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# GOOD GOVERNANCE

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## ABSTRACT

*This essay discusses the importance of good governance in dealing with the COVID-19 pandemic. It highlights the need for effective leadership, bridging cultural divisions, and holding government authorities accountable for their actions. The author argues that while technical capacities and solutions are essential, they are not enough to combat such crises. The essay explores the administrative crisis caused by the pandemic, including issues like unemployment, healthcare system overload, and the plight of migrant workers. It emphasizes the role of the government in addressing these challenges and meeting the legitimate expectations of the citizens, such as affordable healthcare, mental health support, food security, and continuity of education. The conclusion stresses the significance of good governance, leadership qualities, and prioritizing the welfare of the people in times of crisis like COVID-19.*

## 1. INTRODUCTION

The COVID-19 pandemic has brought to human civilization an unexpected situation that drowned them in oceans of uncertainty and fear about their future and health safety. In the recent decade, the world has experienced many outbreaks, like the emergence of HIV-AIDS, avian influenza, Ebola, and now covid. Moreover, scientists have repeatedly warned that new outbreaks will continue into the future. So why even after such predictable prognostication and technical capacity we failed to fetter the devastation of the Covid and in the 21st century COVID-19 caused such havoc and took millions of lives?

We have focused too exclusively on finding technical capacities and solutions as the answer. While innovation and technology are essential, they are not enough. What covid is telling

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us is that we need to focus more on fundamental questions such as governance, leadership, and bridging cultural divisions if we are going to do better. So, responsibility and duty of authorities at every level - policy-makers, scientific and administrative agencies become quintessential in the battle against the national catastrophe.

In times of crisis such as the current COVID-19 pandemic and its economic and social repercussions, public governance matters more than ever. COVID-19 pandemic exacerbated the systematic nature of today's crises and the severe effect they can have on our societies and economies. Managing such crises cautiously and addressing their socio-economic repercussions requires audacious policy action to sustain functioning medical healthcare systems, guarantee the continuity of education, preserve and protect dwindling businesses and jobs, and protect the turmoiled financial markets. Political leadership at the centre and the state and good governance are essentials to sustain the complex political, social and economic balance of adopting containment measures to reduce the impact of the pandemic while ensuring the provision of essential services and help in recuperate the annihilated economy. Such leadership intertwined with good governance is quintessential for maintaining citizens' trust in government.

## 2. GOOD GOVERNANCE: ADMINISTRATIVE VACCINE AGAINST COVID-19

Good governance is not just about the efficient and effective administration in a democratic framework and utilization of resources in a transparent and judicious manner but also to hold the government and the administrative authorities accountable for non-compliance of duties entrusted to them. It is fundamental to the rule of law that the government to be held liable and answerable for the duties bestowed. Equality before the law as enshrined in Article 14 of the Constitution is an important facet of rule of law, which is part of basic structure of the Constitution as observed in the case of *Indra Nehru Gandhi v. Raj Narain*<sup>2</sup> and *Kesavananda Bharti v. State of Kerala*<sup>3</sup>. Although the term "good governance" is not explicitly mentioned in the Constitution itself but the Constitution contains all the essential features of good governance such as Fundamental rights, directive principles of state policy and provision of checks and balances.

The role of government and good governance become significant to shield the citizens from the curse of the Pandemic and to increase the trust in the government and the

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<sup>2</sup> (1975) AIR 865

<sup>3</sup> (1973) 4 SCC 225

administrative authorities. Good governance is a fundamental right of the citizens as observed by Justice N. Santosh Hegde in Justice S. Ragaranjan Memorial Lecture. Article 300 of the Indian Constitution empowers that the Government can be sued like any ordinary person. In the case of *Peninsular and Oriental Steam Navigation Company v. Secretary of State of India*<sup>4</sup>, court observed that government can be held liable for non-sovereign functions. Supreme Court recognized the liability of the state to pay compensation when fundamental rights of the people had been violated by the state or the officials of the state in the case of *Rudal Shah v. State of Bihar*<sup>5</sup>.

Good governance necessitates an administration that is sensitive and responsive to the needs of the people and is effectual in coping with emerging challenges by framing and implementing appropriate laws and measures. This is essential to promote national resilience and preserve well-being with flexible, innovative and efficient responses at the highest level, while coordinating and collaborating with the state governments and local governments.

### 3. COVID AND ADMINISTRATIVE CRISIS

The start of outbreak was marked by a great deal of uncertainty and confusion. Surrounded with the clouds of uncertainty and lack of information about the virus the government imposed a strict lockdown and requested with penal provisions<sup>6</sup> to shelter in place and avoid all human contact.

Since the onset of the pandemic, there have been growing concerns over the rising unemployment rate, rising wealth disparities, and increasing casualization of the workforce. Unemployment rate touched its peak and Millions of people lost their jobs and find it harder to get employment. Daily wage workers and tourism industry was hit worst by the pandemic.

We have seen frustrated and anxious population, especially the powerless population. There was oppressive anger and moral outrage when the government imposed a sudden lockdown and allegedly failed to provide the citizens their basic rights and necessities,

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<sup>4</sup> (1861) 5 Bom. H.C.R. App. I,p.1

<sup>5</sup> (1983) 4 SCC 14

<sup>6</sup> The Epidemic Diseases Act, 1897

treatment to the vulnerable, and stigmatized the covid positive. One of the consequences of lockdown measures in the country is that it left migrant workers stranded in cities with no work, no money to pay their rent, no food and no transport had led to an unprecedented exodus of workers and families from large urban to rural India. Covid-19 was a tragedy and pernicious for migrant laborers. They were stigmatized and unjustly blamed for the spread of the virus even after being worst affected by the virus. Many migrants lost their life because of starvation, suicide, exhaustion, road accidents, police brutality and denial of timely medical care. There are many factors which are responsible for this gross injustice to the daily wage migrant workers inter alia lack of planning and coordination in the scale of its implementation of lockdown, sudden lockdown, forsaking stranded migrants and workers, apathetic attitude of the government and police towards migrants ambulating their home, convoluted convey policy and charging exorbitant fare from destitute workers.

Due to capricious lockdown and *infodemic* we have seen panic buying and storing of oxygen and essential medicines causing lack of oxygen in the hospital for the critical patients. Panic buying caused by the sense of scarcity, lack of trust in government action, rumours caused and anticipation of price hike caused shortage of necessary goods which further caused hoarding, black-marketing of medicines and other essential goods and covid related equipment.

Private hospitals started practicing daylight robbery. Desperate families were fleeced by ruthless doctors over online consultancies. This conveys the full depth and range of the trauma, the chaos and, above all, the indignity that people were being subjected to because of the lack of intervention and inappropriate measures by the government.

Many alleged that the mix of the Disaster Management Act, 2005, Section 144 of the CrPC and the century old Epidemics Act<sup>7</sup> is being used as sedition law, which further invoked to criminalize criticism and dissent against the government for handling the covid crisis, which is antithetical to the Article 19(a) of the Indian Constitution which grants citizens right to freedom of speech and expression. Freedom of speech and expression lay the foundation of all democratic organization as observed in the case of *Romesh Thapper v. State of Madra*<sup>8</sup>. Public criticism is essential for the efficient working of the institutions and this right requires free flow of opinion and ideas essential to sustain the collective life of the

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<sup>7</sup> The act was amended by way of an ordinance in April 2020. The amendment aimed primarily at protecting healthcare personnel engaged in combating the coronavirus and expanded powers of the central government to prevent the spread of such diseases

<sup>8</sup> [1950] S.C.R. 594

citizenry as observed in *S. Khushboo v. Kanniamal & Anr.*,<sup>9</sup>

#### 4. LEGITIMATE EXPECTATIONS FROM THE GOVERNMENT DURING COVID

Covid-19 pandemic was a thunder happening in the middle of a sunny day. Unanticipated contagious virus briskly spread all over the country and caused havoc and devastation. It toppled the already overburdened and wrecked healthcare system. Nonetheless, the public still should be able to expect certain basic steps from the government like affordable and efficient healthcare for the people if they get sick from the outbreak. There is constitutional obligation on state for aiding and providing proper healthcare services to the citizens of the country *State of Punjab & Ors v. Mohinder Singh Chawla*<sup>10</sup>. State is responsible for maintaining adequate healthcare infrastructure in the country as observed by the apex court in the case of *State of Punjab & Ors. v Ram Lubhaya Bagga*<sup>11</sup>. Right to health is a facet of Article 21 of the Constitution as observed by the honorable Supreme Court in the case of *Bandhua Mukti Morcha v Union of India & Ors.*<sup>12</sup> It is the primary duty and obligation of a welfare state or a democratic government to provide adequate medical facilities for its citizens as interpreted by the court in case of *Paschim Bangal Khet Mazdoor Samity & Ors. v. State of Bengal & Ors.*<sup>13</sup> In the case of *Parmanand Katara v. Union of India*<sup>14</sup> court observed that maintenance and improvement of public health is indispensable. So right to health requires Government to undertake positive action and utilize financial and human resources to take decisions on triaging patients in primary health care, testing and tracing, the provision of essential medical goods and lockdown measures and also the government is not only obligated to take care of Covid-19 patient but also the neglected patients suffering from diseases other than Covid-19.

Covid-19 also caused mental health epidemic which was accompanied by a massive *infodemic* and misinformation and it made the pandemic worse and caused distress, anxiety, depression, disorders and emotional drainage. A decrease in social integration and interaction during covid- 19, social isolation, economic deprivation and the fear caused by

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<sup>9</sup> (2010) 5 SCC 600

<sup>10</sup> (1996) 113 PLR 499

<sup>11</sup> (1999) 1 SCC 297

<sup>12</sup> (1997) 10 SCC 54

<sup>13</sup> (1996) AIR SC 2426

<sup>14</sup> 1989 SCC (4) 286

it increased suicide rates. Therefore, role of government became significant and it is required to take care of those experiencing mental health problem with effective care. But there is an absolute lack of integrated mental healthcare infrastructure in the country. Covid has definitely emerged as an eye-opener challenging the present situation highlighting that India's mental healthcare system crisis.

Covid-19 pandemic led to livelihood crisis. The pandemic resulting unemployment has made India's hunger crisis worse. It has aggravated already existing inequalities, pushing millions of people into the vicious cycles of economic stagnation, loss of livelihood and worsening food insecurity. The pandemic became a nutrition crisis, due to disrupted food patterns and income loss. In the landmark judgement of *People's Union for Civil Liberties v. Union of India & Others (PUCL)*<sup>15</sup>, the Supreme Court explicitly established a constitutional human right to food and buttressed the argument that right to food is an important constituent to maintain Article 21 of the Constitution of India, which ensures the fundamental and human right to "life with human dignity." So, it became obligatory on the part of the government to provide food and ensure access to the minimum essential food to the citizens.

State is liable to ensure the continuity of education. The Supreme Court in the case of *Mohini Jain v. State of Karnataka*<sup>16</sup> and *Unnikrishnan vs. State of Andhra Pradesh*<sup>17</sup> held that right to education is a fundamental right and is an offshoot to the right to live under Article 21. Pandemic has created the crisis to the education. Role of government became significant to build education system that is equitable, effective and resilient to education dispensation during covid-19 even when there is lack of infrastructure and accessibility of the computers and smartphones to the households.

Accessibility of vaccine became crucial to combat the pandemic. Vaccination is one of the most cost-effective survival interventions and extending the free vaccine to every individual in the country. In order to ensure complete equity in the availability and accessibility of the vaccine, it is needed to dispense the vaccine for free to all. It is incontrovertible fact that digital divide in India, particularly between the rural and urban areas. Serious issues of the availability of bandwidth, connectivity and lack of digital

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<sup>15</sup> AIR 1997 SC 568

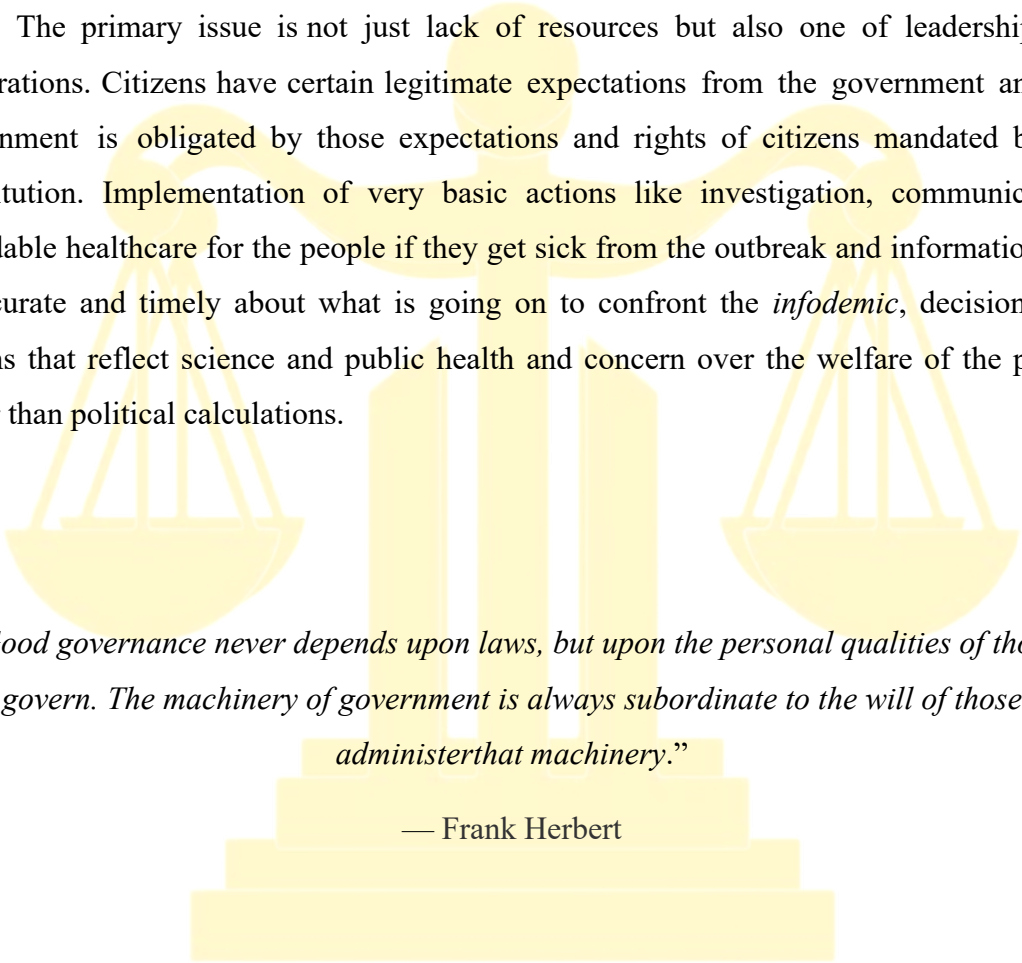
<sup>16</sup> 1992 AIR 1858

<sup>17</sup> (1993) 1 SCC 645

literacy pose challenges to digital penetration. Vaccination policy exclusively relying on a digital portal for vaccinating led to brunt accessibility barrier to the marginalized sections of the society. This could have serious implications on the fundamental right to equality and the right to health of persons.<sup>18</sup>

## 5. CONCLUSION

Good governance obliges the State to perform its functions in a manner that promotes the values of efficiency and responsiveness to society. Especially, in the times of crisis like Covid-19 good governance and public administration become important to combat the crisis. The primary issue is not just lack of resources but also one of leadership and preparations. Citizens have certain legitimate expectations from the government and the government is obligated by those expectations and rights of citizens mandated by the constitution. Implementation of very basic actions like investigation, communication, affordable healthcare for the people if they get sick from the outbreak and information that is accurate and timely about what is going on to confront the *infodemic*, decisions and actions that reflect science and public health and concern over the welfare of the people rather than political calculations.



*“Good governance never depends upon laws, but upon the personal qualities of those who govern. The machinery of government is always subordinate to the will of those who administer that machinery.”*

— Frank Herbert

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<sup>18</sup> In Re: Distribution of Essential Supplies and Services During Pandemic Suo Motu Writ Petition (Civil) No.3 of 2021