# ECONOMIC SCIENCES

## CORPORATE GOVERNANCE IN INDIA: FEATURES AND DEVELOPMENT

**Djalilov F.**
*Associate professor Corporate Governance Department*
*Tashkent state university of economics*
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**Abstract**

The relevance of corporate governance is brought to light in the context of India. It highlights the importance of good governance principles in ensuring the effective operation of businesses by building a value framework that is founded on ethical standards. Despite the fast changes that are occurring in the business environment and the developing laws that are being imposed by global agencies, corporate governance is considered to be a crucial component in India for the purpose of providing residents with a high quality of life. Furthermore, it discusses the legislation and legislative efforts that are intended to enhance the corporate governance standards that are now in place in the nation. As a whole, highlight the significance of corporate governance in terms of its role in promoting transparency, accountability, and responsible decision-making inside organizations, so making a contribution to the enhancement of sustainable economic growth and the general well-being of populations.

The focus lies on delineating the rights and responsibilities of corporate constituents, ensuring long-term relationships, checks, and balances, and effective communication between management and investors. It discusses regulatory measures and legislative initiatives aimed at enhancing corporate governance practices within the country.

**Keywords:** Corporate Governance, Ethical Standards, Good Governance Principles, Global Regulations.

### Introduction

Corporate governance, which is a basic idea in contemporary business practices, comprises a wide range of concepts and methods that are designed to ensure that organisations adhere to ethical standards of behaviour, transparency, and accountability. Corporate governance is often understood to be a system that directs the management and control structures of corporations; yet, its relevance goes well beyond the realm of simple organisational governance; it defines the socio-economic landscapes of countries and impacts the dynamics of the global economy.

Over the course of the early 1990s, the conversation about corporate governance in India has acquired a substantial amount of momentum. This is a direct result of instances of corporate misbehaviour and the requirement for enhanced monitoring systems. In order to strengthen corporate governance procedures, comprehensive frameworks and rules have been developed as a consequence of initiatives that have been spearheaded by regulatory agencies such as the Securities and Exchange Board of India (SEBI). Important insights and suggestions for improving governance standards that are customised to the Indian corporate climate have been supplied by committee reports, including those that were led by industry veterans such as Kumar Mangalam Birla and Naresh Chandra. Considering that India is establishing itself as a significant participant in the global economy, the importance of governance and transparency has become of the utmost importance. This is in line with the nation's goals of achieving sustainable economic development and gaining the trust of investors.

Through the use of insights gleaned from historical views, regulatory frameworks, and stakeholder dynamics in India, the purpose of this article is to investigate the many layers that comprise corporate governance. It strives to untangle the complexities of governance practices by contrasting and analysing these situations. It also seeks to uncover parallels, differences, problems, and possibilities, and it offers ideas that may be put into action to advance corporate governance agendas in both nations. Using this comparative perspective, the study intends to make a contribution to the larger debate on corporate governance and the crucial role it plays in promoting investor trust in developing and transitional nations as well as supporting sustainable economic growth.

### Literature review

As a result of “the fact that there is a separation between ownership and management in the modern businesses of today, the examination of the relevant literature reveals that the relevance of corporate governance may become even more important in the future. It is expected that the interests of shareholders will be in direct conflict to those of management. To put this another way, it is anticipated that this will be the case. For this reason, the majority of businesses are forced to deal with the principal-agent issue. This is because the interests of the many stakeholders in the company are drastically different from one another. The issues that the company is facing in terms of management and direction are a clear indication of this dilemma. Because of this, there is no one definition that can be considered suitable for comprehending the underlying concept of corporate governance from a variety of perspectives. According to La Porta (2000), the method of decision-making that is used by top-level managers is directly impacted by the corporate governance that is in place. According to Shleifer (1999), the term "corporate governance" refers to the framework that provides assistance to financial institutions in assuring the security of their return on investment. Pei (2004) provided an explanation in which it was said that corporate governance is the process that controls and directs the organisation. This was mentioned in the definition that was provided. Additionally, the main rights, responsibilities, and obligations of the stockholders and board of directors are established by corporate governance." The shareholders and the board of directors are supplied with support in terms of decision-making, and the board of directors is also provided with assistance.

When it comes to "the field of corporate governance studies in India, there is a substantial level of variability and fragmentation across a wide range of other academic fields. Finance, corporate governance processes, earnings management, company performance, firm value, and a few other challenges are some of the topics that fall under this category. Different areas have been investigated with corporate governance such as corporate illegality (Kaur, 2017), financial disclosure, equity internal control disclosure (Ashfaq & Rui, 2019), international competitiveness, ownership (Gollakota & Gupta, 2006), quality of financial information, regulatory and market model (Sehgal & Mulraj, 2008), risk reporting (Saggar & Singh, 2017), Satyam failure (Narayanaswamy et al., 2015), stock market volatility and efficiency, sustainability and talent management (Chahal & Kumari, 2013).The vast bulk of research on corporate governance in India is focused on the relationship between financial performance and governance. In some cases, the results of these studies are in direct opposition to one another, while in other cases, the conclusions of these studies are not compatible with one another. There is a link between the indices of corporate governance and the financial success of a firm, according to a number of studies that have been conducted on the subject. According to the findings of other research, certain aspects of corporate governance have only a positive impact on the performance of companies. These aspects include a larger board size and the attendance of board members (Bhatt & Bhattacharya, 2015), promoters' ownership (Mishra & Kapil, 2017), board age diversity (Kagzi & Guha, 2018), board size and CEO Chairman dual role (Bansal & Sharma, 2016), independent women directors (Sanan, 2016), board independence, board size, and busyness. In a way that is paradoxical, a number of studies have suggested that the characteristics of corporate governance do not have any link to the performance of organisations. To illustrate, it has been stated by all of them that the performance of the company is not significantly affected by factors such as the gender and tenure diversity of the board, the independence of the audit committee and the frequency of its meetings, the presence of independent directors on the board, and the independence of the board. On the other hand, Bhatt and Bhattacharya (2017) revealed that the board structure of family firms has a negative impact on the performance of the company when compared to the board structure of nonfamily enterprises. Palaniappan (2017) also found that there is a statistically significant negative association between the size of the board of directors and the success of the firm. This relationship was shown to be inversely proportional to the size of the board." According to the findings of Kagzi and Guha (2018), the existence of a broad educational background has a negative influence on the success of an organisation inside the business.

**Why is corporate governance important?**

Corporate governance has been more important in recent times. To be more specific, it is thought that the essential components of corporate governance have a favourable influence on the economic growth of individuals and nations. The privatisation of corporations is one of the factors that has contributed to the rise in the significance of company governance. In today's world, the majority of businesses are seeking funding from the public sector, and the majority of partnerships are transitioning their organisational structure to that of corporations in order to get cash. The advancement of technology is the second significant factor that may be taken into consideration when attempting to explain the growth and crucial relevance of the corporation. This is something that may be described in further depth by the liberalisation and openness of an increasing number of nations to participating in international commerce. The creation of corporate governance was a direct consequence of the fact that resource allocations have become much more prevalent and harder to monitor as a result of this. The third point, but certainly not the least, is that the growing popularity of corporate governance may be explained in connection to the growing significance of financial intermediaries. These intermediaries were developed as a result of the mobilisation of money from the fundamental owner. In addition, several channels that have the potential to impact the expansion and development of corporate governance were identified as a result of the critical assessment of the literature. To begin, corporations are able to increase their investment and development as a direct consequence of the growing access and availability of various possibilities for external finance. Additionally, it has the potential to result in the production of additional job possibilities. Two other major aspects that may be described as a consequence of the growing popularity of corporate governance are the decreased cost of capital and the high value of the companies. Both of these aspects are regarded to be crucial. settings that are more favourable for operational performance, which in turn leads to improved resource allocation and ultimately results in the generation of greater wealth. In order to lessen the likelihood of a financial crisis, which is seen as an essential factor for the development of the nation's economy, it is thought that excellent corporate governance practices should be established.

**The Role of Corporate Governance in Advancing the Economic Development of a Nation**

Currently, a number of enormous organisations are continuously controlling "the economic activities not only at the local level but also at the global level as well. This process is continuously taking place. Beyond the level of the local community, this control extends. The corporate governance systems that are used by these companies are, similarly, diverse from one another when viewed from this point of view. Taking this into perspective, it is crucial to point out that there is evidence to show that corporate governance has an influence on the speed of economic growth in the country. When taking into consideration the situation of banks, which play a large part in the economy of every nation, it is possible to assert that the most essential aspects, which ultimately result in the topic of broad public interest, are the banks' strength and their capacity to maintain stability over time.

As a consequence, it has been revealed that the practices of a successful corporate governance system are closely connected to the rising degree of public trust and confidence in the banking system. It is for this reason that this is regarded to be one of the most important factors that guarantees the efficient operation of the financial system and the economy as a whole. On the other hand, if the banks continue to function in an inefficient manner, there will undoubtedly be an increase in the number of banks that fail.

At this point in time, the vast majority of academics are interested in conducting research on the phenomenon of corporate governance. There exists a direct connection between the social and economic development of a country and the relevance of the policies and practices that are implemented by corporations in terms of governance. Furthermore, the topic of corporate governance has been widely discussed by academics from highly industrialised and developed.

Several of the points that have been discussed are summarised in the following list:

- For the purpose of gaining an understanding of the worldwide practices of corporations that operate according to the principles of corporate governance
- In order to draw the attention of investors, it is necessary to develop joint-stock businesses that are based on foreign direct investment and to strengthen the conditions of operations.
- The implementation of strategic management of joint stock enterprises, as well as the establishment of an efficient monitoring system for the staff of the company
- The goal is to educate young professionals on efficient methods of strategic management via close collaboration with the most prestigious institutions from across the world.

**Evolution of Corporatre Governance in India:**

Since Chanakya enlarged on “the fourfold obligations of a ruler in the third century B.C., namely Raksha, Vriddhi, Palana, and Yogakshema, the concept of good governance has been present for a very long time in India. This particular notion dates back to the ancient period. The protection of shareholders' wealth, the enhancement of shareholders' wealth through the appropriate utilisation of assets, the maintenance of shareholders' wealth through profitable ventures, and, most importantly, the protection of shareholders' interests: these are the principles that are referred to as the principles of corporate governance. The chief executive officer of the firm or the board of directors took the position of the monarch of the state as a result of these concepts. It was not until the early 1990s that the idea of corporate governance became a concern for Indian corporations. Prior to that time, books of law did not include a substantial quantity of references to this subject matter until that point. There were a lot of flaws in the system in India that were begging for changes and improvements in governance. These flaws have been a source of frustration for the government. The stock market activities that were inappropriate, the boards of directors that did not have suitable fiduciary responsibility, the inadequate disclosure rules, the lack of transparency, and the chronic capitalism were all examples of these shortcomings. For the objective of obtaining economic stability via liberalisation, the government was compelled to conduct reformative actions as a result of the fiscal crisis that arose in 1991 and the consequent necessity to approach the International Monetary Fund. After the economy was opened up and the liberalisation process started in the early 1990s, the momentum started to pick up, although slowly. This occurred after the opening of the economy. The Companies Act of 1956 was amended by the government in the year 1999 as part of the liberalisation process. These amendments were enacted in 1998. In the years 2000, 2002, and 2003, correspondingly, more changes were made after that one.The country of India has been the location of a number of notable corporate governance efforts ever since the middle of the 1990s.Both the Ministry of Corporate Affairs, Government of India (MCA) and the Security and Exchange Board of India (SEBI) played key roles in the execution of a number of reforms that were executed via a variety of various channels.” These reforms were implemented using a variety of different methods.

**A. Committee on Corporate Governance**

Raising Standards for Indian Companies' Boards of Directors Since the 1990s.

**1. Confederation of Indian Industries (CII):**

A taskforce was established by the Confederation of Indian Industries in 1995, and Rahul Bajaj, a well-known businessman, was the person in charge of it. "Desirable Corporate Governance" was the name of the code that was published by the CII in April of 1998. Among the many elements of corporate governance that it investigated, it was the first to criticise nominated directors and to advocate diminution of government holdings in corporations.

**2. Kumar Mangalam Birla Committee Report**

The conditions, especially in India, it was considered that a legislative code, as opposed to a voluntary code, would be more relevant given the circumstances. This was the case despite the fact that the CII code was well received by the business sector and that several progressive firms also accepted it. A committee was established in 1999 by the Securities and Exchange Board of India (SEBI), with Kumar Mangalam Birla acting as the chairman. This was the second key move that the SEBI made as a result of this situation. Encouragement and improvement of the norms of good corporate governance were the key goals of the committee. At the beginning of the year 2000, the Listing Agreement of the Stock Exchanges (SEBI) Board approved and validated the significant ideas that were prepared by this committee. These proposals were made by the committee. These suggestions were subsequently included into Clause 49 of the agreement and made permanent.

**3. Department of Corporate Affairs (DCA)**

He was appointed to the role of chairman of a broad-based research group that was created by the Department of Corporate Affairs in May of the year 2000. Dr. P. L. Sanjeev Reddy, who is the Secretary of the Department of Corporate Affairs, became the head of the committee. The group was given the challenging task of studying techniques to "operationalise the concept of corporate excellence on a sustained basis." This was an ambitious aim. In order to "sharpen India's global competitive edge and to further develop corporate culture in the country," the objective of this assignment was to be accomplished. One of the items that was included in the report that was produced by the Task Force on Corporate Excellence that was formed by the organisation in the year 2000 was a range of proposals for enhancing governance standards across all businesses in India. The report was released during the month of November.

**4. Naresh Chandra Committee Report**

In August of 2002, "the Ministry of Finance and Company Affairs established a committee, and Naresh Chandra was appointed to the position of head of the committee when it was established. The objective of the group was to conduct research and give suggestions about a variety of amendments to the law, including those that apply to the relationships between auditors and clients as well as those that entail the participation of independent directors." Independent audits and board supervision of management were two of the significant aspects of corporate governance that the committee proposed as potential opportunities for improvement within the organisation. Disclosures including both financial and non-financial information were also included on the list of suggestions.

**5. Narayana Murthy Committee Report in 2002**

The Securities and Exchange Board of India (SEBI) constituted a committee with Narayana Murthy serving as the chairman for the purpose of assessing the execution of the corporate governance code by listed corporations and the release of updated clause 49. The committee's goal was to examine both of these matters. A number of important recommendations were made by the committee, the majority of which focused on audit committees, audit reports, independent directors, related party transactions, risk management, directorships and director compensation, codes of conduct, and financial disclosures. Overall, the committee made a number of suggestions that were noteworthy.

**Challenges & Imperatives:**

1. In all of its dealings, a company ought to treat its stakeholders with fairness and to be honest about its activities. Due to the fact that firms in today's globalised business environment need to access global pools of money and need to recruit and retain the greatest human capital from all regions of the globe, this has become an absolute need. In order for a company to achieve success, it is necessary for the company to adopt and display ethical behaviour.
2. "Corporate Governance": What Does It Mean? It is a well-known truth that the organization's capacity to gather and make use of a wide variety of resources in order to accomplish the goals that were outlined in the planning process is one of the most important factors that determines whether or not the organisation will be successful.
3. When it comes to business, ethical behaviour is at the heart of corporate governance. The concept of ethics refers to the set of values and standards that a person ought to adhere to in order to be able to differentiate between right and evil. Furthermore, ethical difficulties are caused by the persons concerned having interests that are in conflict with one another.
4. It is not out of the question that in the pursuit of achieving the greatest possible financial or commercial outcomes, there may be efforts made to engage in activities that are on the verge of being unlawful or outright illegal. In addition, there is the potential of grey zones, which are situations in which an action is not unlawful but is seen as immoral. These give rise to ethical concerns.
5. The quick movement of four components across both national and international boundaries. The following are the components that make up capital: (i) physical capital, which includes plant and equipment; (ii) financial capital; (iii) technology; and (iv) labour.
6. It is essential to have robust corporate governance in order to have capital markets that are resilient and active. Additionally, it is a vital device for protecting investors.
7. In the process of raising funds from the market, investors have suffered as a result of dishonest management that has done far worse than the statistics that have been stated in the past. The concerns of investors were ignored by a significant number of corporations.
8. A company's board of directors and high level management should demonstrate that they are living up to the promises they make. Credibility may be earned by the top management if they demonstrate that they mean what they say. Additionally, this has a direct impact on the psychological well-being of an organisation.
9. With regard to the hardware component of corporate governance, we are confronted with the problem of a code, which serves as a point of reference for conduct. On the other hand, the unfortunate truth in our nation is that, despite the fact that there is a great deal of discussion on corporate governance, very little really takes place in the real world.
10. It is possible that the attitude of the people and the culture of the company is the most significant obstacle that we must overcome in order to achieve improved corporate governance. It is necessary for this shift to originate from inside.
11. Having the awareness that the spirit of corporate governance is ultimately more essential than the form is another crucial component to take into consideration. It is more vital to focus on substance than style. Values are the core of corporate governance, and in order to ensure that these values are put into reality, they

will need to be expressed in a way that is easily understood, and processes and procedures will need to be developed.

12. Next, we take a look at a typical ethical dilemma that arises while operating businesses. One may engage in activities that are within the bounds of the law but that are immoral. As a matter of fact, there are several instances in which tax planning activities may be on the verge of crossing the line between being completely legal and being blatantly unethical.

13. When it comes to corporate governance, being open, having integrity, and being accountable are the three most important components for any business organisation. These considerations take on a heightened level of significance when it comes to public sector banks.

**Conclusion**

The comparative examination of corporate governance in India is deeply integrated into the country's economic development agenda and influenced by global regulations from entities like the EEC, WTO, and World Bank. The focus lies on establishing a sturdy value framework and delineating the roles and responsibilities of various stakeholders.

Regarding the control of the Chief Executive Officer's position, it has always been a significant duty of board directors to oversee CEO performance and take action if necessary. Changes in the Board's Composition are also crucial; effective corporate governance relies on the caliber of board members. Many companies are moving towards boards with independent outside directors and a diverse range of backgrounds. Enhancements in Financial and Non-Financial Operations Disclosure are being made, with Asian companies adopting best practices in accounting, reporting, and disclosure prescribed by international standards. Certain Indian companies like Eicher Motors Ltd., HUL, HDFC, and Infosys Technologies are surpassing statutory requirements by providing comprehensive information in their annual reports. Reporting on Corporate Governance Practices has become essential as stakeholders now have broader interests beyond profit and loss statements and balance sheets. Initiatives by the Securities and Exchange Board of India mandate all Group "A" companies to include corporate governance reports in their annual reports, disclosing information about governance practices and fostering responsibility towards stakeholders. There's a trend towards linking Managerial Compensation with Performance to align interests more effectively, with a significant portion of compensation tied to management's value creation. Additionally, the introduction of Employee Stock Option Plans (ESOPs) aims to maximize employee participation in organizations by offering stock options.

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