



Corruption: A Challenge To Good Governance In India

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Abstract:

Corruption is basically a moral rather than a legal issue. The philosopher – economist Adam Smith observed in his interesting treatise on 'A Theory of moral sentiments' that morality is not given to us, but made by ourselves. According to Bardhan, corruption is defined as the abuse of public office or power for private use. In 4th century B.C, Kautilya in his famous 'Arthashastra' refers to various forms of corruption prevalent in his time. World Bank defined corruption as the abuse of public office for private gain.

Indian democracy has been carefully crafted through a unique and largest written Constitution providing for rule of law, protection of human rights, good governance and social equality. But corruption is the main challenge to the all aspects of Indian democracy due to lacks of strong anti corruption law and people's awareness.

Now days the term 'good governance' is very much in vogue. World Bank defined in 1994, good governance is epitomized by predictable, open and enlightened policy making; a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs, and all behaving under the rule of law. From this definition it is clear that the good governance is very important task of a democratic government. In India there is corruption in every aspect of governance. So it is necessary to identify the nature of corruption in governance and suggest some ways to eradicate this type of evil practice. This paper has trying to the same.

Introduction

Corruption is one of the most serious consequences of poor governance. A country with widespread corruption invariably has low investment rates, poor economic growth and limited human development. There are few countries in the world, like as Indonesia, Kenya, Angola, Madagascar, Paraguay, Nigeria, Bangladesh, and India – where it pervades every corner of public life. The public will find the cost of delivering this service inordinately high. Corruption has no positive effects. It hints the poor hardest, it makes a mockery of financial systems and it actively works against the legitimacy of the state. Poverty, development, growth and investment – all suffers at the hands of corruption. Its effects are extremely damaging, far reaching and all pervasive. For India, the world's largest democracy, it is a painful irony that despite a good foundation of democratic institutions, she has a score of only 2.7 out of 10 in 2002, was ranked 71st out of 102 countries for corruption. As per Transparency International's Corruption Perception Index (2005), India scored 2.9 out of 10. Since then, her ranking has kept falling. A survey conducted by Transparency International Cites in India as far worse than China and refers to her as a country where bribery and corruption are among the worst in the world. In a developing country, resources are always scarce and demand greater than supply. The recipients of public services are mostly the poor, illiterate, ignorant and weak. Thus it is the ordinary men who suffer most from misgovernment and corruption. In India, even the highly educated lack the power to protest. There is no accountability or transparency among public servants. It is difficult to define corruption. There is no consensus on the definition of corruption, because what is perceived to be a corrupt activity is based on a society's acceptance and level of tolerance. Corruption is generally defined as a kind of illegitimate favor for immediate or future personal gain for doing an official work which one is supposed to do free of change and objectivity. In most of the developing countries, corruption is like a virus. It has infected almost every social and economic activity. Unfortunately, corruption has spread to an extent where some of these activities are no longer considered corrupt. For example, in a developed country, paying money to receive un-entitled benefits or privileges is considered corrupt. On the contrary, in a developing country, one may need to bribe a public official to access one's rights. It is relatively easy to evade tax in developing countries just paying token money to the tax collectors. This is the worst kind of corruption where common people are the main victim of corrupt practices.

The word 'corruption' comes from the Latin word 'Rampere' meaning to break. It implies that something is broken; it might be moral codes a social code of conduct, or an administrative rule. The predominant motive behind this break is generally personal gain or benefits. Corruption is basically a moral rather than a legal issue. The philosopher – economist Adam Smith observed in his interesting treatise on 'A Theory of Moral Sentiments' that morality is not given to us, but made by ourselves. According to Bardhan and Tanzi corruption is as the abuse of public office or power for private use. Dick suggests that corruption is a normative concept. He maintains that defining corruption as violation of the rules is appropriate only if one is referring to an otherwise idea and law – abiding society. However, in its widest connotation, it includes on improper and

selfish use of power or influence attached to a public office or to a special position is occupies in public life. Kautilya in his 'Arthashastra' refers to various forms of corruption prevalent in his time. He wrote "just as it is impossible not to taste the honey that find itself at the top of the tongue, so it is impossible for a government servant not to eat up, at least a bite of the king's revenue. Just as first moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work can not found out taking money for themselves". (Kagle, 1972) Thucydides wrote 2400 years ago: "justice prevails only among men equal in power (and) the powerful exact what they can; while the weak yield what they must". Buchanan defines corruption in terms of rent seeking, as part of the payment to the owners of the resources over and above what those resources could command in an alternative use. In other words, corruption needs to be viewed within the prevailing cultural context. He also distinguishes between immoral and corrupt behavior. This is clearly culture specific. All cultures preach honesty, so it is difficult to blame the prevailing culture. In fact, bad practice is considered bad every where irrespective of culture (Shibranjan, 2009). World Bank other multilateral have defined it as "the abuse of public office for private gain".

Conceptual Framework of Good Governance

The philosophy of good governance has its origin dated back to the early days of human civilization. The description of Indus Valley and Vedic civilizations bear the details of the concept. Today the term 'Governance' has come to occupy a central place in the development discourse. Among the several development strategies governance is considered as an important element. There are many means of achieving good result in governance. Traditional texts such as Upanishads and in later period Kautilya's 'Arthashastra' delineate many methods of achieving the good results with has gained new momentum after the collapse of the totalitarian states in East European countries and the cry for democracy in several developing countries of Asia, Africa and Latin America.

The term government and governance appear synonymous in dictionary. Government refers to formal and institutional processes which operate at the level of nation state to maintain public order and facilitate collective action. It is a formal institution of the state with their monopoly of legitimacy, coercive power. It refers to various forms of political system or the manner in which state exercises its power in utilizing socio- economic resources. Governance signifies new process of governing or changed condition of ordered rule of new method by which society is governed. Rhodes defined governance in eight ways. They are minimal state, governance according to private enterprise model, new public management, good governance, a social cybernetic system and a series of self organized social network. The Commission on Global Governance defines governance as "governance is the sum of many ways individuals and institutions, public and private manage their common affairs. It is a continuing process through which conflicting and diverse interests may be accommodated and cooperative action taken. Governance is the creation of structure or an order, which cannot be extremely imposed but is

the result of the interaction of multiplicity of governing and each others influencing actors.” The Human Development Report, 2002 has given a new perspective to governance by terming it as democratic governances, which is essential for better human development.

Now a day the term ‘good governance’ is very much in vogue. Three major International bodies focus on different aspects. As the World Bank defined in 1994: ‘good governance is epitomized by predictable, open and enlighten policy making; a bureaucracy imbued with a professional ethos; on executive arm of government accountable for its actions and a strong civil society participating in public affairs; and all behaving under the rule of law’. United Nations Development Programme (UNDP) takes a broader view of good governance as comprising mechanism processes and institution through which citizens and groups articulate there interests, exercise their legal rights, meet their legal obligations, and mediate their differences. The Economic and Social council for Asia and the Pacific (ESCAP) similarly considers governance good only if genuine steps to minimize corruption are taken; if the views of the minorities and the voices of the most vulnerable sections of society in decision making is ensured, and if it is responsive to the present and future needs of a society. It has identified eight salient features of good governance: i) participatory in nature, ii) consensual in orientation iii) accountable iv) transparent v) responsive vi) effective and efficient vii) equitable and inclusive viii) rule of law.

i) *Participation* - Participation of the people either direct or indirect in the development and decision is making process is one of the corner stone of good governance. The availability of people to participate in social decisions as a valuable characteristic feature’s of good society. It is intimately connected with demands of equity. It also plays a crucial role in the recognition of societal values and in generating public understanding. The participation in order to be effective needs to be informed and organized and therefore depends upon the availability to the subjects, freedom of association and expression on one hand and existence of an organized civil society on the other.

ii) *Consensual in orientation* - Good governance must ensure that there is a regular and dynamic process of consensus making. That is first of all there should be consultation between the government functionaries, NGOs and the public; second stage should be consideration of different views; third stage should be taking their consent on a broad area; and finally consensus should be attempted after conflict resolution.

iii) *Accountability* - Third feature of good governance is accountability – that is from policy – makers to implementers all should be held responsible for their omissions and commissions. Every body at the helm of affairs should be answerable for allocation, use and control of public fund and other assets.

iv) *Transparency* - The attribute of transparency requires that information is freely available and the decisions are taken or enforced in a manner that adheres to the rules

and regulations. It also means that enough information is provided and that it is provided in easily understandable forms and media.

v) *Responsiveness* - The attribute of responsiveness for good governance necessitates that all public institutions and their processes strive to serve all stakeholders within a responsible time frame.

vi) *Effective and efficient* - Sixth feature of good governance is efficiency and effectiveness. Efficiency means doing works at a first speed and effectiveness means doing things effectively focusing on results. Thus both timelines and result orientation are to be ensured.

vii) *Equitable and inclusive*- A society's well being depends mostly on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, particularly the most vulnerable, have opportunities to improve or maintain their well being.

viii) *Rule of law* - The last feature of good governance is the rule of law, i.e. every body is equal before the law, on the one hand, and there should be justice system through due process of law for all, on the other hand. It means that all rules and regulations should be similar to all the citizens in similar circumstances.

Corruption Is A Challenge To Good Governance

India is a world's largest democracy. The survival of Indian democracy for well over six decades despite the country's diversities is in many ways a remarkable achievement. However, no one can deny that the country's contemporary socio- economic and political problems are complex. There are a number of serious challenges that need to be met in the years ahead. These main challenges are: i) divisive tendencies, ii) extremism, iii) unemployment, iv) regionalism, v) illiteracy, vi) corruption and nepotism. Out of these challenges, corruption and nepotism are the major problem of our country today. Many of us have simply accepted it as a sad reality. But unless we are able to fight corruption, the benefits of development can never be sheared equitably and democratically. Government is a pillar of democracy. The terms government and governance are synonymous in dictionary. Governance signifies new process of governing or changed condition of ordered rule or new method by which society is governed. Most of the features linked with good governance enunciated by World Bank are found in the reform process imitated in India for good governance. These include decentralization of power among different layers of government, holding periodic elections, improving the conduct of election through electoral reforms, passing the Right To Information Act, launching the various programmes and schemes for development. But there are so many challenges. The cherished goals of good governance that draw support from decentralized, responsive and accountable administration have some times remained a mirage. The bureaucrats and politicians blame each other for this situation. The lawlessness in the society, inadequate number of NGOs coupled with governments indifferent attitude to those which are functioning, indecisive priorities on the part of administration and lack of transformation in people's outlook are some of the constraints. The

other constrains include excessive control of top administration over lower cadres, political interference in administrative matters, lack of administrative responsiveness, decline in sensitivity of the government to people's needs, the latent conflicts inherent in the process of decentralization. There are various indicators of corruption in public life in India; i) red tapism, ii) digression of matter, iii) wrong interpretation of laws, rules and regulations, iv) different criterion for different persons, v) unnecessary referring, vi) calling to meet a lonely place for clarification, vii) demanding irrelevant papers or documents for varifications, viii) demanding in cash or kind for doing this works and so on.

Red – tapism is one of the defects of Indian democracy. Closely associated with circumlocution is the defect of Red –tapism which means blind following of formal rules and regulations. Though following prescribed rule is not itself bad but the dogged and blind attachment to them certainly impairs the efficiency of work because then the come will not be decided on its merits but on old and out – dated precedents. Actually red tap to some extent is essential for providing the essential safety and control devices. But under this process civil society or community effected by the corruption, a corner of society. Under Red – Tapism many of the important file of public interest are dampen in dustbin in public office. So, common people are suffered. Some times officials are demand money or gift for opened the red tied of a file. So it is the strong way of corruption in public life in India.

The starting point of corruption in public offices seems to be in the political arena beginning with electoral corruption. The general election decide who rules over more than 120 crores Indians. The political parties in their quest for power spend more than thousand crores of rupees on the Lok Sabha election yet nobody accounts for the bulk of the money so spent and there is no accountability anywhere. Nobody discloses the sources of the money. There are no proper accounts and no audit. From where does the money come nobody know. Electoral corruption in India seems to have increased in recent years primarily because of high cost of campaigning and questionable practices indulged in by the political parties. The absence of proper regulation and monitoring of the expenses both by candidates and the parties has given rise to a widespread criticism that electoral corruption has been increasing over the years without any effective monitoring. Report highlights that the cost of conducting the Lok Sabha election has been estimated to be close to Rs. 1100 crores. The figure for similar estimated expenditure for conducting election to the Lok Sabha in 2004 has approximately Rs. 1093.06 crores. Out of this government money every general election spent more and more money by the political parties, which is not accountable. 70 per cent of the populations live in the rural India. Rural India has been continuous to suffer from resource deficits in such basic spheres as health, education, drinking water, sanitation, housing and infrastructure. There are corruption within the NREGS and the Indira Awas Yojana. Mr. Mohit Sen, a member of the Planning Commission, has remarked that the Rural Employment Guarantee scheme suffers from low potential. The fanfare with which no fewer than 100 centrally sponsored schemes with in allocation of Rs. 137000 crores (2010 -2011) were announced had raised hopes of accelerated rural development,

conversion of liabilities into assets and reduction of social and economic disparities between the rural and urban population. The programmes were focused on poverty alleviation, universal education, employment, healthcare, infrastructure, drinking water, sanitation, social security, rural electrification, urban renewal mission, housing and rural connectivity. The benefits of these flagship schemes have not trickled down to the targeted beneficiaries due to the social disease of corruption.

One of the Army chiefs, General V.K. Singh's public disclosure, (The Hindu, dated 14 March 2012), that he was offered a bribe of Rs. 14 crores for clearing the purchases of 600 'Tetra Trucks', considered the extensive corruption in the top ranges of the political/bureaucratic/military establishment. The Army chief became a whistle – blower and undertook a single handed battle against the internal enemy of corruption. Apart from commission in defense purchases, the nation's natural resources are ruthlessly exploited by the political class via the route of crony capitalism since there is no bar on the 'business profit' by person holding Constitutional posts. The soft face of our country failed to tackle this type of corruption.

Panchayati Raj Institution is a backbone of the rural development in India. All centrally sponsored and state schemes are implemented by the Panchayati Raj Institution in rural India. But due to corruption in Panchayats Functionaries benefits of all programmes are not reached actually beneficiaries to the rural India.

Causes of Corruption In Public Life

Ex – President Dr. Radhakrishnan, in message to Samyukta Sadachar Samiti correctly remarked "corruption was an evil which has to be taught on all fronts, at all levels". In all developing democracy corruption has become a malady. There are so many causes of corruption.

- i) One major cause of corruption in public life is the maintaining of secrecy and control resulting into over governance. Official Secrets Act 1923 has done a lot of damage to our society by providing a large scope of corruption.
- ii) The vigilance and anti – corruption branch of the government are failed in checking and catching corrupt persons. This type of wings also fails in protecting the prosecution witnesses in corruption cases.
- iii) In India, there is often a lack of political will to fight the corruption from one end to other.
- iv) There is no proper cooperation and coordination between different offices and department, like as vigilance police prosecution, judiciary and civil administration. Therefore, corruption cases are not properly and timely detected, if detected, there are not pursued to the logical conclusion resulting into the mockery of the law.
- v) High living standard of public servants indulges them in corrupt practice. The ever rising prices of the commodities make corrupt public employee. Even also honorarium conventions of the members of the local governance making them corrupted.

vi) Illiteracy more than 30% in Indian people help to the official and politician to making corruption. Market oriented education also responsible for to spread corruption in public life.

Anti – Corruption Measures In India

Indian democracy carefully to takes various measures for anti – corruption in public life. Government of India set up Special Police Establishment (SPE) in 1941, to investigate cases of bribery and corruption. On April, 1963, the Central Bureau of Investigation (CBI) was set up. The CBI plays a supplementary rule to the states police forces. The cases which essentially and substantially involve central government employees or their officers, or certain state government employees are referred to the CBI. CBI can also take up cases against employees of statutory bodies or public undertakings established and financed by the government in India.

Two types of vigilance organizations at the department level exist: a) the Administrative Vigilance Division of Home Affairs and b) the Vigilance Units in the respective ministers and department and their counterparts in the public sector undertakings. The Administrative Vigilance Division was established in 1955. It assumed the overall responsibility and provided the necessary drive, direction and coordination to ensured sustained and vigorous action by individual ministers and departments. The Central Vigilance Commission (CVC) is to consist of three directorates, viz, Directorate of general compliant and redness, the Central Police organization and the Directorate of Vigilance. It undertake an enquiry into any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner. It also investigates into any complaint against a public servant who has exercised or refrained from exercising his powers for improper or corrupt purposes. Apart from this Central Vigilance Commission (CVC) there is a State Vigilance Commission (SVC) in each state. The state vigilance commission deals with matters within executive powers of the state concerned. At the Divisional level, a Divisional Vigilance Board has been set up. At the District level, District vigilance Officer heads the vigilance organizations.

The Administrative Reforms Commission recommended in 1966 the adaption of the Ombudsman type of institution in India. The Congress government under Mrs. Indira Gandhi proposed to set up the institution of ‘Lokpal ‘at the central level, but the bill lapsed in 1971. This bill introduced in Parliament in many times in 1977, 1985, 1989, 1998, 2001 and in a strong form in 2011. But this bill is not passed even today by lack of willingness of ours leaders. Union Law minister Salman Khurshid told to the Statesman on 11th May 2012, that “we would like the bill to come to Rajya Sabha only after there is a consensus. If the bill is brought and than consensus it sought in the House, it would lead to certain problems”. For this matter prime minister Monmohan Singh had held an all party meeting on 23rd March to resolve the issues regarding the bill. Though the meeting failed to evolve consensus, it was decided that political parties will continue negotiations on the bill. Anna Hazare social activist and his team named as team Anna had galvanized large sections of people including the youth and got the support of influential

voices in the media. Under pressure of his and his team, government of India drafted the bill and tabled in Lok Sabha in 2011. But this bill even today hung due to the unwillingness of our parliamentarian.

The government of India introduced Public Procurement Bill in Lok Sabha for to check corruption and ensure transparency in public procurement. This bill introduced by Union Finance Minister Pranab Mukharjee, sees to regulates award of government contracts of over Rs. 50 lakh with the object of ensuring 'transparency, accountability and probity'. The bill of objects and reasons will codify the basic norms to regulate public procurement and provide for deferring bidders found engaged in corrupt practices. The bill also provide for Jail term ranging from six month to five years for public servants found guilty of demanding and accepting bribes from bidders of government contracts.

Conclusion and Suggestions For To Combating Corruption

Corruption is not something that a government on its own can eradicate. In any case political leaders simply use it as a quick, easy win votes, making catchy slogans for suits their political interests. Prime ministers from the late Gulzari Lal Nanda to Dr. Monmohan Singh declared a war as corruption but achieved absolutely nothing. The first condition of combating the corruption from public life is to educate all people of India. But more than 30% people are illiterate even today. So it is need to 100% literate, whose are combating corruption from society. Right to Education Act (2009) is a landmark initiative of the government to strengthen the education system in India. It provides free and compulsory education to all children between 6 to 14 age groups. This act made it mandatory to guardian of a child to send their child nearby school for education. So, Right to Education is able to educate everyone those who are able to combating corruption. Value education is needed for combating corruption. India is a land of tremendous contrasts, not least in the way she cherishes such values as sacrifice and spirituality points proudly to their prominent place in her past and boasts of her rich cultural heritage and the honesty and purity. Today in the era of globalization it is very necessary to cultivate this type of value added education which makes honest mind of people; those are able to combating corruption.

The Right to Information Act is a strong measure to combating corruption from public life. It explains in information as any material in any form, including records, documents means, emails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, modules, data material held in any electronic form and information relating to any private body which can be assessed by a public authority under any other law for the time being in force. So it is able to combated public officers from corruption.

Monopoly power of the bureaucrats is required to reduce. It is not desirable to give a full authority to an individual official. Officials should be given competing jurisdiction. It may so

happen that a client is not well served by an official. He may go to another competition will tend to drive the levels of bribes to zero.

Another effective way to reduce corruption is to generate an incentive and appropriate pay structure for public officials. To give them Dearness allowances (D.A) at time in parity with current market. On the other hand it is also need to given appropriate incentives and pay structure to elected representatives of central, State and local level governments. At present, parliamentarian and Legislators of some states have taken handsome incentive and pay. But Local government's representatives are even today not received this type of incentive or pay. It is necessary to given them this type of remuneration as same as parliamentarian and state Legislators are received.

Corruption is a syndrome that affects modern societies and governments. It is an obstacle to development. In this area the media has been solely responsible for curbing adventurous officials and politicians from dipping into the till which is intended to meet development needs. Investigative Journalism is responsible for nipping in the bud may a corrupted.

To reduced political interference from administration. Political interference in administration makes more than 90% corruption in our society. All political parties are more or less corrupted due to morale and value education of their members. So it is need to attain morale classes for growing honesty in their mind in the respective political parties. Need to change in our election system, which are also need for combating corruption.

It is very necessary to takes initiative of civil society for combating corruption from public life. A mass member of civil society member is struggling against corruption from last few years under the leadership of social activist Anna Hazare. Anna Hazare's movement against corruption makes a new dimension among civilian in India. All sections of peoples from child to old are supported him for his good initiative. Government also today trying to takes same initiative by passing a strong law for combating corruption.

It is very necessary to introduce social auditing in all public related works, which is one important measure of combating corruption from public life.

Corruption is a social malignancy. It eats into the vitals of the individuals and the society at large. It is set into motion corrosion of the moral fiber of the society. Vendor driven development efforts have far reaching effects on the governance, industry and economy. Effective and accountable institutions, good governance, strong civil society institutions, and effective media, strong anti – corruption legislative structures and the use of modern technology to reduce opportunities for administrative corruption are required to be initiated.

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