

RJPSSS

**RESEARCH JOURNAL OF PHILOSOPHY
& SOCIAL SCIENCES**

A Peer Reviewed International Journal

Corruption and Human Rights: Causes, Consequences and Strategically frame Works

*Ms. Monika Soni,
Asstt. Professor, Political Science,
A.S. College For Women, Khanna
Panjab University, Chandigarh*

Abstract

The emerging economies of the Asia are at present undoubtedly rife with corruption. The evil is eating up the very basics of the civil, social, economic and political life of India. But it is also very hazardous for the idea of human rights of Indian citizenry. The present paper tries to see the problem of corruption through the prism of human rights. The consequences and strategies here also been a part of study for the effective solution of the problem and towards the establishment of transparent and accountable governances helpful to the promotion of human rights in India.

Introduction

In simple words corruption refers to “An act of bribery.” It is abuse of political power or public office for personal or private gain brushing aside all formal rules. The word corruption is very comprehensive and covers all the activities which are against the law and the society. ‘Corruption in India is a problem that has serious implications for both protecting the rules of law and ensuring access to justice. Since Independence all the governments have attempted to take many steps to tackle the problem of corruption. But it is so much deep-rooted and its growth till date has remained unhindered and unchecked. The fighters due to the lack of strong will and sincerity have either succumbed to it or lost the battle. As discussed earlier it implies various illegal activities like bribery, misuse of power, Tax evasion, false statement, undue influence at election, hoarding, black money, perjury and favouritism, misappropriation of public property, possessing property disproportionate to one’s declared sources of income, non payment of dues of the govt. by the officials and politicians, accepting gifts such as cash, gold, etc. corruption is a very complex phenomenon. It has been both serious and historic and not something existing in today’s pattern of society only. Even many centuries earlier (300 BC) Kautilya had stated.

“Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it impossible for a government servant not to eat up at least a bit of king’s

revenue. Just as fish under water cannot possibly be found out either as drinking or not drinking water, so govt. servants employed in the government work cannot be found out taking money.”

The same is exactly true as we see that the whole of the systems in all the economies of the world are rife with corruption. The present paper will try to throw light on the issue and see to the problem of depleting human rights through the prism of corruption. According to one of the Transparency International's latest global corruption reports, in 2009, India is Ranked 85th out of 180 countries in the corruption perception index 2008. The global human rights movement have taken various steps in the form of universal Declaration of human rights, (UDHR) The International covenant on civil and political rights (ICCPR) and International covenant on economic, social and cultural rights (ICESCR) to give new dimension to the idea of human rights. But in spite of these measures the experiences in the developing countries like India show that corruption has emerged as a basic factor of the governance and has a telling impact on the promotion and protection of human rights.

There are different types of human rights, which get affected by the cancer of corruption. The basic human rights is the access to Justice in case of violation of any kind of rights i.e. to go to courts and seek Justice but what if when the charges of corruption are levelled against the Judiciary itself. Be it a case of Justice P.Dinakaram, Justice Nirmal Yadav, and even against former chief Justice of India Justice K.G. Balakrishnan.

The very idea of the basic Principle of sovereignty also get marred by the lack of transparency and due to corruption. The supreme court of Indian in an important Judgement way back in 1964 in the case of state of West Bengal V. Union of India held “legal sovereignty of Indian Nation is vested the people of India. who as stated by the preamble have solemnly resolved to constitute India into a sovereign, democratic, republic for the objects specified therein.”

The idea of sovereignty implies that India is an Independent state and there is no authority above it and is free to conduct its own affairs (both external and Internal) but what happens when the roots of corruption found in the defence system of India itself. in the regime of Mr. Rajiv Gandhi Govt. (Bofors scandal) , the corruption charges against Mr. George Fernandez and the latest VVIP Helicopter scam are sufficient enough to give us the idea that if even our defence system is something to be compromised with, how the first and basic principle of our India state can be at the risk of being eroded. Seeing the widespread corruption in India, the Asian Human Rights Commission in Hong Kong has observed: Corruption and the concept of a socialist, secular and democratic republic cannot go together. Corruption undermines justice, liberty, equality and fraternity, the core values of India's constitutional framework. Freedom and sovereignty has no purpose or meaning should corruption remain the central cord with which the social fabric of a country is woven and if corruption determines the balance of power in interactions among the people and between the people and their government.

The idea of one more human right The right to development also gets affected by the problem of corruption. As it impedes development significantly. The development of a country largely depends on economic policies and the social consequences of these policies. Corruption affects both these aspects. It affects economic growth, Discourages foreign investment, diverts resources meant for infrastructure development, health and other public services. The 2006

corruption perception Index (CPF) prepared by transparency International shows that there is a strong link between the problem of poverty and the prevalence of corruption in poor countries.

The global idea of Right to Equality as a basic human right also does have its covering under the poisonous impact of the problem corruption. As article 26 of the ICCPR guarantees equality before law and equal protection of laws but the official corruption clearly discriminates against people and give its favours to these who can fill their greedy mouths; so the corruption is basically at odds with the idea of equality before law.

The idea of Economic and Social rights is also not away from the clutches of corruption as it transfers public wealth to a fewer people in the form of black money as in case of Hawala scam in India. After discussing the link between the corruption and the idea of human rights in India, we see that it is 'all pervasive' in the general social life of Indian society and as the time moves more and more people are being swept by the idea of corruption . There could be many factors related to the problem and Mr. C.B Mamoria has been able to list few of them as under like economic insecurity, high rate of income tax, meager salary being paid to the government servants, growing inflation, growing cost of life, lack of heavy punishment, the existences of black money, 'The get rich quick approach of the people , ignorance of law, emergence of new sources of wealth and power, declining human values, the pressure of appeasing the high official are some of the reasons of wide spread effects of the corruption in India. Fighting corruption has inevitably become the biggest need to tackle all major problems including the protection of human rights in the governance of India. Now the question arises as which steps have been taken in India to combat corruption. .

1. Prevention of corruption Act, 1947

Certain sections of the IPC could be used for punishing those who are guilty of taking bribe. The central government introduced in 1947. 'The Prevention of Corruption Act' for the more effective prevention of bribery and corruption. The Act, of course, has been a miserable failure in reaching its target. We know that corruption has increased out of all proportions.

2. Prevention of Corruption Act, 1988

In order to bring all relevant legal provisions relating to the practice of corruption, the Central Government introduced the prevention of corruption Act, 1988. The act consolidated the provisions of the prevention of Corruption Act, 1947, some sections of the Indian Penal Code, the Criminal Procedure Code, and the Criminal law Act, 1952. This (1988) Act enlarged the scope of the term 'Public servant'. The Act is now applicable to all the employees of the central and the union Territories. The employees of nationalized banks, public undertaking, university grants commission (UGC), vice-chancellors, professors, scientists, and other receiving financial aid from the central and state governments or even local authorities, office-bearers of the co-operative societies of the central and the state governments, also come under the provisions of this Act. However, M.Ps., M.L.As., and M.L.Cs. are kept out of the purview of this act. Offences committed by the public servants, if proved in a court of law are effectively dealt with as per the provisions of this Act.

THE SANTHANAM COMMITTEE AND ITS RECOMMENDATIONS:

Corruption which has gone deep into our social life cannot be removed very easily. In fact, it can only be reduced or minimized, and can hardly be stopped altogether. No nation has become successful so far. Even for minimizing this problem, both preventive and punitive measures will have to be taken. Thus, the Central Government appointed in 1962, a committee on 'prevention of corruption' under the chairmanship of K.Santhanam. The committee gave its report in 1964 in which it recommended various steps to be taken to contain corruption. The committee observes, "corruption cannot be eliminated or even satisfactorily reduced unless preventive measures are planned and implemented in a sustained and effective manner. Preventive action must include administrative, legal, social, economic and educative measures."

The Committee recommended the following measures:-

1. A thorough study of the extent possible, scope and modes of corruption, should be undertaken regarding each department, undertaking or ministry. The study must also suggest preventive remedial measures for the same.
2. Administrative delays should be reduced to the minimum to avoid corrupt practices. For this purpose.
 - a. Existing procedures and practices should be reviewed to avoid delays:
 - b. Time-limits should be prescribed for dealing with receipts and should be strictly enforced, and
3. Attempts should be made to educate citizens with regard to their rights, responsibilities and the procedures of the government.
4. Improvement must be made to increase the salary of the employees besides making necessary provisions for housing, medical facilities for the government employees, etc.
5. Informal codes of conduct for different categories of employees particularly belonging to the departments dealing with economic affairs must be evolved insisting on them not to avail themselves of entertainment and other facilities provided to them by those with whom they have official dealings.
6. Officials should not have any dealings with a person claiming to act on behalf of an industrial house unless he is properly authorized to do so.
7. Companies and businessmen should be obliged to keep detailed accounts of expenditure.
8. Officers for the administrative posts should be selected with great care. Only those whose integrity is tested to the fullest satisfaction must be appointed for the key posts.
9. There should be a complete ban on government servants accepting private commercial or industrial employment for two years after retirement.

The central government established the central vigilance commission (CVS) in 1964 itself as per the recommendations of this committee. The Government also set up three other departments as anti-corruption measures:

1. Administrative vigilance Division (AVD) in the Department of Personnel and Training.
2. Central Bureau of investigation (CBI).
3. Domestic Vigilance units in the ministries/Departments/Public Undertakings/Nationalized Banks.

Other suggestions to contain corruption

It is to be noted that legal measures alone are not sufficient to contain corruption. As complementary to them, various other measures are to be undertaken to control the practice of corruption. The Santhanam Committee itself had recommended as early as in 1964 certain measures which may be noted below-

In addition to the above recommendations made by the Santhanam Committee, the following suggestions may be considered with a view to eradicate or minimize corruption:

- a) The taxation laws must be modified, licenses and permit system must be thoroughly reviewed.
- b) The law enforcing authorities must see that the laws are rigorously enforced without any fear or favour.
- c) Mass communication media must play a more positive role in encouraging honesty and discouraging and condemning dishonesty and corruption.
- d) The salaries of government officials and the ministers and legislators must be raised in tune with the price index.
- e) Bureaucratic corruption must be reduced by stringent enforcement of punitive measures against bribe-taking.
- f) Corruption trials should be given the widest possible publicity.

A part from this the following factors could be quite useful towards creating an accountable and transparent framework of governance.

Creating a strong political will and right kind of political environment could be very useful for the cause. In this context we can study the case of China. As corruption continued during the post-1978 reform period, Deng Xiaoping's Regime relied on the criminal law of 1979 as the substantive legal measure to fight corruption. This particular legislation was further amended in 1982 to impose stronger punishment for corruption. It led to further amendments in 1997 to include a chapter on corruption, which specified the penalty for corruption depending on the amount involved.

The role of media is another factor which has played an important role in bringing the instances of corruption to the light. Has it been through the various sting operations. In India, operations like Chakravuh operation, Abhimanyu operation, cash for query scam, and the role of world fame Wikipedia can be assessed in this context.

The role of awakened citizenry can also go a long way to erode the problem. As stated by Lord Bryce that eternal vigilance is the price of liberty. As more and more people will be vigilant, the more and more pressure will be on the govt. to deal with the movement. In this context the role of Anna Hazare's movement for the establishment of Lok Pal Bill is significant to study.

Conclusion: The problem of corruption in India when seen in the context of human rights surely gives birth to new approach to fight the evil of corruption. It seeks that people must be well informed and empowered as the corruption free governance must be taken as their basic human right. For this only legal, institutional or formal approach is not the key to the problem rather cohesive approach i.e. the institutional changes, greater political will, more strict laws, effective media, Independent Judiciary, and more sensitive civil society is the only way to extend transparent mechanism for the promotion of human rights.

References:

1. Kumar . C Raj (2011) corruption and Human Rights in India.
2. Dr. Sharma, Y.K. (2011) Indian Society : Issues and problems.

Submitted by: