

# **EDITORIAL ANALYSIS → 11 JANUARY 2023 → THE HINDU:**

## **A STEP TOWARDS FIGHTING CORRUPTION:**

- **Introduction:**

- The Constitution Bench of the Supreme Court (SC) issued a ruling in the Neeraj Dutta case in December 2022 that took a harsh stance against corruption among public employees in the nation and lowered the standard for the volume of evidence needed to convict those accused of corruption.
- Those who demand honest public administration and severe penalties for illicit activity applauded this verdict. This was not the Supreme Court's first time discussing the pervasive corruption in our system; on numerous instances in the past, the court expressed this affliction that plagues our public administration with comparable vehemence. Despite this clear stance, however, the level of corruption in public life has not decreased.

- **The ruling in the Neeraj Datta case:**

- The Supreme Court's decision dispels the fallacy that only unquestionable proof of guilt can lead to a conviction. According to a recent ruling by the court, even if prosecution witnesses became hostile, a conviction would still be appropriate provided all circumstantial evidence gathered by the prosecution and presented to the court clearly indicates the guilt of the accused.
- This is a fantastic step toward guaranteeing honesty in government services, especially in the "higher" services like the Indian Administrative Service (IAS) and Indian Police Service (IPS).
- The severity of the law and its application, as well as the strength of public opinion that would support the battle for a clean public life, are two facets of the fight against corruption. If we want to rid the nation of the weakest link in a growing bureaucracy, both are equally crucial.

- **Legal system:**

- There is frequently a need for tightening our laws so that the offender faces punishment. Deterrence only works up to a point, which is sometimes a concept that even lawmakers and the general public fail to grasp. Therefore, it is misguided to call for the death sentence for a variety of crimes.
- Legislators are unaware that the amount of evidence needed by the courts to establish the guilt of individuals who are accused before them would increase when the severity of the consequences for illegal behaviour are increased. This harsh reality most likely led the Constitutional Bench to lower the threshold for the amount of evidence needed to convict anyone accused of corruption.
- In essence, the Supreme Court has established the "preponderance of probability" criterion, which is typically insufficient to support a conviction in criminal proceedings. Before, it was thought that only conclusive evidence—i.e., evidence that leaves no room for question in the minds of the courts—was necessary. This has since been thinned out.
- The court has ordered that flaws like the complainant's unavailability—either because he is deceased or otherwise untraceable—should not prevent people from believing the prosecution's version of events.
- Now, cases where prosecution witnesses become hostile due to coercion or inducement will be subject to the same lax interpretation of the law of evidence. It is common knowledge that certain influential individuals are charged with "buying" prosecution witnesses. Some attorneys have also participated in this, disgracing the legal profession and the criminal justice system. The supreme court is aware of this and feels it cannot continue to watch in silence.

- **Laws that address corruption:**

- **Indian Penal Code 1860:**

- According to the IPC, a "public servant" is a person employed by the government, an officer in the military, navy, or air force, a police officer, a judge, an official of the Court of Justice, or any other local authority created by a federal or state Act.
- A public employee who buys or bids on property without authorization is in violation of Section 169. A public servant who violates the law will be punished with up to two years in prison, a fine, or both. If the property is bought, it must be seized.
- The criminal breach of trust by a public employee is covered by Section 409. The public worker will get a fine and a sentence of life in jail or up to 10 years.

- **Prevention of Corruption Act 1988:**

- Employees of universities, the Public Service Commission, banks, and other organisations are also included in the term of "public servant," in addition to the categories covered by the IPC.
- A public employee who accepts compensation other than his legal salary in exchange for performing official business or trying to persuade other employees faces a minimum jail sentence of six months and a maximum of five years in prison as well as a fine.
- The Act also punishes public servants who use improper ways to exert their personal influence over other public servants and the general public.
- A public employee faces a minimum six-month sentence and a maximum five-year sentence as well as a fine if they accept a valuable item from someone with whom they are conducting business while acting in their official capacity without paying for it or paying it insufficiently.
- To prosecute a public employee, prior approval from the federal or state governments is required.

- **Lokpal and Lokayuktas Act 2013:**

- It calls for the appointment of an ombudsman to represent both the federal and state administrations (Lokpal and Lokayuktas, respectively).
- These organisations, which must operate independently of the government, are given the authority to look into charges of corruption against public officials, including the prime minister and other ministers.

- **CVC, the Central Vigilance Commission:**

- Despite being founded in 1964, it wasn't until a 2003 Act of Parliament that it was made a separate statutory organisation.
- Its duties include supervising the vigilance administration and assisting the executive in issues of corruption.

- **Conclusion:**

- Public employees who are dishonest will find additional ways to hide their transgressions. This is due to the fact that many people are willing to bribe officials either voluntarily or in response to requests. Our ethos now incorporates the relationship between the criminal and the victim.

- The most recent Supreme Court ruling might not stop people from becoming crooked. But that doesn't mean we should stop fighting. We need informed opinion leaders in this area who aren't afraid to challenge influential figures in politics or administration.



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