

# Good Governance and Its Working in India: An Evaluation

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# ABSTRACT

A basic issue that arises in relation to governance is the proper role of government in economic management. The growing consensus among development specialists in this regard is that, with the limited access of governments to information, markets generally allocate resources more efficiently. The concept of governance has acquired increased importance since 1990s largely because international aid agencies began to recognise its absence as a serious barrier to economic development of the developing countries, which has been their avowed objective. It is the failure in developmental efforts that brought forth into prominence the need for as well as identification of the principal elements or constituents of good governance. But the pursuit of it is as old as our civilisation. The term "good governance" however, comprehends the processes and procedures as well as substantial concerns. It is only then that sustainable development is really possible. Due to the process of globalisation and its impact on the role of state, the market with its merits and demerits gained prominence roles in the process of Governance, Hence, what are the chief features of Good Governance and how is it significant for developing country like India to make accountable to market as well as state in a democratic governance? In this paper focus would be on to understand the characteristics of good governance, to discuss and analyse the World Bank and other agency's conception with regard to Good Governance and to analyse the various challenges, constrains and pressures to good Governance in India.

**Key-Words:** Good Governance, to good Governance in India, process of globlisisation, NPM, corporate governance, international governance, national governance

# **INTRODUCTION:**

The concept of governance has acquired increased importance since late 1980s largely because international aid agencies began to recognise its absence as a serious barrier to economic development of the developing countries, which has been their avowed objective. It is the failure in developmental efforts that brought forth into prominence the need for as well as identification of the principal elements or constituents of good governance. But the pursuit of it is as old as our civilisation. The term "good governance" however, comprehends the processes and procedures as well as substantial concerns. It is only then that sustainable development is really possible. The concept of "governance" is not new. It is as old as human civilization. Simply put "governance" means: 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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Since governance is the process of decision-making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision.

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The capacity of this institutional environment is important for development because it helps determine the impact achieved by the economic policies adopted by the government. It has been observed that, while many governments have undertaken broadly similar reform packages, the outcomes have varied significantly across countries. There are several factors underlying these differences, but clearly one is the quality of governance in the countries concerned; in other words, the ability of governments to implement effectively the policies they have chosen. Hence, "getting policies right" may not, by itself, be sufficient for successful development, if standards of governance are poor. It is for this reason that improving governance, or sound development management, is a vital concern for all governments.

# THE STATEMENT OF PROBLEM:

Due to the process of globalisation and its impact on the role of state, the market with its merits and demerits gained prominence roles in the process of Governance, Hence, what are the chief features of Good Governance and how is it significant for developing country like India to make accountable to market as well as state in a democratic governance?

#### **PURPOSE OF THE STUDY:**

To understand the characteristics of good governance.

To discuss and analyse the World Bank and other agency's conception with regard to Good Governance.

To analyse the various challenges, constrains and pressures to good Governance in India. To give suggestions to overcome these problems of good governance, particular to India.

# **METHODOLOGY:**

The study would be based on secondary sources that are various journals, books, articles and other source of secondary sources.

#### ANALYSIS OF THE STUDY:

A basic issue that arises in relation to governance is the proper role of government in economic management. The growing consensus among development specialists in this regard is that, with the limited access of governments to information, markets generally allocate resources more efficiently. In market economies, production and consumption decisions are based essentially on the price mechanism. However, even in such economies, governments are expected to perform certain key functions. These include (i) maintaining macroeconomic stability, (ii) developing infrastructure, (iii) providing public goods, (iv) preventing market failures, and (v) promoting equity.



Without macroeconomic stability, business prospects are uncertain and investment risks are high. Inflation and external imbalances do not provide a healthy environment for rational business decisions. An important dimension of macroeconomic stability is the link with equity. While the adverse effects of inflation are felt economy-wide, it is the lower-income groups that are usually the hardest hit, since they have limited scope for reducing consumption in response to price increases. Thus, macroeconomic instability militates against equity in the distribution of economic welfare, a stated objective of most governments.

By developing infrastructure, governments can create conducive conditions for private investment in commercial activities. However, given the fiscal constraints of most governments, the role of the private sector in infrastructure development is likely to increase. The challenge for governments is to devise a policy and institutional framework that allows wider participation to the private sector in infrastructure development and management, while safeguarding the public interest at the same time.

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

# The elements of good governance:

A number of multilateral organizations (e.g., the United Nations Development Programme [UNDP] and the Organisation for Economic Cooperation and Development [OECD]) have reflected on the elements of good governance, and on their relation to development. As the ethos and experience of these organizations vary, so, too, do their perceptions of what constitutes good governance.

# I. Participation

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

The principle of participation derives from an acceptance that people are at the heart of development. They are not only the ultimate beneficiaries of development, but are also the agents of development. In the latter capacity, they act through groups or associations (e.g., trade unions, chambers of commerce, nongovernmental organizations [NGOs], political parties) and as individuals (e.g., through letters to newspaper editors, participating in radio and television talk shows, voting). Since development is both for and by people, they need to have access to the institutions that promote it (e.g., representative bureaucracies).

Participation is often related to accountability, but not necessarily so. In representative democracies, where citizens participate in government through the electoral process, public officials are, indeed, accountable ultimately to the electorate. This may not be the case, however,



in other political systems (although accountability is still important). For all economies, though, the benefits of participatory approaches can be considerable. These include improved performance and sustainability of policies, programs, and projects, as well as enhanced capacity and skills of stakeholders.

# II. Rule of law

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.

# **III.** Transparency

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

Transparency refers to the availability of information to the general public and clarity about government rules, regulations, and decisions. Thus, it both complements and reinforces predictability. The difficulty with ensuring transparency is that only the generator of information may know about it, and may limit access to it. Hence, it may be useful to strengthen the citizens' right to information with a degree of legal enforceability. For similar reasons, broadly restrictive laws that permit public officials to deny information to citizens (e.g., an Official Secrets Act) need to provide for independent review of claims that such denial is justified in the greater public interest.

# **IV. Responsiveness**

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

# V. Consensus oriented

There are several actors and as many view points in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

# VI. Equity and inclusiveness

A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being.

# VII. Effectiveness and efficiency

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the



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context of good governance also covers the sustainable use of natural resources and the protection of the environment.

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# VIII. Accountability:

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law. Accountability is imperative to make public officials answerable for government behaviour and responsive to the entity from which they derive their authority. This may be achieved differently in different countries or political structures, depending on the history, cultural milieu, and value systems involved.

#### **Reciprocal Relations among the elements of governance**

Conceptually, the four elements of governance indicated above tend to be mutually supportive and reinforcing. Accountability is often related to participation, and is also the ultimate safeguard of predictability and transparency. In the absence of accountability to affected groups, even predictable decision making of autonomous government agencies may result in the latter placing agency interests above those of the former. Similarly, transparency and information openness cannot be assured without legal frameworks that balance the right to disclosure against the right of confidentiality, and without institutions that accept accountability. Again, predictability in the functioning of the legal framework would be helpful for ensuring the accountability of public institutions. At the same time, predictability also requires transparency, because without information about how similarly placed individuals have been treated, it may be difficult to ensure adherence to the rule of equality before the law. Finally, a transparent system facilitates governmental accountability, participation, and predictability of outcomes.

# **INDIAN EXPERIENCES:**

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.

#### **I. 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),



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insurgency (north-eastern states), communal riots/violence and naxalite violence in 150 districts of India's mainland.

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#### 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. 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.

#### 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. 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.

It flows there from 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.

#### **II. 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 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 2015. 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.

Our preferential policies in government employment was initially confined to persons belonging to scheduled castes and schedules 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.

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.

We are living at a period of time that encouraged by affirmative action incorporated into the Constitution about Scheduled Castes, Scheduled Tribes and Other Backward Classes several communities are demanding similar facilities. Recent happenings have shown signs of degenerating into street conflicts and civil wars. All these constitutional steps of empowerment are within a frame. The need is to look at the frame itself now and to take such corrective measures as would be necessary to allow the fruits of affirmative action reach those who need it. A significant threat in terms of empowerment could come if moves are made to take a religious or sectarian view of secular, political and economic action. We must take into account the presence of extremist elements among different religious groups, i.e. the Hindus, the Sikhs and the Muslims, who are occasionally nourished by the communal violence that they stir, in our task of maintenance of peace and order in the country.

# **III. Employment:**

Generation of gainful employment for the youth is the most challenging task facing India's political economy. India's working age population is over 50 per cent. This share will continue to rise and reach 60 per cent in 2050. A fast-growing working population will ensure more workers, more saving and hence more investment. This mechanistic view of growth assumes that demography is destiny and that economic policies and programmes play little or no role. But population growth by itself does not add to prosperity, unless young people are educated and new jobs are created. If we fail to generate employment and equip the youth with good quality education and skills, India's demographic dividend could become a demographic liability.

The history of economic development clearly demonstrates that development of non-farm sector is tied to modernization of agriculture and its improved productivity. The increasing application of modern technology also frees labour to move to urban areas for gainful employment in non-farm sector.

# Employment & Regional Diversity:

We are at a level of economic development where India's southern and western states have enormously developed in economic and educational terms while the northern and eastern states are lagging behind. The level of frustration on account of this disparity is becoming evident in the spread of naxalism and insurgency.

# **IV. 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: (i) the judiciary; (ii) the media; and (iii) the civil society.



The independent character of the judiciary that the constitutional architecture has carefully provided for 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 food grains 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 nongovernmental 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.

#### 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.

# 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.

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



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public servants employed in districts and in rural areas. The most crucial element in capacity building is leadership. Good leadership aimed at improvement of organizational culture is integral to capacity building.

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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.

# **Other Major Challenges to Good Governance:**

At the obvious risk of generalization, I would like to refer to criminalization of politics and corruption as major challenges to good governance.

#### **Criminalisation of Politics :**

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. Political class as such is losing respect.

The more insidious threat to India's democratic governance is from criminals and musclemen who are entering into state legislative assemblies and national Parliament in sizeable numbers. A political culture seems to be taking roots in which membership of state legislatures and Parliament are viewed as offices for seeking private gain and for making money. Such elements have also found place in Council of Ministers and a Prime Minister or a Chief Minister in an era of coalition politics can't take strong action for that might lead to the fall of the government itself. The Gandhian values of simple living and self-less service to public causes are rapidly vanishing. The dictum that 'howsoever high, the law is above you' is sought to be replaced by rule of men.

It is one of the marvels of parliamentary democracy in India that notwithstanding entry of criminal elements in the Lok Sabha and in Vidhan Sabhas we have a Prime Minister of high integrity and scholarship and several Chief Ministers whose honesty is beyond any iota of doubt. Would this category of persons among political leaders transcend narrow loyalties and cleanse the political class of criminal elements?

# **Corruption:**

The high level of corruption in India has been widely perceived as 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. The complex and non-transparent system of command and control, monopoly of the government as a service provider, underdeveloped legal framework, lack of information and weak notion of citizens' rights have provided incentives for corruption in India.

A conscious programme for strengthening of public awareness and also empowering the existing anti-corruption agencies would be required. The statutory right to information has been one of the most significant reforms in public administration. The Right to Information Act provides a strong national framework within which public awareness programmes could take place.



Corruption takes place within a frame. Accordingly, basic reforms in file management, government rules and regulations, provision of public expenditure review could provide the concerned citizens the relevant knowledge to hold service providers accountable. This would ensure that the resources that belong to people are used in the right way.

#### Corruption and Electoral Reforms:

The hitherto laissez-faire system of funding of elections is the biggest countervailing factor in the emergence of democratic India as an honest state.

It is widely agreed that state funding of elections/parties will provide a certain degree of financial independence to parties and their candidates and that in turn will help reduce the incentives to raise party/election funds through corrupt means. Public financing holds great promise because it levels the playing field and gives candidates an incentive to accept spending limits. With public financing, poorer candidates can challenge well-funded ones, enlivening the debate and opening up the system. Public financing should be accompanied by free media space.

# CONCLUSIVE AND SUGGESTIVE REMARKS:

Good governance being central to the Indian democratic experience could be seen more clearly when we look at what is happening in our part of the world. The major shifts in India's national value system made impact both on the nitty gritty of administration as well as the intellectual build up of the civil service, the police and the judiciary. This is not the occasion to analyse how it came in the way of India's successes and failures in the social, economic and political domains, but whenever there is a major shift in political discourse governance gets affected both in its content and emphasis. For our purpose, it suffices to say that the concept of good governance though in vogue all the world over, the Indian product has its own special features and flavour. In an era of shift in values, governance is marked by trial and error and new rules of the game are getting formulated as we move along.

It is being widely appreciated that good governance is dependent not merely upon good policy advises but more importantly on the processes and incentives to design and implement good policies themselves. Dysfunctional and ineffective public institutions are increasingly seen to be at the heart of the economic development challenge. Misguided resource allocations, excessive government interventions, and widespread corruption have helped in perpetuation of poverty. The weak institutions of governance make an adverse impact on service delivery. Poverty reduction depends on improvements in the quality and timely delivery of services to poor people of basic education, health, potable water and other social and infrastructure requirements.

Market is an integral part of social order but the truth is that principles of market cannot be allowed to govern society and polity. Accordingly, no democratic government can leave market uncontrolled and free from regulations.

The poor are poor of course because of historical inequities but also on account of failure of the State to empower them adequately to get their entitlements. Democratic governance demands that the State can not for long serve the demands of the rich and organized sectors of the society and ignore the dalits, the minorities and the women because they are unorganized and poor.



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 provide 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.

The nature and content of good governance would undergo changes in tune with rising expectations and fresh demands of the people. Democratic governance would expect and secure from its leadership to be alive to such aspirations and to continually tune institutions of polity to be effective instruments of citizens' welfare.

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