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Accountability in Governance: A Critical Evaluation and Need for Reform in India

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ABSTRACT

The objective of this research paper is to study about accountability in governance, its relationship with prevention of corruption and analysis of various legislations, policies, and schemes etc. which have been implemented so far in the country for prevention of corruption. This research paper is also an effort to analyze the challenges which are being faced for ensuring accountability and transparency in the Country and certain suggestions/ reforms required in this regard.

Keywords*: Transparency, Accountability, Governance, Administration, Citizens Charter.*

I. INTRODUCTION

Government officials must exercise some judgment in order for the government to function. It is required because, in the modern government, it is hard to put down a law for every possible scenario. Absolute discretion, on the other hand, is a harsh master. As a result, there has always been a tension between the administration's claims to total discretion and the demands of those who are subject to a reasonable exercise of it. Discretionary power isn't harmful in and of itself, as long as it's used responsibly. It leaves a lot of room for abuse. As a result, the solution is to tighten the method rather than to abolish the power itself. The discretionary power of authorities must be subjected to some checks and balances. Accountability in Governance is the result of this check and balance.

Accountability in governance includes Political, administrative as well as Judicial Accountability. **Political accountability** refers to elected officials' accountability and responsibility to the people who elected them. Electoral replacement and reasonable anticipation are two strategies that can be used to hold representatives responsible. Citizens vote to replace legislators who do not reflect their interests in electoral replacement. To avoid negative repercussions, rational anticipation requires representatives to anticipate the implications of being out of touch with their constituents and then govern in accordance with voters' wishes. **Administrative accountability** refers to the responsibility of government employees to account for how they used their authority and resources. **Judicial accountability**

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implies that judges are solely responsible for the decisions they make. Transparency in the decision-making process aids in the establishment of accountability.

Corruption is a crime committed by a person or organization in a position of authority in order to obtain unlawful benefits or abuse power for personal advantage. It can be used as a synonym for responsibility. Corruption is a problem in India that has a wide range of effects on the economy of central, state, and local government entities.

Corruption is a severe issue in India, with serious ramifications for the rule of law and access to justice. High taxation and heavy regulation were listed as a key cause of corruption in India in a 2004 investigation on the subject. To improve tax receipts and eliminate corruption, the research recommends regulatory reforms, process simplification, and reduced taxes.

II. COMPONENTS OF TRANSPARENT AND ACCOUNTABLE GOVERNMENT

(A) Prevention of Corruption

Public servants in India can be penalized for corruption under the Indian Penal Code, 1860, the Prevention of Corruption Act, 1988 and the Lokpal and Lokayukta Act, 2013. Benami trades are prohibited by the Benami Transactions (Prohibition) Act of 1988. The Prevention of Money Laundering Act of 2002 makes it illegal for public officials to launder money. Since 2005, India has been a signatory (but not yet ratified) to the United Nations Convention against Corruption.

(B) Openness of Government

The notion of open government claims that citizens have the right to view government papers and processes in order to ensure effective supervision. In 2005, India established the Right to Information Act, which gives citizens the right to know what information is under the control of public authorities in order to improve transparency and accountability in government operations.

(C) Grievance redressal mechanism

The primary function of the grievance redressal system is to receive and process complaints from citizens and consumers on any issues that they raise in order to improve service delivery. Since 2007, the 'Centralized Public Grievance Redress and Monitoring System' (CPGRAMS) has emerged as an online system for grievance redress. CPGRAMS permits citizens' online public concerns being forwarded to both the Central Government Ministries/Departments/ Organizations and the State Governments in question.

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(D) Citizen charter

The Citizen's Charter is a voluntary, written document that outlines the service provider's efforts to focus on their commitment to meeting the requirements of residents and consumers. Citizens' Right to Timely Delivery of Goods and Services, as well as Redress of Grievances The Citizens Charter Bill of 2011 aims to provide a mechanism for ensuring timely delivery of goods and services to citizens. It mandates that every public authority publish a CC within six months of the Act's implementation, and it imposes a penalty of up to Rs 50,000 for failure to do so.

(E) Ombudsman

An ombudsman is a government officer tasked with investigating complaints about a service or a government agency. They are usually appointed by governments, however they can also be appointed by private companies. In India, ombudsmen have been appointed to settle complaints about banking, insurance, and income tax. The Lokpal and Lokayuktas Act of 2013 established an ombudsman system to investigate complaints against public officials. It aims to establish a Lokpal to investigate claims of corruption against certain significant public officials, including as the Prime Minister, cabinet ministers, members of parliament, and Group A officials of the Central Government, as well as things relating to them.

III. CHALLENGES BEFORE ACCOUNTABILITY IN GOVERNANCE AND PREVENTION OF CORRUPTION IN INDIA

Despite the government's and agencies' various laws and schemes aimed at preventing corruption in the country, it remains one of our country's most serious and serious problems. The following are some of the variables that may contribute to the country's failure to prevent corruption.

- **Absence of independent investigating agency**: the CBI is the primary anti-corruption agency at the federal level, while the ACB is the primary anti-corruption agency in the states. CBI and ACB, on the other hand, are not independent agencies and work under the direction of the union and state home ministers, respectively. The Supreme Court stated in the Coal Scam Case that the CBI is not an independent body and that it is a caged bird.
- **Non efficacy of various laws/ Mechanism-** In 2005, the federal government passed the RTI Act, which requires various government departments to account for their actions, as well as the CPGRAM, which addresses concerns linked to the federal

government. The majority of RTI applications and CPGRAMs, on the other hand, are discarded without receiving any response or unequivocal response. In the absence of any accountability to the enforcement agency, these systems are ineffectual.

- **Lacuna in Lokpal and Lokayukta act, 2013**- The Lokpala and Lokayukta Act of 2013 was passed to combat corruption in India. The act, however, has a number of flaws and loopholes that render it ineffectual. Because the appointing committee is made up of members from political parties, the Lokpal is not immune to political influence. Because there is no criterion for determining who is a "eminent jurist" or "a person of standing," Lokpal's appointment can be twisted. The largest flaw is the Lokpal's omission of the judiciary from its purview. The Lokpal has no constitutional backing, and there are no proper mechanisms for challenging the Lokpal's decisions.
- **Courts' lengthy and time-consuming procedures**- Litigation in India is a lengthy, massive, and time-consuming process. In India, there are over 3 million lawsuits pending in various courts. As a result, people are hesitant to take their concerns against corrupt employees to the courts for remedy.

IV. CONCLUSION

Corruption in India is a problem that has serious implications for protecting the rule of law and ensuring access to justice. Additionally, corruption results in lower economic growth for a given level of income. Various measures have been adopted by the government, but most of them are ineffective to the extent what required. There is a need for a multiplicity of decentralized institution with appropriate accountability and Check and balance mechanism, to avoid the concentration of too much power in any one institution or authority.

(A) Suggestion for Reform

- **ARC Recommendations for Accountability in Governance**

Second ARC in its fourth Report “Ethics in governance” has various recommendations for ensuring accountability in Governance. These recommendations are related to reform of political funding, publication of accounts by political parties, tightening of anti defection law, tightening of legal framework for prevention of corruption, code of ethics and code of conduct for ministers and civil servants, ethical framework for legislators and Judiciary and declaration of assets and liabilities by public servants.

- **Recommendations of Judges Inquiry bill, 2006**

The Judges (Inquiry) Bill, 2006 aimed to establish a National Judicial Council (NJC) to

conduct inquiries into allegations of incapacity or misbehavior by High Court and Supreme Court judges. If the allegations are proven, the NJC may impose minor measures or recommend the removal of the judge. Removal of a judge shall be through impeachment by Parliament.

(B) **Suggestion**

The following proposals for preventing corruption in India could be made.

a. **Tax rate reduction**: One of the key causes of corruption in India is a high tax rate. People desire to pay a tiny bribe to law enforcement agencies to avoid paying taxes. As a result, when tax rates are lower, people are less likely to pay bribes in lieu of taxes.

b. Establishment of Independent and Unbiased Anti-Corruption Agencies- The Investigating Agency should be independent, similar to the Judiciary, so that it can work in a transparent and pressure-free manner. Furthermore, the employee's internal disciplinary body is biassed. As a result, the investigative agency must be independent and external.

c. Implementation of E-governance- E-governance and the usage of ICT are being gradually implemented in all government ministries. As a result, administrative discretion is reduced, which aids in the prevention of corruption in India.

d. Stricter law for Prevention of Corruption- To dissuade public servants from engaging in any form of corruption, the anti-corruption law should impose harsh and stringent penalties on offenders.

e. Strong Ombudsman: The ombudsman's institution should be reinforced in terms of both functional autonomy and manpower availability. Lokpal and Lokayukta must be financially, administratively, and legally self-contained agencies with no intervention or pressure from those they are tasked with investigating and prosecuting. Appointments to the Lokpal and Lokayukta must be made in a transparent manner to reduce the likelihood of the wrong people being appointed.

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