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Human Rights and Good Governance in India: An Analysis

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ABSTRACT

We as human beings live in the society having a governance mechanism which is under the control of the State. The State has provided us with certain rights by virtue of different Statutes out of which one of the most important is the Fundamental Rights as guaranteed by the Indian Constitution. But the concept of Human Rights differs as they are not provided by someone rather, they exist since our birth. They are not guaranteed by any State as these are universal rights inherited by all human beings because they exist as human beings irrespective of race, sex, religion, nationality, ethnicity, language, status etc. This does not mean that these rights are not protected by the State rather the State is under an obligation to protect the human rights of each individual and to aid in case of violation of the same. The Universal Declaration of Human Rights aims to provide the basic rights to human beings which is necessary for their survival. Good Governance is considered as an essential feature for a developing nation or state. Good Governance results in overall human development which directly aids in development of a Nation at large.

Keywords: Good Governance, Human Development Index, Human Rights, UDHR.

I. INTRODUCTION

We as human beings are considered as social animal and seek the companionship of the others as part of our well-being.² This results in making of a civilised human society. As society progressed the need, want and desire of humans for wealth and power increased which slowly resulted in deviation from the ethical and moral norms of the society. People started to befool and cheat others for their own personal gain. It did not stop here, rather people started to commit crimes against other human beings, thereby chasing wealth and power.

Because of this, the leaders of different nations took advantage of the situation and started war against the other nations, thereby capturing and expanding their territory. This resulted in two devastating World Wars during first half of the 20th century. The consequence of these two world wars destroyed the human society massively. Humans were treated as means especially

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² Elliot D. Cohen, You Are a Social Animal, Psychology Today, (Sep. 21, 2010), <https://www.psychologytoday.com/intl/blog/what-would-aristotle-do/201009/you-are-social-animal?>

the vulnerable groups of our society were objectified and exploited the most. They were captures and retained as war prisoners and simultaneously soldiers started committing atrocities against women by raping and sexually assaulting them. Children were forcefully subjected to slavery, bonded labors, and child prostitution. The crime committed by one human against another was at its peak and it resulted into loss of lives of millions, abduction, many went homeless and became refugees. This destruction was not limited to civilised human society rather it also resulted into political and economic collapse in the entire world.

Considering the barbaric condition of the entire human civilisation, especially after the World War II, the international community came forward and drafted a universal bill of human rights obliging the states to recognize the right of every individual and treat them equally in their territory ensuring their life, liberty, property, and religious beliefs. This was also in line with the aims and objectives of the United Nations established in 1945. Eleanor Roosevelt, the first Chairperson of the United Nations Human Rights Commission along with her group, played a vital role in the drafting of the International Bill of Human Rights.³ This bill later took shape of Universal Declaration of Human Rights.

As human being, every individual must have certain basic rights as the remedial measure against the action of state or other public authorities, and these rights are known as “human rights.” Human rights are as old as the ancient doctrine of natural rights, which is based on natural law. The term “human rights” in present modern era is relatively a new concept. They are derived from international charters and conventions enacted after World War II. Due to technological advancements and increasing human desires, now human rights are not just confined to boundary of nations rather it has retained the character of universal issue. Therefore, now these rights are enforceable at international level after coming up of Universal Declaration of Human Rights, 1948 which further comprises of International Convention on Civil & Political Rights (ICCPR), International Convention on Economic, Social and Cultural Rights (ICESCR). Though declarations of UDHR are not binding on nation states because they are just like expression of commitment and the nation states are not obliged to enforce the declaration still majority of these rights are recognized and has been incorporated in our Indian Constitution or in other legislations.

³Drafters of the Declaration, Universal Declaration of Human Rights, United Nations, <https://www.un.org/en/about-us/udhr/drafters-of-the-declaration>.

II. CONCEPT AND ORIGIN OF HUMAN RIGHTS

(A) Human Rights

Human Rights comes from the general concept of ‘rights’ and is nothing but a group of rights which acts as an armour for individual. There is no uniform definition of the same. It has been defined by various organizations, nations, and different scholars time to time.

According to United Nations, Human rights are the inherent rights given to all human beings irrespective of their ethnicity, language, race, religion, sex, status. It includes right to life and liberty of an individual, freedom from slavery and torture, freedom of one’s opinion and expression, right to education and work etc. These rights are to be given to everyone without and discrimination.⁴

Human Rights as defined by the UNICEF are considered as standard tool which safeguard the dignity of all human beings. It also establishes the relationship of individuals amongst them and the State. It provides certain roles and responsibilities to every individual towards others and the obligations state should have towards them.⁵

The philosophical aspect of human rights also throws light upon the existence, nature, content, and legal status of human rights. It describes human rights as the legal norms which safeguards every individual from all kinds of abuses such as legal, political, or social etc.⁶

The Council of Europe has also thrown some views regarding human rights. For them, human rights are like an armour on the body which protects the individuals from different atrocities. They are behavioural mechanisms which guides the way in which humans should behave. they are considered as judges as one can appeal to them, they are like emotions as it exists and belongs to everyone, it is like a natural law which cannot be violated and like a spirit which can never be destroyed.⁷

The basic rights which include freedom and belong to every individual person in the world right from his/her birth, irrespective of the place, till his/her death is known as Human Rights. It has restrictions in certain scenarios like breaking of law by an individual but it cannot be taken away absolutely.⁸

⁴ Peace, dignity and equality on a healthy planet, United Nations, <https://www.un.org/en/global-issues/human-rights>.

⁵What are human rights? UNICEF, <https://www.unicef.org/child-rights-convention/what-are-human-rights>.

⁶Human Rights, Stanford Encyclopedia of Philosophy, Feb 7, 2003, <https://plato.stanford.edu/entries/rights-human/>.

⁷What are human rights? Manual for Human Rights Education with Young People, Council of Europe Portal, <https://www.coe.int/en/web/compass/what-are-human-rights->.

⁸What are human rights? Equality and Human Rights Commission, Scotland and Wales,

(B) Divine Origins of Human Rights

The philosophy of human rights originated with the inception of human civilisation itself. It is difficult to trace the exact time and location for the origin of human rights as there have been different theories which explain how and when the concept of human rights came into existence. The main sources which talk about the origin of human rights are discussed below.

- i. Hammurabi's Code – The Jewish doctrine of 'the direct rule of God' can be said to have the beginning of the human rights where the God was expected to protect the freedom of an individual and secure his independence from other including the State.⁹ This recognition can be traced in the Hammurabi's Code in ancient Babylon around 1780 BCE regarding the protection of human freedom and dignity.¹⁰
- ii. Dharma – In ancient India, Dharma was considered as a tool to govern human civilisation. It means the real or right way of living. According to vedic concept, Dharma is an amalgamation of rights and duties of humans. It was considered as 'Vedo Dharma mool,' i.e., acts of duty.¹¹
- iii. Greek Period – The philosophy of natural law emerged during this period where the 'Law of Nature' was identified as a moral duty.¹² The Stoics played a vital role in balancing an individual's freedom with authority and positive law. He also addressed the issues regarding the then human civilisation and came up with individual's worth, moral duty, and universal brotherhood.¹³
- iv. Roman Period – During this period, legal aspects of human rights evolved a lot, what we see it today, by the Roman magistrates. Supremacy of the Church was considered as a divine law which justified its interference with positive law.¹⁴ Cicero, a Roman orator, advocated the idea of equality of individual under universal law.
- v. Renaissance Period – Human rights were pen down in the secular form during this period as it focused on the individual, free will and human liberty. John Locke's social contract theory emphasizes on individual's natural inborn rights, i.e., 'Life, Liberty and Estate.' These entitlements of humans were to be protected by the government because sovereignty was unlimited and its misuse would have been resulted into strict violations

<https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>.

⁹Dias, R.W.M.: Jurisprudence, 5th Ed., Butterworths, 1985, London, pp. 72-73.

¹⁰Clapham Andrew, Human Rights: A Very Short Introduction, Oxford, 2007, p. 5.

¹¹Gharpure J. R., Yajnavalkya Smriti with Mitakshara of Vijnaneshwara, A Note on Hindi Law Texts, p. i.

¹²Menski W., Op. Cit., p. 137,

¹³Lloyd, Introduction to Jurisprudence, 8th Ed., Freeman M.D.A. (ed.), 2007, p.98.

¹⁴ Dias, R.W.M.: Jurisprudence, 5th Ed., Butterworths, 1985, London, pp. 76-77.

of natural law.¹⁵

(C) Evolution and Development of Human Rights

As discussed earlier, it can be said that human rights are a moral and philosophical concept. Gradually, this moral and philosophical concept evolved at different levels i.e., national, regional as well as international levels. The international community studied the inherent rights related to humans, therefore, today we study human rights in a legal sense which demands the complete protection of the inherent natural rights of the individuals.

- i. Treaties – Prior to UN Charter, there were certain special treaties which guaranteed specific rights to certain minority groups. The establishment of the League of nations in 1919 was done with the objective to achieve international peace and security through its member states but could not result in the formation of human rights law at the international level.
- ii. UNO – The formation of United Nations Organisation in 1945 played a vital role in the evolution of human rights at international level. The core objective and purpose of UN Charter was, “universal respect for all humans, observance of human rights and fundamental freedoms for all without any discriminations based on race, sex, language, and religion. This was done to promote and encourage individual with respect to human rights.¹⁶
- iii. UDHR – The Universal Declaration of Human Rights was the first and foremost international proclamation which came from the UNO in 1948 to discuss the human rights law extensively. Its Preamble guaranteed inalienable and inviolable rights to all the individuals as a matter of core fundamental principle. This was the first step towards the codification of international human rights law and was adopted on December 10, 1948. Some important Articles related to human rights under UDHR are as follows:
 - Article 1 of talks about the rights and dignity of all human beings,
 - Article 2 talks about the entitlement of rights and freedoms to all human beings without any discrimination,
 - Article 3 talks about the right to life, liberty, and security of all,
 - Article 4 talks about prohibition of slavery or servitude,

¹⁵Menski, Op. Cit., p.149.

¹⁶Bobbitt Philip, Public International Law, Dennis Patterson (Ed), A Companion to Philosophy of Law and Legal Theory, 2nd Ed., Wiley-Blackwell, 2010, pp.112-113.

- Article 5 talks about prohibition of torture, inhuman treatment, and punishment,
- Article 6 talks about right to recognition on any land or nation,
- Article 7 talks about the right to equality before law and equal protection of laws.
- Article 8 talks about the right to effective remedy in case of violation of fundamental rights,
- Article 9 talks about the prohibition of arbitrary arrest, detention, or exile, and
- Article 10 talks about right to fair and public hearing.

It can be said that the progressive development of human rights law started after codification of UDHR. Under Article 29, it also prescribed some duties that an individual and State should have. Every individual should have some duties to the national as well as international community and the State should have duties to enact certain laws to protect these rights as well as limiting it for their national security, public morality, and other general welfare of people in a democratic society.

iv. Covenants – Post sixteen years the establishment of UDHR, in the year 1966, the United Nations Organization yet again came up with two new Covenants in 1966 which came into force in 1976. This was done to expand the rights of individual in addition to those given under the UDHR. Further UDHR comprises of: -

- a. The International Covenant on Civil and Political Rights (ICCPR) consists of the following human rights:
 - Right to life, liberty, self-determination, and security,
 - Freedom of movement including freedom to choose place of residence,
 - Right to leave any country and right to reside in any country,
 - Freedom of thought, conscience, religion, peaceful assembly, and association,

It also prescribes two optional protocols i.e., optional protocol I which provides for the procedure for claiming any violations of the rights set out in the Covenant and Optional Protocol II which talks about the abolition of death penalty.

- b. The International Covenant on Economic, Social and Cultural Rights (ICESCR) consists of the following human rights:
 - Right to work in just and favorable environment,
 - Right for social protection,

- Right for adequate standard of living (clothing, food, and housing),
- Right to education and scientific progress,
- Right to physical and mental health

The first one established legally enforceable individual right, while the second one urged state to put them into effect through legislation. ICCPR was implemented by many nation states and accordingly, civil and political rights were inducted in international legal system with immediate effect whereas with respect to implementation of ICESCR, many states agreed to achieve social, economic and cultural rights progressively in due course of time as they were not economically sound at that point of time. Therefore, they were not able to immediately implement and induct these rights into their respective legal systems.

- v. UNHRC – The United Nations Commission on Human Rights was replaced by the United Nations Human Rights Council in 2005. It is a subsidiary body of the United Nations General Assembly, ranks below the Security Council, established to investigate violation of human rights. On the request of Human Rights Council, Security Council may take an action for violation of human rights.

In today's world, there is no specific "Protection of Human Rights Act" that applies universally to all nations. However, many countries have enacted legislation and established institutions to protect and promote human rights. These laws and institutions may have different names and structures depending on the country. For example - In the United States, there is no single comprehensive "Protection of Human Rights Act." Instead, human rights protections are primarily established through the U.S. Constitution, which includes the Bill of Rights, and various federal and state laws that address specific aspects of human rights.

But on the other hand, United Kingdom has the Human Rights Act 1998, which incorporates the European Convention on Human Rights into UK law and allows individuals to bring human rights claims in domestic courts.

In India, for the purpose of realization of human rights and giving effect to the international obligations, our parliament has brought specific legislation of Protection of Human Rights Act, 1993 amended by the Protection of Human Rights (Amendment) Act, 2006 under which two separate commissions has been formed namely National Human Rights Commission and State Human Rights Commission to protect the basic human rights of individuals and provide them with adequate remedy in case of any violations done by individuals, state or other public authorities.

(D) Human Rights and Social Justice

In line with Leon Duguit theory, law should be such which must promote social solidarity. Solidarity means oneness, togetherness, united, co-operation etc. In any governance system, there must be duty- oriented rights in order to bring a social development and achieve solidarity. Unless and until, an individual is inclined to perform his respective duty, social solidarity can never be achieved in its totality. For achieving solidarity, feeling of oneness, togetherness towards one another in a civilised society is essential. As per the well-known Maha Upanishad's phrase "Vasudhaiva Kutumbakam", every person should have feeling of kindness and generosity towards other individuals and his family. This means that the beginning point of human rights is respect towards one another. Until and unless, we respect each other, there will be no instinct of human rights in the society and it will merely be a slogan.

Human rights and good governance play a vital role in achieving social justice. They help address historical inequalities, ensuring that marginalized groups are not left behind in the development process. In the modern world, human rights and social justice are two tools for development of the society and its individuals simultaneously. And without co-operation and understanding towards each other, neither of them can progress and achieve the goal of solidarity. In other words, social justice is the end and human right is the beginning and gap between these two can be bridged only if we co-operate and communicate with each other. Also, human rights and good governance are not just limited to any specific region or culture rather they are universal values that require global cooperation and solidarity to address other ongoing issues in the world such as climate change, migration, and public health crises. Therefore, Duguit's theory of social solidarity is of great significance and very remarkable in the 21st century

III. RELATIONSHIP BETWEEN GOOD GOVERNANCE AND HUMAN RIGHTS

(A) Concept of Good Governance

The concept of good governance can be seen in various textbooks, explained by some authors etc. The Bhagavad Gita prescribes several mechanisms for good governance, leadership, dutifulness, and self-realization which has been re-interpreted in the current modern society. Mahatma Gandhi has stressed on the principle of "su-raj" which in general means good governance. The Kautilya's Arthashastra also considered welfare of the people as a primary role of the King during 2nd – 3rd century BC.

Governance and good governance are two different things. The former is as old as human civilisation which involves the process of decision-making as well as its implementation or non-

implementation.¹⁷ The later one is an advanced concept and consists of eight principles that is known as ‘Dharma of Good Governance.’ It is associated with the individuals needs i.e., present and future, of the human society and is guided by the rule of law.

(B) Dharma of Good Governance

Dharma plays a very important role in the administration of good governance. It is the basic values which defines what is right and wrong and accordingly describe how the governance should be. India has accepted and put ‘Dharma’ at the centre of governance as said by the Hon’ble Vice President of India.¹⁸ The basic principles of good governance as proposed by the United Nations are as follows:

- i. Participation – Human beings are considered as pillars of the society. A society will only progress when its members are developed enough to participate in the growth of the society. This includes men and women who are the foundations of a good governance. The voice of people should prevail, especially from the minority groups, backward classes, or vulnerable sections. In India, 52% of women has a desire to work in paid jobs as per the data of International Labour Organisation but on the other hand female labour participation is declining over the past two decade which has come to 19% in 2021 from 32% in 2005.¹⁹ This means that the government should focus on the permanent employment of women rather than contractual.
- ii. Rule of Law – Law is supreme and therefore, for having a good governance, rule of law must prevail in the society. It should have a balanced and fair laws, independent judiciary, non-corrupt police force which must guarantee the protection of human rights.
- iii. Consensus Oriented – This is not a novel concept rather it was propounded by Savigny and is a postulate of the historical school of law. He always stressed on common consensus that is popular will/voice of people (Volksgeist). But it is nearly impossible to achieve the same as there will be some class of people who will have different views from the other. It is often said that one cannot convince everyone. Therefore, a good governance should focus on the interests of the individual to meet the maximum consensus in best interest of the society at large. This is also in line with the Benthamite

¹⁷What is Good Governance? United Nations Economic and Social Commission for Asia and the Pacific, <https://www.unescap.org/sites/default/files/good-governance.pdf>.

¹⁸Press Information Bureau, Vice President’s Secretariat, Government of India, November 20, 2017, <https://pib.gov.in/newsite/PrintRelease.aspx?relid=173683>.

¹⁹Roshini Chakrabarty, Female labour participation declining in India: Why are women not working? India Today, June 11, 2023, <https://www.indiatoday.in/education-today/jobs-and-careers/story/female-labour-participation-declining-in-india-why-are-women-not-working-2391034-2023-06-09>.

theory that the goal of all laws should be to promote the ‘largest happiness of the greatest number.’ Since India is a democratic country so it should be the voice of the people which should prevail as prevalent in the Lok Sabha Parliament elections.

- iv. **Equity and Inclusiveness** – State must ensure that all the individual should participate in the growth of society and no one should feel excluded. They should be given equal opportunity, especially the vulnerable and minority groups to express their views without any discrimination.
- v. **Effectiveness and Efficiency** – Every human being has a right to live in a clean and healthy environment. Therefore, it is the duty of the state to use the natural resources in a sustainable way and protect the environment. Also, the needs of the society should be fulfilled by the optimum and best use of the resources available.
- vi. **Accountability** – For achieving good governance, both public as well as private sector should work together for the betterment of the society. They work for the individual’s rights, its protections, their developments, and overall growth. They should be accountable for their actions to the public. If there is any public wrong or misconduct done by the state machinery, state should come forward, accept its mistake, and try to resolve it. This is an important feature of a good governance.
- vii. **Transparency** – Law-making decisions and its enforcement should be done according to the rules and regulations and all the information regarding the same should be available and accessible to the public form free.
- viii. **Responsiveness** – Good governance means that government should be responsive enough to act upon any issues and try to resolve it within a time period through their machineries. For example: investigation of a crime, ensuring humans rights to its citizens etc.

(C) Good Governance and Rule of Law in India

Rule of law means that law should rule the people/state and not the government. This concept has originated from a French term i.e., ‘le principe de legalite’ which means principle of law or legality. Rule of law has been evolved over a period by the definitions and explanations of different scholars. Famous professor of administrative law, William Wade, has said that government ought to follow the law and not vice versa. Lord Denning, an English barrister, and judge, has held in case that law will always be above everyone irrespective of the high power

and status of any individual in a land.²⁰ Rule of law, being a fundamental part, originated in the English legal system is based on three important doctrine as propounded by A.V. Dicey which are as follows:

- i. Supremacy of Law – Absolute supremacy of the law and non-existence of arbitrariness.
- ii. Equality before Law – Every class of people should be treated equal before the law.
- iii. The Predominance of a Legal Spirit – Judiciary acts as the guarantor and safeguards the rights and liberty of an individual.

Good governance means that there is ‘Rule of Law’ i.e., government is ruling as per Article 14 of the Constitution of India and the welfare of people is being taken care of by the government for promotion of human rights. Human rights and good governance are closely associated to the rule of law. A strong legal framework that respects and protects human rights is essential for a just and orderly society. Therefore, the concept of good governance is already embedded in different parts & articles of our Constitution out of which, some of them are discussed below:

- Preamble – According to the preamble of the Indian Constitution, India is a Sovereign, Socialist, Secular, Democratic and Republic State. The intention of the makers was to secure Justice, Liberty, Equality and Fraternity to its citizen which is ultimate goal of good governance also. Therefore, the State should refrain itself from doing any arbitrary or unconstitutional act and in case of any violation either done by state or individual, it is the duty of the State only to safeguard and restore the rights of the individuals and provide them with adequate remedy.
- Fundamental Rights – Fundamental rights are one of the important tenets for achieving the goal of good governance. As per Article 21 of the Indian Constitution, every citizen should be secured with their right to life irrespective of their social status. This is also one of the primary tenets of the good governance as the main aim of good governance is to ensure basic minimum standard of living to the people, especially to the marginalised section of the society. By virtue of Article 21, apex court has started including many human rights within the ambit of fundamental right like right to food, right to shelter, right to health etc. Article 25 to 28 of Indian Constitution also guarantees right to freedom of religion to the individuals. It is the duty of the State to create a conducive environment so that the individuals are free to practice their religion thereby establishing peace and harmony in the society which is also one of the goals of good

²⁰Gouriet v union of Post Office Workers and others, [1978] AC 435.

governance.

- DPSP –Directive principles of state policy plays a fundamental role in carrying out the governance of a country, therefore, state is obliged to follow these principles and whenever required, apply them in law-making.²¹For example -there was a major change in subject matter of Article 45 (DPSP) and consequently article 21A was inserted as a fundamental right which ensures elementary education for all children below 14 years of age.²²
- Independent Judiciary – An independent judiciary is one of the major aims of separation of power. In India, all the three wings of the government are expected to work independently. In any legal system, for achieving the goal of good governance, rule of law must be preserved and in order to do so, an independence of judiciary is of utmost importance. Then only judiciary will function without any hindrance and bias. And this will ultimately help in achieving justice aims thereby safeguarding the human rights of the people and having a better public governance. It was seen in the landmark case of *Prem Shankar Shukla v. Delhi Administration*²³, where the apex court held that the use of handcuffs and fetters on the prisoners violates their basic human dignity which is guaranteed by the Constitution and is also against the constitutional spirit enshrined under Article 14, 19 and 21.
- Judicial Review – Good governance acts like a benchmark to determine the ways to the government for managing the public affairs with the aid of public institutions and how efficient they are in handling the public resources. And in order to achieve these goals judiciary has been granted with a special power of judicial review so that the basic human rights of the people are not violated by the arbitrary governmental activities. Therefore, by virtue of the powers of judicial review, the governmental actions are monitored and restricted within the limits of Constitution, thereby establishing rule of law.

IV. HUMAN DEVELOPMENT INDEX AND GOOD GOVERNANCE IN INDIA

The development of a country is directly proportional to the development and contribution of the people. The United Nations Development Programme emphasized on creating a tool to measure the capabilities of the people for the overall development of the country. This tool came

²¹Article 37 of the Constitution of India

²²86th Amendment Act ,2002

²³[1980] 3 SCC 526.

to be known as Human Development Index which is a geometric mean and a summarized measurement of the average achievement of human development.²⁴

(A) Human Development Index Indicators in India

According to the Human Development Report of 2021-2022, 9 out of 10 countries have slipped in human development rankings, major reason for which is the recent COVID-19 outbreak and the war in Ukraine. India has also slipped 2 ranks i.e., 130 in 2020 to 132 in 2022 out of 191 countries due to the COVID-19 pandemic.

- i. Education –It is a crucial parameter within the Human Development Index, as it reflects a country's efforts to invest in the intellectual and social development of its citizens, which is fundamental to overall human development and well-being. A well-educated workforce is more productive and innovative, which can lead to higher living standards and economic growth of a nation thereby, assuring good governance. Therefore, education is a driving force in economic and social development of a nation. It also helps citizens understand their rights and responsibilities, and it fosters respect for the legal system, which is crucial for good governance. The expected year of schooling in India is at 11.9 years and mean years of schooling is at 6.7 years.
- ii. Standard of Living- Standard of living is a broader concept that encompasses the material and non-material aspects of people's lives. It reflects the overall quality of life, considering factors such as income, housing, access to healthcare, education, sanitation, nutrition, and more. While income (typically represented as Gross National Income per capita) is a significant component of the standard of living, it is not the sole determinant. Other factors like access to basic services, infrastructure, social services, and overall living conditions are also crucial. The per capita income of a person determines his/her standard of living. The higher the income, the higher would be the standard. It depends on the factors that how much a person earns and how much he/she spends. In context of HDI, it is represented by Gross National Income (GNI) per capita, adjusted for purchasing power parity (PPP). The HDI combines these three dimensions into a single index to rank countries and assess their level of human development. Recent pandemic brought lot of financial crises as people were forcefully fired from their jobs. So, there was decline in the per capita income as well as standard of living which resulted into poor ranking of India in HDI.
- iii. Health – Health, in the context of the HDI, is primarily measured by life expectancy at

²⁴Human development Reports, <https://hdr.undp.org/data-center/human-development-index#/indicies/HDI>.

birth, which reflects the average number of years a person can expect to live in good health. This indicator is considered a fundamental aspect of human well-being because it reflects access to healthcare, nutrition, and other factors that contribute to a long and healthy life. Due to the rise in several kinds of diseases and viruses in the recent years, the life expectancy at birth has also decreased. India recorded 67.2 years life expectancy at birth in 2021. Since, life expectancy also plays an important role in the human development of a country, therefore, it is high time that government should focus on this.

- iv. **Income – Growth of a nation is largely dependent on the financial status of the people.** The level of per capita GDP determines the development of human and it should be sufficient to attain higher human development. India's gross national income per capita in 2021 stood at USD 6,590. Good governance creates an environment that supports economic growth and equitable income distribution. Conversely, higher income levels can contribute to better governance by providing governments with the resources needed to invest in public services and institutions that promote good governance. Therefore, addressing both income disparities and governance issues is crucial for sustainable development and improved living standards for all citizens.

(B) Good Governance Initiatives in India

- i. **ADP – The quality life of people in the under-developed areas were not as good as compared to the people residing in developed areas on the country.** Therefore, government came up with Aspirational Districts Programme, in 2018 whose objective was to transform the lives of people in the field of health, nutrition, education, agriculture, skill etc. in the backward districts of India in certain time period.
- ii. **NITI Aayog – The National Institution for Transforming India was formed after replacing the Centralized Planning Commission with the objective of active participation of all the States and individuals in the light of achieving national goals.**
- iii. **Legal Reforms – Reforms in the field of law is of utmost importance in order to have a clean and independent judiciary.** The central government has repealed 1500 obsolete and archaic Acts which do not have any relevance in the present time.²⁵ This has been done to improve the judicial efficiency. Even the older British Criminal Laws have been

²⁵PTI, Over 1500 obsolete and archaic acts to be repealed in coming Parliament session: Rijju, Times of India, Oct 22, 2022, <https://timesofindia.indiatimes.com/india/over-1500-obsolete-and-archaic-acts-to-be-repealed-in-coming-parliament-session-rijju/articleshow/95036704.cms>.

replaced by the new criminal law bills.

- iv. RTI – India, being a signatory party, is under an international obligation to guarantee its citizen the Right to Information as per Article 19 of the International Covenant on Civil and Political Rights. There was a significant change in the democracy of India by the enactment of RTI Act in 2005. It made the administration of government more accountable, responsive, openness and transparency towards the community.
- v. E-Governance – The advancement in technology and communication resulted in the formation of National Electronic Governance Plan. It has benefited a lot of citizens through its ICT technology and through several programmes like Passport Seva Kendra (PSK), Digital India Program, Pro-Active Governance and Timely Implementation (PRAGATI) and many others which has been launched by the government of India.

(C) Challenges to Good Governance

- i. Corruption – The lust and greed of having more power and wealth of human had made them immoral and dishonest in their personal as well as professional life. It is one of the major hindrances in improving the quality of governance in India as it has a score of 40 out of 100 and ranks 85 in Corruption Perception Index.²⁶
- ii. Gender Disparity – Women, during the Vedic period, were worshipped and had always been treated equally with the men. Men and women should be considered as two wings of the society. As a bird cannot fly on one wing therefore, society cannot progress without the overall progress of every individual. Women empowerment is must to have a good governance and welfare of the world as said by Swami Vivekananda.
- iii. Delay in Justice –It is one of the equity principles that, ‘justice delayed is justice denied.’ There are several factors which acts as a hinderance to a common man in getting justice in due time. Therefore, it is the duty of State and a core principle of good governance that there should be no illegitimate delay in delivery of justice.
- iv. Increase in Crime – Maintenance of law and order in the society is considered as a first step towards having a good governance. But, even today, it is a challenge for the State to maintain peace and curb violence.
- v. Politics – We say that politics is a bad game and one should not enter politics if he/she wants to be clean and alive. It is not a clean hand game rather entering into politics

²⁶Express News Services, India ranks 85 in Transparency International’s corruption index, The Indian Express, New Delhi, January 26, 2022, <https://indianexpress.com/article/india/india-ranks-85-in-transparency-internationals-corruption-index-7741760/>.

requires a dirty hand. This is an old saying and is relevant even today as we can see that 43% of the Members of Parliament are facing serious criminal charges, which has increased from 29%, in India.²⁷ It is an increase of 26% as compared to in 2014. This criminal nexus between the politicians, businessman and civil servants has a bad influence on formulation of public policy which is core principle of good governance. Irrespective of the law i.e., Section 8 of the Representation of the People's Act 1951 which disqualifies a person (MP) on the ground of having criminal charges, the cases are increasing day by day and pending in the Courts due to corruption.

V. CONCLUSION

It can be said that human rights have originated way back in 540 BC when Cyrus, the great, conquered Babylon. Gradually with due course of time, this concept of human rights evolved and took shape of legal right by the international community. This was accepted by the nations at large, as a matter of right, by inculcating it in their law of the land. It can be said that the international community i.e., United Nations came with the Universal Declaration of Human Rights with an aim to have good governance in the international domain.

India, being a signatory member to the United Nations, had to abide by the articles of the Universal Declaration of Human Rights. The Constitution of India guarantees some basic yet valuable human rights in the form of fundamental rights. These rights are given to all the citizens without any discrimination which is an important tenet of good governance. The concept of Rule of Law which is embodied under Article 14 implies that India is having a good governance where the rights of the citizens are very well protected under the Grund norm i.e., the Constitution of India. It is in line with the Kelsen's pure theory of law that all the basic human rights have been incorporated in the form of different laws which ultimately derive their validity from the grund norm i.e., Constitution. The government has also taken proactive measures and came up with different mechanisms for the protection of human rights and having a good governance like the establishment of Human Rights Commission at National as well as State level to check and curb the violations of human rights. Right to Information Act has also been enacted in this regard for the citizens to combat corruption and if required, collect information from the government thereby bringing them at a transparent level; e-Governance portals are also introduced for welfare of people with the use of technologies etc.

The independence of judiciary has also aided in the process of achieving the goal of good

²⁷Vineet Sachdev, MPs with criminal cases increased in last decade: Report, Hindustan Times, New Delhi, Aug 11, 2021, <https://www.hindustantimes.com/india-news/mps-with-criminal-cases-increased-in-last-decade-report-101628621064962.html>.

governance by interpreting the rights formulated under the constitution which are even available to the foreigners, when they are on Indian soil.²⁸ The apex court, by applying judicial mind in interpreting the Constitution has broadened the scope of Article 21 and came up with various basic human rights such as right to live with dignity, right to reputation, right to work, right to food, right to live in a clean healthy environment etc. So, we can say that in India, human rights of citizens as well as foreigners including refugees are very well protected by the law of the land and judiciary.

Human rights and good governance are two interconnected principles that form the foundation of a just and equitable society and these principles are important for over-all well being and progress of a nation. On one hand, human rights uphold the inherent dignity and worth of every individual, emphasizing equality and non-discrimination and on the other hand good governance ensures that these principles are upheld by creating laws and institutions that protect and promote these rights. Therefore, the promotion of human rights and good governance is an ongoing process that demands the active engagement of governments, legislature, civil society, and individuals. It is a path towards creating a more just, equitable, and prosperous world for all, where the dignity and rights of every person are respected and protected.

²⁸Chairman Railway Board v. Chandrima Das, (2000), 2 SCC 465.