

# The Challenge of Good Governance in India

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**Abstract:** This paper makes an effort to provide a framework for good governance in India by identifying its essential features and shortcomings in its working and emphasizes need for innovative approaches. No theory of governance could be intelligible unless it is seen in the context of its time. India's democratic experience of the past six decades has clearly established that good governance must aim at expansion of social opportunities and removal of poverty. Good governance, according to the author, means securing justice, empowerment, employment and efficient delivery of services. The paper deals with these subjects in detail and also analyses administrative and political faultlines. It identifies criminalization of politics and corruption as two major challenges. It also highlights shifts in meaning and content of national values of the freedom movement particularly those of nationalism, democracy, secularism, non-

alignment, and mixed economy and its impact on the nitty gritty of administration as well as on the intellectual build up of the organs of the Indian State. The paper lists several areas of concern that need to be addressed energetically and calls for synergy of efforts between government, the market and the civil society. Innovations are generally taking place. There are, however, two areas that need special attention by innovators, namely, economic empowerment of women and livelihood programmes based on local resources and upgraded skills. The need is to formulate a national strategy that accords primacy to the Gandhian principle of 'antodaya' without sacrificing growth and by making instruments of State accountable for good governance.

**Keywords:** Good Governance, Democracy, Antodaya, Economic Empowerment, Corruption.

**Introduction:** There is no accepted definition of governance. There is divergence of opinion about the meaning of governance between the conservatives and the liberals, between socialists and the communists. The World Bank, for example, has sought to take a middle position by defining governance particularly as the traditions and the institutions by which authority in a country is exercised. This includes (i) the process by which governments are selected, monitored and replaced; (ii) the capacity of the government to effectively formulate and implement sound policies; and (iii) the respect of citizens and the state for the institutions that govern economic and social communications among them.<sup>2</sup> In recent years the word governance has become a very fashionable term and is being used in a variety of ways and that covers a large number of organizations both in public and private domains.<sup>3</sup> For our purposes, however, we are confining governance only to public domain. We are concerned here with that form of governance which serves the citizens by safeguarding territorial integrity of the State and securing individual

security, rule of law and the delivery of services ranging from education, health to livelihood and food security.

**Context:** No theory of governance would be intelligible unless it is seen in the context of its time. In the beginning of the 21st century, it has become evident that those who want minimal government are having an upper hand against the advocates of the paternalist welfare state. But there is no run-away success in sight. One thing has emerged clearly. An efficient, effective and democratic government is the best guarantor of social justice as well as an orderly society. Similarly, there is also emphasis on the fact that the administrative system has to be country specific and area specific taking in view not only the institutions of governance and its legal and regulatory mechanisms but also its market, its civil society and cultural values of the people. The government would, therefore, have the singular responsibility to create an enabling environment where development programmes get properly implemented and that creative minds do not get stifled or their energies diverted from undertaking

new initiatives or enterprises. The principal response of the state, therefore, would be to facilitate, to enable, and to coordinate. Neither the market nor the civil society can perform this role as effectively as the government and thus they cannot become substitutes for the government. India is not excluded from this global debate or transition from socialist order to capitalist growth models. Fortunately, the Indian State does not have the monopoly of the public sphere. The civil society is increasingly more concerned with public sphere issues and government intervention is considered necessary to provide welfare schemes to cover social safety needs, upgrade health-care to protect children, and help provide opportunities for women and the minorities. 2 India's political leadership, policy makers and business brains are actuated by a strong desire to make the country an economic super-power in the 21st Century. The high rate of economic growth coupled with comfortable foreign exchange reserves and rising sensex figures have imparted in them a growing confidence. The world is also looking at India with respect and considers India and

China as ideal economic growth models. India is aiming to have a high growth rate with focus on equity. Although these two objectives are not always contradictory but the conflict arises when scarce resources are diverted to meet the demands of the growing middle class or business houses by ignoring the needs of the poor. The imperatives of democracy, however, are forcing Indian political leadership to look deeper into the causes of poverty, inequality and suffering of the common man. In this on-going debate, major shifts in national value system has somewhat gone unnoticed and/or under-emphasised by academicians, media commentators and India-watchers.

**National Values:** The concept of governance was decisively shaped by the freedom movement led by Mahatma Gandhi and the aspirations of founding fathers of the Constitution. Every nation is guided by certain values which are shared by the people and the government. National commitment to such values greatly influence the content and the quality of governance. These values in the Indian context at the time of the inauguration of

the Republic were those of nationalism, democracy, secularism, non-alignment and mixed economy. It may be recalled that these core values of nationalism, democracy, secularism, non-alignment and mixed economy were forcefully articulated by national and state level political leaders, academicians and journalists in the context of building a new India. The most eloquent expression of these values were made in debates in Parliament and legislative assemblies, in periodic letters to CMs from India's first Prime Minister Jawaharlal Nehru, in academic journals of politics, economics and history, in newspapers and at times through statements of business captains, and occasionally in judicial pronouncements. The meaning and context of nationalism that had flourished during the freedom struggle got narrowed down in physical terms as a result of the partition of India at the time of independence. The meaning of nationalism today relates more to further strengthening of a trillion dollar gross domestic product economy and less to cohesion among states or integration of princely order that Sardar Patel so magnificently accomplished. Another

historic decision was taken to make India a secular state notwithstanding the partition of India on religious lines based on the two-nation theory. Though there is no State religion, the Constitution went on to make a special provision to protect religious and educational institutions of minorities. A uniform civil code became a directive principle for the State in order that minorities could pursue their religious codes in respect of marriage, inheritance and other property rights in the meanwhile. Religion always had a major place in our private lives. Politicisation of religious, ethnic and caste ties have reached unprecedented levels. Today communal and sectarian approaches are more prominent in our polity and also in public policy at national and state levels. India decided to take an independent stand between the two super-powers i.e. the United States and the Soviet Union, and provided leadership to the non-aligned movement. However, India gradually tilted towards the Soviet Union. In today's unipolar world, India has moved towards the United States. In fact, the meaning of nonalignment has undergone such changes

that it is no longer recognizable in its old form. 4 For the last sixty years, our ideological frame of reference was determined by public choice. It is another matter that it was not always real. But it was fashionable to be left or left of the centre rather than being a rightist or a conservative. Socialism was preferred over capitalism and minimal state. The mixed economy which in ideal terms would have meant an equal role for the private sector and the public sector overwhelmingly yielded in favour of the latter. The belief in the state apparatus as a major instrument of social and economic change gave the public sector the primacy of position and placed it at what was picturesquely described as “commanding heights of the economy”. Since 1991 we have slowly moved towards the capitalist path. A bold and magnificent decision was taken to introduce one person one vote system in the country. The universal suffrage paid rich dividends and the subsequent devolution of power to grassroots levels has helped consolidate the gains. Democracy is at the heart of governance in India. However, in its working, democracy has revealed several

inadequacies. The chain of accountability from the civil service to legislature and political authority is weak; follow-through at higher levels of administration is poor; and limited oversight by Parliamentary committees is part of the problem. Criminalisation of politics and increasing role of caste and religion in electoral politics are major concerns. The performance of the civil service, the primary agency of implementing development is often undermined by overstaffing, low salaries, graft and political interference. Many people wonder as to whether it was appropriate to expect that a constitution largely based on the colonial model of Government of India Act of 1935 would ensure good governance in a democratic set-up? In the initial years of the Republic, the executive functioned with considerable autonomy in as much as district officers regularly heard petitions and grievances, intervened in the maintenance of public order particularly in case of ethnic and communal disturbances and enjoyed considerable discretion in implementation of land reforms and community development projects. The hold of

politicians and specially ministers began with demands for allocation of scarce resources in favour of ruling elites and powerful interest groups. The State gradually started shedding its neutral stance in favour of the demands of the ruling party or coalition groups. The 'neutrality' of the civil service came under stress with ministerial instability since 1960s in the states. The fragmentation of the authority at centre characterised by coalition governments since the late 1980s has only deepened and extended this process. But election after election common people are asserting their voice, changing their representatives in a manner that has ensured change in government in the states and also at the Centre. This phenomenon supported by the civil society groups, the media and an active judiciary has ushered in demands for accountability of the executive. Democracy has really moved beyond periodic elections towards 'good' governance.

**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 accomplishments 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 services. Securing Justice There are several inter-related aspects of securing justice including security of life and property, access to justice, and rule of law. Threats to Peace The most important public good is the supply of security especially security of life and property. The responsibility of the Indian nation-state to protect the life and property of every citizen is being seriously threatened particularly in areas affected by terrorism (Jammu and Kashmir), insurgency (north-eastern states), and naxalite violence in 150 districts of India's mainland. The

Indian nation-state is aware of complexities of the situation and the need is to show greater determination and relentless in support to its 6 instruments of law and forces of democracy and social cohesion to defeat the elements of terror, insurgency and naxalite violence. 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.<sup>5</sup> 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 is 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.<sup>6</sup> 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.

**Empowerment:** An empowering approach to poverty reduction needs to be based on the conviction that poor people have to be both the object of development programmes and principal agency for development. Our experience shows that when poor people are associated with public programmes, they have consistently demonstrated their intelligence and competence in using public funds wisely and effectively. The involvement of poor women in microfinancing institutions of SEWA in Gujarat or in self-help groups in Andhra Pradesh and Tamil Nadu has clearly established that they not only understand financial systems but also repay their loans on time. In short, the poor women have demonstrated that they can outperform all other customers in profitability. Our Constitution is committed to two different set of principles that have a decisive bearing on equality. First, is the principle of equal opportunities to all and the second, the principle of redress of educational and social backwardness. The social and political climate has radically changed in the country from what it was in 1950 or 2000. However, notwithstanding, an increasing role of the

market and the NGOs as institutions of modernization and progress in the country, the State continues to have a leading say in transformation of society to make it just and equal. The question is, not only of the extent to what reservation in Government employment can really change things for the better, but how it could, in order to benefit the socially, educationally and economically backward ones. 8 Our preferential policies in government employment was initially confined to persons belonging to scheduled castes and scheduled tribes. After acceptance of Mandal Commission Report by the Government of India in the year 1990, this got extended to eligible candidates hailing from other notified backward classes as well. One of the advantages of affirmative action has been improvement in the distribution of opportunities among the dalits and backward classes. Ordinarily children of poor and lower status parents get lower level jobs and consequently lower salaries and income. The reservation of jobs at all levels has ensured that the children of dalits and backward class parents are selected for All-India services like the IAS

and the IPS. The advantage, however, has not as yet percolated to the entire community of poorer and lower status parents. In providing these protectionist regulations in government employment no special care was taken for the poor students since the Constitution only recognized “educational and social backwardness” and not economic backwardness as a norm to be applied in formulation of preferential policies in government employment. The Supreme Court in a landmark Judgment (Indira Sawhney & Others Vs. Union of India and Others) delivered on 16.11.1992, while upholding the reservation of 27% of vacancies in the civil posts and services in the Government of India in favour of other backward classes (OBCs) provided for exclusion of socially advanced persons/sections among them commonly known as “the creamy layer”. The Supreme Court further directed the Government of India to specify socio-economic criteria for exclusion of “the creamy layer” from the OBCs. Subsequently, the children of persons holding eminent positions in Government and also of rich farming families were made ineligible from reservation in services.

Recently, the Government of India have stipulated that sons and daughters of persons having gross annual income of Rs. 2.5 lakhs per annum and above would be excluded from reservation of services. In the scheme of affirmative action that the Constitution provides, the State has been authorized to make special provision not only for the advancement of socially and educationally backward classes of citizens, for the Scheduled Castes and the Scheduled Tribes but also for women and children. Significant measures have been taken in this regard during the last sixty years. One such step relates to reservation of seats for women in local bodies. Today India has 3.3 million elected representatives in Panchayats in nearly half a million villages out of whom over one million are women. Assuming that for every elected office in the village Panchayat system there are 3 contenders, we have over 10 million stakeholders of democracy – an arrangement that secures democratic continuation in India. Direct elections have also brought into the village national life and consciousness about strengths of democracy and the need for democratic

behaviour in terms of the Constitution of India. The print and electronic media in particular have strengthened this process.

**Conclusion:** A major shift from or even collapse of core values of freedom movement are making adverse impact on institutions of the republic and functioning of government. The new Indian republic was not always market friendly. It was expected that the state shall supersede the market by generating a system of control so that it produced a result that it would not have produced itself. In practice it degenerated into ‘licencepermit raj’ and ‘inspector raj’. We are entering into an era of capitalist innovation. It leaves a lot of people out and the market laws even threaten to dominate natural environment. But as luck would have it, fear of losing control of the circumstances and routines of one’s daily life and growing inequity is bringing the State back. Fear of terrorism too has contributed to the view for strengthening of the nation-state. Although a return of ‘licence-permit’ era is ruled out for ever as we are getting increasingly linked to the global market, good governance that people need in order to

improve their lives depends, in a larger measure, on government activities and approaches. In this backdrop, India's democratic institutions are required to address the following areas of concern energetically:

- State-sponsored development programmes must aim at reduction in poverty and improvement in productivity levels of workers. Towards these, poor people need to be directly involved.
- Public Expenditure Review meets should be organized periodically at village, subdistrict and district levels to ensure proper utilization of funds and ownership of development programmes by the people.
- Civil service should be given clear responsibility for delivery of services in respect of approved schemes and held accountable.
- One third of seats in Assemblies and Parliament should be reserved for women.
- Persons charged with heinous offences and corrupt practices should be debarred from contesting elections.
- Partial State funding of elections should be commenced urgently.
- MPLADS and MLALADS schemes should be abolished. The quality of democracy and

the commitment and caliber of public servants both in the executive and in the judiciary would determine the outcome of the country's performance in key areas – empowerment, employment and effective delivery of services. The instruments of the State and the civil society need to be guided by the Talisman that Mahatma Gandhi prescribed for social, political and religious leadership of 21 independent India in August 1947. It reads: "I will give you a talisman. Whenever you are in doubt, or when the self becomes too much with you, apply the following test. Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him to a control over his own life and destiny? In other words, will it lead to swaraj for the hungry and spiritually starving millions? Then you will find your doubts and yourself melting away."<sup>8</sup> This is relevant today as well, as in the name of rapid economic growth policy decisions are increasingly being taken giving regard to the interest of the market and big business. Could we reverse this process to give

primacy to the principles of 'antodaya' without sacrificing growth? If that happens, good governance could be better ensured. Such governance under a sensitive leadership could provide capacity to build our inclusive polity and a future full of possibilities for everyone. In the post Gandhi-Nehru era, the involvement of civil society in governance has become crucial. Civil groups like NGO's, women's groups, trade unions, cooperatives, guilds, faith organizations are all essential to buildings of inclusive growth. Without the involvement of the people, without their voices, without their participation and representation, a programme can only be implemented mechanically. Today, we need innovators in two areas in particular: women and livelihood programmes. Women are key to good governance. Their increasing representation in democratic institutions have provided stability to Indian polity. Women can bring constructive, creative and sustainable solutions to the table. Women participation in economic programmes needs to be augmented for in women we get expendable providers, educators, caretakers and leaders. Second

relates to livelihood. Livelihood does not only mean factory jobs. It should relate to social economy and local resources as well. It should also mean upgrading of existing and traditional skills that people have possessed from time immemorial in agriculture, in animal husbandry, in fishing, in textiles and so on. Investment in upgradation of such skills would lead to harmonious relationships with nature. My own experience tells me that when you provide productive work on a regular basis to a couple, their children would automatically go to schools and shall refuse to entertain persuasions of naxalite and insurgent groups to indulge in violent acts. It is through work that a person can plan the way in which his ambition can be fulfilled. With regular work life is no longer just about survival, but about investing in a better future for the children. Above all, when one has regular work, there is incentive to maintain a stable society. In view of deep-rooted social and economic inequities of centuries, India can not blindly follow capitalist model of growth that puts excessive reliance on market forces. For such a model would fail to provide stability

to Indian polity. And yet rapid economic growth is essential to meet aspirations of the Indian youth. Placed in these circumstances, the innovators have to devise ways and means that secures both fast growth and an approach that combines Gandhian ethics with democratic temper.

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