



Good governance through citizen's participation in india: An analysis

Richa Dwivedi

Assistant Professor Symbiosis Law School, Pune, Maharashtra, India

Abstract

A liberal and dynamic democracy is based on the principles of good governance through vigorous participation of informed citizenry. Citizen engagement improves development outcomes, reduces poverty, and encourages peace by promoting social inclusion. Public participation can be characterised as informing the public, or taking their opinions in the policy matters. Public participation will undoubtedly lead to more accountable, transparent and responsive governance. Many steps have been taken by the government by introducing various policies and by enacting various laws for promoting participation of people in democracy but these steps are not effective enough to promote good governance.

This project examines the concept of citizen participation in governance and how is it effective. It will also deal with the concerned areas where citizen's participation will make a difference in the governance of the country. Also the project will focus on the steps taken by the government to form a more participative government and an analysis of its effectiveness.

Keywords: citizens, public participation, good governance, constitutional principles

Introduction

“These days, as a major cause of poor governance, we often hear of the failure of the institutions- failure of the executive, Parliament, Judiciary, and other public and semi public organisations. But we rarely hear of the failure that lies in the root of all these failures, that is, the failure of “we the people”. It is we- at least the substantial numbers of us- who have first, acquire pure and sympathetic hearts, powerful and profound minds and ennobling souls. Only then the nation would be able to find the right kind of persons and provide them with the right kind of motivation to take state institutions in the right direction and run them honestly, fairly and firmly.”- JAGMOHAN- Former Governor of Jammu and Kashmir

A liberal and dynamic democracy is based on the principles of good governance through vigorous participation of informed citizenry. Citizen engagement improves development outcomes, reduces poverty, and encourages peace by promoting social inclusion. Public participation can be characterised as informing the public, or taking their opinions in the policy matters. Public participation will undoubtedly lead to more accountable, transparent and responsive governance. Inclusion is a crucial instrument in maintaining high levels of commitment to democracy but also in ensuring the legitimacy of democracy itself. The World Summit for Social Development in Copenhagen in 1995 sought to define inclusive society as a ‘society for all’ in which every individual, each with rights and responsibilities, has an active role to play. Many steps have been taken by the government by introducing various policies and by enacting various laws for promoting participation of people in

democracy but these steps are not effective enough to promote good governance.

This project examines the concept of citizen participation in governance and how is it effective. It will also deal with the concerned areas where citizen's participation will make a difference in the governance of the country. Also the project will focus on the steps taken by the government to form a more participative government and an analysis of its effectiveness.

Literature Review

The author in “*Citizen Participation and Good Governance In New Delhi*”^[1] observed that citizen's participation is necessary for good governance. The initiatives like PRIs, RTI, etc are not implemented properly and are unable to achieve the objective with which they were enacted. The current decentralisation practice is flawed and inadequate and therefore there is a need of reform to bring in models that sees to collaborate with people and facilitate better governance. The author^[2] in his article “*Engaging Citizens and Civil Society to Promote Good Governance and Development Effectiveness*” observed that engaging citizens and civil society can complement government efforts to promote good governance. The author also focused upon how civil society organisations would promote good governance. The author advocated some of the initiatives taken by the government like social audits, citizen's report card etc but in general he is of the opinion that effectiveness of government-led programs needs improvement and this can be made by making citizen participation as a norm rather than an exception.

¹ Shivangi Jain, Citizen Participation and Good Governance In New Delhi, Working Paper, Centre for Civil Society

² Vinay Bhargava, Engaging Citizens and Civil Society to Promote Good Governance and Development Effectiveness, Asian Development Bank Governance brief, 2015

The author ^[3] in “*Citizens participation as an important tool to strength democracy*” observed that in order to effectively respond to citizen needs, than is needed to start listening to what citizens are saying and recruit their assistance in crafting effective policies and decisions and thus proposed that active citizen participation in governance requires several measures to be taken at the legislative and awareness raising level. Awareness shall be raised at two levels, one by the community itself and other by the local representatives.

Statement of Problem

The present governing system which has laws and regulations that allow citizens to engage in policy design and decision making, are inadequate to engage people in government-organized events and in practice the role of citizens is often limited to merely being observers.

Objectives

The objectives of the research are:

- To understand the role of citizens in promoting good governance
- To analyse the effectiveness of various legislations and schemes brought about to promote good governance
- To focus on the steps that could be further taken to promote good governance.
- To focus the role of civil society and media in promoting citizen’s participation and good governance.

Hypothesis

The researcher has commenced the research with the hypothesis that initiatives taken by government are not effective to promote participation and there is a need to bring in new reforms that allow for higher levels of citizen participation and citizen’s need to be more aware and committed towards their role in judiciary.

Research Methodology

The research methodology applied is ‘Doctrinal’ one, where all the referred materials have been taken from various library resources such as, books, articles, journals, cyberspace and legal data-bases, and no practical or field work has been done. It will involve secondary data such as various Acts, Rules and regulations, Judgements, Articles, Published Reports, Books and Journals.

People Participation, Democracy and Good Governance

Abraham Lincoln, the 16th President of the United States of America, aptly defined democracy as a government of the people, by the people and for the people. This definition clearly underlines the basic tenet that, in this- form of government, people are supreme. The ultimate power is in their hands and they exercise it in the form of electing their representatives at the time of elections. ^[4] The democracy is a government by the people via open discussion. The democratic form of government itself

demands its citizens an active and intelligent participation in the affairs of the community. The public discussion with people's participation is a basic feature and a rational process of democracy which distinguishes it from all other forms of government. The democracy can neither work nor prosper unless people go out to share their views. The truth is that public discussion on issues relating to administration has positive value ^[5].

People’s participation is axiomatic in democratic governance. The sixth global forum on reinventing government held in Seoul (South Korea) came out with an argument in favour of participative governance. The forum deliberated that the institutionalisation of participation by all people is a cornerstone of good governance. Participatory governance provides citizens not only with access of information but also to decision making power. Participatory governance entails the close involvement of people in the economic, political, cultural and social processes that affect them and facilitates access of individuals and groups to wide range of opportunities and in turn promote responsiveness of governance actors towards people centred development ^[6].

An inclusive society is the one where voices of people and their needs and concerns are heard. An inclusive society cannot be created just through constitutional endowments. It is important to ensure that citizens and civil society participate meaningfully. Inclusive democracy is a form of organisation that re-integrates society with economy, polity and culture ^[7] Sir Henry Maine said that ‘voice of people may be the voice of God’. The basis of true democracy is public opinion and it can be derived from public opinions. ^[8] “Real democracy cannot be worked by men sitting at the top. It has to be worked from below by the people of every village and town. That sovereignty resides in and flows from the people. So said the Father of Nation in whose name we swear. Therefore, “who will watch the watchman is the vexed question before our democracy. For this people's participation at all levels is a must” ^[9].

Citizens’ participation in governance is a bilateral engagement wherein it is essential both for government agencies as well as the citizens to be fully involved in order for such participation to lead to improved outcomes such as better service delivery, change in public policy, redressal of grievances etc. The pattern of such participation has been described as a ladder with different types of engagements that represent different degrees or intensity of participation. To illustrate, these could start with consultation in order to listen to the citizens’ needs and demands and would evolve into consultative meetings, customer feedback, surveys, home visits etc. A more intensive form of participation would lead to creation of institutionalized mechanisms for engagement such as citizens’ active involvement in planning, budgeting and monitoring of programmes through membership in Audit and Budget Committees etc ^[10].

³ Blendi Dibra, Citizens participation as an important tool to strength democracy, Academia.edu

⁴ Ankur Bharadwaj, Indian Constitution & Government Structure Analysis, Available at: <https://ankurcivilservice.wordpress.com/2015/04/03/indian-constitution-government-structure-analysis/>, Accessed on 20-09-2019

⁵ S. Rangaranjan v. P. Jagjivan Ram and Ors., MANU/SC/0475/1989

⁶ Prof. BL Fadia and Dr. Kuldeep Fadia, public administration: administrative theories and concepts, Sahitya Bhawan, Agra, 11th Edition, 2013

⁷ Aish Narayan Roy, People’s Movement: A Quest for Inclusive Democracy?, Yojana, Vol 57, August 2013

⁸ Dr. Amreshwar awasthi and Dr. Shriram Maheshwari, Public Administration, Lakshmi Narain Agrarwal, Agra, 2012

⁹ Narendra v. Manikrao, MANU/SC/0210/1977

¹⁰ Citizen Centric Administration: The Heart Of Governance, Second Administrative Reforms Committee, 12th Report, February 2009

The concept of citizen's participation in governance is essentially based on the premise that citizens have a legitimate role in influencing decision making processes that affects their lives, their businesses, and their community. Citizen's participation refers to the mechanism and modalities by which citizens can influence and take control over resources and decision making that directly impacts their lives. At the ideological level, direct citizen's participation is seen as contributing to the healthy democracy because it enhances and improves upon a traditional form of representative democracy to transform it into more responsive and thus participative grass root democracy. The main feature of good governance is Participation which means all men and women should have a voice in decision making either directly or through legitimate intermediary institutions that represent their interests^[11].

The objective of citizen's participation is to ensure that the government organisations work for their constituencies which they are meant to serve. For this it is necessary that government officials are accountable not only to superior officers but also to the citizens^[12] it is essential to make use of the potential energy of the people through their involvement. TK Malik opines that "participation in development process implies stimulating individuals to take initiative and mobilising people to work for overall societal development^[13].

Besides the fact that one of the characteristics of good governance is participation, citizen participation also helps realize its other characteristics such as accountability, transparency, consensus oriented governance etcetera. These characteristics have various economic, social and political benefits that create a positive feedback loop and improve governance in the country^[14].

The emerging theory of change underlying citizen led good governance efforts is provision of information and capacity development support to citizens and civil society leads to Increased citizens' and civil society awareness, capability, and willingness to participate. This enables the Citizens and civil society to monitor government functioning, voice concerns, and promotes accountability Citizen and civil society voices and monitoring results are shared with authorities, media, and general public. This leads to increased public pressure on authorities to respond, change behaviour, and reduce corruption. Authorities' response leads to improved governance outcomes and development effectiveness^[15].

Citizen's Participation and Constitution of India

A responsible citizen is one who consciously participates in the common destiny with fellow citizens respecting the dignity of each individual and the unity of the Nation. He must voluntarily abide by the Constitutional duties and agree to obey the law and

legal processes in his relations with the State and other citizens^[16].

When India achieved independence from foreign rule, the people became the sovereign masters of the country. It was "we, the people of India" who gave unto themselves a constitution and provided in it space for the legislative, executive and judicial systems to function. As much as the Constitution is the creation of the people the basic constitutional values embodied in the Preamble, the fundamental rights and The Directive Principles of State Policy represent citizenship values^[17].

The Preamble of the Constitution of India rests on four crucial pillars, which help realise the spirit of democracy: Justice (social, economic and political), Liberty (of thought, expression, belief, faith and worship), Equality (of status and opportunity) and the promotion of Fraternity, which has to assure dignity of all individuals. These principles are supposed to guide the manner in which the country is governed. The right of the citizens of the country to participate in decision-making processes can draw substantially from these principles. Such participation might mean exercising powers of consent, or voicing dissent or simply getting equal opportunity to be a part of public hearings, without any fear or pressure. It also means being able to invoke administrative and judicial processes in order to ensure compliance of laws^[18] The preamble further states that a democratic setup is conceived for the country. Democracy is by the people, for the people and of the people. This again indicates that Government through the process of people's participation is conceived in the State as well in the centre through the process of election to be held under an independent agency^[19].

The role of the citizens is not to be seen as mere tax payers but as active participants evolving policies and plans and in monitoring performance of the government. Citizen governance is meant to translate the concept of sovereignty of the people into a reality. The government is seen as an equal partner with the citizens^[20]. Article 39A of the Constitution which embodies a directive principle of State policy to set up a comprehensive and effective legal aid programme in order to ensure that the operation of the legal system promotes justice on the basis of equality. But we have no doubt that despite the sense of social commitment which animates many of our officers in the Administration, no legal aid programme can succeed in reaching the people if its operation remains confined in the hands of the Administration. It is absolutely essential that people should be involved in the legal aid programme because the legal aid programme is not charity or bounty but it is a social entitlement of the people and those in need of legal assistance can not be looked upon as mere beneficiaries of the legal aid programme but they should be regarded as participants in it^[21].

¹¹ Supra 3

¹² ibid

¹³ Dr. SL Goel, Good Governance: An Integral Approach' Deep and Deep Publications Pvt Ltd, New Delhi, 2007

¹⁴ Shivangi Jain, Citizen Participation And Good Governance In New Delhi, Centre for Civil Society, Working Paper #287, July 2013

¹⁵ Vinay Bhargava, Engaging Citizens and Civil Society to Promote Good Governance and Development Effectiveness, The Governance Brief, Issue 23, 2015

¹⁶ N. R. Madhava Menon, Responsible Citizenship and Good Governance, IMJ, Volume I Issue1 April-June 09

¹⁷ Participatory Administration and Collective Decision making, Development Of Training Course Module Under U.N.D.P. Supported Project, August, 2003

¹⁸ Kanchi Kohli, When people are merely roadblocks, India Together, February, 2015, Available at: <http://indiatogether.org/people-participation-and-public-hearing-in-eia-considered-roadblock-government>, Accessed on 25-09-2019

¹⁹ Supra 14

²⁰ V. K. Parigi, Citizen Governance: Concept and Practice, CGG Collected Working Papers, Volume 1, 2003

²¹ Center for Legal Research and Anr. v.State of Kerala, AIR 1986 SC 1322

Article 40, of the constitution provides for the organization of village panchayats so that the democratic process may start at the root level and in due course of time it may provide for ideal and real leadership to the constitution. More ever the panchayats can better keep a vigilant eye on the officers working in their jurisdiction and can better meet the problems, which are of very local nature. Though the chapter on the Directive Principles and State Policy provides certain aspects of the governmental action, yet each directive principle has on the other side of the picture the fullest cooperation and participation of the people in charge [22] The Directive Principles in our Constitution are fore-runners of the U.N.O. Convention on Right to Development as inalienable human right and every person and all people are entitled to participate in, contribute to and enjoy economic, social cultural and political development in which all human rights, fundamental freedoms would be fully realised [23].

With the enactment of the 73rd and 74th constitutional amendments gave constitutional status to the decentralised institutions like the panchayati raj institutions in rural areas and municipal bodies in the urban. The vertical division of powers and to ensure the participation of the people at the grassroots level at the decision making and implementation process and to achieve good governance, these two amendments are an important step for India [24] The constitution of municipalities and panchayats envisages the people's participation in the democratic process at the grassroot level [25].

Article 51, A of the constitution provides for the Fundamental Duties that are expected to be discharged by the citizens for the benefit of the people and for the benefit of the good government. People's participation is required for protecting sovereignty, unity and integrity of the country.

Article 326 prescribes that election to Lok Sabha and the Legislative Assemblies shall be on the basis of adult suffrage. One of the components is that the prescription of the minimum age limit of 18 years. Undoubtedly, the right created under Article 326 in favour of citizens of India to participate in the election process of the Lok Sabha and the Legislative [26] Our Constitution guarantees Free and Fair Elections. The 'Fair' denotes equal opportunity to all people. Universal adult suffrage conferred on the citizens of India by the Constitution has made it possible for these millions of individual voters to go to the polls and thus participate in the governance of our country [27].

"Now it is obvious from the Constitution that we have adopted a democratic form of Government. Where a society has chosen to accept democracy as its ceded faith, it is elementary that the citizens ought to know what their government is doing. The citizens have a right to decide by whom and by what rules they shall be governed and they are entitled to call on those who govern on their behalf to account for their conduct. No democratic government can survive without accountability and the basic postulate of accountability is that the people should

have information about the functioning of the Government. It is only if people know how government is functioning that they can fulfil the role which democracy assigns to them and make democracy a really effective participatory democracy" [28].

Failure in participating in the governance

The dominant oligarchic system of representative democracy cannot be equated with democracy itself. Many democracies have simply become polyarchies. One of the major problems with representative democracy is that the business of government has become the privilege of the few. Representative democracy emerged in the 19th century in countries that had experienced an industrial revolution. Given the context of unprecedented production levels, representative democracy came to symbolise development and progress. The experience suggests that instead of becoming a bridge between state and society, representative democracy has practically become statist which ends up excluding the vast majority of the population from political power [29] Representative democracy is leading to oligarchisation of political system. Of course there have been efforts to reform representative democracy. Representative democracy institutionally stifles political participation. Democracy should not mean only voting. It is a poor substitute for democracy which requires direct action by concerned citizens [30].

Citizen's inadequate awareness about their rights prevents citizens from holding erring government servants to account. Similarly, low levels of compliance of Rules by the citizens also acts as an impediment to good governance; when citizens do not adhere to their duties they infringe on the freedom and rights of other citizens. Thus, awareness of rights and adherence to duties are two sides of the same coin. A vigilant citizenry, fully aware of its rights as well its duties, is perhaps the best way to ensure that officials as well as other citizen's discharge their duties effectively and honestly.

Good governance can be a reality only if every organ of the government does its work meretriciously. The reality would multiply manifolds through active participation and support of people in all the task of government. The government has to create conditions and encourage people to participate in governance to make people participation a reality. This would promote democratic administration which is *sine qua non* for good governance [31].

Initiatives To Promote Citizen's Participation: Success Or Failure

In the present age of hyper-information communications have changed, and the way citizens connect themselves with each other has also changed. Social networks have allowed social dialogue to become more horizontal. It has endowed the public with the power to decide on what is useful to their lives. Social movements have come to renew the concept of citizen

²² Supra 14

²³ Consumer Education and Research Centre v. Union of India, (1995) 3 SCC 42

²⁴ Ishan Krishna Saikia, Good Governance And Human Rights: International And National Perspective, International Journal of Advancements in Research & Technology, Volume 2, Issue 7, July-2013 124

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²⁵ Nagar Mahapalika Allahabad vs State Of U.P, Civil Misc. Writ Petition No.13384 of 2005

²⁶ <https://indconlawphil.wordpress.com/category/free-speech/elections/>, Accessed on 22-09-2019

²⁷ PUCL v. UOI, Writ Petition (civil) 515 of 2002

²⁸ Subhash Krishna Kanitkar Vs. The Bhiwandi Nizampura Municipal Council and Ors, MANU/MH/0646/2000

²⁹ Supra 4

³⁰ ibid

³¹ Dr. SL Goel, Good Governance: An Integral Approach' Deep and Deep Publications Pvt Ltd, New Delhi, 2007

participation^[32]. With governance moving beyond governments, power that is being created in and amongst people by the new social movements is not located in the state or in formal institutions of power. What these movements are creating are new and different forms of power. It is living and changing power, it is power as potential and capacity.

A democratic government is one in which the citizens participate in the functioning of the government, directly or indirectly. It is a government in which the government's powers are limited and clearly spelt out. Under this system, every Indian citizen above the age of 18 years has the right to vote and participate in choosing the government. Electoral systems are the main tools in which the notions of participation and representation are transformed into reality. There are some Electoral reforms and administrative initiatives taken up to improve the participation of people in governance.

Electoral Reforms

Voter participation explains the strength of democracy. There is a trend of lower voter participation in the elections and it indicates the rejection of commitment to the democracy slowly, but definitely. In India, the voter participation ranges from 47-63%^[33] But over the years, it has been found that the election system in India needs improvement to make India a truly participatory democracy. There are many reasons for lesser voter participation. Among them, the most important is lack of will of people.

Right to Know

An informed citizenry is essential for citizen engagement. It is necessary to provide citizens with balanced and objective information to assist them in understanding the problem, alternatives, opportunities, and solutions. This is usually done by (a) establishing and implementing disclosure policies and eventually right to information legislation; (b) providing timely disclosure and dissemination of information^[34].

The right to know is the Fundamental Right to empower the people while deciding to cast their votes. It helps them to elect right candidate and thus it is a fundamental principle of democracy. In *Union Of India v. Association for Democratic Reforms*^[35], Supreme court made it clear that every candidate must disclose his or her criminal record if any, antecedents, educational qualifications and assets and liabilities too. This would be done so that there is a transparency altogether and the voters know well who they have to vote.

The ambit and scope of work in this field is enormous, Hence, ADR has chosen to concentrate its efforts in the following areas pertaining to the political system of the country:

- Corruption and criminalization in the political process.
- Empowerment of the electorate through greater dissemination of information relating to the candidates and the parties, for a better and informed choice.

- Need for greater accountability of Political Parties. To check criminalisation of politics and entry of criminal elements in parliament, amendments were recently made in election rules.

It was made obligatory on part of the candidates to file an affidavit, giving full particulars of the criminal cases. The objective was to ensure that the voters had full information about the character of the candidate before electing.

However, during the 14th Lok Sabha Election, the candidates furnished the necessary information. Even then about 100 candidates were elected who were involved in criminal cases and 30 of them had serious charges of dacoity, rape, kidnapping murder etc pending against them^[36].

Nota (none of the above) option

In order to provide choice to the people of this democracy, the Supreme Court, in the case of *People's Union of Civil Liberties v. Union of India*,^[37] brought in a new concept wherein the voter, without disclosing his/ her identity, does not vote to any of the candidate "by resorting to negative voting". This choice of negative voting was implemented by introducing a None of the Above (NOTA) option on the EVM. Election Commission of India had introduced 'NOTA' – 'None of the Above' option on ballot papers displayed on EVMs and all other ballot papers, pursuant to Supreme Court's Order mentioned above^[38].

Voters' participation explains the strength of the democracy. Lesser voter participation is the rejection of commitment to democracy slowly but definitely whereas larger participation is better for the democracy. The Supreme Court in the decision said that introduction of this option will lead to probable increase in the voters and which is a sign of healthy democracy. Right to cast negative vote at a time when electioneering is in full swing, it will foster the purity of the electoral process and also fulfil one of its objective, namely, wide participation of people^[39].

The Supreme Court has introduced NOTA in the electronic voting machines and it was seen as a major step in introducing electoral reforms, bringing it closer to the end democracy seeks to achieve, however it did not include right to reject in it. The 'None of the Above' option is of no use without the right to reject. Mere recording of dissent will serve no purpose but will only increase the expense of the state^[40].

Right to recall

Right to recall is method of ensuring the accountability of elected representatives towards the people of respective constituency. Since they are elected to perform their duties and if fails to do so or engages in any activities detrimental to their constituency interest, they should not continue in office and be removed by option for right to recall, since their poor performance or unlawful activity is causing cost to the public exchequer. It may be termed as an instrument of democracy and annuls the previous decision of the electorates by which they have elected him as their

³² Supra 4

³³ P Rathna Swamy, Handbook on Election Laws, Lexis Nexis, First Edition, 2014

³⁴ Supra 12

³⁵ (2002) 5 SCC 294

³⁶ Jagmohan, The Soul and Structure of Governance in India, Allied Publishers, New Delhi, 2005

³⁷ (2013)10SCC1

³⁸ Election Law, Practice and Procedure, page no. 739

³⁹ Khemchand Rajaram Koshti vs State Of Gujarat, C/CA/12015/2015

⁴⁰ Aradhyanayan Tiwari, NOTA: A Fruitless Methodical Politics, SSRN Journal, Available at papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID2488507_code2164030.pdf?abstractid=2488507, Accessed on 23-11-2016

representative. It supports the view that these elected representatives are delegates of public and enjoys the office during their pleasure. They should act according to needs and wishes of these electorates and if found, not performing as per their expectations can be asked to vacate the office. Through this, the electorates are given opportunity to make a continuous decision to decide “how should they be governed” rather on waiting for a fixed period when the term of the elected representatives will be completing.

The origin of idea of right to recall can be traced back to Vedic Culture and is 5000 year old. In medieval times it is termed as “Rajdharm”. In 1944, MN Roy proposed the decentralization of power in order to restore the sovereignty to the individuals by granting a right of recall system^[41] KM Munshi, during the Constitutional Assembly Debates, speaks in favors of right to recall and stated that not including right to recall would be compromise and will make the elected representatives overpowered^[42] There is no provision regarding the same in the Indian Constitution. JP Narayan during the Indira Gandhi govt. initiated this idea during his Sampurna Kranti (Total Revolution). It was again forwarded by the Janata Government in 1977 and the National Front Government 1989^[43].

In 1988, when the Indrajit Gupta Committee was constituted for recommending the election reforms in India discussed the implementation of right to recall but does not suggest it as a measure to ensure the corruption free government. On 16th Dec, 2003, the issue of right to recall was raised in Lok Sabha on the matter of Constitutional 97th amendments bill. Again the matter came up, when Mr. Basu Deb Acharia, contented the Right to Recall must be given a legal backing. Similarly during the Commonwealth Parliamentary Conference, Mr. Somnath Chatterjee supported the idea of right to recall as a remedy to the misconduct by members of parliament and legislatures^[44].

States who have successfully implemented

Though at present, neither the constitution nor any central statute provides for right to recall in any manner. But some states have taken a few steps forward and enacted this idea into their local laws and therefore an attempt has been made to implement the right to recall. Some of these states are Chhattisgarh, Madhya Pradesh, Rajasthan, Maharashtra, Bihar, etc.

1. **Chhattisgarh:** In Chhattisgarh, Section 47 of Chhattisgarh Nagar Palika Act, 1961 provides for right to recall. In this section, the elected president can be recalled for non-performance of their duties. It also provides the process to be followed and in what circumstances the right to recall can be initiated. It starts when, ¾ of total elected representatives writes to District Collector and seeks recall. After verifying, the DC submits its report to State Government and SG can recommend to state election commission to conduct the election for the post of president^[45]. But, the act in order to safeguard the interest of society provides a moratorium period of 2 years, i.e. at least 2 years must be

completed before the s. 47 can be enforced. On Jan 2007 after the expiry of two years moratorium terms, the first successful recall was initiated in which three presidents of urban bodies were recalled and their seats fell vacant. The State Election Commission orders a fresh election and this was completed within six months in June, 2007 and new presidents were elected.

2. **Madhya Pradesh:** In MP, recall provision is governed by MP Panchayati Raj Act of 1993. It has provided this in cases of directly elected mayors, presidents and Sarpanch in urban civic bodies. It also, provides a moratorium period of two and a half years. The voters exercised their right for first time when they dethroned the president of Anuppur Nagar Panchayat in Shahadol district, Mrs. Pallavika Patel. A total of 5519 votes were cast of which 3255 were in favor of the Empty Chair and only 1678 votes in favor of the Occupied Chair. Under the rules of MP Panchayati Raj Act, if more than 50 per cent votes are cast in favor of the unoccupied chair, the present incumbent gets dethroned^[46].

3. **Rajasthan:** In Rajasthan, Municipal Act of 2009 gives the power of recall to its voters. This states that if more than half the total number of voters favors the recall, the elected representatives will vacate his office^[47] In its first ever recall, voters of Mangrol Municipality of Baran District voted against the incumbents Mr. Ashok Jain and removed him from his office for his non-performance^[48].

Compulsory voting

The Gujarat Local Authorities Laws (Amendment) Act, 2009 received the Governor’s assent. The Act introduces an ‘obligation to vote’ at the municipal corporation, municipality and Panchayat levels in the state of Gujarat. To this end, the Act amends three laws related to administration at the local bodies- the Bombay Provincial Municipal Corporation Act, 1949; the Gujarat Municipalities Act, 1963 and; the Gujarat Panchayats Act, 1993.

Following the amendments, it shall now be the duty of a qualified voter to cast his vote at elections to each of these bodies. This includes the right to exercise the NOTA option. The Act empowers an election officer to serve a voter notice on the grounds that he appears to have failed to vote at the election. The voter is then required to provide sufficient reasons within a period of one month, failing which he is declared as a “defaulter voter” by an order. The defaulter voter has the option of challenging this order before a designated appellate officer, whose decision will be final. Compulsory voting asserts that a high turnout is important for a proper democratic mandate and the functioning of democracy. They also argue that people who know they will have to vote will take politics more seriously and start to take a more active role. Further, citizens who live in a democratic state

⁴¹ MN Roy, New Humanism: A Manifesto, Oxford Paperbacks Ltd.

⁴² CAD, Vol. VII

⁴³ Sanjeev Chaswal, A Paradox of Right to Recall, Boon or Bane, Available at: <https://www.scribd.com/document/125733177/A-Paradox-of-Right-to-Recall-and-Reject-A-boon-or-bane>, Accessed on 26-11-2016

⁴⁴ Supra 40

⁴⁵ Section 47 of Chhattisgarh Nagar Palika Act, 1961

⁴⁶ http://zeenews.india.com/news/madhya-pradesh/mp-right-to-recall-in-panchayats-not-exercised_731873.html last accessed on 24-11-2016.

⁴⁷ <http://www.thehindu.com/news/national/other-states/rajasthan-witnesses-its-first-ever-recall-vote/article4199556.ece> last accessed on 24-11-2016

⁴⁸ <http://timesofindia.indiatimes.com/city/jaipur/1st-ever-right-to-recall-vote-in-Rajasthan/articleshow/17436948.cms> last accessed on 24-11-2016

have a duty to vote, which is an essential part of that democracy [49].

The High Court of Gujarat stayed compulsory voting and thus its effectiveness could not be analysed.

Administrative Initiatives

The South Asian Commission on Poverty Alleviation, it was observed that Participation is not seen in narrow terms pointing towards formal activities affected through representatives. Instead, it is defined as a socially vibrant grass root process whereby people identify with the process on their own, with occasional help from facilitator [50] therefore there arises a need of inclusive society.

Development policy makers are recognizing that engaging citizens and civil society can complement government efforts to promote good governance. This is driving a growing movement for governments to call for greater citizen participation in the design and implementation of public policies and programs. Good governance is a product of the organisation and the people engaged in them since much is dependent on the methods and procedures of work. In India, the government has rightly involved in attempting and affecting various reforms to bring about good governance. In order to promote participation of the citizens in governance, there are some administrative initiatives taken up like Citizens' Charter, Right to Information Act, Redressal of Citizen's Grievances, 73rd and 74th constitution amendment, National e-governance plan etc. Some of the measures to ensure good governance in India are as follows:

Decentralisation

All political power in democracy stems from people. Central therefore to governance is empowerment of people by increasing their control over governance. [51] The 73rd and the 74th amendments to the Constitution of India are meant to bring in place citizen governance in the rural and urban areas through the involvement of the citizens in the vital areas of governance, economic development and welfare. The purpose of these amendments is to ensure civic engagement towards effective, efficient, transparent and accountable government. Citizen governance must begin at the Panchayats and avenues must be created for their participation and community action delinked from politics. The 73rd amendment to the constitution of India has laid out a road map in this direction for the local government bodies.

The 73rd and the 74th amendments to the constitution of India, enacted in 1992, lay down ground rules with basic structural framework for decentralised governance at district and lower levels which can sustain themselves against external interference and emerge as effective and strong people's institutions. The Amendments mandate that every state shall establish a three-tier system of Panchayat, at the village, intermediate and district

levels. The Panchayat will consist of persons elected directly from the territorial constituencies, all members of the Panchayat shall have the right to vote in the meetings, a fixed tenure of five years, and if dissolved, election must be conducted within a period of six months of the dissolution, each state will constitute a State Election and a Finance commission to review the finances of the Panchayat and recommend principles on the basis of which the taxes could be appropriated by or assigned to various tiers of the Panchayat and the state. The primary role of the Panchayat will be in the area of development planning and implementation of programmes of economic development and social justice. The Eleventh and the Twelfth Schedules of the Constitution lists 29 and 18 functional areas to be transferred to the rural and urban elected local bodies respectively [52].

Devolution of powers, responsibilities and resources to local government promotes good governance and better service delivery [53] Devolution also promotes legitimacy, transparency and security and participation. It promotes representative and responsive grassroot level leadership. However due to the vague and unclear nature of the amendment along with the injudicious implementation of this amendment, the results are below desirable. Malfunctions usually occur because elected bodies at lower level have not been given adequate powers of resources, because accountability mechanisms are weak [54] Though the Constitutional provisions make it clear that panchayats shall be set up at the district, intermediate, and village level, the extent of empowerment of these panchayats is left to the state governments concerned to be determined through their enabling legislations. Article 243 G, which speaks of empowerment of the panchayats does not make it mandatory for a state to endow PRIs with powers and authorities but the word 'may' provides wide discretion to the state government while empowering PRIs. Second, until 2003, several states, in spite of the mandatory provisions of Part XI relating to the creation of panchayats, did not constitute them and conduct elections to them [55].

Right to Information

Over the years the government has become more and more decentralised. However the distance between the decision makers and the subjects are very large. Here comes the importance of right to information in bridging the gap. Precisely, in the sphere, good governance demands transparent administration by not only letting the decision making criterion open up to the public but by also involving them [56].

The basic object of R.T.I. Act is to empower the citizens, to promote transparency and accountability in the working of the Government, to contain corruption, and to enhance people's participation in democratic process thereby making our democracy work for the people in a real sense. It goes without saying that an informed citizen is better equipped to keep necessary vigil on the instruments of governance and make the

⁴⁹ Compulsory voting at elections to local bodies in Gujarat, PRS Legislative Research, Accessed on 28-11-2016

⁵⁰ Mohit Bhattacharya, New horizons of public administration, Jawahar Publishers and Distributors, 2008

⁵¹ H Ramchandran, Vision 2020 Governance And People's Participation, Planning Commission report

⁵² Supra 48

⁵³ Satyanarayana Sangita, Decentralisation For Good Governance And Service Delivery In India: Theory And Practice, The Indian Journal of Political Science, Vol. 68, No. 3 JULY - SEPT., 2007), pp.447-464

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http://www.sida.se/contentassets/4d9fb077b17148639c2d0115e6ac735b/democratic-decentralisation-in-india-2003-2007_589.pdf

⁵⁵ T.R. Raghunandan, Rural Infrastructure, Panchayati Raj, And Governance, India Infrastructure Report 2007

⁵⁶ M. Aziz, Good Governance through Transparency, Management in Government, Oct-Dec, 1999

Government more accountable to the governed. The Act is a big step towards making the citizens informed about the activities of the Government ^[57] Ensuring public access to government information, transparency, conducting public hearing and referenda and involving civil society to monitor government's performance in areas such as accountability, cost effectiveness an information sharing enable citizen governance ^[58] Right to information has been seen as the key to strengthening participatory democracy and ushering in people centred governance as access to information can empower the citizens to demand and get information about public policies and actions, thereby leading to their welfare. Transparency in government organisations makes them function more objectively, predictably and also enables citizens to participate in the governance process effectively. In a fundamental sense, right to information is a basic necessity of good governance. In recognition of the need for transparency in public affairs, the Indian Parliament enacted the Right to Information Act, 2005. It is a path-breaking legislation empowering people and promoting transparency.

However, However due to the low awareness regarding the Act, lack of infrastructure to provide information, obsolete record management, the discouraging performance of the PIOs, and the selective application of the act excluding political parties and judiciary from its purview has been struggling to perform even that role ^[59].

Citizens' Charter

Over the recent years, the application of customer service techniques to government services has been gaining ground. The core idea is that a citizen should be treated as a valued customer by the providers of public services. Citizen's charters are an effort in this direction. Citizens' Charter is based on the premise that the Citizen is "King" and government organizations exist not to rule but to serve the citizens. Citizens' Charters are merely reflections of this principle. In order to ensure that both the service provider as well as citizens realizes that public agencies are meant to provide service, each organization should spell out the services it has to perform and then specify the standards/norms for these services. Once this is done then the organisation can be held to account if the service standards are not met. Government of India commenced the exercise to formulate Citizens' Charters in 1996 ^[60].

The concept of Citizens' Charter enshrines the trust between the service provider and its users. The concept was first articulated and implemented in the United Kingdom by John Major in 1991 as a national programme with a simple aim: to continuously improve the quality of public services for the people of the country so that these services respond to the needs and wishes of the users. In India, many government department / ministries and public sector organizations Citizens' Charter have been framed. The Charters are expected to incorporate the following element ^[61].

Vision and Mission Statement; (ii) Details of business transacted by the organisation; (iii) Details of clients; (iv) Details of services provided to each client group; (v) Details of grievance redress

mechanism and how to access it; and (vi) Expectations from the clients.

A Citizen's Charter is the expression of an understanding between the citizen and the public service provider about the quantity and quality of services citizens receive in exchange for their taxes. It is essentially about the rights of the public and the obligations of the public servants as well as expectations from the citizens' ^[62].

A combination of Citizen's Charter and the Right to Information would ensure greater accountability in the administrative system. The process of consultation with the participation of citizens in decision making would gradually become more pronounced to ensure accountability.

National e-governance plan

The national E Governance plan of Indian Government seeks to lay down the foundation and provide the impetus for long term growth of E Governance in India. The plan seeks to create the right governance and institutional mechanisms, sets up the core of infrastructure and policies and implement a number of projects to create a citizen centric environment for business ^[63].

This was approved by the cabinet in May 2005, for implementation across the country with a vision to "Make all Government services accessible to the common man in his locality, through common service delivery outlets, and ensure efficiency, transparency, and reliability of such services at affordable costs to realise the basic needs of the common man". It takes a holistic view of e-Governance initiatives across the country, integrating them into a collective vision, a shared cause. Around this idea, a massive countrywide infrastructure reaching down to the remotest of villages is evolving, and large-scale digitization of records is taking place to enable easy, reliable access over the internet. The ultimate objective is to bring public services closer home to citizens, as articulated in the vision statement of NeGP.

The Commission has examined various aspects of e-Governance initiatives in India in its Eleventh Report. The Commission has emphasized that even in e-Governance projects, the focus has to be on governance reforms keeping the citizens at the centre stage and using the technological tools made available by the IT revolution to transform the interaction between the citizens and government. The Commission has already made wide ranging recommendations on the subject in the light of both national and international experience ^[64].

Reforms to promote participation

Governance does not mean merely running the machinery of the governments and corporate bodies, but a system in which the entire public talent, public wealth and public power are marshalled to create maximum public welfare and progress. Empowerment of voters is essential in order to improve voter's participation. But in India, voters don't show keenness to participate in voting due to various reasons like preoccupation in their own business or job, health problems etc. thus the propensity to participate in the governance through elections and

⁵⁷ Saket Kumar and Ors. Vs State of U.P. and Ors., MANU/UP/1246/2015

⁵⁸ Supra 12

⁵⁹ Key issues and constraints in implementing the RTI Act, Available at: rti.gov.in/rticorner/studybyawc/key_issues.pdf, Accessed on 23-11-2016

⁶⁰ Supra 7

⁶¹ Supra 17

⁶² Supra 7

⁶³ Supra 4

⁶⁴ Supra 7

to take right decision of the candidates is declining faster. In order to empower the voters several reforms can be taken:

E-Voting: To allow the voters to cast his votes at his convenience through internet. To accommodate this suitable provision should be made in the respective legislations. E- voting was introduced in Gujarat Election of Local bodies. Although it did not gain much success in its first Attempt but government is of the view that with creating awareness it would help in improving voter's participation.

Awareness: The voter should be made aware about the relevant rules and regulations and the election procedure including remedial measures in respect of unfair and corrupt practice in the election.

Referendum: There shall be referendum on major issues at local level. Specific policies should be sought approved through referendum. This will promote wider participation and direct democracy. In India, there is consistent denial of information to the people even though each government wants to change it through Right to Information legislation. By virtue of referendum, the public awareness is bound to increase, because the issues are specific. Referendums and Initiatives (R&I) are the system of direct democracy where the citizens are allowed to vote for a particular policy or law and the majority rule is instated. In a country like India, where elections occur every 5 years and the representatives cater to special interest groups that fund their campaign, the voice of the citizen is often not represented. Hence R&I provide "a political mechanism to ensure that citizens' voices can provide a counterbalance to a legislature unresponsive to people's interests."^[65].

Recall: There shall be a provision to recall by the elector's representation through the signatures of 30%. This representation will be sent to the State Assembly or the Parliament where this will be discussed. Individual representation has to defend his case. The ruling of the speaker would be subject to judicial review. This may not bring efficient results immediately but it is the best way to express discontent^[66].

Proxy voting is not permitted in India. The armed personnel and diplomats stationed outside are allowed to vote through postal ballots. Normally such votes are not counted unless and otherwise they could not materially affect the outcome of the election in the constituency. Unless the votes are counted, the right to vote is denied. There could be an occasion of tie where omission to count the postal ballot would be an issue for debate for the loosing candidate. Also, not counting postal votes is denial of justice and deprivation of right to vote. Thus proxy voting should be allowed in India.

Social Audits: Social auditing is a process by which an organization / government accounts for its social performance to

its stakeholders and seeks to improve its future social performance. Social auditing creates an impact upon governance. It values the voice of stakeholders, including marginalized/poor groups whose voices are rarely heard. The Government says that only ten states viz. Andhra Pradesh, Chhattisgarh, Gujarat, Karnataka, Mizoram, Sikkim, Telangana, Tamil Nadu, Tripura and Uttar Pradesh have operationalised social audit units as laid down in Social Audit Rules 2011 and states of Madhya Pradesh, Odisha, Manipur, Meghalaya, Rajasthan and Jammu and Kashmir are in the process of doing it^[67].

Participatory Budgeting: Participatory budgeting is the process by which citizens deliberate and negotiate over the distribution of public resources. Participatory budgeting creates opportunities for engaging, educating and empowering citizens, which can equip and advance a more vibrant civil society. general public and civil society organizations have been traditionally excluded from the budget making process in India. Thus, open and participatory budget making is imperative for good governance^[68] This setting has effectively worked in Uganda and Latin America.

Citizen's report card: The Citizen Report Card (CRC) is a simple yet powerful tool to provide public agencies with systematic feedback from users of public services. By collecting feedback on the quality and adequacy of public services from actual users, CRC provides a rigorous basis and a proactive agenda for communities, civil society organizations and/or local governments to engage in a dialogue with service providers to improve the delivery of public services. This tool is used in Bangalore and The initiative led to the formation of over 100 citizen groups and a unique state-citizen partnership to catalyze and assist service providers to upgrade their services and responsiveness^[69].

Conclusion

Citizen Participation is not only a necessary characteristic of good governance but it also helps resolve issues of accountability and transparency; makes public services and government officials more need-based, allows the citizens to circumvent bureaucracy and creates an interface for the citizens to communicate with the government. India is moving in the direction of being an inclusive democracy. India has begun to rise from below. The Panchayati Raj has begun to change the grammar of politics. Institutional innovation is name of the game. The empowerment of historically disadvantaged groups like women, SCs/STs in the PRIs has gone a long way to deepen democracy. Of course, a series of policy interventions are required to improve inclusion and spread benefits more equitably. The economic growth with people's participation, people's access to equal opportunities, access to opportunities for future generations, and the lack of empowerment due to absence

⁶⁵ Supra 10

⁶⁶ Supra 30

⁶⁷ Sushmita Gehlot, Social Audits in India, International Research Journal of Social Sciences ISSN 2319-3565

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⁶⁸ Carolin Hagelskamp, Matt Leighninger, Allison Rizzolo, Participatory Budgeting's Promise for Democracy, Governing, 2016, Available at, <http://www.governing.com/gov-institute/voices/col-participatory-budgeting-promise-democracy.html>, Accessed on 30-11-2016

⁶⁹ <http://www.pria-academy.org/pdf/2.m4-2-Citizen-Report-Cards-Civicus.pdf>, Accessed on 30-11-2016

of opportunity and development capacities of the people has not been achieved despite the constitutional amendments^[70].

Thus in order to bring higher citizen participation, there is a need to bring reforms in the PRI's and RTI Act and also other reforms need to be considered so that they can be implemented properly.

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