



GOVERNMENTALITY IN REDUCING CORRUPTION IN INDIA: A HUMAN RIGHTS PERSPECTIVE

Dr. D. R. Satish Babu* **Dr. M. Rabindranath****

*Assistant Professor and Head, Department of Political Science, Yogi Vemana University, Kadapa, Andhra Pradesh .

**Associate Professor and Head, Department of Journalism and Creative Writing, Central University of Himachal Pradesh, Dharamshala -H.P.

Abstract

Governmentality of political institutions in making transparency is an effective method for combating corruption and to increase the dignity of human rights in the society. It aims that governmentality has to protect human rights by reducing corruption by facilitating proper functioning of a democratic society under the rule of law. These assertions are concentrated with certain specified and qualified respects to control corruption and have become synonymous with the very concept of implementation of human right acts. Most importantly working at average effects misleads significance of transparency, democracy, human rights in our daily life. One important implication that focuses on increasing transparency is accompanied by strengthening political institutions for promoting human rights in order to cultivate good governance. Moreover this article intends to focus on increasing transparency and is accompanied by measures for strengthening citizens' capacity to act up on the available information if we are to see the positive effects of corruption.

Key Words: Human Rights, Corruption, Transparency, Governmentality, Social Justice.

Introduction

There are ample evidences of literature related to substantial increase through entrepreneurship in private profitability, corporate savings and private wealth and innovations and violation of human rights law, practices and constitutional dignity by government officials and politicians since 1990. It was argued that governmentality (reducing, State intervention or change in form of state intervention) and increasing transparency economic reform would reduce corruption. The emergence of powerful global governance, institutions appropriate representation for state holders, well-designed procedural and substantive rules, mechanisms of governmentality, responsiveness etc. especially in reduce corruption in these institutional whose function it is to frame criteria for assessing human rights violation and to devote about enforcement are crucial for their legitimacy and proper functioning. Before turning to the governmentality is reducing corruption in India let us revive the concept of human rights in the contemporary period occurred in the wake of atrocities committed by national and local level against SC/ST, minorities, women etc even though we have generated the well-known commissions, Special Acts and laws as well as, a revival of theories of natural laws and several rights in the face of a biggest constitution credited from more than ten western constitutions.

Understanding Corruption

The term corruption comes from middle English and Latin roots, corrupts, a past participle of corrumpere: rumpere to break therefore, adjectively, utterly broken. (Gautam; 2011: 13-15). It is a word that includes in its weep perversions of integrity and morality, dishonest of every stripe, debasement and depravity. It takes many forms political, corporate, legal, and intellectual, Police and more. According to NCPRI National Campaign for the people's Rights to Information & definition of corruption is designed the following terms : C= Casteism , O= Oppression, R= Repression (to control what people do especially by using force), R= Racism, U= Untouchability / Undemocratic practice, P= Poverty/ Patriarches, T= Totalitarianism, I= Inequality/ In justice, O= Ostracism, N= Nepotism. For example corruption includes all the 210, centre, state and concurrent related institutions, commissions, committees and regulatory mechanism in India.

According to United Nations corruption is defined as misuse of public power (Public office, Public role, Public duties and resources) for private gain (personal gain, personal profit, Private benefit). According to Oxford dictionary corruption can be understand on three level 1. Physical (the destruction or spoiling of anything especially by disintegration or by decomposition with its attendant unwholesomeness & loathsomeness. 2. Moral (moral destruction or spoiling or deterioration or decay perversion or destruction of integrity in the discharge of public duties by bribery or favour. 3. Perversion – perversion of anything from an original state of purity. N. Vittal the formal CVC says that corruption was low risk and high profit activity depends on three factors. Values cherished by people at the individual level; values cherished by society and the system of governance (Hindu January, 18, 2011).

Ashish Nandi in recent interview stated that SC, ST are major corrupted because till now they are alienated now they are coming up and doing corrupt. T.N. Shaeshan in his work "A Heart Full of Burden" describes. Corruption assumes a birth in the womb of election process. As per A.D. Gorewala report the first report on corruption in India's remarked that 2nd World War was an expression of violence and greed. Sainath in one of the seminar at 31st anniversary of Prajasakti Telugu Daily



on August, 22, 2011, on “*Corruption consequences and solution*”. Besides massive illegal fund flow from the country the give always to the corporate sector during the last 6 years amounted out Rs. 22 lakh crore. The biggest corrupt practices in the country based on the economic policy. He said pointing out that the Rs. 90,000 crore income tax exemptions would enable bringing a universal public distribution system. But the lokpal does not address it. At last he says all the public money even it was spent through contractors must be audited corporate/ Private sectors must be brought under the RTI act and tracking where the money was going (*Hindu Aug, 22, 2011*). *Arundathi Roy* in relation to the government spending US \$ 45 billion on weapons when it would not wage wars with neighboring Pakistan or China which were nuclear states. There is no clarity on what and whose these weapons are used against army in being deployed against the poorest of the poor and owners of small & marginal holdings are being asked to give their lands.

Arun Kumar in his “*The Black Economy in India*” (1999) and “*Indian Economy since Independence persisting colonial disruption*” (2013) explain there are 3 kinds of illegal money. Firstly there are money generated out of corruption & crime. Secondly money siphoned out of corporations. Thirdly tax evaded money. The tax payable in India is evaded the money is send out of tax havens. (*Frontline June, 27, 2014*)

Marx in his book “*Mass struggle in France*” (in 1848-1850) described financial aristocracy as a mode of acquisition as well as its pleasures. Indeed *Marx* says that the bankers, stock exchange kings, railways kings, owners of coal and iron mines in forests, a part of the landed perpetrators associated with them send and other such money bags whom he designate as the financial aristocracy are “*nothing but the rebirth of the lumenproletariat*” on the height of bourgeois society. *John Rawls* in his framework of social justice as fairness, in “*Theory of Justice*” corruption as an abuse of power is a breach of formal justice and violation of fairness by individuals for their private gain in this framework of social justice. Social Justice includes two principles of justice Liberal Principles of equal rights and secondly social economic difference principles of social inequalities. The extension social justice can be of two types of justice a) Substantive justice refers to rules of an institution b) Formal justice refers to the actions of individual who implement those rules.

Corruption can be divided into old corruption (permit license Raj or before neoliberal age) and New Corruption (Sector based corruption or policy based corruption) or liberalization capital market based corruption). As a result the centre for international policy estimated by the Global Financial integrity programme says illicit flow out of India from 1945 through 2008 was around \$210 billion the present value of which equals 36 percent of Indian GDP in 2008. According to report titled the drivers and Dynamics of Illicit Financial flows from India 1948-2008, 68 percent Indian aggregate Illicit. Capital loss occurred after under economic reform in 1991. (*Hindu Nov, 2013*).

The attention on the issue has created impression that all black money is being held abroad due to liberal policies. According to the sources only 10 per cent of the black income generated annually accrues on foreign shores: 90 per cent is in the country. The annual generation of black income is 50 per cent of GDP or Rs. 65lakh crore. A part of it is consumed and the rest is saved. A part of these savings is sent abroad through Hawala transactions and on mispricing of trade and illegal activities. Thus a bulk of black savings is in India and not abroad. The study by the *Global Financial Integrity (GFI)* declares the illicit outflow of funds from the country and the interest earned on it is \$462 billion for the period 1948 to 2008. The Director of the *Central Bureau of Investigation (CBI)* scaled it up and gave it a figure of \$500 billion (2010). However, these figures are hypothetical because they include interest that would have been earned on illicit funds taken abroad. Further, the GFI figure is a gross underestimate because it does not include the misinvoicing of services, hawala and criminal funds generated in narcotic drug trafficking, human trafficking etc.. The study estimates it to be around \$ 1.2 trillion for the period 1948 to 2012, if the missing elements are added. (*Arun Kumar, Nov, 1-2014, Hindu*).

Governmentality

Foucault makes quite clear that he sees governmentality not as a method of exercising authority or top-down control but as a creative and constructive act of developing the positive human potential of modern liberal society. According to him governmentality is about the *self-limitation* of government and the state and of social and political behavior, in the interests of achieving practical results. Governmentality is all about an ongoing process of dynamic, innovative, expansionary and on the whole, successfully learned practice of reconciliation and management of such supposedly contradictory tendencies despite its unevenness and the sample scale tyranny and yet emancipatory potential of micro-“circus of power”.

In this sense, Neo governmentality embedded in understanding international Monetary Fund (IMF) the world Bank, the *World Trade Organization (WTO)*, the *Bank for International Settlements (BIS)*, the *International organization of Securities Commissions (IOSCO)* the G7, the G20 and many more regarding quain international webs of governance (markets in the active sense) non state actors and individuals in promoting good governance in Indian context, neo governmentality should work for *Sarvejana Sukhaya and Sarvajana Hitaya* (For Every Bodies Happiness).



It can be seen in relationship to each other as giving rise to more generalizable “practices” of governmentality. These practices or *ongoing balancing acts* could include, in particular:

- The capacity for the state administration to be both an efficient bureaucratic structure in the *Weberian sense* - rationally organized office with clear functions and rules - and yet flexible enough to conciliate opposing interests, adapt to new economic and social developments, reflect and act on bottom up as well as top-down inputs, allow bureaucrats to innovate and the like.
- The capacity for liberal democratic institutions to be both *expressive*, representing public opinion and pressure groups, get also *effective*, that is, capable of providing leadership where necessary and working through administratively and managerially coherent processes of public policy formulation, adoption and implementation.
- The capacity for state intervention in the economy to promote economic and industrial development through central promotion and we support, while internalizing norms of efficient market behavior, entrepreneurialism, innovation, investment and genuine competition on the part of the private sector in both industry and finance, counter acting market failure but not featherbedding firms.
- The capacity of a system of legal and quasi-legal regulation not to constrain positive, growth-oriented market behavior but actually to anchor those markets in an institutional framework that stabilized them, prevents fraud, sanctions contracts but involves clear, legitimate and agreed procedures for *ex ante* litigation, protects property rights and basically enforces market rules of the game.
- The capacity of the state in international affairs to promote the wider competitiveness of the national economy through trade, finance and production while avoiding the beggar-thy-neighbor temptations of old and new mercantilism and promoting various forms of *embedded neoliberalism*.
- The capacity of government to ensure the economic as well as the physical security of citizens, especially through the welfare state and liberal neo-corporatist arrangements, while attempting to prevent the welfare state and corporatist arrangements from undermining the market economy, for example, by leading to inflationary government spending, producing “*creeping socialism*” or what *Sir Keith Joseph* called the “*ratchet effect*”, rewarding dependency, entrenching rigid working practices, or otherwise raising costs to business.
- Managing macroeconomic - fiscal and monetary - policy in ways that can flexibly react to quite subtle indicators of overheating and cooling, inflation and deflation, boom and slump (Philip G. Cerny; 2010: 182).

Transparency

These article democrats that transparency and accountability may indeed be an important remedy against corruption in the age of governmentality. The link between transparency accountability and corruption for the strengthening democracy human rights and good governance. Firstly transparency can be distinguish between two types of transparency – a) Transparency which is controlled by the agents is itself (the institutions/ actor under supervision) and b) Transparency which is not under the agent’s control immediate control. Transparency will be a less effective medicine against corruption when it not accompanied by institutional and other circumstances favorable to achieving publicity and accountability.

Transparency literally means that is possible to work into something, to see what is going on. (*Catharina; 2010: 305*). However the transparency captures the access is ability of information. Therefore various transparent institutions where people outside or inside the institution can acquire the information they need to from opinions about actions and processes within the institution.

1. Publicity on the other hand means that the existing information is actually communicated to and received by the principal with respect to citizen and political leaders, transparency implies that documentation of the actions of the political leaders is released while publicity means that the content of this information has also become known by citizens which often increase the chances of publicity. Thus in most cases information that is relatively easily accessible would stand a greater chance of also reaching a broader public.
2. Accountability involves more than just having ones actions publicity exposed in case of misconduct, accountability implies that a sanction is imposed on the action. Being held accountable involves “Paying the Price” for ones action. (Catherina Lindstedt & Daniel Navrin; 2010, 305)

Moreover accountability is therefore a function of the probability of publicity and the exciting sanctioning mechanisms for citizens in a political system (besides perhaps revolution) is the ability of people to choose their government is general elections. Political accountability through e-elections is also complemented by legal accountability through the courts. Human rights, good governance, democracy and rule of law are thus crucial for accountability. The major governmentality of institution regulations or acts, etc in India which promotes for more transparency, accountability to reduce corruption are Task and Information Exchange Agreement (TIEA), *Double Taxation Avoidance Agreement (DTAA)*, *Global Financial Integration (GFI)*, Prevention of corruption Act 1988, Monopolies and restrictive Trade Practices, *Foreign exchange*



Regulation Act (FERA), Central Board of Direct taxes, Lokayukta, Lokpal (2013), ED, 1B, RAW, SIT (Special Investigation Team), RTI, CVC, Financial Action Task force (FATF), National Institute of Public Finance & Policy (NIPFP), National Institute of Financial Management (NIFM), National Council of Applied Economic Research (NCAER), Second Administrative Reform Commission 2009, Whistle Blower Protection Bill 2011, Judicial Accountability Bill 2010, Grievance Redressal/ citizen charter Bill 2011, Public procurement Bill 2012, Prevention of Corruption Bill 2013, Prevention of foreign Bribery Bill 2011, Registration and Regulation of Political parties 2011.

Human Rights Perspective

In 1780 BCE recognition as need to protect human freedom & human dignity from Hammurabi code in ancient *Babylon* to built on *Greek stoics* & *Roman* {law for all peoples} in the modern concept of human rights starts in *Magna Carta* of 1215 and is 1776 American Declaration of independence stated with all men are created equal; that they are endowed by their creator with certain unachievable rights; that among these are life, liberty & the pursuit of everybody happiness. The *French* Declaration of the Rights of Man and of the citizen followed in 1789, proclaimed that men are born and remain free and equal in rights and a declaration of the rights of women and social contract between man and woman regulating property and inheritance rights of women appealed by *Mary Wollstonecraft's* "vindication of the rights of women" appealed for a revision of the French constitution to respect the rights of women. In India, *Dr. B.R. Ambedkar's* "Annihilation of Caste" appealed to casteless society by introducing "separate electorate" for 10 years for better human rights but later compromised and signed Poona Pact 1932 for joint electorates.

The aim of every political association or institution is the preservation of human rights, legal rights, civil rights, natural rights, dalit rights, woman rights etc, with a vision of a human emancipation from religion, poverty, law and untouchability. Therefore Human rights are important as instruments for change in the world from absolute moral principles which can be generated from Immanuel Kant, pain in "Rights of man" say my religion is to do Good (*Andrew Clapham 2007:9*).

John Lockes "second treatise" (1690) the "social contract" of *J.J. Rousseau* (1760) and *Karl Marx* proclaimed that rights in the constitutions of Pennsylvania and New Hampshire and in the French Declaration by deciding the idea that rights could be useful in creating a new political community. For *Marx*, these rights stressed the individual's egoistic preoccupations rather than providing human emancipation from religion poverty and law. *Marx* argued that if rights can be limited for the public good then the proclamation that the aim of political life in the protection of rights becomes convoluted. However it is believed that only in Corruption free society rights can be instrumental to build a society that allows people the freedom to develop as autonomous individuals, while allowing participation base on equality in the community decision - making process in (neo liberal process or) governmentality for the building of good governance.

Despite of the corruption prone caste based social structure with an all powerful minority and a powerless mass of people in modern times, corruption got institutionalized in the structure of democracy. For example it is well known that politicians spend a far greater amount on elections than what is permitted. According to the national election audit report, prepared by the Election Commission for the year 1999-2000, on average, a candidate spent around Rs. 83 lakh as against the legal ceiling of only Rs. 15 lakh. The excess money is routed through corporate channels in exchange for the executive wing of the state abetting corporate misdemeanour. The entire executive machinery of the state has thus been corrupted, but here too the distribution of gains is a function of caste.

While Dalits holding office indulge in corruption through petty cash bribes, the upper castes, hegemonic and in exercise of the discretionary powers of high office, indulge in misdemeanors in the form of "administrative irregularity" with far greater gains to themselves an losses to all other (*Anand Teltumbde: 2012:11*). Thus the caste-based social structure are issues of linking together various horizontal & vertical layers dimensions and discussions of government and society, from executive power to the separation of power to complex ministers (and relations between them) to layers of regional and local governance to social groups. However *Foucault* extensively cites *Adam Fergosions* concept of civil society as the key to understanding the process of governmentality.

Conclusion

The contemporary neoliberal governmentality demonstrates private, public, NGO, individuals, should be more effective and responsible in reducing corruption. The governmentality in an embedded transparent, accountability, publicity in institution like economic, political and administrative, for better promotion of good governance for protecting human rights particularly for SC/ ST OBC and Minorities in India. The interaction between transparency, accountability publicity increases the opportunity to reduce corruption check against corruption. The governmentality in the developing countries particularly in India must strongest in protecting human rights in caste based society who posses low levels of education, no media, digital divide economic divide, social divide etc, and weaker section like SC, ST, OBC, Minorities who were oppressed through



ages. The strategies and tactics to manage and restructure political institutions, processes and practices of neoliberal governmentality for reducing the corruptions by taking some of the concerns like which promotes human rights as resource factors in the third wave of human rights (Human Intervention) as also includes distribution of resources in society, the kind of processes of production, distribution and perceptions of interests, values and possibilities of the various individual and group actors for the building of good governance. However linking the corruption debate on how to measure human rights is a broad concept which extends the debate towards how to measure democracy effectively in present age of governmentality can be labeled the parameters or index like *Effective Democracy Index (EDI)*. And EDI is constructed by multiplying the *Freedom House Index (FHI)* by a measure of corruption either transparency international's *Corruption Perception Index (CPI)* or the *Control of Corruption Index (CCI)* from the *World Governance Indicators (WGI)* in functioning of rights and institutional and effective democracy.

References

1. Anand Teltumbde: 2012; Caste in the play of corruption, EPW VOI XLVII No's 47 & 48. P-10.
2. Anand Teltumbde: 2012; caste in the play of corruption EPW Val XLVII No's 47 & 48.
3. Andrew Clapham: 2007, Human Rights Oxford New York.
4. Catherina Lindsledt and Daniel Naurin: 2010 Transparency is not enough: making Transparency effective is reducing corruption; International political science Review Journal P- 301-322.
5. Ferguson, Adam: 1767/ 1995 an essay on the History of Civil Society Cambridge. Cambridge university press.
6. Frontline June 27, 2014.
7. Gamtam patel: 2011, EPW, April, 23, val XLVI no 17 P P 13-15.
8. Hindu Monday August 22, 2011: P-4.
9. Hindu November 1, 2014.
10. Philip G. Cerny: 2010, Rethinking world politics: Oxford University Press New York.P-182.
11. R.K. Raghavan Hindu Tuesday, January 15, 2011.