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 BAD GOVERNANCE AND WAYS TO SOLVE THEM

Governance is the deliberate and conscious management of regime structures for enhancing the public realm. Governance can be viewed from social, political and economic perspectives. Indeed, good governance is pivotal to the development process. Development linked governance has been an issue much debated in the contemporary world. The term ‘governance’ has taken a much wider meaning and is no longer restricted to ‘rule’ or ‘administration’ but is used in a broader sense to imply the manner in which power is exercised. Since power can be exercised in any manner as desired, certain principles would be required in order to judge whether the discourse of the power has been made as per certain standards and norms. Such judgment can be based on several criteria – participation of citizens, upholding the rule of law, transparency of the system, responsiveness of the authority, consensus oriented policy, equity and inclusiveness of the policy, accountability of the system, strategic vision of the authority, etc.

At the end of the Cold War era, the term ‘good governance’ came into circulation which signified the prescriptions by donor agencies for carrying out economic and political reforms by the recipient countries. These prescriptions were presented by international donor agencies as ‘conditionalities’ and were expected to be met with compliance.

As a concept, good governance applies to various and distinct sections of the society; the government, legislature, judiciary, the media, the private sector, the corporate sector, the co-operatives, societies, trusts, organizations and even non-governmental organizations. After all, public accountability and transparency are equally relevant for each one of these institutions on which the society derives pillar-strength. Furthermore, only when all these and various other sections of the society conduct their affairs in a socially responsible manner can the objective of achieving larger good for the largest number of people in the society be realized.

It must also be mentioned that the foremost test of good governance is the respect for the rule of law. As the often quoted saying goes, the law is supreme and above all its subjects. Governance must always be based on rule of law. Every lawfully established government must govern according to the laws of the land and all its actions must uphold the rule of law and any effort to take the law in one’s own hand or to undermine the law by anyone, howsoever high and mighty he may be, must be dealt with speedily, decisively and in an exemplary manner. The Report goes on to observe that it is a matter of great concern that despite over five decades of Independence, it cannot be said with conviction that our governance is based on the rule of law.

The following text shall cover the principles which may be considered as the key principles of good governance in the opinion of the researcher. These key elements have been listed out by the researcher based on their relevance and contribution towards establishing an efficient and objective driven governing authority, covering socio-political and economic considerations. The determinative role that these principles play are supported by the various texts of international governing authorities, like the United Nations, as well as the emphasis laid upon them by the Constitutions of various countries including India. Therefore, these principles are covered not only by ‘hard-law’ provisions, i.e. legislations, treaties, etc. which make the compliance to such principles mandatory, but also ‘soft-law’ provisions, i.e. declarations, policies outlining desirable targets, etc. which reflect the consensus of countries and their convergence in thought process vis-à-vis these principles.

The pillars of governance include accountability, transparency, predictability and participation these are universally applicable regardless of economic orientation, strategic priorities, or policy choices of the government in question. However, there application must be country-specific and purely based on the economic, social and administrative capacity of the country. The universally accepted characteristics of good governance include participation, rule of law, transparency, responsiveness, equity, inclusiveness, effectiveness, efficiency and accountability. [8]

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Since good governance emphasizes on the significance attached to the right people being involved in the decision making process, a democratic setup where the representatives of the people are in control of the power, ensured by free and fair elections, holds importance towards ensuring good governance. Free and fair elections ensure that the citizens are able to exercise their right to elect their leaders and hence participate in voicing their interests through these leaders. However, such an election process must be free and fair, where the voters have a choice amongst the candidates and the right to the relevant information concerning the candidates in order to elect the leader who according to them could best serve the government. Such elections are open to all persons without discriminating on sex, race or ethnicity and are without interference or coercion by the government..

A crucial aspect of the constitutional mechanism is a system of checks and balances that is imposed upon the different organs of the State. While power is granted to the government, its use is overlooked and kept within acceptable limits by the constitutional limits like periodic elections, guarantees of rights, and an independent judiciary which permits the citizens to seek protection of their rights and redress against government actions. In this way, one branch of the government is able to provide accountability for the actions of another

Governance is the deliberate and conscious management of regime structures for enhancing the public realm. Governance can be viewed from social, political and economic perspectives. Indeed, good governance is pivotal to the development process. Development linked governance has been an issue much debated in the contemporary world. The term ‘governance’ has taken a much wider meaning and is no longer restricted to ‘rule’ or ‘administration’ but is used in a broader sense to imply the manner in which power is exercised. Since power can be exercised in any manner as desired, certain principles would be required in order to judge whether the discourse of the power has been made as per certain standards and norms. Such judgment can be based on several criteria – participation of citizens, upholding the rule of law, transparency of the system, responsiveness of the authority, consensus oriented policy, equity and inclusiveness of the policy, accountability of the system, strategic vision of the authority, etc.

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The World Bank defines good governance as –

“..the one epitomized by predictable, open, and enlightened policy-making, a bureaucracy imbued with a professional ethos acting in furtherance of the public good, the rule of law, transparent processes, and a strong civil society participating in public affairs. Poor governance (on the other hand) is characterized by arbitrary policy making, unaccountable bureaucracies, un-enforced or unjust legal systems, the abuse of executive power, a civil society unengaged in public life and widespread corruption.

The Government of Maharashtra Report on Good Governance sought to elucidate on the concept of good governance. At the outset in the ‘Mission Statement’ of the report, it clarified that the concept of good governance was much larger than mere administrative reforms as understood in the conventional sense of the term as it covered more ground and substance. Good governance has much to do with the ethical grounding of governance and therefore must be evaluated with reference to specific norms and objectives as may be laid down. Apart from looking at the functioning of the given segment of the society from the point of view of its acknowledged stakeholders and beneficiaries and customers and incorporating these perspectives in the course of its actions, it must have firm moorings to certain moral values and principles.

As a concept, good governance applies to various and distinct sections of the society; the government, legislature, judiciary, the media, the private sector, the corporate sector, the co-operatives, societies, trusts, organizations and even non-governmental organizations. After all, public accountability and transparency are equally relevant for each one of these institutions on which the society derives pillar-strength. Furthermore, only when all these and various other sections of the society conduct their affairs in a socially responsible manner can the objective of achieving larger good for the largest number of people in the society be realized.