

Providing A Legal Shield to Corruption

It is no secret that corruption is rampant in our country. The cancer of corruption has become a part and parcel of our administration and political system that affected from top to the bottom. Its omnipresence affected all institutions and systems. There are believable allegations that even the judiciary and judicial system too are affected considerably by corruption.

According to the organisation 'Transparency International' (T.I) of Berlin, which studied the aspect of corruption and its levels prevailing in Asian countries, and released its conclusions in September 2017, published in the Forbes Journal, the level of corruption is much higher than Vietnam, Thailand, Pakistan and Myanmar.

While corruption is @ 40% in Pakistan, it is 69% in India, according to the survey of T.I which survey 16 countries. Corruption is omnipresent in service sector like schools (educational institutions, hospitals (health), police, Identity documents, revenue etc.)

Various investigations throughout our country are exposing the immensity and gravity of corruption existing at higher political and administrative levels of our system baffling the imagination of the public.

For any real democratic government and its rulers elimination of corruption of shall be its immediate and first and foremost unrelenting duty.

But since our system is in reality not a democratic ruling system for, of and by the people as is being touted from all these 70 years of our so called independence by rulers and ruling-classes, in our experience we find very little or no action from our ruling governments and rulers in this direction of eradication of corruption despite tall claims made by the successive governments and rulers in this regard. On the contrary our rulers have been using their political clout and parliamentary might to dilute and stifle any moves taken up to eliminate corruption at times.

No doubt the present Prime-minister Narendra Modi has been boasting and exhorting recently during the election time (September) in Himachal Pradesh and countering criticism against demonetisation (October and November) during the election in Gujarat state, posturing himself as a warrior and champion waging war against corruption "even at the cost of risks and is willing to pay any political price..". But in practice all this exhort ion proves to be nothing but hood-winking the voters and people to deceive them.

The Vasundhara Raje government of Rajasthan had promulgated an ordinance on September 6, which is now to be enacted in the assembly in the name of criminal laws (Rajasthan Amendment). This bill aims to shield judges and public servants from corruption proves. This bill extends effective immunity to all officials and also bars media from reporting freely on cases of alleged corruption. Public servants against whom corruption are raised will be immune from being named publicly for six months or until the state gives sanction for a probe. This law wants a fortress of impunity for civil servants including the C.M and the cabinet even if there is clinching proof of corruption. This bill is prepared by making amendments to criminal procedure code (CPC) and Indian penal Code (IPC). This bill arms the government with powers to arrest and jail the people seeking a probe, if they 'defy' this law. Thus this law moots deliberately to legally protect the corrupt officials who have nexus with politicians, who are behind the loot of national resources. This bill provides legal safe guards to officials, MLAs, MPs, ministers and other accused of wrong-doing and corruption. This bill effectively stops investigators from even a preliminary inquiry against any official. This ordinance/bill fetters judicial magistrates from ordering an investigation without prior sanction as an additional shield for public servants who already enjoy the protection of section 197 of CrPC and section 19 of prevention of corruption act 1988.

This ordinance/bill blocks the truth from surfacing, thwarts independent investigation, and forewarns corrupt officers by alerting the errant officials and lets them bury their tracks. They can flee, intimidate or influence their way to safety.

Maharashtra government too is defending a similar bill in court and there is 2013 bill pending in parliament that also seeks to restore prior sanction through an amendment of the prevention of corruption act.

We are taught that all are equal before law. But the 'independent' judiciary seems to view that it is more important than being equal before law along with the common people. Recently when a case of allegations of corruption against a former high court judge of Odisha was referred to a five-member constitution bench, the C.J.I, had chosen to quoting it in the name of upholding his right "as the master of roster" – a technical ground. This attitude speaks volumes about the insincerity of our system to really fight against corruption.

All this mockery of justice and the drama of implementation of law is being continually practiced and played in the name of democracy, and in the praise of so-called pillars of democracy itself. In other words, the system of parliamentary democracy will not and cannot eradicate and eliminate corruption, since the very foundations of this system of exploitation is imbued with the seeds of corruption and deceit.

Presently while the neo-liberal economic policies of imperialist capitalism that have been ruling the world, reducing the governments into a mere profit-making of business of ruling, more such anti-people acts and laws threatening the people's rights will be passed legally by the assemblies and parliament. Such is the class-nature of the very system of capitalist democracy.

It is noteworthy that this is not the first-time that the Rajasthan government has enacted/promulgated such regressive and draconian laws. It stood in the fore front of amending labour laws against the interests of working-class regressively pushing back to the era of the British-colonial rule of ruthless exploitation and oppression.

This exposes the reactionary attitude and anti-look of our rulers particularly the B.J.P. rulers, as is apparent that this bill has been blessed by a central junior minister as a "perfect and balanced" bill.

It is for the patriotic and democratic minded people, to expose this blatant hypocrisy and deception played by our rulers and ruling classes and awaken and mobilize people against their democratic class nature and its anti-people rule.
