



INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 6 AND ISSUE 9 OF 2026

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 6 and Issue 9 of 2026 (Access Full Issue on – <https://ijlr.iledu.in/volume-6-and-issue-9-of-2026/>)

Publisher

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DEVIANCE BY BUREAUCRATS

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BEST CITATION – R.N. VEDHA GEETHAN, DEVIANCE BY BUREAUCRATS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (9) OF 2026, PG. 669-681, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

The government of India has three significant organs, the legislature, the executive and the judiciary and it has been given separate roles and powers by the constitution of India to execute their functions independently. The executive branch of government consisting of ministers, bureaucrats and whole of government machinery which have major role in implementing the laws framed by the legislative assembly for the welfare of the citizens. The ultimate responsibility for running administration in an effective manner relies on the shoulders of the elected representatives who were elected to run day to day administration of the government. Bureaucracy plays a very important role in maintaining the administrative efficiency, implementing government policies and ensure welfare of the general public. However the deviant behavior among bureaucrats has become a threatening concern in the modern way of administration. Deviance by bureaucrats generally refers to any form of unethical. Unlawful or carrying improper conduct by the public officials that deviates from the already established rule, administrative ethics and legal standards. Some of the deviant acts include favoritism, abuse of power, corruption, negligence, red-tapism, bribery, misuse of public resource, and administrative misconduct. These types of deviant activities by public officials not only provides personal benefits but also it weakens the public trust towards government, compromises government efficiency and becomes a major obstacle for the socio-economic development of the particular society.

This research project examines the nature of deviance by bureaucrats and the causes and consequence of such deviance among bureaucrats. This study majorly focuses on personal, social, economic, political and institutional factors responsible for the deviant conduct among the public officials. This study also analyses how the deviant behavior affects the proper governance, its transparency and accountability and also affects the public confidence among the administrative institutions. This study further examines the effectiveness of the legal mechanisms, anti-corruption laws made to curb the corrupt practices, disciplinary procedures and administrative reforms made by the government in controlling bureaucratic misconduct to provide effective administration.

KEY WORDS:

Bureaucrats, Unethical, Bribery, Misconduct, Bureaucracy, Ethical Administration.

CHAPTER – I

INTRODUCTION

Bureaucracy is considered as one of the important pillars of modern administration and governance. The bureaucrats who were responsible to carry out day to day administration are entrusted with the

responsibility to implement the laws passed by the legislature, executing government policies for the welfare of the general public and to maintain public order, and delivery essential services to the citizens. In a modern democratic systems the bureaucrats are expected to fulfill their function independently honestly, accountably for the welfare of public. Many countries especially in

country like India the bureaucratic deviance have become a major threat by affecting administrative efficiency and public confidence. The deviance by bureaucrats majorly refers to various forms of conduct that violates already existing legal rules. Ethical standards and administrative norms. Such deviant behavior mainly occur in different forms like corruption, bribery, nepotism, abuse of discretion, delay in administration, manipulation of official records, misuse of authority and favoritism. These types of bureaucratic divisions arise majorly due to the political pressure among the public officials, lack of accountability, weak institutional control for bureaucrats, inadequate transparency and greed for personal benefits. These Deviant practices not only affect the proper public administration but also it creates inequality, injustice and mistrust among the citizens on proper administration.¹²⁰⁶

In recent years the Government of India had gone through several corruption scandals and administrative failure because of the deviant activities by bureaucrats. This administrative failure has highlighted very urgent need to analyze the causes and consequences of the bureaucratic deviance. This has obtained center of notice because this type of bureaucratic deviances directly had negative impact on effective governance, economic development and a strain to rule of law. When the public officials who were responsible for ensuring public welfare misuse their powers it weakens the democratic institution and affects the effective delivery of public services.

This study aims to analyze the bureaucratic deviance from social legal and administrative perspectives this study explores the various forms of bureaucratic deviance and identify the major factors responsible for such deals and examines the impact of misconduct on governance and welfare society. The study also highlights the effectiveness of laws. Vigilance mechanism and anti-corruption legal

framework and administrative reforms which aims to control deviances in public administration. By understanding the roots and causes of such bureaucratic deviance this research provides valuable insights and contributions towards developing policies and effective measures to improve public administration and strengthening democratic governance.¹²⁰⁷

RESEARCH OBJECTIVES

1. To understand the concept and nature of deviances carried out by the bureaucrats in modern governance
2. To examine the various forms of deviance by bureaucrats such as corruption, bribery, favoritism, and abuse of prescribed powers.
3. To analyze the various factors responsible for such deviance such as personal factors, socio-economic factor, political factor and institutional factors.
4. To study its impact and consequences of such deviance.
5. To explore the legal and administrative mechanism available to control deviance among bureaucrats.
6. To evaluate the efficiency of anti-corruption laws and responsible institution in curbing bureaucratic misconduct.

RESEARCH QUESTIONS

1. What is meant by Bureaucratic deviance in the context of modern public administration?
2. What are the important forms of deviance prevalent among bureaucrats and its reason?
3. What are the major factors responsible for increase in bureaucratic deviances?
4. Whether the existing legal framework and institutional mechanisms were sufficient to address bureaucratic misconduct?

¹²⁰⁶ Max Weber, *Economy and society: An outline of interpretive sociology* (University of California 1978)

¹²⁰⁷ S.R. Maheswari, *Indian Administration 6th edition*, Orient blackswan 2011 (521 – 535)

5. What reforms can be made to curb bureaucratic deviance and improve transparency and accountability in modern public administration?

RESEARCH METHODOLOGY

This research adopts doctrinal and analytical research methodology. This study is majorly based on the secondary sources of data where the information are collected from books, articles official government reports, legal statutes, journals, committee reports and online academic reports related to bureaucracy, corruption, public administration and modern governance. The doctrinal method is used to interpret the legal provision administrative rules, anti-corruption laws and judicial interpretation mentioning bureaucratic misconduct this analytical approach is adopted to analyze the impact causes and preventive mechanism related to bureaucratic divisions. This study also includes comparative analysis of administration and accountability to understand how deviances among bureaucrats can be controlled using effective reforms and institutional mechanism.

SCOPE OF THE STUDY

The scope of this particular study is limited to analyze the deviance among the bureaucrats within the limited framework of public administration and governance. This research explores different forms of bureaucratic deviances and focuses on the causes and consequences of the such deviance and analyzes its impact on accountability, transparency, and public trust. It also examines vigilance mechanism, anti-corruption statutes and administrative reforms which aims to control bureaucratic deviance and to ensure proper administration. This research mainly focuses on Indian administrative system while also ensuring the general principles of public administration applied internationally. This study does not cover deviances in private organization or political institution where they directly influence bureaucratic behavior.

LIMITATIONS OF THE STUDY

1. This study is based on secondary sources of data and it does not include any extensive field research or collection of data.
2. The explicit access to the confidential government data and documents relating to such deviance were limited.
3. The scope of the research limited to particular area as the bureaucratic deviance is the broad subject.
4. The availability of information relating to corruption and administrative misconduct may not be accurate.
5. This study only relies within Indian context , therefore the findings will not completely applicable to administrative systems of different countries.

CHAPTER – II – THEORETICAL FRAMEWORK OF BUREAUCRATIC DEVIANCE

The bureaucratic deviance refers to any form of unethical improper and unlawful conduct committed by public officials while they execute their official duties. such deviant behavior mainly weakens the democratic institution, erode public trust, and obstruct the development and also causes crucial damages to the rule of law. To study about the bureaucratic deviance requires a multidisciplinary approach because these forms of misconduct in any public administration cannot be explained by a single perspective, while the sociological theories explain the major influence of society and destructors of the organization which causes deviances and also the psychological theory analyses the individual behavior, their motive which causes deviance. while the criminological theory examines corruption, abuse of power white collar crime. This chapter mainly explores the major theoretical frameworks that explains causes nature and functioning of the deviance among bureaucrats. The term deviance basically refers to a type of behavior that violets accepted social norms, explain the legal rules and existing ethical principles and institutional

expectations¹²⁰⁸. In the context of a proper public administration the Deviant behavior especially by bureaucrats when they fail to perform their duties honestly and involve in various activities which is contradictory to the value of the public service. Deviant activities may not always be criminalistic in nature. certain type of acts maybe considered as legally permissible but ethically unacceptable. For an instance showing favoritism in recruitment process or showing unnecessary delays in administrative procedure may not always amounts to and criminal offence yet they are observed us a serious administrative deviance by these public officials, violates the principal of fairness, equality, and accountability. This bureaucratic divisions often develops gradually along with the development of the administrative services. Once when these deviant activities begin as a minor ethical compromise may actually become a normalized form of activity within the administrative institution which leads to systematic corruption and abuse of power therefore the understanding of the core nature of maintaining transparency accountability fairness along with efficiency in administrative governance.¹²⁰⁹

THEORIES IN BUREAUCRACTIC DEVIANCE

SOCIOLOGICAL THEORY

The sociological theory explains the deviant activities as the product of social conditions, institution structure, group influence and environmental pressure. These theories mainly help to understand about the exact nature of the organizational culture and social expectations influenced by bureaucratic misconduct.¹²¹⁰

STRAIN THEORY

This theory was developed by Robert K Merton who explains that the individual will engage in deviant activities when the person fails to achieve socially approved goals through the legitimate means. Society always measures the

success of a person through the amount of wealth, status, and influence which the person holds. When an individual feels pressure to attain these goals without sufficient opportunities then they took illegitimate means which significantly results in deviant behavior. In a bureaucratic system meaning public officials of experience economic shortage, competitions political expectation and society and demands. Some bureaucrats are unable to fulfill those expectations by legal gratification so they involve in deviant activities in this context the deviance becomes a response to the social and institutional strain the importance of understanding the strain theory life when ability to explain corruptions not only answer result of individual greed but also a result of society pressure and structural inequality.¹²¹¹

DIFFERENTIAL ASSOCIATION THEORY

The differential association theory was proposed by Edwin H Sutherland who defines that crime and deviance in behavior is learned through social interaction. According to this theory individuals learn techniques, motives, and justifications for deviance from the people around themselves. This theory is crucial in understanding the bureaucratic deviance because corruption becomes a usually operated administrative culture. Newly appointed government officials may learn this practices from other senior officers or their colleagues. When these types of deviance and activities like bribery, corruption, favoritism is executed by one officer then automatically it influence's other officials and these activities become a normalized within departments and causes systematic failure.¹²¹²

SOCIAL CONTROL THEORY

The Social Control Theory formulated by Travis Hirschi emphasizes that strong social bonds prevent individuals from engaging in deviance.

¹²⁰⁸ Emile Durkheim, *The Rules of Sociological Method* (New York: Free Press, 1982) pp. 50 - 55

¹²⁰⁹ Michael Klitgaard, *Controlling Corruption: From Individual to Institutional corruption* (Washington D.C Brooking Institution Press, 1995)

¹²¹⁰ Robert K. Merton "Social Structure and Anomie," *American sociological Review*, Vol.3 (1938) pp.672-682

¹²¹¹ Robert K. Merton, *Social Theory and Social Structure* (New York: Free Press, 1968), pp. 185–214.

¹²¹² Edwin H. Sutherland, *Principles of Criminology*, 4th ed. (Philadelphia: J.B. Lippincott Company, 1947)

According to this theory, people obey laws because they maintain strong attachments to family, morality, institutions, and society. When the bureaucrats lose commitment towards all of these commitments and public service, they become more possible to corruption and abuse of power and other forms of deviances. Weak supervision, poor accountability mechanisms, and weak disciplinary systems further encourage misconduct. Official who does not fear punishment or social commitment may misuse authority without hesitation. Therefore, the absence of strong institutional control often creates opportunities for administrative deviance.¹²¹³

LABELING THEORY

Labeling Theory explains that society identifies certain behaviors as deviant and labels individuals accordingly. Once individuals or groups are repeatedly associated with corruption, public perception toward them changes permanently. In many societies, bureaucrats are often stereotyped as corrupt due to recurring scandals and misuse of authority. Continuous exposure to corruption cases creates public distrust toward administrative institutions. This theory demonstrates how social reactions influence the image of bureaucracy. Even honest officials may suffer due to the negative perception created by widespread deviance within the system.¹²¹⁴

FRUSTRATION AND STRESS THEORY

Administrative work often involves immense pressure, political interference, excessive workload, lack of promotions, and occupational stress. Continuous frustration may result in aggression, negligence, abuse of authority, or corruption. Officials who were facing dissatisfaction within the system may develop cynical attitudes toward public service. Such frustration weakens ethical commitment and increases the likelihood of deviant behavior. This

theory emphasizes that bureaucratic deviance is not always motivated by greed alone, workplace stress and emotional dissatisfaction also play significant roles.¹²¹⁵

RATIONAL CHOICE THEORY

Rational Choice Theory explains that individuals engage in deviant behavior after carefully evaluating the potential benefits and risks associated with their actions. In the context of bureaucracy, an official may choose to engage in corruption when the anticipated rewards, such as financial gain, power, or personal advantage, outweigh the perceived risk of detection and punishment.

Derek B. Cornish and Ronald V. Clarke, *The Reasoning Criminal: Rational Choice Perspectives on Offending* (New York: Springer-Verlag, 1986), 1–16. This decision is often influenced by factors such as weak vigilance mechanisms, delays in legal proceedings, political protection, lack of transparency in administrative processes, and ineffective disciplinary systems. When accountability measures are weak and enforcement agencies fail to act promptly, bureaucrats may believe that they can avoid consequences for their misconduct. Such perceptions reduce the fear of punishment and encourage unethical behavior. As a result, corruption becomes a rational and profitable choice for some officials. The theory therefore highlights how institutional weaknesses and inadequate oversight create an environment in which bureaucratic deviance can flourish and become a recurring practice.¹²¹⁶

CHAPTER – III

TYPES AND FORMS OF BUREAUCRATIC DEVIANCE

Bureaucracy is an important functioning body of democratic government. The activities done by the bureaucrats directly have a link between the state and the people by implementing laws, executing government policies and ensuring the

¹²¹³ Travis Hirschi, *Causes of Delinquency* (Berkeley: University of California Press, 1969), 16–34.

¹²¹⁴ Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: Free Press, 1963), 9–19.

¹²¹⁵ John Dollard, Neal E. Miller, Leonard W. Doob, O. H. Mowrer, and Robert R. Sears, *Frustration and Aggression* (New Haven: Yale University Press, 1939), 1–25.

¹²¹⁶ Derek B. Cornish and Ronald V. Clarke, *The Reasoning Criminal: Rational Choice Perspectives on Offending* (New York: Springer-Verlag, 1986), 1–16.

general public welfare. Since they are executing important functionaries of government they are respected to function with honesty, accountability, discipline, neutrality and without any bias. When these public officials misuse their power are to act accordingly to their ethical and legal standard it results in bureaucratic deviance.

This bureaucratic divisions not only confined to particular act of corruption or missed conduct it always in several forms differentiating from their nature for example bribery abuse of power administrative negligence favoritism and hidden practices and organization culture. The unethical unlawful activities gradually make the government institution weak and cause of damage to the public confidence, delay in justice and major obstacle to the social development. These forms of divisions committed by the bureaucrats was often differ according to the nature of their administrative powers, political environment and institutional culture in some certain cases the deviances occur out of personal greed situation and financial benefits. In some other cases these deviances arise out of political pressure misuse of discretionary power or administrative systematic corruption within institution.¹²¹⁷

CORRUPTION AND BRIBERY

Corruption is considered as one of the most common forms of bureaucratic deviance and its scope does not confines with bureaucratic administration itself. It expands to all forms of administrative activities like police, judicial system and public officials who are responsible to ensure law and order, welfare of the people and security of the society. It refers to the misuse of public office for obtaining private gain. Bribery which also forms important part of corruption, when the public official accepting money, gift, favor or other benefits for performing their official duty or avoiding their official duties. The corruption exists in different levels of the

administration of the government it may involve small payments demanded for the routine service which forms the part of their official duty commonly refer to as “Petty corruption” and a large financial scam involving contracts public projects and allocation of resources known as “Grand corruption”.

In many government offices the general public were forced to pay bribes for getting services that is falls under the scope of their legal right such as training licenses, certificates, government welfare benefits or approvals such practices create inequality among general population below the economic level suffer while those who have money and influence receive benefits and reputed treatment in government offices.¹²¹⁸

ABUSE OF OFFICIAL POWERS

The abuse of power when the bureaucrats responsible for the execution of the government policy mis uses their power the authority and using it for their personal political and discriminate tree purposes since bureaucrats process administrative discretionary power and own decision-making authority there is always a possible risk of misuse of such power when the supervisory and accountability mechanism are weak. Abuse of power may take different forms such as harassment of citizens, arbitrary discretion power, illegal detention or coercion threatening subordinate employees and manipulation of the official procedures. Such misuse of authority often causes damages to the democratic value and creates fear among the citizens it also causes us to Erode public trust and the administrative system and while it's constitutional principles of equality fairness and rule of law.¹²¹⁹

NEPOTISM AND FAVORITISM

Nepotism and favoritism are the important forms of bureaucratic deviance. Providing or granting and in unconditional advantages to the

¹²¹⁷ Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley: University of California Press, 1978), 956–1005.

¹²¹⁸ Public Administration, 7th ed., McGraw Hill Education, New Delhi, 2021, pp. 18–22.

¹²¹⁹ Mohit Bhattacharya, *New Horizons of Public Administration*, 8th rev. ed. (New Delhi: Jawahar Publishers & Distributors, 2018), 286–289.

friends, family, relatives or close associates in appointments promotion contracts or administrative decision. Nepotism affects the efficiency of the administration because appointment made on the basis of personal connection instead of their capability and competence. It also discourages talented individuals and also creates this satisfaction among the employees and citizens.

Favoritism similarly involves providing preference to certain individuals based on their personal relationship with the person rather than their merit and capability. This forms of deviance commonly observed in the Government recruitment process, allocation of the government benefits and contractual distributions. In some case the influential individuals receive an advanced treatment and preferences while the deserving candidates were ignored.

MISUSE OF PUBLIC FUNDS

Public funds are the lump sum of amount allocated by the government for the welfare development and public administration process. when bureaucrats divert embezzle or misuse the government money for obtaining personal benefits it constitutes to financial deviance. It may include false billing, fake expenditure, diversion of welfare funds, manipulation of financial records, illegal commissions in contracts and embezzlement of government resources.

Such misconduct directly affects public welfare as the money intended for healthcare, education, public infrastructure and poverty alleviation fails to reach people because of the financial deviance by bureaucrats. This forms of financial deviance not only causes damages to the economy but also deepens the poverty and inequality among the society based on economy.¹²²⁰

¹²²⁰ 2G Spectrum Case, (2012) 3 SCC 1 — concerning irregular allocation of public resources and loss to the public exchequer.

¹²²¹ National Human Rights Commission, Guidelines on Custodial Deaths, Torture and Human Rights Protection, emphasizing accountability of public officials in custody-related matters.

CUSTODIAL MISCONDUCT AND HUMAN RIGHTS VIOLATION

The bureaucrats especially in law enforcement and prison administration often involve in custodial deviance. This includes custodial torture, physical abuse, verbal abuse, illegal detention and denial of legal right and inhumane treatment of individual in custody. These activities not only cause damages to individual liberty also stays as a strain to the constitutional values. It often includes abuse of police powers, forcing to give false confession, illegal arrest, and discrimination on weaker sections of the society.

Human rights violation by the public official causes crucial damages to the justice system and systematical it erodes public trust on justice system which is described as constitutional failure. The democratic system does not function properly and effectively when the administrative authorities misuse the power against the people whom they are paid to serve.¹²²¹

LEAKAGE OF CONFIDENTIAL INFORMATION

Bureaucrats often handle very sensitive information relating to government secrets, national security, financial policies, administrative decisions and public welfare program. The unauthorized disclosure of such sensitive information for obtaining personal benefits, political benefits or financial benefits constitute deviant behavior.

The confident information may get leaked to political groups, business organization or criminal networks, so that they can use such sensitive information to constitute unethical and illegal activities. such misconduct may cause threat to National security, economics stability and compromise public trust among the administrative system of the country.¹²²²

¹²²² Central Civil Services (conduct) Rules, 1964, Rule 11, Restricting government servants from communicating official information without authorization.

CHAPTER – IV

LEGAL FRAMEWORK TO ADDRESS BUREAUCRATIC DEVIANCE AND ANTI CORRUPTION MECHANISM IN INDIA

In modern democratic country like India, the corruption and bureaucratic deviance is described as one of the crucial threats to good governance of the country. It compromises administrative efficiency and erodes public trust by recognizing this the government has made variety of comprehensive legal and institutional framework to prevent misconduct among public official. These institutional frameworks not only vested to provide punishment to the wrongdoer but also plays a major role to increase transparency in government process, accountability of the public official and to provide ethical conduct in public administration. The Indian anti-corruption has evolved along with the constitutional provision, statutory enactments, vigilance institutions, investigative agencies and citizen centric mechanism. All this framework collectively forms a multilayered protection system which aims to ensure that public power is exercise only in the interest of public instead of personal gain.¹²²³

CONSTITUTIONAL FRAMEWORK AND ACCOUNTABILITY

The constitution of India is the largest written constitution in whole world but the term corruption is not explicitly defined in any part of it however the fundamental principles of the constitution of India provide the foundation for transparency and accountability in public governance. The constitution envisioned the welfare of the state government by rule of law equality justice and public accountability.

Article – 14

The article 14 of the Indian constitution guarantees equality before law and equal protection of law. The deviance always occurs in means of favoritism. Nepotism and misuse of

power which directly affects the core principles of the constitution by getting an unfair advantage to certain individuals or groups of individuals

Article – 21

Article 21 also plays a crucial role in upholding the constitutional supremacy which provides the right to life and personal liberty to every citizen. Article 21 has been interpreted by many judicial proceedings to include right to fare and corruption free administration similarly the directive principles of State policy also encourage the establishment of social order based on transparency, accountability, fairness and integrity.¹²²⁴

PREVENTION OF CORRUPTION ACT 1988

The prevention of corruption act 1988 is the principal legislation which is enacted by the government of India to combat against corruption among public officials. In India it consolidates the corruption provisions and provides a complete legal framework for investigation and prosecution of the offender in matters relating to corruption in public governance. The act not only explicitly provided with punitive provisions it also includes various forms of misconduct such as accepting illegal gratification, abusing official position for obtaining personal benefits, misuse of public resources for personal gain and obtaining valuable objects through corrupt means. One of the important features of the prevention of corruption is that the recognition of corruption is not limited to direct bribery which also includes situations where public servants who are in duty to serve public misuse their authority to obtain undue benefits on others. In the initial stage the prevention of the corruption act 1988 was weak in its enforcement but after the amendment made in 2018 which strengthen the core of the act which introduces strict provisions concerning bribery and enhanced accountability mechanism in public governance

¹²²³ Lokpal and Lokayuktas Act, 2013, establishing independent anti-corruption institutions for inquiry and investigation of corruption allegations against public officials.

¹²²⁴ V. N. Shukla, Constitution of India, revised by Mahendra Pal Singh, 14th ed. (Lucknow: Eastern Book Company, 2020), 95–103.

amendments also criminalizes the act of giving bribes and certain circumstances were introduced success time bones procedural protocols for investigation and trial procedures. The prevention of corruption act plays a predominant role in Indian legal response to bureaucratic deviance and administrative corruption.¹²²⁵

LOKPAL AND LOKAYUKTA ACT 2013

Due to the unconditional rise in the number of corruption allegations on the public officials which significantly demanded for the independent anti-corruption mechanism combat against the corruption among public officials. The Anti-corruption ombudsman gained momentum due to the increasing public concern regarding corruption in the government institutions this eventually led to the enactment of Lokpal and Lok Ayukta act of 2013. This Lokpal act plays a vital role by providing a legal framework for addressing corruption at National level and Lok Ayukta in state level. These body functions as independent authority empowered with powers to enquire into allegations of corruption against public officials. The Lokpal has jurisdiction over higher ranking public functionaries including minister, member of parliament and certain categories of public servants can order preliminary inquire, investigation at the initial stage and recommend prosecution where sufficient evidence exists for corruption. The significance of Lokpal lies in its independence from executive control this Lokpal unlock Ayukta where it designed to provide the citizens with the credible mechanism for reporting corruption without any fear of political influence although the challenges relating to the implementation and staffing of these acts have emerge as a crucial challenge and the institution represents an important step towards strengthening accountability in public administration.¹²²⁶

¹²²⁵ Prevention of Corruption (Amendment) Act, 2018, introducing amendments relating to bribery, criminal misconduct, prior sanction, and liability for giving bribes.

¹²²⁶ Lokpal and Lokayuktas Act, 2013, §§ 14, 20 and 25, dealing with jurisdiction over public servants, preliminary inquiry, investigation, and prosecution.

CENTRAL VIGILANCE COMMISSION

The central vigilance commission serves as a predominant vigilance institution in India. Originally established in 1964 based on the recommendations made by the Santhanam committee on prevention of corruption and later received statutory status through legislation. The vigilance commission services the independent body responsible for continuous monitoring, vigilance administration within the central government department, public sector enterprises and other public organizations. The main objective of the vigilance committee is to conduct continuous supervising of vigilance activity and advising the government department on disciplinary matters reviewing corruption cases and answering the proper functioning of the Anti-corruption measures and its effective implementation. Although the major disadvantage of this commission is that it does not process direct prosecutor powers, its recommendations and oversight function play a crucial role in detecting and preventing bureaucratic misconduct. The central vigilance commission also promotes vigilance by identifying probable systematic weaknesses that provide opportunities for the public officials to involve in corruption and recommending possible reforms to address such lacunas.¹²²⁷

RIGHT TO INFORMATION ACT 2005

The enactment of The Right to information act of 2005 has significantly transformed the relationship between the citizens and public authorities. This act empowers the citizens to seek information relating to public matter, government decisions, expenditure, administrative actions and public policies. The transparency in governance is one of the fundamental aspects of the constitution and this Right to information act plays as a tool to protect constitutional principles. The transparency is one of the most effective tools against corruption

¹²²⁷ Central Vigilance Commission, established on the recommendations of the Committee on Prevention of Corruption (Santhanam Committee) and granted statutory status under the Central Vigilance Commission Act, 2003.

when government records relating to its expenditure decision policy were made easily accessible to the public it reduces the opportunity of secrecy manipulation and abuse of power or significantly reduced. By promoting transparency and citizen participation in governance this act plays as a preventive mechanism against bureaucratic deviance rather than merely a punitive one.¹²²⁸

WHISTLE – BLOWERS PROTECTION ACT 2014

One of the major obstacles in combating against corruption among the public official is the fear of retaliation faced by the individual who takes steps to expose wrongdoings. To address this concern the Indian government has enacted the whistleblower's protection act 2014. The main objective of this act is to provide a legal mechanism for receiving complaints regarding corruption abuse of power and misuse of authority by the public servants it also aims to protect the individual identity of the person who raises complaints against the corruption, abuse of power misuse of authority by keeping the identity of the complainant as a confidential information. This reduces possible risk and victimization of the person who raises complaints against the public servant. The whistleblower often plays a crucial role in uncovering large scale of corruption scandals that remains hidden and from public scrutiny. Many major scandals have come to light because of the courage that individuals have been provided by the result of the whistle blower production act. But the implementation of this act has faced practical challenges, The existence reflects the recognition that effective anti-corruption efforts require protection for those who speak against the wrong doings in public duty.¹²²⁹

SERVICE CONDUCT RULES FOR BUREAUCRATS

Service conduct rules are the basic set of principles and regulation which were made to govern the behavior, ethics and responsibilities

of the civil servant and to enhance their performance in official duties. These rules were especially made to ensure integrity, accountability, neutrality and efficiency in public administration. It was primarily governed by the central civil service (conduct) rules 1964 for the purpose of reducing bureaucratic deviance. The primary purpose of these rules is to enhance the public trust towards the government institution and ensure that the bureaucrats perform their duty with utmost honesty and integrity without any partiality and bias. Since civil servants play a crucial role in implementing the government welfare policy and delivery public services, so their conduct will directly affect the effective functioning of the governance and sacrifices public welfare.

MAJOR CONDUCT RULES

1. A bureaucrat must maintain complete honesty and moral uprightness in all official and personal dealings. They should avoid corruption, bribery, misuse of public resources, and any activity that compromises their integrity.
2. Civil servants are expected to perform their duties diligently, efficiently, and responsibly. Negligence, delay, absenteeism, or careless performance of duties can amount to misconduct.
3. Bureaucrats must remain politically neutral and should not participate in political activities. They cannot publicly support political parties, contest elections without permission, or use their position for political purposes.
4. Civil servants must conduct themselves in a manner that upholds the dignity and reputation of public service. Their actions should inspire confidence among citizens and avoid any behavior that brings disrepute to the government.
5. A bureaucrat should not allow personal interests to influence official decisions.

¹²²⁸ M. P. Sharma & B. L. Sadana, Public Administration in Theory and Practice, 56th ed. (2019), pp. 544–547.

¹²²⁹ Whistle Blowers Protection Act, 2014; Central Vigilance Commission, Public Interest Disclosure and Protection of Informers Resolution (PIDPI

Resolution, 2004); M. P. Sharma and B. L. Sadana, Public Administration in Theory and Practice, 56th ed. (Allahabad: Kitab Mahal, 2019), pp. 547–550.

Any financial, family, or personal interest that conflicts with official duties must be disclosed and avoided.

6. Civil servants are generally prohibited from accepting expensive gifts, favors, or hospitality from individuals or organizations that may influence their official decisions. Limited exceptions may apply for customary gifts of nominal value.
7. A bureaucrat must not misuse official authority for personal gain or to benefit relatives, friends, or associates. Official powers should only be exercised for lawful public purposes.
8. Civil servants are required to protect confidential government information. Unauthorized disclosure of sensitive documents, policy decisions, or official records is prohibited.
9. Bureaucrats must manage their financial affairs responsibly. They are required to disclose certain assets and liabilities and avoid transactions that could create suspicion of corruption or illicit enrichment.
10. Civil servants must treat colleagues, subordinates, and citizens with fairness, respect, and courtesy. Harassment, discrimination, or abuse of authority is considered misconduct.

These service conduct rules serve as the ethical and legal foundation of the bureaucracy as they guide civil servants to maintain utmost integrity, fairness, accountability towards public as they were meant to serve for public and their welfare. The effective adherence to these rules strengthens good governance and enhance administrative efficiency and helps to build public trust in government institutions.¹²³⁰

¹²³⁰ Central Civil Services (Conduct) Rules, 1964, rr. 3, 3A, 4, 7, 11, 13, 15, 16, 18 and 20; All India Services (Conduct) Rules, 1968; M. P. Sharma and B. L. Sadana, *Public Administration in Theory and Practice*, 56th ed. (Allahabad: Kitab Mahal, 2019), pp. 553–556

¹²³¹ Vineet Narain v. Union of India, (1998) 1 SCC 226; M. P. Jain, *Indian Constitutional Law*, 9th ed. (Gurugram: LexisNexis, 2023), pp. 1185–1188; D.

CHAPTER – V

JUDICIAL INTERPRETATION OF BUREAUCRATIC DEVIANCE

1. VINEET NARAIN V. UNION OF INDIA (1997)

This case was emerged from the famous Hawala scandal, allegations were made towards the public officials and politicians regarding the illegal payments received for such hawala transaction. This case also emphasized that the investigation agencies like central bureau of investigation (CBI) were criticized for being inefficient and politically influenced. The supreme court of India directed the appropriate government to ensure absolute independence of investigation agencies especially in sensitive cases and matters that affects public at large. This case also provided guidelines for proper functioning of the CBI and Central Vigilance Commission.¹²³¹

2. MENAKA GANDHI V. UNION OF INDIA (1978)

This was a landmark case which provides a restriction on arbitrary bureaucratic actions and expanded the concept of administrative fairness. The passport of Menaka Gandhi was impounded by government without any proper reason and raised a concern regarding arbitrary exercise of administrative powers. In this case the supreme court held that every administrative action must be fair, reasonable and non-arbitrary and the government officials must respect the principles of natural justice.¹²³²

3. S.P. GUPTA V. UNION OF INDIA (1981)

This case addressed issue regarding transparency in government functioning

D. Basu, *Introduction to the Constitution of India*, 23rd ed. (Gurugram: LexisNexis, 2019), pp. 468–470.

¹²³² Maneka Gandhi v. Union of India, (1978) 1 SCC 248; M. P. Jain, *Indian Constitutional Law*, 9th ed. (Gurugram: LexisNexis, 2023), pp. 1088–1095; D. Basu, *Introduction to the Constitution of India*, 23rd ed. (Gurugram: LexisNexis, 2019), pp. 136–142.

and disclosure of official information. In this case the supreme court emphasized openness in the government and recognized the importance of transparency in democratic governance especially in public official duties.¹²³³

4. CENTRAL FOR PUBLIC INTEREST LITIGATION V. UNION OF INDIA (2G SPECTRUM CASE 2012)

This landmark case made a significant change towards the bureaucratic transparency in allocation of public resources and made a remarkable procedure to strengthen administrative accountability. In this case the allocation of 2g spectrum licenses was challenged on the allegations of favoritism and corruption and abuse of administrative discretion by government official. By the judgement the Supreme court of India has cancelled around 122 telecom licenses which was granted on grounds of favoritism rather than capability.¹²³⁴

5. SUBRAMANIAN SWAMY V. MANMOHAN SINGH (2012)

This case concerned on delays by government authorities in granting sanctions to prosecute public servant who were accused of corruption. The Supreme court of India held that the decisions regarding prosecution should be made within reasonable time without any unnecessary delays. By this pronouncement the judiciary body prevents bureaucratic delays from shielding corruption.¹²³⁵

CHAPTER – VI – CONCLUSION

Among various administrative challenges the bureaucratic deviance is considered as one of the important challenges which needed to be addressed as soon as possible because it can erode public trust and reduces the

administrative efficiency and hinders the achievement of the government. The bureaucratic deviance appears in various form such as corruption, abuse of power, favoritism, negligence, red tapism and misuse of the official authority. While bureaucrats are expected to function with neutrality without any bias on any means and poses accountability and professionalism in higher manner. The study of bureaucratic deviances highlights that such types of misconduct by the public officials is often influenced by organizational culture, lack of transparency and weak accountability mechanism, political interference and personal interest however measures like legal safeguards, vigilance institution, ethical course, administrative reforms and judicial intervention have played a significant role in controlling such practices. The landmark judicial decisions made by various courts have further reinforce with the principles of transparency, fairness, accountability in public administration. In the contemporary Era combating bureaucratic deviance requires a multidimensional approach involving strong institutional oversight, effective anti-corruption measure and citizens participation. The Digital governance also plays a crucial role in reducing the opportunities for Deviance and creates a fear of exposure in the minds of public officials. Ultimately an account of transparent and citizen centric bureaucracy is crucial for ensuring good governance, strengthening democracy and promoting sustainable social and economic democracy.

REFERENCES:

BOOKS

- Becker, Howard S. *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press, 1963.
- Bhattacharya, Mohit. *New Horizons of Public Administration*. 8th Revised Edition.

¹²³³ S.P. Gupta v. Union of India, 1981 Supp SCC 87; M. P. Jain, *Indian Constitutional Law*, 9th ed. (Gurugram: LexisNexis, 2023), pp. 1508–1515; D. D. Basu, *Introduction to the Constitution of India*, 23rd ed. (Gurugram: LexisNexis, 2019), pp. 244–246.

¹²³⁴ Centre for Public Interest Litigation v. Union of India, (2012) 3 SCC 1; M. P. Jain, *Indian Constitutional Law*, 9th ed. (Gurugram: LexisNexis, 2023), pp. 1265–1269; D. D. Subramanian Swamy v. Manmohan Singh, (2012) 3 SCC 64;

Prevention of Corruption Act, 1988, § 19; M. P. Jain, *Indian Constitutional Law*, 9th ed. (Gurugram: LexisNexis, 2023), pp. 1270–1272. (Gurugram: LexisNexis, 2019), pp. 470–472.

¹²³⁵ Subramanian Swamy v. Manmohan Singh, (2012) 3 SCC 64; Prevention of Corruption Act, 1988, § 19; M. P. Jain, *Indian Constitutional Law*, 9th ed. (Gurugram: LexisNexis, 2023), pp. 1270–1272.

New Delhi: Jawahar Publishers & Distributors, 2018.

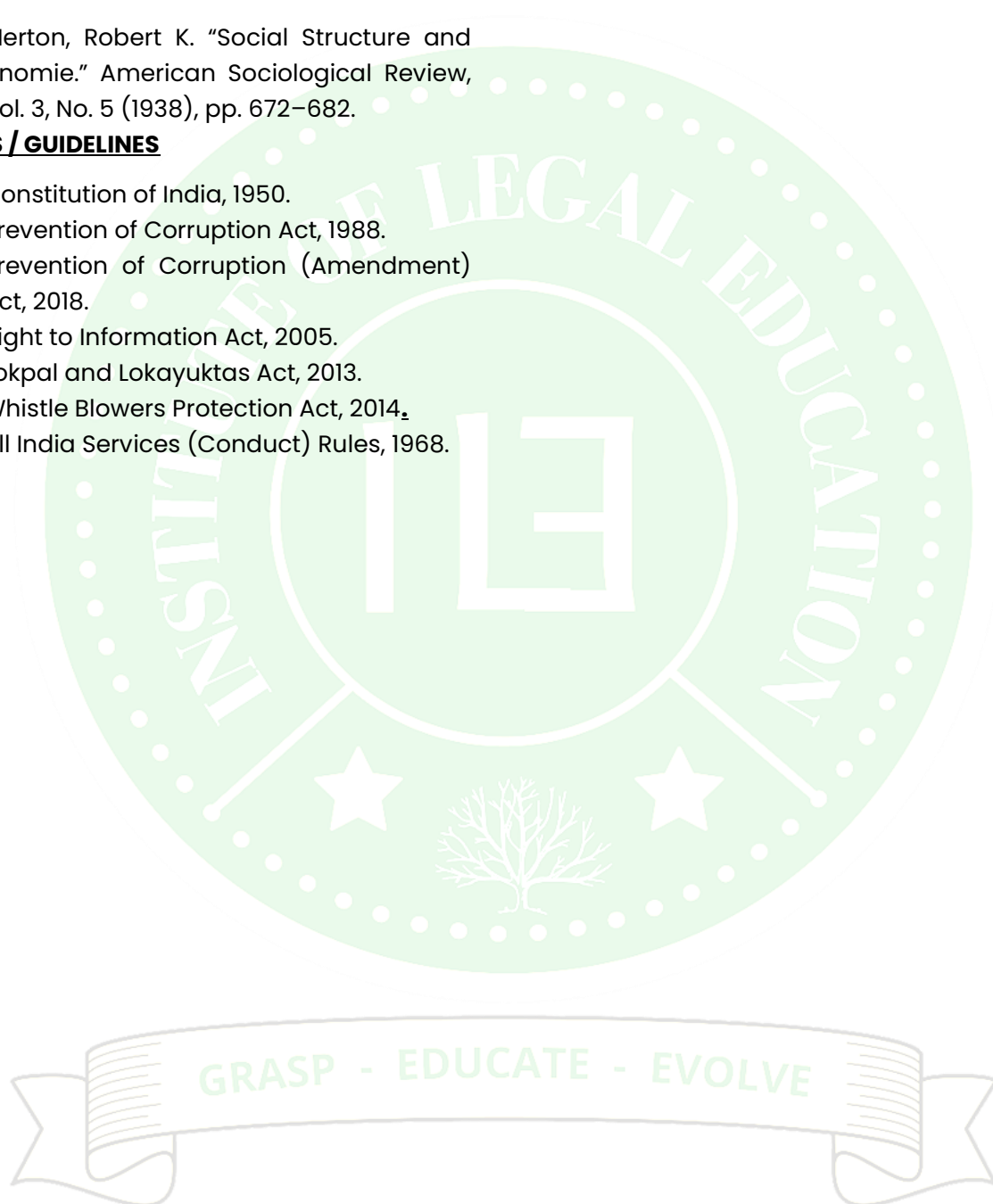
- Cornish, Derek B., and Ronald V. Clarke. The Reasoning Criminal: Rational Choice Perspectives on Offending. New York: Springer-Verlag, 1986

JOURNAL

- Merton, Robert K. "Social Structure and Anomie." American Sociological Review, Vol. 3, No. 5 (1938), pp. 672–682.

REPORTS / GUIDELINES

- Constitution of India, 1950.
- Prevention of Corruption Act, 1988.
- Prevention of Corruption (Amendment) Act, 2018.
- Right to Information Act, 2005.
- Lokpal and Lokayuktas Act, 2013.
- Whistle Blowers Protection Act, 2014.
- All India Services (Conduct) Rules, 1968.





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ISSN 2583-2344



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