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**Sub-Topic- Deviance in the Legislative Branch, Political Deviance, Anti-Deviance
Framework in India**

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Official Deviance: Legislative

The government of India has three organs, the legislative, the executive, and the judiciary and the constitution provide separation of powers to each branch as they perform their functions independently. The legislators or law makers are elected representatives of the people their duty is to frame clear, simple and effective laws. The ultimate responsibility for running the administration rests with the elected representatives of the people which are the ministers. These ministers are accountable to the legislatures which are also elected by the people.

Deviance in the Legislative Branch

The behavior of Indian legislators both at the Center and in the States leaves a lot to be desired. Every time they act motivated by personal gain, they betray their constituencies that elected them. Corruption in the assemblies as seen from this perspective implies floor crossing, cash-for-vote, taking money or other benefits to ask questions, framing rules under the influence of big corporate houses at the cost of common people, etc¹⁵.

When the government is running on thin majority, potential defectors can take the government to ransom. The collapse of the Janata Party Government (1977-80), fall of V. P. Singh and Chandrashekhar Government (1990-91), turning his minority Government into majority by Narsimha Rao by buying JMM MPs,

split in Telugu Desam Party (1994), defection of Ajit Singh with his supporters to Congress (1993), defection of S. S. Vaghela from BJP, maneuvering defection by Kalyan Singh to keep the BJP led Government in power in Uttar Pradesh are some of examples to prove that a sizeable number of our politicians are not immune to corruption. The other example is the 2008 case of cash for vote scandal where some BJP MPs claimed to have been offered cash to vote Manmohan Singh's government.

The supposed mastermind, Amar Singh, and two BJP MPs are in Jail and case is being investigated.

Criminalization of politics is another facet of corruption. In the current parliament, there are over a quarter MPs with criminal records, many with serious charges, against them. It also highlights an area where electoral reform is urgently needed so that criminals don't enter in the parliament or state assemblies.

Political Deviance

People's trust in democratic processes is seriously undermined by opaque financing of electoral processes, various forms of corrupt practices, and misuse of power. Although politicians are regularly involved in major corruption scandals, investigations of their activities are rare and conviction of politicians and civil servants are rarer. Circumstantial evidences of buying votes of legislators with bribe or promises of "lucrative positions" are fairly common in Indian politics.

According to the 2007 Global Corruption Barometer, Indian citizens perceive the political parties as amongst the most corrupt in the country – India got a score of 4.6 on a 5-point scale. Freedom House 2008 reports that the electoral system relies on black money obtained by dubious means, including tax evasion. According to a 2009 Global Integrity report, the country struggles with promoting transparency and accountability in the financing of political parties and candidates. For instance, there are currently no regulations that require parties or candidates to disclose donations.

Lack of transparency in electoral funding and entry of criminals into the electoral process are two major sources of political corruption that is at the root of several other corrupt practices in the country.

Anti-Deviance Framework in India

- **Prevention of Corruption Act, 1988 (POCA)** is India's principal legislation against corruption. Its main thrust is to prohibit public servants from accepting or soliciting illegal gratification in the discharge of their official functions. In addition, bribe-givers and intermediaries may be held liable under POCA for bribing public officials
- **The Prevention of Money Laundering Act 2002** seeks to prevent money laundering including laundering of property through

corruption and provides for confiscation of such a property. It mainly targets banks, financial institutions and intermediaries such stock market intermediaries.

- **The 2005 Right to Information (RTI) Act** represents one of the country's most critical achievements in the fight against corruption. Under the provisions of the Act, any citizen may request information from a "public authority" which is required to reply within 30 days. The Act also requires every public authority to computerize its records for wide dissemination and to proactively publish certain categories of information for easy citizen access.
- **The Central Vigilance Commission (CVC)** is the apex watchdog agency established in 1964. The CVC can investigate complaints against high level public officials at the central level; not at the state level.
- **The Central Bureau of Investigation (CBI)** is the prime investigating agency of the central government and is generally referred to as a credible and respected institution in the country.
- **The Office of the Comptroller and Auditor General (C & AG)** is the apex auditing body. The C & AG has produced several reports on state departments such as railways, public sector enterprise, and tax

administration. These reports have revealed many financial irregularities, suggesting a lack of monitoring of public expenses, poor targeting and corrupt practices in many branches of government. The most recent example is its report on Commonwealth Games that nailed the corrupt organizing committee members.

In the case of State of **Madhya Pradesh v. Ram Singh, AIR 2000 SC 870**, the apex court express the views that, Prevalence of corruption is one of the problems which our country has been facing from time immemorial. Corruption retards our country's growth and welfare to the maximum extent. The Supreme Court of India in **J. Jayalalitha v. Union of India, AIR 1999 SC 1912**, has held that "Corruption corrodes the moral fabric of the society and corruption by public servant not only leads to the corruption of the moral fabric of the society but is also harmful to the national economy and national interest, as the person occupying high posts in government by misusing their powers due to corruption can cause considerable damage to the national economy, national interest and image of the country".

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