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# Corruption Free Public Service as a Fundamental Right: A Solution to Endemic Corruption in Pakistan

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## ABSTRACT

Corruption is a global phenomenon that weakens trust in institutions and affects socio-economic progress. Even after all the anticorruption efforts, it is still rampant. This paper suggests a new solution: introducing corruption-free public service as a fundamental right enshrined in the constitution. Pakistan has been taken as a case study, where corruption is widespread despite various laws and anticorruption organisations. The magnitude of corruption and the failure of the anticorruption measures have been highlighted with the help of credible data. It argues for reevaluating the social contract between the state and citizens, advocating for elevating corruption-free public service as a fundamental right. This proposed right could transform administrative culture and governance by empowering citizens and fostering accountability. This right protects citizens from corrupt practices, and the government would be responsible for its enforcement. Additionally, it could spark a societal shift towards zero tolerance for corruption, creating a broad-based anticorruption coalition. While not a cure-all, this fundamental right offers a promising path for driving systemic and behavioural change, paving the way for greater integrity and transparency in governance.

**Keywords:** anticorruption, corruption, corruption-free public service, fundamental right, Pakistan

## Introduction

Corruption is considered one of the most significant challenges in today's world, undermining economic development and putting a country's governance structure at risk (Brankov & Tanjević, [2013](#)). It erodes public trust and weakens the legal system, ultimately affecting the state and its officials' legitimacy (Beesley & Hawkins, [2022](#)). The presence of corruption in the public sector shakes people's confidence in public institutions as it increases transaction costs and hampers the efficiency of

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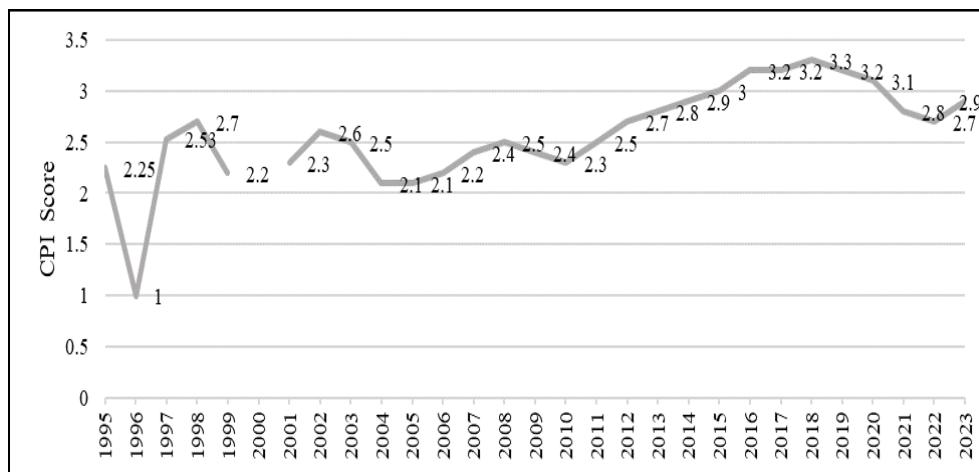
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public services (Organisation for Economic Co-operation and Development [OECD], 2024). As a global phenomenon, affecting countries regardless of economic or social development levels (Song et al., 2020), governments must adopt appropriate anticorruption measures to eliminate it within public institutions.

Transparency International (TI), a Berlin-based civil society organisation committed to combating corruption, released its 2023 Corruption Perceptions Index (CPI), which assesses how corruption in the public sector is perceived across 180 countries and territories. The results are worrying as the Index shows that two-thirds of the world's countries score less than 50 points, depicting rampant bribery, showing a lack of commitment to punishing the corrupt, and public institutions do not address citizens' needs (Transparency International [TI], 2023). In 1995, CPI ranked Pakistan as the second most corrupt country globally, whereas in 2023, it ranked Pakistan at 133rd among 180 countries. Since 1995, the average CPI score has been 2.4. Figure 1 illustrates Pakistan's perceived public sector corruption trend, as measured by CPI from 1995 to 2023<sup>1</sup>.

**Figure 1**

*Overview of Corruption in Pakistan*



**Note.** Source: Corruption Perception Index, TI

<sup>1</sup>The CPI originally used a 0 to 10 scale, with 0 indicating extreme corruption and 10 reflecting a very clean public sector. However, it adopted a revised 0 to 100 scale starting in 2012, where 0 still denotes high corruption and 100 indicates low perceived corruption. However, it has been uniformed in Figure 1.

Moreover, the Global Corruption Barometer 2017, a public opinion survey conducted by TI in South Asia, revealed that two-thirds of respondents believed that corruption in their country had increased over the past two years. Among public institutions, police and public officials/civil servants were perceived to be the most corrupt. The survey revealed that 25 percent of people have bribed officials to get services in Pakistan (TI, [2017](#)). Another major report, the Global Competitiveness Report (GCI) 2017–2018, released by the World Economic Forum (WEF), ranked Pakistan very poorly in some indices regarding corruption and governance. Overall, it ranked 116<sup>th</sup> for irregular payments and bribes paid. For example, it ranked 109th for irregular payments provided in export and import transactions, 112<sup>th</sup> for public utilities, 110<sup>th</sup> for tax-related payments, 113<sup>th</sup> for awarding public contracts and licenses, and 115<sup>th</sup> for obtaining favourable judicial decisions (World Economic Forum [WEF], [2017](#)). Furthermore, the GCI 2019 identified corruption as the second most troublesome factor in doing business in Pakistan and ranked it 110<sup>th</sup> out of 141 economies (WEF, [2019](#)).

The data presented above illustrate the corruption in Pakistan as a critical public problem that requires urgent attention. However, addressing this issue is complicated due to the systemic nature of corruption. Anticorruption policies often face a paradox: they require implementation by the actors who benefit from the corrupt system. Therefore, this paper argues for recognising corruption-free public service as a fundamental right enshrined in the Constitution of 1973, proposing that such a measure could provide a strong legal and moral framework for combating corruption. This perspective highlights individuals' inherent dignity and entitlements, emphasising that access to transparent, accountable, and efficient public services is not merely a governance goal but a fundamental human entitlement.

The remaining part of the paper has been outlined: Section 2 presents the literature review on anticorruption measures. Section 3 provides the significance of Pakistan as a case study. Section 4 presents the methodology. Section 5 offers analysis and discussion, and Section 6 provides concluding remarks.

### **Anticorruption Measures: Review of Literature**

Theoretical and empirical literature has significantly discussed corruption and its effects. However, the contemporary social sciences still lack work in the area of anticorruption. Economist mostly dominates the discussion on

anticorruption, and the key theory in this domain is “New institutional economics (NIE)”, which focuses on aligning agents’ incentives with principals’ interests, also termed the principal-agent relationship. Based on this idea, Becker and Stigler (1974) defined corruption as an exchange relationship where an entrusted agent betrays the principal for personal gains. In light of this notion, corruption can be controlled if “Principals” or citizens or government bodies, can control “agents”, usually government agencies. Persson et al. (2013) indicate that the principal agents’ theory provides a basis for most current anticorruption measures. It suggests that weak incentives are the reason for betraying principals and engaging in corrupt activities. For this purpose, several public sector reforms, privatisations, democratisation waves, transparency, and measures to strengthen civil society have been introduced.

International organisations have adopted this concept over the last few decades. The elimination of corruption has now been put on their agendas. These organisations focus on the behaviour of public servants while defining corruption. The World Bank (1997) defines corruption as “the abuse of public office for private gain”, and Transparency International (n.d.) defines it as the misuse of entrusted power for private gain. In the same tone, while defining corruption as the misuse of entrusted power for private benefit (Government of Pakistan, 2002), Pakistan’s National Anticorruption Strategy focuses on the behaviour of public officeholders. When public officials exploit their position for private benefit, the demand side of corruption has earned the bulk of this focus. The demander, a public official, has the power to issue a government contract (Dixit, 2016) and is thus responsible for offering the bribe.

## **Effective Anticorruption Measures and Strategies**

Fritzen (2005) argues that the institutional context matters for the subsequent implementation and effectiveness of anticorruption policy. This paper examines the case of Vietnam, specifically its 2005 anticorruption law, to provide a unique approach to evaluating how such initiatives operate in practice. The study concludes that the success of anticorruption policies is significantly determined by broader governance topography and emphasises the presence of institutional support for the reform process effectiveness. Similarly, Capasso et al. (2019) argued that improving institutional quality is one of the key approaches to fighting against corruption. Their argument is supported by the analysis of enforcement

mechanisms across 80 countries. The authors contend that the traditional approach of increasing the human resources (police, judges and prosecutors) is insufficient. The findings show that enhancing the quality of institutions, especially the rule of law, has more impact on decreasing corruption than increasing the personnel and conviction rate. It recommends focusing on long-term measures like strengthening and improving institutional quality instead of short-term anticorruption efforts like enforcement measures.

However, Kumar (2019) argues that institutional reforms alone are insufficient to address the systemic nature of corruption. The study links widespread corruption to the broader crisis of democracy, emphasising the need for empowering citizens and enhancing civic participation. Furthermore, Persson et al. (2013) critically analyse the dominant definitions of corruption. Anticorruption policies do not necessarily work in such contexts, where they argue that corruption has become institutionalised and accepted by society, like in many African countries. Corruption is mischaracterised as a principal-agent problem when it is a collective action problem, and that is what fails. This phrasing gives a developmental break from bilateral accountability towards a corrupt action paradigm. Integrating the concept of collective action, Luna-Pla and Nicolás-Carlock (2020) translated a corruption scandal occurring in Mexico using complex system science. They write that traditional approaches are too simplified to more adequately reflect a complex web of actors and events involved in corruption. Hence, we require an analytical tool that can describe, at once, the systematic and adaptive nature of corruption.

The complexity of introducing anticorruption policies in environments where there is a presence of systemic corruption is enormous (Fritzen, 2005). According to Marquette and Peiffer (2018), corruption persists because it presents certain benefits. They argue for a mix of principal-agent theory, a theory of collective action and an understanding of these functions instead of relying on one approach to address corruption effectively. Moreover, Labik-Amanquandor (2024) proposed social-legal theories, for example, legal pluralism (that there are informal rules that people may follow instead of formal rules) and legal consciousness (that people behave based on the internalised understanding of the law). The study argues that socio-legal theories can facilitate the comprehension of failures of

anticorruption measures and support the development of effective strategies for eradicating corruption.

Additionally, Villeneuve et al. (2020) argue that the existing simple classification of corruption lacks the varied forms it can take and the environments where it succeeds, which is why anticorruption measures fail to control corruption. They suggested a comprehensive typology of corruption based on three factors. The first factor is about tangible (money) or intangible (favours) benefits, the second one is about the means of the corruption (nepotism or bribery, etc), while the third one is about the tools used to control corruption (financial or legal measures, etc).

Various anticorruption strategies and interventions have been discussed in the literature. Smidova et al. (2022) show the need for more focused and transparent anticorruption strategies. The study also highlights the under-representation of data on strategy implementation and evaluation, and there is an urgent need for well-developed monitoring and evaluation mechanisms. Similarly, Vian et al. (2022) stressed the necessity of a multifaceted model as an anticorruption measure. They pointed out that fighting corruption requires various strategies, ranging from legal and institutional to economic, political and civic. Hussain and Riaz (2012), who evaluated twenty-three anticorruption measures based on students' perceptions, found low variations between the strategies, and all were regarded as effective strategies to combat corruption. The most preferred approach is to emphasise moral values in the education curriculum.

Some studies examined proposals of international organisations for anticorruption programmes. Klein-Haarhuis and Leeuw (2004) evaluate the World Bank's anticorruption program. A top-down approach aimed at anticorruption strategies with the core focus on administrative and judicial reforms, whereas a bottom-up approach shaped strategies talking about awareness. As such, it is recommended that these indicators should be tailored to the unique governance and anticorruption situation in countries to ascertain the relevance of anticorruption policies. Bello Villarino (2022) assesses the role of the UN in combating corruption and stresses the necessity for more efficient mechanisms and enforcement strategies on an international level. Bello Villarino (2022) scrutinises the United Nations Convention against Corruption (UNCAC) and the efforts of Sustainable Development Goal 16 to combat corruption. While these initiatives have heightened international awareness of the problem, their ability to decrease

corruption substantially is limited. The study proposes a modified model that includes sanctions, economic tools and stronger enforcement under the UNCAC to reflect the importance of international protocols and best practice.

In contrast, little research has highlighted the importance of political determinations in curbing public sector corruption. As Muhumuza (2016) rightly noted, political commitment and leadership are more important than following the laws and institutions. Such a finding is notable in the case of Uganda, where political dynamics limit how effective many anticorruption reforms can be. Similarly, Owusu et al. (2020), in a survey of 62 practitioners in Ghana, found that socio-political factors significantly have a negative impact on anticorruption efforts. Political will significantly impacts the administrative, compliance and promotional implementation of anticorruption schemes. This point is further supported by Quah (2021). The author examines anticorruption strategies across Asian countries by distinguishing between effective and ineffective Anticorruption Agencies (ACAs). The study highlights that successful ACAs, such as those in Hong Kong and Singapore, function as independent watchdogs, whereas those used as political instruments tend to be less effective. It identifies key factors behind ACA failures, including lack of political will, limited authority and resources, and inadequate public support. Noor Ulain and Hussain (2020) tested the effectiveness of 26 anticorruption strategies using data for Pakistan. They did detect a minimal average difference in their measures of overall effect, indicating some influence from each strategy. Out of them, the most effective measures were punishing corrupt individuals more severely and providing legal protection to whistleblowers. The study underscores the need to resort to an all-encompassing and unified framework in battling against corruption in the public sector of Pakistan.

Based on the argument of political influence, the public office holders in top positions could affect the anticorruption efforts as they are affiliated with political parties. Li et al. (2017) predict where anticorruption measures are found to be more effective, depending on how much power is vested in the head of the anticorruption agency. The position of the head (related to the government) and informal elements (collegial relationships with a political party) define the prospects of corruption investigation. However, the personal connection is often more significant than the formal title in the system. This research demonstrates that the establishment of anticorruption

agencies may fall short due to political considerations and power relationships that constrain efforts to address corruption. When it comes to combating corruption within a country, the internal structure and power dynamics of those agencies are factors that need to be considered. Similarly, Khan et al. (2019) proposed a “bottom-up” approach to anticorruption measures based on power dynamics. By understanding organisational power dynamics and aligning incentives, the study advocates for tailored anticorruption measures that consider the unique contexts of different sectors.

Overall, the literature highlights the multifaceted and context-specific nature of corruption and anticorruption efforts. Effective strategies must consider institutional contexts, political factors, and the broader socio-economic environment. A combination of top-down and bottom-up approaches, supported by strong political will and civic engagement, appears necessary for sustainable anticorruption reforms.

### **Pakistan: A Case Study**

Corruption is now considered a global phenomenon that does not spare any society or economy. International organisations and regimes have recognised its gravity. The United Nations General Assembly, through its resolution (55/61 dated 4 December 2000), acknowledged that there should be an effective international legal instrument against corruption. For this purpose, UNCAC was introduced, which requires the member states to implement anticorruption strategies based on a comprehensive approach against corruption through prevention, detection, and punishment for corruption and cooperation among countries. Pakistan ratified the Convention in 2007 (United Nations Office on Drugs & Crime [UNODC], [n.d.](#)).

Other significant international efforts that recognised corruption and showed their commitment to its elimination are the UN Convention against Transnational Organized Crime (UNTOC, [2000](#)), the OECD Convention on Bribery of Foreign Public Officials in International Business Transaction ([1997](#)), the ADB/OECD Anticorruption Action Plan for Asia-Pacific ([2001](#)), the African Union Convention on Preventing and Combating corruption ([2003](#)), OIC Anticorruption and Enhancing Integrity Forum and International Association of Anticorruption Authorities (IAACA).

Pakistan has taken several anticorruption measures to eliminate corruption. Laws, rules, commissions, oversight bodies, and strategies have been formulated to tackle the problem of corruption. Pakistan's legal framework includes a substantial number of anticorruption laws. Since its independence in 1947, the country has enacted 59 anticorruption laws, beginning with the Prevention of Corruption Act (1947), extending to the National Accountability Ordinance (NAO) of 1999 (National Accountability Bureau [NAB], [2013](#)). Key legislative milestones also include the Public Representative (Disqualification) Act (1949), the Elected Bodies (Disqualification) Ordinance (1959), and the *Ehtesab* Act (1997). Various anticorruption agencies have been established over time to implement these laws. The Federal Investigation Agency (FIA) was created in 1975, replacing the Special Police Establishment. In 1996, the *Ehtesab* Commission was formed, with investigative functions later transferred to the *Ehtesab* Bureau, while the Commission retained its prosecution-related responsibilities. The National Accountability Bureau (NAB), established in 1999, was mandated to combat corruption through a triad of awareness, prevention, and enforcement. At the provincial level, Anticorruption Establishments (ACEs) were tasked with addressing corruption. However, the presence of multiple agencies has led to legal ambiguities and jurisdictional overlaps, complicating the enforcement landscape (Pakistan Institute of Legislative Development and Transparency, [2015](#)). In addition to these agencies designed to combat corruption, there are public accountability bodies such as the Public Accounts Committee and the Auditor General (A.G.) Department, and the Office of the Ombudsman. Most importantly, there is also parliamentary oversight to curb corruption. However, despite these all-encompassing measures, corruption persists in Pakistan.

Pakistan's long history of implementing different anticorruption measures, both unsuccessful and successful, offers a valuable case study. With this, the paper seeks to assess the prevailing extent of corruption in Pakistan, examining the institutional efforts undertaken to combat it, and proposes the recognition of corruption-free public service as a fundamental constitutional right as a novel and potentially effective anticorruption measure. Such an approach could be a model for other nations, particularly developing countries grappling with the pervasive challenges of corruption. The findings from this study will contribute to the global discourse on anticorruption measures by highlighting the potential benefits and

challenges of recognising corruption-free public service as a fundamental right.

### **Methodology**

This study employs a qualitative case study approach to examine the feasibility of enshrining corruption-free public service as a fundamental constitutional right within Pakistan's institutional and governance context. This method allows for the detailed examination of the issue through various stakeholder lenses to extend analysis of its legal, institutional, and policy aspects. It consists of two main components: secondary data and document analysis.

The secondary data was obtained from WB and TI. The objective was to establish that corruption is rooted in Pakistan. The World Bank's ([2022](#)) Enterprise Survey data was used. This survey was conducted between May 2022 and December 2022. The survey used structured questionnaires targeting business owners and top managers, using stratified random sampling based on firm size, business sector, and geographic region within a country. The sample size comprises 1300 firms. A 5-point Likert scale questionnaire was administered to the representatives of firms operating in Pakistan to gather primary data. We obtained this data from the WB and analysed it using SPSS software. We also utilised the data of the World Bank's Worldwide Governance Indicators (WGI) to assess control of corruption in Pakistan. The WGI, published annually since 1996, report on six key dimensions of governance: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. The most recent data from 2023 has been used in the analysis. Further corruption-related data has been obtained from TI's national and international reports to triangulate findings.

Another part of the methodology is document analysis. It is a necessary social research tool, as it does offer appropriate meaning and interconnectedness to the assessment topic. This approach helps make policy analysis uniform and appropriate (Martuscelli, [2020](#)). According to O'Leary ([2014](#)), document analysis generally employs three main sources: public records, personal papers, and physical evidence. The current research is limited to public records.

A comprehensive literature survey of existing constitutional and legal frameworks was also carried out. Additionally, the international and

domestic publications of organisations, NAB, TI, WEF, WB, provide objective data and public perception of Pakistan's corruption and anticorruption agencies. This analysis has helped to identify gaps and weaknesses in current anticorruption measures and explore how these could be addressed by enshrining corruption-free public service as a fundamental constitutional right.

## Analysis and Discussion

### Magnitude of Corruption

The WB Survey (2022) provides several indicators to assess Pakistani business environment, collected from 1300 firms. For this study, different factors considered by firms as main obstacles to doing business are selected for analysis. Based on the firm responses, fifteen factors are selected that influence investor decisions, which in turn affect the business environment in a country. Table 1 presents the frequency distribution, mean scores, and standard deviations for each identified challenge faced by firms in Pakistan. The analysis shows that electricity and corruption are significant obstacles as their mean are greater than 2.

**Table 1**

*Key Challenges Encountered by Firms Operating in Pakistan*

Items	<i>M</i>	<i>SD</i>	NO%	MiO%	MoD%	MaO%	VSO%
Access to finance	0.99	2.110	31.6	25.0	24.9	9.3	6.0
Access to land	0.98	1.715	43.9	20.0	17.6	11.5	5.4
Business licensing and permits	0.95	2.45	33.2	21.6	18.0	13.0	9.4
Corruption	2.08	2.256	18.0	11.5	15.8	22.1	30.1
Courts	0.73	2.871	31.9	18.3	16.8	16.0	9.0
Crime, theft, and disorder	1.56	1.521	31.1	22.6	15.3	16.9	13.8
Customs & Trade Regulations	0.84	2.483	31.5	22.9	20.3	10.7	8.6
Electricity	3.28	1.085	4.5	4.3	8.6	23.4	59.2
Inadequately educated workforce	1.02	1.971	32.5	28.1	17.3	13.4	5.6
Labor regulations	0.95	2.0111	33.3	26.0	19.8	9.9	7.3

Items	<i>M</i>	<i>SD</i>	NO%	MiO%	MoD%	MaO%	VSO%
Political instability	1.50	2.523	22.2	18.6	16.6	18.2	19.8
Practices of competitors in the informal sector	0.89	2.23	30.2	27.4	23.5	10.4	4.4
Tax administration	1.12	2.417	27.8	23.5	18.7	15.1	10.4
Tax rates	1.86	2.02	18.0	17.7	18.6	24.9	18.5
Transport	1.52	1.552	23.0	25.8	24.0	18.6	7.6

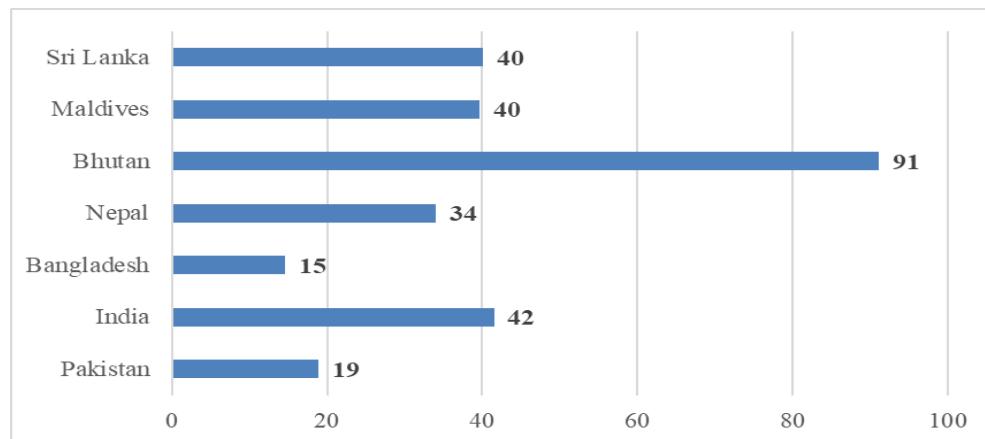
**Note.** NO = No Obstacle; MiO = Minor Obstacle; MoO = Moderate Obstacle; MaO=Major Obstacle; VSO = VerySevere Obstacle

Source: Authors' calculations based on data from the WB's Enterprise Survey ([2022](#))

The WGI, published by the World Bank since 1996, assess six key dimensions of governance: Government Effectiveness, Regulatory Quality, Rule of Law, Voice and Accountability, Political Stability and Absence of Violence, and Control of Corruption. The last indicator, Control of Corruption, is about capturing perceptions of the extent to which public power is exercised for private gain, including petty and grand forms of corruption, as well as capture of the state by elites and private interests (Kaufmann et al., [2024](#)). The indicator, as shown in Figure 2, depicts Pakistan's situation among other South Asian countries.

## Figure 2

*Control of Corruption in South Asia: Percentile Rank ([2023](#))*

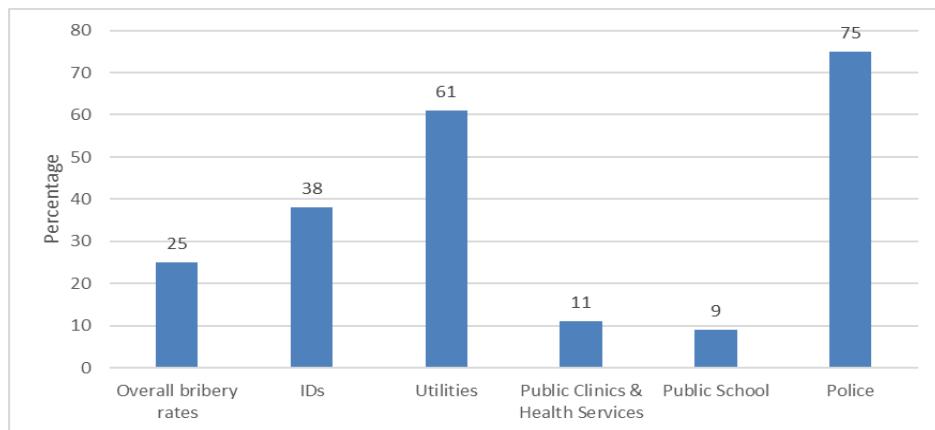


**Note.** Source: Authors' compilation from World Governance Indicators

The percentile rank shows a country's position among other countries. The lowest rank indicates poor performance. Pakistan has shown slightly better performance than Bangladesh among South Asian countries.

The scale of bribes paid across sectors is shown in Figure 3 below. Global Corruption Survey conducted by the TI asked the respondents if they (or someone in their household) had to pay a bribe for any of these services. Overall, the bribery rate in Pakistan was 25 percent. Police is the sector where people pay the most bribes (75%).

**Figure 3**  
*Bribery Rates in Pakistan*



**Note.** Source: Authors' compilation from Global Corruption Barometer Report, Transparency International ([2017](#))

The National Corruption Perception Survey (NCPS) 2023, conducted by the TI Pakistan chapter, presents the public's perceptions regarding the prevalence and frequency of corruption across the country. The survey was conducted between 13 October and 31 October 2023, in collaboration with partner organisations, and included 1,600 respondents (400 from each of the four provinces). The findings indicate that, at the national level, the police sector is perceived as the most corrupt (30%). Furthermore, the average reported expenditure on bribery amounted to approximately PKR 11,121 among 760 respondents.

### Anticorruption Efforts in Pakistan

While addressing the Constituent Assembly on 11 August 1947, Quaid-i-Azam Muhammad Ali Jinnah, Father of the Nation, unequivocally

described bribery and corruption as a poison that must be stamped out with an iron hand (Hussain & Riaz, [2012](#)). Since then, numerous legal instruments, institutional mechanisms, and specialised anticorruption bodies have been introduced, yet the vision of a corruption-free society remains unfulfilled. Since 1947, Pakistan has enacted various anticorruption laws and established dedicated agencies. Despite these efforts, persistent corruption can be attributed to a range of systemic weaknesses: fragile accountability mechanisms vulnerable to political interference, lack of sustained political will, ad hoc and short-lived anticorruption campaigns, institutional unpredictability, bureaucratic red tape, capacity constraints in enforcement agencies, and poorly conceived anticorruption strategies (Hussain & Riaz, [2012](#)).

At present, Pakistan lacks a comprehensive national anticorruption policy. The NACS, approved by the Cabinet in 2002, has become non-functional. Originally conceived as a governance reform initiative, NACS outlined the country's National Integrity System across eight pillars: the legislature and political system, the executive, the legal system and judiciary, public accountability institutions, anticorruption agencies, civil society, media, and the private sector. It identified structural weaknesses within these pillars and proposed targeted reforms to address the underlying factors contributing to corruption. However, the strategy has since been shelved due to issues related to institutional ownership and a lack of political will.

This state of affairs has been highlighted by the NCPS 2023, which points out widespread public dissatisfaction with anticorruption institutions in Pakistan. At the national level, 36% of respondents viewed these institutions as “ineffective” in curbing corruption. Moreover, 68% of citizens believed that accountability bodies such as the NAB, FIA, and ACEs are primarily used for political victimisation. Additionally, 60% of respondents expressed that these institutions and the Office of the Ombudsman should be abolished due to their perceived failure to control corruption (Transparency International Pakistan, [2023](#)). The data presented in Figure 2 also supports these findings. The successive governments in Pakistan have been unable to control corruption.

### **Proposed Anticorruption Solution**

From the Constituent Assembly of 1947 to the current 16<sup>th</sup> National

Assembly, the country's history is saturated with legal instruments and institutions combating corruption. However, the statistics show that citizens cannot obtain the public services they deserve without paying a bribe or using any reference. Corruption has become endemic in the country.

The introduction of various anticorruption strategies suggests that no single remedy panacea is available to tackle the corruption problem. While the diversified efforts from different agencies at the national and international levels are underway, a single policy action that is strong enough to address the problem is required. Among various anticorruption policy options available, there is a need to suggest the most promising anticorruption policy measure. Therefore, the current study advocates for corruption-free public service to be enshrined as a fundamental right in the Constitution of Pakistan 1973. Ensuring a corruption-free public service is a governance imperative and a fundamental human right. The rights to non-discrimination by public authorities, to access free public services without paying bribes, and to be treated with fair consideration and respect are inherently linked to universal human rights (Bazie et al., [2023](#)).

Corruption undermines human rights, as highlighted by the World Bank's definition of corruption as the abuse of public service for individual gain (Bazie et al., [2023](#)). Corruption in public service delivery not only erodes trust but also violates the rights of individuals to fair and equitable access to essential services (Ogola et al., [2021](#)). It also violates the rights to non-discrimination, security, public information, and fair trial (Ali et al., [2023](#)). Upholding a corruption-free public service is crucial to safeguard human rights, promote transparency, and ensure accountability in governance (Voigt & Thornton, [2015](#)). Therefore, the rationale behind proposing this right as a new fundamental right in the constitution is worth examining. The proposal can have "pro" and "against" arguments.

The constitution is believed to be the supreme law of the land, and all other laws are subordinate to it. The subordinate laws, in reality, spring from the supreme law. The Supreme Court of Pakistan has declared Fundamental Rights and Islamic provisions as salient features of the constitution of Pakistan 1973. It provides an appropriate framework for incorporating the corruption-free public service as a fundamental right. The other three features are the federating character of the State, independence of the Judiciary, and a parliamentary form of government. Part II of the Constitution 1973 of Pakistan comprises two chapters. The first chapter

provides the guiding principles for the state to formulate policies, and the second chapter enlists the Fundamental Rights. Pakistan's Constitution, especially Articles 8 to 28, makes fundamental rights available to all individuals living in Pakistan, regardless of their residential status. Protecting these rights is the soul of the Constitution (Supreme Court of Pakistan, [2010](#)). These rights can only be taken away or curtailed under some special legal provisions, and even their legal applicability can be challenged in the superior courts.

Pakistan's Superior Court's interpretation of the Constitution broadly expands fundamental rights beyond their exact wordings, making a strong legal base for corruption-free public service as a fundamental right. The crucial example in this context is the court's interpretation of Article 9 (Security of person) and Article 14 (Inviolability of dignity of man, etc.). In *Shehla Zia et al. v. WAPDA* (P.L.D. 1994 S.C. 693), the petitioners challenged the construction of high-voltage transmission lines due to potential health risks. The Supreme Court of Pakistan, while interpreting Article 9 of the Constitution, held that the right to life extends beyond mere existence; it includes the right to live with dignity and to enjoy a safe and healthy environment. The Court concluded that individuals are entitled to legal protection from environmental and health hazards such as electromagnetic fields resulting from infrastructure projects like grid stations or power plants. The 26th Amendment to the Constitution of Pakistan introduced Article 9A, affirming the right of every individual to a clean, healthy, and sustainable environment as a fundamental right. This development marks a significant advancement in acknowledging environmental justice as an essential human rights component.

With the existence of Article 9 and now 9A, the argument for a fundamental right to corruption-free public service would logically be an extension of this judicial precedent. If a clean physical environment comes under the right to life, it must also include the right to a clean socio-economic environment, free from corruption. The widespread corruption violates individual dignity protected by Article 14, by forcing people to pay bribes for basic services, and unfair treatment from government officials erodes the dignified life for citizens.

The Supreme Court adopted a more assertive stance through a liberal interpretation of Article 184(3), expanding its jurisdiction by classifying any violation of individual fundamental rights as an issue of public

importance. To ensure swift and cost-free redress for violations of fundamental rights under Chapter II of the Constitution, the Supreme Court of Pakistan established a Human Rights Cell, operating under the direct supervision of the Chief Justice. The Cell processes public complaints sent by post and, where necessary, seeks reports from relevant authorities. Cases requiring further consideration are scheduled for court hearings, offering relief without the delays of traditional litigation. This judicial mechanism has strengthened public trust in the judiciary and led to significant legal reforms, such as the Human Organ Transplantation Ordinance and the Prohibition of Smoking in Public Places Ordinance. It has also been instrumental in addressing harmful social practices, including *vani*, *karo-kari*, and hazardous kite flying (Supreme Court of Pakistan, [n.d.](#)).

The proposed fundamental right of the corruption free public service is different from that in the absence of it; all other rights of citizens as conferred in the constitution would become meaningless (Vittal, [2003](#)). For example, Article 25 gives citizens the right to equality before the law and equal protection of the law. Supposedly, if a citizen is dealing with a corrupt official, he certainly would not get fair treatment because someone else has bribed the official. In this scenario, the right given under Article 25 is distorted because of corruption (Viswanathan, [2012](#)). Given this, corruption-free public service should be a fundamental right of all citizens. If the corrupt official uses his position for his personal benefit, should not the citizens have a right to safeguard themselves? (Vittal, [2003](#)).

Fundamental rights have evolved over generations, reflecting society's lessons learned from past experiences when such rights were absent. For instance, the protection against double punishment (Article 13) likely emerged when individuals could be repeatedly punished for the same offence. Similarly, the right to property (Article 23) must have developed in response to periods when such rights were nonexistent (Vittal, [2001](#)). The right to freedom of speech (Article 19) has now been much appreciated because it has been taken away in dictatorial regimes that result in bad governance. Considering that the constitution has been amended several times, why can it not be amended for the betterment of citizens? It would signal to the world that policymakers are more cognizant of corruption.

At this stage, a point may come to mind: the constitution already contains several fundamental rights, and one more right will not make a difference. Will its inclusion improve the prevailing condition of

corruption? In fact, its inclusion will give a loud and clear message that a national consensus recognises corruption as a problem and that the citizens have been empowered to take on the corrupt public servants. Its widespread awareness will sensitise the general public about their right. It will be transformed into public opinion, which will help change social behaviour (Vittal, [2003](#)). It has the potential to block all illegitimate acts considered or carried out by anyone who dares to tread the path to violate this sacred document.

Including a constitutional right can also catalyse social change (James & Prallathadka, [2025](#)). This is evident in the provisions related to non-discrimination (Article 27) and child labour (Article 11), which address long-standing social injustices. By explicitly abolishing slavery and forced labour as fundamental rights (Article 11), the constitution aims to eradicate these social evils. Similarly, embedding anticorruption measures within the constitutional framework can transform societal attitudes from indifference to abhorrence toward corruption, ultimately fostering an anticorruption coalition.

### **Conclusion**

Corruption is a widespread problem in the country, affecting nearly every department and organisation. The issue has been on the agenda of various governments and political parties, and several legal instruments and anticorruption agencies have been established. However, the legal and institutional framework failed to curb corruption because of political influence, jurisdictional conflicts, and a lack of public trust. In response, the current study proposes a constitutional intervention by including corruption-free public service as a fundamental right in the Constitution-1973. Landmark Supreme Court cases such as *Shehla Zia v. WAPDA*, where the ‘right to life’ under Article 9 was interpreted to include the right to a clean environment, provide a powerful legal foundation for this argument. Building on this interpretive logic, a corruption-free public service can and should be recognised as an essential component of a quality life with dignity guaranteed by Articles 9 and 14 of the Constitution.

The analysis has shown that this widespread corruption makes other constitutional guarantees, such as the right to equal treatment under the law in Article 25, useless, specifically when dealing with corrupt officials. This suggestion of a new fundamental right aligns with the Constitution of 1973,

which has evolved by adding protections such as Article 19(A) (Right to Information) and

Article 25(A) (Right to Education) and now recently Article 9A (Clean and Healthy Environment). Recognising this proposed right will safeguard the citizens against corrupt public servants. It will restore integrity, ensure transparency in the public services, and enhance governance in Pakistan. Therefore, Parliament should show the determination against corruption by including corruption-free public service as a fundamental right and wage war against the menace of corruption. This step may not prove a panacea to eliminate corruption promptly, still, it would be strong enough to bring behavioural and systemic change in the country's administrative culture over time. It would explicitly show the resolve of the State to improve the quality of life of its citizens. Though the short history of the Constitution 1973 has witnessed so many smacks in the form of amendments, abeyance, and Provisional Constitution Orders, this constitutional amendment would be an excellent service to the nation. It would motivate others to consider other fundamental rights, such as adulteration-free food.

#### **Author Contribution**

**Fiaz Hussain:** conceptualization; methodology; validation; writing – original draft; writing – review & editing. **Sarfraz H. Ansari:** formal analysis; writing – review & editing.

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