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# Corruption and Good Governance in India

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## ABSTRACT

*The UNESCAP's guidelines for good governance are universal, their application is limited by the context-specific cultural, value-based, and leadership concerns. Just implementing Western-style good governance may not work in the Indian context. The extent of corruption in India has grown to such worrisome proportions that the cornerstone of democratic administration has been seriously threatened. Good governance comprises the rule of law, effective state institutions, transparency, and accountability in the management of public affairs. A solid framework that is made up of laws, rules, and regulations that promote effective and responsive government and have mechanisms for democratic decision-making in place is necessary. This Research Article aims to emphasize on numerous implementation related aspects and future directions that will result in Good Governance driven philosophy.*

**Keywords:** Corruption, Good Governance, Principles, Factors, Corrupt Activities, Public Administration.

## I. INTRODUCTION

In common parlance, the term 'Governance' refers to the process by which elements in society wield power and Authority to influence and enact policies that contribute to economic and social development.<sup>2</sup> Its association with the corporate sector, particularly post the 1997 economic crisis in Asia, has garnered significant attention. Corporate scandals such as the 2G spectrum in India have highlighted the importance of governance and good governance. And since then, the parity between the two is built on the structure of several variables.

Allen<sup>3</sup> emphatically comments on what constitutes good governance in his work, "Leadership for Good Governance," by stating,

"Our avowed goal is good governance. What is good governance? Secretary-General Annan summarized our goal at the South Summit last month with these words: 'Good governance comprises the rule of law, effective state institutions, transparency, and accountability in the management of public affairs, respect for human rights, and the participation of all citizens in the decisions that affect their lives.'"

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<sup>2</sup> <http://www.gdrc.org/u-gov/governance-define.html>

<sup>3</sup> Allen, G.I. (2000) 'Leadership for good governance, statement delivered to a group of diplomats at the U.N.', 18 May 2000, available at <http://www.christianmission-un.org/.../pdf/leadership-for-good-governance.pdf>

Several pieces of literature highlight the idealistic approach to governing a nation. Nevertheless, the United Nations Office on Drugs and Crime, as part of its Anti-Corruption Module Series, has formulated a robust "Good Governance" framework which aims to eradicate corrupt practices. The importance of minimizing corruption and taking into account the voices of underrepresented groups are key tenets of the 'Good Governance' model articulated in the UNODC's Anti-Corruption Module Series. Additionally, this framework is designed to be responsive to both current and future societal needs.

This segment of the internal will deal with the Characteristics with due emphasis laid on its Implementation in India. It will highlight various facets with regard to implementation and the way ahead as resulted to constitute the outcome of the variables through:

Firstly, whether India post-independence has developed the essence of good governance.

Secondly, analyzing India's stance on the eight factors of good governance concerning corruption.

Finally, irrespective of non-implementation or implementation of eight factors, the far-fetched notion of good governance can be achieved.

## **II. GOVERNANCE TO GOOD GOVERNANCE**

India home to 1.3 billion people and a developing country, is reckoning the governance concerns in a variety of spheres. According to World Data Info, India stands fairly above the most and takes the stand of 39<sup>th</sup> rank after evaluating 117 countries. This significantly implies that on account of the development and corruptive activities, people are well aware of the principle of corruption per se to be illegal or at least unethical, although under a certain level of secrecy, it persists.

This Research is an attempt to build a nexus between India's implemented practices which are perceived through the lens of corrupt nuances of the evolved concept of good governance. Several kinds of literature profess the characteristics of good governance; however, such administration is often triggered by the poverty comment to marginalise and oppress individuals who are vulnerable. Thus, it holds a travesty of the political and governmental system where the critics revolved around India's incapability to curb anti-corrupt practices "at par" with developed/ minimal corrupt countries.

Corruption not only poses a threat to the quality of governance but also hovers a blanket of danger to democracy, the rule of law and statehood.<sup>4</sup> Since the era of colonial rule, the daunting

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<sup>4</sup> C. Raj Kumar, *Corruption and Human Rights in India*, 163 (Oxford University Press 2011)

challenge of combating corruption has persisted as a legacy. India's independence marked the beginning of a series of tumultuous events that ultimately led to its economic emergence, despite the persistent challenge of combating corruption. This involved the adoption of various policies, such as planned economy policy, five-year plans, and liberalization in 1991. Historically, the government's role was limited to revenue collection and the preservation of law and order. However, presently, the government is actively engaged in facilitating the holistic development of its citizens and promoting a more accountable, responsive, and citizen-friendly administration.

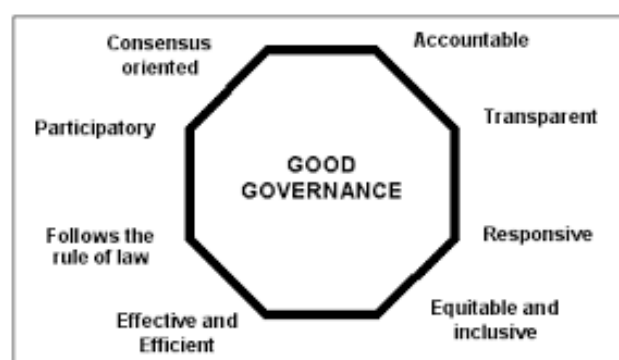
With the intent to deal with such a qualitatively heavy subject for better public administration, it is regulated by the Prevention of Corruption Act 1988. This Act primarily observes charges and penalties for corrupt practices carried out by public officials. However, this act governs only corrupt activities that run within Indian territorial boundaries and thus, India's still in the queue for legislation banning the bribery of foreign public officials. Despite India being a signatory to the United Nations Convention against Corruption (UNCAC), it has regrettably failed to pass the 2019 Bill and, in turn, has not fulfilled its obligations under UNCAC.

Thus, India, being a developing nation, is frequently the subject of concerns regarding the necessity for a broader ambit of governance. It is a reasonable and rational objective of governance to ensure, on occasion, on behalf of others, that the organization generates a valuable pattern of positive outcomes while avoiding undesirable patterns of negative circumstances.

### III. THE MODEL – 8 FACTORS

The United Nations' model encompasses numerous variables, and in order to conduct an analysis of its application in India, the author intends to reference relevant literature and provide real-life examples.

Figure No. 1 – The Model of Good Governance



### 1. Accountable:

Government should answer to the general public and to institutional stakeholders, according to the definition of accountability. Information exchange is the main focus, and it must be done correctly and accurately in the eyes of the governance structures. As a result, accountability is frequently difficult to attain due to the reliability of the information that is communicated. For their failure and success, institutions and employees must take responsibility. In order to classify the actions and misconduct of the service providers, the same might be measured using the auditors' specified criteria.<sup>5</sup>

The Civil Servant's profession is highly regarded within the Indian public administration. However, they are bound by rules and procedures that are formulated with their input. It is a well-known fact that the "Rule of Law" prevails over the "Rule of Man," which is frequently blamed for the pervasive abuse of authority and corruption among public servants. The current explosion of media has made public employees more accessible to outside scrutiny, which has increased the demand for open accountability systems that focus on outcomes and results rather than just processes. All debates of public service reform center on the problem of civil servant accountability in the provision of services.<sup>6</sup>

Corruption is often swept under the carpets by political leaders and public officials. The 2G Spectrum case was one of the scandals that attracted media attention and created headlines. Regarding the submission of the 2G spectrum deals, the Comptroller and Auditor General's report from November 2010 revealed an anticipated loss that resulted in a liability for the Central government of almost Rs. 1.76 lakh crore. The Central Bureau of Investigation recently detained the former Telecommunications Secretary, Siddhartha Behura, along with the former Minister A. Raja in connection with the 2G spectrum case, reigniting an ongoing debate about the relationship between the civil servant and the politician.<sup>7</sup>

In *Union of India vs. H.L Gulati* <sup>8</sup>, Petitioner was charged with corruption under Section 7, 13(1)(d) of the Prevention of Corruption Act, 1988. The conduct of the Petitioner has been deemed unbecoming of the Government under Section 13(i)(d) of the aforementioned Act. It is thus clear that the Petitioner acted in a manner unbecoming of a Government Servant.

### 2. Transparency:

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<sup>5</sup> Ninad Shankar Nag; Government, Governance and Good Governance, *Indian Journal of Public Administration*, Feb 15, 2018, Vol 64(I), 122-130. DOI: 10.1177/0019556117735448

<sup>6</sup> Dr. Niranjan Parida, *Civil Servant's Accountability for Good Governance*, *Odisha Review*, December 2013.

<sup>7</sup> Khuloos Chawla, *2G Spectrum Case Analysis*, *Indian Journal of Law and Legal Research*, Oct 2021.

<sup>8</sup> *Union of India & Ors vs. H.L Gulati*, CA 8224-8225 of 2011.

Higher levels of transparency are supposedly always linked to lower levels of corruption, according to theories of corruption.<sup>9</sup> Access to public information is pre requisite by the idea of transparency in public administration, which includes a variety of data types such as policy documents, memos, cartographic information, weather data, registry data, and other significant information. It is essential to have access to information and make clear decisions when performing official obligations. Such a strategy increases public confidence in administrative procedures. An essential component of an open government is the public distribution of information.

The Right to Information Act of 2005 came as a revolutionary tool to curb corruption. The Preamble underlines the Act's goal of encouraging transparency in public administration and granting citizens access to information while exempting commercial entities from its jurisdiction. The aforementioned Act was put into effect with the specific aim of getting rid of all corruption in the Public Authority. This goal was accomplished by placing an obligatory requirement on the stated Authority to provide information requested by Indian citizens within a specified time frame and for a small price.<sup>10</sup>

However, it has not gone unnoticed that the misuse of the Act is also prevalent. There are cases where the Act's powers are misused to get information on unimportant issues, which interferes with government operations and wastes time and money. Even if the Official Secrets Act of 1923 has not been formally repealed, the Right to Information Act has an overwhelming impact on it and the shroud of secrecy still permeates the country's governance. The public does not, however, have easy access to information about these activities. Even the Gram Panchayat lacks access to this information in rural areas. Such information is denied, which invites criticism of the administration and promotes corruption. The Act continues to be a tool in the hands of bureaucrats because it offers the government a blanket exemption from disclosure. Although citizens have the right to information, they lack the authority to challenge the government.

### 3. Responsive:

The dedication of institutions and processes to promptly address the requirements of all stakeholders is a vital element of efficient governance. When governance is judged effective, public services are delivered quickly and responsively, and complaints and queries are resolved in a timely manner. Goetz and Gaventa<sup>11</sup> have provided a definition of receptivity, which

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<sup>9</sup> Leonid Peisakhin, Transparency and Corruption: Evidence from India, 55 J.L. & ECON. 129 (2012).

<sup>10</sup> Section 4 of Right to Information Act, 2005.

<sup>11</sup> Goetz, A.M. & J. Gaventa, Bringing citizen voice and client focus into service delivery. Working paper series, 138. Brighton: IDS. (2001)

pertains to the degree to which a public service agency exhibits responsiveness to the opinions, grievances, and recommendations of its service users by effecting modifications to its own structure, ethos, and delivery systems with the aim of furnishing a more fitting output.

This regime must include essential elements like enhancing accountability to the public and openness as well as making sure that enforcement is efficient. Although legal and institutional reform is important, it should come after actions made to address particular governance-related problems. The need for political will in leadership, sometimes known as the "tone at the top" issue, should receive priority consideration. Along with this, a solid framework that is made up of laws, rules, and regulations that promote effective and responsive government and have mechanisms for democratic decision-making in place is necessary.<sup>12</sup>

One of the befitting examples is E-Governance. It is implemented to ensure efficiency, transparency, and reliability of services.<sup>13</sup> In the era of recently emerging Information and Communication Technologies (ICTs), which offer new prospects for rapid social and economic transformation around the world, e-governance efficiently offers better programs and services. The citizens who profit from direct interactions with government services have a direct impact on e-governance. Programs launched under the umbrella of "Minimum Government, Maximum Governance" include Passport Seva Kendra (PSK) Online Income Tax Return, Digital India Programme, MCA 21 (Improving Mobility and Certainty in Delivery of Services of Ministry of Corporate Affairs), and Pragati (Pro-Active Governance and Timely Implementation).<sup>14</sup>

#### 4. Equity and Inclusivity:

The creation of an equitable society is a hallmark of good governance, where individuals are given the chance to either advance or maintain their standard of living. In essence, the countries in South Asia have not been able to achieve the Millenium Development Goals (MDGs) due to corruption which resulted in inefficiency and inequity in resource allocations.<sup>15</sup>

The provision for equality and freedom of rights is found in Part III of the Indian Constitution. But if there is injustice, the legal system will fail, and as a result, human rights will be infringed. Therefore, independent anti-corruption bureaus must be established as watchdogs to strengthen the requirement for inclusion and equal communities. This will guarantee that state resources

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<sup>12</sup> Kaul, V. N, Tackling Corruption in India–The Role of the Government. *Indian Journal of Public Administration*, 57(3), 472–480. (2011) <https://doi.org/10.1177/0019556120110310>.

<sup>13</sup> Pardhasaradhi, Y. Tackling Corruption in India: Can E-Governance Show the Way? *Indian Journal of Public Administration*, 57(3), 663–673. (2011) <https://doi.org/10.1177/0019556120110327>

<sup>14</sup> Dhananjay Kumar, *Evaluation of Good Governance*, Social Research Foundation, Vol. VII (III), June 2002.

<sup>15</sup> C. Raj Kumar, *Corruption, Development and Good Governance: Challenges for Promoting Access to Justice in Asia*, 16 *MICH. St. J. INT'L L.* 475 (2008).

are dispersed fairly and justly without impeding progress.<sup>16</sup>

#### 5. Effective and Efficient

Good governance refers to the capacity of organizations and processes to produce results that successfully satisfy social needs while making the best use of the resources at hand. The responsible exploitation of natural resources and the preservation of the environment are also components of efficiency in the area of good governance.<sup>17</sup> The use of computers, smartphones, and the Internet to communicate directly between citizens and government authorities is known as electronic government, or e-government. Because of this, there is less face-to-face engagement with government workers, which reduces their permissive role and corruption risk. E-government therefore encourages government efficiency, dependability, accountability, and transparency. However, there are other ways to fight corruption, so e-government is not the only option in the greater struggle against it. Despite this, e-government has been effective in battling administrative and minor corruption.<sup>18</sup> However, such concerns will be cornered and could be addressed through appropriate checks and balances.

#### 6. Rule of Law

A major obstacle to sustaining the rule of law and ensuring access to justice in India is corruption. The constitutional foundations of Indian democracy, which aimed to create a society based on the ideals of the rule of law, are in conflict with the prevalence of corruption in India. Unfortunately, the commitments made by the authors of the Indian Constitution have continuously been undercut by widespread corruption in all institutions, leaving a stain on the hierarchy of government from the top to the bottom. A.G. Noorani has contended that "the commencement of an investigation into a crime or an inquiry into allegations of corruption or maladministration should not hinge on the preferences of those in power. Should it do so, it would no longer constitute governance in accordance with the rule of law."<sup>19</sup>

The Whistleblower Protection Act<sup>20</sup> strategy for battling corruption in India is essential. The basis for talking about successful ways to fight corruption is the acknowledgement of corruption as a serious problem that violates human rights, threatens the rule of law, and stymies development. The Central Information Commission ("CIC"), the Central Bureau of

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<sup>16</sup> Id.

<sup>17</sup> Supra at 4.

<sup>18</sup> Shareef M, Mitigating of Corruption by Implementing E-Government using Soft Computing. *Advances in Fuzzy Systems*, Vol 2022. <https://doi.org/10.1155/2022/3375567>

<sup>19</sup> A.G. Noorani, Commissions of Inquiry, in *CORRUPTION IN INDIA: AGENDA FOR ACTION* 218, 221 (S. Guhan & Samuel Paul eds., 1997)

<sup>20</sup> The Whistle Blowers Protection Act, 2011.



Investigation ("CBI"), and non-governmental organizations like Transparency International in India could all contribute to the battle against corruption. However, these institutions are severely limited in their ability to fight corruption in the absence of a strong and vibrant civil society.

One of the foremost instances in which this writ was granted was the Vineet Narain & Ors. V. Union of India<sup>21</sup>, widely recognized as the 'Jain Havala Case', where the Honorable Apex Court mandated that

".... considering the direction in which the investigations were heading, we deemed it necessary to instruct the CBI not to apprise the highest political executive occupant of the investigation's progress. This was executed to eradicate any perceived bias or partiality, to ensure impartiality and objectivity, and to preserve the credibility of the investigations. In essence, the mechanism employed was that of 'Continuing Mandamus'."

#### 7. Participatory:

Participation is a multifaceted process that entails the involvement of key stakeholders in policy-making, issue prioritization, public goods and services accessibility, as well as resource allocation. When it comes to the scourge of corrupt activities, the participation of civil society emerges as a formidable and efficacious strategy in the fight against corruption whilst simultaneously exerting pressure on the executive branch.<sup>22</sup>

Participation is now understood to be a crucial component of democratic governance. Scholars' perspectives on the Schumpeterian concept of public participation have recently diverged because it reduces individual participation in decision-making and undermines public engagement.<sup>23</sup> Critics contend that because the Schumpeterian concept of public participation only encompasses the people's role in electing representatives, institutions and procedures have been established that tend to discourage citizen participation. In recent years, the importance of citizen involvement has increased, and democratic governments all over the world are seeking to broaden the definition of participation to include duties other than voting.

It is now commonly accepted that participation helps establish legitimacy and that the public may hold public authorities accountable through this process. As the twin goals of decentralization—deepening democracy and promoting good governance—can be realized

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<sup>21</sup> (1996) 1 SCC 226.

<sup>22</sup> See C. Raj Kumar, Corruption and Human Rights, FRONTLINE, Sept. 14-27, 2002, available at <http://www.flonnet.com/fl1919/19190780.htm>

<sup>23</sup> Narayana, D, "Local Governance without Capacity Building: Ten Years of Panchayati Raj", Economic and Political Weekly, Vol.40, June 25, 2005, No.26, pp.2822-28.

through public participation, the 73rd and 74th constitutional amendments have evolved into a tool for ensuring effective governance.<sup>24</sup>

#### 8. Consensus Oriented:

It is essential that all parties concerned come to an agreement in order to guarantee the establishment of peace and harmony within a society. This enables the entire community to accept the governance system and its functioning as genuine. Consensus is often achieved by collective efforts rather than individual ideas being compromised. A decision that is supported by the majority is reached by bringing together the relevant stakeholders. A method known as consensus decision-making strives to reach agreement among the majority while simultaneously addressing and resolving any concerns voiced by the minority in order to get the best possible outcome.

The ultimate goal of achieving good governance is to encourage individual individuals' involvement in governmental issues. On the other hand, the government makes an effort to understand how the general public feels about many facets of governance. This suggests that the public has a true regard for the leaders and that the leaders help, facilitate, and direct the people in accordance with group consensus. In order to accomplish excellent governance, various social interests must be reconciled in order to reach a broad understanding of what is best for the entire community and how those interests might be realized. It also calls for a thorough and long-term understanding of what is necessary for sustainable human development and how to achieve its goals.

India participated in lengthy and fruitful talks during the three-day G20 Anti-corruption Working Group Meeting on a number of crucial issues, including Asset Recovery, Fugitive Economic Offenders, Information Sharing, Institutional Frameworks for Combating Corruption, and Mutual Legal Assistance. The delegates discussed High-Level Principles for Enhancing Information to Fight Corruption and Related Economic Crimes, Strengthening Asset Recovery Mechanisms related to Corruption and Related Economic Crimes, Strengthening Law Enforcement Cooperation for Action Against Corruption and Related Economic Crime, and Promoting Integrity and Effectiveness of Public Bodies Responsible for Preventing and Combating Corruption.<sup>25</sup>

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<sup>24</sup> Triranjana Raj, *The Indian Journal of Political Science*, July - September 2015, Vol. 76, No. 3, SPECIAL ISSUE (July - September 2015), pp. 341-346.

<sup>25</sup> Ministry of Personnel, Public Grievances and Pensions. <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1903976>

#### **IV. CONCLUSION**

The issues of governance at the corporate and global levels have grown more international and multicultural as the process of globalization continues. Although the UNESCAP's guidelines for good governance are universal, their application is limited by the context-specific cultural, value-based, and leadership concerns. Therefore, just implementing Western-style good governance may not work in the Indian context. Even if there is an urgent need to stop corrupt activities because of their increasing rate, an agenda with more implementable characters is anticipated. The extent of corruption in India has grown to such worrisome proportions that the cornerstone of democratic administration has been seriously threatened.

Despite numerous laws intended to curb it, this threat has eclipsed other crimes. Although it has somewhat decreased at lower levels of administration, corruption still predominately prevails at higher levels of government, contrary to what was once thought after the Right to Information Act's passage. While many citizens have received information that has been long delayed since the Act's adoption, it is crucial to remember that simply granting the public the access to secure information will not result in the necessary shift in battling corruption.

It is essential to thoroughly research the key traits and components of good governance while engaging in corruptive activities. Representatives of the people, government employees, and all other parts of the government should all be knowledgeable about the key features and components of the government. Implementing them is more important than merely knowing about them. Through adequate planning and prompt implementation of such aspects, the government must make sure that representatives, officials, and employees of the administration are dedicated to providing more effective, transparent, people-oriented, and responsible good governance.

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