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# Corruption as a Social Menace Critical Study of Ramendrasinh Jaysinh Kushvah vs State of Gujarat

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## ABSTRACT

*Corruption in India is an greater issue which deeply harm the economy of central, state and local government agencies in different ways. Corruption is hold accountable for restricting the economy of India. social spending schemes and entitlement programmes by the government are considered as largest contributors to the corruption. This research article will be shedding light on the corrupted government servants and will be giving a deep analysis of the case study or critical study of ramendrasinh jaysinh kushvah vs. state of Gujarat and also moving towards the causes of corruption which is deeply rooted in our Indian society and government. Development activities are slowed down by corruption. It demoralizes the soul of skilled and sincere citizen. Fair distribution of resources and opportunities also got effected in a negative manner.*

## I. CORRUPTION AS A SOCIAL MENACE

### (A) What is Corruption?<sup>2</sup>

Corruption is generally misusing powers for private and personal benefits by public sevants. In order to ensure that not only public corruption but also private corruption between individuals and businesses could be covered by the same simple definition Corruption is the misuse of given position (by heritage, marriage, education, election, appointment or whatever else) for private gain.

### (B) Causes of Corruption in India<sup>3</sup>

There are many causes by which corruption is deeply rooted in our society today some of the greater causes are Lack of Stick And Fast Punishments, Low Pay Scales And Wages, Lack of Unity in Public, Lack of Transparency in Deals and Affairs, Lack of Independent detective agency, Lack of enough powers to the judicial system in India, Lack of Fundamental Rights Awareness in People of India, Lack of Accountability, Encouragement in India, Lack of Effective Management and Implementation, Unhealthy Competition, Lack of Economic

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<sup>2</sup> transparency international Org., the global coalition against corruption

<sup>3</sup> Stefan Sumah, Corruption, Causes and Consequences, DOI: 10.5772/intechopen.72953, February 21st 2018

Stability In India, Lack of Autonomy, Lack of Effective Leadership in India, Unemployment, Poverty And Hunger, Vast Size of Population in India Is Biggest Cause of Corruption In India and Very Less Educational Institute and Medical Infrastructure.

Nexus between political parties and Industrialist is another Big Cause of Corruption In India.

Tolerance of People Towards Corruption and emergence of political elite who believe in interest-oriented rather than nation-oriented programmes and policies are Another Big reason of Corruption in India.

### **(C) How can We Cure Corruption in India**

Some of the methods to control and reduce and cure the corrupted society are mentioned here in this article we can achieve all this by Bringing transparency In Indian Economic System and by giving good salary to Government Employees.

We should try to make Indian Society Cashless, More Number of Online transactions and provide bill For Every transaction, we should Bring Political parties Under RTI and Set Eligibility for Indian Politician.

Increase in Digital and E Governance will help, Transparent tax structure by clean and clear enforcement, More Police reforms and Power Full Judiciary and Corrupt Businessmen should be blacklisted.

By bringing More Transparency In Govt Job Recruitment, by Speeding up the judgement and increasing the courts, Keeping Inflation low, Citizenship cancellation could be a highest level of punishment if their crime score reaches a certain extent, Disrespecting the dishonest these all small steps can help us to make a corrupt free nation.

## **II. CRITICAL STUDY OF RAMENDRASINH JAYSINH KUSHVAH VERSUS STATE OF GUJARAT<sup>4</sup>**

### **Brief Facts**

In this case the petitioner who is original accused No.1 preferred this petition **u/s 438 of the Code of Criminal Procedure** for anticipatory bail in connection with the offence registered with ACB Police Station, Godhra for the offences punishable under sections Section 13(1)(b) and 13(2) Prevention of Corruption Act (Amendment), 2018.

### **Reasoning and Decision of the Court**

The Court ruled that as per the gist of the FIR and case of the prosecution, the petitioner –

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<sup>4</sup> (1980) 2 SCC 665.

original Accused No.1 has misappropriated his official position and by getting involved in corrupt practice committed alleged offence in as much as against the official income earned by the petitioner, as disclosed in IT returns, during check period is worth Rs.5,92,27,582/-, and considering deduction towards expense, his illicit income in the nature of investment and property owned is worth Rs.3,71,23,208/-. Thus, there was rise in the income to the extent of 62.68% as compared to the source of official income.

Furthermore, the Court observed that it could not be gainsaid that the corruption has become a social menace and is very much rampant nowadays. **It is like a termite or a poisonous snake which has penetrated deeply into our systems**. It was often quoted that the public servants are like fish in the water, none can say when and how a fish drank the water.

### III. CONCLUSION

Corruption is one of the biggest enemies of our country and finding corrupted public servants no matter at what high positions they hold they should be and they will get punished for their ill acts under the PC Act, 1988. The status or position of public servant does not qualify such public servant from exemption from equal treatment. There is no classification for the punishments for the public officers as they are to be considered common crime doers. They will not be getting any privilege.

The PC Act, 1988 is a special statute and its preamble shows that it has been enacted to consolidate and amend the law relating to the prevention of corruption and for the matters connected therewith. The intention of this act is to cover the maximum area and issues as it can to prevent the corruption. This act was passed because Prevention of Corruption Act, 1947 which is amended from time to time was unable to deal with the wrongdoings of corruption productively. The Legislature had become aware of corruption amongst the public servants so This new Act now seeks to provide for speedy trial of offences punishable under the Act in public interest.

Corruption wears down the moral values of the society and corruption by public servants not only leads to degradation of the moral values of the society but also harmful to the national interest and national economy of nation, persons having high positions and roles in the government by being corrupted damaged the image of nation and also effects the entire roots of that nation.

Corruption in a society should be detected at the earliest and then eradicated as soon as possible before it shakes the entire nation, “the socio-economic-political system in an otherwise healthy, wealthy, effective and vibrating society”. If state is not able to eradicate

corruption from public life then liberty will not last longer in that society. Corruption is a bigger issue than external issues to the civil society as it will damage and tear away the vitals of our polity and society. Corruption is instrumental in not proper implementation and enforcement of policies adopted by the Government. Thus, it is not a soft and small issue it is something on which we should focus on more precisely and try every possible outcome in the benefit of our country.

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