

Module 1

Anti-corruption and Enforcement Mechanisms Framework in India

Chapter-1B

Corruption and Good Governance

Corruption has the effect of reinforcing marginalization in economic life and impacts the ability of the State to deliver public services and to protect and fulfil its human rights obligations. There is an irrefutable link between the quality of governance and the economic development of a country. Governmental institutions and mechanisms that are reasonably free from corruption have a strong positive impact on a large set of outcomes related to citizens well-being.

The fight against corruption has been a long and difficult one. Even the ancient Indian text - Kautilya's Arthashastra mentions public accountability, rotation of duties, trap- cases, and the accountability of the bribe giver, all concepts with enduring relevance. The continuation of such practices brings forth the tenacity of corruption to survive down the ages and its potential to hollow out administrative institutions from within. The mechanisms of good governance need to evolve on a continuous basis.

Since Independence, India has made large strides in the fight against corruption, by establishing anti-corruption institutions such as CVC, CBI and most recently, Lokpal. Further, strong legislative framework in the form of the Prevention of Corruption Act, 1988, the Prevention of Money Laundering Act, 2002, Right to Information Act 2005, Public Interest Disclosure and Protection of Informers Resolution, 2004, etc and Lokpal and Lokayukta Act 2013 have been landmark in the fight against corruption and bringing about transparency in public administration.

However, as per Corruption Perceptions Index 2022, India ranks at 85th among 180 countries. As such, India still has a long way from being a corruption-free country.

Corruption and good governance are two concepts that are closely related. Corruption is the abuse of public office for private gain, while good governance refers to the effective and efficient management of public resources, the promotion of the rule of law, transparency, and accountability.

Corruption is seen as a major obstacle to good governance, as it undermines trust in public institutions, leads to the mismanagement of public resources and poor public service delivery. In contrast, good governance promotes transparency, accountability, and the rule of law, which are essential for inclusive, effective, and equitable governance.

Governments can combat corruption and promote good governance by implementing policies and measures that promote transparency, accountability, and the rule of law. Additionally, promoting ethical behaviour and transparency within the private sector can also contribute to the fight against corruption. Leveraging IT systems is a critical partner in the move to combat corruption and good governance.

Principles of Good Governance

With the close linkage of good governance with anti-corruption measures, it can be said that their core principles are also alike. Research (Rothstein and Theorell, 2008; UN, 2009) has shown that good governance identifies with political systems that are: 1) participatory; 2) consistent with the rule of law; 3) transparent; 4) responsive; 5) consensus-oriented; 6) equitable and inclusive; 7) effective and efficient; and 8) accountable. When political systems do not adhere to these eight principles, their institutions might be incapable of delivering public services and fulfil people's needs. These principles are further explained as below:

- ❖ Participation refers to the opportunity for active involvement by all stakeholders in the governance process. It is fostered by enabling environment where pertinent information is appropriately disseminated in a timely fashion so that all concerned people can voice their opinion in an unconstrained manner.
- ❖ Rule of law is the exercise of State power using, and guided by, published standards that embody widely supported social values, avoid particularism, and enjoy broad-based public support (Johnston, 2002). It means that legal frameworks exist, there is law and order, the justice system is independent and effective, property rights and contracts are enforced, human rights norms are implemented, and there are constitutional constraints on the power of the executive.

- ❖ Transparency exists where the process of decision-making by those in power can be scrutinized by concerned institutions and members of society. Transparency rests on a partnership: officials must make information available, and there must be people and groups with reasons and opportunities to put information to use. Key among those are an independent judiciary and a free, competitive, responsible press as well as an active, critical civil society (Johnston 2002). Rules and procedures must be open to scrutiny and be comprehensible, which implies that a transparent government makes it clear what is being done, how and why actions take place, who is involved, and by what standards decisions are made. Transparency is also one of the most important principles underlying the fight against corruption.
- ❖ Responsiveness exists where institutions and processes readily serve all stakeholders in a prompt and appropriate manner so that the interests of all citizens are protected.
- ❖ Consensus orientation ensures that the existing systems serve the best interests of society. This may be one of the most difficult principles, as any action or policy is likely to affect different groups in society in different and often opposing ways. Ensuring that consensus is always reached may be a difficult ideal to reach. In such a scenario, provisions may be made available for expressing of divergent views.
- ❖ Equity and inclusiveness exist where citizens have the opportunities to improve or maintain their well-being and State also makes positive discriminations to ensure that vulnerable sections are able to have access to opportunities.
- ❖ Government effectiveness and efficiency exist where processes and institutions make the best use of resources to produce results that meet the needs of society. Effectiveness and efficiency require the enhancement of quality and standardization of public service delivery, the professionalization of the bureaucracy, focusing government efforts on vital functions, and the elimination of redundancies or overlaps in functions and operations.

Accountability is based on the principle that every person or group is responsible for their actions, especially when their acts affect the public interest. It refers to the answerability or responsibility for one's actions so that systems exist for decision makers in government, the private sector and civil society organizations to answer to the public, as well as to institutional stakeholders. Ultimately, combating corruption and good governance are two sides of the same coin, and achieving good governance requires a sustained effort to combat corruption and promote transparency, accountability, and the rule of law.