was finally introduced to the collector, he was greeted with two words “*uccha jao*” (very well, go away).

The next day the narrator, Old Mortality went to meet the collector to righteously open his eyes about the men around him. There he got the alternate version that he had been duped! His man, Salim had sold the products to *kotwal* and kept the money. All persons around the collector were persons of integrity. In turn the *kotwal* was called; who immediately handed the artifacts over, proving he never had intention to retain them. The story with the *seristadar* was more interesting however. When called for and asked if he had information of the 50 rupee note of number 047074, the *serishtadar* accepted to have gotten it from a Mr. Archimedes Decruze in return for his pony. Decruze accepted paying that very note, and claimed to have received it from the local money lender, Bankee Lall, who in turn said that an unknown man paid him 4 rupees the previous day to change the note. He indeed identified Salim as the man. Old Mortality’s trap was thus wasted, his servant was now deemed the dishonest one. Undaunted, Mortality asked for the *chuprasees*. The *chuprasee* claimed to possess the money as an exchange for his ring! On

⁹ Iltudus Pritchard , *The Chronicles of Budgepore*, W.H Allen and Co. Limited, London, 1893, p. 36

being pointed out it was marked with O.M (initials of Old Mortality) , he said it was a Budgepore tradition to mark money locally minted with O.M to differentiate between natives and outsiders. Archimedes Decruze supported this version saying these were the initials of a great banker of Budgepore, Omichund Mull. The narrator was unable to prove anything. What this exercise proved is that the lower rungs of government offices were indiscriminately bribe hungry, and cunning in hiding the offence¹⁰

The account brings to light a number of themes. The visible widespread bribery of the lower rungs was seen as something necessary to get by, something even to laugh at. Not necessarily “a sign of the evil” in the conventional sense. The accusation that corruption was severely visible among subordinate officials was a dominant complain. The sahib’s butler and the collector’s *jamadar* came up as the greatest enemies of the administration multiple times .¹¹ Almost 40 years after this account was written, in the 1938 United Provinces anti-corruption report, the system giving power to the subordinate was severely criticized. The power of the reader to influence his superior was seen as a major seat of corruption, as the superiors were often careless. A reader won a bet with the superintendent of police by getting the Municipal Commissioner to sign his own death warrant! This story however was probably a rumor. The issue is the ideas about power that percolated to the masses.¹² Power of subordinates was constantly highlighted, the reader who could get the superior to sign anything, as officers signed without seeing what was written, is definitely someone inspiring awe and fear among the subjects. The fear of harm and the promise of benefit fueled the system. The subordinate was a person within the society and not a distant colonial officer. If the larger colonial maneuver is taken as showing corruption as Indian, criminalizing the subordinate fits in. In the account, an important ploy is using the words *najar* and *dustoor*, instead of their English translations. Using the native word makes them alien to the European reader the work is targeted at, clearly making the very practices Indian.

¹⁰ *Ibid*, pp.35-51

¹¹ Letters From The Provinces, *The Servant of India*, Vol.1, No.12, May 9, 1918 , <http://dspace.gipe.ac.in>

¹² To add to this, a series of articles were published in *The Leader*, where the reader’s insistence got the magistrate to fine someone 10 instead of 5. See Legislative Council discussion on the Report of the Anti Corruption Committee of United Provinces, 30 August, 1938, sourced from southasiaarchive.com/Content/sarf.100003/207651/004

From fiction we move to facts. In 1925 there was a discussion in Bombay Municipal Corporation on a proposition moved by K.F Nariman on the system of *dasturi*.¹³ The allegation was that fixed amounts were received from municipal sweepers by their *mukkadams* every month. The amount was shared among the conservancy staff. This was the norm at time of employment or giving them rooms in municipal housings, or for any consideration from granting leave to re-employment after suspension. Mohanlal Desai seconded the proposition. In 1913 a health inspector had accepted such vices existed. A European lady had also complained and even saw the commissioner, but he did not cooperate. Mr. L. R. Tairsee¹⁴ had taken her to the commissioner, who found she was exaggerating. Mr. H. B. Clayton was the commissioner. In his opinion, it was not a major issue. He had even hired a detective to get evidence but came to conclude such petty vices would exist anyway. He further shared the example of his own house where the head servant took money from whoever he brought in if there was a vacancy of servants. Clayton charted this entirely to human nature. As for the lady, Clayton claimed that the servant in question could not be sent to fetch ice for the lady, which annoyed her and led to complaint. In his opinion, Nariman and Thakkar (who had made the complaint) suffered from the disease of not believing any public officer did their best to fulfill their duties¹⁵. This indulgent attitude of Clayton however disappears when he becomes more directly involved in a bribery charge. Interestingly, the same Clayton was a party in the case where he complained that an Amiruddin Tyabjee had offered him a sum of 5000 in order to secure contracts. Tyabjee was twice acquitted, once by the Chief Presidency magistrate and then by the Bombay High Court, as the improper intention behind the offer could not be proved.¹⁶ The question remains if Clayton saw transaction of money as human nature, why was he not more lenient with Tyabjee. Obviously an allegation of taking bribe would harm Clayton's reputation and at the same time complaining helped

¹³ Khurshed Framji Nariman, also known as Veer Nariman, was one of the second generation of Parsi stalwarts in the Indian National Congress. He remained Mayor of Mumbai from 1935 for a year.

¹⁴ Congressman and industrialist, who later became the President of the P.J. Hindu Gymkhana. He was also active in the Satyagraha Sabha, the main organization behind the Rowlatt agitation. See *Locality, Province and Nation, Essays on Indian Politics 1870 to 1940*, ed. John Gallagher, Gordon Johnson and Anil Seal, Cambridge University Press, London, 1973, p.126

¹⁵ 'Allegations of Corruption', *The Times of India*, 1 December, 1925, p.10

¹⁶ Emperor vs Amiruddin Salebhoy Tyabjee, 1922, Indiankanoon.org

save his pure image in this case. As the same time, his unwillingness to pursue the previous highlights the general European psyche.

This whole mentality argument can be again seen in a sensational case where a comparatively “illiterate man”, presented a job application to A.J Vanross, Excise Commissioner. After being thrice unsuccessful, he attached three 100 rupee notes to the petition. On being questioned he explained it was *kazhcha* or a respectful offering. The man was “brought to book”. While all papers brought allegation of corruption against Vanross, for the *Times of India*, the charge was not of corruption of Vanross, but that of a provoking insinuation against him¹⁷. The man was ultimately prosecuted under section 153 read with section 106 of the Indian Penal Code, under wantonly giving provocation with intent to cause riot, and right of private defense against assault . The norm for a bribe giver was simply being prosecuted as an abettor. But the magnitude of an attempt to corrupt a European by a native must have ranked much higher with the judiciary.

The last piece that strongly supports this all being Indian attitude is from a report of an enquiry committee from Punjab. A station master in an important junction in a wheat producing area was in a habit of taking some amount per truck. This was *dastur*. But being religious his conscience stuck him, and he stopped. The merchants (*baniyas*) came to him and asked him what his little game was , on being told of his conviction that bribe taking was wrong, he was told he was “for it” if he stopped taking *dasturi* . The merchant’s argument was simple. If the station master took the bribe and gave the truck, the merchant thought his money was well invested. If he did not give the truck, the merchant was satisfied the station master had done his best. If he did not take the *dasturi* but gave the truck, the merchant was under no obligation. But if he did not give the truck , and not even take the money, it was a case of personal malice. Thus taking the money was mandatory from the merchant’s point of view.¹⁸ Similarly in Kashmir illicit gratification was a systemic toll and the public was to blame as these were offered with the expectation of gains¹⁹. The 1938 anti- corruption committee report gives further evidence how the government imbibed this attitude. The questionnaire was prepared with

¹⁷ ‘Alleged Corruption; False Plea of Defense’, *The Times of India*, 30 July, 1924, p.9

¹⁸ ‘What is bribery’, *The Times of India*, 26 May, 1922, p.6

¹⁹ ‘Administration of Kashmir riddled with Corruption’, *The Times of India*, 22 April , 1932, p.10

the first question being ‘what is the extended nature of *dastury* and *haq* in each class of officers, gazetted and non-gazetted ministerial and menial?’²⁰ Corruption thus could not even be imagined as non-customary! A case study of Sind further enunciates the point.

Systematized Corruption: A Case Study of Sind 1917-1939

The three interlinked practices of *Rasai Lapo* and *Chher* prevalent in the Sind province, unknown elsewhere together gave rise to a striking example of “customary corruption” that became a system from the grass root levels to the higher levels in the society. *Rasai* was the main of the three meaning free supplies; *Lapo* meant illegal extractions, while *Chher* was free labour. Though the origin was in a spirit of hospitality, and was sanctioned by long and undistributed existence, what it had become was interpreted as corruption in the twentieth century.

The issue was first raised by G.M Bhurgri in the third Sind provincial conference held in Larkana in 1916²¹. The government had taken no organized measures against these practices despite them being an issue of concern for a while. There were outcries by responsible officers, press and public bodies, yet the government had done nothing beyond issue circulars that became dead letters. The resolution passed only after Bhurgri established the paternal role of the government, the practices were to be stopped in the name of the British government.²² The direct result of the speech was the appointment of a committee to look into the aforementioned practices in 1918.²³

The committee reported that the word *Rasai* was derived from *Rasaidan* which meant to supply and it was met by *Deh kharch* or village expenses, which was the only way of securing supply in sparsely populated areas. Situated in an arid land with only 8 inches of rainfall per year, Sind was dependent for life on the floods of Indus. There was no trace of village organizations, no roads, no political means to procure supplies in Sind

²⁰ General Department, Public Branch, File No.67/38, 1938, NAI

²¹ 3rd *Sindh Provincial Conference*, Larkana, 1916, Opening Proceedings, sourced from <http://gulhayat.com/sindhprovincialconference3rdmain.asp>

²² ‘Alleged Abuses in Sind’, *The Times of India*, 17 December, 1917, p.8

²³ The chairman of the committee was M.H.W Hayward, ICS, additional judicial commissioner in Sind, members included Mr Dhanraj Sawheney, executive engineer, Syed Mahmud Shah, deputy superintendent of police, and two non official gentleman, Harchandrai Visindas, LLb, Member of Karachi bar, C I E, and Ghulam Hussain Hidayatullah, later the first Chief minister of the province

but from powerful landholders or public officials. All subordinate persons including private persons in police were habitually provided with free supplies when on tours according to the testimony of many *zamindars*.

The committee found that hospitality was the cause; custom was ingrained in the people. It was custom for revenue officials to supplement their salaries by levying a share of the produce of land for themselves. Presently it included supplies to the subordinate establishments of the *taluka*. Other custom was to extract *Chher* or free labour whenever and however required. As recorded by a British collector, it was against the tradition of the landholders to sell the product of their flocks and herds, but it was not uncommon for them to maintain kitchens for all travelers, the tradition had very specific definition in terms of what it would include and what it would not.²⁴ Bills were submitted to officers but payments made were insufficient. First witness to the committee Mr. Rothfeld, collector of Sukkur said the bills of touring and offices paid by him were not in proportion to the actual cost of materials.

British inherited the practices, and they grew with increasing complexity of administration. The rise in costs, the duty exacted from cattle, the dearness of all commodities had in all parts of India made services which were cheerfully rendered at one point of time exceedingly burdensome in the present because of the presence of senior officials. So long as touring was confined to revenue officials, it was limited, but with increase in officials what was borne with ease had become unbearable. The introduction of *tapedars*, was a development of the British era. Their duties were to collect supplies, and wherever they could, they heckled the *zamindars*. The report states, in Sind, *Rasai* had to be provided for district officials, assistant and deputy collectors, assistant and executive engineers in the Public Works Department, forest officials and even police department, a total of 20 to 40 persons. None of the higher officials offered to pay for the supplies. Influence of *tapadars* increased materially in the eighteen nineties with the introduction of irrigation land settlements. There was as a result a marked increase in demand of the establishments of touring officers for *Rasai*, which were

²⁴ Report of the Committee appointed by government to enquire into *Rasai*, *Lapo* and *Chher* in Sind, The Commissioners Printing Press, Karachi, 1919, p.31, sourced from <http://dspace.gipe.ac.in>

thenceforward met from *Rasai* funds recovered from *zamindars* and managed by *mukhtiarkars*, or principal revenue officers of the *talukas*. This further raised increased demands from other subordinates as well.

Rasai was raised from *Lapo*, drawn from the Sindhi word *Lap* meaning a handful. It was a cess collected from the *zamindars*. Unlike *Rasai*, which was traditional, *Lapo* was seen as a form of blackmail which brought discredit to the administration by the practitioners themselves. It was a periodical charge levied by *tapadars* at the time land revenue was collected by *zamindars*. *Lapo* was levied on the acreage or at so much the acre or survey number. This practice was not limited to Sind. Wherever there were state irrigation works in India there was corruption in order to condone evasion for the rules to supply water and hardly any region was free of it. But it was not systematized elsewhere. The *tapadars* freely admitted to accepting the levy showcasing their meager salaries. Though the committee concluded these had to be stopped, the *Times of India* reported that the evidence was exaggerated. They further added that this being India, the committee got the evidence the way they wanted it.²⁵

There was some debate regarding who the loss fell to. The committee interviewed collector of divisions, district superintendent of police, forest officers, *zamindars*, *tapadars* and other district officials. However not a single peasant or *Hari* was interviewed. It has to be remembered that oral testimonies constitute a form of situated knowledge²⁶, also the class composition and professional positions of the interviewed meant the answers reflected a certain way of talking about the issues. For instance, while the *zamindars* identified *Rasai* as an unjust system too, for engineers like Mulchand .A. Mahtani, *Rasai* was a legitimate and fair system in terms of payments to be made, while *Lapo* was an illegal gratification.²⁷

Lapo was further described as an irrigational malpractice existing due to special condition which through variations of the course of the Indus gave a large area of new

²⁵ 'Abuses in Sind', *The Times of India*, 14 January, 1920, p.7

²⁶ Akhil Gupta, 'Blurred Boundaries: The Discourse of Corruption, the Culture of Politics and the Imagined State', *American Ethnologist*, Vol.22, No.2, May 1995, p.385

²⁷ Report of the committee appointed by government To enquire into *Rasai*, *Lapo* and *Chher* in Sind, The Commissioners Printing Press, Karachi, 1919, p- 165, sourced from <http://dSPACE.gipe.ac.in>

land to be let out every year. These became permissible irregular gratification or a tip, and a protection from harassment charge as well. *Tapedar* / supervising *tapedar* levied *Rasai* and *Lapo* from *zamindar*, who collected in turn from the Haris. The *tapedar's Lapo* was also a serious burden on the zamindars. However, the local elite did not blame the *tapedar*, as they had no other options but to supplement their salaries. They could not make heavy *Rasai* from their meager salaries. It is also true the touring officials could not purchase without the middle men (*zamindars*.) the *tapadar* was thus made the supplier . *Lapo* thus basically became the protection from harassment charge. Rooted in the past, the form by 1900s had changed from whatever supplies could be accumulated to fixed rates. It varied from 3-6%, That is, 1000 to 1500 on land revenue of 15000. It was not paid unwillingly entirely. By 1916 *Lapo* was 1/16th of the total land revenue. In the official discourse, *Lapo* existed because of absolute lack of public morality. Apparently only gazetted and highest ranks disapproved of the practice. Ultimately *Rasai* came to become the free entertainment at the expense of the local subordinate of private offices of touring officers. Cost of *Rasai* was met with *Lapo*, which the officials appropriated from the public. The excess of *Lapo* was shared among subordinates.

In the presidential address Bhurgri and Lalchand Navalrai, also a *zamindar*, stressed the point that *zamindars* were victims of the system²⁸. He heavily hinted that these were given for fear of consequences²⁹. While the official report agrees with the fact that *zamindars* were in the wrongful position, for them the main fault lay within the

²⁸ “*Rasai* has sucked the blood of *zamindars*” , and that the government should intervene in *zamindar's* favour was a common point made in the speeches. A specific instance was narrated. Mr. Madhoo Das, *Zamindar* of Garhi Yasin, who seconded the resolutions, gave a practical illustration from his personal experience. There being some difference of opinion between the sub-inspector of police of his *taluka* and himself, the Collector thought it necessary to visit Mr. Madhoo Das's lands to make personal local investigation. Mr. Madhoo Das had got a particular spot cleared for the Collector's camp, but the peons would not pitch the tent there. Another spot was selected which was to be made ready. The peons wanted *bukhsheesh* which Madhoo Das declined to give. Thereupon began his troubles. Milk jar after jar was spoiled by the peons and Mr. Madhoo Das finally ordered all the cattle in his village to be taken to the Collector's camp to be milked under personal supervision. Then it was that peons were brought to their senses. The Collector came to know of his peon's mischief and expressed his regret to Mr. Madhoo Das's. The matter was decided in Mr. Madhoo Das's favour. But such officers were rare. Had there been any other officer but the one actually there , Mr. Madhoo Das's position would have been critical indeed. See 3rd Sind Provincial Conference, Larkana, 1916, *Opening Proceedings*, sourced from <http://gulhayat.com/sindhprovincialconference>

²⁹ ‘Abuses in Sind’, *The Times of India*, 14 January, 1920, p.7

custom.³⁰ Though the people's representatives at the provincial conference mentioned how anyone could observe the miserable plight of the peasantry dragged from their homes to make roads and camping grounds and "misery strikes when official suddenly decides on another spot"³¹, they are conspicuously absent from *The Times of India*. *Servant of India* of May 1918 highlighted issue. While agreeing that the evil ought to be suppressed, it elaborated how the brunt fell on the Haris, a group allowed no voice at all by the enquiry committee. Beside the revenue department, the Public Works Department was implicated and another witness agreed it was forced hospitality. It was further revealed there had to be a *Rasai* settlement with the police as well, who would otherwise fabricate charges against the *tapadar*. Thus despite masquerading as custom, ultimately both were given out of fear. The *zamindars* started bribing the officials. The collection of money became extensive and systematized in all government departments whenever subordinates had direct dealings with the public. Again according to the *Times of India*, there was no lack of desire to stamp these out by the superiors, but not the subordinates.³²

There was abundance of government orders addressing this. In a resolution of 1902, government of Bombay denounced the malpractices associated with *Rasai*, subsequently against *Lapo*. However, The circulars of the commissioner regarding *Rasai* had produced no perceptible result; on the contrary the amount had gone up from 1 to 1 ½ annas to 2 to 2 ½ annas .

The reforms suggested by Bhurgri included substantial curtailment of official tours to the extent it was necessary as *Rasai* was directly begotten of the tourist system. Officials often traveled not as it was necessary, but as he had to travel a certain number of days according to official rules. Bhurgri suggested , instead of officials going to people, people should come to headquarters, and the present system of supplies to be supplanted

³⁰ Report of the Committee appointed by government to enquire into *Rasai*, *Lapo* and *Chher* in *Sind*, p.15

³¹ The official was "really sorry" to hear about it later on, the speaker adds in order to not give out a very anti-British vibe!

³² For instance, in a small village in Garhi Yahsin, police servants charged so much *Rasai*, shopkeepers had to shut down shops and run away. On approaching DSP Kirkpatrick who was sympathetic, the police was ordered to clear out. But once officers like this moved out it's the same again as the officers replacing are not cautious and the *tapadars* try to please the official in the same manner see *Presidential Address* , *Seventh Sind Provincial Conference, Sukkur, 1920*, sourced from <http://gulhayat.com/sindhprovincialconferencesukkurmain.asp>

by a system analogous to military commissariat, contracts were to be framed out to private individuals. Neither *zamindars* nor *tapadars* were to be allowed a hand in this.³³

The 1918 committee suggested touring enhancements to be reduced. The local expenditures were exaggerated by the *zamindars* and deputy collectors according to the police commissioner. No one would regret the total stopping of tours, he said, which should at least be curtailed and confined to *taluka* headquarters. However, committal enquiries were to be held by residential magistrates in case a complaint was proved. Final recommendations included that camping grounds were to be fixed and steps to be taken to provide bungalows. Subsidized contractors were to be employed for maintenance and supplies. Subordinate establishments were to be responsible not beyond informing the contractors of requirements. Gifts were discredited. There were instances of officials returning *dhalis*³⁴. In the budget discussion provisions were made for improvement of village establishments in Sind to increase employment as well as reduce the expenses of extractions.

Lapo was harder to deal with as the payment was not one sided. The payee obtained a consideration probably at expense of the state, for the tip he gave. The only solution was to employ fewer and better paid men drawn from a higher class of society, with more to lose when detected in malpractices. For eradicating *Lapo*, *tapadars* were to be reduced in number, supervising *tapadars* to be promoted, improvement in office methods for greater and unremitting personal supervision. Higher standard of education and a more enlightened public spirit and systematic publicity was needed as well, for which 1500 posters were ordered³⁵. *Chher* was not taken as a major concern in the report. It was suggested it should be ensured that labour was paid. It is possible to see this as the government's interest in protection of class interests as this mainly harmed the poorer classes more than the *zamindars*. Coincidentally, while the acceptance of *Rasai* and *Lapo* are well documented and accepted, open knowledge of *Chher* is absent. While all

³³ 3rd Sind Provincial Conference, Larkana, 1916, *Opening Proceedings*, sourced from <http://gulhayat.com/sindhprovincialconference3rdmain.asp>

³⁴ Bottle of brandy returned, Rs 10 paid for a champagne from the war fund, silver tea set was also returned, see 'Abuses in Sind', *The Times of India*, 14 Jan, 1920, p.7

³⁵ 'Bribery in Sind, Government to Stamp out Evil', *The Times of India*, 18 May, 1937, p.4

zamindars and officials accepted the presence of the system, they did not accept employing this kind of labour or direct knowledge about how it worked.

After 1920s, there was no mention of the issue in a major newspaper like the Times of India until 1934, when it resurged again. In the mean time, speakers in the Sind provincial conference addressed the matter as government's lack of interest and fuelling the popular belief that not publishing the reports was showing of government's attitude to fuel the evil.³⁶ In the 3rd Sind Provincial Conference, in 1916, *Rasai*, and *dacoities* were showcased as only two of the causes as to why Sind needed a special provincial platform to address the issues. An insight into how important these were is that not only prevalence of cattle theft was linked to police corruption and *Rasai*, as because of that people would steal to supply³⁷, further it was used to advertise for cars!³⁸ With the other issues this issue was largely part of the provincial autonomy question. This issue was linked to Sind being a deficit province. Sind Azad party mentioned it in their election manifesto and later chief minister Hidayatullah mentioned the steps being taken to eradicate the evil.³⁹

While The Times of India tries to portray Sind as a backward deficit province with prevalent corruption, Sindhi politicians now put the blame on the government for lingering faulty practices. There was a shift in position from the Sind provincial conference at Hyderabad in 1917, which thanked the government for appointing the committee to the one at Sukkur in 1920, where the tone had changed to resentment with government delay in making the reports public.

The issue resurged in 1934 with the publication of the Sind Administrative Committee report. This report too stressed the fact the highest in the services were free of

³⁶ 'Corruption in Subordinate Sind Services', *The Times of India*, 27 Apr, 1934, p.13

³⁷ 'Sind Redivivus[sic], To the Editor of The Times of India', *The Times of India*, 1 Jun, 1937, p.18

³⁸ Apropos to the government of Bombay on recommendations of this committee, the question was raised if the old method of campaigning under canvas should be given up. 20 years ago the villagers were pleased to see the sahib, but at present its had diminished. Now that most people have or could have a car at smaller expenses, the report vouched for the camping to be eliminated, as the sahib could easily take a ride between *chota hazari* and long breakfast. Government could save money on the repairing of tents and spend it on car tires! See 'Cars vs Canvas,' *The Times of India*, 31 January, 1922, p.6

³⁹Provisional program for the Azad party for the Legislative Assembly, 1937, sourced from <http://www.drpathan.com/index.php/british-period/political-parties/sindh-azad-party>

corruption.⁴⁰ The fact remained that the smaller officials collected larger amounts from a greater number of people in a more regular basis, thus making it more visible.⁴¹ This committee had further found out that systematized corruption was not limited to the barrage area anymore. In respect to finance it had become important. Unauthorized levies were made in all transactions in all departments, now all generally known as *Lapo*, amounted to 1/16th of the land revenue. *Lapo* was now standardized at one *anna* extra per every rupee of land revenue assessment that land revenue holders had to pay to revenue collectors. There was still no strong public disapprobation against it, and resulted in a third kind of corruption; *Zamindars* giving money to subordinates willfully for favours. In 1936, Sind advisory council was still discussing ways to eradicate these, ending in suggestion for appointment of another un-official committee, and resulting in suggestions for special staff for Sind.

Even after becoming a new province, new committees were being appointed to look into the issue.⁴² The practices were still prevalent in 1938, people didn't make any secret of them either, and petty officials with a salary of Rupees 25 per month had been known to amass wealth and send their sons abroad for education with this money! Periodical outbursts in public opinion lead to some changes, but the structure remained. Finally, the last entry of the matter in 1939 in the Times of India said the practice was being checked, along with the judgment that these were results of sin within society. Now leaders must turn to improving public character⁴³, thus shifting the blame from the state.

Akhil Gupta has shown people come in contact with the state and their images of the state are forged within their own locality. Through three case studies he shows the people are forced to pay into the established norms, similar to the case of Sind. However, in the present case, without the more ambivalent notion of the state as in post-colonial era, the practices represented aberration of state power. The popular idea that state at

⁴⁰ Sind Administrative Committee Report, Manager of Publications, Government of India Press, New Delhi, 1934, pp 61-63

⁴¹ Gupta, *Boundaries*, p.384

⁴² In 1937 chief minister had appointed committee to devise ways to stop this, divided into 3 subcommittees under the three ministers and has done some spade work. A fresh land revenue assessment was to be made as well see 'Betterment of Sind,' *The Times of India*, 22 April, 1937, p.11

⁴³ 'Sind Cabinets work Hampered by Unhealthy opposition,' *The Times of India*, 12 Jan, 1939, p.11

highest level is non-corrupt while the middle to lower levels are, is a theory well supplemented in Sind's case as well. In the post-colonial era, though there were no organized systems, the informal systems were fast being semi-legitimized, as Gupta shows. In Sind's case, however there was no attempt to fit into a framework. These forms of corruption were living practices, not even identified as corruption before western intervention through the British and the Indian elites defined it as such, the exact point Gupta makes in his work about the 'blurred' zones being shortcoming of western scholarships.

In Sind's case, despite attempts and good intentions, the practices were not curbed with an ease. While there was no lack of suggestions to take actions, there is no data to show how much they were implemented. Given the fact it was not even addressed between 1922 and 1934, clearly it was not a major issue. There wasn't a national level discussion or engagement with the problem, or any specific laws passed. Government intervention in this case would have been more welcome and easier as the primary opposition came from the Indian elites.

The fact that practices like these were "un-English" was duly noted. In 1904 itself, an editorial in the Times of India notes how parts of the Raj was coming under an unfortunate custom, political officers living at the expenses of Indian princes. Though not same as the case in Sind, the mechanisms were indeed similar. The piece called it against English sense of uprightness. It refrained from outright blaming the Indian but the idea that only the British can stop it was evident.⁴⁴

The question is why the state did not get involved beyond paying a lip service and showing goodwill. The answer can be manifold, as it was regional, or was not violent or was so prevalent, there was no way the state could do anything, and since it was not posing a serious challenge to its power or legitimacy, mainly owing to its position, it was relatively unseen. Anytime discussing Sind would warrant discussion of these, but also an acceptance that it was too generalized to eradicate as it was not an individual's problem. Continually blaming the custom for the practices while not entirely untrue

⁴⁴ 'An Unfortunate custom', *The Times of India*, 4 Nov, 1904, p.6

shifted the blame on the Indian psyche as did the news reports urging the Indian leaders to take action in uplifting morality. This when seen in the context of Colonial state's attitude to customary corruption, a clear pattern is traceable.

Corruption and Race

While the first part hints at a racial divide, the second part actually sees state's handling of corruption more closely where British subjects were concerned. Spaces that were completely within the jurisdiction of the colonial state to interfere, for instance the railways, or the police are seen as a foil to the so called customary sphere. For the second part the focus is to see reactions to corruption in general depending on the actors. While overall argument in the first segment is that by deeming corruption customary, the state shook off some responsibility, here I see the situations where the state could not use that as an excuse. The stories here encompass Europeans to Indians and organized units like the railways. The attitude of government is different to different cases. The attitude studied brings out that it was non linear. When it was an individual problem, the retribution was easy, while if structured, it became harder to deal with. In this part race is seen to be a discernible factor.

To begin with, there is the story of two Europeans [sic]. When Lachmi Narain, the pleader of Lucknow brought allegations of corruption and misconduct on European officers, though he said he had no personal knowledge of the matter, the secretary to the government accepted the accusations. Despite the 'Europeans being known for their purity'⁴⁵, it was well known that there were at least two officers in the Uncovenanted service whose ethos of corruption (here not simply bribery, but also misconduct and misuse of power) were in the "lips of the natives". The government was keen to know what happened to these individuals and to see that justice was delivered. Mr. Kavanagh was made to retire on pension and Mr. St. Clair Williams was transferred to the central provinces for misdeeds in Oudh, but the central provinces were never informed that Mr. Williams had been absolutely corrupt, and that this was more of a punishment transfer.

⁴⁵ Home Department, Judicial Branch, File no. Progs nos., 122-129, 1879, NAI

The integrity of the European was to be protected after all.⁴⁶ This attitude is thoroughly contrasted with that in case of Indian, even high ranking officials. In a sensational case Govind Balvant Laghate, who belonged to that 'excellent and deserving body'⁴⁷ of public servants, the Subordinate Judges, was convicted. He was a Subordinate Judge of the first class and drew a substantial salary of Rs. 800 per month. He was convicted under Section 161 of the Indian Penal Code of receiving an illegal gratification. According to the case, he took bribe in form of a horse presented to him by a Narayandas Kanhayalal⁴⁸. On the other hand, when English subjects were involved, the report was always about attempted bribery, blame rested with the bribe giver. Though there was some sort of retribution in individual cases even if the accused were highly placed, in fact, even convictions of judges and officers from the Provincial Civil Service were not uncommon⁴⁹, the biases against the Indians are also clear.

Moving on from these forms of personal corruption to institutional corruption, involving miscellaneous practices, retribution was often a hit and a miss. Culprit often remained elusive. For instance, a number of letters posted at the Manpur Post Office during April and May by Mr. Wilberforce Bell (political agent in the southern states of central India) and Mrs Bell disappeared in the post. Enquiries showed that the Post Master was in habit of allowing his friends free access inside the post office at times of the day while business was being transacted. One of them, a clerk employed at the agency office in Manpur had gotten into trouble with the political agent and there was strong suspicion this was caused by him to cause inconvenience. Though this could not be proved, the post master was removed. Further on 29th march 1928, two telegrams addressed to agent to Governor general in central India and political agent in Southern states of central India and purporting to be from the Rana of Barwani were posted at the Barwani Post Office to the effect Rana had decided to abdicate. It turned out to be bogus notes. No one was caught.⁵⁰

⁴⁶ Home Department, Judicial Branch, File no. Progs nos, 122-129, 1879, NAI

⁴⁷ Govind Balvant Laghate vs Emperor, 1916, Indiankanoon.org,

⁴⁸ Govind Balvant Laghate vs Emperor, 1916, Indiankanoon.org,

⁴⁹ Lala Tej Ram Gupta underwent trial for corruption. see, 'Alleged Favours in Cases; Officer in Trouble', *The Times of India*, 6 July, 1926, p.10

⁵⁰ Department of Commerce and Industry, Post Office Branch, Repository 2H, File No. 5-6, 1906, NAI

The point about institutional corruption is well made through the railways. While it is a massive topic, here I offer only glimpses to some of the more common forms and discussions about them. Looking into the institution of railways also brings forth the multiplicity of corruption. A chief menace was station masters accepting bribes to provide merchants with wagons, amounting to organized blackmail at times. With a sort of joint stock company, big or small, on each railway station daily receiving blackmail and distributing it among its share holders was common. Traders were helpless and found themselves accepting the inevitable, the wagon trade grew. There was a widespread belief that this was connived at by higher officials, who received a sum.⁵¹ The administration argued this was not extortion per say as the merchants paid somewhat willfully. Which might not be untrue, as the following story suggests. A station master was notorious for the bribes he took and famous for the excellent arrangements he made. When the scandal became well known, he was dismissed. The merchants sent a huge petition to the railway authorities demanding reinstatement of the station master and said that without his splendid band-o-bast [sic] they were ruined. So corruption was to be expected when the public insisted on corrupting officials.⁵²

There was the fear of sending a parcel containing oranges and mangoes risking that the consignee will not get more than half or one –third of the total amount. Even officials felt this “loss of fruit”, R.A Spence (member of Legislative Assembly) himself tried to trace a basket of mangoes once, and on tracing the complaint to the clerk’s office, the basket was found underneath his table.⁵³ Corruption in railways was said to be “corruption in everything”, foodstuff vendors had to pay annuities to the station staff, to secure a license for vending, the money being divided between the station staff, and among the underlings and subordinates in the offices of district traffic superintendents and others. The station masters come across as corrupt as a class, emboldened in their attempts to fleece the public. It has been known that a station master drawing around 50-60 rupees per month, when kept at a particular station, (there was also scuffle to get to these plum postings), for 15-20 years, at time of transfer carried 2 to 3 lakhs. It indeed

⁵¹ Legislative Assembly debates, Official reports, 2nd Session of 2nd Legislative Assembly, 1926, pp.1615-1639, NAI

⁵² ‘What is bribery’, *The Times of India*, 26 May, 1922, p.6

⁵³ Legislative Assembly debates, Official reports, 3rd session, Volume 3 Part 4, 1923, pp.3383-3388, NAI

raises the question of what happened to sums like these and the broader economic implications. Leaving alone the problems of the third class passengers with behavior of the railway staff, or the inferior quality of food supplied, ‘corruption’ extended to ghee or liquor being freely robbed while in transit. There were complaints that stone chips were found inside kerosene bottles.

One interesting story is that of a Railway employee prosecuted for criminal offences but found not guilty. S. B. Balasubramaniam, store clerk at Arisikarai on the Madras and Southern Marhatta[sic] railways was prosecuted before a magistrate at Bangalore on charge of breach of trust in regard to few boiler tubes, but was honorably acquitted without any charges being made out. He was discharged despite the acquittal, and when he applied for reinstatement the chief transportation superintendent and traffic manager wrote to him that although he was acquitted, there had been a “miscarriage of justice” in his case. He was barred from service as it was undesirable to keep a man in government service with a criminal charge.⁵⁴ It should be noted this was not something done in case of European officers mentioned previously in this essay.

The chief problem with any racket of bribe giving is always the same. The only witness against a bribe taker is the bribe giver, the ‘particeps criminis’, equally liable and hardly expected to come forward with a statement. The Chief Commissioner of the railways mention they were taking the issues seriously, and had been acting on the Ackworth Committee report, even employing technology. A system was being developed through train control and telephone instruments, whereby the district officers themselves could be put in touch everyday with the consignments waiting. Further by bringing small stations directly under the district officers, more control was sought. The results were negligible. Over the years not much change was visible with coolies having to contribute portions out of their wages to railway “gods”, the water bearers made to serve the station staff as cooks and servants rather than the public and so on⁵⁵. On the other hand, as the government initiative to root out corruption became stronger, it easily became a tool of

⁵⁴ Legislative Assembly Debates, Official reports, Vol. 4, No.6, 1934, pp.3354-3355, NAI

⁵⁵ Legislative Assembly Debates, Official reports, 2nd Session of 2nd Legislative Assembly, 1926, pp.1615-1639, NAI

the frustrated subordinate to charge his superior with. This resulted in downscaling workplace morale and reverse repercussions.

The administration did not want to brand a body of 700,000⁵⁶ public servants as corrupt, as a motion in the Assembly demanded, and instead urged individual members to come out in the open with their allegations.⁵⁷ Administration blamed both sides, their own negligence as well as general mentality for the problem. Here interference became mandatory as railway was a stronghold of the state. The railway commissioners responses were somewhat adamant in face of criticism, and even contradictory, When pointed out that the weekly *Mazdur* of Lucknow had been making allegations against officers, and railway boards had not taken action, and that the railway workshop in Bombay was made to contribute a handsome sum towards the marriage gift of a European superior, the Railway commissioner Innes first replied he had no idea about any of these, and when further attacked on grounds that Railway board was unwilling to proceed against European superior subjects, and that was the root cause of corruption among subordinates, Innes retaliated that this newspaper was but a “scurrilous rag” in Lucknow. The question should be if the newspaper itself should be neglected or prosecuted. In this particular case the accused officers had gone home, and their prosecution was under consideration. In the 1920s the parliamentary debates are rife with questions being asked on railway corruption, the usual reply being the government had no idea, or even if it did, an enquiry committee was not thought worth it.⁵⁸ Railway corruption remains a discussed topic all throughout even after independence. The jurisdiction of Railways was passed over to the Special Police Establishment during the war. Following independence the picture of the institution still remains a corrupt one.

There is definitely difference in treating the native and the Indian seen in police as well. Following the Midnapore bomb conspiracy case it was alleged that the police had falsely accused 22 persons. The chief witness of the prosecution later stated his former evidence had been given at the instigation of the police. 22 individuals were detained

⁵⁶ Legislative Assembly Debates, Official reports, 2nd Session of 2nd Legislative Assembly, 1926, pp.1615-1639, NAI

⁵⁷ Legislative Assembly Debates, Official reports, 3rd Session, Volume 3 Part 4, 1923, pp.3383-3388, NAI

⁵⁸ Legislative Assembly debates, Official reports, Volume 6, Part 2, 1925, Volume 7, Part 2, 1926, Volume 3-4, 1928, NAI

under false charges for a month. It was specifically asked if the accused policemen were native or European, and if native, does this case call for an inquiry, given there were 4 similar cases within the last year, and if these falsely accused will be compensated⁵⁹. The implication is clear. If the accused policemen were native, the miscarriage of justice could be charted to Indian mistakes.

There was an accusation by the Indian members in the Legislative Council that the 'system' treated the offender as a part of itself. Government protected a European sergeant when congress committee made a complaint. Another assistant inspector had got himself a heavy luggage carriage fee, on complaining, the Congress Committee got reply that they had no authority to lodge a complaint like that. It was the bus association's jurisdiction. A third instance mentioned was that on complaining of a contractor, the education committee was told by the executive engineer that though the complaint was not wrong, the superintendent of education must be careful in making complaints, as the image is to be maintained.⁶⁰ The race of the contractor was not mentioned, but the attitude is coming out. If the government was keen on protecting its own, the ethos of justice, or rather British justice was not being carried out.

Legal discussion around the subject shows some complexities. In 1921 there was a question as to if a special law was needed to deal with corruption, beyond the Indian Penal Code, unanimous reply from the local governments was that it was not needed. In British law bribe giving was criminal from 1906. Judicial commissions court in 1921 suggested Indian law should be brought in line, local governments did not support. In 1925, the government accepted the recommendation of a reforms enquiry committee and introduced a bill penalizing offering of bribe to a member of the legislature, and demanding of bribe by a member of legislature.⁶¹

Moving on from governmental retaliation, I would like to bring one particular story to study the networks of corruption in a village society. This is a shift from mostly urban focus this chapter has. This highlights some of the most complex patterns of

⁵⁹ Home Department, Political Branch, File No. 28-31, Part B, 1909, NAI

⁶⁰ Legislative Council discussion on the Report of the Anti Corruption Committee of United Provinces, 30 August, 1938, sourced from southasiaarchive.com/Content/sarf.100003/207651/004

⁶¹ Home Department, Judicial Branch, File No. 479, 1929, NAI

corruption much like Sind, which also was not urban. This interesting case is from the Belgaum district in Karnataka, reported to as the Satti bribery case. The case was significantly important compared to most other cases, the primary accused being the European deputy commissioner of police, C.E. Ring, an inspector, a sub-inspector, and nine others including Police *Patils*. The last accused was a first-class magistrate by the name of M. M Pathan. The trial went on for over three years involving more than 300 witnesses.

An arguably simple case of felling a tree in the village, followed by bribery to avoid the law panned into a complicated case of accusations, counter accusations and rivalry uncovering village feuds between the two dominant castes of the village. The hierarchy of the involved, villager to top most level of the police to a *mamlatdar* representing the judiciary highlights the role of a bribe in the everyday processes.⁶² That the police, especially the native ones took bribes is a well supplemented idea. Even Charles Richmond Henderson, the American minister and sociologist, in his take of crime control in India points out that since their salary was only 8 to 10 shillings, the temptation to bribery and extortion was great among Indian Police.⁶³

It would be interesting to note that Ring and Moghe were simultaneously charged in another bribery case called the Jugul bribery case regarding land dispute , in which they were both ultimately convicted in 1929 by the same judge, Murphy, who acquitted them in this one.⁶⁴

The gist of the story as stated by the prosecution was that in Satti a Vithu Mahar employed as a government watchman, noted on October 22, 1926 that one babul tree in

⁶² Before going into the story, it would be helpful to get an idea about the various accused along with their charges and designations. The first accused was Venkatsing, a police constable charged with scheming and leading a conspiracy against a certain Vithu Mahar. The second accused , also a constable Sadashiv Raoji, charged with assisting Venkat. The third accused was Algouda, also a police *patil*, alleged to have committed the actual offence for which Vithu was being implicated. The fourth being Tammana Kori, the fifth Bola Karbasaya, sixth Bapu, Seventh Mahmud Sanadas , eighth Irappa, ninth Sadashiv Paragauda, a police *patil*. C.E ring was the tenth offender the eleventh was the sub inspector W.B Moghe, accused of receiving bribes, twelfth Mr. Jadhav , an inspector and the *mamlatdar*, Mr Pathan was the thirteenth accused, who assisted in passing corrupt judgment in exchange for money

⁶³ Charles Richmond Henderson, 'Control of Crime in India', *Journal of the American Institute of Criminal Law and Criminology*, Vol. 4, No. 3, September, 1913, p.381

⁶⁴ Emperor vs C.E ring, 1929, Indiakanon.org

the government grove had been cut and removed. The tree was valued at Rs 8 to 13⁶⁵. He made a complaint that a police *Patil*, Algauda had done the offence. To save the constable, a number of police constables got involved and framed Vithu. Vithu took the complaint to Ring, deputy commissioner, who allegedly asked him for bribes. Knowing this, the aforementioned police constables went to Ring themselves, and on paying him around 200, he was ready to help them. The case was sent for trial before Mr Pathan who it was alleged, had also received illegal gratification for his part in the conspiracy. During the trial against Vithu, Pathan, not only hampered Vithu in his defense at every stage but even prevented some important evidence from appearing in the court which would have disclosed sufficient material for proceeding against Algauda for theft. Pathan dismissed Vithu's complaint and later convicted him for theft.⁶⁶ Vithu died at some point while the case was proceeding. A police constable had turned king's witness and bore testimony against the others.

The story up to here appears straight, bribes were given within the police to protect their members and implicate an innocent. However, alternative explanations are brought to light soon. Mr Jadhav, an accused, also a sub-inspector of police, in his lengthy statement questioned the legality of the procedure of the investigation by Mr Kakeri, C. I. D. Inspector who, he further states, had concocted the case against him out of pure malice and also because he refused to give evidence against Ring, Moghe, and others although he was coerced to do so by Mr. Kakeri. He further added that Mr Kakeri had got up the case against non-Brahmins with the assistance of the Brahmin party on the village and others by showing partiality towards them by taking bribes from them. He further took objection to Mr Kakeri's presence in the court when the prosecution witnesses were being examined and Mr Kakeri's examination-in-chief being reserved till the last which, he said, was prejudicing his case.

The other accused brought out other explanations. In the village of Satti there was a long standing feud between the *Patil* of the village, a Lingayat, and the Kulkarnis who were Brahmins. There was a woodland in the village managed by a committee of 12

⁶⁵ 'Satti Bribery Case: All Accused Acquitted' *The Times of India*, 1 March, 1930, p.9

⁶⁶ 'Conviction Against Dead Man' *The Times of India*, 30 August 1928, p.7

members. The *Patil* and Kulkarnis were members of the committee. In October 1926 Keshav Syamji Kulkarni, it was alleged induced the keeper Vithu to fell a tree and drag the logs to the pit. The *Patil* reported the matter to sub inspector Venkatsing who visited the spot and made investigations it was alleged that the *Patil* and the sub inspector at this stage began their mechanizations of destroying record books. After investigation the sub inspector left the village in October. Keshav Kulkarni who felt uneasy at the investigation collected 7 of the eleven and induced Vithu to make a report to the court that the tree was felled not by him but by one person for the Patil himself. The members of the committee accordingly wrote up a report for forwarding it to the *mamlatdar*. But Keshav and other Kulkarnis were not happy with the report and they drew up another document throwing all the blame on the *Patil*. This later report was forwarded to Ring. The two contradictory reports reached the mamlatdar and first class magistrate of Athani at the same time . Thereafter one of the Kulkarnis got Vithu to make a formal complaint against the *Patil* charging him with stealing of timber.⁶⁷ When the magistrate charged Vithu he could not say what his complaint was and gave a inconsistent story the magistrate made a remark to that effect in sending the complainant to the sub inspector for report later on it appeared that the Kulkarnis got Ring to withdraw the investigation of the complaint from the hands of the sub inspector, and gave it to Moghe . The latter made inquiries and found that the witness repudiated the statements which were found the record of the sub inspector. He (Moghe) ultimately came to the conclusion that the *Patil* caused the tree to be felled for the purpose of the village and there was nothing dishonest about it. It was alleged that the inspector came to these results because both he and Ring were bribed. These reports were forwarded to the first class magistrate, Pathan. He did not take the complaint, which was seen as corrupt.

Mr Pathan also said in his statement that he was innocent and the case against him had been concocted by Mr Kakeri with the help of Kulkarnis of Athani. He attributes the cause of his being involved in the case to an alleged dishonor done to Mr Kakeri when the latter had gone to him to demand certain papers.

⁶⁷ 'Satti Bribery Case : High Court Reserves Judgment', *The Times of India* , 4 October, 1929, p.13

The jury, four of whom were Brahmins, found Venkat guilty on all accounts and all the others except two guilty of conspiracy with him. Session judge did not accept the verdict. He was sure some witnesses were accomplices. He therefore referred the case to high court ⁶⁸. In the Bombay high court , while Justice Wild held none of the accused guilty, Justice Patkar held Pathan, Venkat, Algouda Tamanna and Pargonda guilty . The highest punishments were reserved for Pathan, Venkat and Pargonda, 1000 as fine and one year simple imprisonment. The two other got fines of 500 and 300, and six months and three months in prison. Because of the differing opinions, the case was to be overseen by the third judge. The paper at this point reports the event as a complicated village feud, barely mentioning the transactions between the individuals, focusing on the different conspiracies. However, the conclusions reached by some had to be bribe induced.

Mr. Justice Mirza and Mr. Justice Murphy at the Bombay High Court heard the appeal made by C.E Ring against the sentence of two years' hard labor and a fine of Rs 2000 passed on him by the Additional Sessions Judge of Belgaum for receiving illegal gratification as a public servant. Briefly stated the charge against Ring was that he, in company with the other accused, extorted a bribe of Rs 1700 from certain parties in a case under investigation by the police⁶⁹. Eight others, also concerned in the case, preferred separate appeals. They were sentenced to varying terms of rigorous imprisonment in addition to fines by the lower court. In the final verdict however, justice Murphy of Bombay high court found all accused not guilty.⁷⁰

What this story shows is a complex network where bribery became a unit in a bigger scheme of corruption. No conclusion can actually be drawn as to what happened. What it does show is that corruption was not always a simple one to one dealing. A massive involvement was required to sustain the structure.

The Anti-Corruption Initiatives

⁶⁸ *Ibid*

⁶⁹ 'Belgaum Bribery Case: Appeal to High Court', *The Times of India* , 9 January, 1929, p.13

⁷⁰ 'Satti Bribery Case: High Court Reserves Judgment', *The Times of India*, 4 October ,1929, p.13

The issue of anti corruption was coming under scrutiny from the 1920s itself as the archival records suggests⁷¹. In Punjab a Committee was appointed in 1922 under the chairmanship of Mr. C. M. King.⁷² 1930s was the time when the provinces were indeed taking individual steps to address corruption. The first centralized attempt would however come in the following decade. These reports mainly investigated government departments. Though the government wanted to protect its own, ultimately government servant remained the only unit that could make the state look unsteady. With increasing complaints, some interference had become necessary. This section sees some discussions around corruption and the state actions against it. The previous sections see a British attempt to whitewash corruption as Indian custom and an adamancy, and even inaction before solid proof. Here we see the attitudes of mostly the Indian educated class, which can be linked to a growing political conscience of the subjects of the Raj. I attempt to highlight the stark differences in understanding corruption by the officials and opposition, which here includes the elected representatives of the Legislative councils, and the English educated Indian whose voice could be heard through newspapers or magazine articles.

The many Anti-Corruption committees came up with multiple explanations for the vices. The North West Frontier Provinces corruption enquiry alleged that corruption word is used to cover a lot starting from bribery to extortion. However though petty corruption existed it was exaggerated in case of judiciary and police according to the report. Strict supervision was seen as the only solution.⁷³ Similarly the Punjab committee on Corruption attributed this state of affairs either to negligence or over-work on the part of the superior officers. In the 1938 anti corruption committee report of the United Provinces categorized the nature of bribery to 3; the glad cooperation, with the incentive to further need, as a protection from law and the wrongful extortion. It stated that reluctance of the bribe-giver to come forward in complaining, absence of strong public opinion, attitude of *laissez faire* adopted by many superior officers, the demoralizing

⁷¹Measures for prevention of embezzlement and fraud, File no. 40/ 1924/B/ financial /C.C, Delhi State Archive

⁷² Vikram Jeet Singh , 'Corruption and the Public Services', *The Modern Review*, October 1938, pp. 470-473, sourced from southasiaarchive.com/Content/sarf.120016/204712/015

⁷³ 'Corruption in Frontier Province', *The Times Of India*, 12 February, 1937, p.9

effect upon his subordinates of a superior officer with a reputation for dishonesty, and the demand for a high standard of proof in departmental enquiries were some of the reasons for corruption to prevail. There were quips about the nature of men, but it broadly accepted that the lower orders were to be blamed more. But the reason is not as much moral decay as it is the meager state of salaries. About the gazetted officers it was said that integrity has greatly improved in the gazetted staff in the last 30 years, implying that before the past 30 years the gazetted officers were as corrupt as the lower staff! Though the Report makes out graft among gazetted ranks was rare, a member of the Legislative Council points out at least in judiciary, it was present⁷⁴. A general tendency is to look at officer's tenures as insecure and thus treated as the time for acquisition of wealth. Frequent changes in administration, basically instability also produces irresponsibility and corruption.⁷⁵ Very curiously an important remedy later suggested in the Legislative council was that officers should not be allowed in the same place year after year.⁷⁶

Undoubtedly these approaches were mostly top down. The main flaw with any of these committees remained that corrupt officials belonged to same class as those that asked the questions, the educated class with reach and such. The further protection of colleagues gave rise to further corruption. The clearest of this attitude is seen in the case of the anti-corruption committee in Bihar. In their view, due to ignorance of people corruption prevailed and it could be stopped by protecting the so called ignorant from being duped and fleeced.⁷⁷

The anti-Corruption methods suggested are also very conventional. From strict supervision by the European superior to something in the lines of the Punjab Government's strong deprecation of practices such as the acceptance of *dalis*, even fruits and flowers. The policy dated back to the times when Sir Michael O Dywer was governor of the Punjab and it was reiterated by Sir John Maynard, the then Finance Member in the

⁷⁴ Legislative Council discussion on the Report of the Anti Corruption Committee of United Provinces, 30 August, 1938, p.946, sourced from southasiaarchive.com/Content/sarf.100003/207651/004

⁷⁵ 'Administration of Kashmir Riddled with Corruption', *The Times of India*, 22 April, 1932, p.10

⁷⁶ Legislative Council discussion on the Report of the Anti Corruption Committee of United Provinces, 30 August, 1938, p.946, sourced from southasiaarchive.com/Content/sarf.100003/207651/004

⁷⁷ 'Stamping out Bihar Corruption', *The Times of India*, 27 May, 1939, p. 9

Punjab Legislative Council in 1926.⁷⁸ Resolutions were taken and vigilance sub committees were formed in Delhi bar . The name of Justice Douglas Young deserves a mentioning. He started anti-corruption committees in all districts of Punjab and Delhi, and successfully ran a campaign against touting.⁷⁹ In Central Provinces too took measures were taken. Government inspecting supervising and controlling were undertaken. If 5 respectable individuals joined in on making a complaint against someone, their superior was bound to take action.⁸⁰ Bihar saw three classes of remedies, educative, preventive and punitive. Government urged the educated class to take part in anti-corruption movements. Report established that only the superiors could eradicate corruption. For instance, the arbitrary dismissal of corrupt staff by the fabled Grimwood Meyers was held up proudly. The report failed to see Meyers caused a lot of people their livelihoods, when they had none other options and families to feed. However a major consideration in any anti-Corruption initiative remained that officers should not be needlessly harassed.

More interesting remedies claim the inaugurating a Public Service Commission to directly recruit in the government as it is seen that officers who were directly recruited were less corrupt from the ones that rose from ranks, and also as direct appointments would contain the evil of *shifarish* or recommendations.⁸¹ The question of salary came up a few times. As the report constantly laid stress on the lower paid employees as the most corrupt, and suggested some raise of wages, a Vikram Jeet Singh wrote bribery was not a question of payment. Salaries of government servants were raised from 41% to 123% following the Montford reforms of 1919. For Singh, it was more a question of high and low ideals of life, one's family tradition, the way the society looked at the questions of giving and accepting bribes, the fear of action by the State and the promotion or encouragement a public servant was likely to get by remaining thoroughly honest.⁸²

⁷⁸ Vikram Jeet Singh , *Corruption* , p.471

⁷⁹ ‘ Campaign against Corruption’, *The Times of India*, 27 June,1934, p.13, and ‘Anti corruption drive in Lahore; Judge Cleans up Courts’, *The Times of India*, 6 December,1935, p.5

⁸⁰ ‘Central Provinces drive against Corruption’, *The Times of India*, 20 April, 1938, p.13.

⁸¹ Legislative Council discussion on the Report of the Anti Corruption Committee of United Provinces, 30 August, 1938, sourced from southasiaarchive.com/Content/sarf.100003/207651/004

⁸² Vikram Jeet Singh , *Corruption* , p.472

Clearly not much came out. The whole attempt was flawed. It was later pointed out no external committee can go to a spot and decide the causes of corruption. In fact there was always a chance of these men themselves being corrupt⁸³. The anti- corruption initiatives themselves gave rise to a class of *dalals*, people with influence over the Chief Commissioner of a province. These men obviously brought in a new level of corruption. Then there were local committees springing up, even police were afraid of them, and had no way but to collaborate. These committees now controlled who was to be deemed corrupt.

However in the discussion, a major point came across. In the Indian interpretation, the flaw rested with the system that was put into place by the colonial state. Talking about the system also has two levels; the system as a structure, and the actual functioning of the 'system'. The 'system' is often talked of as a structure divorced from the society, something that came into being without social inputs, transgressing the social moralities.⁸⁴ A lack of a social stance on the offenders, their glad acceptance even after they have been prosecuted is why the system works. Neither bribe giver nor taker is to be blamed, only the system is to be blamed. The system is somewhat explained by Singh. Unwilling to blame a single side, for him the fact remained that bribe-givers were not organized to resist the advance of bribe-takers. It was obvious that this type of offence could be very easily committed without much risk of exposure in view of the great unwillingness of victims to run the risk of failing to establish a perfectly true charge.⁸⁵ The bribe giver knew that unless he greased the palm of an officer, subordinate or otherwise, the result was likely to be a turning down of the scales, wrongful confinement, loss of '*izzat*' or at least an extraordinary delay in the procedure of his case. Thus placed he was tempted to offer bribes to straighten out things for himself. The bribe taker on the other hand, knew that his relative and friends similarly placed accepted bribes, built beautiful bungalows and orchards- with the tainted money. He knows that they went scot-free. Thus circumstanced, it is no wonder that even a harmless "hare

⁸³ Legislative Council discussion on the Report of the Anti Corruption Committee of United Provinces, 30 August, 1938, sourced from southasiaarchive.com/Content/sarf.100003/207651/004

⁸⁴ A interesting situation arises when the officials sent to detect the said evils also start tweaking the 'system', and even the police has no option but to co-operate with them. See Discussion of Anti corruption committee, 1938

⁸⁵ Jalal Uddin vs Emperor , 1925, Indiankanoon.org

develops a dog or shark's sharp teeth."⁸⁶ This normalizing of *upari* is pointed out in report as well⁸⁷. Premchand's story, *Namak Ka Daroga* (The Salt Superintendent) is very relevant here. The newly recruited police man (*daroga*) is removed from his position for not falling into the normalized practice of accepting a bribe!⁸⁸

The Minister of justice raises a very valid point that bringing to law attached no social stigma as the government was seen as a foreign body, official retributions were non-consequential to the bribe taker, but with his own people the *balai amdani* lead to *izzat*. Thus the British system failed to impart a notion of justice to the Indian. Only a popular government elected by Indians for themselves could achieve this.⁸⁹ It has to be remembered here this is a congressman trying to push his agenda of congress rule.

The Legislative Council discussion on 1938 anti corruption committee report gave a more concrete footing to the subject. It is to be studied as a reaction. Many complex realities were brought ahead. It shifted the way of looking from the individual complacent in the process to the state itself. Bringing out the realities more than quips on the nature of men, the discussion brought forth that the system was faulty. The report brought forth the realities where resorting to bribery remained an only option. Some examples should suffice. Suppose a bus was *challaned* for overloading. The constable demanded a bribe to withdraw it. Supposing the driver was an educated and conscientious man, he did not pay this money and said that the bus was not overloaded. The case went to the court and there in the first place guilt was presumed and innocence had to be proved. The word of the constable was believed over the bus driver simply because of his position. If he accepted his guilt he was to pay 5 rupees. If he denied he was fined 10 and if he engaged in a counsel and set up a defense, and brought respectable witnesses in his defense, he was fined 25 rupees and out of those 25 rupees, 10 went to the constable who made the report. 'Now, will any bus-owner or bus-driver have the courage not to pay the required bribe to the policeman rather than be harassed and go to the Court and spend five or six days over

⁸⁶Vikram Jeet Singh, *Corruption*, p.471

⁸⁷ Legislative Council discussion on the Report of the Anti Corruption Committee of United Provinces, 30 August, 1938, p.958, sourced from southasiaarchive.com/Content/sarf.100003/207651/004

⁸⁸ Veena Das, 'Corruption and The Possibility of Life', *Contributions to Indian Sociology*, Sage Publications, Vol. 49, No. 9, 2015, pp.325-334

⁸⁹ *Ibid*, p.986

his cases?’ asked Lala Mohan Lal Singh. Further there were rules involving overloading. Suppose the bus was registered for 16 men and if the driver took 1 passenger or a child more against 8 annas, or 10 annas as an extra fare, technically he was being corrupt. Practically, supposing there was a party of 4 men and a child and there was room for only 4 men, it was hard to tell the party that the child should travel in another bus. When the case was placed before the Court, it never considered the advantage to the public, and the bus owner was fined Rs. 10 or Rs. 15 anyway. The presumptions of guilt always lead to a fine. In the case of a goods bus the Court had to see whether the total quantity had exceeded or not and if it found that the total quantity had been exceeded by 20 seers or a mound, heavy fine was imposed by the Court whether or not public had suffered by the overload carried. If such conditions, the bus-owner was quite glad to pay the constable 2 rupees or even 5 rupees in order to save himself the trouble of going to the Court and getting fined. The touring abuses in Sind has already been mentioned where government required a particular days of tours notwithstanding the actual requirements. The last example is about proceedings under section 109. The Superintendent of Police had fixed a quota for every police station for *challaning* a particular number of persons under section 109 within a year. If a particular police station fell short, then invariably an explanation was demanded from the sub-inspector. Obviously this arbitrary rule saw zealous policemen challaning as many innocent individuals as they could, only giving a bribe could protect someone⁹⁰. These were instances of how government rules regulated and caused everyday corruption.

Another point brought ahead was about making the Indians out to be more corrupt as an obstacle for rising demands for Indianization of the services. In this context, H.C.Mookerjee, M.L.A, pointed out that that East India Company servants were famously corrupt at one point. Increasing wages went a long way in checking that. Similarly, owing to more Indians working in subordinate positions, the visibility of apparent bribe takers was much higher. For retention of Europeans in public services, it was not a well enough cause. Though Mookerjee accepted that what an English person saw as a bribe, might just be a tip to an Indian, he defended the Indian position on

⁹⁰ *Ibid*, p.986

account of their wages. Referring to the success of the English reformation of her civil service, he said that an independent civil service, free of the control of the politically influential can provide a body of incorruptible body of public servants.⁹¹

Corruption was thus already gathering storm as a public menace, but it had nowhere reached the proportion it would in the upcoming years. The council discussion constantly pointed out the institutional red tapism but public morality was not on trial for the Indian members. The stress was absolutely on how the government attitudes needed to change and not that of the public so much. The apparent victimhood of the public was accepted, laying the blame squarely on the Colonial State, another trope that visibly shifted post-Independence. The following chapter scrutinizes the disruption of traditional society at the outbreak of war focusing on not only the magnification but also the modus operandi of wartime corruption.

⁹¹ Mookerjee H.C, 'Bribery and Corruption in India', *The Modern Review* , October 1945, pp.203-205

CHAPTER 2

Was War a Watershed? (1939-1945)

The wartime experience of India was in no way unitary. Experience differed at all levels. A time for gains for certain individuals and even communities, the war also slowly pushed certain sections to desperation. While initially there were promises of higher wartime wages, boom in wages proved illusionary as soon the prices began to rise. Demands were intense and shifts in the factories and war industries became harder, longer and more disruptive to ordinary life. Yasmin Khan paints a miserable picture for the labourer class, with paying fines and coming up with ingenious ways to meet targets “against all odds”. All the while being susceptible to injuries and diseases, labourers had to be ready to chop and change contracts. Usual ways of negotiating between superior and worker started to fail as state could crack down on workers using Defense of India rules. And managers used every trick in the books to keep it working¹. However, if this was society at the lowest level, society at the middle level had a period of gains. Initially marked by more employment, and better wages, the middle class was better off. A lascar remembered saying before the war, “money coming money coming”². This exhilaration owing to war was no way limited to the lascar class.

Undoubtedly boom existed. And corruption boomed as well. The sense of working of the state machinery was coming down to the society, more obviously the fallacies of the state were becoming apparent. Through these exact spaces entered corruption. This chapter closely deals with the Second World War period, and the changes it brought along in corruption as a category. This intends to show mainly how the meaning of corruption was broadened because of the war. The war, often referred to as a “watershed”³, is usually accepted as the time of change from older or prevalent forms

¹ Yasmin Khan, *The Raj at War*, Penguin Random House, U.K, 2015, p.87

² Khan, Raj, p.85

³ The word ‘watershed’ has been used by several sources. The entire premise of William Gould’s work is this. Most post-colonial works, including S.S. Gill in *The Pathology of Corruption* starts from the second world war being a watershed. Further, in the Indian Railways Vigilance Manual of 2006, Second World War is called the watershed for corruption in the railways. See, *Indian Railways Vigilance Manual*, 2006, Government of India, Ministry of Railways, Railway Board. Even the Santhanam Comitee report clearly states that wartime scarcities and controls provided for opportunities for corruption. See Report of the Committee on Prevention of Corruption, Government of India, Ministry of Home Affairs, 1964 , pp. 6-7

to newer forms. The nature and scope of this chapter however is limited. The bulk is to supply the reader with the modus operandi of wartime corruption as a primary, and a secondary focus is to show the shift of government's way of looking at corruption itself, which I argue shifted from before. There was a major change in the way of dealing with corruption, and what was often overseen before now was no more seen as such.

This chapter is a close study of certain individuals. One a ICS man , and centering him a whole 'network' of corruption, and second a European officer of Telegraph Stores in Bengal . The third one is that of a contractor and the last being that of a store clerk and the people around him. I focus on how these individuals at different levels of the state used the war to make gains. The shift brought forward was the discontinuity from customary or systematic forms of corruption to opportunistic forms. This seeks to locate corruption with the individual. And more than representational aspects of corruption, it focuses on the expositional. What is and how "corruption" happens. The second part of the chapter will throw light on government activities and nuances within the state's position regarding corruption.

The common threads in all the stories are the contractors. They were the handmaidens of the new forms of corruption. In general, for the class of contractors, business was profitable. Again to background, government contracts soared in numbers and by start of 1940, orders for manufactured goods weighted in at over 62 million pounds. "It is reported to me by persons of status that money is being spent like water in the name of war", Gandhi wrote to the Viceroy in 1942. Seven million garments and 3 million pair of boots rolled out of Indian factories. Within 3 years India would be producing as much supply as Australia, New Zealand and South Africa put together.⁴ Along with government run and protected ordinance factories, hundreds of trade workshops and railway workshops were subcontracted to produce spare parts, small machinery and tools. Factories producing chemical, paints and paper, jute all attracted increasing number of workers. The study of the specific wartime forms shows the rise of the contractor class as the most corrupt. Again, what has been shown as a collective gain, I try to see from an individual point of view. This was the opposite of state extracting

⁴ Khan, *Raj*, p.84

resources; this was the state getting defrauded. Here it has to be remembered that in this context corruption is strictly an anti government issue. More than graft in official cases, or even notoriously bribe happy individuals, cheating or defrauding the government in a larger scale is seen as corruption now. Which is what distanced this period from the previous making it a turning point. More than making a system work, or to say hastening a process, corruption became a process itself.

Higher Networks of Corruption: The ICS Officer

The first story is that of S.K Ghose. This tale has all elements of a scandal present. From a man in the highest government service, flanked by his subordinates in the provincial services, to business outfits dealing with large sums of money, to large number of contractors dabbling in the money and film stars used as smoke screens with stories of secret service and espionage and all ultimately working because of the contractors, the lowest level but the linchpin of corruption.

Further importance of the case lies in going against the self imagery of the ICS. None of the ICS officers who worked on the ICS like Bradford Spangenberg, David Potter or Philip Woodruff goes into the problems within the service, viz that of corrupt officers. While it has been noted "... Indians of ICS were men of highest caliber, no one could hope for abler men than Bajpai, Hydari, Trivedi, H M Patel, Gorwala and others..."⁵ - of course the names not mentioned are that of S.K Ghose, T.A Menon, Krishnaswamy, C.S.D Swamy or S. Venkataraman, the officers who cheated the government of lakhs in the 1940s.

To delve into the first case, the upper layer of the three tier corruption network was heavily star studded. Ghose of the ICS, formally chief refugee administrator, Khan Bahadur Fazlul Karim had retired from the Bengal Civil Service, his sons , most importantly Nawab Karim and Rezai Karim who were businessmen, and a local landlord of Kantabari area, S.C Ray, who was a friend of Ghose . The second level had the business associates Fowler and Co., and in the third level there were a number of contractors, Kamakshya Chakravarty, Jiban Dutt and Shajahan chief among them. These

⁵ Philip Woodruff, *The Men Who Ruled India :The Guardians*, Jonathan Cape, London,1954, p.311

men, along with 15 more were charged with conspiracy to commit criminal breach of trust in respect to the Burma Refugee Organization (BRO) fund⁶. S.K Ghose , was charged with embezzlement of large sums of money granted by the government of India to be used in the relief of destitute refugees fleeing from the Japanese occupied territories. Government was defrauded of 76 lakhs, of which 30 lakhs went to Ghose alone. The case was spread over three towns, Calcutta, Dacca and Kantabari, where the camps actually were. This story is actually used to look at how a corruption network can work when backed by power. However, ultimately the point is making money for everyone involved. Power and position is tied to protection after all.

After the Japanese invasion of Burma, troubles broke out in the districts of Arakan between the mugs and Muslims of Arakan with the result they started to migrate into India. The government decided to receive them and make arrangements for their housing, food and clothing. The number expected to come to India was at one time 60,000. Government started an organization for the purpose of receiving these refugees from their way to Arakan to India. This was later known as the Burma Refugee Organization. S.K Ghose, a man of considerable experience was placed in charge of it. He was sanctioned unlimited power of withdrawal from government treasury to run organization and authorized to appoint his own staff.⁷ Other organizations working for the displaced included Burma Indian Association and the Federation of Indian Chambers of Commerce and Industry⁸.

In beginning of the war, 12 advance camps were made in Sambala and Dohazari . They were called forward camps. Sambala was in Burma and Dohazari in Chittagong district. They were 12 miles apart. As the military situation developed, it became necessary to remove the camps and government decided to remove them to Fazilpur in Noakhali district. Tenders were invested for the construction at Fazilpur but the project had to be abandoned owing to military situation in January 1943. It was decided to remove the camp to Kantabari also called Subirnagar, in the district of Rangpur. ⁹ To put

⁶ State of West Bengal vs S. K. Ghosh on 16 April, 1962, Indiankanoon.org

⁷ 'ICS Officer's Trial Begins', *Amrita Bazar Patrika*, 31 July, 1945, p.3

⁸ Khan, *Raj*, p.106

⁹ 'ICS Officer's Trial Begins', *Amrita Bazar Patrika*, 31 July, 1945, p.3

things in a perspective, the time period of the scam collaborates with that of the Bengal famine, in which more than 2 million perished.

The drama unfolded in the court with NC Sen, counsel of the crown bringing in the charge against Ghose and his associates about the gross misappropriation of money in relation to BRO. One after another witnesses furnished the details of how exactly the money was made, how the transactions happened and how these men in power came under suspicion, and ultimately arrested. Purpose of the organization was to construct buildings for accommodation of refugees and to clothe and feed them. To give an idea, counsel said Rs 1,00,71,812 was spent on huts and 80 lakhs (round number) on food and clothing. These consignments were meant for 25000 men for 3 months. Ghose was authorized by the Government of India to draw from the treasury such sums of money as he deemed necessary in connection to his work without limit. This was fully utilized. No books were kept of the accounts except one cash book and one advance book. (Counsel mentioned men dealing with government money were “expected” to keep account) No account books were kept to reveal the real state of affairs. Enormous amounts of goods were stocked without any inputs. Ghose was appointed in November 13, 1942 and soon after appointment he wrote to Accountant General for two accountants. Two persons were sent who joined the organization on 24th November. One of them left in December and the other in march 1943. From that time to October 1943, there were no accountants to do the job. The court would later find that after the second accountant had left, the big payments were made to contractors.

The actual system adopted was that Ghose withdrew enormous sums from reserve bank and government treasury. He withdrew Rs 1,70,00,000 from the reserve bank and put Rs 1,00,00,000 in the imperial bank and kept Rs 14,25,000 with him. Out of the amount deposited with the imperial bank, Rs 1,20,00,000 was drawn on self cheques. Accounts of a few months together “horrified” the accountant general. He wrote to Delhi it was altogether wrong to let Ghose keep money in the imperial bank. Ghose was asked for an explanation. Ghose explained he needed large sums to facilitate his work. He had to

make payments at the forward camps were there were no banks or postal facilities. So it was essential to keep cash.¹⁰

Counsel submitted that the payments were made not in those remote parts but in the town of Calcutta, not in cheques but cash paid in small denominations. When Accountant General wrote for local audit, Ghose replied he needed a competent accountant and suggested name of accused Monahar Ali. The latter was sent to the organization.

Such a high level fraud was not possible without the help of others. It was necessary to find contractors who would be willing to submit inflated bills and share spoils. Khan Bahadur was a resident of Dhaka and Rezai Karim a pleader of that place. Karim secured contractors for foodstuff, *lungis*, mosquito nets etc. No tenders were called for anybody. Work was given to contractors at organization approved rates. The actual defrauding occurred at the lowest level. The basis of everything was inflated bills. To give an idea, a few small contractors were secured who agreed to supply nets at Rs 3 and 4 each. The Khan Bahadur and Rezai Karim told them that they must charge Rs 10 for every set; otherwise they would not get payment. To get the money, they had to submit the bills as directed but they were paid at the rates at which they had to supply and the balance went to the organization. Similar procedure was adopted in connection to purchase of rice. A Marwari merchant supplied rice at Rs 14 per mound and billed for 16, and the difference of Rs 37,000 was paid as commission .

Counsel then referred to the construction of huts and said that the place chosen was Subirnagar which was within the *Zamindari* of S.C Roy, a friend of Mr. Ghose. Frankly for a scheme of this proportion, a local power holder was needed. The *Zamindar* was appointed contractor for erection of huts. Here the *Zamindar* had no reason to become a contractor but for the gains it promised. In fact there was a major upset between him and Khan Bahadur when the latter wanted to remove Roy as a contractor.¹¹ Counsel gave details of hut construction and said that inflated bills were submitted. Inflated areas and in some cases fictitious areas were shown.

¹⁰ 'I.C.S Officer's Case', *Amrita Bazar Patrika*, 1 August, 1945, p.3

¹¹ 'I.C.S Officer's case', *Amrita Bazar Patrika*, 2 August , 1945, p.3

The most telling of the fact that misappropriation had happened was the swelling bank accounts of the involved. Accounts of Ghose before appointment to the Burma Refugee Organization would show he was not a wealthy man, but later he deposited a sum of around 27 lakhs in cash with his solicitors Fowler and Co. between June 1943 and July 1944. All these money was paid in notes of small denominations. The crown case was that the contractors were paid in cash and part of cash remained in Ghose's pocket. Lakhs of rupees were paid to contractors in cash. Counsel said that before the relevant period Rezai Karim had overdrawn from his banking account, but after December 1943 his account swelled to Rs 12,00,000. In January 1942 his Dacca house was mortgaged for Rs 9000. From December 1943 to august 1944, Rs 2,30,000 was deposited in his account . In December 1941, Khan Bahadur Karim's bank balance was Rs 51. On December 23, 1942 Ghose paid 400000 to Khan Bahadur Fazlul Karim ¹². Counsel described how after the arrest of Mr. Ghose, this money was withdrawn in one bank and deposited in another in Bombay and was eventually withdrawn and brought to Calcutta. The account of one Afatul Karim , an accused ,rose to over Rs 20,000. But eventually the police could not further trace these amounts.

Ghose, and the Karims were all present at the scenes of payment. As administrators, it was not part their duty to be. But they were always present when payments were made in Calcutta. Members of Karim family understood that in an organization like this no one could be trusted, not even father or brother, so they were personally present to look after own interest. Payments were made in Broadway Hotel and Hotel Majestic. Counsel said bills were made in the hotels, and all advances were made to the contractors there and not in the forward camps. The court would hear in evidence that an attaché case containing notes was being brought to the hotel. At the Khan house in Dacca [sic] individuals met and discussed bills. ¹³

Calcutta, said counsel, was a small place and when Fowler and co began to purchase properties in their own name, people began to enquire as to who were the real purchasers. Finding that trouble was brewing Fowler transferred all properties to Ghose,

¹² 'I.C.S Officer's case', *Amrita Bazar Patrika*, 1 August , 1945, p.3

¹³ 'Story of Inflated Bills', *Amrita Bazar Patrika*, 3 August 1943, p.5

and dropped their client like a “hot coke”. Ghose then tried to fake letters to show he held the money as a trustee for Mr. Barua, film personae, and his 2 sisters. But later Pramathesh Barua admitted he was made to write letters alleging he had sent money to Ghose on different dates.

A crucial point was the involvement of the police. On receiving information that Ghose was buying properties, the police Commissioner himself asked N.Sarkar, a deputy Commissioner of the detective department to have an anonymous letter sent to the commissioner’s name to the effect that the contractors of Burma Refugee Organization were at payrolls of enemy agents. The letter reached in due course and he forwarded this to Barnes, Deputy Commissioner. Barnes got in touch with Ghose and investigation followed. The police issued an order under Defense of India rules as otherwise Fowler might object to show their books. A special branch was set up with S.N Mukherjee to investigate.¹⁴

The frantic attempts of the accused to build up their defense showed the involvement of power and connections. Since the contractors were the hardest hit, there is reason to suspect it was one of them who acted as a whistleblower. Kamyaksha Chakravarty allegedly made bills for 34 thousand, and received 10 thousand. He became desperate and refused to sign after a point. Rezai Karim had to go to Brahmanbarta to reason with him. Contractors kept seeing Rezai about the bills. In September 1943 the contractors became cautious about income tax, and began taking legal aid. Rezai Karim threatened Jiban Dutt’s father Lalit Dutt to have Jiban arrested if he didn’t go to Calcutta to see Ghose . Soon after partition, Rezai fled to Dacca, and tried hard to get close to Nurul Amin (the chief Minister of East Pakistan to be from 1948),

Ghose’s defense entirely rested on the premise of alleged secret service work in the areas mentioned. Though his stories to Rajkumari Niharbala Devi (sister to film director Pramathesh Barua, who also appeared as a witness for defense) were highly interesting, the defense fell flat. Niharbala reported Ghose told her his services took him frequently to Arakan. He said that the nature of the work was risky, secret and life-

¹⁴ ‘ Case against ICS Man’, *Amrita Bazar Patrika*, 14 August, 1945, p.4

threatening. The information which he possibly could not divulge as that would expose him to greater risk. The narrative had fantastical elements- he did not know if he would be able to return “always or ever”. Ghose told her he was working for British military authorities in connection to the workings of the guerilla bands in the Arakan and was carrying gold and money to Arakan area. If the Japanese came to know there would be threat to his life. ¹⁵The premise of this defense remained entirely problematic as Ghose started to circulate these stories only after he was suspected of misappropriation after 1944. The tribunal and later the High Court confirmed the fact that evidence established the existence of a conspiracy.

Judgment of the tribunal was made binding in both dominions, by an order in council in August 1947, Ghose was imprisoned in Calcutta, while Karim fled to East Pakistan as soon as partition came into effect. Karim sought Nurul Amin’s favour to escape prison and also offered help to Hamidul Haq Chowdhury, a journalist, who did not take his help, and later found out Karim was helping Amin to get information on Chowdhury. ¹⁶

This case establishes that it was easier for government to deal with individual corruption. As seen previously as well, colonial government did punish the offender if the allegations were proved. Other than this case, another ICS officer, T.A Menon, who allegedly took a bribe of 500 was similarly convicted and sentenced by a tribunal. ¹⁷ In Ghose’s case, while the highest were brought to justice, the contractors, initially accused, appeared as witnesses later and avoided punishment. However, there was no protection for the ICS man. Protection network for high end corruption marks post-colonial scenario. Ghose was finally sentenced to five years of rigorous imprisonment and a fine of Rs 45 lacks in charges of conspiracy and criminal breach of trust. ¹⁸ His appeal was rejected in the Supreme Court in 1956, and the imprisonment and fine confirmed having regard to the serious nature of the defalcation.

¹⁵ ‘ICS Officers Trial: Further Evidence’, *The Times of India*, 26 July, 1946, p.6

¹⁶ Hamidul Haq Chowdhury, *Memoirs Autobiography*, Associated Printers, Dhaka, Bangladesh, 1989, pp.137-138.

¹⁷ T.A. Menon vs The King on 7 November, 1949, Indiakanon.org

¹⁸ State of West Bengal vs S. K. Ghosh on 16 April, 1962, Indiakanon.org, pp.4-5

I am arguing the specific Second World War forms were entirely detached from customs. The goal was money making. At least during the war the only concern remains nefarious gains. The points of networking mainly for protection were not exclusive to the war. Corrupt police networks, for instance, were present since long. What war brought along was a scope for huge gains for anyone without government intervention. Ironically this is why large scale government retribution happened too. War did normalize it. But the moment the war stopped, so did all these avenues, and corruption changed again. Specifically that's why the goal remained "money money" during the war.

More Opportunities: The Officers and the Contractors

Similar patterns are discernable in the stories of wartime corruption stories. As in centering around one individual of some influence, a nexus grew of minor officials and contractors who all had minor roles to play. Another such case was that of Major Phillips. The case in a gist was that Major J. Phillips, along with four other persons, Captain A. J. Rodriguez, Jagat Bhusan Biswas, Edward Ezra and Nandalal Dey had defrauded the government in transactions related to purchase of Mc.Intyre sleeves, Copper strips, bolts, nuts, G. I. Pipes etc. Contracts for supply of huge quantities of these stores were said to have been given to particular groups of favoured contractors who formed a ring¹⁹, The employees of the Alipore Telegraph Stores further received illegal gratifications from the contractors who were given orders to supply the articles mentioned. Two other employees of the Telegraph Stores, Dasarathi Mukherjee and Dhruva Chandra Banerji were also involved. The former died after the commencement of the trial and the latter turned an approver and gave evidence in the case.²⁰ This collaboration between certain European and Indian officials of the Alipore Telegraph stores in Calcutta cost the government 35 lakhs.²¹

Due to war situation Phillip's responsibilities increased to organizing the production or procurement of the stores required. Phillips deployed Jagat Bhusan Biswas, who was the stock-holder for the wire or works and cables, to supply him with

¹⁹ Major J. Phillips vs The State on 31 August, 1955, Indiankanoon.org

²⁰ 'Four Years Jail for former official', *The Times of India*, 27 May, 1950, p.9

²¹ 'Alleged 35 lakhs fraud on government', *The Times of India*, 13 August 1945, p.5

fictitiously low figures as to the stock position. Dasarathi Mukherjee, helped by submitting to the purchase section grossly exaggerated figures. The duty of Rodriguez was to check the demands so that no supplies in excess of actual requirements might be procured to curtail unnecessary purchases and to ensure, by means of calling for open tenders, that whatever stores were purchased from the market, were purchased at a fair rate. The approver Dhruba Baneji, who was the Purchase Clerk, had officially the duty of attending to the correspondence in the purchase section and drew up contracts to be entered into with the tendering firms, but in practice he came to be the person who handled the business with the contractors in the first instance, selecting firms to be included in the approved list and recommending firms to which contracts for supply might be given. Phillips made it easy for Mukherjee and Biswas to make false reports according to the requirements .

A group of contractors facilitated the fraud. One of the contractors would make a tender to supply a large quantity of a certain item of stores and Rodriguez, on being referred to, would duly report, with the co-operation of Mukherjee and Biswas, that such stores were required. He would then make a show of obtaining quotations from the market by sending out a circular letter to other contractors of the ring or make telephonic enquiries of them and the latter, knowing that the contract was intended to be given to the confederate who had made the offer and what rate he had quoted, would themselves quote slightly higher rates so that the rate quoted along with the offer might appear to be the lowest. When the offer was made by a person trading in several names, he himself would quote higher rates in the names of his other so-called firms. Sometimes, even such enquiries were made after the offer had already been accepted, just to put the record in order.²²

²² According to certain tables compiled by the Tribunal, reservation orders in respect of McIntvre sleeves were for 10,40,000 pieces, of which 7,67,574 were supplied and the price paid for the supplies was Rs. 3,45,305. Reservation orders in respect of copper strips were for a total of 187 lakhs of which 11,00,460 were supplied and the price paid for the same was Rs. 17,57,949/-. Reservation orders in respect of bolts and nuts were for 19,275 cwts[sic]. of which 18,042.5 cwts[sic]. were supplied and the price paid was Rs. 18,08,848/-. Certain quantities of bolts and nuts were purchased otherwise than under reservation orders and the total quantity purchased by the two methods was 19,769 cwts. the price of which was Rs. 19,71,577

The tribunal acquitted Phillips of bribery but they found all other charges substantial. Phillips was sentenced to four years rigorous imprisonment by the first special tribunal at Alipore on charges of criminal breach of trust to the extent of Rs1,90,000. Major Phillips was also fined a total of RS 1,99,326 or in default suffer rigorous imprisonment for 3 years. Captain A G Rodriguez, was sentenced to 1 year rigorous imprisonment and fined Rs 3000 .In the case of Edward Ezra, the imprisonment awarded was simple, presumably because his age was 71 years.²³

Much as corruption prevailed, nevertheless avenues existed of apprehending the same. In the Agra ordnance inspection depot, a similar case occurred. The operation was straight forward. The depot placed orders with contractors who supplied according to specifications. Up to 1942, a captain Foster was in charge of the depot, but brigadier Woolfe , the Controller-General of Inspection believed he was passing on inferior quality stores in exchange for bribes. Foster was removed and arrested. He was thus replaced by a Captain Martin who arrived with specific instructions to stop this. His purpose was to lay traps. He introduced new standards for supplies. This, naturally, caused consternation to some of the contractors and they threw out suggestions to Captain Martin to the effect that he could get Rs. 40,000 a month from contractors as bribe if he passed inferior stores. It is alleged that one of such contractors was Kesri Chand. Kesri Chand was the owner of a firm styled Kesri Chand & Co. He was also interested in two other firms, Lakhmi Chand & Co., and Shil Chand & Co. Lakhmi Chand and Shil Chand were cousins of Kesri Chand. In or about July 1942, three contracts of the value of about Rs. 6 lakhs between the Government and the said three firms for the supply of tents and pillows were pending. About 750 tents and 24,000 pillows had been supplied under these contracts by the three firms. However, Martin and his superior Cooper found the stores to be inferior. Shyam Lal, father of Kesri Chand, agreed to rectify the defects, but the firm stood at a juncture of huge financial loss. It was in this circumstance Keshri offered to pay a bribe. He was trapped while offering the bribe. Keshri accepted to making the payment but maintained he was made to pay by the person in authority, Martin. Kesri Chand was sentenced to six months rigorous imprisonment in charge of bribery. What

²³ Edward Ezra And Ors. vs The State on 29 April, 1952, Indiakanon.org

this shows is that, contrary to belief, no one was above resorting to illegal means to furnish themselves. British officer, I.C.S man, no one was exempt from corruption!

Everyday Corruption and the Store Clerk

Corruption during World War II became all pervasive. The testimony of a store employee²⁴ further shows that the theme was grabbing whatever you can. This one employee, transferred to multiple posts in very short span gives an idea of how corruption was detrimental to war effort. His multiple roles, clerk to contractor to supplier highlights the points made.

This unnamed individual goes on to say when selected for overseas service, unwilling to go, he approached a medical officer who agreed to declare him unfit for a sum of 2000 rupees, (to be distributed among 4 people of medical board). On payment, the medical officer applied some chemical to make his eyes swollen, making him unfit temporarily. However, he did not return his overseas kit (this kit was ultimately recovered from his mother's house). 2 months later, he was selected for overseas service again, and again the bribed medical officer played his part.

In his transfer to another department, he narrated the story of a store man turned leading hand turned gatekeeper who made thousands. His modus operandi was that he arranged the heaps of articles declared unserviceable for sale by auction when the auction officer had left, the heaps of unserviceable articles were removed and in their place serviceable and part worn serviceable and repairable articles were handed over to the contractor, who in turn paid bribes to other store keepers, thus defrauding the government, unserviceable heaps were again taken back by the contractors and put back in stock and the process repeated. The narrator warned that after the war such auctions would be carried in large scales and government would be defrauded.

In the next position he was transferred to, all stores returned by units were at first "conditioned" by the store man. If he declared certain stores unserviceable, there was no higher authority to gainsay him, his verdict was final. If the stores declared as

²⁴GOI, DGIMS, General, File no. 14/333/43-SG, NAI

unserviceable were iron made articles, they easily become iron scrap. Same with other metal based material. If a storekeeper declared a pair of scissors unserviceable, weighed them down and in their place put articles of rotten iron nobody could check him. In this way store men stole serviceable iron, replacing them by scrap, bought at cheapest rates. The narrator used to give the tools to a certain keeper, who used to keep them in a black box, fixed on the carrier of his bicycle. Though the men in his position were usually not checked, this man took additional precaution, and gave a receipt to our narrator, “taken as temporary loan” , next day the receipt would be torn.

The next establishment he went to consisted of about 500 men. These men could not be searched every time they left the depot. And through them the store man smuggled out a lot of depot. The implication is alarming. The narrator hints that all 500 men were corrupt!

The immense power of the storekeeper paved way for him to negotiate with the contractors who wanted their inferior quality clothes approved. While at this post, our narrator made 2000, but another, who he adds, was a lieutenant, made 2 lakhs. Another technique was to utilize the European supervisor’s lack of local knowledge, who could be convinced to reject tenders of firms not in collision with his clerks as supplying inferior material. However if the opposite did happen, and the European officer tightened controls, these men were caught, Keshri Chand, being a prime example of that. His attempts to bribe Captain Martin 2000 and 1500 ended in being sentenced by magistrate to six months rigorous imprisonment and a fine of Rs. 500 on each count²⁵.

There was corruption in supplying vests, supplying materials, and flour. The usual standard was something smuggled with dishonest collusion of examiners and contractors. Our store clerk next described a process much similar to the one used in the Ghose case , about orders of 56,000 vests with a certain mills, the firm was asked to supply vests of 32,34,36,38,40 inches. All prices were fixed at same amount irrespective of size. Firm supplied 32, 34 , 36, but not 38, 40, but got paid for them too. In the *bazaar* these 3 sizes could be bought for 4 *annas* less , The firm got a sample of vests approved by the

²⁵ Emperor vs Kesri Chand on 22 February, 1945, Indiankanoon.org

establishment the clerk worked in, which cost 5 *annas*, but with “our connivance”, he supplied vests costing 2 *annas*. On the narrators suggestion, his establishment also bought 6000 vests manufactured by certain stores, run by the sect of which he was a member. So corruption lies in the details.

The store clerk often made sweeping statements like “ Major ___ was a honest officer, but all of us his subordinates were corrupt people”, or about some consignment “we fell over this consignment (of blankets) like vultures over its pray”. Out of this consignment, a lieutenant got 2 blankets, head clerk 2, *havildar* 2 , even a captain 2 pieces and 5 were exchanged by some other officers out of a total of 25 blankets. This statement shows the range and the sense of urgency attached.

Liquids tended to be misappropriated with ease! Removing spirits oils or acid, and then simply making a hole in the barrel, claiming a leak was a common method too. Sugar was made surplus by moistening it with water and thus increasing it in weight.

The clerk formed acquaintance with a Railway Mail Service sorter. Both of them were of the same sect and developed intimacy by frequently meeting at their “*sat sang*”. The latter agreed to transfer in his van any surplus articles that this clerk had.

The narrator said that in the army nobody worried if the articles were new or old. All that mattered was the number. Exchange was not considered robbery nor was it noticed, it is doubtful how much of this claim is true. The entire premise of the Kesri Chand case was quality control. If the clerk is truthful, Kesri Chand would not have been imprisoned. Recruits were never given scheduled supplies, the kits of the deserting recruits were never returned, and articles were misappropriated. Replacements in the stores were a daily occurrence. He mentions that though at this point he was a permanent staff, exempt from search, he left with some British officers to further elude suspicion while smuggling some cycle chains. Before surprise searches, his friends in B.O.R [sic] would inform him.

In those days many ships could not reach destinations because of enemy activities. Government took charge of the cargo irrespective of if it was private or government. In ports thousands of tones of goods simply lay unable to reach their

destinations. Depots in charge of these goods hadn't been able to account for how much could be stolen.

In January 1943, 14 packages of cycle stores were received in a certain depot. The clerk made the receipt for 14 packages and purposefully excluded from mention such items he intended to smuggle. He concealed 3 packages in the dark corner of the room. These 3 had bicycle chains. He smuggled these chains everyday at the rate of 12 per day. Also bought Perrymake chains from market and mixed them with the stolen ones of Reynolds and Coventry, in order to give impression he was dealing with all sorts of chains.

He purchased bicycle parts worth about Rs 3500 from different shops. He had stolen about 1500 chains, which were worth 1000 and bought other parts worth 3500 in order to prove he had not stolen the bicycle parts from depot, but purchased them from different firms. he was careful that some of his friends were present when he was making purchases. So if inquiry happened they could truthfully depose bicycles weren't stolen.

It is apparent that he had developed his level of corruption gradually. It was almost a business with investment and all. What differed in high end and low end corruption as evident from the cases is the amount of work put in. While this store clerk is much more active, he finds out ingenious ways to make the money. He gave bribes, received them, made an active business out of the opportunities provided to him, while for Ghose the main activities were carried on by Rezai Karim. Ghose simply signed bills.

A lot of what he reported was petty theft. Can it be argued here that the ICS man, who was an agent of the state, utilized the state more directly in his scheme by drawing directly from the state treasury, while the specific area from which the clerk's corruption rises out of is state control or lack thereof? It is basically telling of the vastness of opportunism. It is the other side of the argument that state extracted resources because of the war. War state is not normal state. The efficiency of what this man describes is inherent to the war state. This kind of blatancy cannot sustain without war or bigger political anomaly.

Government Crackdown on Corruption

The second part of this chapter looks at the anti-corruption measures of the government. Just like corruption changed because of the war, so did the government's viewpoint as corruption had become seriously detrimental to the war effort. A major issue with these forms of blatant practices during war was how to differentiate between these and fifth column activities. In the backdrop of the war the government was getting paranoid about fifth column activities as well²⁶. A pamphlet issued to warn the authorities about such activities²⁷ highlights instances closely overlapping with what can be called corruption otherwise. For example, in examination of a hot box, sand was found to be mixed with grease, reserve lubricating oil tank was found to contain four bucketful of sand, removal of fish plates, nuts and bolts from railway tracks, or supply of petrol being sabotaged by introduction of soap flakes. Enquiry into why vehicles stopped dead shortly after filling up with petrol from a particular supply tank resulted in discovery that fuel had been doctored with sugar or something. These had to be contained too.

War made a central force necessary as local forces could hardly spare time for the lengthy technical investigations of such offences that might involve dealing with direct government corruption, including corruption in the railways. Acceptance of customs or blaming of the Indian mind for prevalent corruption now took a back seat.

The main change that can be noted is indeed a shift from looking at corruption as custom and as a social problem more than just mischief or nuisance. But at the same time because of massive profits due to bribery, there were discussions on how to accommodate bribery as a taxable income²⁸. Anti corruption initiatives now become primary focus of the government. Pin pointing specific problematic zones, specific steps were undertaken. Here I flesh out some of the measures the government was taking throughout war to counter corruption.

The government had a lot of headache over corruption in general. The forging of petrol coupons was a specific war related corruption. Forgery of petrol coupons and

²⁶ GOI, Home, Political, File no. k.w to 35/1, 1944, NAI

²⁷ GOI, Home, Political (I), File no. 198, 1942, NAI

²⁸ GOI, Central Board of Revenue, Income Tax Branch, File 26 (12) -I.T/1943, NAI

Petrol in General was heavily detrimental to war effort. A primary area of corruption, as also noted from the testimony of the store clerk, was petrol. It was identified that there was a lot of scope for selling of petrol. The schemes to stop forgery and misuse of petrol were important. Reports identified that the operations of the black market were greatly facilitated by the absence of any system for tracing the identity of the person who handed in a forged coupon, or a coupon to the use of which he was not entitled. Reports showed that forgery of coupons had not yet spread outside of Bengal at least in 1943.

All over India, crores of rupees were made through sale of petrol by officers in charge of lorry training, though the milometer in the lorry, nobody bothered about it, the store clerk said. There was a lot of scope in the petrol business. He would show in the books that a particular lorry had spent so much petrol on training, but actually not half of it was consumed. There was nobody to check the mileage. The government, by colouring the military petrol, had to a certain extent discouraged its theft, but the lorry drivers knew of some chemical that restored the original colour. The clerk claimed to have seen it. Further there was the siphon method that made the theft really easy.²⁹

To deal with this, two schemes were suggested. The way the government came up to deal with petrol scam was more control. The Bengal scheme idea was tightening control and following it up with close watch. The lion's share of the work was on the dealers, they were responsible to check that customer was entitled to the petrol he asked for. Vehicles were required to possess a permit for plying on the road. The Area Rationing Authority (hereafter ARA) should note both the registration certificate of the vehicle and the special permit of the serial numbers of the coupons supplied when issuing coupons. For any pool the ARA would enter the serial numbers in a separate pool register to be kept in his office, which will show the registered numbers of all vehicles in a particular pool. The idea was to have a detailed idea of the number of vehicles and the amount of petrol sanctioned as such. For vehicles of hired purpose without fixity of tenure and terms, permits issued should be endorsed by higher transport authority. The petrol required for each vehicle would be applied for and obtained by the employer temporarily taking a vehicle on hire in accordance with the procedure. Such application

²⁹ GOI, DGIMS, General, File no. 14/333/43-SG, NAI

shall clearly state that the petrol was required for 'hired transport vehicle'. The ARA shall send the coupons to the employer and stamp each one as hired transport. The coupons would remain in custody of the employer who would distribute them to the vehicle or vehicles according to individual requirements. The issue of large quantity at a time was to be avoided.³⁰

The problem was still issuing permits; the permitting authorities were heavily susceptible to corruption. However there was a provision for this. In addition to the permit the drivers of each hired transport vehicle shall be furnished with an engagement slip in the prescribed form by his temporary employer stating the period for which the vehicle was employed. The driver on a hired transport vehicle found on the road during a period not covered by an engagement slip would have to explain from where he obtained his petrol.

Burmah [sic] Shell Scheme required each individual consumer to register his name and registration number of his vehicle /vehicles with a named petrol pump and thereafter he would be unable to obtain petrol from any other pump. Such regulation would be effected through the respective ARA.

Each pump holder would be furnished by the ARA with a list of vehicles showing owner names and vehicle registration number which he may supply and the pump holder would be required to keep a register of deliveries of each of such vehicles. Pump holder would be forbidden to issue petrol to any car not on his list and would forward to the authority monthly the original copy of the registrar.

Every coupon was to carry on the reverse a certificate to the effect that it had been lawfully obtained under the petrol rationing order, which would be signed by the coupon holder himself before issue of petrol, was made. Each pump throughout India was to be given a number and a number of the pump at which each consumer was registered to be marked on his coupon book and on each individual coupon. The oil companies were prepared to agree among themselves the number to be allotted at each pump and would

³⁰ Delhi Archives, F No. 28/9/43-c: scheme for preventing the forgery of petrol coupons

advice the ARA that number and location of the pump. Official advices had to be submitted by ARA. The best way by which the marking of numbers on coupons can be carried out must be left to the government. The possible methods suggested were overprinting at the Nasik security press at the time coupons were printed, rubber stamping by ARA authority(this would be easiest for a forger to counterfeit), alternatives were perforations on the slip or printing of numbers in series from 0 to 9 in 3 or 4 lines and the punching out the numbers required. It was established that coupons issued to owners of 2 or more private cars were lawfully interchangeable between such cars and all the vehicles were to be registered at the same pump. If this caused hardship for owners, they were permitted to register one car at one pump and another at another and so on provided that no car was registered at more than one pump.

Fleet owners whose vehicles could not all conveniently draw petrol from the same pump were to nominate the pumps which would suit them and register their vehicles individually for individual pumps, and to submit to the ARA a consolidated monthly statement of drawings for all their vehicles . These statements were to be checked against the registrar.

In 1943, the Delhi commissioner was informed that it had been brought to notice that obtaining sufficient proof to secure a conviction was often hard. A provincial government had adopted the procedure of cancelling the license of the trader concerned in every case in which the local authority was satisfied that malpractice had occurred. Such cancellation was circularized throughout the province. The trader concerned was forbidden to trade in his own name or in the name of any person with whom he might be connected. There had to be interprovincial exchange of information regarding licenses so cancelled and reciprocal action to ensure that the trader was unable to carry on trade in other provinces. For the first time corruption was being treated trans locally. It was not a local problem anymore. Importance was attached to publicity of such cancellations, supply news of such cancellations through air news or air voice³¹. Also important was to secure prompt and effective publicity for cases in which heavy sentences had been

³¹ Delhi archives 121/43-confidential/c.c: tightening of measures against hoarding, profiteering and pilfering

awarded. The local press and also the local stations of All India Radio were to be supplied with prompt report of such cases, including reference in the fortnightly reports. No avenue of communication was thus left untouched. While the government was trying to mobilize public opinion against hoarding, profiteering and pilfering, the information and broadcasting departments were planning a concerted propaganda campaign in an effort to rouse the public conscience. However it was also identified that these campaigns were heavily handicapped as long as the lower magistrate's courts took a light hearted view of these offences which seemed to prevail in certain quarters and were content to inflict lighter sentences.³² Contrary to lower courts, Calcutta High Court made remarks in enhancing the sentences awarded in a number of hoarding cases which came before it. It is also to be noted in government viewpoint; it is the bribe giver, who being in a position to corrupt is the main culprit for corruption.

This brings forward that there was still no unitary position within the state ranks in defining who was corrupt. The discussion in the Kesri Chand case is relevant here for bringing out these nuances. The opinion of the sessions judge and the chief justice of Allahabad high court came to conflict. The session's judge was of the opinion for a lighter sentence for the bribe giver primarily as he was tempted by Captain Martin to offer the bribe. And there was a provision that bribe giver was an abettor of the crime, thus indirectly responsible. The second reason he gave was that the young man appeared to be acting as an agent of his father. The Chief Justice strongly opposed this view. To him, "social conscience and preservation of society were the ultimate functions of law. Thus there could be no difference between the giver and receiver. Both their action produced a menace to society". He further added the massive importance of the department concerned because of its connection to the army. Words like "nothing should come on the way of safety of people shedding their blood for preservation of the state" were used. He was pro a deterrent sentence as corruption in military contracts had become a "public scandal"³³. What this case brought to fore is the magnification of

³² Delhi archives 121/43-confidential/c.c: tightening of measures against hoarding, profiteering and pilfering

³³ Emperor vs Kesri Chand on 22 February, 1945, Indiankanoon.org

corruption by the state. From the basic premise of bribe giver bribe taker, the state was now brought in as an active participant.

A look into measures to be taken in case of attempted bribery further illustrates this. The official position was that expansion of defense services had led to great increase in the number of contractors and administrative person that they came into contact with. Dishonest contractors exploited the opportunity to increase their profits by attempts of bribery and corruption of the public servant with whom they dealt with. Personnel of administrative services must realize the dangers of apathy should an attempt was made to offer them a bribe for money or goods. To be offered a bribe was normally no slur on the individual to whom it was offered as dishonest contractors in their greed attempted to corrupt anyone in a position to facilitate their profits. It must, however be realized that failure to take action not only resulted in the escape of a guilty person but may well lead to suspicion that statements uncorroborated by evidence could be merely smoke screens created to cover his own tracks by the person reporting that he had been offered a bribe. It was not enough to refuse a bribe. Prompt and vigorous attempt to justice was required. Evidence was required. It could be obtained if only ones who had been offered a bribe were on guard. When an attempt to bribe was suspected, there could be only 2 courses of action; Where possible the proposed interview should be postponed by asking the individual to return at some future time, in the interval the matter should be reported to the district official, or magistrate, and arrangement should be made for one or more respectable persons including a 1st class magistrate to witness either openly or from hiding the presence of the bribe giver and the articles offered as bribe. The above courses might arouse suspicion of the suspect, and in that case it might be possible to detain the individual for a short time and in the meanwhile to arrange for any witness who might be readily available. The case should be referred to a first class magistrate as police could not arrest without magistrates order.³⁴

The norms were all in place theoretically. Practically trapping a bribe giver shows the applicability. Trapping a criminal was a primary step in this respect. Narrating how it

³⁴ Delhi Archives Appendix I in directive b/55479/23/AG*(a), general headquarters, India adjutant generals branch in 118/43/ confidential/cc

was done would throw some light on actions. The case of Kesri Chand can be taken as an example. Kesri initially offered to pay at Martin's house. Capt. Martin, however, said he had objection to taking money in the office and it was arranged that he would be given this money at a cinema house. At the cinema house, however, nothing happened, and on 31st July 1942, Kesri Chand was said to have gone to Captain Martin with the sum of Rs. 2000. Captain Martin refused to take the money in his office and asked Kesri Chand to give him the money on the road and Kesri Chand placed a sum of Rs. 2000 in the car of Captain Martin. This money Capt. Martin deposited with his superior officers. Captain Martin, after this incident went to the District Magistrate and told him what had happened and wanted him to depute a Magistrate who would be present at the time when bribe was again offered to him. Martin thereafter arranged with Kesri Chand, that the further installment of the bribe should be paid at his house on 10th August 1942. Mr. Chistle, Magistrate, who was deputed by the District Magistrate, laid in wait for Kesri Chand when Kesri Chand went to the house of Capt. Martin on 10th August 1942, and started discussions with him about the future rate at which bribe was to be given. Martin led him on to this talk, while the accused protested that he had not come to settle the rate for the future. However, the rate was discussed and a sum of Rs. 500 was paid to Martin as a part payment towards the amount settled for his passing the pillows and the tents. Mr. Chistle, at the moment when the money was being handed over, came out and placed the accused under arrest. Trapping offenders became a common practice starting from the war era.

In summation, the Second World War was a crucial time for corruption in India. Crores were misappropriated. To be corrupt somehow became easier. The Government tried its best to stem the flow and though in individual cases was somewhat successful, was completely unable to restrain the mushrooming of black-markets. While during the war there were gag orders in place, soon after the war ended the opposition started heavily cashing corruption to attack the government. In fact the entire premise of seeing the war as a "watershed", though with basis in reality, was an attempt by the post-colonial state to make corruption as we were to know it, a solely colonial legacy. The trope had started to shift from customarily corrupt Indian to an inadequate government. It was now the most obvious tool to criticize the government. Though even now blaming the government was central, that the public were not helpless victims was becoming very

apparent. The following chapter explores closely how even the public themselves react to this.

CHAPTER 3

Imagination and Action: 1945-1950s

The end of the war signified a massive economic transformation for the Indian economy. The transition from war to peace was marked by high inflation rates. Total notes issued expanded from Rs. 206 crores at the beginning of the war to Rs. 1,154 crores at the end of it.¹ Price of wheat and cloth had risen massively, though the price of cotton was low, making cloth industry profits extraordinary. The government chose to leave the control of these commodities in the hands of the industrialists. The government might have contended itself with the thought large parts of the profits were being drained away through income tax². The burnt fell on wage earners and salaried classes. This chapter looks at the key juncture at which ideas around corruption were being transformed due to the transformation from the colonial state to the national state. It analyses the extent to which the question of corruption figures in the public discourses at this time. . It attempts to understand how different representatives of society and government discussed and dealt with corruption. The chapter closes with a brief review of the first decade of the Special Police Establishment (hereafter referred to as the SPE), an organization established in 1941.

Unprecedented Corruption

This period of transfer of power, marked by increasingly complicated social and political problems saw the emergence of “corruption” as a tangible problem. Wartime saw strict government action to tackle corruption even though it was merely a step to curtail wartime losses. The post war era saw the standard narrative of wartime corruption being a “watershed” become etched in public memory for decades to come. The government officials, the press, the public were all responsible for this. There is no denying certain shifts occurred because of the war. It’s offshoots in the form of black markets were the most obvious ones. Again, to review, wartime supply and controls resulted in mass scope of money making, and as Vallabhbai Patel pointed out, as long as after effects of war

¹ N V Sovani, *Post war inflation in India – A Survey*, Printed at Aryabhushan Press, Poona, 1949, p.1

² *Ibid*, p-iii

continued and the controls and the licensing system continued there were many opportunities and temptations which came in the way of weak minded officers or servants³.

Though during the war we see the government take repeated measures to counter corruption, the reaction immediately after was that of denial. Sir Cyril Jones, Finance Secretary argued in March 1945 that India had benefited from the war. Had India been a free state, the costs of maintenance would have been higher. For him, India's external liabilities had been liquidated and India had 'a thousand million sterling' to her credit now. Progress of Indian industries meant prosperity for future. Capital assets had increased and technicians trained. He vehemently denounced the allegations of widespread corruption⁴. However the attitude changed soon.

Black-markets dominated the newspapers from 1943-44, especially in Bengal which saw three million deaths. Black- markets were a gift of the war. It has to be noted Black markets in the Indian context signified everyday necessity items for Indian masses as opposed to luxurious ones. The daily hardship was apparent when a disgruntled Amar Nath Sharma, an ex-unit commander of D.C.G (Deputy Commanding General), Dharmapura, New Delhi wrote to Nehru in 1947, "After war, why aren't things normal? why aren't prices coming down? Where is the good rice and wheat? where are the tiny things? And by Jove where is cloth?"⁵ He further vented out:

Smash the black marketers, hammer them, flog them mercilessly, if necessary hang them in broad day light in public squares... Not writing this in a fitful emotional vein, I am quite cool and collected. Pronouncing these sentences with deliberate callousness..... Catch these social vampires; this is a curable disease..... Nobody should think because they wear best clothes, live in swanky flats and roll in shiny cars they are big respectable people... they are more despicable than lepers. Tear off the money and you will see a grabber with clenched fists, jumping at the pockets of the poor with as much gusto as a hungry cannibal.⁶

He further reminded Nehru that in czarist Russia the soviet government restored to death penalty. France issued death penalty for black marketers and profiteers. In India too, Dr

³ Legislative Assembly Debates , 3rd Feb 1947, Prevention of Corruption Bill, p.68, sourced from <http://www.southasiaarchive.com/Content/sarf.100003/200898/028>)

⁴ 'How India has Benefitted by the War', *The Times of India*, 30 March, 1945, p.5

⁵ GOI, Home, Police II, 37/6/48/SPE, 1948, NAI

⁶ GOI, Home, Police II, 37/6/48/SPE, 1948, NAI

K N Katju, Governor of Orissa, stated that he would oppose the death penalty in the criminal cases but would recommend it for black marketers.

P. J. Griffiths, Director General of Enforcement of the Civil Supplies Department, and also the author of *To Guard My People: The History of the Indian Police*, commented that the gravest situation was in Bengal. Bengal had the biggest black market. Black-markets had become a rule rather than exception in Bengal. He said it would not be beneficial for India to become self-sufficient if there was corruption and black marketing. He blamed this for the famine of 43, and added this was causing cloth shortage. Rationing was the only solution according to him.⁷ *Times of India* also testified to the torrid state of matters. Bengal's deficit of clothes, along with corruption charges had created a sensation even in Bombay.⁸ The Governor (in Bengal) condemned the black marketers, and called for the police to be on the watch always. However the official stance that that bribe givers were the main culprits continued. The Governor added that his impression of the police force was that they had largely withstood the increased temptations put in the ways of the public servant of late. He promised investigation and spreading public awareness⁹. Even the Viceroy accepted the problem, but maintained that controls didn't cause corruption, shortages did¹⁰. Thus he shifted the blame to the public instead of the government, as was the norm with officials. The Bengal famine inquiry report criticized the government as well as a section of public who used the calamity to make profits.¹¹ Sydney D. Bailey, an American who served with the Friends' Ambulance unit in India, wrote in 1945 that while lack of supply, speculation and hoarding were to blame, the Bengal Government's faulty attempts to fix rice price, untimely procurement orders, as well as removal of boats were to blame.¹² Similarly, Richard Schneer, writing for *Science and Society* in 1947, heavily criticized the supposedly beneficial British rule in India. The government controls had pushed the supplies, especially of wheat and rice underground, giving a splendid opportunity to

⁷ 'Bengal Biggest Black Market', *The Times of India*, 11 April, 1945, p. 8

⁸ 'Causes of Bengal Cloth Scarcity', *The Times of India*, 3 March, 1945, p.3

⁹ 'Blood Suckers of Society', *Amrita Bazar Patrika*, 12 August, 1945, p.5

¹⁰ 'Blackmarketing and Corruption, Viceroy's condemnation', *The Times of India*, 11 December, 1945, p.7

¹¹ 'Basic causes of Bengal Famine', *The Times of India*, 8 May, 1945, p.7

¹² Sydney D Bailey, 'Post-Mortem on the Bengal Famine', *Far Eastern Survey*, Vol.14, No. 25, 19 December, 1945, pp.373-374

hoarders. This was followed by the denial policy. In 1938 rice was sold at Rs 3 or 4 per mound. In May 1943, it had become Rs 30, or even Rs 100 per mound in some places. For Schneer this was the failure of imperialism itself¹³.

To be fair, the Bengal government was keen on curbing black markets. There were repeated reports of drives against black markets, food stuff without permit were seized and so on. Also government considered issuing a drastic ordinance making the offence of hoarding to be non-bailable by October 1947¹⁴. The black marketing bill finally passed without opposition, on December 1947.

One type of corruption dominates public imagination in a given time period. This was the era of black-markets while the previous was of supply department losses. Even before the war began there was a widespread grievance by millions of masses in regard to the P. W. D. (helpfully called Plunder Without Danger by Dr. Zia Uddin Ahmad ; MLA, United Provinces Southern Divisions.) The trajectories of everyday corruption were nothing new. The scandals of corruption in the building up of New Delhi were public knowledge. Similarly that the Revenue Department extorted peasants was not unknown. Peasants were not able to escape from the compulsory payments they were obliged to make collectively or individually.¹⁵ Dr. Zia Uddin added that

...four years ago that in my early days I had been hearing only of corruption in the Police Department. When I grew older I then discovered there was another Department of Government, namely, the Railway Department, and the corruptions of the Police Department were entirely forgotten. But when during the war the Supply Department came into the picture, then we forgot the Railways altogether.¹⁶

Even this supply department was forgotten when food department came to fore! An amusing anecdote he shared was the story of Hakim Nabbo, a hakim in Bareilly. He could not write a prescription unless the money was paid in silver in his hand. One day his mother fell ill. He went to her in the morning and gave her four rupees. He asked her to put the money into his hands when he comes again to feel her pulse and write out the

¹³ Richard Schneer, 'Famine in Bengal: 1943', *Science & Society*, Vol. 11, No. 2, 1947, pp.168-179

¹⁴ 'Drive against Black-market', *Amrita Bazaar Patrika*, , 4 October, 1947, p.1

¹⁵ Legislative Assembly Debates , 3rd Feb 1947, Prevention of Corruption Bill, p.78, sourced from <http://www.southasiaarchive.com/Content/sarf.100003/200898/028>

¹⁶ Legislative Assembly Debates , 3rd Feb 1947, Prevention of Corruption Bill, p.80 , sourced from <http://www.southasiaarchive.com/Content/sarf.100003/200898/028>

prescription. When the hakim later came to see his mother, she paid him the Rs. 4 whereupon he wrote out the prescription and the lady was cured! This apparently was already the norm; every person in the Supply Department was a Hakim Nabbo, not ready to work until their palms were greased.

Black markets, profiteering or hoarding, now surpassed bribery as the most common forms of corruption. The usual space of corruption was taken to be the official space, even nepotism, or *sifarish* could happen only in relation to an office. Black markets were the first instance of corruption that was taking place outside the official space. This is why they gained such an “unprecedented” visibility. This did not mean that other forms of corruption disappeared. Corruption in railways was repeatedly addressed. Rehabilitation of refugees was marked as a potential corruption. There was potential for corruption in the mechanism for giving loans. Also it would swallow up a large portion of the revenue of the government thus increasing resentment of a public that was already ever critical¹⁷. The Eastern Punjab minister’s tours in districts gave the impression that corruption was rampant among officials. Regarding rehabilitation and reallocation, public men had occupied the best houses, and police were taking bribes from refugees¹⁸. Another ingenious case was when certain bullion merchants of Calcutta allegedly gave a bribe of 25, 000 to certain post office officials, who blocked all trunk calls to Bombay for silver quotations for 24 hours. This enabled these merchants to sell silver at higher prices, and re purchase the same at lower rate.¹⁹ Cloth smuggling was a pressing issue too, the SPE had arrested 254 persons involved in 181 cases and 77 bales 491 mounds and 153,334 yards of cloth of value Rs 5,51,087 had been seized. In fact a woman was arrested in this connection.²⁰ By 1949 the corruption cases against ministers from Vindhya Pradesh, Shiv Bahadur Singh and Nathurdas Mathur of Jodhpur had made to the headlines. Ministerial corruption became the primary concern in the following decade.

¹⁷GOI, Home, Police II, 37/6/48/SPE, 1948, NAI

¹⁸ ‘Tours in E.Punjab’, *Amrita Bazaar Patrika*, 27 November, 1947, p. 3,

¹⁹GOI, Ministry of States, Defense and Security, Progs Nos 57(21)d-50, 1950, NAI

²⁰ ‘Smuggling cloth into Pakistan’, *The Times of India*, 22 Jun ,1948, p.1

In this background the step that the government took was demonetization. Two ordinances were passed, The first ordinance was the Bank Notes Declaration of Holdings Ordinance, which required all banks and government treasuries in British India to furnish to the Reserve Bank of India by 3 p.m. on 12th January 1946, a statement of their holdings of bank notes of Rs.100, Rs. 500, Rs. 1,000 and Rs.10, 000 as at the close of business on the previous day. January 12, 1946 was declared a bank holiday. The second ordinance was the High Denomination Bank Notes (Demonetization) Ordinance. It demonetized bank notes of the denominations of Rs. 500 and above with effect from 13th January. Holders of high denomination notes could get them exchanged at the Reserve Bank, a scheduled bank or a government treasury on presentation of the high denomination notes and a declaration in the form prescribed in the schedule to the Ordinance within 10 days of the commencement of the Ordinance.²¹

The government believed the working capital of black market operations to be held in form of high denomination notes. Government, well aware of persistent public demand for action, took this step to deal with black marketing, and tax evasion in the country. Business cycles in Bombay were reportedly surprised²². A survey by the associated press of America suggested that of 1200 crores of currency in circulation, up to 300 crores in higher denomination had gone underground to evade income and excess profit taxes. This move was supposed to unearth this. To contextualize, as World War II brought unusual profits to businessmen, during 1940 to 1947, Excess Profits Tax and Business Profits Tax were introduced. Their administration was handed over to the Income tax Department. These were later repealed in 1946 and 1949 respectively. This era was characterized by considerable emphasis on development of investigation techniques. In 1947, Taxation on Income (Investigation) Commission was set up.²³ The logic behind demonetization was unclear. Though the stated objective was to unearth underground money, which in Bombay alone was estimated at 20 crores²⁴, the official history of the Reserve Bank of India (RBI) notes it was against the banks advice. While finance ministry wanted to go ahead with the scheme, the governor of RBI did not see the

²¹ *History of the Reserve Bank of India 1935-51*, Reserve Bank of India, Bombay, 1970, p.706

²² 'Notes of 500,1000, 10,000 Cease to be Legal Tender', *Amrita Bazaar Patrika*, 13 January, 1946, p.1

²³ Please see <https://www.incometaxindia.gov.in/Pages/about-us/history-of-direct-taxation.aspx>, p. 45

²⁴ 'Currency Notes Sold for 60 or 70 p.c of their value', *Indian Express*, 14 January, 1946, p.1

situation apt for this.²⁵ Economists issued a joint statement that it would be of no consequence as long as currency began to be issued in large amounts.²⁶

To the effects, expected scramble, mad rush, panic, and long queues in Bombay reserve bank were the most obvious fallouts. There were more sellers than buyers in markets, and considerable hesitance in accepting 100 rupee notes.²⁷ Further there was buying and selling of 100 rupee notes at 95 to 97 rupees , large number of 500 and 1000 notes unofficially exchanged at 60% to 70% of their original value. Gold shot up from Rs.73 to Rs.96 per gram and then dropped down to Rs 82. Millions of gold bars were exchanged for currency. Diamonds were sold at high premium too. Silver however remained stable.²⁸

Newspapers actually reported death from shock! A 43 year old Punjabi woman died of heart failure, allegedly she had 1 crore in thousand rupee notes.²⁹ About 2 crores worth of notes of high denomination was found to be held in Delhi where apart from contractors, a large number of government officials were reported to have gotten rich from bribery and corruption. In fact the largest sum tendered by an individual was by a government servant, a sum of Rs 6,03,000. The reason he gave for the amount was that it was an official secret that could not be disclosed to the public.³⁰ Rumours were afloat of more ordinances, and 100 rupee notes were disappearing fast. Government had to issue a press note to say there was no intention of demonetizing 100 rupee notes.³¹ An interesting fallout was the arrest of millionaires for breaching the ordinance. The first such case was reported against Binod Lall, a Delhi Millionaire, who allegedly was caught by the police while carrying 40 notes of 1000, and 200 notes of 100³² , similarly, a Bombay millionaire, Dwarkadas Morarka , of Sholapur spinning and weaving co ltd was charged

²⁵ The official history of RBI notes that the Governor, Sir Chinatamani Deshmukh felt that the additional revenue from tax evasion would be lesser than 10 crores, and that it is not going to obliterate black markets. See *History of the Reserve Bank of India 1935-51*, pp-707-708

²⁶ Sovani, *Survey*, p.22

²⁷ 'Nervous tone in Bombay markets'. *The Times of India*, 15 January, 1946, p.1

²⁸ 'Currency notes sold for 60 or 70 p.c of their value', *Indian Express*, 14 January, 1946, p.1

²⁹ 'A woman dies of Heart Failure', *Indian Express*, 16 January, 1946, p.1

³⁰ 'Govt Servant Tenders Largest Sum for Exchange', *Indian Express* , 19 January, 1946

³¹ 'Demonetization of Rs 100 notes' , *The Times of India*, 9 February, 1946, p.4

³² 'Case against Delhi Millionaire', *Indian Express*, 16 January, 1946, p.1

with breach of the ordinance and falsification of accounts in respect of Rs 4,52,000 was sentenced to 1 month rigorous imprisonment.³³

There were mixed reactions to demonetization. Most were skeptical of this move, as destructive to economy especially to holders of small savings. Rajendra Prasad, in an interview said it would hit the middle and lower middle classes hard, and that the war time ordinances only succeeded in complicating the problems they were intended to solve.³⁴ Russa Mehta, a businessman, said that he had been informed that the RBI was exchanging 1000 rupee notes for smaller denomination for those who filled up the declaration forms. But these forms were never scrutinized, and hundreds had filled these up with fictitious names and addresses, there were no check on these. Persons without bank accounts were exchanging money too. To note, he had no objection with the object, only criticized the execution.³⁵ There weren't less number to praise it either. In a letter to the editor of *Times of India*, a N.R Padmanavan from Bombay wrote that government deserved warmest congratulation from public for having taken such swift action. He said that the press which was criticizing the move had got it in reverse as it had not affected the man in the street, but the hoarders.³⁶

The summation to the debate could be found in the official history of RBI. The measure did not succeed, as by the end of 1947, out of a total issue of Rs. 143.97 crores of the high denomination notes, notes of the value of Rs. 134.9 crores were exchanged. Thus, notes worth only Rs. 9.07 crores were probably 'demonetized'. The main loophole was that there was no way to ultimately differentiate between an honest earning, and a black market gain. Another loophole of which considerable advantage was taken was the

³³ 'Mill Officials Deny Charges', *The Times of India*, 21 August, 1951, p.6, and 'Millionaire to be examined again', *The Times of India*, 7 November, 1946, p- 3, similarly, Ramgopal Ruia, a millionaire mill owner and director of Dhanraj Mills was sentenced to 1 year imprisonment, and fine of 20000, guilty of having made a false declaration in respect of 1000 rupee currency notes of value of 2,76,000, judge rejected the plea that for a man in Ruia's position conviction or fine was enough. See, 'Bombay millionaire convicted', *The Times of India*, 24 Jun, 1951, p.1,

³⁴ 'Dr Prasad's Criticism', *The Times of India*, 18 January, 1946, p.3

³⁵ 'To The Editor, Times of India', *The Times of India*, 23 January, 1946, p.6,

³⁶ 'Black Market Money', *The Times of India*, 19 January, 1946, p. 6, Similarly, 'Well done finance department! Demonetization', *The Times of India*, 21 January, 1946

exemption of the princely States from scrutiny when such notes were presented by them³⁷.

The Anti-corruption Act of 1947 was a much better thought out measure for countering corruption. The Anti-corruption bill was brought forward by Vallabhbhai Patel in the Legislative. A significant contribution of the bill was making illegal gratifications by public servants a cognizable offence, giving police officer the authority to make arrests without a warrant. A provision for a new offence was prescribed in the bill. It covered cases of those who were habitually corrupt or who dishonestly or fraudulently embezzled public property. This new offence was called "criminal misconduct". The war situation provided for this. In Bengal, a Committee appointed especially to make an inquiry with respect to the prevalence of bribery made the suggestion that if a man has property for which he cannot account, the very possession of that property or property of such character should constitute an offence. This extended to his dependents as well. It was done to bring those who had secured illegally lakhs of rupees in the course of the last six years to accountability.³⁸

P. J. Griffiths enumerated the three biggest problems of detecting corruption. The first was time lag in investigation and arrest. Many of the offences concerned were not cognizable. That meant that as soon as reasonable suspicion arose that an offence had been committed, it was not possible for investigation to start without delay, and more important still it was not possible for arrests to be made without delay. What happened continually was, that a rich person could erase evidence long before the investigation had gone far enough to yield any tangible result, the evidence had melted away. Second problem was the practical impossibility of proving motive.

...you have in normal circumstances to show that he received that valuable thing for a particular reason or for a particular motive. In practice you cannot do so. Again and again it could have been possible to prove that a particular official had received a valuable thing but it was impossible to produce any evidentiary connection between the

³⁷*History of the Reserve Bank of India 1935-51*, pp.707-708

³⁸Legislative Assembly Debates, 3rd Feb 1947, Prevention of Corruption Bill, sourced from <http://www.southasiaarchive.com/Content/sarf.100003/200898/028>

receipt of that thing and the motive for which it was given and the motive for which it was received...³⁹

And the third was a livelihood beyond means. Law provided that a man need not explain where he got his wealth from. Thus in order to maintain a living, taking a bribe became necessity without repercussions. While the 1st was addressed in the act by making section 165 A cognizable, and permitting inspector of DSPE, Assistant commissioner, or deputy superintendent to investigate without magistrates order⁴⁰, the other two falling more to a social domain than legal were not provided for in the act.

The criminality of giving a bribe is bitterly contested in the Legislative Assembly. While Vallabhbhai Patel favoured calling it a crime, Sri Prakasa (member from Benares and Gorakhpur Divisions) pointed out it prohibited the bribe giver from giving testimony. Further there were necessary utilities like a railway ticket or parking space that were unavailable if a bribe was not forthcoming.⁴¹ The law ultimately provided that a bribe giver's statement of offering any illegal gratification (other than legal remuneration) or any valuable object to the public servant, shall not subject such person to a prosecution⁴². Bribe giving was finally criminalized by the Criminal law amendment Act of 1952.

Discussion and Imagination

This section brings out the multitude of voices addressing the issue in post-colonial India. Speaking of corruption has two clear cut stages, talking about it, and addressing the anti-corruption methods. As much as glimpsing on the newspapers would show what people were thinking, a series of letters written by individuals to the authorities, coming with most fanciful ideas about corruption would certainly be of interest. While the newspaper representation are confined to the public domain, in these private letters what comes across is not just a public condemnation, but also complex realities. The point about these

³⁹Legislative Assembly Debates , 3rd Feb 1947, Prevention of Corruption Bill, p.76, sourced from <http://www.southasiaarchive.com/Content/sarf.100003/200898/028>

⁴⁰ Prevention of Corruption Act, 1947

⁴¹Another closely related issue is that of the tip, and if it is deemed as legal The question of tip was not included in the act. Legislative Assembly Debates , 3rd Feb 1947, Prevention of Corruption Bill, sourced from <http://www.southasiaarchive.com/Content/sarf.100003/200898/028>

⁴² Prevention of corruption Act 1947, pp. 7-8

letters is that the SPE actually collected them and referenced to them in their official memo.⁴³

The cause for prevalence of corruption is now firmly marked as the devaluation of the Indian value system by the British. The irony is apparent in the nationalist narrative blaming the British, urging to go back to a Indian value system, the same one the British blamed for the forms of customary corruption! . Individuals like Amar Nath Sharma and Jai Kishen Sharma , an Accountant General of Central Revenue, N. Delhi, both blamed the brown sahibs and their loyalty to colonial law . Amar Nath Sharma gave a working example of how “*safarish*” worked. It started with one of the parties appearing before a public officer being important or influential . Out of the fear or misplaced respect for that important or influential person, an undue favour was shown to one party . Sometimes the motivating factor in giving the preference could simply be the opportunity of a later favour from that person. A vicious circle of reciprocal obligation thus started, done at the expense of state, general public or private citizens. Then there were friends or so called ‘friends’ of public servants. They constituted the social circle of a city. Every evening they hunted the clubs and night parties. There they picked up the acquaintances of fresh arrivals among public officers. Once or twice they entertained the officers with a round of parties or dinners. A good many amenities were provided to the public officers. New cars were put at their disposal. The requirements of public officers were served at staggeringly low prices. This was done not with an altruistic purpose, but with an eye out for some future return . Occasion soon came, and how many are there who can say ‘no’ to one whose hospitality they had enjoyed so often? So corruption stays on. “We all condemn it but in some form or other play our parts to retain it. It’s the internal enemy no 1”.⁴⁴ Similarly, Jai Kishen Sharma explained why the police was corrupt. An ASI had a high standard of life to meet. His work demanded physical toil to a great measure against only Rs 120 per month. While a clerk enjoying the comfort of a desk job drew a pay of 160 with overtimes etc. As a result he had to take a bribe. The British in creating an arbitrary system thus sanctioned corruption.

⁴³GOI, Home, Police II , 37/24/48, 1948, NAI

⁴⁴GOI, Home, Police II, 37/6/48/spe, 1948, NAI

For both Amar Nath Sharma and Jai Kishen Sharma, the “public” remained a homogeneous entity facilitating , corruption. They both seem to place themselves at a higher pedestal from the “public” they seek to reform along with the administrators. A *Times of India* editorial however touches the helplessness apparent of the public “As the evils flourish, in face of government inactivity, citizens have given up hope. He pays a little extra here and a bribe there to get what he wants. If he cannot give the illegal gratification he bears the hardship.”⁴⁵ The other side of the coin is to be noted too. There is no greater fallacy than the assumption that that all good men were ready to help the authorities in a good cause. Very few actually did. And who ever did so was often to satisfy private grudges against rivals. A senior police officer once requested a very highly placed person in an political oligarchy to tell him of some influential person in that organization who could be relied upon to give reliable info on corrupt persons, but the person who was suggested turned out to be a well known scoundrel who had feathered his nest using own means . He put off the police officer for sometime apparently to show that he was not prepared to take any notice of him but when everything was known, officer had difficulty shaking him off.⁴⁶

M.S Challa’s take on corruption however is bizarre. His letter alleged corruption was a collective business conducted by delinquent police servants and unprofessional advocates acting in combination among themselves and with each other, and are actually the Thugs of Yore, that Colonel Sleeman was unable to eradicate. Challa interestingly provided secret language and codes as proof for his theory. He says while the older thugs used codes like “Tobacco lao”, meaning now murder the victim and not bring tobacco or “Lachmann Singh nahi ayega”, meaning now safely murder me[sic], the present day thugs used grammatical errors that a first standard boy would not commit. The likes of , errors in affixing or imprinting court stamps, errors in putting signature or counter signature of culprit advocates in and out of government employ, writing one word in two languages, writing of a word or a letter nowhere found in the alphabet, abbreviation or exaggeration of a length of a document when quoting it from a book of a court where it is recorded, writing in different sizes of letters in the same document,

⁴⁵ National Ills’, *The Times of India* , 1 August, 1947, p.3

⁴⁶ GOI, Home, Police II, 37/24/48, 1948, NAI

concealing the identities of the parties by not mentioning the indispensable terms , “plaintiff”, “defendant” etc, but writing “applicant respondent etc. Using a word conveying the opposite meaning of that example, using received for gave, quoting only numbers for exhibits without details and so on. Challa claimed to have tallied the languages of culprits in 2 separate cases 10 years apart.⁴⁷ The main catch for the combination were the members of public. The public were an absolutely ineffective or innocent party although they were blamed most.⁴⁸

The most interesting parts of these letters were the Anti-Corruption measures these men came up with. Amar Nath Sharma is strictly in favour of a federal police force. The integrity and sense of duty of the federal police is much higher than state and local police forces. He argued for making a complete break with the past and reorient the entire policy , keeping a vigilante check on the activities of all administrators. He was strictly in favour of death penalty for corrupt men. Reforming the entire bureaucracy is another popular demand. Jai Kisen Sharma focused on the institution of judiciary to snub the bureaucracy. He said government should rely on the magistrates for unveiling the truth to people. He differed from Amar Nath Sharma in the question of death penalty. His was the preventive theory of punishment, a man put to death for a crime does not put the crime to death.

Public condemnation to put the wrong doers to shame was a common theme. Publicizing offenders, moral effect of shaming someone was of the greatest effect to both Amar Nath Sharma and Jai Kishen Sharma. Amar Nath Sharma suggested putting a man on a donkey and taking him round the city and exposing his guilt by the beat of drums. Jai Kishen Sharma proposed parading 5 or 6 culprits in the street of the city For the public, the cure laid in inculcating honesty, and loyalty of purpose and efficiency in the system of education . Press and cinema had to be used for publicity,

⁴⁷Challa however says that he had access to papers of certain cases where he tallied the languages of the culprits, and that in another case , it was up to him to gather witness for a case of illegal construction. Which suggests he had some sort of an official position with the court or the police. Also the fact that his letter orients on these two institutions is suggestive of the same. See GOI, Home, Police II, 37/6/48/SPE, 1948, NAI

⁴⁸GOI, Home, Police II, 37/6/48/SPE, 1948, NAI

Amar Nath Sharma developed his anti corruption scheme in collaboration with Minister of relief and rehabilitation of East Punjab, Pratep Singh. In his own words his “Nehru flying squad “ was “ the greatest and first of its kind”, The body was to work as an old *Fariyadgah*⁴⁹, where people could launch their grievances with secrecy. The body would have 3-5 duly tested honest people, with a male and a female informer. The squad men would pose as members of public and approach corrupt officers and the moment officer showed irregularity, squad man would take him in custody.

Jai Kishen Sharma gave an example of combating tax evasion. Supposing Government levied tax at the rate of 1% on the total income of a man. His annual income, say, is 60, 00,000, his tax calculated to 60,000 , but this amount was too heartbreaking to pay. He went to the IT officer, and offered him Rs 2000 .The terms settled at 5000 to be paid to the government. Thus man pays 7000 and saves 53,000. IT officer got 2000 and government cheated of 55000 rupees. The remedy would be for the government to not rely solely on 1 officer. Accounts of business shops and firms should be inspected not once a year and by one particular officer, but at 3 different occasions by different officers. This should be accompanied by the anti corruption officer. Income tax was to be calculated either on the highest income or on the average of 3 reports. One copy of report should be given to businessman, one to realizing officer. Here bribery would be strangled at the ground as the businessman will have to bribe at six different places, and bribery will fall short of justified amount to be paid. Thus he will pay the government instead. While giving further logic as to why a businessman can't bribe all six , he says that 2 cannot play the same game. And those who did not take a bribe will be jealous and report.

His second example was of the Traffic Police and how the Anti- Corruption institution could make the police work better. When the overloaded truck passed by a sub inspector or traffic man, there were 3 alternatives. First to ignore and let the truck pass, but it did not happen and wasn't beneficial. , even if he did ignore it once, another truck would follow. If he lets this pass too, his own allegiance would be questioned. 2nd way was to accept the money, and let the truck go. But it remained a risk as he would always

⁴⁹ The Hindi word '*fariyad*' means to make a complaint

be under suspicion of the Anti-corruption officer in the truck. Further he was aware of the unhappy fate of few of his colleagues penalized previously. It is obvious that one cannot forever escape but must fall victim sooner or later, leaving only one course of action. 3rd way was to take the course of justice. He would penalize the truck. The *challan* penalty for a truck was 50 to start with. Police man finding no other way added Rs 50 to revenue that he used to wave off only for Rs 5 or Rs 6 accepted by him⁵⁰.

M.S Challa's Anti-corruption suggestion was as fascinating as his theory. It involved a physical fight between the beasts (the corrupt combination) , and the man. "The beasts fumble in a foreign sate to inflict their claws through their cousins; but they must be beaten as miserably as anywhere else".

The purpose to writing changes with people. In contrast to these three, who by their professions can be assumed to belong to the middle class or higher, Thomas Pallepatt, a Christian from Bangalore who identified himself as extremely poor, and Kishen Chand who was a booking clerk in Amritsar E.P Railway, had different objectives . T. Pallepatt, claimed the cause for his writing such a letter was that the reverend and some other unknown priests had been coming in his dream. For supplying Anti-corruption information his demands were simple, the officers involved could not be published for the information of the public , the officers put on crime sheets should not be tried in open courts and enquiries should be made under camera to keep up their prestige. For himself he demands either a family pension of not less than Rs 60 per month, or a lump sum amount , not less than Rs 15000⁵¹. Kishen Chand shared his personal experience of anti corruption initiative that was turned down. He wrote to John Mathai , minister of railways that when a booklet on corruption amongst the services and its remedial measures was written by him in 1937, and sent to Mr A.C Vining the then DCO, Lahore , instead of appreciating the efforts put into this, charged him and the

⁵⁰ He points out to whip out corruption in traffic the traffic rules enacted in 1935 should also be revised which thrive on the unnecessary harassment of people. The contents of the rules such as , Screw is not tight, one wheel contains more wind than other, the axel is worn out and all alike should be eliminated. These rules were formulated not to regulate the traffic but to make up for the low salaries paid to the police staff. Revision is necessary. see GOI, Home, Police II, 37/6/48/SPE, 1948, NAI

⁵¹GOI, Home, Police II, 37/6/48/SPE 1948, NAI

European station master of Ludhiana for sending that book to the office”⁵² Though his writing on railway technical working and on rail road competition was later appreciated by the then general manager, he lamented it was of no avail to him for he was still a booking clerk. He had provided hand written copies of his proposals on railway working to Gurdial Singh, Deputy CCM, EP Railway. He had requested to volunteer his services at any amount of emoluments less or more to his present salary, or quite just as unpaid for a stipulated period. Though the administration did not pay heed to that. An article published in *The Eastern Economist* demanded ad-hoc bodies based on their own rules to trial cases.⁵³

Actions

This chapter essentially tells of the relationship between Government and the people from the perspective of corruption. It can be safely assumed that by this point corruption played prominent role public discourses. Seeing the official actions thus becomes important. This section is basically a citation of somewhat of what was happening between 1946 and 1950. The Bombay provincial anti corruption branch detected 545 cases of corruption, bribery and profiteering since its inception in June 1946. 278 of corruption and bribery and , 98 of black marketing and 13 of hoarding of materials. 70 ended in conviction of offenders, ⁵⁴ 373 government officials punished for corruption from April 48 to June 48 said B G Kher. He said government was doing best to improve standard of purity. VP Pawar, MP, Satara South had asked if some government officials had made large sums by unfair means during war , and if government had considered scrutinizing the bank accounts of some of them. B.G Kher said these allegations had been made, but no definite information had been made available regarding names of any particular officers or allegations against them. Ordinances had been passed requiring government servants to make periodical declaration of property. ⁵⁵ As noted black markets was severely dealt with. Anti-corruption police took action against 71 individuals in Bombay, both public servant and public, offences ranging from cheating, gambling to

⁵²GOI, Home, Police II, 37/6/48/SPE, 1948, NAI

⁵³ Unknown, ‘Corruption and its Cure’, *The Eastern Economist*, 17 September, 1948, pp.483-484

⁵⁴ ‘Cases of Bribery and Corruption’, *The Times of India* , 28 April, 1948, p. 7

⁵⁵ ‘Drive Against Corruption’, *The Times of India* , 22 October ,1948, p. 5

breach of control orders. Two sub inspectors and a constable of greater Bombay police were suspended from service for the same.⁵⁶ Within two months again, the anti corruption police took action against thirty three persons, four government servants were dismissed from service and one made to retire compulsorily after investigation⁵⁷.

A striking move was when about five hundred men and women, mostly from the business community of New Delhi took pledges for self examination and purity to putting an end to social evils like corruption and black-marketing rampant in Marwari society in general. They formed a new brotherhood called the Anuvrati Sangh, to be inaugurated by Shri Tulsiramji Maharaj, who was the 9th pontiff of the Swetambhara Terapanthi Jain community. The motto of the movement was not conversion, but character building. The movement gained some base including some international recognition in the following decades.⁵⁸

The highest ranking government corruption was also gaining more visibility. The press visibility regarding corruption within the ICS continues. Disciplinary action was taken against thirteen ICS officers from different states between 1948 and 1952. Of these officers, one belonged to Bombay, five to Madras, three to Punjab, two to UP and two to West Bengal. The Bombay officer had obtained grain from government stock without permit. In Punjab one was charged with inefficiency, indiscipline and dereliction and suspended while the second case involved breach of regulation in the matter of acquiring and disposal of property and motor cars. The third faced allegation of misconduct, embezzlement and corruption. The U P officers faced charges of misconduct and favouritism and the Bengal officers were imprisoned. In Madras the first officer submitted a memorandum to the governor general directly for clemency of a convicted prisoner, sentenced to death. Contravention of conduct rules in discussing matters touching government policy in a public speech was alleged against the second officer. The third officer concerned was charged with conferring a monopoly right on a particular firm to collect second hand gunny bags from retail ration shopkeepers without inviting

⁵⁶ 'Anti corruption drive', *The Times of India*, July 3, 1950, p.3

⁵⁷ 'Anti corruption cases', *The Times of India*, Sep 28, 1950, p. 5

⁵⁸ 'Purity Pledge for Business Men', *The Times of India*, ' , 30 April, 1950, p.3.

tenders. Inefficiency to check corruption was charged against the fourth and the last officer was guilty of criminal misconduct.⁵⁹

If these are taken as instances of collective action , An individual's action has to be recognized. Madan Mohan Chatterjee, who identified himself as “not a degree holder, only a matriculate of Calcutta university with distinction in mathematics with a practical experience in official administration and political affairs” was an active anti corruption enthusiast.⁶⁰ He initially spoke of Nehru and the congress with high respect, referring to Nehru as beloved leader and my ideal leader. But through the course of his correspondence his trust in the government appeared to waver. He initially boasted that if he is entrusted with anti corruption, 75% will be stopped in 2 years. While his scheme included making of a new department with vast powers to arrest cabinet ministers to officers and businessmen, and a special court to only rule on corruption, his efforts stands out for his activities. He gave a perceived expenditure, For special anti corruption branch, Rs 12,50,000. For a proposed Good Will Party, that would travel everywhere as propaganda agents of morality, Rs 2,50,000 and for special courts Rs 5,00,000 . As “Fame of our national congress and future of our nation is being spoilt for corruption among high level government employees and congress workers”. He constantly warned Nehru that the continuation of the black markets would break the faith of the public on the Congress and that the party will be ruined. To stop all that, he was determined to start a hunger strike till death with effect from 20th August 1948 at Nehru's bungalow in Delhi, until definite steps were taken.

It is apparent from his next letter, addressed to T.A.Bambawale of the SPE that he did follow up on his threat and went on a hunger strike on 20th and 21st August in front of Nehru's bungalow. Nehru sent him to Bambawale to settle his grievances about the affairs of corruption , and after consultation with him for about 2 hours , M.M Chatterjee was satisfied, and agreed to break up his hunger strike, on his request. He later wrote to Vallabhbhai Patel he was satisfied by SPE chief and thus broke his hunger strike.

⁵⁹‘ Action taken against 13 ICS officers’ , *The Times of India* , 1 August,1952, p.3

⁶⁰ GOI, Home, Police II, 37/6/48/SPE, 1948, NAI

But this soon turns over as by January 1949, he wrote to Nehru that he had been deluded by sugar coated words to break it up . T A Bambewale had not kept his words. Now he warns the government in a self written article “who are responsible for the spread of communism in India” that it is congress itself. Congress derived its strength in British oppression; the special power ordinance leading to arrest of communist leaders was similar. This man’s slow delusion with Congress prompts a look into Nehru’s own position, and the issue of corruption itself.

The official and opposition position always differs. Corruption remains an impossible problem to eradicate especially in a democratic setup. The point remains that most anti-corruption suggestions enumerated even in this essay seems to demand a highly policed state with a strong anti-corruption police – informer nexus, which neglects the requirements of a democracy. Nehru had been visibly out spoken about corruption for a long time. An early instance would be when in mid 1945 he said that only a popular government can lead country out of foul atmosphere of corruption. He explained the disparity of wartime gains and losses- Punjab prospered while Bengal suffered, and specifically mentioned the new class of millionaires that had cropped up due to war as a result of widely prevailing corruption in government officials, and illicit profiteering activities of the business class. Even many ordinary police and other officials of various departments made lakhs by enforcement of control measures. The present government (British) had invested them with vast powers to squeeze out money from people. No government, however strong could handle the situation without the people’s support which the British lacked in great degree. Government in spite of their best intension had become incapable of checking corruption in rank and file according to Nehru.⁶¹ Dr Khare, commonwealth relations member of government of India, said it was a fashion with the rank and file of congress to blame the government for corruption. And the charge found wide publicity in the congress controlled press. People believed any lie when told repeatedly, as an individual member of the Government of India, he challenged the congress allegation of government becoming notorious for corruption. He reasoned, as congress did not succeed in getting into government in Shimla, thus out of

⁶¹ ‘Be Ready for the Big Step’, *Amrita Bazaar Patrika* , 20 July, 1945, p.5

mental frustration was charging the government. Corruption prevails everywhere in the world, in every country, and India is no exception to it, and it is irresponsible to blame the government for it.⁶² Nehru surprisingly echoes this exact sentiment after it becomes his government. He said he understood that there was corruption, but it was effect of the war. There was no country in the world that was not affected by it. Great Britain, he added, was perhaps the only country that fought corruption. In India it was not of such magnitude that anyone should shout about it.⁶³ Black-marketers deserved greater punishment than hanging, he avowed he had not become the friend of the black-marketer, people came to him with charges of corruption, nepotism and the likes, but when closely questioned, they could not substantiate their charges. It must be the duty of all to not indulge in irresponsible talk, and harm would be done if everyone is indiscriminately blamed. He asserted corruption was on the decrease in the last 2 months⁶⁴. Congress stalwarts were not satisfied with congress either. Congress president Acharya Kripalani criticized business community for putting on the garb of Congressmen and carrying on the roaring trade in the black-market⁶⁵. Jayaprakash Narayan said “ the Congress Raj is worse than the British rule because under the former there was at least ruthless efficiency, whilst now there is inefficiency and corruption”⁶⁶.

The Story of the Special Police Establishment

The last part of this chapter takes a look at the preliminary journey of the SPE. The coming up of the Special Police Establishment in 1941(later the DSPE), was indeed a landmark in dealing with the overarching issue of corruption. It was for the first time that an all India body was set up to combat corruption. In 1941, a small body of policemen began to function under a deputy Inspector General from Punjab by an executive order of the government. The superintendence vested in the then defense department, later known as the war department. The entire staff was temporary. At least till 1953, there were no permanent posts in the Special Police Establishment. The cases dealt with were confined to that very department. In 1942 the jurisdiction of this department in certain cases was

⁶² ‘Congressman and Corruption’, *The Times of India*, 25 September, 1945, P.7

⁶³ ‘Corruption in India’, *The Times of India*, 23 May, 1949, p.7

⁶⁴ ‘Mr.Nehru on Corruption’, *The Times of India*, 15 July, 1949,p.1

⁶⁵ ‘Profiteering in Patriotism’, *Amrita Bazaar Patrika*, Oct 10, 1947, p.1

⁶⁶ Jeejeebhoy, *Bribery and Corruption in Bombay*, p.286

challenged in the Lahore high court, leading to promulgation of ordinance XXII of 1943 by the Governor General of India. Notification 1376 in the Government of India's gazetteer of 2-10-1943 specified offences the SPE could deal with. The ordinance lapsed in 1946. The activities then continued under authority of act XXV of 1946 passed by Indian legislature. The organization, now renamed the Delhi Special Police Establishment, was now enabled to function in the Indian provinces to the limited extent of investigating certain specified offences against servants of central government or some government departments. The Staff was designed to be an intelligence staff as opposed to an investigating staff .

The institution defined the blanket category of corruption. It was empowered to investigate those offences that were understood as corruption in the public sphere. By making a single institution responsible for corruption beyond bribery and illegal gratification, the category was expanded. Legally, it dealt with offences punishable under sections 161, 162, 165, 379 to 382, 406 to 409, 411 to 414, 417 to 420, 465, 468, 471 and 477a of the Indian Penal Code. Breaking this down, the offences included bribery relating to public servant, theft, (but not extortion) criminal breach of trust by public servant, stolen property related and dealing in stolen property habitually or smuggling, cheating, forgery for purpose of cheating, and falsification of accounts⁶⁷. It further dealt with those offences punishable under Defense of India rules, when committed by central government employees or by the contractors, sub-contractors and their representatives, by contravening any order issued by the central government. Attempts , abetments or conspiracies in relation to or connected with the aforementioned offences were also included⁶⁸.

Black markets however were beyond the purview of ordinance no XXIX of 1943 as they did not directly involve government employees . This resulted in a number of cases escaping prosecution under the criminal law amendment which gave powers to government to set up a tribunal. Black-markets may have importance as an offshoot and if they took the character of an allied offence but otherwise not of interest to SPE.

⁶⁷ Referred to from Indian Penal Code

⁶⁸ SPE Ordinance 1944, File no: 27-B, NAI

However presuming the black market flew from dishonesty of public servant from one of the departments, with amendment proposed, SPE would have power not only to investigate the original dishonesty but the resulting contravention of control orders.⁶⁹

Table 1: Total Strength of SPE Over the years:

| Year | Total strength |
|------|-------------------|
| 1941 | Not available |
| 1942 | Not available |
| 1943 | Not available |
| 1944 | Not available |
| 1945 | 303 ⁷⁰ |
| 1946 | 274 ⁷¹ |
| 1947 | 171 ⁷² |
| 1948 | Not available |
| 1949 | Not available |
| 1950 | 671 ⁷³ |
| 1951 | 604 ⁷⁴ |
| 1952 | 635 ⁷⁵ |
| 1953 | 758 ⁷⁶ |

⁶⁹ GOI, Ministry of Law, Legislative Section, 75/XVIII/46 C&G, 1946, NAI

⁷⁰ Annual report, SPE, 1945, NAI

⁷¹ GOI, Ministry of Law, Legislative Section, 75/XVIII/46 C&G, 1946, NAI

⁷² GOI, Ministry of States, Defense and Security, Progs Nos 57(21)d-50, 1950, NAI

⁷³ GOI, Home, Police II, 37/69/50, 1950, NAI

⁷⁴ Annual Report, 1950, SPE, NAI

⁷⁵ Annual Report, 1951, SPE, NAI

⁷⁶ GOI, Home, Police II, 37/29/54, 1954, NAI

To give an idea of changing statistics and finances over the years, budget for 46-47 was Rs 10,10,488,⁷⁷ which increased to an estimate for expenditure during 1952-1953 to about Rs 23,42,000. The revised estimate was placed at Rs. 21,26,924⁷⁸. The pay-scales of the officials for the year 1947 for the DIG of police was Rs 2150, for the personal assistant to DIG Rs 1050, for the legal adviser Rs 1200, for two deputy superintendents of police, Rs 525 each, for the office superintendent Rs 350, for two confidential assistants Rs 265 and Rs 180. Two assistants received Rs 140 and Rs 100 respectively, 12 clerks below 100, 12 constables and peons, 45 each⁷⁹. To judge the importance of this in comparison to other similar bodies, in 1950 SPE had a total of temporary staff of 671, while central police training college (Abu) had 159 and the intelligence bureau had close to 250, but with more than a hundred permanent posts unlike the other two bodies.⁸⁰

By the end of December 1946 SPE had investigated nearly 1,100 cases.. 700 Government officers and servants had been either departmentally or judicially dealt with. Of whom as many as 30 were gazetted officers and 16 commissioned officers. The total amount involved in cases investigated by the SPE came to Rs. 5,63,00,000. The number of government servants convicted for offences of bribery was 203. Some of the typical instances were conspiring to cheat government by forging signatures on indents; favoring a contractor by accepting bribes; defrauding government in the disposal of stores; criminal breach of trust; acceptance of illegal gratification and conspiracy to cheat government⁸¹.

Due to Partition many officials went to Pakistan which led to an increase in the delay of cases.⁸² SPE staff was anxious regarding future. A tendency for applying for revision was noticed due to accelerated chance of promotion in their parent department.

⁷⁷ GOI, Ministry of Law, Legislative Section, 75/XVIII/46 C&G, 1946, NAI

⁷⁸ GOI, Home, Police II, 34/60/53, 1953, NAI

⁷⁹ GOI, Home, Public, 44/3/47, 1947, NAI

⁸⁰ GOI, Home, Police II, 37/69/50, 1950, NAI

⁸¹ Legislative Assembly Debates, 3rd Feb 1947, Prevention of Corruption Bill, p.67, sourced from <http://www.southasiarchive.com/Content/sarf.100003/200898/028>

⁸² GOI, Home, Police II, 24/3/47- Police II, 1947, NAI

It was necessary to decide the future of the staff as early as possible , so they could work with devotion and whole hearted attention to SPE⁸³.

It is surprising to note how the SPE , the premier institution for combating corruption had to combat mundane problems , including justifying its very existence. A major issue faced by the organization was accommodation. This was true for the Delhi head office as well as the branch offices . There was no place for keeping records or allotting to the staff. The I.G felt that the spacious precincts of Dholpur House could be utilized for this. . However, the Raja of Dholpur was strictly against handing the house over as it was the only house the raja and his family was using for vacations.⁸⁴ At Ambala and Lucknow, the army provided the accommodation. Provincial governments helped in Shillong , Jabalpur ,Ajmer and Madras. Co-operation of provincial units was needed to find residential and office accommodations. Officers either lived in hotels at high charge or with friends and relations. As government rates were not adequate for renting places. It was observed that staff could not give their best if this continued.⁸⁵ Adding to this, there were no proper garages for the motor vehicles at Delhi, Calcutta, Jabalpur or any other places with branches. Thus motor vehicles deteriorated rapidly owing to exposure to the rigors of the climate⁸⁶. Of the myriad of problems the establishment was facing, trying to get staff remained monumental. Writing to other places continued. Officers that could be spared by others were selected for SPE . Jabalpur branch staff was entirely dislocated police officials from Sind and other Pakistani provinces! Supervision was needed to bring them up to level. ⁸⁷

A major discussion during the 1950s was regarding the closing down of SPE. While the major reason was arguably economic, its curious unpopularity in certain Part B states was also heralded as a reason. Complaints from railway administration regarding the methods adopted by SPE were numerous. In one case it has been reported that a large number of gang men were questioned at their place of work concerning allegations against their assistant executive engineer and thus had resulted in damage to discipline of

⁸³ GOI, Home, Police II, 20/2/48 Police II, 1948, NAI

⁸⁴ GOI, Ministry of States, Political, Part B, Progs. Nos.36(10)-PB,1951 NAI

⁸⁵ GOI, Ministry of States, Defense and Security, Progs Nos 57(21)d-50, 1950, NAI

⁸⁶ GOI, Home, Police II, 34/60/53, 1953, NAI

⁸⁷ GOI , MHA, Police II, 34/194/53-p-ii NAI

that subdivision.⁸⁸ The fact this was being talked about in 1950 is also important as around 49-50, SPE had dealt with at least 2 cases involving ex-ministers of Vindya Pradesh, and also Jodhpur⁸⁹. Public acceptance of the SPE can be judged from one incident when some naval personnel threw off a SPE constable from a moving train after stealing his watch!⁹⁰

In reference to the shutting down of the institution, The then director, T.A Bambewale wrote that with increase of trade, and interaction, international criminals were starting to take advantage of the fact India had no system of dealing with individuals involved in cases who flee abroad. Growth of air transport was raising the problem of thefts from aircrafts which may have occurred in any country from beginning of its flight to the time of their discovery in the Indian union. Will not GOI need a central body to check smuggling and foreign undesirable's threat to internal security? He further added he was thinking of an agency that would do open investigations in co-operation with the police forces of other countries, as opposed to collection of intelligence from secret sources, and that he could not envisage the liquidation of SPE even after corruption in public services has gone down to negligible proportions. , but can see the extension of its activities not only in remaining states of India but even beyond the frontiers. In fact, he advocated for a naval and air branch too!⁹¹

Investigation undertaken by the organization was detailed and tedious. To understand how minutely they examined evidence, procedure of investigation say for handwriting examination can be looked at. Writings of about the same period as the document in question should as fast as possible be selected. This should be done in cases where already existing writing of the subject or accused were available, whether contained among correspondences in books or registers. Writings of all suspected should be taken on separate sheets, even specimen of the signature of the same person was to be taken in different sheets. Suspects should not be allowed to see the document. In any case, when a lengthy piece of writing was being dictated, the actual time occupied in

⁸⁸ GOI, Home, Police II, 34/32/52 Police II, 1952, NAI

⁸⁹ 'Minister of Vindhya Pradesh Arrested', *The Times of India*, 13 April, 1949, p- 7

⁹⁰ GOI, Home, Police II, File no 34/76/52- Police II, 1952, NAI

⁹¹ GOI, Ministry of States, Defense and Security, Progs Nos 57(21)d-50, 1950, NAI

writing had to be noted, and also the kind of pen used and the position of the paper. While in the act of the writing, that is, whether laid on a flat hard surface, or held across the palm or placed across the thigh or any other position – the officer should clarify the Specimen was written in his presence. Even Pen and writing pad should be sent for examination. For wax seal impressions, a thin layer of cotton was to be placed on either side of the portion containing the seal impression ⁹². Papers intended for examination by the examiner should be placed flat either between blank sheets or thin boards. If too large to allow this being done, then rolled rather than folded. If folding cannot be avoided, care should be taken to refold into original folds. All papers should bear a distinguishing mark as a b c or 1 2 3. Any other writing in the document should be avoided. Envelopes marked accordingly. In stitching care should be taken that no writing is damaged. In cases where opinion is required on , portion should be marked with black lead or red blue chalk. No ink marks. Encircling should be completed, not merely underlined and bracketed. Admitted writings should be dated. For example, “said to have been written on July 1904”, when the writing of a suspected are to be examined, his pen and writing pad should be sent, paper gummed to the pen bearing the name . Documents should be protected from finger marks. ⁹³

Of the biggest cases investigated, that of Major J.Philip’s fraud of 35 lakhs ⁹⁴ and the four ICS cases involved huge sums of money. The sensational Cochin fraud case, involving the son of the Nawab was interesting in lieu of its motives. The son, Gopal Menon tried to bribe some oil merchants, claimed to hold influence over the Nizam of Hyderabad, and could arguably convince him to accede to India. ⁹⁵ Of the smaller, multiple cases of corruption, more popular were the Ghee related cases, which attracted more press and went on well after partition⁹⁶. Besides the regular cases, drive against cloth smuggling gained importance immediately after partition. Of 380 cases of cloth

⁹² GOI, Regional Commissioner, PEPSU, Progs Nos A.101-6, 1954,NAI

⁹³ GOI, Regional Commissioner, PEPSU, Progs Nos A.101-6, 1954,NAI

⁹⁴ ‘Alleged 35 Lakh fraud on government’, *The Times Of India*, 13 August , 1945, p.5

⁹⁵ GOI, Ministry of States, Political, File No. 5(29)-p/50, 1950, NAI

⁹⁶ Cheating the government of the war time supply of ghee was a common offence. One such accused was Mr Yusuf Abdullah Haroon, the Pakistani High commissioner in Australia. See ‘Warrant Against Pak envoy, *The Times of India* , 30 May, 1952, p.1

smuggling, 63 persons were convicted and fined a total of Rs 3535. Total value of cloth seized being Rs 4,81,764.⁹⁷

An interesting case was that of an Italian national involved in a case of breach of the import and export control act for unauthorized import of 390.98 carats of diamonds valued at Rs 3,39,000 by air from Antwerp. He was sentenced to 3 months rigorous imprisonment, fine of Rs 1000. Smuggling of gold into India from abroad was a major concern. It amounted to individual cases involving lakhs. The value of gold smuggled during 1951 was about 18 lakhs. 8 cases couldn't be pursued, as the accused, foreign nationals managed to escape from India, before they could be brought to trial. In 1 case a pilot of the orient airways, Pakistan was detected at dumdum airport with gold worth about Rs 1, 50,000. As all these offences were non cognizable, effective action against foreign nationals was not possible as the foreigners managed to escape, generally through Goa , before the SPE could legally apprehend them. It was also impossible to link up the activities of these gangs abroad and to bring them to book before Indian courts, as there was no international law or convention governing such legal activities of the police outside their national jurisdiction. These limitations were brought to the notice of financial Ministry and the reserve bank authorities.⁹⁸

Table 2: List of Cases by Year ⁹⁹:

| Year | Preliminary enquiries | Complete investigations |
|------|-----------------------|-------------------------|
| 1942 | Not available | 113 |
| 1943 | Not available | 255 |
| 1944 | Not available | 270 |
| 1945 | Not available | 185 |
| 1946 | Not available | 190 |

⁹⁷ GOI, Home, Police II, 20/3/48-Police II, 1948, NAI

⁹⁸ GOI, Home, Police II, 34/32/52 Police II, 1952, NAI

⁹⁹ GOI, Ministry of States, Defense and Security, Progs Nos 57(21)d-50, 1950, NAI

| | | |
|------|------|-----|
| 1947 | 493 | 211 |
| 1948 | 865 | 476 |
| 1949 | 1583 | 731 |

The increases in cases were due to several reasons and cannot solely be attributed to an increase in corruption. For instance, the huge increase in 1943 was because the jurisdiction of the SPE was extended to the railways the previous year. From 1946, SPE was given jurisdiction over all government departments. During 1948 it was asked to act against smugglers of textiles and the next year it was given powers to assist the Reserve Bank of India, in its drive against dollar and gold smugglers. These cases had swollen the figures despite the territorial jurisdiction having shrunk due to partition. In deference to the outcry against corruption it was decided in 1948 that all true cases will be taken up however insignificant. The government was generous enough to supply additional staff, but recruiting properly trained officers was hard. Later in 1949 the activities of the SPE had to be curtailed owing to the pressing need for economizing expenditure, so another instruction was issued that the activities of SPE should be confined to organized and blatant corruption. Minor cases were to be dealt with by departments.¹⁰⁰ The only cases SPE came to deal with by 1951 were the ones where the accused had been trapped directly in the act.

The initial journey of the institution was in no way smooth. While it did see some success as noted above, criticisms were not far between. In 1951 alone forty seven cases failed due to resilience of witnesses, ten due to faulty investigations and five due to legal defects.¹⁰¹ However to say that the institution was a failure would be extreme. So was the institution. Soon the need to broaden the scope was felt to investigate offences like passport rackets or espionage. The body was reorganized in 1963 as the Central Bureau of Investigation (henceforth the CBI) now enjoying larger recognition and scope and also a more direct role in the functioning of the Indian state.

¹⁰⁰ GOI, Ministry of States, Defense and Security, Progs Nos 57(21)d-50, 1950, NAI

¹⁰¹ 'Corrupt Persons Benefit by Legal Loopholes', *The Times of India*, 23 June 1952, p.1

CONCLUSION

The private lives of CBI inspectors continued to be riddled with problems like meager travelling allowances and stagnation without promotions even in the 2000s. Susceptibility to diseases like heart problems, diabetes, even kidney and eye problems were common. Former Joint Director of CBI, M Narayanan accused the institution of being entirely uncaring of its cadre officers. When inspector Ramesh Kumar suddenly had a stroke, and was paralyzed, no senior officers visited him, nor visited his family. However when an officer of rank DIG died of cancer, his family was taken care of¹. This was not a new accusation for the CBI. Its predecessor, SPE could be accused of the same. In 1947 when an officer, Dhani Ram Khanna, was shot dead in broad daylight in Peshawar because he was mistaken for a spy for the Investigation Bureau (IB), his widow unsuccessfully tried to have a pension sanctioned. As Khanna was not on official duty, and government could not be responsible for 'dare devil souls'² as Khanna, the pension was not sanctioned. It was assumed that Khanna ought to have been aware of the perils involved.³

Shifting the focus to the more substantial/basic/fundamental problems with the CBI since its inception can be useful in studying its shortcomings as an organization. M.Narayanan, the former Joint Director of CBI claims that 25 to 30 percent of positions had always remained vacant in the Bureau. Even in 1997 its sanctioned strength was 4700, but actual strength was less than 4000, Joginder Singh, former director, calls it a tiny agency⁴. With rising pressure and work load the institution gained more importance in the national scene especially after 1984 when it was exposed to threat of terrorism after the Operation Blue Star.⁵ Narayanan accepts there were corrupt officers within, but that CBI usually took appropriate action.⁶ Even Singh admitted to the reality of abuse of power by officers; some CBI officers bullied their landlords and evaded payments of rent. Con men masquerading as inspectors were also not unheard of.⁷ Singh too accused that

¹ M Narayanan, *Voice of CBI*, Manas Publications, New Delhi, 2014, pp.26- 30

² Government of India, Ministry of Home Affairs, SPE section ,File no. 29/102/56-ad I, NAI

³ Government of India, Ministry of Home Affairs, SPE section ,File no. 29/102/56-ad I, NAI

⁴ Joginder Singh, *Inside CBI*, Chandrika Publications, New Delhi,2003, p.140

⁵ Narayanan ,*op cit* , p. 32

⁶ *Ibid* , p.200

⁷ Singh, *CBI*,p.157

the cadre felt unhappy and overburdened especially after political interference began assuming the role a mounting problem. The government's strict control on investigation agencies was well known. It was widely believed that Joginder Singh was removed as chief in 1997 because he was pursuing cases against Lalu Prasad Yadav.⁸ However the biggest problem was that the director of CBI could not even complain to court that a particular case was being delayed or was not being investigated for lack of staff or funds as this would be considered indiscipline of highest order and also amount to criticism of the government, and a violation of the rules of conduct. It would also amount to criticizing the Prime Minister as the CBI functioned directly under him.⁹

Curiously, neither insider of CBI, Singh or Narayanan talks about any preventive measures for corruption. Even if there were, they are talked about as inadequate. Their attitude seems to be that of helpless acceptance. Singh produces a survey, from 1997 which brought out there was no faith left in the government. Getting routine work done remained the primary incentive.¹⁰ In 1970s Punjab government tried to combat corruption by making the most corrupt civil servants take oaths. A minister wanted to drop charges against a corrupt officer because he took that oath. A secretary advised against it as administration cannot run by oaths.¹¹ It clearly shows that the basic nature of corruption remained intact. Shifts indeed happened; major shift was from individual offences to networked to corporate. One huge scam after another shook the country. From Ministers to Chief Ministers to even Prime Ministers were often parties to it.

The thesis reiterates the argument that the Second World War was government's failure to control society. Out of war related controls, corruption boomed. Controls meant an increase in the bureaucrat's power, and the businessman's scope. Politicians, bureaucrats and businessmen needed each other giving rise to the future nexus between these classes. The trend continues even to this day.

Looking at the corruption scene in post-colonial India shows interesting precedents. It is never accepted, but is also accepted. During the second half of 1945, the

⁸ Chandan Mitra, *The Corrupt Society*, Viking, New Delhi, 1998, p.20

⁹ Singh, *CBI*, pp.141-142

¹⁰ *Ibid*, p.199

¹¹ Singh, *CBI*, p.177

tiff between veteran congress leader T Prakasam and Gandhi became well publicized. Prakasam was accused of raising money from public, which from his point of view was a legitimate means of financing political workers. Gandhi demanded he should either retire, or obtain the congress working committee's ruling. Prakasam became a back bencher by 1946 owing to the party leadership's hostility towards him.¹² Despite this, he eventually became the first Chief Minister of Andhra Pradesh in 1946. Jayaprakash Narayan's call for total revolution to eliminate corruption was a significant movement playing out in the public domain. It ultimately resulted in Congress's defeat, created the environment in which judgment against Indira Gandhi was greeted with jubilation, though ultimately paved way for the Emergency. Most interestingly a man who rose out this movement, a bright student leader, later to be the Chief Minister of Bihar was none other than Lalu Prasad Yadav.¹³

Public perception of corruption changes in every decade. While right after independence the Colonial era was remembered as corrupt, A.G Noorani says in the 70s that the political climate was healthy during British era¹⁴. The one change that clearly happened over a period of time was the development of a clear differentiation between everyday corruption and high end bureaucratic /political corruption. Discussion over corruption following independence shows that corruption at everyday level had remained intact since before the war. What remains to be asked is that which affects the society more? When big scams come to fore and are vociferously consumed as sensational news especially if eminent politicians are going to jail, there is a distinct sense of vindictiveness as well as vindication on the part of general populace at the idea of seeing the "public enemies", the politicians, being brought to justice. A study shows that though political graft is rare without collusion between politicians and businessmen, in corruption cases even if the offenders were to be caught, it would usually be the politicians, not the businessmen.¹⁵ The notable exceptions to this rule are Haridas Mundhra and Subrata Ray of Sahara, while Vijay Mallya still eluding justice is the convention. Is it easier to make a scapegoat out of a politician by their own party in order

¹² A.G Noorani, *Ministers' Misconduct*, Vikas Publishing house PVT LTD, Delhi, Bombay, 1973, pp. 7- 9

¹³ Mitra, *Corrupt Society*, pp.4- 5

¹⁴ Noorani, *Misconduct*, p.3

¹⁵ Mitra, *op cit*, p.20

to save face? Does convictions in corruption cases show which interests are actually running the country? What, then is the duty of a politician? If it is to acquire power and exercise it, and money remains the main unit of that, can he be faulted? In the current scenario the gaze of the media becomes supremely important as well. This 'fourth Pillar' of democracy, represented by multiple corporate houses have their own agendas. They can make heroes and villains out of whomsoever they want. What they bring forward and what happens beyond their gaze is a topic worthy of research on its own merit.

However it is difficult to say which story of corruption is interpreted how by the public. While congress fell in 2014 in many ways because of the mounting corruption charges against them, in Bengal in recent years the Sarada chit fund scam that caused thousands to lose their savings and even the Naroda sting operations that exposed high ranking Trinamool Congress leaders accepting bribes could not show any major effect in election results.

On the other hand everyday corruption becomes more dangerous chiefly because almost everyone privately endorses it but publicly berates it. It is a most curious practice that thrives with consent and yet none of the practitioners hold themselves accountable. It's always the system's fault. The common people are always the victims. This trend has not much shifted over time. It is important to note that the offering and acceptance of the bribe as a mutually beneficial practice is a well accepted idea. It is obvious that this type of offence can be very easily committed without much risk of exposure in view of the great unwillingness of victims to run the risk of failing to establish a true charge if they make it. It often is with consent too. Say for instance with a practice like *shifaarish* . Abuse of power is one of the worst forms of corruption be it nepotism or *shifaarish*, or the type mentioned in case of CBI officers. But the more pressing question is do people want it to stop? The culture of recommendations, the satisfaction of being part of an elite club is not something one would give up willingly. But those at the other end would criticize it as unjust. This is precisely why the victim subjectivity needs to be complicated. Does this victim complex perpetrate the system?

As a future endeavor, this project can take several directions. The first question that comes to mind is how much of a class bias exists in cases of corruption. Given that a

majority of cases involves personages from upper to upper middle classes, the treatment post prosecution becomes important. On the other hand, how are those convicted for petty bribery looked at by the police? Does higher amount of money ensure higher respect for the offender?

The very basic premise of this thesis is limited as it defines corruption from a narrow legalistic viewpoint. If this definition itself is broadened, the research can follow different directions of inquiry. Corruption can be looked at as not just a set of practices, but as a degeneration of the particular set of values, and even of language. How is corruption broadly related to the native bodies in colonial imagination? Can it be linked to the colonial civilizational mission?

It can broaden to include other white collar crimes as well. Sumantra Banerjee has done fascinating work on swindlers, forgers, and counterfeiters of nineteenth century Calcutta. Same can be attempted for the twentieth. The discussion on crime as a category prompts the question can corruption actually be called a crime? The relationship between crime and violence is close. However, bribery or embezzlement does not include violence. But the mysterious string of disappearances and deaths of whistleblowers related to different cases, especially the Vyapam scam points otherwise.

A limitation of this work has been not following regional sources thus mostly missing out of the local stories and also misdeeds of the British. For instance not much is known of the British offenders in the steam boiler commission embezzlement case¹⁶. The earlier 20th century can be studied much more closely. There is scope in exploring crimes by British, even if they were hushed up. The First World War can also be looked at closely. Undoubtedly, World War 1 did not see mobilization in the scale of the Second, but there was roaring trade in iron and steel, businessmen did make huge profits, and not all legitimately.

A side this thesis does not touch at all is election related corruption. There indeed were examples of corruption in Bombay elections from 1930s¹⁷. As early as 1919, Mr.

¹⁶ Sumanta Banerjee, *Crime and Urbanization*, Tulika Books, New Delhi, 2006, p.103

¹⁷ 'Issues For Trial in Bombay City Election Petition', *The Times of India*, 22 November, 1930, p.5

Rajagopalachari referred to allegations of corruption in the municipal elections of Tinnevely district. Undoubtedly this was tied up with questions of local self government.

¹⁸ There were accusations, counter accusations and ministerial corruption of following decades was closely related to it.

Corruption is a topic closely related to psychology. A study of mentalities cannot be divorced from a study of corruption. There are no satisfactory answers to questions like; is there a thrill in the con? Is there always the self satisfaction of not being caught? Is there anything interesting in meticulously stealing money? Is money the sole factor in political graft? Similarly are there any examples of conning the government of money to help poorer classes? A story of ethical corruption as it is!

Occupational morality is a possible area of exploration. Does a particular job have a particular way of molding the employee? Is it merely opportunity or something else? Police, Judiciary for instance, are well accepted as low morality jobs. A teacher is expected to have a higher sense of morality. A clerk in an office is expected to be more corrupt than an officer. Though most of these prejudices remain baseless, it remains an index of how society is perceived. Ideas form about whole communities in general. The Marwari community for instance was marked as corrupt after the Second World War, flanked by newspapers and politicians as noticed in this very dissertation. Conversely, is morality linked to who is being cheated as well? Does cheating the government has a lesser impact on the morale than cheating an individual? Again, the story of the Salt Superintendent becomes relevant here. While acceptance of bribe as a police man is expected, it is ultimately his uprightness that is rewarded in a non-governmental space. Does the involvement of the government make corruption impersonal? These perceptions should be explored.

India is the 79 least corrupt nation out of 175 countries, according to the 2016 corruption perception index reported by Transparency International. Corruption rank in India averaged 75.32 from 1995 until 2016 reaching an all time high of 95 in 2011, and a record low of 35 in 1995. ¹⁹ Surprisingly enough, both under congress governments! The

¹⁸ 'Corruption in Elections' , *The Times of India*, 20 June, 1919, p.8

¹⁹ Sourced from <https://tradingeconomics.com/india/corruption-rank>

purpose of this thesis was never to provide a solution for corruption but instead trace the shifts. It is probably right to say more than shifts there were co-existence of new forms with old. Undoubtedly the trend will continue as more new ways of corruption keeps coming up.

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