



## DEMOCRATIC GOVERNANCE IN INDIA: A STEP TOWARDS DEVELOPMENT AREA: LAW\*

### DEMOCRATIC GOVERNANCE IN INDIA: A STEP TOWARDS DEVELOPMENT

*“Good governance is perhaps the single most important factor in eradicating poverty and promoting development.”*<sup>1</sup>

**-UN Secretary-General Kofi Annan**

#### INTRODUCTION:

A good governance or democratic governance is a concept rather a practice, the implementation of which is fundamental in allowing countries receiving international aid to take control of their political, economic and social development effectively. Thus, good governance is becoming more and more commonplace as a key element of development. In fact, the success of development depends upon good governance. Good governance will also ensure that the various support and assistance programmes from which they are benefitted from partner countries and international organisations operate as efficiently as possible. So far as the concept of ‘democracy’ is concerned it is directly linked to the concept of governance. In fact, it is governance that has to meet individuals’ needs and not the other way around. The principle of elections, and therefore enforceable accountability, is a cornerstone of democratic governance. However, elections are not enough; democratic governance also requires a legislature which represents the people. It requires an independent judiciary that is able to uphold the rule of law in a non-discriminatory manner for all citizens. It requires professional and politically neutral security forces that act in the interests of the common good. It requires

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<sup>1</sup> Kofi Annan, [www.unu/p&g/wgs/](http://www.unu/p&g/wgs/). Similar themes are found in the “New Partnership for Africa’s Development (NEPAD)”, the UN Millennium Declaration and many of the declarations and plans resulting from the World Summit on Sustainable Development (WSSD). And the Harvard Project on American Indian Economic Development, after almost a decade of research, has concluded that economic development on Indian reservations in the United States is “first and foremost a political problem”.

accessible media which are free, independent and unbiased and, last but not least, it relies on an active civil society that is able to question the public authorities and suggest different methods of political participation.

As democracy is not confined to holding elections only, in the same way good governance is also not restricted to more efficient public institutions only. The prerequisites for good governance are also respect for human rights and freedoms, the rejection of all forms of discrimination based on race, customs or gender and gender equality in both the public and private spheres. Thus, the concept of governance refers to a whole range of fields and areas of action (the political system and the principles attached to it, human rights, the rule of law and the issue of justice, parliamentary powers, public administration, civil society and non-state actors, decentralisation and the role of the State).

Although, everyone agrees on the guiding principles for governance i.e. equality, transparency, participation, responsiveness, the presentation of accounts, the rule of law and so forth, but how to deal with these aspects in cooperation is not made clear by any means. Basically, those aspects of governance which plays an important role in the development of a country like India can be termed as follows:-

- ❖ Common values, individual processes;
- ❖ Role of judiciary and good governance;
- ❖ Public services and good governance;
- ❖ Separating politics and administration;
- ❖ Security and good governance;
- ❖ Decentralisation and good governance;
- ❖ Public Finance and good governance;
- ❖ Role of Women in good governance;
- ❖ Aid and governance.

The main concern of this paper is in defining the concept of good governance and its understanding in the context of development, before stating different views on its existing relationship with democracy and other related aspects which are always within the development perspective. Thus, before discussing the above mentioned aspects, it is pertinent to discuss the meaning of term “governance”, “good governance” and “democracy” first for the better understanding of these aspects.

#### **DEFINITIONS:-**

### **I.) Definition of “Governance”:-**

- The term “governance” means different things to different people, and therefore, for the UNDP to clarify, at the very beginning, the sense in which it can be understood. Among many definitions of “governance” that exist, the one that appears the most appropriate from the viewpoint of the UNDP is “the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. It comprises mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.”<sup>2</sup>
- According to the World Bank: - “Governance is the manner in which power is exercised in the management of a country’s economic and social resources for development.”<sup>3</sup>

Actually, governance is about the use of power and authority and how a country manages its affairs. This can be interpreted at many different levels, from the state down to the local community or household. Governance analysis considers all the mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests and exercise their rights and obligations. It concerns the way that people mediate their differences, make decisions and enact policies that affect public life and economic and social development. Governance never means the politics and public administration alone because governance systems include economy, state and society in one big more or less institutionalized whole. Moreover, it has become a maxim to say that good governance is essential for successful development.

### **II.) Definition of “Good Governance”:-**

- “Good governance is the term that symbolizes the paradigm shift of the role of governments.”<sup>4</sup>
- Good governance is, among other things, participatory, transparent and accountable, effective and equitable, and it promotes the rule of law. It 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.<sup>5</sup>

### **III.) Definition of “Democracy”:-**

<sup>2</sup> “Governance for Sustainable Human Development”, A UNDP policy paper UNDP 1997, at.p. 2-3.

<sup>3</sup> Holzer Marc & Kim Byong-Joon (ed.), “Building Good Governance: Reforms in Seoul”, (National Center for Public Productivity, 2002), Preface.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Supra* note 2.

- Democracy is “a system of government in which all the people of a state or polity ... are involved in making decisions about its affairs, typically by voting to elect representatives to a parliament or similar assembly.”<sup>6</sup>
- Democracy can be further defined as<sup>7</sup>:
  - a. A government by the people; especially : rule of the majority; and
  - b. A government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.
    - Whereas the word “democratic” not only refers to political but also to social & economic democracy also.<sup>8</sup>

The meaning of democracy can be summarized as: “A mode of decision-making about collectively binding rules and policies over which the people exercise control, and the most democratic arrangement is that where all members of the collectively enjoy effective equal rights to take part in such decision-making directly- one that is to say, which realizes to the greatest conceivable degree the principles of popular control and equality in its exercise”.<sup>9</sup>

#### **Democratic governance as a step towards development:-**

Democracy has been well recognized as an ideal mode of governance. A system of government is democratic if it is based on popular sovereignty. In other words, it is based on the Lincolnian dictum of “government of the people by the people and for the people”. Many scholars like Gettel, Bryce, Seeley, Hall and Dicey have clearly recognized the ideal mechanism of governance. All of them have laid emphasis on the people’s participation in the political system. The people can take active part in the governance of the state in a number of ways. For example, in an indirect or representative democracy, each adult member of the society can choose his representative in periodic elections to be held by an impartial body like an Election Commission. There can also be a system of recall of the elected leaders even before the completion of their tenure. Besides, in order to ensure a more active participation of people at different levels of decision-making, the system of referendum and initiative can be introduced. The first one stands for taking a popular vote on any action already decided by the government. The second one is a sort of taking an advance step by the people-say through collection of signatures by a fixed number of people to force the government for initiating some important work, which are in the interests of the people. At the present stage, the system of direct control

<sup>6</sup> Oxford English Dictionary: Democracy.

<sup>7</sup> <http://www.merriam-webster.com/dictionary/democracy>.

<sup>8</sup> M Laxmikanth, “Indian Polity”, ed. 4<sup>th</sup>, at.p.4. McGraw Hill Education, ISBN 978-1-25-906412-8.

<sup>9</sup> Bentham, David “*Liberal Democracy and the Limits of Democratization*”, Political Studies special issue, vol.40. 1992, at.p.40

mechanism by the people on democratic government has not been put to practice in India. But in this country, protest movements undertaken on a large scale, can remove a democratically elected government either at the centre or in any state.

### **Democracy, State and Society:-**

Democracy is not a mere mechanism of governance. Some scholars also talk of a democratic state and democratic society. A democratic government naturally implies a democratic state. In the words of Hearnshaw, “All that a democratic state means is that the community as a whole possess sovereign authority and maintains an ultimate control over affairs.”<sup>10</sup> In addition to being a form of government and type of state, democracy is an order of society. A democratic society is one in which people enjoy political liberty and also socio-economic equality. Because of the close links between a democratic government, a democratic state and a democratic society, justice is possible for all groups and associations of people. Similarly, there cannot be a true democracy without a democratic way of life. A democratic attitude to life means faith in the principle of equality for all people and the recognition of individuality of a human being. A democratic way of life is characterized by tolerance, mutual respect and fraternity.

**Distinguish aspects of governance in India:** - There are certain aspects of governance which plays an important role in the advancement of a country like India. A brief discussion on these aspects is the necessity of this paper. These can be examined as:-

#### **1. Common values, individual processes:-**

Approximately, in every country, good responsible, accountable, public-spirited governance must ultimately go hand in hand with democracy. Obviously, for peoples around the world, from every culture and religion, democracy and human rights are ends in themselves, independent of the material development progress that they facilitate. But democracy is an essential companion of good governance for several reasons. Tradition of public discussions could promote improvements in good governance and also enhance the ownership of programmes. Public discussion is potentially important in promoting good governance. Though some countries have tended to encourage this type of public debate on matters of governance, there has often been no mechanism for pursuing the outcome of the discussions to the right conclusion. These discussions would bring to the fore increased awareness within the

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<sup>10</sup> Hearnshaw, “Democracy of the Crossways” (1982); Sohan Lal Meena, “*Working of Indian Democracy: Challenges and Opportunities*”, at.p.1, Published on 12-07-2012, Spain.

population/citizens of the benefits of certain policy measures as they seek to maximise social welfare. In addition, as part of the effort towards promoting good governance, the public debates of government programmes would lead to increased or at least induce, compliance by policy makers, hence promote good governance. Ultimately, public debate or discussions would be quite instrumental in minimising the special advantages of the various interest groups that have often negatively influenced most processes relating to good governance. The ultimate purpose of increasing the awareness of the citizens of their active role and participation in national matters would go a long way to promote good governance.

## **2. Role of Judiciary and good governance:-**

In order to assure that the role of law would insure to, and for, everyone and the promises made by the Constitution would not remain merely on the paper, the Constitution makers made provisions for independence of the judiciary. The success of a democratic form of Government which is adopted in India depends on a system of free and fair elections regulated, monitored and controlled by an independent agency. Although a high powered Election Commission as an autonomous body to oversee the electoral process is there in India yet the judiciary has also made significant contributions through various pronouncements to plug loopholes and preclude the possibility of abuse by the candidates. This can be illustrated by an example i.e. criminalization of politics has been one burning issue since it has an immediate bearing on the choice of candidates in an election and goes to the root of expectation of good governance through elected representatives. Treating the right to vote as similar to freedom of speech and expression under Article 19(1)(a) of the Constitution and enforcing the “right to get information” as “a natural right” flowing from the concept of democracy, in the case of Association for Democratic Reforms,<sup>11</sup> the judiciary brought about a major electoral reform by holding that a proper disclosure of the antecedents by candidates in election in a democratic society might influence intelligently the decisions made by the voters while casting their votes. Observing that casting of a vote by a misinformed and non-informed voter, or a voter having a one sided information only, is bound to affect the democracy seriously, the court gave various directions making it obligatory on the part of candidates at the election to furnish information about their personal profile, background, qualifications and antecedents.<sup>12</sup> Judiciary has, thus, played a crucial role in development and evolution of society in general and in ensuring good governance by those holding reigns of power in particular. Perhaps, there can be no two views

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<sup>11</sup> Union of India v. Association for Democratic Reforms and Anr, (2002) 5 SCC 294.

<sup>12</sup>Justice Y.K. Sabharwal, Chief Justice of India, “*Role of judiciary in good governance*”, [highcourtchd.gov.in/subpages/left menu/.../good governance](http://highcourtchd.gov.in/subpages/left%20menu/.../good%20governance).

about the significance of the role expected of judiciary, viz-a-viz, the goal and good governance in a free society.<sup>13</sup>

### **3. Public services and good governance:**

The ongoing capacity development of frontline functionaries in various service delivery institutions is critical. Despite huge allocations for training and capacity building made in all centrally sponsored schemes, actual utilisation of these resources is very poor because of weak capacity in training institutions themselves. ARC recommended that all training institutes should be 'coupled' with various academic institutions and civil society organisations to make them perform this function in a professional and accountable manner.

“We need to improve our delivery systems to provide basic services to our citizens. We will act with speed on the recommendations of the Administrative Reforms Commission to strengthen governance. Renewed efforts will be made to decentralize public administration through the Panchayati Raj Institutions and to ensure greater involvement of people in it. Initiative will be taken for a new partnership between the civil society and the government so that tax payers' money is better spent. We have enacted the Right to Information Act to enhance accountability and transparency in public life. This law will be improved so that it is more effective.”<sup>14</sup>

### **4. Separating politics and administration:-**

Since time immemorial bureaucracy has been the lifeline of any nation. It is responsible for translating the policies and programmes formulated by the political authority. The quality of the citizen's life depends on the attitude and performance of bureaucracy. Moreover, in all walks of life of a person, bureaucracy plays a very significant role. There is no denying that an effective, efficient, flexible and responsive bureaucracy is a requisite to good governance. The competence of bureaucracy at all levels determines the performance and efficacy of an administrative system. They should be bold, honest and assertive in the discharge of their responsibilities. They should not hesitate to give right advice to the political authority no matter whether they accept it or not. They are the “catalytic agents of change by virtue of their education and exposures”.<sup>15</sup> Thus, if politics is separated from administration, administration can work more effectively and can lead the nation towards good governance.

### **5. Security and good governance:-**

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<sup>13</sup> *Ibid.*

<sup>14</sup> Hon'ble Prime Minister of India, 2009 (<http://pminindia.nic.in/lpeech.asp?id=808>).

<sup>15</sup> Jaytilak Guha Roy, “*Role of Bureaucracy in Good Governance*”, October-December, 2011, Volume 13 No. 2.

Internal security cannot be maintained satisfactorily in the country unless the States effectively discharge their constitutional duty of maintaining peace and public order in their realms. The States cannot pass on this crucial responsibility to the Centre, as has been the continuing trend in the past years. A signal failure of the States has been the continued neglect and the political exploitation of their Police organisations. This has most adversely affected the discipline, morale, efficiency, honesty and trustworthiness of the constabulary. It is essential that every State undertakes a time-bound programme to enlarge, train and equip its Police to effectively manage the existing and emerging challenges as well as to provide very strong support for the implementation of the Centre's initiatives to maintain public order in the entire country.<sup>16</sup> It may be noted that a stable security environment cannot be prompted merely by promulgating new laws. In the ultimate analysis every citizen must discharge his duty to uphold and protect the sovereignty, unity and integrity of the country. The requisite environment can be engendered only if the States perpetually demonstrate and ensure that the laws of the land apply equally also to the rich and influential and the highest placed public servants. Simultaneously, it must be particularly ensured that no injustice is done to the poor and the disadvantaged segments of society as this would result only in promoting distrust and despair among the masses and further eroding their loyalties.<sup>17</sup>

#### **6. Decentralisation and good governance:-**

Decentralisation of governance can work as an incentive in giving the people the chance to directly take part in the decision making as well as implementation process. Moreover, the access to proper information by the people and absence of corruption are also important prerequisites of good governance. In brief, good governance has four main characteristics<sup>18</sup>:-

- a.) Predictable, open and enlightened policy-making;
- b.) A bureaucracy filled with professional ethos acting in furtherance of the public good;
- c.) The rule of law; and
- d.) Transparent process and a strong civil society participating in public affairs.

It also requires consensus orientation, equity, strategic vision and use of resources in sustainable manner.

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<sup>16</sup> N.N.Vohra, "National Governance and Internal Security", Journal of Defence Studies, summer 2008, Vol.2, Issue: 1.

<sup>17</sup> *Ibid.*

<sup>18</sup> World Bank, Governance: The World Bank Experience, (operations policy, Document, Final Draft, Nov. 23, 1993).



## **7. Public Finance and good governance:-**

Public financial management is considered as a very complex field with many new initiatives and relatively few successes to date. Implementing public financial management reform is a challenge in all countries, but to successfully mount and execute public financial management projects in resource constrained countries has proven rather difficult. Consequently, the three critical functions of a government are<sup>19</sup>:

- To facilitate redistribution to assist those marginalized by market forces;
- To enable the level of economic activity and the rate of economic growth;
- To allocate resources to the production of goods required collectively by society and which if the market were to produce it would be too costly for citizens.

To ensure this function, government must function in a responsible, participative, transparent and accountable manner as the guiding principles of good governance. Thus, governance is a relational concept and entails a triangular relationship among government, the legislature and society.<sup>20</sup> Good governance in public sector financial management cannot be divorced from good governance of the state. The point of departure being, that governance is intrinsically linked to how the state is managed in terms of ensuring a good quality of life for all citizen's, and how authority and power is separated in order to achieve this goal.

Thus, strong and effective Public Financial Management is a vital component for good governance. A PFM strategy underpins fiscal and macro stability, guide the allocation of public resources to national priorities, support the efficient delivery of services for poverty reduction and economic development, and make possible the transparency and scrutiny of public funds. There is a strong relationship between effective financial governance and development outcomes. Therefore, good financial governance should not be minimized to an abstract philosophy that is captured in legislation alone, but as a normative concept that must be aimed at concrete and achievable objectives.

## **8. Role of Women in good governance:-**

Good governance means empowerment, securing justice, employment and well-organized delivery of services. Gender inequality is not only an injustice but also a major barrier to poverty reduction and development. It prevents half the population from contributing fully to

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<sup>19</sup> D. Fourie, *"The Application of Good Governance in Public Financial Management"*, University of Pretoria, Journal of Public Administration, August 2006, Vol. 41 no 2.2, at.p.436.

<sup>20</sup> *Ibid.*

social, economic and political development and keeps communities in poverty. By ignoring the impact of gender discrimination, states can contribute to significant long-term social problems. Woman is a key to good governance. Their participation will provide political stability. Woman is constructive, sensible and creative. They are really leaders, care taker and educator. Still, in some parts of India, for instance, female foeticide, infanticide and neglect have reduced the ratios of women to men to 790:1000 respectively. This has the potential to generate significant tension in the years to come. We have heard about “million mutinies”, but now there is need to go for “million participations” or “million negotiations” that will bring government, market and civil society together in same platform, that will make every Indian happier. International agency’s efforts to formulate gender sensitive schemes and projects for aid sharpened the focus on women’s participation in community level projects like water.<sup>21</sup> Women’s participation in municipal councils will enable them to influence policies and decisions to ensure prioritisation of services and allocation of resources to provide access to the poor and needy equitably and efficiently. They can also participate in monitoring and evaluation for their continued access to services and sustainability.

#### **CONCLUSION:-**

The need of present era is not to have just effective governance but the right kind of governance. As we are linked with global market, so we can develop better delivery system and good governance by strengthen government activities. The life of millions should not be left on market mechanism only. Our policy maker should concentrate on strengthening our democracy by encouraging commitment of ours civil servants, both in Executive and Judiciary. The output of country’s performance in key areas, namely employment, empowerment and effective and timely delivery of services should be increased.

#### **SUGGESTIONS:-**

Thus, there is a need to concentrate following areas of concern, to strengthen democratic governance:

- Person who is charge sheeted by court should be barred from contesting election. In parliament and state assemblies.
- At least 1/3 of seats in Parliament and state assemblies should be reserved for woman.
- Public expenditure should be properly audited periodically even at village, Taluka district level to ensure proper utilization of Public fund, and any discrepancies if found

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<sup>21</sup> Priyam Das, “Women’s Participation in Community Level Water Governance in Urban India: The Gap between Motivation and Ability”, World Development, Vol. 64, pp. 206- 218, 2014.

by Audit officials, should be transferred to Police agencies through a formal complaint and it should be followed by also initiating departmental inquiry.

- Civil Servant should be made more accountable for delivery of services in approved government scheme or programme.
- Partial State funding in election should be started immediately.
- Poor people should be directly involved in policy making process in poverty alleviation programme.
- State financed development programme should aim at generating more employment and increase productivity level of workers.

