

Misuse of State Governors in India

*Dr. Meera

Faculty Member, Himachal Pradesh University, Department of Evening Studies (HPUDES), India

1. Introduction

The gross misuse of the State or Provincial Governor in India by the ruling party at the Centre to achieve its narrow political interests continues to plague the functioning of the Indian Constitution. While pretences about respecting legal and Constitutional provisions are kept, the “spirit of the law” is sacrificed at the altar of political expediency, often unabashedly, sabotaging the purpose of the Constitution, Article 356 of the Indian Constitution gives the Central Government power to impose President’s/Governor’s rule in a State in case there is a perceived Constitutional breakdown there. But this provision has been grossly misused since 1954 to dislodge recalcitrant or inconvenient State Governments run by Opposition parties.

Between 1966 and 1977, Prime Minister Indira Gandhi imposed President’s Rule thirty nine times in different states. Similarly, the Janata Party, which came to power in 1977 after the 1975-1977 State of Emergency, imposed President’s Rule in 9 states which were ruled by Congress. His obnoxious practice was curbed by the Supreme Court only in 1994, through the S.R. Bommai vs. Union of India case. S.R. Bommai, who’s Government in Karnataka was sacked, successfully challenged it in Court. The Court thereupon laid down some conditions for dismissal or the imposition of President’s or Governor’s Rule. However, the Centre has continued to misuse the office of Governor, making the appointee its de facto agent. The first thing that a party does when it comes to power at the Centre is to change the governors of the States and Union Territories.

Prime Minister Narendra Modi, who came to power in May 2014, changed the governor in 26 of the 29 States. He changed all the seven Lt. Governors in charge of smaller units called Union Territories, which are more or less under the control of the Centre. Many of the governors tend to be politicians or persons associated with the party in power at the Centre.

The framers of the Constitution had intended the Governor to be an independent, neutral umpire, a non-interfering advisor besides being the eyes and ears of the Centre. But except for the last requirement, the others are observed in the breach.

2. Related Cases

Vijay Mahajan, President Nagar... vs State Of Punjab And Ors. on 22 January, 2002 were executed. He further concluded that the petitioner **misused** his **powers** as President in as much as commercial property had been sold... favour of the above persons by abusing and

misusing his **powers**. It is unbelievable that the President would sign Form

Punjab-Haryana High Court

- Cites 0 - Cited by 1 - Full Document

N.Raghunathan vs High Court on 10 June, 2011

Madras High Court N.Raghunathan vs High Court on 10 June, 2011 IN THE HIGH

Madras High Court

- Cites 40 - Cited by 0 - Full Document

R.Balasubramaniam vs The Government Of Tamil Nadu on 8 June, 2010,

Thus committed the acts of corrupt practices, abuse of **power**, **misuse** of **power** and conduct unbecoming of a Judicial Officer... corrupt practices and committed the acts of abuse of **power**, **misuse** of **power** and conduct unbecoming of a Judicial Officer
Madras High Court

- Cites 27 - Cited by 0 - Full Document

Mr. Atul Kumar G. Shah vs Central Information Commission on 2 May, 2012

Penalty. on PIO. section 7 (9). The discretionary **power** was **misused** for malafidely denying disclosing by Mr. Shailesh Gandhi... Appeal page-5 & I.C. **misused** discretionary **power** to give undue favor to NPCIL, whereas it is fact that
Central Information Commission

- Cites 3 - Cited by 0 - Full Document

State Of Karnataka vs Union of India & Another on 8 November, 1977

Upon the Central and State Governments, including the **power** to institute inquiries of the kind set up under each... give an incentive to possible **misuse** and perversion of governmental machinery and **powers** for objects not warranted by law. Such
Supreme Court of India

- Cites 131 - Cited by 101 - Full Document

Govind Singh vs Harchand Kaur on 22 November, 2010

Social Security Minister in the State Cabinet misused his power with an intention to gain benefit in the election... Cabinet Minister in charge of Social Security Department

misused his power and got various women voters of his Constituency employed.

Above related cases showed that how state executive powers are misused many more times by the Centre government in the name of President Rule under artical 356 and 365.

Impact of misuse of executive power (Mainly emergency power)

- State is brought under complete control of Centre.
- Authority become autocratic
- Violation of democracy.
- Violation of Human rights.
- Fundamental Rights can be suspended.
- Democratic Government can be declined for a certain period.
- This means that the state can take any action and people have no recourse.
- Section 144 is imposed at so many important places of the country.
- Nobody can talk adversely against the government.
- Police is given full authority/powers and thousands (in fact Lakhs) of the innocent people can be arrested without any reason.
- People are charged with fake and baseless charge sheets.
- Nobody could talk adversely against the government.
- Many people can be arrested and tortured: During emergency police force are used, protester and leader who are under detention can be tortured whoever denied listening police can be arrested and tortured. Wherever there is opposition to government programs, direct police actions like firing could take place.
- No news circulations and ban on media: The fourth estate of democracy, the media suffers immensely under Emergency. Severe censorship may impose on newspaper, television and radio as well.
- Crime rate increases out of autocracy.
- Inflation rose.
- Lack of necessary items at market for common people.
- There is No Law and Order situation.
- During emergencies Indian polity becomes unitary and the Union enjoys supreme powers.

3. Existing Remedies and Prevention of Abuse

The right without remedy is of no value. Indian constitution guarantees remedies to individual affected by administrative agencies in the form of Article 32, 136, 226 and 227. The whole law of judicial review of administrative action has been developed by judges and consequently suffers from certain inconsistencies. Judicial review of administrative action under Indian Constitution is not only an integral part but also forms basic structure of the constitution. Under Article 32(1) supreme court guarantees the right to move the court for the enforcement of fundamental rights. Under Article 32(2) Supreme Court is empowered to issue directions, orders or writs for the enforcement of these rights. Courts in India have expanded

the scope of their extraordinary jurisdiction under Arts 32 and 226 of the Constitution to compel the government to do what it is legally bound to do.

The Supreme Court and the High Courts have power to issue writs in the nature of mandamus, certiorari, prohibition, etc., under Arts. 32 and 226 respectively. Habeas corpus though the traditional function of the writ of habeas corpus has been to get the release of a person unlawfully detained or arrested, the Supreme Court has widened its scope by giving relief through the writ against inhuman and cruel treatment meted out to prisoners in jail. In Sunil Batra the court stated that the dynamic role of judicial remedies... imparts to the habeas corpus writ a versatile vitality and operational utility that makes the healing presence of the law live up to its reputation as bastion of liberty even within the secrecy of the hidden cell. The court has thus permitted the use of the writ for protecting personal liberties to which the arrested persons or prisoners are entitled to, under the Sunil Batra v Delhi Administration, AIR 1978 S.C. 1675, and AIR, 1980 S.C. 1579; Prem Shankar v Delhi Administration, AIR 1980 S.C 1535.

Law and the Constitutions: Because of the prevalence of preventive detention, many petitions for habeas corpus frequently come before the courts. As personal liberty of an individual is a cherished value, the court has consistently shown great anxiety. It provides a speedy and effective remedy to a person under unlawful detention. The most important feature of the writ is its peremptoriness.

Quo warranto: The term quo warranto means- what is your authority. The writ of quo warranto is used to judicially control executive action in the matter of making appointments to public offices under relevant statutory provisions. The writ is also used to protect a citizen from the holder of a public office to which he has no rights. Mandamus is a command issued by a court to an authority directing it to perform a public duty imposed upon it by law.

Certiorari and prohibition. These writs are designed to prevent the excess of power by public authorities. These writs can now be issued to anybody, irrespective of the nature of the function discharged by it, if any of the grounds on which the writs are issued is present. Certiorari and prohibition are now regarded as general remedies for the judicial control of both quasi-judicial and administrative decisions, affecting rights of individual.

4. Corruption, Nepotism and Favoritism in Indian Society

Corruption in simple terms may be described as an act of bribery. It has also been described as the use of public power for private profit in a way that constitutes a breach of law of a deviation from the norms of society". D.H.Bailey (Doughlas and Jhonson, 1971) has explained it as misuse of authority as a result of consideration of personal gain which need not be monetary." Andriski (Machael, 1983) considers it as "the use of public power

for private advantage in ways which transgress some formal rule or law". Szeftel (Machael, 1983) has observed that corruption is behavior which is deviance from norms and duties governing the exercise of public role or office for private gains". J.Nye. (1967:410) states that corruption denotes the abuse or misuse of public offices for personal gains".

Corruption is spread over in the society in several forms. Of these, the major ones are : bribe (money offered in cash or kind or gift as in- document to procure illegal or dishonest action in favor of the giver), nepotism (under favor from holder of patronage to relatives), misappropriation (using other's money for one's own use), patronage (wrong support/encouragement given by patron and thus misusing the position), and favoritism (unduly preferring one to other). Hence we can say that Corruption is the behavior which include or reflect from Bribery, Embezzlement, Straddling, Fraud, Extortion, Favoritism, Nepotism, Hoarding, Adulteration, Black money, Cronyism, appropriation of public assets and property for private use, influence peddling etc. are the forms of Corruption. Fraud and Embezzlement can be undertaken by an official alone without involvement of second party whereas bribery, embezzlement, influences peddling involve two parties giver and taker in a corruption deal.

At present India has been ranked 81st among 180 countries in the global corruption perception index for 2017 , released by 'Transparency International, (Business Line, Feb 22, 2018) which name the country among the 'worst offenders' in terms of graft and press freedom in the Asia Pacific region.

5. Types of corrupt behavior which can arise under a variety of circumstances

1. **Bribery:** Is the Act of providing incentive in exchange of an Act of corruption. A bribe can also be turn in gift or donation or of any nomenclature committed with a view to extract a corrupt Act.21 Bribery means, any favor in kind of money paid to public servant or officials i.e. Bribery is the payment (in money or kind) that is given or taken in a corrupt relationship. Government contracts, bribe is given to speed up the activity which is basically perfect and legal. Which is also called "grease money" to turn the wheels of bureaucracy more smoothly, speedy in the right direction.

2. **Embezzlement:** As per dictionary meaning embezzlement is "Misappropriation" from a strict legal point of view. Embezzlement is form of corruption. Embezzlement is an act of dishonesty withholding assets for the purpose of conversion (theft) of such assets, by one or more persons to whom the assets were entrusted, Embezzlement is a type of financial fraud, and e.g. a lawyer might embezzle funds from the trust accounts of his or her clients. A financial advisor might embezzle the funds of investors; and a husband or a wife might embezzle funds from a bank account jointly held with the spouse. Embezzlement usually is a premeditated crime performed methodically, with the embezzler taking precautions to conceal his or her activities of the criminal

conversion of the property of another person, because the embezzlement is occurring without the knowledge or the consent of the affected person.

3. **Straddling:** It is another form of embezzlement. It is the process by which some power holders systematically use their position of office for his private interest.

4. **Fraud:** Fraud is economic crime. Fraud involves a manipulation or distortion of information, facts by a public official with intention to seek private profit. In law, fraud is deliberate deception to secure unfair or unlawful gain. Fraud is both a civil wrong (i.e., a fraud victim may sue the fraud perpetrator to avoid the fraud and/or recover monetary compensation) and a criminal wrong (i.e., a fraud perpetrator may be prosecuted and imprisoned by governmental authorities). The purpose of fraud may be monetary gain or other benefits, such as obtaining a drivers license by way of false statements.

5. **Extortion:** Money extracted by use of coercion, violence or threat is call extortion. Blackmailing, mafia giri are form of extortion. Extortion is a criminal offence of obtaining money, property or services from a person, entity, or institution through coercion. It is sometimes euphemistically referred to as a "protection racket" since the racketeers often phrase their demands as payment for "protection" from (real or hypothetical) threats from unspecified other parties. Extortion is commonly practiced by organized crime groups. The actual obtainment of money or property is not required to commit the offense. Making a threat of violence which refers to a requirement of a payment of money or property to halt future violence is sufficient to commit the offense.

6. **Nepotism and favoritism:** Nepotism is favoritism granted to relatives. The term originated with the assignment of nephews to cardinal positions by Catholic popes and bishops. Nepotism can occur in various fields including: politics, entertainment, Types of nepotism political Nepotism is a common accusation in politics when the relative of a powerful figure ascends to similar power seemingly without appropriate qualifications. The British English expression "Bob's your uncle" is thought to have originated when Robert Arthur Talbot Gascoyne-Cecil, 3rd Marquess of Salisbury, promoted his nephew, Arthur Balfour, to the esteemed post of Chief Secretary for Ireland, which was widely seen as an act of nepotism. Nepotism can be defined as 'the act of using power or influence to get unfair advantages for members of one's family'. You may wonder: Why does nepotism exist even today? We live in a time where everybody strives to protest against hierarchical inheritance, but seizes to protest against such an open exertion of dominance. This, on the broader spectrum, is the entire society's view when it comes to the stars of nepotism. We often think that because some already know the 'who's and how's' of a particular field, they are in more deserving for a position in that field than the rest. But while we do so, we forget that hierarchy doesn't ensure intelligence or talent.

Nepotism can also occur within organizations, when a person is employed due to their familial ties. It is generally

seen as unethical both on the part of the employer and employee. In employment Nepotism at work can mean increased opportunity at a job, attaining the job or being paid more than other similarly situated people. Arguments are made both for and against employment granted due to a family connection, which is most common in small, family run business for years now, Bollywood has been dominated by those who come from within. Youngsters who are often more talented than most 'star kids', hardly get a fair chance, mainly and mostly because they lack the tag of being some famous celebrity's relatives or children. It is obvious that someone needs to call this trend out. But how do we raise our voices against this culture when our political parties, the integral organs of the policy-making mechanisms, are also integral participants to this toxic culture.

Sociological analysis indicates that social bonds and kinship play an important role in corruption. The modernization ideals upheld and practiced by administrators today run counter to the values and standards of public behavior of the traditional society. Today, kinship ties and caste and parochial loyalties get precedence in a public servant's mind. The first obligation of a modern administrator is to his family members, followed by close kin, lineage, or ethnic group. Such ties are more compelling than administrative rules and procedures.

Kinship and caste groups do not consider that behavior which deviates from the formal duties of a public role as 'deviation' or 'corruption' but view it as a 'family obligation'. This explains corrupt actions of many a public servant both at the lower as well as the higher levels.

Indian Politics has seen the most of nepotism in its history, despite ours being a democratic country. Right from Motilal Nehru to Rahul Gandhi (Congress Party), India has been ruled by a dynasty, which is still trying to perpetuate its rule. But apart from this party, that of course is on the top when it comes to nepotism in Indian politics, there are various other parties, mainly regional, like the Samajvadi Party (governed and formed by Mulayam Yadav and later taken over by his son Akhilesh Yadav) which have been working on the principles of nepotism. In Maharashtra, the Thackeray's have maintained their domination from Balasaheb to Uddhav Thackeray. In Kashmir, the Abdulla's and the Muftis' have been in power for years. These are few yet major examples of nepotism being followed in India.

There are various factors that contribute towards such political nepotism, especially in a country like India, the first being its citizens. Some might strongly agree, while the others may not but the people of India are used to being dominated. They are used to hierarchical rule in the olden days, to the kingship in these modern times. It is mainly because of the notion, brought up by the 'Varna System', which states that only the son of a priest becomes. This still prevails because most of the Indian population is still illiterate and therefore, this becomes the best and the easiest way to choose their representatives. The reason is the stars of nepotism themselves. When you

are living happily and your coming generations too can live with all the luxuries, why would you give up something that brings you these luxuries. Indian politicians strive to do their best before elections to have this hierarchical domination prevailing. They often state that they won on the basis of merit and not because of their family background, but this veil is too thin to not be seen through.

7. Black money: Black money is money, which is not legitimate property of the owner. Black money is oxygen of corruption and it is also called parallel economy. Corruption generates black money. Probably black money is in real estate, politics, film world, election etc. Black money is also 'unaccounted money' which is one of the chief sources for terrorists. Corrupted money always becomes black money and which is diverted to foreign bank. This money is not useful for him or to the society. Corruption is of two forms - Generally corruption is divided as Low level and High level.

8. Administrative: Corrupt administration plays decisive role in creating a transparent, accountable and responsible when discretion increase accountability decreases. The weak and inefficient administration structure, lack of effective and sufficient control over the bureaucracy, appointing unskilled and unspecialized people to jobs through nepotism in the organization, lack of transparency, responsibility and job security, instability and weakness in policy making, citizens unawareness towards their own legal rights, lack of an independent organization to fight corruption, inefficiency and weakness of judicial system, supporting of corrupt officials by political parties.

9. Social Cause: Corruption is basically anti-social activity depend on ethical values of public servant which plays important role. According to Abdul Raheem, who is socialist "Corruption is a cause as well as increases due to change in the value system and ethical qualities of man to administer"

1. Public attitude towards corruption -

The public attitude towards the corrupt administration or attitude of corrupt official plays a decisive role in creating a transparent, accountable and responsible public service region.

2. Ethical value of public servants- Ethical value of public servants play important role and it is main cause of corruption. According to "Abdul Rahem" corruption is causes as well as increased because of the change in the value system and ethical qualities of man who administer.

3. Education of civil society and media- Media is watchdog of civil society. Role of civil society and media have remarkable in curbing the existing corruption.

10. Psychological reason- The problem of tendency of corruption has close link with psychological aspect of human being. Corruption is antisocial activity which depends on the psychology of public servants. Psychological Cause Whenever you find people you find

corruption. Corruption is committed only by the people. Hence it has close link and depend on the psychology of that person who administer. Corruption is antisocial activity which depends on the psychology of public servants.

11. Economical Cause Low salary of public servant is most important cause of Corruption. In low salary public servant is unable to meet their minimum living cost at the existing salaries. Hence low salary encourage public servant for corruption to fulfill their basis needs. The bribe acts incentives to compensate their monitory desire.

12. Political Cause Political corruption is also known as 'kleptocracy', which literally means 'Rule by thieves'. Corruption in Indian Politics is a main problem. The terminology of political corruption has been define in various ways and found else were. Generally it is define as corruption in political process. In other words, political corruption 'is the abuse of power by political leader for its private gane' Political corruption is the mother of all kind of Corruption. Politicians are most corrupt and play very important role in promoting criminal misconduct. Corruption is the main source and abuse of power by political leader for private gain with the object to increasing own power or wealth.

13. Religious Cause- Religious institutions are one of the biggest source or cause of a corruption in India which are playing with sentiments of the people. Our government has also given special treatment to this religious institutions. Religious institution is become a mode of converting black money into white money. People always through there unaccounted money which are in form of black money to this religious institutions. And that money which is unaccounted is always use for other criminal activities. Which is not permitted under any of the law. In India, religious institutions are become more corrupt as compare with other institutions. Some members of the Church are making money by selling Nepotism certificates. A group of church leaders and activists has launched a campaign to combat the corruption within churches. Among Indian Muslims, the recent "cash for fatwas scandal" was a major affair that exposed the Imams of the Islamic ulam.

14. Legal Cause The legal structure of society forms an important pillar to fight against the corruption. For eradication of corruption strong legal frame work and full proof laws and regulation is necessary in India. Still some area that require change. The role of criminal justice system is crucial in the fight against corruption successful detection, investigation, prosecution, adjudication and punishment of corrupt offender contributes main role to the prevention and eradication of corruption. Our judicial system is also failed to maintain integrity and independency of criminal justice of prevention of corruption "judges should maintain dignity of their business" Our Indian criminal justice system is based on three important pillars these are inter connected and depend on each other. These three main pillars are as under – a) The Police i.e. Investigating Agency of Offence b) The Judiciary i.e. prosecuting authority where we get justice c) The Prison i.e. correctional or reformation center

where convicted person are kept. Constitution of India ensure and protecting liberty and dignity of people. Unfortunately function of all these authorities become doubtful and suffering from the problem of corruption. Role of investigation agency is more important, nowadays these police machinery is itself corrupt. Hence judicial wings of criminal justice system have no other alternative except to acquit the person who is basically corrupt and its consequences in the society are also serious that these corrupt person walk free and enjoy ill – Gotten property which they have acquire by adopting illegal menace.

15. Financial Cause: Low salary is one of the prominent causes of corruption. Which create a situation or in ornament to become corrupt other existing problem of cause the corruption in the country is the lack of clearness in the financial position and of the public officials and financial policy particularly in respect of unfair and improper distribution of incomes and subsidies giving the various item by our government? Inequality in income and expenditure is also one of the factors responsible for corruption. Improper and weak laws and regulations particularly in the financial and economic policies are the basic causes of corruption. Lack of rules, regulations, transparency, control, supervision and auditing, lack of articulated code of conduct and High taxes, excessive regulation bureaucracy are also Common cause's corruption. Due to the change in the value system. People give more importance to money than excellence. At the same time unemployment and inflation has also been another cause of corruption in the country during last decades.

16. Economic Policy of the Government: Second cause is the economic policy of the government. Most of the recent scandals have been in areas where either purchase policies or prices are controlled by the government. Sugar, fertilizers, oil, military weapons, electronic equipment are some examples. The real issue is freeing the economy from the clutches of misguided government regulations. Clear and transparent rules are needed. Arbitrary decision-making by certain individuals (like minister, or director – general or secretary) is an invitation to corruption.

17. Personal factors responsible for corruption: The most important factor responsible for corruption is the nature of the human being. People in general, have a great thirst for luxuries and comforts and as a result of which they get themselves involved in all unscrupulous activities that result in monetary or material benefits. Moral and spiritual values are not given utmost importance in educational system, which is highly responsible for the deterioration of the society. The salary paid to employees is very less and as a result of which they are forced to earn money by illegal ways. The punishments imposed on the criminals are inadequate. The political leaders have spoiled the society completely. They lead a luxurious life and do not even care about the society. People of India are not awakened and enlightened. They fear to raise their voice against anti-social elements prevailing in the society. A majority of bureaucrats in our country are ritualizes, and remain concerned more with perks and privileges than with development-oriented policies for the society. The

politicians and bureaucrats thus started using their power and position for illegal benefits. Corruption also emerges from the power of the government officials of taking decision, say, issuing licenses, assessing income tax, giving extensions and so on. Many officers pay thousands and lakhs of rupees to get themselves posted in particular places only because those places enable them to earn thousand and lakhs of rupees every month as illegal gratification. In addition to above excessive regulations, complicated taxes, licensing system, services delivery, lack of transparent law and process, discretionary power of public servant are also the causes of corruption. Lack of transparency allows rooms of corruption to both giver and taker whenever transparent process is missing and hidden process exists that condition encourage Corruption. Political corruption is worst in India. The major cause of concern is that corruption is weakening the political body and damaging the supreme importance of the law governing the society. Nowadays politics is only for criminals and criminals are meant to be in politics.

In a nutshell, Causes of corruption can also be categorized as economic, social, political, legislative and judicial. The economic causes include: craze for higher living standards, inflation, license system, profiteering tendencies, and lack of morality in business community. The social causes include: materialistic outlook of life, erosion in social values, illiteracy, acquisitive cultural traits, feudalistic hangover, peoples toleration, public indifference, and exploitative social structure. The political causes include: political patronage, ineffective political leadership, political apathy, political immorality, election funding, nexus with politicians, and political subculture. The legislative factors are : inadequate legislation, loopholes in law, and callousness in implementation of laws. The judicial causes include: expensive judicial system, judicial indifference, lack of commitment among judges, and frequent acquittals of the accused on technical grounds and so on.

6. Impact of Corruption

When Corruption begins all rights end” Impact of Corruption are very serious. Hon’ble Apex Court observed that, Corruption devalues human right, stop development, and undermines justice, liberty, equality and fraternity which have core value in our preamble. Therefore each and every anti-corruption laws to be interpreted and work out as to strengthen the fight against corruption and which is accepted to eradicate corruption. Criminal misconduct is simply greed for multiplying wealth. The people indulging in these activities are to be considered as sucking blood of the society which create grave hindrance to the progress of the society and directing affect an individual. If any individual try to eradicate corruption in the society then government itself stop such person. E.g. Baba Ramdev and Anna Hazare. Corruption is very slow and steadily spreading their wings towards the society. Therefore, it is necessary and need to curb corruption without wasting of time. Otherwise it might totally paralyze the society. Thus Corruption directly harms our national wealth and safety. Various scams like Bofors Payoff Scandal, The Cement Scandal, , The Plot Scandal, Pay off Scandal, The Sugar

Scandal, Land Scam, Medicine scam, The Indian Bank scam and recently common wealth games, 2G spectrum, and Colgate scam etc. are the biggest scam, economy of our nation is highly affected by this scandals. Due to this, development of our country stops and cause great harm to social development. The Indian criminal justice system is facing many problems and challenges in its fight against corruption. At present there is no law to deal with corruption in the private sector, which has grown in leaps and bounds in last two decades. As envisaged in the UNCAC offender takes advantage of the very strict requirements of Indian courts to prove every point beyond doubt. Corruption hurts everyone. Corruption has been corrosive effects on society. Corruption affects both civil and political rights as well as social, economical and cultural rights. One of the biggest problems faced by people all over the world is corruption in the society. Not a single country is untouched by the effects of corruption. Hence, need of structured reforms at all the levels in the society is required. The effect of corruption has many dimensions related to Political, Economical, Social and Environmental etc. Corruption has serious effect on the individual, community and country. First and foremost effect of Corruption is that, Corruption affect or hurts national wealth. Corruption discourages people to work together for the common object; Corruption in the society creates inequality, poverty and gap between the rich and poor. In a democratic system, public institution and offices may lost their legitimacy when they misuse their power for private interest which have its own serious effect on the individual community and country. Corruption affecting the human rights and right to development of poor people in that country When the news about corruption in business or profession breaks, customer lose respect and trust. People who become rich through corruption will degrade morally and start misusing the ill accumulated money or its black money in criminal activities like maintaining gangs of people of criminal nature only to support its bad, illegal criminal activities. Their children become drug addict or alcoholic or gambling or prostitute etc. So corruption hurts socially as well as individually. In corrupt society, honest and hardworking people have no place or respect and consider as foolish person. Corrupted money always becomes black money and which is diverted to foreign bank. This money is not useful for himself or to the society. Due to corruption in society, people will become more and more material minded, they always think that, money is everything which indirectly started losing the spiritual human qualities like love and affection, equality, unlike justice etc. and trying to accumulate money by hook or crook. In corrupt society nobody will be happy, fear insecurity and unhappiness in the people and consequently, people will become more selfish and narrow minded. The Prevention of Corruption Act, 1988 has number of loop holes which require omitting or repealing and new enactment having severe punishment is required. The Nation’s progress is seriously hampered by all pervasive corruption. Weeding out corruption today is a major challenge before Indian society. Presently, taking undue advantage of loopholes under the Prevention of Corruption Act, corrupt public servant easily escape from the clutches of investigating agencies, the conviction rate in corruption cases is not

satisfactory. Due to sole reason corruption flourishes and now a day became business or source of income from low risk and high profit account. Corruption Widening the Rich-Poor Gap: People in power who have the advantage of accumulating bribed money will become richer and richer and the poor people who try to pay huge amounts as bribes will remain in debt thus creating a huge rift between the rich and the poor. The consequence of this extreme inequality in the society will brew disunity, envy, hatred and enmity between the people. Corrupted People Degrades Self and Society: People who became materially rich through corruption will degrade morally and start misusing the ill-accumulated money in higher criminal activities like maintaining criminal gangs to support his nefarious activities. According to sociologists, corruption is a cultural system and individual is only a part of that system. At the same time, corruption cause damages to the democratic institution and theory of Rule of Law. Corruption and Human Rights There is close link between corruption and Human Rights. The same has been pointed out by Laurence Cockcroft in following words, "The fight for human rights and the fight against corruption share a great deal of common ground". A corrupt government which rejects both transparency and accountability is not likely to be a respecter of human rights. Therefore, the campaign to contain corruption and the movement for the promotion and protection of human rights are not disparate processes. They are inextricably linked and interdependent. The elimination of corruption and the strengthening of human rights both require a strong integrity system. There is a remarkable similarity between the two. The experience of the international human rights movement suggests that, as in promoting and protecting human rights, the primary responsibility for strengthening the national integrity system rests with civil society. From the forgoing words it has now become clear that corruption is one of the main obstacles to peace, stability, sustainable development, democracy and human rights.

7. Consequences of Corruption

Corruption is important component of Governance. Corruption does not affect all members of a society equally. The poor people suffer relatively more from corruption than rich people. Corruption suppresses economic growth and development and also reduces the effectiveness of public administration; it diverts the public resources towards corrupt politicians and officials. Corruption can be considered anti-poor and anti-development. Corruption has damaging consequences on poor governance and poverty. Corruption is outcome of deficiencies in the existing public administrative system. Corruption reduces economic development; reduce social, cultural, economical and political development. Corruption spread all over world no country is sage. Corruption attack on the basic principle of democracy i.e. equality of citizens, corruption undermines poverty and the safety, corruption threatens political stability. Election is the heart of democracy. Consequences of Corruption are very serious. Nowadays election is the biggest source of Corruption. Only due to bad practices and adopting criminal misconduct from persons who are elected to win the election, candidate give lot of money and this money

always be in cash. This money is always black money and black money is always acquired through illegal means by adopting criminal misconduct. That illegal means involved corruption so root of corruption are at election process. Everyone is proud of democracy and this democracy is based on election process. Basically, said election process is based on corruption. Considering above situation consequences of corruption are very serious and detrimental to the object of democracy. Corruption affects human dignity and right to development of poor people in that country. Corruption cause loss of credibility in the administration, high level corruption and scams are now threatening to countries economic boom. Economic loss is caused by bureaucratic delay for a given level of income. Corruptions adversely affect long term economic growth through its impact on investment.

8. Measures to Control Corruption

A committee on Prevention of Corruption was appointed by the Government of India in 1960 under the chairmanship of K. Santhanam. This committee gave its report in 1962 The recommendations pertained to various aspects of corruption. It was on the basis of the recommendation of this committee that the Central vigilance commission was set up in 1964 for looking into the cases of corruption against the central government and other employees. The central government has set up the following four department as anti-corruption measures: (1) Administrative Vigilance Division (AVD) in the department of Personnel and Training, (11) Central Bureau of Investigation (CBI), (iii) Domestic Vigilance Units in the Ministries/ Department/Public Undertaking/ Nationalized Banks and (iv) Central vigilance Commission (CVC)

Corruption is difficult to measure, but it exists in all countries. It is impossible to eradicate or control corruption in society unless and until, investigating machinery becomes independent and free from government control and supervision. The foolproof laws should be made and discretionary power of politician and bureaucrats is required to minimize. There is no particular method to which we can ensure the measure to curb corruption. Unless there is a complete cooperation by the people and government towards the goal of corruption free India. Present Laws are not strong enough to fight corruption and very little transparency is available at the government offices. Corruption is lack of independence and efficient media, strong and free press is helpful to reduce corruption in the society. Today, corruption is a major challenge before Indian society to eradicate the evil of corruption. The central government has enacted anti-corruption laws to deal with the Prevention of Corruption and constituted commission such as CVC, CBI, ACB to enforce the law relating to corruption effectively. Corruption is lack of monitoring mechanism or their poor enforcement which encourages public officials at difference levels to sack or accept illegal gratification. Scam is a form of fraud. Nowadays public servant or bureaucrat have lost their moral and have no fear of the Law they demand and take bribe i.e. money directly and openly on their table which clearly indicates that, the

corrupt public servant or bureaucrats are confident that, no worthwhile action can be taken against them. This reflects that, the existing system for identifying the corrupt and punishing them appears ineffective and provide to deterrence to them.

There are some specific measures to control increasing corruption which are as under:

1. The Right to Information Act (RTI) gives one all the required information about the Government, such as what the Government is doing with our tax payments. Under this act, one has the right to ask the Government on any problem which one faces. There is a Public Information Officer (PIO) appointed in every Government department, who is responsible for collecting information wanted by the citizens and providing them with the relevant information on payment of a nominal fee to the PIO. If the PIO refuses to accept the application or if the applicant does not receive the required information on time then the applicant can make a complaint to the respective information commission, which has the power to impose a penalty up to Rs.25, 000 on the errant PIO.
2. Another potent check on corruption is Central Vigilance Commission (CVC). It was set up by the Government to advise and guide Central Government agencies in the areas of vigilance. If there are any cases of corruption or any complaints thereof, then that can be reported to the CVC. Creating more awareness among people regarding the consequences of giving and taking of bribes and corruption is one of the most responsibilities on the CVC.
3. Establishment of special courts for speedy justice can be a huge positive aspect. Much time should not elapse between the registration of a case and the delivery of judgment.
4. Strong and effective laws need to be enacted which gives no room for the guilty to escape. In many cases, the employees opt for corrupt means out of compulsion and not by choice. Some people are of the opinion that the wages paid are insufficient to feed their families. If they are paid better, they would not be forced to accept bribe. Corruption has been a part of human societies since the oldest of times. Corruption, fraud, embezzlement, theft, bribes, and kickbacks are all forms in which people try to increase their income at the cost of others.

At last, it may be concluded that corruption today has ceased to shock people. Even when malpractices are detected, the Ministers and officers go scot-free. At the most, they are transferred. So long corruption fails to attract legal, moral and social censures; there is no hope of eliminating or even reducing it. It may not be possible to root out corruption completely at all levels but it is certainly possible to roll it down or to contain it within the tolerable limits. Corruption is a cancer which every Indian known for their honesty and integrity, reduced government control in the economy, popularly called liberalization policy, and control over electoral expenses could be three most important prescriptions for corruption. People have tolerated the corrupt persons for long. It is now high time

that containing corruption should be taken seriously by dedicated political rulers, administrators as well as conscious public.

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