



EFFECTIVENESS OF ELECTORAL REFORMS AND ITS IMPACT ON GOOD GOVERNANCE IN INDIA

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Abstract

The paper investigated the relationship between electoral reform and good governance. The paper was thematically divided into introduction; conceptual elucidation; relationship between electoral reforms, good governance and the need for reforms; conclusion to descriptively link the critical issues of reforms, which consists of, inter alia, composition of campaign finance; media access and party system in order to determine if the focus of reform is potent enough to be able to adequately address the challenges of electoral politics in India. The paper concluded that reform on its own cannot lead to good governance; there must be, the paper insisted, commitment and political will on the part of the political elite to play the game according to the rules and that regulations must be able to impinge on individuals' behavior and punish offenders.

Key words: *Electoral reforms, Governance, Good governance, Democratization, Development, Political participation, Democracy.*

Introduction

Good governance is a precursor for effective electoral reforms in any democratic country. While the practice of democracy is often expected to yield the much needed effective governance, credibility of electoral systems have militated against translating democracy into good governance. The subject of electoral reforms has received sporadic attention, with need for more attention. It identified the availability and extent to which electoral reforms promote peaceful coexistence and good governance. The paper concluded that for electoral reforms to achieve an the expected outcome of good governance there is need for full implementation of electoral reforms, strengthening of the country's democratic institutions and intensifying civic education on electoral amongst the citizenry as a priority for good governance in India

The centrality of elections to democratic process and political stability cannot be overemphasized. This is because elections remain the bedrock for democratic consolidation in any country. Conduct of elections has become a major criterion through which countries are rated and categorized. Free and fair elections go a long way in determining the continuous cohabiting of different groupings in any country with diverse culture. Also, elections that are characterized by massive and varying degree of frauds and malpractices have been discovered to be a threat to political stability. So many lives have been lost and many properties destroyed as a result of electoral frauds. The evils of electoral fraud are many. They range from instabilities, destruction of lives and properties, official irresponsibility, leadership ineptitude to corruption, mismanagement, political assassination, apathy, loss of interest in governance and challenges of legitimacy crises

Conceptual Elucidation

Electoral Reforms

Electoral reform is change in electoral systems to enhance effectiveness and efficiency in election administration (Butler, 2004). Electoral reform is a transformation of the whole gamut of election administration with a view to providing more space for participation in an environment that is open,



competitive and equitable. Electoral reform may include the following: enhanced impartiality of electoral body and other institutions involved in the administration of election like police, court, etc.; inclusiveness, independence and financial autonomy of the electoral body; transparency; broadened franchise and widened participation and integrity of the process.

Electoral reform is a *sine qua non* to any virile democracy. Reforms either in election or any other sector for that matter is a matter of continuum because problems of democracy can only be solved with having more democracy, more democracy can only evolve if more and continuous reforms are pushed through.

Governance

The concept of governance was decisively shaped by the freedom movement led by Mahatma Gandhi and the aspirations of founding fathers of the Constitution. Every nation is guided by certain values which are shared by the people and the government. National commitment to such values greatly influences the content and the quality of governance. These values in the Indian context at the time of the inauguration of the Republic were those of nationalism, democracy, secularism, non-alignment and mixed economy.

Good Governance

Before defining good governance, it is appropriate to define governance. Keohane and Nye (1989) define governance as the “emergence and recognition of the principles, norms, rules and procedures that both provide standards of acceptable public behaviour, and that are followed sufficiently to produce behavioural irregularities”. Arowolo and Aluko (2010) define governance as “both processes and arrangements that ensure orderliness, acceptable standard of allocation of resources (both human and material) and a legal framework within which national behaviours are shaped and controlled”.

Kaufmann, et al (1999) divides governance into three: voice and accountability; government effectiveness and the rule of law. On its own, good governance is much more encompassing, focusing on the capacity of the state and its institutions to engender necessary mechanisms to place considerable constraints on the behaviour of the policy makers and the individuals in order to ensure justice and guarantee individual rights through observance of the rule of law without discriminations, creating a space for participation and tolerating divergent views and the ability of the state to transform the will of the community into concrete development. Minogue (1997) defines good governance as “broad reform strategy and a particular set of initiatives to strengthen the institutions of civil society with the objective of making government more accountable, more open and transparent and more democratic”. Good governance includes the capacity to formulate and implement sound policies, and the respect of citizens and the state for the institutions that govern economic and social interactions.

Weiss (2000) urges that the effectiveness of the electoral reforms is possible only if good governance structures are put in place. The existence of good governance borrows heavily from the presence and consolidation of democratic characteristics which advocates for effective electoral reforms . While good governance is correlated with the perception of a system of government that is legitimate, equitable in conduct, committed to the will of the people, assuring law and order and responsive to the needs of the people (Sharma, 2007), Cheema & Maguire (2004) argue that good governance comprises a broader spectrum of government accountability, legitimacy, public sector management, having a legal framework for development and appropriate timely and effective policies.



Democracy

Democracy, on its own, does not connote good governance. It is not an end in itself but a means to an end. Deep-rooted and consolidated democracy in form of liberalism or what Cheema and Maguire (2004) call 'maximalist democracy' indeed has been found to be able to engender good governance. According to them, maximalist democracy encompasses "various rights and liberties that have to be associated with a competitive and inclusive system of government. Diamond (1999), while appraising the maximalist approach of democracy, submits that democracy is a concept that allows for fundamental human rights, broadening political participation and guaranteeing credible and periodic election. For democracy to evolve good governance, Linz and Stepan (1999) suggest five inter-related conditions that must exist which include: the rule of law to guarantee citizens' freedoms and independent associational life, functional state bureaucracy which can be used by the democratic government to deliver public good, free and lively civil society, a relatively autonomous and valued political society and an institutionalized economic Society.

Political Participation

Political participation is *sine qua non* to good governance. Political participation, which includes citizens' involvement in the decision making process, contribution to public debate on national issues and voting, needs to be encouraged. Wider political participation naturally endows policies that emanate from that process with legitimacy, as people feel sense of belonging and can lay claim of ownership to such policies. Policies are more likely to be sustainable when they receive popular understanding and support, most especially when women, youths and minorities have input into governmental decisions and also be provided with mechanism through which unfavourable policies are contested and protested against. The purpose of broad inclusion of citizens in the policy making arrangement is to create sense of belonging and awareness necessary for the sustainable of policy even if it is a short-term painful policy that will provide long-term reward. This public participation model is potent enough to consolidate democracy and engender good governance.

Good governance is when the authority of the government and sovereignty reside ultimately with the people and are responsive to them (Diamond, 2005). Government and its institutions must, as a matter of welfare policy, be pro-poor and should promote human development of all citizens. Robert Dahl (1989) identifies three elements that distinguish democracy from other forms of authoritarianism: the democratic process promotes individual and collective freedom, it promotes human development and the democratic process, though not perfect, as the best way by which people can protect and advance their common interests and goods.

The beauty of good governance stems from its tendencies to empower citizens the opportunities to use their discretion and provides with opportunities of self-fulfillment and self-actualization by deliberately enhancing the capacity of individual citizen, who will in turn transform other factors of production into productive purposes for national development. Human development is the means through which other forms of development are achieved. Good governance must indeed democratize the process of decision making in a way to guarantee the involvement of the groups for which decisions are being made. For example, wealth creation programme can only be potent and sustainable only if the affected group is involved at all levels of decision making process.

Governance is good when it is not discriminatory and tends to treat every member of society according to the established norms; laws should be applied to both the haves and the have-nots in the society. Citizens regardless of social status, ethnic origin or sex, should be given unrestrained access to justice



and that judiciary, as an arbiter, should be independent and neutral in the interpretation of law and efficient manner. Expectedly therefore, good governance is achievable in the atmosphere of sustenance of the rule of law. Good governance should also focus mostly on results and not processes in order to engender development. It should be measured on government's delivery inputs. That is, good governance is not about budget provisions; it is about actual accomplishment and its good intentions. Good governance is not only critical to development but should also have the capacity to use resources effectively to create wealth and, in addition, induce economic growth and engender sustainable development.

Citizens all the world over look up to the nation-state and its organs for high quality performance. When good governance is guaranteed, citizens go about their personal business and pursuits with enhanced expectations. On the other side of the spectrum, bad or indifferent governance not only restricts opportunities of success but it can even degenerate into sectarian conflicts and civil wars. In such an atmosphere personal accomplishments as well as social achievements get severely restricted. Good governance helps create 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 political 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. What is 'good' governance in the Indian context? The central challenge before good governance 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. In short, good governance, as I perceive it, means securing justice, empowerment, employment and efficient delivery of services.

Failure of Electoral Reforms - Challenges to Good Governance Criminalization of Politics

The Criminalisation of the political process and the unholy nexus between politicians, civil servants, and business houses are having a baneful influence on public policy formulation and governance. Political class as such is losing respect. The Indian State is facing a serious challenge to its authority from lawless elements. The jihadi terrorism in Jammu & Kashmir and its ad hoc but frequent spread to other parts of India, the insurgency in the North-East, and rapidly expanding base of naxalite movement in mainland India constitute grave challenge to democratic governance. Fortunately, one sees national consensus against jihadi terrorism and it is for the Indian State to deal firmly with this menace. Insurgency in India's North-East is largely confined now to Nagaland, Manipur and Assam and these are being tackled by democratically elected state governments with full support from the Centre. Of late, one sees a political resolve to deal with naxalites as well. Dialogue process alone would provide the final answer but in every eventuality the State has to be continually firm in order that it discharges its basic responsibility of protecting life and property of its citizens.

The more insidious threat to India's democratic governance is from criminals and musclemen who are entering into state legislative assemblies and national Parliament in sizeable numbers. A political culture



seems to be taking roots in which membership of state legislatures and Parliament are viewed as offices for seeking private gain and for making money. Such elements have also found place in Council of Ministers and a Prime Minister or a Chief Minister in an era of coalition politics cannot take strong action for that might lead to the fall of the government itself. The Gandhian values of simple living and self-less service to public causes are rapidly vanishing. The dictum that 'howsoever high, the law is above you' is sought to be replaced by rule of men. It is true that public is not a mute spectator to this phenomenon nor is the media. The process of judicial accountability has succeeded in sending several legislators and ministers to jail. But new methods have also been devised to fiddle away with the processes of law. Criminals facing prosecution get out on bail and even go scot-free. During the period of consideration of their bail petition as well as trial, the doctor invariably finds a serious ailment that enables the accused to escape discomforts of jail by admitting himself in a 5-star hospital.

The question staring all of us is how to close the gate of the portals of democracy for criminals. At the behest of the Election Commission, the Indian Parliament has enacted certain laws that make it obligatory on the candidate contesting an election for Parliament or State Assembly to declare as to whether he is accused for any offence punishable under law for two years or more, for which charges have been framed. Candidates would also have to disclose whether he has been convicted for any offence in which the punishment has been awarded for one year or more for the information of the voter. All these have created a favorable environment for curbing criminalization of politics. But it is necessary to move further to debar criminals from contesting elections. It is imperative, therefore, to amend Section 8 of the Representation of the People's Act 1951 to disqualify a person against whom the competent judicial authority has framed charges that relate to grave and heinous offences and corruption.

Corruption

The high level of corruption in India has been widely perceived as a major obstacle in improving the quality of governance. While human greed is obviously a driver of corruption, it is the structural incentives and poor enforcement system to punish the corrupt that have contributed to the rising curve of graft in India. The complex and nontransparent system of command and control, monopoly of the government as a service provider, underdeveloped legal framework, and lack of information and weak notion of citizens' rights have provided incentives for corruption in India. A conscious programme for strengthening of public awareness and also empowering the existing anti-corruption agencies would be required. The statutory right to information has been one of the most significant reforms in public administration. The Right to Information Act provides a strong national framework within which public awareness programmes could take place. Corruption takes place within a frame. Accordingly, basic reforms in file management, government rules and regulations, provision of public expenditure review could provide the concerned citizens the relevant knowledge to hold service providers accountable. This would ensure that the resources that belong to people are used in the right way.

Corruption and Electoral Reforms

The hitherto laissez-faire system of funding of elections is the biggest countervailing factor in the emergence of democratic India as an honest state. It is widely agreed that state funding of elections/parties will provide a certain degree of financial independence to parties and their candidates and that in turn will help reduce the incentives to raise party/election funds through corrupt means. Public financing holds great promise because it levels the playing field and gives candidates an incentive to accept spending limits. With public financing, poorer candidates can challenge well-funded ones, enlivening the debate and opening up the system. Public financing should be accompanied by free media



space. The state funding of elections regime should be accompanied by strict accounting procedures including rules to internally democratize parties. All these will improve the image of political parties in the eyes of the public and help create a virtuous cycle of democratic competition within political parties for election nominations in which candidates exposed to be corrupt can expect to be weeded out over time. It will also encourage honest persons from various walks of life to join the electoral battlefield. The state funding of elections in India would also go a long way in reducing the clout of religious, ethnic and some business houses on the government.

Conclusion

In democracy the public is most powerful entity. If the public do not vote in favour of criminals, dishonest and corrupt politicians who wish to purchase their votes by money or muscle powers, everything shall function nicely and the democracy will shine in the dark spectrum of hitherto corrupt and criminalized political system. So, though the EC is working hard in this direction, but it cannot succeed unless all political parties and voters realize their responsibility. Finally there should proper mechanism, fully functional and fully equipped to fight with any triviality.

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