GOOD GOVERNANCE IN INDIA

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Abstract *:* Governance refers to all processes of governing through which issues of common concern are decided upon and regulated. 'Governance' is the process of decision-making and the process by which decisions are implemented

Governance, as per the 12th Five Year Plan, is the management of all such processes that, in any society, define the environment which permits and enables individuals to raise their capability levels, on the one hand, and provide opportunities to realise their potential and enlarge the set of available choices, on the other. Where governance can be both good and bad, good governance is the responsible conduct of public affairs and management of public resources. Eight key attributes can characterize good governance. These include being participatory, consensus-driven, accountable, transparent, responsive, effective, efficient, equitable, and inclusive while adhering to the rule of law.

Key Words: Governance, Decision -Making, Transparent, Accountable, Responsive effective, Efficient Equitable

I. INTRODUCTION

Governance

Governance refers to all processes of governing through which issues of common concern are decided upon and regulated. 'Governance' is the process of decision-making and the process by which decisions are implemented (or not implemented).

Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance

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Good Governance

Good governance is a normative evaluative attribute to the process of governing. From a human rights perspective it refers primarily to the process where by public institutions conduct public affairs, manage public resources and guarantee the realization of human rights.

Eight key attributes can characterize good governance. These include being participatory, consensus-driven, accountable, transparent, responsive, effective, efficient, equitable, and inclusive while adhering to the rule of law. This framework ensures the reduction of corruption, consideration of minority perspectives, and the inclusion of the voices of the most disadvantaged members of society in decision-making processes. Additionally, good governance is attuned to both current and future societal needs.

History of Good Governance

The World Bank, in 1992, in its Report 'Governance and Development' defined Good Governance as The manner in which power is exercised in the management of a country's administration.

In ancient India, the King was bound by Raja dharma. Even epics like Mahabharata and Ramayana speak of principles of Good Governance followed by the king. Good Governance, thus, remains the key to a participatory form of government wherein those called upon to rule on behalf of the people are driven by a desire to give their all to make their lives more liveable.

Features of Good Governance

The Features of Good Governance are:

a . Provision of good education facilities that offer greater employability

b. Infrastructure development like Roads, Railways and Telecommunications etc.,

c. Ensuring the safety of public life as well as property

d. Provision of citizen centric services

e. Reducing inequalities in society

f. Enlarging the sphere of freedom of speech and expression, religion and employment

g. Creating a healthy business environment

h. Maintaining law and order

Stakeholders of Good Governance

The stakeholders involved in ensuring good governance are: a. State- It comprises the different organs of the Government, such as Legislature, Judiciary as well as the Executive. It also comprises other actors like Political Executives and Bureaucracy.

b. Market- It includes the corporate sector, the organised as well as the unorganised, ranging from large corporate houses to small scale businesses.

c. Civil society- It includes NGOs, pressure groups, trade associations, and media associations.

Principles of Good Governance

The 8 Good Governance principles ensure that every individual has a rightful say in the decision making and the government is responsive to the present as well as the future needs of the society.

The principles of good governance are:

1. **Participation**: Participation remains the key cornerstone of good governance. It can be ensured directly or through some intermediate institutions. It provides an opportunity to every individual to voice their opinion in the decisions of the government

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2. **Transparency**: The principle of transparency ensures that everyone equally accesses information related to policy decisions. It also means that not only is the information accessible, but it is also provided in an easily understandable form through accessible media.

3. **Rule of law**: The rule of law implies that the legal framework in the country is enforced impartially. It also means protecting the rights of the vulnerable sections of the population.

4. **Accountability**: Accountability is the answerability of the government for its decisions. It facilitates the responsibility of the government to the public. Not only the government but civil society and corporate groups, too should be accountable to the public.

5 **Responsiveness**: The principle of responsiveness ensures that the services of government and institutions are available to the public within a reasonable time frame.

6. Consensus oriented: It ensures that the decisions arrived at take into account the interests of every stakeholder in the society. This ensures that everyone accepts the decision and is in the best interest of the whole community.

7.Equity and inclusiveness: Good governance should ensure justice, be it in terms of political, economic or social, for the community. It strives to bring about an inclusive society where everyone has the opportunity to climb the ladder of growth.

8. Effectiveness and efficiency:

Good governance ensures that the processes and institutions produce results which meet the needs of the society by ensuring optimal utilisation of the available resources

A Model Code of Governance, drafted by a Committee of Chief Secretaries, lays out the principles of good governance and aims to establish standards for states to use in assessing their own performance on various topics:

1. Improving service delivery
2. Developing programs for weaker sections and backward areas
3. Technology and system improvement
4. Financial management and budget sanctity
5. Accountability and transparency
6. Public service morale & anti- corruption measures and
7. Incentivising reforms

Good Governance

Citizens all the world over look up to the nation-state and its organs for high quality performance. When good governance is guaranteed, citizens go about their personal business and pursuits with enhanced expectations. On the other side of the spectrum, bad or indifferent governance not only restricts opportunities of success but it can even degenerate into sectarian conflicts and civil wars. In such an atmosphere personal accomplishment as well as social achievements get severely restricted.

Good governance helps create an environment in which sustained economic growth becomes achievable. Conditions of good governance allow citizens to maximize their returns on investment. Good governance does not occur by chance. It must be demanded by citizens and nourished explicitly and consciously by the nation state. It is, therefore, necessary that the citizens are allowed to participate freely, openly and fully in the political process. The citizens must have the right to compete for office, form political party and enjoy fundamental rights and civil liberty.

Good governance is accordingly associated with accountable political leadership, enlightened policy-making and a civil service imbued with a professional ethos. The presence of a strong civil society including a free press and independent judiciary are pre-conditions for good governance. What is 'good' governance in the Indian context? The central challenge before good governance relates to social development. In his famous 'tryst with destiny' speech on 14 August 1947, Jawaharlal Nehru articulated this challenge as 'the ending of poverty and ignorance and disease and inequality of opportunities'. Good governance must aim at expansion in social opportunities and removal of poverty. In short, good governance, as I perceive it, means securing justice, empowerment, employment and efficient delivery of service

Access to Justice

Access to justice is based upon the basic principle that people should be able to rely upon the correct application of law. In actual practice there are several countervailing factors. Some citizens do not know their rights and cannot afford legal aid to advocate on their behalf. A related aspect is fairness of access as some people involved in the legal proceedings and large number of criminal prosecutions are not voluntary participants. The most severe challenge relates to complexity of adjudication as legal proceedings are lengthy and costly and the judiciary lacks personnel and logistics to deal with these matters. For example, at the end of 2006 over 4 million cases (42.42 lakhs) were pending in high courts and over 25 million (2.54 crore) in the sub-ordinate courts in the country. Systematic solutions are, therefore, needed for strengthening access to justice. At the same time ad hoc measures are required to provide immediate assistance to the needy citizens.

Rule of Law

The concept of good governance is undoubtedly linked with the citizens' right of life, liberty and pursuit of happiness. This could be secured in a democracy only through the rule of law. The rule of law is expressed through the axiom that no one is above the law. One has to clearly understand that the rule 'of' law is different from the rule 'by' law. Under the rule 'by' law, law is an instrument of the government and the government is above the law while under the rule 'of' law no one is above the law not even the government. It is under this framework that rule of law not only guarantees the liberty of the citizens but it also limits the arbitrariness of the government and thereby it makes government more articulate in decision-making. The rule of law as Dicey postulated is equality before law. This is secured through formal and procedural justice which makes independent judiciary a very vital instrument of governance. It is widely appreciated that human factors i.e. the quality of political leadership, the executive and judicial officials play important roles not only in upholding supremacy of rule of law and in efficient delivery of service but also in shaping traditions, customs and institutional cultures that are integral part of the liberal democratic machinery. In our constitutional system, every person is entitled to equality before law and equal protection under the law. No person can be deprived of his life or personal liberty except according to the procedure established by law. Thus, the state is bound to protect the life and liberty of every human being. In the majority opinion in Keshvananda Bharti vs

State of Kerala that "rule of law" and "democracy" were declared as the basic structures of the Indian constitution not amenable to the amendment process under article 368 of the constitution. It flows therefrom that the courts have the final authority to test any administrative action on the standard of legality. The administrative or executive action that does not meet the standard of legality will be set aside if the aggrieved person brings an appropriate petition in the competent court. A necessary corollary of this phenomenon is called 'judicial activism'. A large number of Public Interest Litigations (PILs) are filed in High Courts and the Supreme Court against the apathy of the executive. This has served us admirably but it has also highlighted the need for circumspection and self-restraint on the part of the judges in performance of this task. It's being increasingly felt that PIL is being misused by people agitating private grievances in the garb of public interest, in settling political scores and seeking publicity than espousing public causes and defending the deprived. Fortunately, in the case of Divisional Manager, Aravali Golf Club vs Chander Hass, a Division Bench of the Supreme Court in an order in December 2007 cautioned 'against judicial activism' and issued 'an unequivocal message to the judiciary' to restrain itself. Another matter of significance in the context of good governance relates to the fact that there are virtues of 'judicial creativity' but this phenomenon must not stifle 'executive creativity' particularly of officials working at grassroots level for they are in day-to-day contact with citizens and interact with them in myriad ways

Delivery of Services

The principal feature of the scheme of effective delivery of services needs to be seen in the context of the fact that demands have to flow from the bottom up and not the top down. It is true that both the Government of India and the State Governments have been allocating a fairly good size of public funds to health and education. A closer scrutiny of as to whom these facilities reach has revealed that public spending on health and education is typically enjoyed more by the non-poor. The schools and health centres in areas where poor live are often dysfunctional and extremely low in technical quality.

The three institutions which have played remarkable roles in improving public service delivery in India are:

The judiciary;
The media; and
The civil society

The independent character of the judiciary that the constitutional architecture has carefully provided has been of immense help. The judiciary has intervened meaningfully to correct failures in service delivery by the executive. Public Interest Litigation (PIL) has emerged as a powerful tool in the hands of individuals as well as nongovernmental organizations (NGOs).

In recent years, the High Courts and the Supreme Court have intervened in diverse matters to improve delivery of services, ranging from grant of pensions to superannuated officials to supply of foodgrains to individuals from public distribution networks. Unfortunately, the judiciary is saddled with millions of pending cases and is slow in delivering judgments. The nexus between lawyers, court staff and litigants often ensures that most cases get prolonged through the method of seeking adjournments. There are also no time limits for case disposals.

The media, both electronic and print, have emerged as a source of pressure for change. It has brought to the fore aspirations of the common people, which in turn has exerted enormous pressure on public officials to deliver goods. The emergence of a large number of non-governmental organizations in different fields ranging from environment to culture to education have become institutions that bring forward the concerns of the public with a degree of regularity. Along with micro-financing institutions, the self-help groups (SHG's) are emerging as institutions of social capital. SHG's have moved beyond credit and are doing commendable work in areas of marketing of commodities, distribution of age-old pensions, works related to community-based food security, dairy development and the like. The examples of application of information and communication technology to redressal of popular grievances have become matters of nationwide debate.

Administrative Responses

The Indian administrative scene is marked by few successful innovations and practices in public service delivery and a large number of pathetic performances.

The general weakness of accountability mechanisms is an impediment to improving services across the board. Bureaucratic complexities and procedures make it difficult for a citizen as well as the civil society to navigate

the system for timely and quality delivery of services. The lack of transparency and secrecy that have been associated with the administrative system from colonial times, besides generating corruption, has also led to injustice and favouritism.

The frequent transfer of key civil servants has enormously contributed to failures in delivery of services. In some states, the average tenure of a District Magistrate is less than one year. Development projects have also suffered as a result of frequent changes in project directors.

Another important factor in delivery of services relates to the role of political leadership. In a State where the Chief Minister has been reform oriented, it has invariably resulted in better delivery of services. Similarly, bipartisan consensus across party lines on delivery of services too has helped enormously. Stable governments with clear majority in the State assembly too have contributed to better service delivery.

The political realities vary from state to state and from time to time. Stable governments with a clear majority in the State Assembly are always better positioned to carry out the vision of the Chief Minister than fragile coalition governments which are required to make compromises to remain in power almost on a daily basis. My own experience has shown that when the political leadership granted key civil servants' direct access, it was possible to resolve issues that might have got complicated due to factional interest of political leaders at the grass-root levels or through conflicting circulars of the State Government. Public signalling of support by the state leadership always helps civil servants reach the poor people by ignoring political interferences that are aimed at securing individuals or group interests of comparatively better off people in the society.

It is common knowledge that people seeking access to healthcare or livelihood facilities are required to pay several visits to multiple government offices located in different parts of the district headquarters. In recent years, several States have harnessed information technology to make it easier for citizens to interact with the authorities. Karnataka, for example, has made available land records for some 20 million farmers by placing them online under its Bhoomi Initiative. The public distribution system, admission to schools, health records of citizens are all amenable to information technology applications and that in turn will make delivery of services much better.

The individual initiative and commitment of a Project Director or a District Magistrate is crucial not only to innovation and application of new methods in delivery of services but to overall image of administration and in its responsiveness towards the needs of the people. The message is clear that when properly empowered by political leadership, a Project Director or a District Magistrate can be transformed into an effective instrument not only for innovation in service delivery but also for its quality and delivery on time.

Capacity Building

Capacity building at all levels of an organization is widely perceived as the most important approach to achieve quality of services and customer's satisfaction. In a federal democracy, decentralization of power is viewed as necessary to empower people in rural and urban areas to improve their lot. The empowerment of the local levels of administration would foster confidence and enable more individuals even outside the bureaucracy to come forward to handle community needs and enhance public good effectively without hesitancy or the need of approval by higher level authorities. The concept of capacity building in public administration heavily relies upon professionalism of the civil service. There is increasing awareness about the low level of professional quality of public servants employed in districts and in rural areas. Resistance to the capacity building programme comes from the staff as well as from the supervisor. People normally do not like change. There is also a myth that capacity building means bigger work-loads. Resistance also comes from supervisors and managers who often perceive that staff capacity building would lead to reduction of their own powers. The most crucial element in capacity building is leadership. Good leadership aimed at improvement of organizational culture is integral to capacity building. Capacity building does not mean that the staff is free to define what they will do – when, where and how. This is obviously wrong. Capacity building demands staff to behave responsibly and produce desired and agreed upon results. It means a collegiate effort in which an individual or an organization could be made accountable and responsible for any action that they take. Access to information, participation, innovation and accountability are needed to build an environment for capacity building. In traditional organizations, information is the preserve of higher level bureaucracy. This system needs to be broken to allow people to get whatever information they need to perform their task. The staff should be encouraged to actively participate in the task of the group.

References of Good Governance

- Bhagavad Gita provides numerous cues for good governance, leadership, dutifulness and self-realization which are re-interpreted in the modern context.

- In Kautilya's Artha shastra (2nd-3rd century BC), the welfare of people was considered paramount in the role of King. Mahatma Gandhi emphasized "su-raj" which essentially means good governance
- Importance of governance is clearly inscribed in Indian Constitution which is built on-premise of Sovereign, Socialist, Secular and Democratic Republic committing itself to democracy, rule of law and welfare of people.
- Under Sustainable Development Goals, Goal 16 can be considered to be directly linked as it is dedicated to improvement in governance, inclusion, participation, rights, and security.
- According to former United Nations Secretary-General Kofi Annan, "Good governance is ensuring respect for human rights and the rule of law; strengthening democracy; promoting transparency and capacity in public administration." He also said that "Good Governance is perhaps the single most important factor in eradicating poverty and promoting development".

Initiatives for Good Governance in India

Right to Information

- As a party to the International Covenant on Civil and Political Rights (ICCPR), India is under an international obligation to effectively guarantee citizens the Right to Information as per Article 19 of the ICCPR.
- RTI Act, 2005 marks a significant shift in Indian democracy. It gives greater access of the citizen to the information which in turn improves the responsiveness of the government to community needs.
- The right to information, promotes openness, transparency and accountability in administration by making the government more open to public scrutiny.
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E-Governance

- The National e-Governance Plan envisions to make all government services accessible to the common man in his locality, through common service delivery outlets and ensure efficiency, transparency & reliability of such services at affordable costs.
- E-Governance effectively delivers better programming and services in the era of newly emerging information and communication technologies (ICTs), which herald new opportunities for rapid social and economic transformation worldwide.
- E-Governance has a direct impact on its citizens who derive benefits through direct transactions with the services offered by the government.

Programs launched under e-Governance:

- Pro-Active Governance and Timely Implementation (PRAGATI), Digital India Program, MCA21 (to improve the speed and certainty in the delivery of the services of Ministry of Company Affairs), Passport Seva Kendra (PSK), online Income tax return, etc.
- Focus on 'Minimum Government, Maximum Governance'.
- Legal Reforms
- The Central Government has scrapped nearly 1,500 obsolete rules and laws with an aim to bring about transparency and improve efficiency.
- Reform criminal justice and procedural laws with focus on pre-institution mediate

Ease of Doing Business

Steps were taken by the government to improve business conditions including legislation meant to improve the country's business environment and policy ecosystems (such as the Bankruptcy Code, the Goods and Services Tax or GST, and the anti-money-laundering law).
Government has launched the 'Make in India' initiative.

Decentralization

Centralised Planning Commission was abolished, replacing it with the think tank called the National Institution for Transforming India (NITI Aayog), which would usher in an era of "cooperative federalism".
14th Finance Commission increased the tax devolution of the divisible pool to states from 32% to 42% for years 2015 to 2020. It provides more freedom to states to initiate schemes based on local factors
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Police Reforms

Modernizing police forces and implementing the Model Police Act of 2015.
Reform of the First Information Report (FIR) lodging mechanism, including introducing filing e-FIRs for minor offences.
Launch a common nation-wide emergency number to attend to emergency security needs of citizens.
Aspirational Districts Programme
The Aspirational Districts Programme (ADP) was launched in January 2018 to transform the lives of people in the under-developed areas of the county in a time bound manner.
Anchored in NITI Aayog, the programme is aimed at transforming 115 most backward districts with focused interventions in the field of health and nutrition, education, agriculture and water management, financial inclusion and skill development.

Challenges to Good Governance

Criminalization of Politics

According to the Association of Democratic Reforms, 34% of Members of Parliaments of Lok Sabha 2014 are facing criminal charges. .
The criminalisation of the political process and the unholy nexus between politicians, civil servants, and business houses are having a baneful influence on public policy formulation and governance.
The political class as such is losing respect. Therefore, it is necessary to amend Section 8 of the Representation of the People's Act 1951 to disqualify a person against whom the criminal charges that relate to grave and heinous offenses and corruption are pending.

Corruption

Corruption is a major obstacle in improving the quality of governance. While human greed is obviously a driver of corruption, it is the structural incentives and poor enforcement system to punish the corrupt that have contributed to the rising curve of graft in India.

Gender Disparity

According to Swami Vivekananda, "it is impossible to think about the welfare of the world unless the condition of women is improved. It is impossible for a bird to fly on only one wing".
One way to assess the state of the nation is to study the status of its women. As women comprise almost 50% of the population it is unfair that they are not adequately represented in government institutions and other allied sectors.
Therefore, in order to ensure good governance, it is essential to ensure the empowerment of women

Growing incidence of violence

Resorting to illegal force is considered to be a law and order problem. But when one looks at it from the point of view of the principles of Good Governance, it becomes clear that peace and order is the first step to development.

Delay in Justice

A citizen has the right to avail timely justice, but there are several factors, because of that a common man doesn't get timely justice.

Centralisation of Administrative System

Governments at lower levels can only function efficiently if they are empowered to do so. This is particularly relevant for the Panchayati Raj Institutions (PRIs), which currently suffer from inadequate devolution of funds as well as functionaries to carry out the functions constitutionally assigned to them.

Marginalization of Socially and Economically Backward People

The socially and economically backward sections of the society have always been marginalised in the process of development. Although there are constitutional provisions for their upliftment but in practice, they are lagging behind in so many areas like education, economic well being etc

Constitutional Provisions of Good Governance

The Constitution's key provisions on governance are those in Part III (the chapter on Fundamental Rights), Part IV (the Directive Principles) and Part IV-A (the Fundamental Duties). One of the basic features of the Constitution is judicial review, as an aspect of the principle of 'checks and balances'. It has been primarily through this mechanism that the Supreme Court and the High Courts have sought to enforce effective, constitutional governance. However, on the prevailing interpretation of Parts III, IV and IV-A, the judicial review of State action extends only to cases of violation of Fundamental Rights.

The Directive Principles and Fundamental Duties have been used primarily to interpret and expand the scope of these rights, but not as justiciable provisions in themselves. Over the years, the Supreme Court has interpreted the Fundamental Rights liberally, and thereby sought to check below-par governance. In particular, Art. 21 of the Constitution, which provides that no person shall be deprived of his life or personal liberty except according to procedure established by law, has received a very wide interpretation, such that several subsidiary rights have been read into it.40 For that reason, it has been suggested that Art. 21 can be interpreted to provide a right to good governance, enforceable by the Courts.

Conclusion

The effective functioning of governance is the prime concern of every citizen of the country. The citizens are ready to pay the price for good services offered by the state, but what is required is a transparent, accountable and intelligible governance system absolutely free from bias and prejudices.

There is a need to reformulate our national strategy to accord primacy to the Gandhian principle of ‘Anthyodaya” to restore good governance in the country.

India should also focus on developing probity in governance, which will make the governance more ethical.

The government should continue to work on the ideals of Sabka Saath, Sabka Vikas and Sabka Vishwas which will lead to inclusive and sustainable development.

References :

1. Government, Governance and Good Governance, Shankar nag, Indian Journal of Public Administration
2. The Challenges of Good Governance in the context of a Multicultural, Developing and Democratic Countr: The case study of India. Subodh C Bharti, Bharti Publications, New Delhi
3. Constraints and Possibilities of Good Governance in South Asia, Peerzada, Tufail Ahmad
4. Good Governance, Expectations and Challenges Dr Shamshir Singh
5. Good Governance: The Way Forward, Francis SSeKandi