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## Human Rights as the Cornerstone of Good Governance

**Rajesh S.**

Assistant Professor of Commerce

Government First Grade College, Doddaballapur, Bangalore Rural - 561203

**Abstract:** *The concepts of good governance and human rights are mutually reinforcing. Both are based on core principles of participation, accountability, transparency, and state responsibility. The intersection of human rights and good governance forms the foundation for the establishment of just, equitable, and thriving societies. This paper explores the intrinsic link between these two vital concepts, examining how the principles of human rights serve as the cornerstone of good governance. The analysis delves into the attributes that define good governance, including adherence to the rule of law, defense of human rights, transparency, and government accountability. Drawing on academic discourse and the experiences of nations, the study elucidates the mutual reinforcement of human rights and good governance. It underscores that human rights are not merely standards but claims by citizens on societal resources, with the fulfillment of these claims, contingent upon the practice of good governance. The paper further investigates this symbiotic relationship in the context of a democratic framework, emphasizing the role of efficient administration in promoting the well-being of individuals. Through a descriptive exploration based on secondary sources, the study focuses on the case of India, examining how the principles of human rights contribute to and shape the landscape of good governance in the country. This abstract encapsulates the comprehensive examination of the pivotal role played by human rights in shaping governance practices that aspire to create societies marked by stability, democracy, and prosperity.*

**Keywords:** Good Governance, Growth, Human Rights, Indisputable Rights, Sustainability.

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### Introduction:

The emphasis on the promotion and safeguarding of human rights has grown significantly over the years. Ensuring their protection requires a conducive social and political environment, one facilitated by appropriate regulations, institutions, and procedures that govern the actions of the State. Simultaneously, the importance of good governance has been consistently underscored across various platforms, recognizing its substantial contributions to peace, progress, and the strength of democratic institutions. It is aptly asserted that policies promoting good governance empower individuals to lead lives characterized by dignity and freedom. The interdependence of good governance and human rights is undeniable, as they mutually support improved living conditions, stability, and freedom. It is crucial to recognize that good governance cannot exist in isolation from human rights, as the two concepts complement each other, sharing many core principles. While the connections between good governance and human rights are evident in human rights instruments and national constitutions, the integration of the concept of good governance into international discussions on economic development and human rights is a relatively recent development. Notably, the recognition of the significance of good governance originated within the realm of development, with its initial articulation appearing in a World Bank



Report. This report highlighted that good governance is essential for structural changes in the market and emerged as a response to concerns regarding the impact of diverse governance practices on economic performance in the context of development policies. Consequently, international economic institutions and aid agencies introduced policies and regulations promoting good governance as a prerequisite for the disbursement of aid. It is noteworthy that pro-people and pro-human rights strategies are pivotal for fortifying both democracy and development. The interplay between good governance and human rights represents a valuable enhancement that governance contributes to the realms of development and human rights, and vice versa.

### **Research Objectives:**

The objectives of the current study are:

1. To gain insights into the general perspectives on human rights and good governance
2. To understand the dynamics of human rights and good governance within the context of India
3. To study the linkage between human rights and good governance

### **Research Methodology:**

The present study, titled "Human Rights as the Cornerstone of Good Governance" is a descriptive analysis relying on secondary sources of information. These sources include previously published research papers and theses, official websites of the Government of India, other relevant websites, reports, and books.

### **Good Governance:**

The concept of governance is as old as human civilization. The term "good governance" gained prominence in the late 1980s as a reaction to apprehensions regarding the influence of varied governance methodologies on economic performance within the framework of development policies (Grunberg & Khan, 2000).

The term 'governance' implies the way power is exercised by governments in managing a country's social and economic resources (Udombana, 2003). It refers to all processes of governing, the institutions, processes, and practices through which issues of common concern are decided upon and regulated. The United Nations Development Programme (UNDP) has defined the word "governance" as "the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector" (UNDP, n.d.)

The concept of 'good governance' introduces a normative or evaluative dimension to the governing process. Good governance is the exercise of power by various wings of the government that is effective, honest, equitable, transparent, and accountable (Sinha, 2006). Although there is no a universally accepted definition of 'good governance,' it can encompass various aspects such as the thorough observance of human rights, adherence to the rule of law, active participation,



collaborative partnerships involving multiple actors, political diversity, transparent and accountable processes and institutions, a public sector that is both efficient and effective, legitimacy, availability of knowledge, information and education, political empowerment of individuals, fairness, sustainability, and fostering attitudes and values that promote responsibility, solidarity, and tolerance. From a human rights standpoint, it primarily pertains to the way public institutions handle public affairs, oversee public resources, and ensure the fulfillment of human rights.

Good governance surfaced primarily in response to poor governance or bad governance, marked by corruption, unaccountable governance, and a disregard for human rights. Good governance establishes a platform that enables government officials to operate efficiently, effectively, and transparently while being accountable to the public for their actions. It aims to eliminate conflicting government practices and contributes to the establishment of a responsive State. The fundamental principles of good governance, include public participation in government, adherence to the rule of law, freedom of expression and association, transparency, responsibility, accountability, participation, responsiveness, and the legitimacy of the government. The essential aspects for the good governance are (a) democracy based on free and fair elections; (b) independence of judiciary; (c) right to fair trial; (d) right to information (e) respect for human rights; (f) removal of corruption; (g) gender equality; (h) role of civil society (i) civil war and ethnic violence (Sinha, 2006).

Good governance denotes the manner in which an administration body enhances the quality of life for its people by establishing and ensuring access to fundamental life necessities. It involves offering security and opportunities for individuals to improve their circumstances, fostering optimism for a promising future. Additionally, it encompasses providing equal and equitable participation in decision-making on public affairs, maintaining a responsible judicial system that dispenses fair, unbiased, and meaningful judgments, and upholding accountability and integrity across all government wings and functionaries. Thus, good governance is linked to an enabling environment conducive to the enjoyment of human rights and promoting growth and sustainable human development (Lamba, 2015).

## **Human Rights:**

Derived from the inherent dignity of every individual, human rights are fundamental rights and freedoms that every individual is entitled to, without discrimination like nationality, ethnicity, religion, gender, or any other characteristic. These rights are considered inherent to all human beings, and they are protected by international law. Human rights encompass a broad range of civil, political, economic, social, and cultural rights, aiming to ensure the existence, dignity, equality, and well-being of every person. Human rights are the inherent and fundamental entitlements regulated universally, applying to every individual by virtue of their humanity. The definition of human rights is explicitly outlined in numerous international conventions, encompassing traditional concerns like child labor, forced labor, human trafficking (modern-day slavery), freedom of association, and the rights of indigenous people. In recent times, the scope has broadened to cover access to adequate nutrition, water and sanitation services, and healthcare. Contemporary issues such as the freedom of expression and privacy on the internet, the rights of internet users, and the pursuit of sustainable and fair wages extend concerns into various new



sectors, all impacting a human being to live a happy life. They include all elementary preconditions for a stately human presence.

The concept of human rights is well comprehended in its primary scope, yet the exact boundaries often remain ambiguous. Human rights are the entitlements that an individual can rightfully assert simply by virtue of being born as a human being. These human rights are common to every human being and do not require further condition for their recognition. Factors such as wealth, status, age, gender, nationality, and religion are irrelevant when claiming the enjoyment of human rights (Shukla, 2011). Once a person's status as a human being is established, the entitlement to enjoy human rights is automatic. The fundamental principle underlying the concept of human rights is the respect for human dignity. In 2004 United Nations Secretary-General Kofi Annan noted that "We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed" (Annan, 21 March 2005).

## Good Governance and Human Rights - Linkage

Human rights and good governance often reinforce and complement each other. Good governance serves as a framework, element, and process that ensures the fulfillment of the goals and principles of human rights. The concept of good governance has historical roots, extending back to ancient and medieval periods. It was proposed and championed by political rationalists who emphasized the importance of implementing this idea to achieve comprehensive development. The notion of good governance has persisted over time, with advocates highlighting its necessity for multipurpose development. The relationship between good governance and human rights is fundamental to the promotion and protection of individual freedoms, justice, and the overall well-being of societies. Human rights offer a constitutional framework for all nations to pursue sustainable development by providing universally accepted guidelines that go beyond national borders. The invocation of human rights aims to establish a shared foundation for global governance systems, ensuring the avenues to pursue developmental freedoms for individuals, groups, and nations. From a human rights perspective, the concept of good governance can be linked to principles and rights set out in the various international human rights instruments.

Some key aspects of the linkage between good governance and human rights are:

(a) **Rule of Law:** Good governance highlights the importance of the rule of law, ensuring that laws are just, transparent, and consistently enforced. The rule of law plays a vital role in safeguarding human rights by creating a framework that protects individuals from arbitrary state actions and fosters a legal system that is both fair and predictable.

(b) **Accountability and Transparency:** Accountability and transparency in government actions are advocated by good governance. When governments are held accountable for their deeds, it serves as a deterrent against human rights abuses. Transparent governance guarantees that citizens are kept informed about government decisions, policies, and undertakings, thereby playing a role in safeguarding human rights.

(c) **Participation and Inclusion:** Good governance promotes the active involvement of citizens and inclusiveness in decision-making processes. Incorporating a variety of perspectives in



governance is crucial to guarantee that policies and laws uphold the rights of all individuals, contributing to the development of a fair and equitable society.

**(d) Efficiency and Effectiveness:**Efficient governance guarantees the optimal utilization of resources to address the population's needs. Governments that demonstrate efficiency and effectiveness in providing services can have a favorable influence on the fulfillment of economic, social, and cultural rights, including the right to education, health, and an adequate standard of living.

**(e) Non-Discrimination:**Non-discrimination and equality are encouraged by good governance. Policies and actions that show bias against specific groups or individuals due to factors like race, gender, religion, or socio-economic status can infringe upon human rights. It is essential to uphold the principles of non-discrimination to advance and safeguard human rights.

**(f) Responsive Institutions:**Responsive and accountable institutions are essential for good governance. These institutions are more adept at promptly addressing human rights violations, ensuring that individuals have access to justice and remedies when their rights are violated.

**(g) Civil and Political Rights:**Civil and political rights, such as freedom of expression, association, and participation in political processes, receive support from good governance. These rights are essential for the operation of a democratic society and are upheld through the implementation of good governance practices.

**(h) Social and Economic Rights:**Effective governance also contributes to the achievement of social and economic rights, encompassing the right to employment, education, and a satisfactory standard of living. Competent governance can play a part in establishing conditions that empower individuals to experience these rights.

Therefore, good governance and human rights are intertwined, and advancements in one area can positively impact the other. A commitment to good governance principles contributes to the protection and promotion of human rights, fostering a society where individuals can live with dignity and equality. Conversely, respecting human rights principles is a crucial aspect of good governance, ensuring that governance structures and processes prioritize the well-being of all members of society.

## **Indian Context:**

In the Indian context, the interconnection between good governance and human rights holds paramount importance for the comprehensive development and well-being of its diverse population. The principles of good governance are integral to upholding human rights in India. While India has undeniably made considerable progress across various social indicators, the reality remains that a significant portion of its population is unable to attain a dignified existence to which they are entitled as human beings. This is due to issues such as hunger, poverty, disease, malnutrition, lack of education, gender disparities, and other factors. Addressing these issues through good governance practices is essential to safeguard and promote human rights. Strengthening governance structures, ensuring accountability, and fostering inclusivity are key factors in advancing the protection and promotion of human rights across the diverse landscape of



the country. While the constitution of India provides instruments to ensure fundamental rights for every citizen, the implementation mechanism has, unfortunately, been hindered by biases and corrupt practices. As a result, not every citizen has been able to access resources in a fair and equitable manner. This situation has created an enabling environment for the violation of human rights and dignity, and, in many instances, has even jeopardized the security to life as a human being.

As an effort in protection of human rights, India has incorporated a range of fundamental human rights into its constitution as guaranteed fundamental rights. The "Preamble" of the Indian Constitution extensively outlines the goals and ideals of the Indian State in its pursuit of the well-being of its people. The paramount objective is to ensure "justice, social, economic, and political" equality for all its citizens. This succinctly encapsulates the fundamental purpose of any state. The constitutional amendments, specifically the 73rd and 74th, marked a pivotal moment for India as they conferred constitutional status upon decentralized institutions, including Panchayati Raj institutions in rural regions and municipal bodies in urban areas. These amendments signify a significant stride for India in establishing a vertical distribution of powers and ensuring the engaged involvement of individuals at the grassroots level in both decision-making and implementation processes, ultimately contributing to the promotion of good governance.

India upholds the rule of law as a prominent feature of good governance, with considerable efforts made to ensure the independence of the judiciary. The judiciary plays a significant role in safeguarding the fundamental rights of individuals through practices such as Judicial Review, leading to Judicial Activism and Public Interest Litigation, known for its people-friendly approaches. To combat corruption, India has implemented various measures at both the constitutional and policy levels. Institutions like the Directorate General of Income Tax Investigation, Central Vigilance Commission, and Central Bureau of Investigation, along with state-specific entities like Lokayuktas, address complaints from the public against officials and legislators.

Legal frameworks, including the Indian Penal Code, 1860, the Prosecution section of Income Tax Act, 1961, the Prevention of Corruption Act, 1988, the Benami Transactions (Prohibition) Act, 1988, and the Prevention of Money Laundering Act, 2002, work towards preventing corrupt practices. India, as a signatory to the United Nations Convention against Corruption since its adoption by the General Assembly in 2003, is obligated to adhere to its principles. Notable progress includes the introduction of the Right to Information Act in 2005, applicable throughout India except for the state of Jammu and Kashmir, which has its own Right to Information Act.

## **Conclusion:**

The safeguarding and advancement of human rights necessitate a supportive environment with appropriate regulations, institutions, and state actions. Good governance policies should strive to empower individuals for a life of dignity and freedom. Good governance and human rights are interconnected and mutually reinforcing, with shared core principles like popular participation, accountability, transparency, and state responsibility. Human rights empower people, enabling their active roles in communities and providing a legal framework for participating in public affairs and asserting their rights. Governance systems should prioritize respecting, protecting, and



fulfilling civil, economic, political, and social rights, potentially leading to economic growth and development. The rule of law, supported by a strong legal framework, is indispensable for government practices that promote and safeguard human rights. States, as primary duty-bearers, are obligated to adopt various measures, including legislative and socio-economic actions, to uphold human rights. The interplay between good governance and human rights is characterized by the mutual value they add to each other.

In the context of India, beyond constitutional provisions, efforts have been made in various states to reform governance for the promotion of good governance, aiming to accelerate economic growth and protect human rights. However, for various reasons, achieving this goal remains elusive. Issues such as mismanagement, corruption, the criminalization of politics, lack of collaboration between citizens and civil servants, and insufficient awareness among the populace contribute to this challenge. Nevertheless, to safeguard the human rights, especially those of marginalized groups, India must create conducive conditions for the enjoyment of these rights, and this can only be achieved through effective good governance. Therefore, the interconnection between good governance and human rights is crucial.

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