

## **Making Good Governance and Corruption free Administration in India**

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Good governance is a top priority of any government in the modern world. Ever since India became independent, corruption has become a way of life and it has permeated at all levels of the administration. The third world societies in general and India in particular the corruption is very rampant. Good administration should signify that the government of the day should be able to give effective administration without the corruption. But in India both the bureaucracy and the political leadership developed a nexus and failing in giving the good governance. Hence, there is a massive response to anti-corruption movement led by Anna Hazare. Anna and his followers are demanding a powerful Jan Lokpal bill which can root out the corruption in India. The Jan Lokpal Bill, also referred to as the Citizen's ombudsman Bill is a draft anti-corruption bill drawn up by prominent civil society activists seeking the appointment of a Jan Lokpal, an independent corruption investigation body<sup>1</sup>. This draft bill has also proposed improvements to the Lokpal and Lokayukta Bill 2011, which is currently being passed by Lok Sabha in December 2011.

The Jan Lokpal Bill aims to effectively deter corruption, redress grievances of citizens, and protect whistle-blowers. If made into law, the bill would create an independent ombudsman body called the Lokpal -protector of the people. The body would be empowered to register and investigate complaints of corruption against politicians and bureaucrats without prior government approval. Governance embodies fundamental of democratic rights and the people should be able to rule themselves. Good governance seeks efficient institutions which are fair and transparent and which are answerable to people is the important aspect of democracy<sup>2</sup>.

Democratic Governance differs from the concept of good governance in recognizing that political and civil freedom and participation have basic value as developmental ends in themselves. There is a growing recognition that these pillars of democratic and accountable governance are the foundation for sustainable and just development. Getting the institutions right is the key to ending poverty and fostering prosperity. Democracy alone is not sufficient. Good governance alone is not sufficient. It is very important to give corruption free administration.

It is widely recognized that good governance is essential to sustainable development. Well-functioning legal institutions and governments bound by the rule of law are, in turn, vital to good governance. Weak legal and judicial systems – where laws are not enforced and non-compliance and corruption are the norm – undermine respect for the rule of law, engender environmental degradation, and undermine progress towards sustainable development. There is a political consensus that the rule of law and good governance are a necessary foundation for efforts to achieve sustainable development. But these broad concepts carry many meanings and there are many

strategies for promoting them. This paper explores the relationship among the rule of law, good governance, and sustainable development.

Definitions of “Rule of Law” and “Good Governance” Rule of law: Many institutions identify a fair, impartial, and accessible justice system and a representative government as key elements of the rule of law. In this paper, the term “rule of law” is used to mean independent, efficient, and accessible judicial and legal systems, with a government that applies fair and equitable laws equally, consistently, coherently, and prospectively to all of its people. Good governance: Good governance is generally characterized by accessibility, accountability, predictability and transparency. This paper treats “good governance” as having openness, participation, accountability, and transparency as key elements<sup>3</sup>.

While many factors play an important role in development, good governance is now recognized as playing an essential role in the advancement of sustainable development. In addition, it allows for sound and efficient management of human, natural, economic, and financial resources for equitable and sustainable development. Moreover, under good governance, there are clear decision-making procedures at the level of public authorities, civil society participation in decision-making processes, and the ability to enforce rights and obligations through legal mechanisms.

Good governance promotes accountability, transparency, efficiency, and rule of law in public institutions at all levels. In addition, it allows for sound and efficient management of human, natural, economic, and financial resources for equitable and sustainable development. Moreover, under good governance, there are clear decision-making procedures at the level of public authorities, civil society participation in decision-making processes, and the ability to enforce rights and obligations through legal mechanisms. These aspects of good governance do not in themselves ensure that society is run well nor do they guarantee sustainable development. However, their absence severely limits that possibility and can, at worst, impede it. Without proper functioning institutions of governance based on the rule of law that promote social stability and legal certainty, there cannot be investment and assumption of risk that form the basis of market economy development, let alone sustainable development. Indeed, the strength of the rule of law is the best predictor of a country’s economic success.

#### The elements of good governance

A number of multilateral organizations including the United Nations Development Programme and the World Bank have reflected on the elements of good governance, and on their relation to development. As the experience of these organizations vary, so, too, do their perceptions of what constitutes good governance. In its report, Governance for Sustainable Human Development, the UNDP acknowledges the following as core characteristics of good governance<sup>4</sup>.

- 1) Participation
- 2) Rule of law
- 3) Transparency

- 4) Responsiveness
- 5) Consensus orientation
- 6) Equity
- 7) Effectiveness and efficiency
- 8) Accountability
- 9) Strategic vision

Insofar as the World Bank is concerned, its interest in governance stems from its concern with the effectiveness of the development efforts it supports. From this perspective, sound development management, in the broadest sense of the phrase, is critical for ensuring adequate returns and efficacy of the programs and projects financed.

Furthermore, deficiency in the rule of law encourages high rates of corruption, with further devastating consequences on the confidence of economic actors. This lack of investment, in turn, slows economic growth and consequently deprives the governments of resources to invest in education, social safety nets, and sound environmental management, all of which are critical for sustainable development. Introduction of good governance and rule of law, however, cannot be done overnight. The process is often a gradual one, involving changes to long-standing practices, entrenched interests, cultural habits, and social and even religious norms. A significant step was taken in this endeavor in 1998 when countries adopted the Convention on Access to Information. Public Participation in Decision-making and Access to Justice in Environmental Matters. The Convention recognizes that sustainable development can only be achieved through the involvement of all stakeholders and seeks to promote greater transparency and accountability among government bodies by guarantying three pillars for the public:

- 1) the rights of citizen access to information;
- 2) citizen participation in decision-making, and
- 3) citizen access to justice in environmental matters.

And UNDP<sup>5</sup> also has helped promote good governance by focusing on the following six areas:

- 1) parliamentary development;
- 2) assistance with electoral systems and processes;
- 3) improvement of access to justice and human rights;
- 4) promotion of access to information;
- 5) support for decentralization and local governance; and
- 6) reform of public administration and civil service.

### **The Link between Democracy and Good Governance**

Good governance does not necessarily, in every country, at every historical moment, require democracy. However, democracy provides an important instrument and incentive for good governance. The instrument is the ability of the people to remove corrupt, unaccountable, or merely ineffectual leaders at regular intervals. The incentive,

for political leaders, is to produce visible and broadly distributed improvements in the quality of life if they want to be reelected.

When elections are free and fair, because they are neutrally and effectively administered, with proper rules and institutional safeguards, publics have the opportunity to punish bad governance and to correct policy mistakes. Leaders have the incentive not only to govern responsibly and transparently, but also to explain and justify their decisions and to consult a broad range of constituencies before making decisions. Both the fact of electoral competition, with its need to mobilize and recruit votes, and the incentive in an electoral democracy to consult public input into the governance process, stimulate political participation. Over time, this emphasis on public dialogue, engagement, and participation also is more likely to foster the accumulation of social capital. Electoral democracy thus helps to promote commitment and responsiveness to wider societal interests<sup>5</sup>.

The benefits of democratic participation for governance apply not only to political systems overall but to specific sectors and various levels of development policy-making. The broader the scope of public participation in decisions about how and where to spend scarce health resources, for example, the more likely those expenditures will be to advance the health of the greatest number of people. Even in realms of economic policy that are considered as technical and controversial as privatization, liberalization, and deregulation, the necessary reforms will be more appropriate and sustainable if efforts are made to consult a wide range of constituencies, mobilize key stakeholders, and allow for open, democratic debate. In general, government policies will have greater legitimacy and sustainability if the public feels some sense of involvement with and ownership of them.

Finally, freedom matters. When there is greater civil as well as political freedom, there will be more informed and vigorous public debate. When individuals are free to participate and express themselves, when organizations are free to mobilize and protest, and when media are free to investigate and expose, government is more likely to be accountable, lawful, and mindful of the public good. In the diffusion of power among different branches and agencies, and in its open relationship with an active civil society, government allows for feedback mechanisms that correct misconduct and policy mistakes. As a result, citizens will be more respectful of government and its decisions, and the system of government will have much greater legitimacy, and hence stability. All of this will also enhance the state's ability to manage social conflict. Democracy and good governance thus form two legs of the triad that propels a society forward. The third leg of that triad is economic development. And this follows from the context of good and democratic governance, which provides an attractive climate for investment and helps a society to identify the policies and institutions that foster equitable growth.

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for political leaders, is to produce visible and broadly distributed improvements in the quality of life if they want to be reelected. To sum up this paper with few words is that the good governance is a very important parameter and it is incumbent on any political party in order to sustain in power for long time.

India is unique in many respects with its diverse culture, languages and many states. People of some states enjoy good prosperity, high literacy, developed infrastructure and rule of law while many are wanting in different degrees in some or all parameters although they are all under a common union government with the same financial, legal and administrative system<sup>6</sup>.

The differences persist amongst them depending upon the level of governance partly by the central and largely by the respective state governments. What is governance and how does its presence or lack of it impact on the people? Governance, shorn of jargon, means the way the government conducts its operations in economic, financial, industrial, agricultural, political and social spheres that concern the citizen and the country. The country/state moves forward progressively towards development and prosperity if the governance is good. In such an ambience the people enjoy higher per capita income at all levels, wide spread literacy, adequate health facilities with longer average life.

Weakness in governance results in poor and skewed growth, persisting poverty and slow development of economy and the country. It invariably leads to higher levels of corruption in all areas. It brings in its wake social disparities, neglect of the economically weak, poor financial management coupled with lack of transparency and disproportionate growth of some sections to the detriment of others. Poor adherence to rules and regulations that accompany bad governance leads to loss of faith in the government and established institutions by the people and witnesses the emergence of alternative and often-illegal remedies. Violent outfits establish their control in pockets of the country and enlarge their sphere of evil influence. The level of parallel economy of black money generated in such an environment aided by rampant bribery and avoidance of the legitimate revenues to the governments is a certain index of the level of bad governance.

There is generally a very close relationship amongst the politicians, bureaucracy and corrupt business houses in an atmosphere of bad governance. Bribery at all levels, high taxes and poor collections, high discretionary powers, absence of an effective mechanism to oversee deviations, weak rule of law and a disdain for the observations of established institutions created by the Constitution strengthens the informal economy.

People tend to accept the hardships that arise due to weak rule of law with no easy alternatives available. The opportunity they get once in five years to elect their representatives is again thwarted by the ills in the electoral system that denies proportional representation. Governance is therefore a vital development issue that government can ill afford to neglect. Government effectiveness and stability, Rule of Law, Public administration, Public finance and outcomes were a few selected governance indicators taken by a study group for evaluating India's standing amongst

different countries. However subjective it could be, this assessment revealed that India compared favourably with many developing countries though it had a long way to go to attain the levels of developed countries<sup>7</sup>

There is a growing recognition that these pillars of democratic and accountable governance are the foundation for sustainable and just development. Getting the institutions right is the key to ending poverty and fostering prosperity. The challenge for foreign assistance in the coming decade is to assist the full array of institutions that foster and enable development. Democracy alone is not sufficient. Good governance alone is not sufficient. The goal of foreign assistance must be to promote stable and effective democratic governance. This encompasses not just free and fair (and well administered) elections but:

- a professional and independent judiciary;
- an array of other independent and resourceful institutions of horizontal accountability, including a counter-corruption agency, an ombudsman, central bank, and economic regulatory agencies;
- representative institutions – parties and legislatures – that are honest, open and responsive to public participation and are linked to the broad diversity of societal interests;
- a competent, coherent, and dedicated civil service;
- a civil society that is, on the one hand, vigorous, pluralistic, and autonomous from the state, but at the same time respectful of the state's authority and willing to cooperate with it for development;
- and, underlying and sustaining all of this, a cultural commitment to legality, transparency, and the common good among political leaders, business chambers, other key interest groups, and the public at large.

There is a growing recognition that these pillars of democratic and accountable governance are the foundation for sustainable and just development. Getting the institutions right is the key to ending poverty and fostering prosperity. And for the World Bank's underlying objectives of helping countries reduce poverty and promoting sustainable growth. Hence, the World Bank's emphasis in recent years has shifted from its own interventions to the overall country context (i.e., the governance climate) within which those interventions take place. In doing so, it has been guided by the nature of its operations and the opportunities for action that these offer.

Accordingly, the key dimensions of governance identified by the World Bank are:

- Public sector management,
- Accountability,
- Legal framework for development, and
- Transparency and information.

Democracy can be understood as an ideology, a concept or a theory. It is an ideology in so far as 'it embodies a set of political ideas that detail the best possible form of social organization'. It can therefore be understood as an ideal. To be a democrat is to have faith in people, to believe that people have inalienable rights to make decisions for themselves, and to be committed to the notion that all people are equal in some fundamental and essential way. 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 collectivity 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>8</sup>.

The last quarter of the 20th century witnessed the greatest expansion of democracy in history. If democracy: is defined in the minimal sense-as a system of government in which the principal positions of political power are filled through free, fair, and regular elections-about three of every five independent states are democracies today as illustrated in the figures below.

### **Defining Corruption: Broader definition in Indian Context**

Corruption can be defined as a mechanism by which, a numerically small section of society denies majority of its people a plethora of rights and privileges whether it is 'Human Rights for dignified existence', 'equality: economic, political and social', 'liberty of occupation , residence and religious practices, fraternity etc. By doing this numerically smaller group monopolizes religious, political, economic, educational and judicial institutions etc. Historically this mechanism is created, at the inception of the society, through religious texts and sanctions. Later they are legitimized socially by theories of Dharma and Karma. The traditional structures created, in this fashion; do not die in modern times. But they remain alive changing their form and style of functioning and influence keeping the monopoly of the numerically small section of the society intact. The existing dominance in and composition of modern institutions of governance, production, and education in India amply prove the point.

### **Corruption: The Narrow Definition**

However in contemporary times in India the so-called leaders against corruption have promulgated a very narrow definition of 'Corruption.' According to this definition 'corruption can be defined as misuse of a government or public office for personal gains'. In other words how a government servant or a politically elected member, or a judge misuse his office is called corruption. This is very reductionist and sweeping definition because of different reasons. One, this definition has taken cognizance of corruption in government offices only. That means this assume that by nature people are honest but they become corrupt when they join the government institutions. But the fact is that individuals are not born in Parliament, Bureaucracy, or judiciary. They are born in society which socializes them before they join institutions of governance or

public life. That means we can argue that the institutions by nature are not corrupt rather there is something wrong with the people who man them or run them<sup>9</sup>.

In this context, it is important to note that this definition does not take note of corruption induced by social sector. This is the second lacuna of the narrow definition of corruption. For instance, every year number of women are burnt alive because of dowry. After burning their bride the groom's parent bribe the police so they are not caught. One can call it a crime. But I will call it social corruption because of greed certain people commit this act and then indulge in corrupt practice. Similarly, corrupt practice comes to fore when huge offerings of gold and silver are made temples without any transparency? Nobody gives a receipt of donation neither one knows whether a person has paid income tax on that gold. Further, temple income is also not taxed even though temples have gold worth trillions of rupees. Thirdly, the narrow definition does not take into account of corruption that exists in and because of private sector and Civil Society organizations. Again the fact is that corporate sector and big Industrial houses have lobbyist to get them government contracts and bribe the government employees to grant them concessions in the tax, excise and import duty by making laws for legitimizing their act. Industrial houses do not pay their labourers even their minimum wages. They now have higher and fire policies as well. Is this not corruption? But this narrow definition of Corruption does not take all this into account. However the narrow definition of corruption reveals certain important facts. Most importantly this definition reveals that corruption is a caste phenomenon.

### **Framing Corruption: The 'Anna' Way**

Corruption and injustice are both ethically loaded terms. Injustice frames the wrong in a wider canvas, calling deeper ethical concerns. Corruption restricts its framework to the legal. There can be unjust laws, but not corrupt laws. Discourses on injustice often call for changes in social structures which make injustice possible, and inevitable. Their image of a just society is often utopian. Anti-corruption discourses on the other hand, move along the safety of a legal scaffolding, their aim is to establish a legal status quo, against a reality vitiated by corruption. In an unjust and corrupt society struggles against corruption and injustice are both liberatory. The point however is that classes with larger stake in the existing social system are more likely to seek change and mobilisation through anti-corruption discourses, than those on injustice. Corruption is a matter of social power, when those holding office use the authority which comes with the office for personal gain against the law. What makes corruption ubiquitous like now in India is not just the desire on the part of the corrupt to gain personally, but also the absence of a public morality, or rather presences of a public (a)morality which participates in corruption as a way of life. A comprehensive framing of corruption would include an understanding of the nature of power of public office in a given society, including techniques of governance, which makes corruption possible, and a critical appraisal of public amorality which accepts it as permissible. Very interestingly, the JLPBill campaign avoids both these in its framework. It over emphasises the punitive part, i.e public institutions meant to punish the corrupt. It starts by asking why the corrupt are not punished, with an underlying assumption that if only the corrupt could be suitably punished, the problem would be solved. Anna's claims about the golden arrival



of a corruption free India after the enactment of his JLP Bill are based on this simplistic understanding. The Lokpal leviathan imagined in JLP Bill that rolls in the investigator, prosecutor and judge in one institution, comes out of the desire to create a 'fool-proof' system. What if the institution meant to punish the corrupt itself becomes corrupt (which is obvious if social power base and public amorality about corruption is not lost sight of)? This simple counter has been dismissed by Anna and his team as irrelevant. Urban middle classes prefer such framing of corruption. It avoids addressing uncomfortable questions about the nature of social power in India, which would certainly uncover their own privileged position in society. It shields their own complicity in corruption (how many professionals, lawyers, doctors, tradesmen supporting the anti-corruption movement pay their taxes?). The call for punitive measures resonates with an illiberal and vindictive mindset of classes of social order. All these factors explain why urban middle classes in India lapped up the Anna campaign when it appeared at the conjuncture of the legitimacy crisis of the government<sup>10</sup>.

As the anti-corruption movement has acquired a mass character beyond its core support base of 'upper' caste, urban middle classes, and has become the process determining the character of government and state in the perception of hegemonic block, a number of diverse engagements with corruption and the anti-corruption movement have emerged from different quarters. For instance a dominant argument from left seeks to explain the explosion of corruption in the past two decades as a direct consequence of neo-liberal economic regime. Neo-liberalism allows for, and in fact encourages, new arenas of corruption through collusion of state functionaries and private capital. However, it also diminishes the controlling powers of these functionaries, which in the earlier regime of state-led capital accumulation, was a fountainhead of corruption. In a society with deeply anti-democratic ethos, with no liberal and secular public morality, with a very narrow base of public rationality (that too limited to state institutions), it is inevitable that any positions of authority will degenerate into corruption. There will be opposition to corruption, because the liberal framework of political governance allows sufficient leeway for it to emerge. But opposition movements will not be able to remove corruption unless the question of a modern public sphere is directly addressed. Let us be clear, even transparency and accountability are very modern notions. Pre-modern social powers based on divine rights or strength of arms, had no need to be transparent and accountable for gaining legitimacy.

If the above argument from the left restricts the social base of corruption, another argument coming from popular struggles tends to expand the notion of corruption. Hence, the forcible displacement, starvation, caste discrimination, etc., i.e. all issues of long drawn out struggles, are now being called instances of corruption. This is surprising, because these have so far been seen from the perspective of much more robust frameworks involving injustice, exploitation, casteism, etc. How will calling these also corruption help struggles against them? Besides calling them corruption is factually incorrect. For instance, displacement due to Narmada dams is not a result of corruption. It is a legal displacement, it has occurred with the concurrence of the highest court of the land. But it remains unjust, and that is still the ground on which to struggle against it. AFSPA in Kashmir and North-East is not corruption. It is a logical and legally permissible companion of armed aggression against people.

Another argument has implored the left to join the anti-corruption movement, lest it be taken over by the rightwing. This argument presents the current movement as an eruption of popular anger against corruption of state functionaries. It assumes this eruption to be a pure questioning of the nature of governance, with no presumed answers. This argument does not recognize interests of upper caste urban middle classes in supporting the anti-corruption movement, and how these interests have already fashioned, not absolutely, but yet in a way, the discursive and political terrain of this movement. It is not that leftists and other social groups, say Dalits, do not understand importance of anti-corruption struggles. But they find the support base of Anna Hazare movement, its discourse and politics so against their own other interests that they think it wise to not to join it, lest they end up gifting it a wider legitimacy than it deserves<sup>11</sup>.

## Democratisation

Democracy is a system of government in which power is vested in the people (the population) and exercised through representatives chosen in free and fair elections. But a democracy does not just mean that “the majority rules.” A democracy also includes and protects the human rights of minorities and respects multiple or “plural” views and opinions. In a democracy people have rights as citizens, but they also have responsibilities to participate in the governance system.

There are many versions of democracies around the world (e.g. electoral, consultative) and ongoing debates about the extent to which “one size fits all” with regard to democracy. The process a country goes through in attempting to become more democratic is referred to as democratisation. In order for a country to be truly democratic, all of its citizens—men and women—must be empowered to participate fully in the governance process (as citizens, voters, advocates, civil servants, judges, elected officials, etc.).

## Free and Fair Elections

An election is the procedure by which citizens of a country choose their representatives and leaders and assign authority. Elections must be held regularly so that elected officials remain accountable to the population; if they do not uphold their responsibilities to the electorate, they can be voted out of office in the next election. Elections must be held within a period of time that is prescribed in the constitution, or fundamental law. For an election to be truly democratic, it must be:

- universal—All citizens of a country must have the right to vote and to be elected, without discrimination based on sex, race, language, religion or political affiliation.
- equal—The value of each vote must be the same.
- secret—The balloting must be private so that citizens can participate without being afraid; only the voter must know for whom she or he votes.
- direct—The voters must be able to choose their own leaders without an intermediary.

- wide choice—The voters must have the opportunity to choose from among several available candidates.

The first self-governing country that granted women the right to vote in elections was New Zealand in 1893. Women in Kuwait still do not have the right to vote in 2004<sup>12</sup>.

## Decentralization

An increasingly important component of democratization in many parts of the world is decentralization. Decentralization is the process of transferring authority and responsibility from the central government to provincial and local levels. Countries pursue decentralization for a variety of reasons, including a desire to make the government more receptive and accountable to the needs of its population and/or to respond to pressure from donors to “downsize” central government budgets.

Decentralization is based upon the notion that various levels of the government have different expertise and abilities to address problems. For example, national defence and monetary policy are clearly best set at the national level, but policies concerning schools, local police protection and some public services are often better determined at the local level with community input. Critics of decentralization, however, charge that it weakens parts of the state that, for the sake of peace-building and human security, need to be strengthened. There are three types of decentralization: political, administrative and fiscal. Political decentralization involves the election of local-level leaders. Administrative decentralization occurs when some of the government’s decision-making is managed at the local level. And fiscal decentralization refers to the national government sharing budgetary responsibility for collecting revenues and making expenditures with local government representatives<sup>13</sup>.

Decentralization processes often include local-level elections. They provide an important opportunity for women to become involved in decision-making in their communities. In Rwanda’s 2001 sector- and district-level elections, a special “triple balloting” technique was introduced that resulted in the election of women to 27 percent of district council seats. In those elections, every voter chose one general candidate, one female candidate and one youth candidate. Not only did this system set aside seats for women and youth, it also required that the entire electorate vote for women. In this way, Rwanda’s decentralization programme began to make the election of women more socially acceptable.

## Participatory Politics and Political Parties

The concept of “participatory politics” refers to the involvement of all citizens in politics and policymaking. This requires a relationship between the government and society in which the participation of citizens and a plurality of views are encouraged. This can be supported by strengthening political parties; encouraging the participation of marginalized groups, such as women and youth; and by strengthening civil society

(described below). The right to convene and articulate political views is a key principle of good governance and democratization. Political parties are one of the cornerstones of a democratic political system. Parties are critical because they provide a structure for political participation for people with similar beliefs and interests. By joining together, individuals, who would otherwise not be influential, can make their voices heard in the political process through their support of a political party. Political parties also provide leaders with a space in which to learn the skills needed for governing a society. A democracy must have more than one major, viable party so that a single group does not dominate the government and voters have a choice. This principle is called multi-partyism. Membership in political parties must be voluntary.

It can be difficult for women to achieve leadership positions within political parties and to be selected as candidates because, in many countries, parties operate or govern themselves without written party rules or transparent procedures. Such lack of openness allows patronage systems and “old boys’ networks” to flourish, effectively excluding women from decision-making positions and candidate lists .In some countries, political parties have adopted internal quotas for women’s participation to ensure that they always put forward a certain number of women’s candidates. Countries as different as Argentina, Botswana and France all have political parties that mandate the participation of women . An important advocacy strategy for women is to work with political parties to make sure that the party platform, the formal declaration of the principles and positions that the party supports, describes its positions on issues important to women.

### Women’s Political Participation

Women are under-represented in elected office and formal governing structures throughout the world for a number of reasons, including discriminatory social attitudes, lack of education and preparation and structural barriers to their democratic participation. Specific challenges—and some ways in which they can be overcome—are listed below. Voter Registration and Voting: Women’s participation as voters in elections is a critical expression of their rights as citizens in a democracy. Even if the right to vote is not formally denied, there are significant barriers to women’s participation as voters. For instance, in order to register to vote, identity and citizenship documentation are usually required<sup>13</sup>.

The plus points in our favour are our vibrant democracy, unfettered press, fearless judiciary and efficient administrative service. This appraisal should not however camouflage the darker side still there in our system. There are many regions in our country where the effect of good governance is still not visible. There are several governance indicators as mentioned in a World Bank policy research paper tested on a few countries in transition. We shall see India’ status as a whole with reference to these parameters and where we are lagging behind.

The concept of governance was decisively shaped by the freedom movement led by Mahatma Gandhi and the aspirations of founding fathers of the Constitution. Every nation is guided by certain values which are shared by the people and the government. National commitment to such values greatly influence the content and the

quality of governance. These values in the Indian context at the time of the inauguration of the Republic were those of nationalism, democracy, secularism, non-alignment and mixed economy.

It may be recalled that these core values of nationalism, democracy, secularism, non-alignment and mixed economy were forcefully articulated by national and state level political leaders, academicians and journalists in the context of building a new India. The most eloquent expression of these values were made in debates in Parliament and legislative assemblies, in periodic letters to CMs from India's first Prime Minister Jawaharlal Nehru, in academic journals of politics, economics and history, in newspapers and at times through statements of business captains, and occasionally in judicial pronouncements.

Firstly, the processes, by which governments are selected, monitored and replaced is one such indicator. Unlike some neighbouring countries our method of electing the government has fully demonstrated the democratic ethos reflected in our Constitution. However the hung legislature, a recent phenomenon, with no party commanding an overall majority has brought about fragile coalition governments with a common agenda that is weak in content and strong in the desire to share the power. The larger partner, however well intentioned, is compelled to accommodate elements that they would fain avoid and to tolerate the deviations from the common purpose. It is a very difficult task to offer good governance in such a situation though efforts are not wanting in this direction. The replacement of such a coalition set up if at all wanted is frustrated on TINA principle. The growing influence of small regional parties to the detriment of national parties, their role in the government formation and their limited and narrow approach to issues is a new and undesirable development. The electoral laws are to be changed to overcome this problem to enable a two or three party systems evolve which would allow the government at the helm to carry on good administration with no let or hindrance<sup>14</sup>.

Secondly, political stability and lack of violence is another indicator to assess the threat to the government by unconstitutional means. Luckily this has been in our favour all along. The supremacy of civil authority has never been questioned in our country. There are however pockets of violence and insurgency in certain parts of the country mostly by terrorist outfits and these pose no danger. They are growing in number and influence that it is feared almost one third of the country is in their vicious grip. These elements take advantage of the abject poverty, lack of employment and the government's slow response to poverty removal issues. It is high time the government puts down with iron hand such menacing elements to country's integrity and economic growth. In certain Northern states crime is pronounced with private armies and goons operating freely for ransom, casteist feuds and show of power abetted by poor law enforcing machinery. These states suffer consequently in their development.

Thirdly, another parameter is the capacity of the government to effectively formulate and implement sound policies. This is being done to the extent possible within the constraints of a coalition. There is also the predictable opposition to usher certain essential reforms that would need two-thirds majority. This again is the outcome of a defective electoral system.

There had been a steady erosion of values towards established institutions from early seventies that witnessed the imposition of emergency, committed bureaucracy, and utter disregard for established institutions and norms in administration and emergence of extra constitutional authorities. This trend has been fortunately reversed from mid-eighties. The steel frame today at the centre is by and large independent and capable though attempts are made to make them committed to the ruling clique. Substantial changes in the economy have been ushered for the good of the country as a sequel to the reforms since early nineties and sound policies are in place. Nevertheless a certain amount of transparency in government's dealings is felt necessary by diluting the rigorous Official Secrets Act and making right to information more meaningful<sup>15</sup>.

Fourthly, numerous institutions like regulatory authorities/commissions are there or have been created to ensure that the institutions that govern economic and social interactions between the people and the government are properly conducted. The active and alert judiciary informed by social activism and its encouragement of public interest litigations is an able facilitator for rule of law.

This is despite the inadequacies in the legal system that needs a peremptory overhaul tuned to the needs of the times. The archaic laws, mounting arrears in the courts, delayed justice that is given after several years, the endless appeals, the unfilled vacancies and poor infrastructure need to be addressed on a war footing. This pillar of our democracy can be ignored only at the cost of good governance. The executive and legislature wings should extend greater cooperation and muscle to the judiciary to ensure rule of law enjoys primacy in all areas.

Fifthly, there is yet another disturbing feature in our country. Our rank amongst the corrupt nations as measured by Transparency International is not flattering. The government has no doubt strengthened CVC giving it a statutory recognition and bringing CBI under its supervision. The exclusion of officers above a level by single directive is a retrograde step that is not conducive to eliminating corruption. The series of cases of alleged complicity of high ranking officers in corrupt or illegal practices brought out in the recent past should open the eyes of the government not to succumb to the pressures of higher bureaucracy to exclude them from the purview of CVC. The CAG and his officers serving effectively as watchdogs of the public finance is another merit in our system. His reports highlighting irregularities should get the attention they deserve and discussed in the legislatures to avoid recurrence of the same points year after year. Corruption has become a part of our system and sustained efforts to eradicate it are needed at all levels throughout the country. This should commence from the political level accompanied by changes in the electoral system that would reduce the heavy election expenses for the parties. Besides full encouragement and hundred percent safety should be provided to whistle-blowers and under no circumstance they should be harassed.

Finally, the emergence of e-governance and the importance being given to it by the governments should usher an era of good governance before long. This again is linked to the literacy level of the people and some states in the North are still very backward. Once e-governance is in place there will be greater accountability, access to

information and transparency in all transactions and witness a larger the percolation of benefits to the intended classes.

The gap between promise and performance hopefully would also get reduced gradually. Finally the litmus test for good governance rests on the quality of life that the people particularly in the lower strata lead and the extent of their participation in the affairs of the society. As of now it cannot be said that the vast majority of the population are sharing the benefits of the growth so far. We have still a very long way to go.

### 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<sup>16</sup>.

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. My own experience has shown that when the political leadership granted key civil servants direct access, it was possible to resolve issues that might have got complicated due to factional interest of political leaders at the grass-root levels or through conflicting circulars of the State Government. Public signaling of support by the state leadership always helps civil servants reach the poor people by ignoring political interferences that are aimed at securing individuals or group interests of comparatively better off people in the society.

It is common knowledge that people seeking access to healthcare or livelihood facilities are required to pay several visits to multiple government offices located in different parts of the district headquarters. In recent years, several States have harnessed information technology to make it easier for citizens to interact with the authorities. Karnataka, for example, has made available land records for some 20 million farmers by placing them online under its Bhoomi Initiative. The public distribution

system, admission to schools, health records of citizens are all amenable to information technology applications and that in turn will make delivery of services much better.

The individual initiative and commitment of a Project Director or a District Magistrate is crucial not only to innovation and application of new methods in delivery of services but to overall image of administration and in its responsiveness towards the needs of the people. The message is clear that when properly empowered by political leadership, a Project Director or a District Magistrate can be transformed into an effective instrument not only for innovation in service delivery but also for its quality and delivery on time.

Civil society is seen as a source of vitality for both democracy as well as economic growth. Its institutions are a countervailing force that curbs authoritarian practices and corruption. They also create or strengthen associational organizations that provide such goods and services that can be provided more efficiently than the state. The space left by a retreating state can be filled by such private initiatives and proliferation of associations that manage local resources or deliver basic services will in turn support the trend towards greater participation and democracy. This belief is nurtured by the contention that social organizations succeed because there is collaborative action based on trust, norms and networks. It is these relationships popularised as social capital that builds capacity for participation and self-government.

The argument is that associations help generate social capital strengthens democracy and improves the efficiency of the markets. In this agenda of good governance, the conceptualisation of civil society proceeds on the assumption that power and exploitation is associated with the state, while freedom and liberty falls in the realm of civil society. This leads to a kind of romantic view of civil society where the existence of institutions outside the state become a sufficient basis to assume that state power is curbed and greater democratisation is taking place. Such a perception does not take into account the characteristics of a society where there are associations, those of caste or of a religion, that exist primarily to curb the human rights of individuals. Many associations also exist that do not have any self-conscious political intentions and do not seek to limit the reach of the state or influence its policies. Other associations, in turn, may espouse authoritarian ideologies and pursue undemocratic strategies and goals. Civil society cannot be seen as inherently democratic or undemocratic. Its character will differ across societies.

The heterogeneous and segmented nature of Indian civil society cautions against definitions that treat it as inherently democratic. There are diverse traditional, ethnic, class, and caste, regional or national interest. Such differences increase the likelihood that some of the associations or voluntary groups formed on these bases may pursue parochial interests. While the state withdraws and allows voluntary associations to step in, intensification of particularism and parochialism may also take place.

In a recent essay, Rudolph (2000:1762-69)<sup>17</sup> has used the findings of three micro-studies (Jayal, 1999; Mohapatra<sup>18</sup> 1999; Pai, 1999) conducted in some villages in India to argue that associations are of various kinds and one needs to specify what type of associations are likely to generate democracy. She points out that associations may nurture as Tocqueville said, 'the inner moral life of those who participate, enhancing



their sympathies for their fellow human beings,' without, however, 'nurturing their engagement with wider community.' Associational life, in other words, can make members appreciate each other even while making them self-regarding and parochial. It can generate a form of group selfishness that results in ethnic conflict and civil war as in Bosnia and Bihar.

In India the task of ensuring inter-group and intra-group loyalty still remains unfulfilled; this requires the support of the state as well as the pressure from the society. Universal laws are necessary and this requires the strengthening of the state and not abandoning it. Further, within the economic sphere, parallel markets have developed to avoid high taxes buy goods and services at low prices. Such kind of activities have weakened the state but also in turn not ensured a national concern. Informal sector has not always promoted the market.

Within this discourse of civil society, considerable emphasis is being laid on local community institutions. It is the emphasis that is a departure from the past. Of course, from the very beginning of the planning process, local participatory institutions like Panchayati raj and cooperatives were perceived as important agencies mobilizing people's support for planning and development. The failure of these institutions is now well documented and is now well accepted that their primary weakness was that the people saw them as extensions of the limbs of the state and not as manifestations of voluntary action for self-help.

It is for this reason too, that in the present situation where good governance is being promoted, creating and supporting community institutions implies limiting the powers of the state and retreat of the state from many civic engagements. A widespread view among those designing emancipation from the state as a step for good governance is that strong states have been the culprits in the demise of civil institutions and the belief has grown that bureaucratic organizations tend to crowd them out. Typically government institutions have reserved for themselves the right to frame rules, adjudicate in disputes and establish goals of performance of community institutions. By and large then, community institutions in the new development strategy began to be seen as implementing agencies of the government. An institution that emerged on the basis of local community support and went beyond the stipulations of the government was perceived as a threat and faced hostile government reactions. On the other hand, institutions that became implementing agencies of government programmes were seen as supportive and legitimate. Thus, in a drought situation an organization that worked to see that minimum wages were paid in relief employment and norms of work were enforced faced a different situation than the one that helped in food distribution. More often than not when government acknowledges its own inability to proceed without community support there is a greater likelihood that voluntary action through new institutions or through strengthening old institutions may be supported.<sup>19</sup>

A feature of contestation comes sharply into focus when community institutions are expressions of people's assertions of their rights. In a way such institutions are assertions by the communities. It is a demand of not only a right to use but also a right to conserve resources. In a society where state has been restrictive about people's rights and where exclusion is the norm, sustaining or creating such institutions is a struggle by itself. Like in so many countries, Indian local communities

continue to wage their battles against encroachment of common lands. Many arguments have been put forward to show that the proposal to amend the Land Acquisition Act (1894) is to enable the state to take over land in the name of development without going through due processes in the name of efficiency and cutting down delays.

Notwithstanding the passage of the 73rd and 74th amendments to the constitution relating to panchayats and municipalities, the proposed law does not provide any role to them in the acquisition of land or determining compensation. The last word will be with the Collector. Usually the issue is a straightforward one – whether the government can ignore the customary rights of people in pursuit of centrally sponsored development projects. In many cases, disputes are referred to courts where the Right to Life is invoked. But court cases are long and tedious and do not provide easy solutions. In the meantime there is state coercion and violence. Many a political leader in government has talked of stern action against those who delay the acquisition proceedings.

Voluntary action is facing another kind of challenge. In a recent well-known case, it was alleged that an insurgency outfit murdered a leader of a developmental NGO working in the North Eastern part of India. The NGO apparently came into conflict with the power aspirations of groups fighting the state. This time a rebel group perceived NGO as a threat to establish its supremacy in the area. This was a reminder how divisions permeating the society can set institutional clock back. Conflict over resources and status can tear apart a social fabric and can hardly be conducive to engender social capital.

There are many examples in India where such conflicts are taking place. These conflicts are arising because local society is deeply divided. In many parts of the country disharmony is very sharp because of acute social divisions based on caste or communal identities. In addition there are inequalities due to skewed ownership of land. Such differences do not provide the conditions for promoting associational activities. Community action organized to assert the rights of the people living on the margin attracts hostility from the government acting in league with vested interests. Thus, an associational activity is considered harmless so long as the scope of action is limited and narrow in scope. As soon as it enlarges itself into a broader field, it begins to threaten the established power relationships in society. Anna Hazare gets support so long as he confines his activities in a local area and is concerned with local issues of improved resource management and creation of conditions of harmonious living conditions in the village. As soon as the collective action takes into its ambit larger concerns of society (fighting corruption) the government takes the action as an intrusion into its own domain. On his part, Hazare perceives sustainability of the institutions that he has nurtured to lie beyond the local boundaries and feels threatened by the state behaviour. The state, on the other hand, takes the enlargement of that collective action as an encroachment of its own power. Hence the conflict and state as more powerful actor takes effective steps to confine that action to local concerns<sup>20</sup>.

Another example of failure in scaling up is that of protest that groups organized in Maharashtra over the continuation of the Enron project. It argued that the support for community protest began to weaken when their demands began to go beyond those of

compensation or resettlement and expanded into questioning the need of such large projects and need to frame an alternative development strategy. This scaling up from local to global issues did not receive any support and the whole movement weakened over time. (Wagle,1998<sup>19</sup>).

## **Conclusions**

In the end ,two issues seem to emerge. One is that of the conditions that create suchcivil society associations that generate social capital to strengthen and widen democracy. The other is that of the role of the state. Within the agenda of good governance, civil society is assumed to foster freedom and liberty but we have seen how this assumption may not be valid in a society marked by severe social divisions. Individuals have to associate on equal terms and this condition can only be created by the state in framing and enforcing universal laws. Thus, the second issue is whether it is possible to perceive of civil society detached from the state.(Mahajan, 1999:1194-96) These issues need to be examined if civil society is perceived to be the magic wand that brings in good governance and democracy.

So what are the conclusions we can draw from the above analysis of structures and mechanisms of corruption? Firstly, there has to be a broad definition of corruption in Indian Society which can highlight the structures and mechanisms of corruption. This definition should include corrupt practices in every -spheres of society. The narrow definition does not explain the evolution, development and processes of initiation in the phenomenon of corruption. Neither it gives picture of corruption existing in different spheres of society. From the above analysis we can also conclude that corruption is not a faceless entity rather it can be identified in Indian society with institution of caste. It can easily be called a processes associated with the castes which dominated and monopolized the institutions like political, economic, religious, educational, production etc. These castes deny the so-called lower castes access to these institutions. Even if they are inducted they remain in minority and at peripheries in the institutions of governance. Corruption does not have legitimate structures and caste only; there is processes of initiation in a particular act of corruption in Indian society. Hence, individuals do not hesitate in indulging in the real act of corruption when he begins to perform his role in public life.

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