

CHALLENGES OF GOOD GOVERNANCE AND EXECUTIVE

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The term 'Governance' is gotten from a Latin expression which etymologically implies steering. It alludes to the procedures and frameworks by which government or society works; the procedures by which choices are made that characterize desires, give control, or confirm execution.¹

The Oxford Dictionary defines the word governance as, "The action or manner of governing a state, organization, etc." The Cambridge Dictionary defines the word, "Good Governance" as, 'the effective and responsible management of an organization, a country, etc. which includes considering society's needs in the decisions it makes'.

The word 'God' is the root word for 'Good' which means an ability to distinguish between right and wrong, just and unjust. A judgment is good if it is just, right, and moral. In the context of Good Governance it is taken in public interest and service the public interest. While in India we believe 'Sarva Jana Hitaih Sarva Jana Sukaiah' which implies welfare of all and happiness of all. Good Governance is supposed to exist if the following three objectives are achieved.

- There should be quality of law and effective implementation of laws.
- There should be opportunity for every individual to realize his full human potential
- There should be effective productivity and no waste in every sector².

DEFINITIONS OF GOOD GOVERNANCE

Definition of governance by leading institutions and studies converge on the term as referring to a process by which power is exercised.

United Nations Development Programme (UNDP, 1997): Governance is seen as an activity of economic, political and authoritative specialist to deal with a nation's issues at all levels. It includes systems, procedures and establishments through which citizens and associations

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¹ Law Commission of India, "Reforms in the Judiciary - Some Suggestions", (Law Com No. 230, 2009), Available at <http://lawcommissionofindia.nic.in/reports/report230.pdf>; (Accessed on Feb.15, 2013)

² S.S. Chauhan, Mamta Mokta, Sanjeev K. Mahajan&SimmiAghnihotri; *Challenges in Governance*, Anamika Publishers & Distributors (P) Ltd.(1st ed. 2011), p. 89

express their interests, practices their lawful rights, meet their commitments and reconcile their disparities.

World Bank (1997): Governance is characterized as the way in which control is practiced in the administration of a nation's economical and social assets. The world bank has distinguished three different facets of governance: (1) the type of political regime; (2) the process practiced by the authority in the administration of a nation's economical and social assets for advancement; and (3) the capacity of government to configure, plan and execute strategies and perform functions.

Asian Development Bank: The ADB regards good governance as synonymous with sound development management. It includes both people in general and the private sectors. It is identified with the effectiveness with which assistance by authority is utilized, the effect of advancement programmes and tasks (counting those financed by the bank). Thus, independent of the exact arrangement of financial strategies that induces support to governance, decent administration is required to guarantee that those approaches have their coveted impact. Fundamentally, it concerns standards of conduct that assistance guarantee that administration really convey to their nationals what they say they will convey.

USAID (United States Agency for International Development): Governance incorporates the different dimensions of the state, the sense of duty regarding people in general, the rule of law, the level of transparency and responsibility, the level of participation of the people, and the stock of social capital. Without great administration, it is difficult to foster improvement. No measure of plan of action exchanged or framework manufactured can adjust for or survive awful administration.

UNESCO (United Nations Educational, Scientific and Cultural Organization): Good governance is an idea which is playing a pivotal role in political science, public administration and more particularly, development management. It has become synonymous to such terms such as democracy, civil society, joining in participative process, human rights and sustainable development. The public sector reform has also found strong association with the aforesaid term.

Constitution of India: The word Governance is not used per se anywhere in the Constitution of India but it can be interpreted by analyzing various provisions of Constitution of India which assigns powers and functions to the executive to attain Good Governance. While the entire of

the Constitution has an impact, straightforwardly or in a roundabout way, on the Civil Service and government employees in India, Part XIV of the Constitution identifies more specifically. Dissimilar to numerous different organizations, similar to the Planning Commission, the Central Bureau of Investigation (CBI), the Central Vigilance Commission (CVC), the civil services are the foundation mandated by the Constitution. No doubt it is a successor of the previous Indian Civil Service (ICS) of British India, imbibing not just its method, the common and criminal codes (IPC, CrPC, CPC, and so on), chain of command, rationality, however even the work force, the Civil Service of free India is lawfully a making of our Constitution. This is done by means of Part XIV of the Constitution, which makes the All India Services (AIS), the Central (civil) Services, and the States Civil Services, among others, and furthermore makes the Union Public Service Commission, the State Public Service Commissions and Joint Public Service Commissions, to enroll them. The Part XIV, consequently bears, every government worker in India.

CHALLENGE OF GOVERNANCE

The success of public administration depends on the quality of civil service and its accountability. The initial capacity of Indian Civil Services is among the highest in the world, with meritocratic and fair recruitment. Yet India's civil services, the principal face of the government to the public and responsible for implementing government programmes, must shoulder some of the responsibility for dissatisfaction with government's performance in providing a sound business environment, curbing corruption and providing public services. The problem is not initial capability but institutional deficiencies. Non- transparency, limited accountability, poor incentive structure and inadequate performance appraisal weaken the civil service's administration as do the standard problems of political interference in specific situation and government's widespread and intricate interventions that delay actions, create unwarranted power and provide opportunities for corruption.³

THE CHALLENGES TO GOOD GOVERNANCE

Leadership: The most essential element for the success of any organization is its Leadership-political and administrative that is why it is said, "put a good man in a bad set up he will push through. Put a bad man in a good set up: he will make a mess of the situation. No technique can help those administrators who have no faith in their work and its best performance. Walter R.

³ *Ibid* at 17

Sharp says; “Even poorly devised machinery may be made work if it is manned with trained, intelligent, imaginative and devoted staff. On the other hand the best planned organization may produce unsatisfactory result if it is operated by mediocre or disgruntled people.”

Size and Structure of Government: Since freedom, the government has expanded its function and made it multidimensional. To some degree, this development has been animated by political contemplation; it obliged increasingly intra-party groups by offering more ministerial positions. It likewise made posts for senior civil servants, alongside different employments at different levels that augmented the support abilities of various political and bureaucratic pioneers. Be that as it may, this development has not been counterbalanced by an associative shedding of lower need duties or different endeavors to wipe out excess. Aside from its budgetary perspective, this sort of extension has extended usage limit, and intensified coordination issues. Civil servants are investing increasingly energy in keeping up as well as elucidating their jurisdictional rights and limits, clearing their choices through progressively complex internal procedures, and planning their exercises through an expanding number of organizations.⁴

Performance & Promotion: The Annual Confidential Report Process has its effect on compensation, profession prospects and choices on untimely retirement; the system for execution evaluation has essential outcomes for the inspiration of workers. The Annual Confidential Report process is likewise intended to be utilized as a part of training and personality enhancement, confirmation, and going beyond productivity bars. The subject of how employee's contribution ought to be efficiently assessed in a reasonable and solid manner, without producing unnecessary conflict, is a muddled one. In spite of the fact that the supervisors have the privilege to give persistent feedback and direction to representatives, Annual Confidential Reports (or ACRs) are the chief methods for intermittent formal evaluation. The opaque, subjective and one-sided character of ACRs is a task. Discourses between the evaluator and worker being assessed are occasional and commonly just occur if a dispute arises.

Genuine endeavors to change the arrangement of execution evaluation are desperately required. The present system of promotion in civil services depends on time-scale and is coupled by its security of tenure. These components in our civil services are making our dynamic government employees self-satisfied and a large number of the advancements depend upon patronage system. The lack of motivating forces or disincentives for execution is a noteworthy

⁴ M. Satish, “Civil Service Reforms”, Available at , <http://www.cgg.gov.in/workingpapers/CivilServicesReform.pdf>; (Accessed on 4th April 2013)

disadvantage for civil services and is making All India Services to a great extent unaccountable to the state. Government employees are selected through competitive examination, as well as specific authorities from the state governments are additionally being advanced. The entire thought of All India Civil Services gets lost when other state officers are elevated to civil services and work in the state itself. This is in reality a retrograde advance. It ought to be required for the officers who are elevated to civil services to serve in different states to keep making All India Civil Service working. These promotions should be justifiable and the respective authorities must set a landmark for the best practices and assess the performance of the civil servants both qualitatively and quantitatively with a variety of criterion. The execution examination of government employees must accord to these benchmarks and the vital arrangement reward and disciplines can be taken up by the supervisors.⁵

Lack of Responsiveness and Accountability to people: It is widely agreed that manipulation and lack of integrity produce negative side effect and reduced organizational effectiveness. V.S Jafa in an article, challenges for the police in the 21st century, “In IJPA Jan-March 2001 clearly said that the people have great expectations from the police, as it is a ubiquitous grievance redressal machinery of the government, having the most frequent contact with the daily life of the people. Majority of policemen treat people with contempt or apathy and are not averse to abusing their lawful authority from sadism or arrogance, from over enthusiastic, ham handed or sheer thoughtless performance of duty; or for illegal gain.” Trigger-happy brutality is not uncommon while quelling disorder. Custodial torture and death are frequent occurrences.⁶ A major challenge over the police has been to:

- i. Achieve openness and transparency in its functioning
- ii. Show greater professionalism in its conduct and operations
- iii. Eschew rude and abusive behaviour
- iv. Exercise restraint in the use of force
- v. Be impartial and fair in their daily conduct

Relationship between Ministers and Civil Servants: Mr. S. Subramanyan in his Article on Minister-civil servant relations -- Mutual dependence, striking a balance has narrated that it is

⁵ *Ibid*

⁶ S.L. Goel, *Good Governance- An Integral Approach*; Deep and Deep Publications, (1st ed. 2007), p 147

not uncommon for any government to face policy failures. Onion crisis and the situation of rotting food grains in the country's god owns are some examples. Western democratic governments regard policies catastrophes as normal end products of administration. Irregularity in the policies declarations would normally give rise to undesired consequences. Government workers have no enchantment wand to actualize changes with such outlandish policy implementations. 'Continuity' has not been given due significance either. The whirling of government workers obstructs advance the best possible execution of policies. Occasions, like these have a tendency to dismantle the minister and civil employees' relations, and further demoralisation of the civil servants may likewise set in.

Prof. B.S. Narula in his paper "Relationship between Ministers and Civil Servants in a development democracy" has mentioned that the stresses and strains which have developed in recent years in Minister and Secretariat and related to the following inter-connected issues:

- a) Increasing tendency on the part of ministers to interfere in day to day administration to allow accommodation to individuals and groups for parochial and political consideration.
- b) Lack of clear and adequate perception by ministers of their administrative responsibilities and their inabilities to do full justice to them.
- c) Lack of fuller appreciation by the civil servants of the political side of the ministers role
- d) Differences in the social background, intellectual ability, professional commitments, temperament and outlook of ministers and senior civil servants.⁷

Accountability: Those who are holding position of power in our government should not be given unscrupulous, unchecked power. The police are accountable only to the political executive at the district or state level there is absolutely no departmental accountability whatsoever, had the police been accountable to law there had been no terrorism in Punjab or in Jammu & Kashmir.⁸ For the police the party in power is the final arbiter today. The ground reality is that transfer is the biggest punishment. The accountability mechanisms in any country are broadly categorized as those that are located within the State and those outside. Accountability of the executive arm of government to Parliament and to the citizens of the country is of course the fundamental feature of a democracy.

⁷ *Ibid* at 139

⁸ P.C. Dogra, *Where the politicians call the states*, THE TRIBUNE, dated 15.10.06.

Corruption: Corruption has a variety of meanings. According to David H. Bailey: Corruption is a general term covering misuse of authority as a result of considerations of personal gain, which need not be monetary, in the view of Jacob Van Kalveren: Corruption means that a civil servant abuses his authority in order to obtain an extra income from the public.

Harmful effects of corruption⁹: Bad Governance:-

- a) Within the bureaucracy, corruption may cause widespread cynicism and social disunity and thus reduce the willingness to make sacrifices for the Society's economic development
- b) Bureaucratic corruption undercuts popular faith in government
- c) Corruption, especially in the form of bribery, causes decisions to be weighed in terms of money, not in terms of human need. In other words, the wheels of the bureaucratic machine must be oiled with money
- d) Corruption causes rise in the price of administration. People who have already paid the tax are forced to bribe in order to get government service. All these factors indicate that soil for good governance is non-existence.

Most of the problems in public administration are emanating from political corruption and interference. The credibility gap between the political and administrative relationship is on the increase causing decline of good governance.

Corruption in the Indian society has prevailed from time immemorial in one form or the other. The basic inception of corruption started with our opportunistic leaders who have already done greater damage to our nation. People who work on right principles are unrecognized and considered to be foolish in the modern society. Corruption in India is a result of the connection between bureaucrats, politicians and criminals. Earlier, bribes were paid for getting wrong things done, but now bribe is paid for getting right things done at right time. Further, corruption has become something respectable in India, because respectable people are involved in it. Social corruption like less weighing of products, adulteration in edible items, and bribery of various kind have incessantly prevailed in the society.

S.R. Maheshwari¹⁰ in his article wrote, "Public service in India is among the most corrupt one in

⁹ S.L. Goel, *Good Governance- An Integral Approach*; Deep and Deep Publications, (1st Edn. 2007), p 202

the world is the most corrupt one in the world; a clean administration is a pre-requisite of an efficient allocation and utilization of resources. When the machinery of government is notoriously slow moving and procedures of work are cumbersome a certain amount of delay and vexation become inevitable and members of bureaucracy, when properly humoured are pleased to flex their muscles and expedite decision making under proper inducements.

Lack of Ethics: The country is passing through a terrible crisis in today's time. The aggravation of material greed has as a reaction set ablaze the fire of corruption at all levels. Through the dominant influence of the present material civilization and the ideal of enjoyment fostered by it, even the basic framework and moral fibre of the country has been affected by an internal demoralisation. There is no limit to fraud and hypocrisy that is being practiced in the name of politics.

Transparency: Access to data can enable poor people and the weaker segments of society to request and get data about public policies and activities, consequently prompting their welfare. Without great administration, no measure of formative plans can get enhancements in the personal satisfaction of the citizens. Good governance has four components transparency, responsibility, consistency, predictability and participation. Transparency alludes to accessibility of data to the overall population and clearness about working of administrative establishments. Right to information opens up government's records to open scrutiny in public domain, in this manner equipping citizens with a fundamental instrument to make them aware about what the administration does and how viably, hence making the administration more responsible. In a basic sense, right to information is an essential need of good administration. In recognition of the need for transparency in public affairs, the Indian Parliament enacted the Right to Information Act (hereinafter referred to as the RTI Act or the Act) in 2005. While right to information is certainly ensured by the Constitution, the Act sets out the handy administration for citizens to secure access to data on all issues of administration.

Based on the case studies conducted by the Commission, responses of various Ministries to a questionnaire, and interactions with the stakeholders, a number of difficulties/impediments were noted, 1) Complicated system of accepting requests, 2) Insistence on demand drafts, 3) Difficulties in filing applications by post, 4) Varying and often higher rates of application fee,

¹⁰ *Ibid* at 195

5) Large number of PIOs ¹¹

Globalisation: The advent of globalisation presents a new series of challenges to the administration. The various technological advancements, new cross border relationships of our interests across issues and boundaries have brought forth. The cross border trade and economical developments have stiffened to mesh of financial linkages across different countries irrespective of preferences. Government cannot run away from its responsibility to produce an impact on international events and conditions to our benefits. Without the capacity to handle this new situation, we would be working in vain and consequently loose the race of globalisation.

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 favoritism. 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.

CONCLUSION

The bureaucrats assume a vital part in guaranteeing Good Governance. Great administration as an idea has relentlessly dug in itself in the political and development talk. It has pervaded all divisions and turn out to be a piece of the basic shared standards and excellences of various nations on the planet. We have an excessive number of civil services and yet too less governance. We have bigger labor without resolve and shy of skill power.

¹¹ Second Administrative Reforms Commission, “*RIGHT TO INFORMATION: Master Key to Good Governances*”, (No. 1, June 2006), Available at: <http://www.arc.gov.in/rtifinalreport.pdf> ; (Accessed on 15th 2013)