

## **GOOD GOVERNANCE, DECENTRALIZATION AND HUMAN RIGHTS**

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*Meaning of Governance is different at different times depending on the goals/objectives of the government. Nowadays democratic governance has come to mean that it should be inclusive, participatory, responsive and accountable. However, in order to have such type of governance it is desirable that a change of attitude should be brought about both amongst the governors and the governed.*

Good governance has been considered the prime goal of every popular regime. In fact good governance was the goal of all freedom struggles whether it was against monarchical, dictatorial or colonial regimes because it was felt that these regimes acted against the rights of people and were unresponsive to peoples' needs and aspirations. Hence, self rule and democracy are looked as models of good governance ensuring people-friendly, responsive and responsible governance. But again the perception of good governance varies with goals/objectives of the government. Every government has different goals to pursue and accordingly it chooses its' ways/mechanisms to achieve them. For example the aim of colonial government was to strengthen their control over India. Therefore, the policies and plans were created in a way that they fulfilled the demands of colonial masters and not that of the subjects. To take one such policy – the Macaulays' system of education might not have been favourable to natives but certainly it was good to the colonial masters as it produced 'Babus' (clerks) for British administration in India.

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Thus, for evaluating the concept of good governance one has to look upon the term from various angles. Traditionally speaking the objective of government was first and foremost the maintenance of law and order and then security – initially governments' were concerned with external security only but today internal security has become as important. While external security refers to protection of people from external attacks, the internal security refers to a state where people enjoy all their rights without any fear, discrimination or deprivation. Similarly though development was one of the objectives of state, it was never looked upon from the point of view of ruled. While earlier state focused only on economic development (through industrialization) today it includes human development also. So, if development is a responsibility of the state then delivering the goods/benefits of development to the masses to improve their quality of life is also the responsibility of state. The administrative branch of state is supposed to facilitate a development process that involves people into the process of development. Traditionally speaking administrators were to serve the rulers and not the people. They were supposed to discipline the people. The present administrative system in India is more or less a legacy of British imperialism with the same ethos of serving the masters and not the masses. Democratic governance was introduced by the British in India but it was more concerned with legal and procedural cow-web of rule of law. The post independence India was also characterized by 'unsympathetic' and 'unfriendly' bureaucracy, suffering from evils like red-tappism, harassment of people and corruption. They were more the agents of government rather than the servants of masses. But with the passage of time focus of governance has moved from ruler to ruled or from governor to governed. So the whole concept

of good governance has undergone a drastic change. Now the good governance is not defined in terms of maintaining law and order only or strict adherence to rules and procedures. The concept, in fact, has changed in two sense- firstly the focus has now shifted from governor to governed and therefore has changed the role of administrator from servant to facilitator in the process of development. Secondly, people are no more perceived as passive beneficiaries of the governance but they also need to be active participants in the process of governance.

Generally speaking governance refers to all those processes, mechanisms and institutions that are involved/instrumental in administering, the country. It is the process through which state achieves its constitutional goal and the responsibilities entrusted by its people. It has three dimensions i.e. economic, political and administrative<sup>1</sup> [1].

The concept of good governance was first introduced by World Bank in its, report on Africa in 1989 [2]. The focus of the World Bank in this report was ‘economic crisis’ in Africa the cause of which was identified as ‘crisis of governance’. Again in 1992 World Bank has defined governance as ‘the exercise of political power to manage a nations’ affairs. This management also including public sector management, has three components – (i) legal framework for development, (ii) accountability, and (iii) transparency and information [3]. In 1994 World Bank defined good governance as denoting “predictable, enlightened and open policy processes, bureaucracy with professional ethos, a government accountable for its’ actions, a strong civil

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1 . (a) Economic governance – The process that affect a countrys’ economic activities.  
(b) Political governance refers to the process of decision making to formulate policies.  
(c) Administrative governance refers to system of policy implementation.

society participating actively in public affairs and all under the rule of law” [4]. Thus, World Bank was/is mainly concerned with economic development. Good governance in this sense implies the efficiency of the state to manage its resources in a way that results in economic development. World Bank was not concerned directly about the rights of people initially but later on it emphasized the nexus between governance and peoples’ right as it mentioned:

“By helping to fight corruption, improve transparency and accountability in governance, strengthen judicial systems and modernize financial sectors, the bank contributes to building environments in which people are better able to pursue a broader range of human rights” [5].

Thus, the focus of good governance shifted from economic development and better management of resources to an equal emphasis on elements of accountability, transparency and efficiency, ensuring an environment in which people could enjoy their rights. The good governance now clearly includes social and political development as well. The public bodies are expected to transfer the benefits of development to the masses. The various contents of the concept of good governance like accountability, transparency, responsiveness require the governance to be more **decentralized** and linked to the peoples’ rights.

The term decentralization implies devolution of power, function and finances. In large countries like India with cultural plurality and economic disparity, territorial decentralization can address variability element of regions and different cultural/ethnic aspirations. Decentralisation not only leads to devolution of power and responsibilities but it also encourages and facilitates

peoples involvement in decision making in day to day routine matters which are difficult to be deliberated/legislated at the national level. The concept of 'participatory democracy' has undergone change. Traditionally it meant only exercising the right to vote, but the growing concern/consciousness regarding the role of civil society and changed perception of 'people' being the active agents of development, has made decentralization, development and good governance complimentary to each other.

Taking the case of India, initially decentralization meant the division of power between the center and the states or the federating units. Though the constitution made the provision for local Self government also, but it was not given the importance which was due. But over a period of time it was realized the people at the grassroots level needed to be involved in the governance so that they should be able to enjoy the benefits of development. This realization led to the passage of the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Act of 1992.<sup>2</sup>

Decentralization is necessary not only for participatory democracy but also to make the system accountable, transparent, responsive and efficient. All these key words are highly inter-related and inter-dependent and clear cut line of demarcation is difficult to be drawn while defining them. However, one can see them in the broader framework of 'Rule of Law' which has always been central to any concept of good governance. While traditionally it meant strict adherence to legal procedures and rules, today it stands as a flexible term

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2 . Local Self Government was provided in Article 40 of the Directive Principle of State Policy in Indian Constitution which are not justiciable. Constitutional status was given to local self governing bodies by 73rd and 74th Amendment which made it mandatory for the state governments to constitute them.

including accountability, financial accountability, corruption free society, transparency and free flow of information etc.

‘Rule of law’ first and foremost means supremacy of law and not the will of any individual. A country is to be governed in accordance with some rules and laws (written/unwritten) and not as per the whims and fancies or priorities of an individual or a group of individuals. ‘Principle of supremacy of law’ implies that political bodies are subordinate to both national as well as international law and obligations. Secondly rule of law as a safeguard against arbitrariness and abuse of power bringing an element of accountability in the behaviour of public officials [6]. The term accountability stands for a ‘responsible attitude’. It means those who are in power/authority should function in accordance with the law of the land and fulfill their legal responsibilities.

In India the accountability is theoretical, for example, the government is responsible to the legislature and legislature to none. Moreover the government is largely drawn out of legislature. Therefore, in the absence of clear ‘separation of power’ what exists is a false/fake accountability. Even at the local level, once appointed for five years Pradhan (the head) is not accountable to any one but to Gram Sabha. Pradhans’ accountability will depend upon the strength and awareness of Gram Sabha. Even during colonial period there existed accountability in the conventional sense. The British officials strictly followed the rules and legal procedures made by British government and were accountable to their colonial masters and not to the natives. Rule of law in terms of a state’s commitment to implementing various human rights of people

under national and international law was missing during the colonial period. Today state and its agencies play a pivotal role not only in maintenance of law and order but also in developmental functions, accountability then includes 'responsiveness' and 'efficiency' in order to achieve the desired objective. While responsiveness means concerns of public officials towards the needs and aspiration of people, 'efficiency' refers to their capacity/capability to accomplish the development targets.

How decentralization of governance can result into better management of resources and efficient administration of policies and programmes at the grassroots level is well illustrated in the states of Kerala and West Bengal. In the state of Kerala decentralization has brought about involvement of people in both governance as well as developmental functions. In Kerala's system of local self-government institutions, the detailed development plans are developed through open assemblies at the village level (gram sabhas) and are sent to higher authorities only for final approval. The needs and priorities of people are openly debated at gram sabha and 40% of the district development budget is assigned to the plans developed by gram sabha. Gram Sabha also reviews the expenditure incurred and the progress made in the various projects of the previous year. The process brings lots of 'accountability' more openly and directly to people and 'transparency' leaving little scope for misuse of funds. Also, the formation of gram sabhas is a mandatory district function [7].

In the state of West Bengal where system of village constituencies or Gram Sansads (Village Parliament) has been introduced, decentralization has resulted in participatory democracy. Development plans at the village level are

prepared through open assemblies that participate in comprehensive planning, monitoring and review of implementation on regular, biannual basis. The decision making at this level has been given legal protections. If there are lapses in implementation or sidelining of gram sansads decisions then all the expenditures of the next tier of local government are rendered illegal [8].

Thus, in the states where self-governing institutions are active and strong, only there the development plans are inclusive of local needs and aspirations. Since it is the local men who are involved in decision-making and implementation, lot of transparency is there. The process of good governance through decentralization could be successful in the two states because of higher level of education and consequent political awareness in the two states. Both the states with an enlightened political leadership (communist party rule in both the states for decades) juxtaposed with a strong civil society have successfully imbibed the various characteristics of good governance (accountability, transparency, people friendly and participatory) in their systems of local self government. However this is not the whole picture. In most of the northern states caste, gender and feudal values are rampant which are restraining the participatory role of local governing institutions. The local self governing institutions are functioning more as a façade of democracy. They are not truly representative and therefore not responsive, transparent and accountable. There is hardly any participation of the local people in the decision making and plan formulation etc. The officials of the local bodies act as the agents of the state and district administration and political leaders. Consequently a large number of mega-schemes for the development of people (like food for work; intensive agricultural Development programmes etc. and in recent years JRY & IRDP)

designed at the national level could not integrate local people with them and largely failed to deliver goods. According to late P.M. Rajeev Gandhi the administration is not “sufficiently responsive” because it is not “sufficiently representative”[9]

Rampant corruption was another reason for the failure of these projects [10]. Again to quote the late Prime Minister Rajiv Gandhi – “of the 100 rupees for agricultural development sanctioned by Delhi, only 15 reach the intended recipients”. [11]. If good governance has to be seen within the broader framework of ‘Rule of law’ then phenomenon like corruption are not only against the basic principle of ‘rule of law’, but it also implies an abuse of power that manifests itself in a number of ways like bribery, nepotism, patronage, distortion of organizational expenditure. According to a number of studies the level of corruption is alarming in India (particularly in the states of Assam, Bihar, J & K, U.P. and M.P.). ‘The Indian Corruption Study 2007’ brought out by ‘Transparency International India’ (TII) and ‘Centre for Media Studies’ (CMS) revealed that 1/3 of below poverty line households in India paid Rs. 8,830 as bribes to government officials to avail various public services from police to PDS. Populist Development Schemes like NREG (National Rural Employment guarantee Schemes) suffered from massive corruption. It was found that 14% of the poor households either paid a bribe or used a ‘contact’ mainly political to get the benefits of NREG scheme [12]. Our late Prime Minister Rajiv Gandhi observed the attitude of civil servants towards common people as follows:

“The experience of the vast majority of our people at the grassroots has been that at the interface between the people and administration; the administration is unresponsive, inefficient, unsympathetic, often callous, sometimes even cruel to those whom they are meant to serve”. [13]

One important reason for the existing state of affairs is lack of free flow of information, that is reliable and user friendly regarding the exercise of power (decision making, policy making and its implementation). Transparency implies two things – either people seek information or public authorities should provide information at their own. ‘Accountability’ and ‘Transparency’ together bring about ‘rule of law’ and ‘fairness’ and make the governance ‘responsible’ and ‘responsive’.

For this purpose Right to Information Act (RTI Act) was passed by the Indian parliament on 15 June 2005. However, what is important is the intention of those responsible for providing information [14].

From the above it can be observed that good governance can be realized by the active people’s involvement and enlightened leadership. Therefore, it is necessary that for the promotion of human rights, good governance should encourage decentralization and also promote the political and civic awareness in the people.

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