

# LEGALFOXES LAW TIMES

## “IMPORTANCE OF GOOD GOVERNANCE IN INDIAN ANCIENT SCRIPTURES AND PERIODS WITH SPECIAL REFERENCE TO ROLE OF CONSTITUTIONAL LAW IN PRESENT DAY CONTEXT”

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### **ABSTRACT.**

Good Governance is creating an environment in which all classes of citizens can develop their fullest potential. It involves provision of public services in an efficient and equitable manner to citizens. Good Governance must be founded on moral virtues ensuring stability and harmony. The art of Good Governance simply lies in making things right and putting them in their right place. Confucius described righteousness as the foundation of Good Governance for life and character building and Peace which is ideally suited for a country like India where many of our present day players in governance do not adhere to any principle and ensure only their own interests. This is in conformity with Dharma or righteousness as taught by all religions in the world and preached in Buddhism very predominantly in its fourth noble truth. He also emphasizes that man himself must become righteous and then only there shall be righteousness in the world. This is comparable with what Gandhiji said “Be the change you wish to see in the world. Citizen Centricity is the essence of any vibrant democracy and is inextricably linked with Good Governance.” In India, the Constitution lays the foundation for promotion of Citizen Centric Governance. It provides for fundamental rights that are the hallmark of our democracy and mandates the welfare of all citizens through a set of Directive Principles. Based on the principles enshrined in the Constitution of India has developed an elaborate legal and institutional framework for ensuring Good Governance to its citizens. Good Governance pertains securing justice, empowerment, employment and efficient delivery of services.

**Keywords:** Spirituality, Historical Documents, Tradition, Moral Virtues, Philosophy Sovereign, Dharmasastras, Gita, Manusmriti, Yajurveda, Arthashastra, Mahabharata, Good Governance, Accountability, Transparency, Citizen Centric, Indian Constitutional Law Administrative Reform Commission Report. Right to Information and E-Governance, etc.

**A. INTRODUCTION:**

'Governance' is the process of decision-making and the process by which decisions are implemented. Good governance creates an environment in which sustained economic growth becomes achievable. Conditions of Good Governance allow citizens to maximize their returns on investment. Good Governance does not occur by chance. It must be demanded by citizens and nourished explicitly and consciously by the nation state. It is, therefore, necessary that the citizens are allowed to participate freely, openly and fully in the Governance Process. The citizens must have the right to compete for office, form political party and enjoy fundamental rights and civil liberty. Good governance is accordingly associated with accountable political leadership, enlightened policy-making and a Civil Service imbued with a professional ethos. The presence of a strong civil society including a free press and independent judiciary are pre-conditions for good governance. In the 1992 report entitled "Governance and Development", the World Bank set out its definition of Good Governance as "the manner in which power is exercised in the management of a country's economic and social resources for development". Good governance has 8 major characteristics. 'It is participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society. According to former United Nations Secretary-General Kofi Annan, "Good governance is ensuring respect for human rights and the rule of law; strengthening democracy, promoting transparency and capacity in public administration." He also said that "Good Governance is perhaps the single most important factor in eradicating poverty and promoting development". Under Sustainable Development Goals, Goal 16 can be considered to be directly linked as it is dedicated to improvement in governance, inclusion, participation, rights, and security. In the Indian context 'Good Governance' is the central challenge which relates to social development. In his famous 'tryst with destiny' speech on 14 August 1947, Jawaharlal Nehru articulated this challenge as 'the ending of poverty and ignorance and disease and inequality of opportunities'. Good Governance must aim at expansion in social opportunities and removal of poverty. India focuses on developing probity in governance, which will make the governance more ethical and

continue to work on the ideals of **Sabka Saath, Sabka Vikas and Sabka Vishwas** which will lead to Inclusive and Sustainable Development in Contemporary Governance.

### **B. OBJECTIVES OF THE STUDY:-**

1. To Study on the Role of Spirituality and Puranic Concept in Good Governance
2. To explain in a few sentences what Good Governance is and its importance in History
3. List out the Good Governance in Dharmasastras vis-a-vis Present Legal System
4. Seeds of Good Governance were sown by the framers of the Indian Constitution
5. Spell out the Importance of Good Governance in the Legal and Institutional frame -works to the citizen of India.

### **C. HYPOTHESIS ANALYSIS;-**

1. Good Governance must be founded on moral virtues ensuring stability and harmony.
2. The land of Spirituality is basically the land of practical applications of the Philosophy of Good Governance since the early days of Human Civilization.
3. Bhagavat Gita, Manusmrit Mahabharata, YajurVeda, Arthasastra, and other Sacred Scriptures & their applicability to the current knowledge, thought process, and scientific application, and also by the Britishers.
4. What is the Role of Good Governance enshrined in the Constitution of India?

**D. RESEARCH METHODOLOGY:** Basically, Researcher has followed Doctrinal Method and Secondary Data for this Research Paper. Researcher has also collected the data from Various Standard Books, Journals, Magazines, Historical Documents, Website, Oldest Manuscript, Constitution of India and Administrative Commission Reform Reports.

**E. LITERATURE REVIEW** Governance and Reforms by C. P. Vithal HCMRIPA, JAIPUR – INDIA – 2008. which is a good book for my present article and other recommended book is Good Governance Concept & Approaches by C. L. Baghel, & Yogendra Kumar, Kanishka Publishers & Distributors, New Delhi, 2006. and other relevant sacred book is Bhagwad Gita, Chapter-3, Verse – 20; Chapter -XVII, Verse – 24. Chapter -XVIII, Verse – 30, Chapter-XIV, Verse-50, Chapter-XX, Verse-43, Shanti Parva, Chapter-LVIII, Verse-11, Chapter-LXXXV, Verse VIII, Verse - 30-2, Chapter-LXXX, Verse 16-17 Chapter-XV, Verse-8, Chapter-XC, Verse – 19 ,Chapter XVIII, Manusmriti Book-L, Verse-35, Book-IX, Verse-324,

Arthasastra-Book-V, Chapter-XIX, P-39.O.P. Dwivedi, Common Good and Good Governance in IIPA in July – Sept 1990. S.K.Das. Dr,N. N.Nair,2ndARC/Hota Commission Reform Report, S.R.Maheshwari on Good Governance & Constitution of India by M.P Jain, V. N.Shukla. H.M.Seervai. etc.

## **F. GOOD GOVERNANCE IN ANCIENT INDIA**

The land of spirituality is basically the land of practical applications of the philosophy of Good Governance since the early days of human civilization. The descriptions of Indus Valley and Vedic civilizations bear implicit details of this concept. In Hindu Mythology Manu is recognized as the first sovereign on earth and he was a great philosopher, whose teachings find place in Manusmriti which directs the sovereign of the state to look after his people like his sons. The concept of 'Ramrajya' is basically the concept of Good Governance which was the basis of Ram's polity during the period of Ramayana. Ancient Indian Philosophers and political thinkers termed polity as 'Raj Dharma' – the code of conduct and duties of the sovereign towards his subjects and the conduct and duties of the subjects towards their sovereign. Here it may be noted that during Ancient India the sovereign was also known as 'Lok-Palak' which implicitly means that the sovereign must look after the welfare of his subjects and the subjects were asked to follow the 'Rashtra Dharma' which means that people owe the responsibility to help for the security and prosperity of the state. Indian Administration is a mix of diverse practices that have been assimilated over centuries. The classical tradition of statecraft is well documented in Kautilya's Arthashastra, which was written sometime between 321 and 300B.C. proceeding from the premise that the state was an institutional necessity for human advancement, the book outlines how the state should be managed for the maximum happiness of its citizens. Perhaps this treatise should be regarded as responsible Civil Servants manual for those times, balancing the needs of daily operations and policy advisory functions of the Civil Services, with a rather high-minded view of Kingship. The Administrative System in Ancient India reached its pinnacle during the reign of Ashoka (273-252 B.C). The main instrument of Ashokan Administration was propagation of Dharma, which has been variously described as 'Moral order', 'A Common Code of Conduct', or, an 'Ethical Order'. One of the Measures of Administrative Reforms undertaken by Ashoka was appointment of Dhamma Mahamatyas

(Ministers) for the propagation of Dhamma, redressing public grievances and distribution of charitable gifts among the subjects as well as foreigners. He also undertook measures for the welfare of women, judicial reforms relating to fair justice and uniformity in judicial procedures, opening of hospitals for human beings and animals, and programmes of public works. This tradition continued to flourish with temporal modifications, till the beginning of the Islamic invasions

### **G.THE ROLE OF GOOD GOVERNANCE IN DHARMASASTRAS:**

The prerequisite of understanding the concept in Hindu thinking is to accept the view that Brahman (the Supreme Being) is the ultimate source and cause of the universal Common Good not only of humans but also of all beings in the creation. The Common Good for Hindus is the highest ethical standard which everyone ought to apply according to his or her Dharma. Further, the Hindu tradition requires that a Common Good takes precedence over a private good (including individual material good, personal or moral good or special commercial and it points towards the full realisation (development) of the potentialities of individuals as well as of the entire community. Under such a system, a virtuous (Dharmic) citizen will always be the Common Good by desiring towards fuller development of the potentials of his fellow citizens and of the community of large. In Sanskrit, the term Common Good can related to such terms as Sarva Loka Kalyana Kari Karma, Sarva Hitey Ratah or even Sarva Loka Sangraha. The first term Sarva Kalyankari Karma means an action or, a deed done which results in the Common Good of all and everyone. The second term, Sarva Hitay Ratah, on the other hand, relates to the action resulting in “caring for others”, and includes duties which ought to be directed towards universal upliftment and welfare. For this to happen, mutual respect and cooperation must take place. The third terms is Sarva Loka Sangraha where the concept of Sarva Loka has a comprehensive meaning incorporating not only the entire humanity but the whole cosmos and other worlds (such as Devaloka, Satyaloka, and Patal-loka), perhaps the word Sangraha should be explained further; it means, as explained by Bal Gangadhar Tilak ‘maintaining, feeding, protecting, and defending it (Loka) in a proper way, without allowing it to be destroyed’. The Common Good as perceived by the ancient Indian thought requires people indulging in the

purashartha (duties) and striving towards the universal welfares. The scriptures mention Dharma as the foundation of that Common Good. Dharma comes from the root dhri which means to hold or uphold; that by which people are held and sustained together is Dharma. In Mahabharata, Rishi Utthya says to king Mandhata, prabhavartham hibhutanam Dharmah Srishtah Syayambhuva. The All-pervading one has instituted Dharma for the Common Good of all beings.<sup>1</sup>

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1. Baghel, C. L & Kumar Yogendra "Good Governance Concept & Approaches", Kanishka Publishers & Distributors, New Delhi, 2006,

**(I). Concept of Common Good:-**The concept of Common Goods is deriving on the concept of Dharma. We may need a concept which should be based on Sarvajana Hitaya Sarvajana Sukhaya cha for the Universal Welfare and happiness of the all and every one. Hindu religion decrees that we look after the welfare of all (not only the humanity but the entire creation); it is here that the concept of Sarva Loka Sangraha becomes relevant to our discussion of the Common Good because this term assumes an action resulting in universal welfare based on mutual cooperation. Although the word Sarva has not been used in the verse of Gita, nevertheless its purport is clear that it is the duty of people to engage in Sarva Loksangraha. Lok Sangraha mevapi sanpasyan kartum arhasi (keeping in mind the Lok Sangraha, you must perform prescribed actions).<sup>2</sup>The Common Good is larger than any individual person or a group of some individuals, and it remains incomplete unless it helps each and everyone to achieve their potency, their ends of life. The Common Good becomes an ideal to uphold, something akin to an universal truth. The Indian concept of the Common Good, emphasis being on Sarva Kalyankari Hath or the Universal Common Good assumes a greater meaning, a meaning which relates to the fulfilment of their individual ends of life within the confines of Dharma. The concept of Common encompasses not only the humanity but also the Cosmos in its entirety. It recognizes that each species has its distinct place in nature and each has its own ends of life and Dharma to perform. However only humans (but not other species) have been entrusted with the obligation to look after the "happiness for all" (Sarva Bhabantu Sukhinah).<sup>3</sup>

**(II). Caring for others:-**Sarva Hitey Ratah, caring and taking care of others by serving into them. This notion is utterly interwinded with the general concept of Common Good. It is an obligation that human beings owe not only to each other but also to other beings as well as to the

entire Cosmos. Caring sentiments when expressed in accord and unison become our collective sentiments. Which in turn, relate to our main goal, the 'Common Interest.'

**(III). Good for entire Society.-**In the classical usage of the term 'Common Good' the state has no other purpose than to serve the Common Good. The term became a symbol for the whole range of governmental actions, and in olden times, king became an embodiment of the Common Good for his people and when King's divine right to rule was subsumed by a state,

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2. Gita, Chapter-3, Verse - 20

3. Ibid.

The government became an instrument to achieve ends related to promoting general human well-being, such as peace, order, prosperity, justice and human dignity. Good Governance meant when a government not only served the Common Good but also promoted the well-being of not only its own but also of the entire society as well. As mentioned earlier, the Common Good embraced everyone because it consisted of not only an aggregation of individual 'Goods' but the well-being of all, and in order to secure the well-being of all it became important that all the individuals become willing partners in the enterprise. Both the parts and the whole became mutually dependent and reciprocal, each contributing to sustain the whole, while the whole in turn supported the existence of the parts. A king became duty bound to insure that the Common Good (Dharma) was protected. When king's intervention becomes essential only when people were unable to protect their individual goods and when kings were replaced by a secular state, it is the government which assumed that role. Somehow, the Common Good got replaced by the Public Interest.

**(IV). Public Interest-**The word common was replaced by 'Public' and the term good was changed into 'Interest' Public Interest became the Interest of the Majority, approximating the Greatest Happiness of the Greatest Number, something akin to the concept of 'Bahujan Hitaya'. It seems that the term Common Good which relates to the Universalism (Sarva) is a better concept for Good Governance than the term Public Interest. In this respect as saint Thomas Aquinas states, "the Common Good of the whole is God himself in who consists the happiness of all". Although the Common Good of the whole is God himself nevertheless, the Common Goods

not fixed once and for all simply because the will of God is interpreted by human beings who are limited in their vision and capacity. That is why the Common Good can be subject to interpretations given need, time and place to deliberate thereon. Nevertheless, that divinity in human beings has to be awakened so that it can become a foundation for universal welfare and upliftment which is facilitated by Good Governance. The foundations of Good Governance which is required to protect and sustain the Common Good and the requisite duties and conduct of public officials as described in some scriptures and ancient writings of the Hindu religion and culture. Among the main scriptures, in Gita advice given to Arjuna by Lord Krishna is most relevant for an administrator in Good Governance.<sup>4</sup>

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4. Dharma: - The foundation of Good Governance

#### **H.THE RELEVANCE OF BHAGAVAT GITA IN GOOD GOVERNANCE;-**

The Relevance of the Bhagavat Gita for Good Governance against falling human values in the contemporary world is being strongly felt. This Holy Scripture is not only a pious hook for all Hindus but also for the followers of other religions across the globe. It is translated into as many Indian and foreign languages in the world as that of Bible. In fact, it is a Masterpiece as it is interdisciplinary and deals with various branches of knowledge vis-a-vis contemporary problems in the present-day society. It is also considered a Sacred Book by **Indian Judicial System** and those who are convicted are allowed to take oath in the name of Bhagavat Gita to depose before the judges. It is more relevant even in the present day society as it deals with various branches of knowledge like Astronomy, Ethics, Political Philosophy, Social Philosophy, Sociology, Anthropology, Para Psychology, Meta Physics, Public Administration, Stress Management, Nutrition and Behavioural Sciences, apart from spiritual knowledge gain moksha (salvation) as per Hindu philosophy by "Following the theory of karma. In view of the falling standards in the day-to-day life and declining human values in society along with the growing menace of corruption globally, ethics and religious knowledge are imparted as part of curricula in the management courses by various academic institutions around the world. Against this backdrop, an attempt is made in this paper to know "The Relevance of Bhagavat Gita for Good Governance", the nuances of the select stanzas in the Bhagavat Gita and their applicability to the



current knowledge, thought process, and scientific application. Further, it is no gauge the inner meanings and testify the relevance of the same in Good Governance in the contemporary world vis-a-vis create good social values in society as the philosophy of the Bhagavat Gita is centuries old. The books and articles on Vedic- Mathematics, Vedic Agriculture, Vedic Administration and Vedic Astrology sharply focus our attention to the ancient religious books to make an in-depth analysis of them from a scientific vision.<sup>5</sup>

**Bureaucratic Neutrality** "Pravruttim Cha Nivruttim Cha Karya Karye Bhaya Bhaye Bandham Moksham Cha Ya Vetti Buddhissa Parth Satviki.". "A Satviki is one who is not biased towards any or frightened to any one while performing his duties. An administrator should have all the qualities of a Satviki. He should not be biased towards any.

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5. Governance and Reforms, by Vithal, C. P., HCMRIPA, JAIPUR – INDIA – 2008.

He should not fear any or favour any. He should maintain absolute bureaucratic neutrality without taking any sides for the dispensation of administrative justice.<sup>6</sup>

Tasmacchastram pramanam te kanyakaryavyavasthitau Gyatva shastra vidhanoktam karma kartum iharhasi [one ought to understand what is duty and what is forbidden in the commands laid down by the scriptures (Shasta's). Knowing such rules and regulations, one should behave as ordained by scriptures].<sup>7</sup>

Lord Krishna further says Pravrittim cha nivrittim cha karya karye bhaya bhaye.Bandham moksham chaya vetti buddhih sa partha sattviki [O partha that understanding by which one knows what ought to be done and what ought not to be done, what is to be feared and what is not, what is obligatory and what is permitted, leads to the righteous path (Sattviki Pravritti)].<sup>8</sup>

"The above interpretation of the select stanzas of Bhagavat Gita is an attempt to know its relevance<sup>1</sup> to the present-day society from theoretical and practical angles to various aspects of human lives as it is interdisciplinary in nature and content. The Bhagavad Gita is the summary of ancient religious works like the Vedas and the Upanishads. The Vedic civilisation is the ancient civilisation in the entire world with a structured society, government, social system, administration, culture and civilisation of its own. The experience and the scientific vision of the

ancient saints, scholars and philosophers reflect in Gita. As it is interdisciplinary and deals with various branches of knowledge, its application to the present-day society cannot be undermined. The summaries of the above stanzas with illustrations are nevertheless significant to take cues to govern the people, in the dispensation of justice to the common people and to create a just and an equi-society. The righteous path is called Dharma. But how does one know the righteous path for different people and for specific functions or, duties? Hindu scriptures provide ample guidelines through Dharma Shastras. These guidelines on codes of conduct have been prescribed by great many seers which are spread all over in various scriptures of Hindu religion. But for our purpose, examples are drawn from the following; 1) Yajurveda, 2) Mahabharata, 3) Manusmriti, and 4) Kautilya's Arthashastra.

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6. Gita, Chapter XVIII, Verse - 30

7. Gita, Chapter XVII, Verse – 24.

8. Gita, Chapter XVIII, Verse - 30

### **I. YAJURVEDA:**

Dharma of rulers has been described in many places, at the same time, it is mentioned that such a ruler will be an elected one who will administer justice with the help of an elected assembly the good conduct as a prerequisite of the Common Good has been emphasised.<sup>9</sup>

O virtuous and prosperous king, be knowledgeable about your conduct as protector of the learned, and impeller towards our progress and prosperity. Be in control of your passions, and conduct yourself in a righteous manner. Be a friend to us know the conduct as laid down by all sages.<sup>10</sup> there are many examples from Yajurveda which are also full of similar advice to that elected ruler. Another example is the following verse from Chapter-20 where the king is asked to maintain the common good (righteousness) of his Loka. Assembly of Learned (Vidya Sabha), assembly of spiritual leaders (Dharma Sabha) and the Assembly of the Administrators (Rajya Sabha), are the three organs of government of a ruler. These should provide speedy justice and solution of problems should consist of well qualified persons, fully constituted to manage the affairs of state with prowess and skills, and to maintain the righteous Common Good of

government.<sup>11</sup> Through these and similar verses, a king has been advised to preserve the Common Good by acting in a moral and virtuous way.

### **J. MAHABHARAT:**

In Mahabharata, after the Great War, King Yudhishtira approaches his wounded grandfather, asks him to give a discourse on the concept of Common Good, duties and morality of a King, his officials, and the public Bhisma, the grandfather, thus answers.

1. The eternal duties of Kings are to make their subjects happy to observe truth, and to act sincerely.<sup>12</sup>
2. A King guided by conducting righteously (Vyavaharen shuddham) and devoting his life in the service of his subjects acquires fame and immortality both here and hereafter.<sup>13</sup>

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9. Yajurveda, Chapter-VII, verse-45.

10. Ibid, Chapter-VIII, verse-50

11. Ibid., Chapter-XX, verse-43

12. Shanti Parva, Chapter-VIII, Verse-11

13. Ibid, Chapter-LXXXV, Verse-2

3. The foundation of Good Governance is Dharma (righteousness). The King, his ministers and state employees who have taken the oath of their officers to uphold Dharma and to act in accordance with the Common Good, must not act unjustly or, unethically so as to secure their private good through selfishness. If they don't behave appropriately, they all will surely go to hell along with destroying the moral basis of governance.<sup>14</sup>
4. The main purpose of a King is to protect Dharma, and to bolster righteousness and to be free from indolence and desires. One should know that a king is the defender of all (Lokasya Rakshita).<sup>15</sup>
5. The lord of creation, Brahma, has devised Dharma for the care and well-being of all, it is the duty of a king to follow and advance the dictates of Dharma.<sup>16</sup>

### **K. MANUSMRIT:**

Among the all Hindu Smrities, Manusmrities is considered the most important and Comprehensive Codification of Hindu laws. It includes not only the precepts for the moral duties of all persons, but also the special rules regarding the conduct of Kings, officials, and Administration of Justice. The following two verses illustrate the basic thinking to symbolise duties for the King his ministers and other officials. Brahma has created the King to be the protector of the Verna and public order (Common Good) so that they discharge their several duties according to their Dharma and rank.<sup>17</sup> Thus conducting himself and ever intent on discharging his prescribed royal duties, a King shall order all his officials work for the good of his subject.<sup>18</sup> Through these and various other verses, moral tone has been set for conduct of a King and Good Governance of the Kingdom.

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14. Ibid, Chapter-LXXX, Verse 16-17

15. Ibid, Chapter-XV, Verse-8

16. Ibid, Chapter-XC, Verse – 19

17. Manusmriti, Book-L, Verse-35

18. Ibid, Book-IX, Verse-324.

## **L. GOOD GOVERNANCE IN KAUTILYA’S ARTHASASTRA**

The book written by Kautilya (Prime Minister of King Chandragupta, 321 BC-296BC) is not considered a part of Dharma Shastras (Scriptures), nevertheless, it is the greatest Indian Treatise on the Art of Government and Administration, the Duties of Kings, Ministers, Officials, and the Art of Diplomacy. For example, a King is expected to behave in a most righteous manner.

1. In the happiness of his subjects lies his happiness; in their welfare his welfare, whatever pleases him (personally) he shall not consider as good, but whatever makes his subjects happy he shall consider good<sup>19</sup>

2. The King should look to the bodily comforts of his servants by providing such emoluments as can infuse in them the spirit of enthusiasm to work. He should not violate the course of righteousness and wealth. Thus, the King shall not only maintain his servants. But also increase their subsistence and wages in consideration of their learning and work <sup>20</sup>

The illustration given above denotes a high moral tone assigned to those who govern and act as stewards of governance. For them, there is ample spiritual guidance for good behaviour. People who govern have been advised the Good Governance is sustained by adhering to a trinity of moral duties ultimately resulting in Sarva Kalyankari Karma, maintaining Sarva Loka Sangraha and aiming for the Sarva Hitey Ratah. These three dictums emanate from certain religious foundations which have been examined above, and which support the contention that governance is a moral endeavour.

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19. Arthasastra, Book-V, Chapter-XIX, p.39.

20. Ibid, Book-V, Chapter-III, pp.247-249.

### **M. GOOD GOVERNANCE - DURING MUGHAL RULE:**

Mughal Rule in India in the 15<sup>th</sup> through 19<sup>th</sup> Century brought about drastic change in the Governmental System, combining certain features of Arabic Administrative concepts with certain classical Indian Practices. Arabic pattern is reflected in separation and distinction of two political functions, namely, Governorship (Amir) of the head of Military and Police and Treasury (Amil) as the head of the revenue, finance, etc. While old Hindu land revenue system, procedures and traditions, including Hindu Revenue Officials, were retained, without any interference so long as land tax was regularly collected. <sup>21</sup> Particularly as it evolved under Akbar (AD1556 –1605) an insight into which provided by Abul Fazl's Ain-i-Akbari (AD1590).The Mughal Administration presented a combination of Indian and extra-Indian elements or, more

correctly. It was the ‘Perso-Arabic System in an Indian setting’. Generally speaking in village administration and lower rungs of the official ladder, the earlier practice was allowed to prevail. The Mughal Empire was a centralised despotism based on military power; it followed the policy of individualistic minimum interference, assuming responsibility only for Law and Order and revenue collection. It was a city- oriented and paper government. Its officials had to maintain several records such as copies of correspondence, nominal rolls, books of accounts in duplicate or, triplicate, etc.<sup>22</sup>

#### **N. GOOD GOVERNANCE DURING THE BRITISH RULE;-**

The British rule in India, architecture by the East – India Company, a trading concern entering India (In early 19<sup>th</sup> Century) under a Charter. Originally granted by Queen Elizabeth-I, Changed the framework of Administrative System slowly but steadily. The two Reports of 1854 –one by Sir Stafford Northcote and Sir Charles Trevelyn and the other by Thomas Babington Macauley - formed the cornerstone of the Administrative System designed by the British Rulers for governing India. The former suggested that: - Appointments to the Civil Services should no longer be made by open patronage. They should be made henceforth by open competitive examinations..... by means the best brains of the country would be harnessed to the Public Service.

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21 O.P. Dwivedi, common Good and Good Governance in IIPA in July – Sept 1990, pp.263-264.

22. Maheswari 2000 (233, V. K Agnihotri and R K Dar, Governance Reforms in India – civil servants view from the inside.

#### **O. GOOD GOVERNANCE IN POST-INDEPENDENT INDIA**

When India became independent to make a decisive ‘Tryst with destiny’ signalling the ‘great divide’ between the darkness of night of serfdom and the sunlight of dawn of freedom, the state’s Philosophy and Administration’s ideology overnight underwent a nodal and seminal change, Catapulting straightway into the arena of ‘Welfare’ from “Warfare” and simultaneously imparting to them a new dimension, direction and dynamics. A star, “Welfare State” was born, with a planet termed, Development Administration, revolving around. That was during a five – year period between 1947 and 1952, when the magical metamorphosis took place, with

foundational developments taking concrete shape in the form of establishment of a national government in free India, promulgation of the Republican constitution, central planning commission getting into the act of launching the first Five Year Plan, the first General Election based on Universal Adult franchise, etc. They were all focused on People Oriented, i.e., Citizen-Friendly and People Directed, i.e. Democratically evolved- Objectives of the state. The lofty and liberal cultural – civilisation leθος of this ancient country, rich in humanization harmony and Integrational Values, was correctly reflected and neatly enshrined in the Preamble to India's Constitution in its Directive Principles of state policy (Part –IV), Fundamental Rights (part –III), Fundamental Duties (part –IV-A), etc.

#### **P. ACHIEVEMENT OF DEVELOPMENTAL GOALS FOR GOOD GOVERNANCE;-**

Developmental Goals, Economic and Social renewal Objectives, Administrative up gradation strategies –all to be achieved through centralised Socialistic pattern' of Planning based on popular consent and Democratic Consensus – invest the five year plan documents with singular value and validity in so far as they promised not only a New Agricultural and Industrial Revolution, Equitable Distribution with Social Justice, Prevention of Concentration of wealth in few hands, and above all, a just Egalitarian Society. Wide array of programmes and projects, diverse forms of institutions and organisations, massive doses of outlay, together with mass mobilisation efforts towards eco-societal degeneration tasks constituted the care of our nation-building plans so that the future brings in prosperity progress and peace to all the people in all parts of the country. Education, health, rural development, employment, poverty alleviation –all become part of the foci of national development through, planning. What one may ask could be a better concept of Governance than all that has been incorporated in all these national and official documents of thrust –areas as basic principles and fundamental guidelines for observance? A state based on such high moral values, a government informed by such ideologies and an administration to implement such Developmental Policies - this trinity, ideally, should be a lodestar for Good Governance. But other results or contrary outcome may come out if anyone or, two or, more of the trilogy come to be divested or, robbed of the original ideology, when value erosion on operational aberration takes place, mismatch follows and cracks surface, Governance strays off its orbit resulting in Goal – derailment and Administrative Disaster.

#### **Q. GOOD GOVERNANCE IN INDIAN CONSTITUTION:**

In order to have meaningful insights, Good Governance has to be analysed in the specific context of a country. The Indian Constitution thus becomes a reference point in order to know the kind of society it visualises to build in times to come. The Preamble and the Chapters on Fundamental Rights and the Directive Principles of State Policy are quite indicative of the core values that we cherish to materialise/ operationalise. Seeds of Good Governance were sown by the framers of the Indian Constitution. In spite of so many problems and challenges of various kinds, the political system continues and enjoys reasonable level of legitimacy. Efforts to Reform Administrative System to suit the demands and Challenges of Development Paradigm and Strategies from time to time continued as recurring exercises at the central and state levels. One can find a number of Administrative Reform Committee Reports, both at the Central and State Levels. Among others mention may be made of ARC under Morarji Desai (Subsequently Chaired by K.Hanumanthaiah) in 1966, it produced 20 reports dealing with various aspects of Administration. A few other Committees were, Gorwala (1951), Appleby (1955), Balwant Rai Mehta (1957), Santhanam (1964), Ashok Mehta (1977), Sarkaria (1983), and G.V.K. Rao (1985). Recent developments in regard to reform in administration are quite encouraging. In the Conference of the Chief Secretaries of State/ Union Territories on Effective and Responsive Administration” in November 1996, followed by a Conference of Chief Ministers in May 1977, it was recognised that Governance has to extend beyond conventional Bureaucracies and to involve actively citizens and consumer groups at all levels to empower and inform the public and the disadvantaged groups, so as to ensure delivery and programme execution through autonomous elected local bodies. Redefinition of the Role of Government and its functions, and to ensure efficient and cost Effective Administration, reorganisation of work procedure, effective information system accessible to all, right sizing public services, good financial management, efficiency audit, proper monitoring and evaluation, Greater Transparency in functions of public bodies, Accountability in relation to public satisfaction and Responsive Delivery of Services and vital determinants of Good Governance.

## **R. CRUCIAL ROLE PLAYED BY THE HIGHEST JUDICIARY FOR PROMOTING AND PROTECTING OF THE CONSTITUTION FOR GOOD GOVERNANCE.**

Indian Judiciary is the final decision maker of ‘rule of law’ of the Constitution. Our Supreme Court has got the special power from the Constitution, i, e Judicial Review for monitoring



governmental actions within the limits of the Constitution. In this respect, Judiciary safeguards rights of the people from arbitrary action of the government for upholding the Good Governance spirit of the Constitution. In this context *Indira Gandhi v. Raj Narayan*<sup>23</sup>, Hon'ble Supreme Court upholds the Basic Structure which protect the Good Governance of the Constitution. The new role played by the Supreme Court which implies free and fair election as basic features of the Constitution in the sphere of Basic Structure displayed in *Keshavananda Bharati's Case*<sup>24</sup>. Justice Beg, in his judgement interprets Basic Structure Doctrine in *Indira Gandhi Case* which shows that Judicial Review is an integral part of Good Governance. Again Justice Beg, in his interpretation he writes "The Ideal King, in Ancient India, was conceived of primarily as a Judge deciding cases or giving orders to meet specific situations in accordance with the Dharma Shastras". The need for Good Governance again in a landmark judgement, *In Coelho in 2007*<sup>25</sup> Chief Justice Sabharwal has given importance to Amartya Sen's discussion that "the justification for protecting fundamental rights is not on the assumption that they are higher rights, but that protection is the best way to promote a just and tolerant society". It is too said that, natural, moral, historical, utilitarian grounds, the Court justifies the principle of Basic Structure Doctrine by applying the heart and soul of Good Governance which safeguards Fundamental Rights and promoting DPSP<sup>26</sup>. By giving importance to Fundamental Rights to promote rule of law, Indian Constitution promote Judiciary to protect these rights by judicial review in evidence of many cases. It is to important to discuss about Article-21<sup>27</sup>, the court added a reasonableness or non arbitrariness, requirement of article -21 in 1978. The next few years article-21 utilised for eradicate cruelty or, unusual punishment, relax pre-trial bail requirements and restrict under-trial prisoners, violence against custodial prisoners and provide legal aids. The development of article 21 led to a new form of legal new innovation, known as Public Interest Litigation. The Court

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23. AIR 1975 SC 2299

24. *Keshavananda Bharati v, State of Kerala*, AIR 1973 SC1461

25. *I.R. Coelho v. State of Tamil Nadu* (AIR 2007 SC 8617)

26. Directive principles of state policy

27. No person shall be deprived of his life or personal liberty except according to procedure established by law.

relaxed its standing necessity, allowing any public-minded person to petition the Court on behalf of anyone he or she perceived as being deprived of his or her rights.221 it also loosened its filing

needs. when a journalist wrote a letter to the Court in 1982, complaining that certain female were tortured in police custody, the Court treated the letter as a petition and gave directions to ensure protection of these women and other prisoners in similar situations.<sup>28</sup> This action by the Court to intervene on pressing social issues is a bright example of Public Interest Litigation. Further, the Constitution's Directive Principles<sup>29</sup> lay out goals for the Indian state, such as a living wage, primary education for all, and international peace and security etc. The Constitution, though, explicitly made these principles non justiciable<sup>30</sup>. Like the basic structure doctrine, the Court largely justified these interventions on two grounds. First, it interpreted an active role for itself under the Constitution's vision for controlled social and Economic revolution. Second, the Court appealed to principles of civilization or Good Governance that necessitated and explained its interventions. Through the Court's right to life judgement, it took on many details of governance, like ordering more stringent enforcement of traffic regulations or banning smoking in public places. Indeed, the Court took on so many functions that its right to life judgement came to encompass more than just protecting life, but also promoting Good Governance more broadly. This role is highlighted well by [M.C. Mehta v. Union of India](#),<sup>31</sup> the Taj Mahal case of 1997. This case brought to the attention of the Supreme Court that coal-fired industries around the Taj Mahal were tarnishing its white marble and polluting the lungs of nearby residents The Court had seemingly found the right to life in an inanimate object. Indeed, this case highlights that what is at stake for the Court in many of its right to life cases is not so much the right to life as Good Governance more generally. Judiciary being a custodian of the Constitution to protect and promote Constitutional spirit and Good Governance.

### **S. CIVIL SERVICE REFORMS AND GOOD GOVERNANCE**

Good Governing and Functioning Civil Service helps to create Good Policymaking Effective Service Delivery Accountability and Responsibility in utilizing public resources which are the characteristics of Good Governance. "Good Governance" is being used as an all-inclusive

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28. Sheela Barse v. State of Maharashtra, (1983) 2 S.C.R. 337, 342. For another example of a letter being accepted as a petition, see Upendra Baxi v. State of Uttar Pradesh, (1983) 2 S.C.C. 308.

29. Under part IV of the Indian constitution Articles from 36 to 51.

30. Under article 37

31. (1996) Supp. 10 S.C.R. 97

framework not only for administrative and Civil Service reform but as a link between Civil Service Reform<sup>32</sup>and an all-embracing framework for making policy decisions effective within

viable systems of Accountability and Citizen Participation. Administrative Reform focuses on rationalizing structures and operations of Government Machinery. Governance Reform tends to focus on facilitating the effective functioning of and interactions between the state the market and the Civil Society. It refers to the improvement of Legal Institutional and Policy Frameworks to create proper decision making and Implementation Environments for Economic growth and distribution. It encompasses participatory systems for elements of Civil Society to become actively involved in formulation of policies and programmes and their implementation. It also includes effective and transparent systems and processes for Accountability in Government activities. Civil service reform cannot be seen in isolation and it has to be undertaken along with administrative and Governance Reforms for effective results. Although comprehensive reform that involves Governance the Civil Service Administrative Practices and Civil Society is ideal it requires sustained commitment from political and administrative leaders. It is also too complex to implement all at once. Few countries have undertaken comprehensive Reforms and there are mixed results. The challenge lies in finding linkages among the governance Civil Service and Civil Society components determining which require priority attention. The 2<sup>nd</sup> Administrative Reform Commission's primary mandate is to make suggestive measures for achieving a Proactive Responsive Accountable Sustainable and Efficient Administration for the country at all levels of government. The 2<sup>nd</sup> Administrative Reform Commission has emphasized on Governance Process that can make administration more citizen oriented. The strategies highlighted in the Report can be conceptualized as demand side strategies and supply side strategies. While the demand side strategies are geared to giving citizens groups a greater Role in Governance. The supply side strategies aim to reorient Government organizations to make them more efficient effective and participative. The Commission has therefore looked at various Mechanisms for making administration more responsive to citizens. Thus the Concept of Citizen's Charter as a tool for promotion of greater Efficiency and Accountability has been Examined. Further, processes and Mechanisms for Promotion of Citizen's Participation in Administration have been suggested. The Commission has also emphasized Simplification of processes along with decentralisation and delegation to

make Administration more accessible to citizens. The Commission has in addition suggested various Measures for revamping the Grievances Redressal Mechanisms in various Government Departments. the role of special institutional mechanisms such as the various national and state commissions for protection of vulnerable groups has also been examined and measures suggested for improving their functioning.<sup>33</sup>

## **T. RECENT INITIATIVES FOR GOOD GOVERNANCE IN INDIA**

### **(I) Right to Information**

India is under an International obligation to effectively guarantee citizens the Right to Information<sup>34</sup> marks a significant shift in Indian democracy. It gives greater access of the citizen to the information which in turn improves the responsiveness of the government to community needs. The Right to Information promotes openness, transparency and accountability in administration by making the government more open to public scrutiny which performs Good Governance.

### **(II) E-Governance**

E-governance is a powerful tool of Good Governance<sup>35</sup>. The National e-Governance Plan has the vision to “Make all government services accessible to the common man in his locality, through common service delivery outlets and ensure efficiency, transparency & reliability of such services at affordable costs to realize the basic needs of the common man.”<sup>36</sup> It effectively delivers better programming and services in the era of newly emerging information and communication technologies. E-Governance has a direct impact on citizens who derive benefits through direct transactions with the services offered by the government. The Programs launched under e-Governance, Pro-Active Governance and Timely Implementation (PRAGATI), Digital India Program, MCA21, It is the prime motto to fulfil the significance of Good Governance.

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33. The 2nd Administrative Reform Commission Report Chaired by V.Moily,2007.

34. As per Article 19 of the ICCPR.RTI Act, 2005

35 The Tribune, December, 2005

36 <http://www.upagovt.com//2014/02/10-years-of-progress-upa-milestones.html>

**U. CONCLUSION:**

The effective functioning of governance is the primary concern of every citizen of the country. The citizens are ready to pay the price for Good Services offered by the state, but what is required is a transparent, accountable and intelligible governance system absolutely free from bias and prejudices. In our country, consensus has emerged on achieving Goals of Accountability, Citizen- Friendly Government, Transparency, Right to Information and improving performance and integrity of Public Services at Central and State levels. A large number of states, union territories and the Central Government have already taken several steps in this direction. Yet Administrative Reforms towards Good Governance has not become a movement. No amount of Reforms in Politics and Administration will work unless 'human element' is taken care of. After all it is persons who manage institutions / organisations of the government and Civil Society. In a society where corruption has become a cancer, only a drastic surgery is required. But this issue is related to other larger issues like 'transformation of man and transformation of the society', based on moral and ethical foundations. In 2012, The Citizen Charters has been introduced to improve the quality of Public Services. It ensures Good Governance, accountability, transparency and quality of services provided by various Government Organizations. It enables citizens to avail of services with minimum hassle, in reasonable time, and at a minimum cost. Effective implementation of Citizens Charters will go a long way in controlling Corruption. The Government of India has launched an ambitious programmer for formulation and implementation of Citizens Charters in all Government Departments. For the smooth and efficient administration, the Central and State Governments have adopted several methods out of which Citizen Charter is most effective method. This tool or technique make sound functioning and increase efficiency and control the corruption and delay in the administrative process. Every public authority or government department has to publish a Citizen's Charter listing all services rendered by that department along with a Grievance Redressal Mechanism for non-compliance with the Citizen's Charter. To improve the quality of Public Services the concept of Citizen Charters has been introduced to ensure Accountability, Transparency and quality of services provided by various Government Organizations. In enables to citizens to avail services with minimum cost and in reasonable time. Effective implementation of citizen charters will control the corruption. Finally, The Prevention of Corruption (Amendment) Act, 2018, has been introduced with a focus on increasing Transparency and

Accountability among Government Officials and Commercial Organisations for implementing Good Governance and sustains a corruption free-happy life.

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