



DEMOCRACY AND GOOD GOVERNANCE IN INDIA

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ABSTRACT

Democratic form of government is a government of the people, for the people and by the people which gives equal chance to all the citizens to participate and play a significant role in the political process, ensures and guarantees certain rights and freedoms to the people constituting the policy. It is a form of government which is subject to popular sovereignty. While good governance relates to political and institutional processes and outcomes that are deemed necessary for sound development management. Therefore, democracy itself should lead to good governance. But in India, due to rampant corruption, multiple avoidable regulations and many a time opaque laws, good governance seem to be a distant dream. However, if sound laws with little scope of misinterpretation coupled with sound administration are put in place, India can achieve a great degree of good governance.

Key words. Democracy, good governance, regulations, development

1. Introduction

Corruption has been recognised as the most pressing economic, political and social issue faced in most part of the world, especially the developing nations. In a democratic country like India, the entire purpose of resolving the nation into a democratic economy running on good governance gets dissolved with the presence of widespread corruption. Several strategies, policies, and methods have been devised to curb this unfortunate reality of governance through institutional, social, and a varied range of anti-corruption steps. Democracy itself should act as a check on corrupt practices as the common citizen should be able to punish the corrupt politician and

reward the honest one. But somehow a major section of the society is still buried deep under the burden of corrupt practices in almost all area of human activity, especially where bureaucrats or politicians are involved.

2. Democracy in India

The constitution of India begins with the preamble ^[1]- “WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC REPUBLIC^[2] and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought , expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all;

FRATERNITY^[3] assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.”

It is obvious that our constitution itself desires the principle of “government of the people, by the people and for the people.” Therefore, Thus Indian democracy reflects basic democratic values of equality, liberty, fraternity, secularism and justice in social sphere and individual behaviour.

However, the term “Democratic governance” signifies more than what the two words imply separately. It must be understood that democratic governance is not merely government of people’s representatives elected in a free and competitive situation; nor is it just limited to government charged with the task of enforcement of law and order, and overseeing the contracts among individuals living in a state or to facilitate, promote and regulate markets. Instead, democratic governance is a condition in which the promise of justice, liberty and equality is realized in a democratic political framework, where the government is sensitive to the people’s aspirations and needs and where people feel secure and content. ^[4]

3. GOOD GOVERNANCE

“Good governance” is a term that has become a part of the vernacular of a large range of government and development. What it means exactly, however, has not been so well established.

In a well-cited quote, former UN Secretary-General Kofi Annan noted that “good governance is perhaps the single most important factor in eradicating poverty and promoting development”.^[5]

3.1. What is good governance?

There is no single and exhaustive definition of “good governance that commands universal acceptance. In fact governance itself is not a defined term, its nature depends on the type of government recognizes, also the nature of governance changes with time and the form of government.^[6] However, there is a significant degree of consensus that good governance relates to political and institutional processes and outcomes that are deemed necessary to achieve the goals of development. It has been said that good governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law. It implies that the organs of government effectively guarantee to all citizens the right to^[7]:-

1. Health,
2. Adequate housing,
3. Sufficient food,
4. Quality education that develops children into employment ready ethically and morally good adults useful to the society,
5. Fair justice and
6. Personal security.

Good governance must have the following attributes^[8]:-

3.1.1. Accountability. It is a fundamental requirement of good governance. Government has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the citizens.

3.1.2. 1 Transparency. The decision making process must be acceptable by the people. They should understand the reason why the decision was taken- what information, advice and consultations were considered, and which legislative requirements (when relevant) were followed.

3.1.3. Follows the rule of law. This means that decisions are consistent with relevant legislation or common law. One simple test is – whether the law being framed is for public good.

3.1.4. Responsive to the needs of people. In layman’s language, good governance ensures a high level of general happiness through economic progress, least regulations and adequate employability to all.

4. Has Democracy ensured Good Governance in India?

From the explanation of Indian Democracy and Good Governance, it appears that Democracy itself should ensure good governance. Alas, it is not so in India. India is proud to be the largest democracy in the world. For more than sixty-six years, we have witnessed the conduct of successful elections, peaceful changes of government at the Centre and in the States, people exercising freedom of expression, movement and religion. At the same time, we quite often experience rampant inequalities, injustice or nonfulfillment of social expectations.

Today, people believe that their government is not keeping pace with their expectations. Some of the factors linked to India’s governance woes are well known – a rise in corruption, cronyism, and criminalising among the ranks of elected officials, and a crushing government bureaucracy. India’s governance challenges come against these backgrounds of dramatic economic and political transformation.

The crisis of governance in India today is a consequence of the breakdown of democratic institutions and the emergence of an unholy nexus between inefficient, corrupt civil servants and vote-hungry politicians. The basic fabric of good governance does not occur by chance. Good governance is associated with responsible 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 the pre-conditions for such good governance.^[4]

5. Factors Leading to Lack of Good Governance in India

1. Corruption.
2. Criminilisation of Politics.
3. Unnecessary regulations.
4. Creation of artificial scarcity of resources.

5. Undue interference by government in almost every aspect of life.

5.1 Corruption. Corruption may be defined as the abuse of entrusted power for private gain. Bribery exists everywhere and in many different forms, but corruption in India sometimes looks like a civil servants' favourite national pastime. Corruption in India affects all levels of the society but it's in the administrative one that the biggest damage is done to the people and comes to exacerbate poverty. The most simple daily-routine administrative tasks cannot be performed without a bribe to the civil servant in charge of the paperwork. Got your stuff stolen? Had a car accident? Need to register your name for a permit, a loan, a government grant or subsidy? Don't forget your bribe money.^[9]

Corruption in India is an issue that adversely affects its economy and National Gross Happiness. In a report published on 27th January 2017, India has been ranked as 79th out of 168 countries in Transparency International's Corruption Perceptions Index of 2016,^[10] below its rank of 76 in 2016 (though a shade better than its rank of 93 in 2012). Corruption takes many forms such as:-

- 5.1.1. In most government offices it has become a norm to take bribe to do a job or provide a document which is the right of a citizen and duty of the official to provide.
- 5.1.2. Undue favour to some while ignoring others.
- 5.1.3. Harassment of citizen instead of serving him.
- 5.1.4. Attitude of all officials remains power based instead of being service based.
- 5.1.5. Just simple lethargy and not doing a job for which the government official is being paid from public money.

5.2. Criminalisation of Politics. Criminalisation is a fact of Indian electoral politics today. Criminalisation of politics means to use politics or political power for immoral gains. Criminalisation of politics is the very negation of democratic values and has no place in a democratic set up. The other aspect is criminals entering politics and occupying seats of power through elections. The voters, political parties and the law and order machinery of the state are all equally responsible for this state of affairs. There is very little faith in the efficacy of the democratic process actually delivering good governance. The unholy nexus between politicians, civil servants, and business houses

have a baneful influence on public policy formulation and governance. In fact a separate paper is required to fully describe the depth of this menace.

5.3. **Unnecessary regulations.** Far too many regulations are being made to regulate almost all aspects of human activities – be it education, health services or other human activities. Avoidable regulations are breeding ground of corruption. Take the example of the field of Education – an area where the government has no business be regulate imparting or receiving education as a fundamental right. Yet due to unnecessary regulations, Education sector is seen as the third most corrupt sector just next to Politics and Bureaucracy. As against this, India is flooded with various coaching institutions. These are not regulated in any manner regarding the curriculum content, duration of different programmes, fee charged of the mode of imparting education. Market forces decide each of these aspects. Depending of the type and level of knowledge required for the goal to be achieved, they decide on the curriculum which is dynamic in nature to keep pace with the changing requirement of the goal. Similarly, the mode of imparting education, the duration and the number of subjects to be studied are chosen by the students. Market forces decide the fee structure. Similarly, students who come to these centres are focused on their goals as opposed to aimless education being imparted under the regulatory system. As a result, one finds that the coaching centres are doing roaring business and a yeoman’s service to the student community – a service that the present day regulated education system has miserably failed to provide.

5.4. **Creation of Artificial Scarcity.** The Government, in its zeal to regulate every aspect of human life, at times, creates artificial scarcity. Whenever such scarcity is created and then supply regulated, it has resulted in rampant corruption. Take the case of regulating cement supply, when it was decontrolled, black marketing in cement supply vanished immediately. Today, creating of artificial scarcity of medical education institutions, has resulted in disappointment medical education to over three and lakh aspirants – as seen from the result of NEET and artificially restricted seats in institutions providing medical seats. The result is that the nation remains deprived of adequate number doctors.

5.5. **Undue interference by government in almost every aspect of life.** The government's role should be restricted to Defence, foreign relations, law and order (and may be health care). Unfortunately, the government had entered in areas it has no business to be in. Today the government is involved in almost all human activities. Production, running of business like hotels, malls, grocery shops, education, insurance and so on. As a result, the government has little time for governance - leave alone good governance. These are best left to market forces which will ensure quality on the principal of "the survival of fittest".

6. **Steps recommended to Ensure Good Governance**

6.1. **Eradication of Corruption.** It has become the mindset of people that bribe must be paid to get an official work done. First of all, this mindset of people at large and the bureaucracy in particular has to be changed. This is possible only by making the system such that it becomes difficult to get involved in corrupt activities with impunity. Some of the steps that may be taken are as under:-

6.1.1. There has long been a consensus that corruption and inequality are closely interrelated. The two phenomena interact in a vicious cycle: corruption leads to an unequal distribution of power in society which, in turn, translates into an unequal distribution of wealth and opportunity.^[7] One and perhaps, the best way to reduce inequality is to ensure employment to all. Therefore, all government activities must be employment oriented. This has been suggested by NITI Aayog also. With increase in employment, income of people will increase – this in turn will increase the purchase power of masses leading to increase in demand and hence production further leading to increase in employment and income thereby reducing inequality.

6.1.2. Targets must be set for each bureaucrat in relation to increase in employment and developmental work done. Carrot and stick policy linked to achievement of such targets must be followed.

6.1.3. Similar targets should be fixed for political leadership and their report card must be published every year.

6.1.4. Laws must be made to include wrongful action as an act of corruption.

6.1.5. Similarly, harassment to citizens due to inaction of bureaucrat must be seen as corrupt activity and the citizen be compensated for such harassment from the salary of such bureaucrat.

6.1.6. Strict and exemplary penalty be levied for any violation of “Citizens Charter” prominently displayed in all offices dealing with public.

6.2. **Do Away with Unnecessary Regulations.** There are numerous regulations which are regulating various aspects of human lifelike education, profession, health care and so on. In many cases, especially in education sector, these regulations are without the force of law and contrary to the provisions of constitution. Many of these regulations have resulted in quota, license, inspector raj. In the world over, quota, licence, inspector raj has led to scarcity and corruption. All such regulations must be repealed. It is well known to all that in India too, in past putting an end to licence, quota and inspector raj in the industry, resulted in excellent growth with better quality of products.

6.3. **Role of Government.** Role of government must be restricted to defence, foreign policy and law & order. There is an old adage – “Government has no business to be in business.” In India this adage is conspicuous by absence. Business is best left to business houses, production to industry houses, education to education providers, health care to medical professionals and service to service providers. Thereafter, let the market forces ensure survival of the fittest.

6.4. **Unambiguous Laws with Little Discretionary powers.** Each law must be clear, precise and should leave no scope for interpretation in more than one form. There should be no necessity or scope of exercising discretion by anybody - be it bureaucrat, judge or politician.

7. CONCLUSION

India has a very sound constitution and a democratic form of government. While democracy itself should ensure good governance, the bureaucrats and politicians have colluded to ensure governance through corruption, criminalization in politics, regulations to harass the public and creation of artificial scarcity where ever possible. Good governance will be and is possible if each politician and bureaucrat is held accountable for his or her actions and willful inactions. The government should restrict its role to defence, foreign relations and law & order, leaving all other

activities to market forces. Unambiguous laws with no discretionary powers with anybody will ensure good governance that our constitution aims at.

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