



Good Governance: A Historical Perspective

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Abstract:

MEANING AND DEFINITION: The American Heritage Dictionary defines governance as "the act, process or power of governing; government;" the Oxford English Dictionary as "the act or manner of governing, of exercising control or authority over the actions of subjects; a system of regulations." The International Encyclopedia of the Social Sciences has no entry for "governance," nor does the term appear in its index. Perhaps the widest definition of governance is given in the Report of the Commission on Global Governance "Our Global Neighborhood." "Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest." Civil society and civic culture (as it has evolved through hundred years) are particularly important for good governance is shown by Robert D. Putnam's excellent book Making Democracy Work. He shows that what he calls civic "norms and networks of social engagement" facilitate the working of democracy. The social capital of trust and reciprocity that is invested in norms and networks of civic life is seen as a vital factor of effective government and economic progress. Cultural factors, too, determine, as well as are determined by, governance. I shall interpret governance in this wider sense and begin with some remarks on participation in global government, and then proceed towards national government, including a discussion of the links between democracy and capitalism and the problems of transition, to decentralization to local government, and to the civil society. Next I shall return to the international aspects of governance and finally discuss briefly various theories of the state, selecting one as the most realistic.

QUEST FOR GOOD GOVERNANCE

This quest for good governance has, since long, been the mainstay of the evaluation of the functioning of the powers that be. Academic discourse has been largely dependent upon the Western models of the concept of good governance. But we find that this is not entirely a new phenomenon and the issue had found prominence in scholarly works on polity and society in early centuries also. We may begin with an attempt to trace the roots of our concern for good governance in ancient Indian scriptures. In an attempt to facilitate our understanding of the concept of good governance in the ancient context of governance, Kautilya's Arthashastra may prove to be an important basis.

ARTHASHASTRA A HANDBOOK OF STATECRAFT

Kautilya had himself proclaimed in the beginning of his Arthashastra that his treatise on the rules of governance for the king had been prepared after systematic comprehension of all the available academic literature on the subject and procurement of empirical evidence on the prevailing theoretical frameworks of political functioning of the governments. It is in this backdrop that some attempts have been made to understand the concept of welfare state in Kautilya's political theory and these have been welcomed properly. It has been rightly observed that despite the lot of work by scholars on the historical significance of the Arthashastra as well as Kautilya's contribution to statecraft and administration, the profuse classical scripture has not been scanned from legal angle.¹

ARTHASHASTRA A MANUAL OF A POLITICIAN

The Arthashastra is essentially a handbook for the guidance of the governing group, a manual for the practicing politician. In the significantly major portion of it, Kautilya prescribes for specific need and uses tested administrative procedures.ⁱⁱ The procedures, thus prescribed, the indications of good

governance, have not lost their relevance till date with reference to the socio-political and cultural contexts in India. It has been rightly observed that the Samhitas of the Yajurveda and the Brahmanas had developed the old Vedic principle of king's obligation towards his subjects. Similarly, in an age of monarchy and legitimized ascriptive inequality, Arthashastra alone describes the king a servant of the state who would harbour no personal likes and dislikes; it would be rather the likes and dislikes of the servants that would be followed by himⁱⁱⁱ.

ARTHASHASTRA AND DANDA

In Arthashastra, it is said that after the disappearance of the gods, who failed to bring the people under their control through benevolence, they assigned the duty of protecting people to a king in human form after taking from the Moon, the Sun, Indra, Vishnu, Kubera and Yama the qualities of beauty, lustre, prowess, victory, renunciation and restraint respectively. When the king insisted upon obtaining the help of the law (dharma) for fulfilling his task of protection, the gods created the same as his second: what is called the coercive authority (danda) (of the ruler) is the cause of dharma, and the king who knows this should inflict danda even upon his (guilty) father. Thus, the theory of divine creation of the temporal ruler does not make him immune to the use danda or coercive Danda ensures promotion of proper and equitable distribution of social gains, for material prosperity and spiritual enhancement. These novel suggestions of Kautilya are relevant even in the age of modern democracy, authority even upon himself in person^{iv}.

ARTHASHASTRA AND WELFARE STATE / KALYANARAJYA

Shankhdhar comments that Kautilya over-reached the modern concept (of welfare state) in that his Yogakshema aims at an all-round development, material as well as spiritual, of the

society as well as of the individual. It involves the well-being of the poorest of the poor. The Kautilyan state, we are told, ensured freedom, happiness, prosperity and full-fledged development of human personality. Yogakshema demanded higher moral consciousness both at the elites' and common peoples' levels.^v While contemplating for good governance, Arthashastra emphasizes that a king should surrender his individuality in the interest of his duties. The king is expected to behave in a most righteous manner; Arthashastra states: "In the happiness of his subject lies his happiness; in their welfare his welfare; whatever pleases himself he shall not consider as good, but whatever makes his subjects happy, he shall consider good."^{vi}

POSITION OF KING

The king, who is severe to his subjects, afflicts all creatures, and they over power the one who is mild to his subjects, while his subjects respect one who justly implements his decisions. When danda is applied with sound knowledge of the canon, it confers the three-fold end of life (virtue, wealth, pleasure) upon people. The demand of good governance thus, according to Kautilya, calls for lawful application of danda, that ensures the complete happiness of the individual; its unlawful or vicious application causes universal dissatisfaction; and, its non-application produces anarchy symbolized by the law of the jungle. This implies the application of the idea of rule of law in the sphere of the king's internal administration. Similarly, what was sought as a concept of justice in Arthashastra has developed into concepts of equality before law and equal protection of law by now in constitutional justice procedure.^{vii}

Here the king becomes synonymous to 'constitutional slave'.^{viii} The king is like the servant of the people subsisting by their contribution. It is the inculcated complete merger of the interests of the king in those of his subjects. This indicates that ruler will not be all absolute, arbitrary or authoritarian. Good governance demands for limits and restrains on government. Arthashastra, thus, calls for king's acts to be regulated by seven different organs (saptanga). According to Kautilya, sovereignty can be practiced only with the cooperation of others, and all administrative measures are to be taken after proper deliberation. The ability of the king lies in persuading and motivating his council members and coordinating as a true leader so that the decision taken collectively are executed well.

Mehta while writing on political thoughts argues that Kautilya was the first one to emphasize the need for a strong political centre in India. Though Kautilya does not give his people the right to resist the authority of the state, or get rid of the bad rulers like Mahabharata; he emphasizes the need for the rulers to be rightful and just. He warns the king against the acts, which may cause popular fury, thereby, giving substantial importance to the happiness of the people. According to Kautilya, when people are impoverished, they become greedy, when they are greedy, they become dissatisfied, when dissatisfied, they voluntarily go to the side of the enemy and destroy their own master; hence, no king should give room to such causes as would bring about impoverishment, greed or dissatisfaction among his people. Keeping this in mind, Mehta finds that Kautilya might have been in favour of a strong king but it is doubtful whether he was in favour of an absolute monarchy. He calls the king a wage earner equal to other wage earners in the state. The kingdom is to be enjoyed by all.^{ix}

Good governance as foreseen in Arthashastra, only controls government and politics but also society to some extent. For this purpose danda is to be applied, but in a justiceable manner. It was conceived that the coercive authority (danda) of the temporal ruler must be subject to the law; the grand instrument of public security and as such the foremost political principle in any society. Danda and use of dandaniti in Arthashastra is justified on the ground that it is the safeguard of man's worldly existence. Kautilya applies his deeper political insight to lay down a new technique relating to danda.

ARTHASHASTRA AND ADMINISTRATION

Administration, as perceived in Arthashastra, begins with theory of the recruitment and selection of officials. The king is advised to appoint trusted people, those who share king's virtues and vices and those who are gifted with the qualities of high birth, wisdom, purity, heroism and loyalty. From a reference in Arthashastra we learn that amatyas (officials) who had been purified by the four tests should be appointed to posts according to the tests severally passed by them. The tests (virtue, wealth, pleasure and fear tests) consist in tempting the candidate by different means through secret agents. Those who have passed the virtue test should be appointed to offices in the department of judicial administration and of summary of trials of offenders against the interests of the public and of the state. Those who have passed the wealth test should be appointed to offices belonging to the collection and deposit of the king's revenue. Those who have passed the pleasure test should be appointed for guarding the royal ladies. Those who have passed the fear test should be posted near the king's personnel. Those who have passed all the tests should be appointed as ministers. Thus the procedure of appointment of the ministers and officials who shall carry out administration of the state is an indicator that ensures people's welfare, avoids corruption in long run, provides for efficiency, integrity, faithfulness and sincerity in the administrative set-up, and visualizes the overall happiness of the society.

Kautilya states that administrative business carried out by king should be the result of consultation on the widest scale. The king is advised to consult the learned. The seven constituents of the state (prakritis)^x should also be well administered because all of them are co-related with each other and loss or damage to one means loss or damage of another. The state thus administered will become symbol of good governance. The Kautilyan state may be perceived as a state intervening, regulating and participating in socio-economic activities as well as controlling private enterprises in ways of checking unhealthy profit motive, standardized weights and measure, fixed prices and prevention of fraud. The sphere of the activity of the state extended not only up to the maintenance of the constitution but also to the maintenance, protection, preservation and promotion of a social order.

DUTIES OF THE STATE

It is the duty of the state to provide the 'common good'. The term is the symbol for the total governmental actions. In ancient India, king became an embodiment of the common good for his people. King is an instrument to achieve ends related to promoting general human well-being, such as peace, order, prosperity, justice and human dignity. A king is bound to ensure that the common good (dharma) is preserved^{xi}. Arthashastra gives to the welfare of the citizens, the first place in all considerations of policy; the common good of the people and their sustained happiness are considered as main ends for the service of which Kautilya called out an elaborate

administrative system.^{xii} In Arthashastra, people who govern have been advised that good governance is sustained by adhering to a dignity of moral duties ultimately resulting in 'Sarva Kalyankari Karma', maintaining 'Sarva Loka Sangraha' and aiming for the 'Sarva Hitey Ratah'. These three principles support the contention that governance is a moral endeavour that should aim at common good of the people in general.

Arthashastra prescribes the duty of the king to chasten the conduct of the people, to be the promulgator of right law and duty, and to coordinate the laws of various orders and sections of society. If a king is energetic, his subjects will be equally energetic. A reckless king easily falls into the hands of his enemies, so a king should always be wakeful. Thus, the king has been subjected to a rigorous disciplined life and elaborate code of conduct. This also applies to the ministers and other officials of the state because root of the wealth lies in disciplined life and of evil in its reverse.^{xiii}

SALARIES OF THE KING AND THE BUROCRACY

Arthashastra illustrates the salaries and allowances of all government officials and king to be fixed and reasonable. The king, as perceived by Kautilya, is the servant of the people who should attain fixed wage from the state. The allowances of the members of the family of the king too are fixed which could not be raised without the approval of council. In the interest of good governance it is advised that, 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. Kautilya even prescribed the amount of salary that the family and the officials of the king were to receive. Arthashastra further states that salary of the king could not be proposed to be raised, though the mantriparishad could raise the salaries of the members of his family. Good governance demands for divorce of political power and economic consumerism and this is what is advised in Arthashastra.

The greatest duty of king, as indicated in Arthashastra is maintaining law and order that is to prevent life and liberty of his subjects. According to Arthashastra people's agreement with Manu was preceded by divine creation. The agreement of the people in Kautilya's extract charges the people with payment of their customary dues to the ruler evidently for inducing him to end the condition of anarchy. His subjects do not only pay the king the dues, but he is also guaranteed a disproportionate share of their merits, and absolved from any share of their sins. This is done to induce the king to undertake his duty of protection an indication of good governance, which had already been imposed upon him by divine ordination. From his theory of the origin of kingship, Kautilya draws the sub-theory that the king's taxes and punishment are necessary in the people's own interests as they provide him with the means of ensuring the security and prosperity of his subjects.^{xiv}

The king has been asked by the old laws to restore stolen property to its owner, or else compensate him out of his own treasury. To the above indication of good governance, Kautilya adds a new penal clause- should the king punish an innocent man, he must multiply the fine thirty-fold and offer, it to god Varuna and then make it over to the Brahmanas. The

logic of this comes from the convenient argument drawn from Vedic mythology to the effect that Varuna is the punisher of wrong doers. The above clauses, by making the king liable for protection of property, by restricting his property-rights, and by enhancing his fine, repeat the early Smriti principle of the rule of law in the branch of the king's internal administration.^{xv}

The details of judicial administration, as mentioned in Arthashastra, prove to be yet another indicator of good governance. The spirit of rigid organization that marked the executive pervaded the judicial administration. Impartial justice is recognized to be bedrock of sound government, although the measure of punishment varied with distinctions of social classes (Varnas.)

While the appointment of the officials includes a test of character through four allurements (as mentioned before) their duties are set out, with attention not only to office organization but also to professional technique. They are full-time royal servants, with salaries to be paid by king. At the same time, what indicates towards good governance is the carrying out of preventive and punitive measures to punish corrupt government servants, judges or jailors.^{xvi} In Arthashastra we find that financial integrity of the officials needs close control and supervision. Kautilya finds that corruption can prove to be a menace in good administration. Corruption and misappropriation of public money by government officials is an area of great concern for him. Kautilya was quite apprehensive about the honesty of officers of civil administration and therefore, he suggested several punishments and penalties to be imposed on the wrong doers. Any government official, if proved, has raped an Aryan woman was to be awarded death sentence. This obviously sends a clear message to the wrong doers and we must appreciate that inculcating fear to this sort in ministers and officials is essential for setting up good governance.

APPOINTMENTS OF OFFICIALS

Arthashastra clarifies that ministers should be purified by four tests and appointed to posts according to the test severally passed by them. It also makes another aspect of good governance clear by mentioning retrenchment of bad and poor performers as ministers and replacing them with good ones. Appointed by the king, ministers are responsible for deliberation on the policy of the state (mantra), realization of the results Arthashastra, thus, states that competent and qualified ministers along with highly virtuous and administratively qualified king can only provide good governance to the state. Mehta finds Arthashastra to be more a treatise on administration than on politics and statecraft of the policy, execution of business, the business concerning income and expenditure, army, providing information of enemy and wild tribes, providing against (national) degeneration and protection of the princes.^{xvii} The vitality of the role played by ministers necessitates the needs for best person to be posted as minister.

Arthashastra not only conceives the king's calamity to the most serious of the calamities of the state constituents, but it emphatically states that the king makes or mars the other constituents accordingly, as he is properly qualified or not. Explaining the supreme importance of the king's functions, Kautilaya argues that king should possess the qualities of leadership, intellect, energy, good moral conduct, physical prowess and above all good decision maker. When the king

possesses good qualities then minister and others dependent upon him for their success and failure follow his behaviour, for the king stands at their apex.^{xviii}

The discussion on administration principle are so insightful that one may wonder whether there has really been any progress in the science of administration since then. Kautilyan idea of a positive state is characterized by authorization of the king to create conditions of good life by extensive and exhaustive list of works such as digging wells, canals, and constructing dams, roads, rivers plantation, preservation of forests, providing the infrastructure for trade, commerce and industry, providing subsistence to the orphans, helpless, the aged, women and the afflicted, supervision and superintendence to places of pilgrimage, reservoirs, cooperative enterprises, protecting people from any kind of molestation, oppression, forced labour and oppressive taxes. The principles of the administration of the state enunciated in Kautilya's Arthashastra about 2300 years ago, bear resemblance with the modern day concept of welfare state in respect of ideology, ideals, functions, tasks, duties, socio administrative organizations, etc.

KAUTILYA'S POLITICAL THOUGHT

The principles and policies of government and administration find a large place in the canvas of Kautilya's political thought. The very first lesson on royal duties prescribes for the king to acquire conquest of his own self, to avoid caprice, deceit and greed, to display intelligence, skill and self-restraint, to act with deliberation and so forth. King's complete merger of his interests in those of his subjects as well as the concept of a welfare- state with its two fold objective of freedom of its members from fear and from want, mark the setting up of the basic tenets good governance. The king is advised to constantly adopt the behaviour of a pregnant women: as the mother disregarding her own likes seeks the good of the child in her womb, so should the king behave towards his subjects; the righteous king should constantly behave so as to give up what is dear to him for the sake of what is beneficial to his people. In this respect, Arthashastra defines the 'Hindu' concept of 'common good' that should be carried out by a king in which good of all and everyone should be made available.

ARTHASHASTRA AND POLITICAL RIGHTEOUSNESS

Arthashastra discusses in detail the principle of righteousness of the temporal ruler or political righteousness.^{xix} Principles and policies of government involving the conception of a welfare state and that of the ruler's complete identification with his subjects have been incorporated in the scheme of things by Kautilya, thereby, providing for subordination of the wealth to virtue. Justifying the application of righteousness in the affairs of government, declaring righteousness to be the essence of kingship, Arthashastra elaborates how king's attitude towards this principle is attended with profound repercussion on the individual and the community through its influence upon physical environment. Arthashastra explains the principle of political righteousness in such a way so as to involve not only the king's high moral qualification and his fullest protection of his subjects, but also his selection of qualified ministers and his application of foreign policy on the principle of expediency. Just application of danda, (a coercive authority of the temporal ruler) may also lead him towards good governance. Arthashastra conceives danda to be the surest and the most universal means of ensuring public security as well as the stability of the social order, while it

contemplates the universal application of danda irrespective of the offender's rank and status.^{xx}

ARTHASHASTRA AND INDIAN THEORY OF GOVERNMENT

In Arthashastra of Kautilya, we find the fullest and the most systematic treatment of the ancient Indian theory of government. It deals with topics such as the relation of the king to the other factors of the state structure, the scheme of the prince's training on the basis of simultaneous development of his intellect and character, the recruitment and selection of the officials, the technique of a king's consultation with his ministers founded on a clear analysis of the value and requisites of counsel, and finally, the organization of the civil and the military administration based upon such considerations as the tendency of power to breed corruption and the danger of a unified military command from the standpoint of external security.

Aspects of disciplined life and code of conduct are essential features of good governance. This sets a model for others to follow, as prescribed in Arthashastra. King's guidance and watch over administration is yet another constituent of good governance. This ensures people's welfare. The civil servants, like greedy children, need to be watched and guided so that they do not become 'mai-baap' to the people but be responsive and responsible to the people. Administrative competence of king and his ministers as suggested by Kautilya also leads to good governance.

CONCLUSION

All this indicates how Kautilya's system of governance was quite modern in concept and contemporary in operational guidelines. To this day, therefore, quite naturally, his percepts and writings have attracted the attention of not only the academic researchers but also many present day thinkers, administrative observers and political leaders, just as the philosophy, tenets, advice and suggestions contained in the two ancient epics, Ramayana and Mahabharata, have substantial relevance even today in terms of basic principles of statecraft and governance. We find that the most of the basic features of modern day concept of good governance, responsiveness of the government, efficiency of administration, wellbeing and prosperity of the people, overall development of the political community, good quality of life, ethical inwardness and economic affluence – have got prominent place in the thought process and administrative structures postulated by Kautilya in his Arthashastra. The primary objective of the authority has been described as the happiness of the people. All other goals are complimentary and secondary. This not only shows the great concern of the philosopher for the wellbeing of people but also brings forward the 'Indian' model of good governance before the academic society of large.^{xxi}

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