

Human Rights and Corruption: a Moral Strength or a Moral Decay

Shikhar Nigam¹, Arpith Reddy² and Parth Gaur³

Abstract

Corruption in India is a drawback that has grave inference for both protecting the rule of law and guaranteeing the access to justice. Corruption is ubiquitous within the system of governance in India. Corruption influences human rights and the rule of law, it is vital to develop the proper corruption free governance through a quantity of Human Rights in India. Corruption is standard hassle undermining universal value- human rights. However, g human rights in general and making sure non-discrimination and participation in precise are useful preventive equipment for corruption as they in the end empower the society and create social accountability. The most important aspect is that corruption shatters the very rights of the citizens in India. The ache of corruption touches all aspects but its disproportionality impacts the susceptible sections of the society. It reinforces demarcation, elimination and peremptoriness. This research paper will basically focus on that is the real bone of Human rights in catering Corruption ought to be expanded so as to include economic, social and cultural rights. Moreover, this sees of the parallel between Human rights and corruption. It indicates how deviant and operational rights have been used to plaster examinations and perpetration of corruption and substantiate how anti-corruption redeems are inconsistent with the social and financial rights of the Vulnerable Sections.

¹School of Law, B.A. LLB, Symbiosis International University, Hyderabad.

²School of Law, B.B.A. LLB, Symbiosis International University, Hyderabad.

³School of Law, B.B.A. LLB, Symbiosis International University, Hyderabad.

Introduction

Corruption has existed since the beginning of time as one of the factors affecting the prospering of the human civilization; it is the most widespread forms of behaviour which is inimical to the administration of public affairs.

Notwithstanding the long history and the apparent history of the phenomenon of corruption in today's society it seemed difficult to arrive at a definition. People are just not by what but what they have or from where they belong It is one of the greatest challenges in today's world which results in undermining the good governance in state fundamentally distorts public policies leads to misuse and misplacement of the resources damaging the private sector and its development resulting in harm to the people. It forces the private or corporate sector to look for their profits by administering revenue generating activities rather than setting up competitive activities. Above all the most vulnerable societies such as women, children, minority, indigenous people with disabilities and refugees are affected by corruption. Above the most Corruption is a threat to the ideas of justice and equality. It most of all diminishes the most important think to that a man has that is his dignity and therefore prevents the realization of human rights and the fundamental freedom Corruption is not only hampering the human rights movements in India but all around the globe. Corruption is hampering the global movement for the realization of human rights.

This paper first lays down the concept of corruption by discussing its definition, causes, forms and consequences. It then discusses the notion of human rights such as its definition, nature and categories with a view to make a connection with corruption. The third section explores the relationship between corruption and human rights. Finally, the fourth section concludes the discussion by asserting that an integral approach is essential to overcome the problems of corruption and the violations of human rights.

The Definition of Corruption

The term “corruption” comes from the Latin word *corruptio* which means “moral decay, wicked behavior, putridity or rottenness”. Defining the concept corruption is not as easy as one recognizes its occurrence. It varies from region to region and remains largely contextual. As the causes and effects of corruption are different depending on the context of the country, it is perhaps not surprising that it is difficult to formulate a single comprehensive definition that covers all the manifestations of corruption.

Literature unanimously recognizes that corruption is an ancient, wide and pervasive problem, that continues to be a factor in every-day live around the world, in both developed and

underdeveloped countries. It can be said that corruption is a universal problem without universal definition. Like human rights, the definition of corruption is culturally relative. For instance, one man's bribe may be another man's gift.

The World Bank (WB) defined corruption as 'an abuse of public authority for the purpose of acquiring personal gain'. Mc Mullan holds that a public official is corrupt:

If he accepts money or money's worth for doing something that he is under a duty to do anyway, that he is under a duty not to do, or to exercise a legitimate discretion for improper reasons.

The Causes of Corruption

Accessible research uncovers that the reasons for corruption are assorted and rely upon the diverse logical conditions. TI held that corruption is raising its terrible head in more separate courses because of the debilitating of social qualities, with the more extensive open intrigue and social obligation being subordinated to the upgrade of material status in the individual morals of many. Also, absence of straightforwardness and responsibility in people in general respectability frameworks are contributing elements for corruption. There is likewise a scriptural clarification for the reasons for corruption. After Adam violated the law and conferred sin to his family, what takes after upon this is, 'the corruption of nature got unto them from him'; by which is signified, 'the general wickedness of humankind, of the considerable number of people of human instinct, and of the considerable number of forces and resources of the spirit, and individuals from the body'. As Human nature is defective, corruption will exist in every single human undertaking. Childishness and ravenousness are the comprising components of human flaw which prompts corruption.

The Forms of Corruption

Corruption shows itself in various courses in various conditions. Yet, there are a few types of corruption which repeat in each framework. These are stupendous corruption, insignificant corruption, dynamic corruption, inactive corruption, political corruption and efficient corruption.

Great corruption happens when an abnormal state government official conferred acts that twist strategies or the focal working of the state, empowering him/her to profit to the detriment of the general population great. It is a type of corruption which infests the most abnormal amounts of a national government, prompting an expansive disintegration of trust in great administration, management of law and monetary solidness. It misshapes the working of the focal government.

Negligible corruption is a regular manhandle of endowed power by low-and mid-level open authorities in their communications with customary subjects, who frequently are attempting to get to essential merchandise or administrations in places like clinics, schools, police divisions and different organizations. It is where an open authority requests or expects cash for completing a demonstration which he or she is normally required by law to do, or when an influence is paid to get administrations which the authority is disallowed from giving.

Orderly corruption happens where corruption pervades the whole society to the point of being acknowledged as a method for leading regular exchanges. It is a circumstance in which the real foundations and procedures of the state are routinely ruled and utilized by degenerate people and gatherings, and in which numerous individuals have couple of viable options in contrast to managing degenerate authorities. It influences foundations and impacts singular conduct at all levels of a political and financial framework.

The Impacts of Corruption

Corruption is damaging for the simple reason that important decisions are determined by ulterior motives, with no concern for the consequences for the wider community. As Balogun describes it, “depending on its form and gravity, corruption is capable of rewarding indolence and penalizing hard work, undermining morale and *esprit de corps*, compromising a nation’s external security, threatening internal order and stability, and generally slowing down the pace of economic growth and sustainable development”.⁴

Above all, corruption affects the integrity of the political system and neither allows for the protection of human rights and the promotion of human freedoms nor for the development of democracy. It implies discrimination and injustice and disrespect for human dignity.

Human Rights

Human rights have persistently been evolving throughout human history, as a concept. This very concept of human rights existing in the mankind, have been intricately tied to laws, customs and religions throughout the ages of all the continents in the world. Their standards change with change in time as well as according to human needs and interests. The law of human rights involves a detail account of internationally accepted values, standards or rules regulating the conduct of every single State or nation towards their own citizens and towards non-citizens.

⁴R. A. JOHNSON, THE STRUGGLE AGAINST CORRUPTION: A COMPARATIVE STUDY 10(2004).

But a detail discussion of the political, philosophical and legal perspectives of human rights will not be moulded for the elementary reason that it is out of the scope of the work. Instead, the most essential elements of this concept of human rights which gives a bird's-eye view of the above perspectives will be modelled. By believing and following so, the objective is to make a connection between corruption and human rights. With this view the following sections explores and discusses the nature, definition (if any), the bases, and the possible categories of human rights.

Basis of Human Rights

Many people have been taking the validity of human rights for granted and tend to do so even now. For many non-philosophers' human rights may, too obviously appear to rest upon self-evidential truth and universal valid moral principles. Although philosophers do not enjoy such license for epistemological complacency. There are two major schools of thought regarding the philosophical foundations of human rights. These are the 'foundationalists' and the 'anti-foundationalists' schools of thought.

The foundationalists' school of thought argues, that there are philosophical foundations for human rights and they base their argument on moral philosophy, religion and natural law. Therefore, for foundationalists, interest and will theory be the grounds which give rise to a moral basis for human rights. For the will theorists, every human has a free, conscientious will and freedom to execute that will no matter how good or bad his or her will is. The originating idea that humans are free and equal, is also used as a ground for the conception of human rights.

However, despite these philosophical battles in continuing search of foundation for human rights, there is a corpus of human rights law regime. The existing international human rights law regime has the very basis of its foundation on human dignity and equality. It also mentions dignity and equality to the effect that, disregards of dignity and equality results in barbarous acts which outrages the conscience of mankind. It can be argued that the existing international human rights law regime seems to encompass both schools of thought by not only recognizing human dignity and equality as foundations for human rights but, also by referring the impacts of gross human atrocities on the conscience of mankind.

Corruption and Human Rights

There is a linkage among corruption and human rights. However, a vast piece of the overarching talk on corruption tends to accentuate on its monetary outcomes, disregarding one of its most negative impacts the effect it has on human rights. Writing is meagre that

specifically builds up the connection among corruption and human rights. Notwithstanding, various creators specify the genuine financial, social and political misfortune it causes to a country and its populace, which specifically results infringing upon crucial rights and flexibilities. Universal enemy of corruption laws additionally underlines on the financial and political effect of corruption than the human rights affect.

Corruption negatively affects human nobility for the straightforward reason that it thwarts the best possible satisfaction of human rights. Fortifying the implementation of the worldwide human rights law administration will have a steady part to diminish corruption. At whatever point human rights are ensured, there will be social strengthening and social responsibility. On the off chance that frail human rights security may make open doors for corruption, strategies that advance human rights may counteract corruption.

In looking at the connection among corruption and human rights, the paper concentrates just on the effects of corruption on corruption casualties. It neither manages the human privileges of those indicting and examining corruption nor affirmed corruption offenders.

Corruption as a Violation of Human Rights

Joined Nations (UN) arrangement bodies and unique techniques have inferred that, where corruption is across the board, States can't follow their human rights commitments. At whatever point there is boundless corruption, it tends to be said that, there will be an infringement of human rights. There are three causal connections among corruption and infringement of human rights. These are, when corruption is an immediate, circuitous or remote reason for the infringement of human rights.

Corruption might be specifically connected to an infringement of human rights when a degenerate demonstration is intentionally utilized as a way to abuse a right. For instance, a pay-off offered to a judge specifically influences the freedom and unbiasedness of that judge and henceforth abuse the privilege to a reasonable preliminary. Corruption may likewise specifically damage a human right when a State (or someone acting in an official limit) acts or neglects to act in a way that keeps people from approaching that right.

Civil and Political Rights

Joined Nations (UN) settlement bodies and unique strategies have inferred that, where corruption is far reaching, States can't conform to their human rights commitments. At whatever point there is across the board corruption, it tends to be said that, there will be an infringement of human rights. There are three causal connections among corruption and infringement of human rights. These are, when corruption is an immediate, circuitous or

remote reason for the infringement of human rights.

Corruption might be straightforwardly connected to an infringement of human rights when a degenerate demonstration is intentionally utilized as a way to disregard a right. For instance, a pay-off offered to a judge straightforwardly influences the freedom and fair-mindedness of that judge and consequently disregard the privilege to a reasonable preliminary. Corruption may likewise straightforwardly abuse a human right when a State (or someone acting in an official limit) acts or neglects to act in a way that keeps people from approaching that right.

Economic, Social and Cultural Rights

Under the International Covenant on Economic, Social and Cultural Rights (ICESCR) States are obligated as per Article 2(1) to:

“take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”

States are under obligation to allocate the ever-increasing resource to the progressive realization of rights recognized under the covenant, prohibited from taking deliberately retrogressivemeasures and provide public service such as food, education, health, water and house by considering the principles of availability, accessibility, acceptability and adoptability.

The right to food also referred to as the right of every one to be free from hunger, is a component part of the more general right to an adequate standard of living. The core contents of the right to food are explained by the Committee on Economic, Social and Cultural Rights in its General Comment No.12. Corruption can compromise the realization of this right. Corruption is identified as one of the seven major economic obstacles that hinder the realization of the right.

Environmental and Developmental Rights

All people groups have the privilege of self-assurance, the privilege to openly discard their normal riches and assets and accordingly unreservedly seek after their monetary, social and social advancement. In the meantime, they have a privilege to live in a spotless domain. An administration that endures or effectively takes part in the degenerate exchange of responsibility for riches to the advantage of a few nationals, who possess places of influence or impact in the general public works to deny the general population, separately and all in all, their entitlement to unreservedly utilize, abuse a discard their regular riches in a way that

advances their improvement.

Social Empowerment

At whatever point human rights are ensured, the general public will be enabled. This is on the grounds that the regularly expanding assets and choices are available to normal natives. In its exemplary proposition, social strengthening involves fortifying common society with a specific end goal to improve its political and financial imperativeness, giving all the more precise ways of access and standards of collaboration among State and society, and adjusting monetary and political chances. Where it is effective, social strengthening won't thoroughly kill corruption. It can, in any case, give essential help to institutional changes, debilitate the mixes of imposing business model, tact, and absence of responsibility that make for fundamental corruption, and help regulate change for the long haul by connecting it to enduring interests fighting in dynamic political and social procedures.

Conclusion

Corruption is an all-inclusive issue insulting a general esteem - human rights. Corruption fundamentally is an infringement of human rights. Forestalling corruption assumes an extraordinary part for the acknowledgment of human rights. In the meantime, guarantying human rights by and large and guaranteeing non-segregation and cooperation specifically will diminish the episodes of corruption. At whatever point these are done, there will be social strengthening which makes social responsibility. The counter corruption crusade and the human rights development have something to partake in like manner. Both are battling for the deliberate and average existence of people established in respect and equity. Consequently, take note of that a coordinated approach is required on the off chance that it is said the interests of the general public are regarded. This is made by recognizing that human rights can assume a preventive part for corruption and diminishing the episodes of corruption will be an extraordinary lip forward for the authorization of human rights. Such understanding opens the way to the current human rights systems on which to base further activity against corruption, since corruption is an infringement of human rights. Human rights observing components, for example, universal and territorial human rights commissions and courts, UN objection instruments or national human rights frameworks will be valuable to cure degenerate practices. This brings the counter corruption and human rights activists together for the battle against corruption and infringement of human rights.