



GOOD GOVERNANCE IN INDIA

Law

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KEYWORDS:

Good governance is an indeterminate term used in the international development literature to describe how public institutions conduct public affairs and manage public resources. Governance is "the process of decision-making and the process by which decisions are implemented (or not implemented)" The concept of Good Governance centres on the responsibility of governments and governing bodies to meet the needs of the masses. It promotes the principle of rule of law and responsive to the present and future needs of the state. Good governance ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources. It is, among other things, participatory, transparent and accountable.

Conceptually, governance can be defined as the rule of the rulers, typically within a given set of rules. Good governance is about the processes for making and implementing decisions. It's not about making 'correct' decisions, but about the best possible process for making those decisions.

Good governance relates to political and institutional processes and outcomes that are deemed necessary to achieve the goals of development. Good Governance revolves around the responsibility of governments and governing bodies to meet the needs of the masses. It promotes the principle of rule of law. It is responsive to the present and future needs of the state and about the processes for making and implementing decisions. 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. Where as 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 identities, aspirations and needs and where people feel secure and content.

Meaning: Good governance has been associated with democracy and good civil rights, with transparency, with the rule of law, and with efficient public services. 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. Good governance is linked with sustainable human development, emphasizing the principles of accountability, participation and the enjoyment of human rights.

Definition:

There is no single and exhaustive definition of "good governance," nor is there a delimitation of its scope, that commands universal acceptance. The term is used in a variety of manner. Depending on the context and the overriding objective sought, good governance has been said at various times to encompass: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance.

Democratic governance:

The definition of democracy is incomplete unless it is defined in social and individual contexts. Democracy as a system of governance is supposed to allow extensive representation and inclusiveness of as many people and views as possible to feed into the functioning of a fair and just society.

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 identities, aspirations and needs and where people feel secure and content.

Democratic ideals represent various aspects of the broad idea of "government of the people, by the people and for the people." It include the objective of democratic social living, such as freedom of expression, participation of the people in deciding the factors governing their lives, public accountability of leaders, and an equitable distribution of power. Indian democracy reflects basic democratic values of equality, liberty, fraternity, secularism and justice in social sphere and individual behaviour.

Origin:

Good Governance Day (Suśāsan Divas) was established in India in 2014, to be observed annually on 25-December, the birth anniversary of former Prime Minister Shri Atal Bihari Vajpayee, with a view towards fostering awareness of accountability in government.

Good governance, human rights and development

The inter connection between good governance, human rights and sustainable development has been made directly or indirectly by the international community in a number of declarations and other global conference documents. The Declaration on the Right to Development proclaims that every human person and all people "are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development" (article 1).

In the Millennium Declaration, world leaders affirmed their commitment to promote democracy and strengthen the rule of law as well as to respect internationally recognized human rights and fundamental freedoms, including the right to development.

Good governance in international human rights instruments

From a human rights perspective, the concept of good governance can be linked to principles and rights set out in the main international human rights instruments. Article 21 of the Universal Declaration of Human Rights recognizes the importance of a participatory government and article 28 states that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized. Under the International Covenant on Economic, Social and Cultural Rights, states are obliged to take steps with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means.

Good governance and human rights

Good governance and human rights are mutually reinforcing. Human rights principles, provide a set of values to guide the work of governments and other political and social actors. They also provide a set of performance standards against which these actors can be held accountable. Without good governance, human rights cannot be respected and protected in a sustainable manner. The implementation of human rights relies on a conducive and enabling environment.

Elements of Good Governance:

Accountability: Accountability is a fundamental requirement of good governance. Local government has an obligation to report, explain and be answerable for the consequences of decisions. it has made on behalf of the community it represents. It is also a key tenet of good governance. Who is accountable for what should be documented in policy statements.

Transparency:

Transparency means that information should be provided in easily understandable forms. The decision making process must be acceptable by the people. They should understand the reason why the decision was taken- what information, advice and consultation council considered, and which legislative requirement is followed. People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision is made.

Good governance follows the rule of law:

Law prevails everywhere. This means that the decisions are consistent with relevant legislation or common law and are within the powers of council. Good governance requires fair legal frameworks that are enforced by an impartial regulatory body, for the full protection of stakeholders.

Good governance is responsive:

Good governance requires that organizations and their processes are designed to serve the best interests of stakeholders within a reasonable time frame. Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.

Good governance is equitable and inclusive

This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process. The organization that provides the opportunity for its stakeholders to maintain, enhance, or generally improve their well-being provides the most compelling message regarding its reason for existence and value to society.

Good governance is effective and efficient:

Good governance means that the processes implemented by the organization to produce favorable results meet the needs of its stakeholders, while making the best use of resources – human, technological, financial, natural and environmental – at its disposal. Local government should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community.

Good governance is participatory:

Participation by both men and women, either directly or through legitimate representatives, is a key factor and corner stone of good governance. This means that anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision. Participation needs to be informed and organized, including freedom of expression and assiduous concern for the best interests of the organization and society in general.

Consensus Oriented:

Good governance requires consultation to understand the different interests of stakeholders in order to reach a broad consensus of what is in the best interest of the entire stake holder group and how this can be achieved in a sustainable and prudent manner.

Criticism:

Firstly, “good governance” is a complex concept, lacks uniformity. It has endless definitions.

Secondly, “good governance” lacks differentiation. Well-governed countries often sound a lot like functioning liberal democracies,

Thirdly, “good governance” lacks coherence. Its many possible characteristics — from respect for human rights to efficient banking regulations — do not clearly belong together.

Fourthly, Good governance” lacks theoretical utility.

Conclusion:

Almost all major development institutions today say that promoting good governance is an important part of their agendas. The outcome

document of the recent 2011 Busan High-Level Forum on Aid Effectiveness further reflects these commitments. 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”. It is observed with a view towards fostering awareness of accountability in government.

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