

CHAPTER- 4.

Good Governance in Multicultural Context of India

Whenever we talk about the Good Governance as we may trace that most of the features of a good governance are concerned with the sustainable development of a society¹. On the other side, Multiculturalism has concern for the upliftment as well as recognition of groups of people who are considered as marginalised and other nation's people in a majoritarian society. *Nancy Fraser (2003)* also says that- "***Economic and Social rights are meaningless without having a right to recognition***". The indication of such statement may be recognised to the approach of Good Governance, in multicultural context. As has defined above Good Governance is concerned with the sustainable development of a country, and sustainable development based on the parameters of the Inclusive Growth, as it includes the development of every section of the country. As Inclusive Growth graph presents the development status of a country. On the other side, the paradigm of multiculturalism is based on positive equality as it includes recognition of a number of political, social and economic rights of inhabitants in the given territory.

A country with its ideal of Good Governance consists the features of accountability, efficiency, transparency, equity, as well as participation of the people for the purpose of promoting the rights of its citizens and the public interests of them. A Good Governance would indicate the existence of political will for ensuring the material welfare and sustainable development of a society with social justice². Whether multicultural societies consists the issues of recognition of those groups of people, which are seen as immigrants, marginalised and deprived from nation's mainstream.

Multiculturalism as a concept would imbibe equality, diversity, harmony, opportunity for all sections of the society without any discrimination³. It refers to pluralism, which is largely religious and ethnic but carries linguistic, behavioural and cultural elements. In democratic societies such in the context of India, ethnic or cultural protection has a subservient role to play with reference to constitutional mandate of peace, stability and Good Governance.

In *Hindu Nationalism: A Reader*, by Christophe Jaffrelot, it was defined that Indian secularism as defined by the constitution of India is rooted in the multicultural idea as it denies all kind of discrimination related to the religious affiliations⁴.

Good Governance is a concept of Governance to ensure the 'Sustainable development' of every sphere of a particular society. Generally democratic countries in present time, leads the propoganda to ensure the ideal of Good Governance in their regimes. Good Governance stresses on the overall development of people's life, either social, political, economical or cultural life of them. It's aim is to make high living standard of people's life, residing in a country. On the other side a Multicultural sphere of a particular society, includes the diversities of cultures or life styles of it's people⁵.

Multicultural society embodies the ideal of "Unity in Diversity" and Indian democracy has considered such ideal as it's philosophy of Governance. Indian democracy provides Rights of liberty and equality in the social, political,cultural and economic spheres to it's citizens.

A multicultural society ensures the recognition and identify the people's differences, based on culture, ethnicity, language, race, religion, region etc. Whether the term '*Multicultural*' refers to the '*Cultural-diversity*' . Further it also refers to the existence and identities of diverse cultural groups, marginalised and immigrants sections of the society, who are considered as the Minority, among the majoritarian population of a country.

4.1 Historical Background of Multiculturalism in India -

India being a plural society recognises the diverse cultural and social rights within constitutional provisions. Multiculturalism is based on integration not on segregation. As could be seen through the hisory of Indian independence, which bears ample testimony of the fact that the - concept of segregation and bitter experience of religious conflicts, which intermittently arose in about 150 years of British Rule in India, led to the demands for special care and protection of religious and cultural rights. In the history India, was ruled by British because of the same multiculturalism, where they used "*Divide and Rule*" concept, where the differences in these cultures were used to rule over Indians. But in a broader concept Indian people has realized

broader concept of multiculturalism that is their strength and as the saying goes-
“**UNITED WE STAND, DIVIDED WE FALL**”⁶.

Some how in the current scenario the differences in the different cultures are being used by some political powers to again gain political mileage. However, the Constitution of India has made an attempt to recast the age - old multicultural fabric of India⁷.

It must be point out that - India has played an important role by adopting and ratifying the United Nations General Assembly's declaration on “**Right to Development**” of 4th December, 1986. This Right to Development has further strengthened the Multiculturalism in India, within Constitutional framework. The Preamble of the *United Nations declaration* has recognised that - “**all human rights and fundamental freedoms are indivisible and interdependent**”. That was the time after the Cold war, democratic countries of the world recognised six most obstacles to development and complete fulfilment of human beings as denial of civil, political, economic, social and cultural rights⁸.

Then the need to promote this development of human rights, emerged. India's commitment to International forum reiterates constitutional proliferation of multicultural society of India. The leaders of Indian Freedom Struggle, Like- Mahatma Gandhi's concept of *Sarva Dharma Samabhava* (equal respect for all religions) goes far beyond the concept of multiculturalism. In fact, it has well be taken as a positive and constructive multicultural approach, which offers a way out of the present cultural, religious and ethnic conflicts and cleavages.

The Kerala Education Bill, the Supreme Court of India, has observed that while it was easy to say that the minority meant a community which was numerically less than 50%, the important question was 50% of what- the entire population of India or of a State or of a part thereof? A community might be in majority in a State, but it might be a minority in the whole of India. A community might be in majority in a State, but it might be a minority in the whole of India. A community having concentration in a part of the State would be a majority there, though it may be in a minority in the State as a whole. If a part of a State is to be taken then the question would be where to draw a line and what unit would be taken into consideration- a district, a town, a municipality or its ward. The Supreme Court observed that minority was to be

determined only in relation to the particular legislation which was being challenged. Like such case, the Court in *A.S.E. Trust v/s Director Education Delhi Adm.* has pointed out that the sections of one religion cannot constitute religious minorities. The term “minority based on religion” should be restricted only to those religious minorities, e.g., Muslims, Christians, Jains, Buddhists, Sikhs etc., which have kept their identity separate from the majority, namely, the Hindus .

It has been held by the Eleven Judges Bench of the Supreme Court of India in *T.M.A. Pai Foundation v. State of Karnataka*, that a minority, whether linguistic or religious, is determinable only by reference to demography of the state and not by taking into consideration the population of the country as a whole⁹.

4.2 Multicultural context of Indian Democracy : Constitutional Perspective

In contemporary world, one of the important ideal of a democratic state is the notion of ‘Cultural diversity’. India is among the most diverse democracy in the world. Various religions, cultures, faiths, languages and social milieu of Indian society, reflect a very fine aspect of Indian Multiculturalism. Indian Multiculturalism is not defined by any particular community, religion or region rather it is a matrix of different values, traditions, customs and languages of it’s heterogeneous cultures, religions, sects etc¹⁰. As being a liberal democracy, Indian democracy provides recognition to it’s vast diverse ethnic - groups and religious - groups with group - differentiated rights. Indian Multicultural context revolves around the various issues regarding the cultural identity, pluralism, minority rights in public space, individual rights and group rights and recognition of them in majority. It stresses on equality of different cultures and argues that, all cultural communities must be entitled for the equal status in the public sphere. India can claim to be the largest multicultural society in the world, where people live with diversities of life styles. All the major religions, Buddhism, Christianity, Hinduism, Sikhism, Zorostrianism, have a large number of followers in India. But the plurality of cultures also has to fight with the enemies, who try to enforce ‘Homogenization’ of one kind, to another. Indian governance being a Constitutional Governance by nature, has limitation on Multicultural activities through constitutional mandate also.

Therefore during the making of the Constitution of India various provisions regarding to maintain the secularist nature of the country and the multicultural tolerance of the Indian society, were framed by the constitution architects. For example - Fundamental Rights, Directive Principles of State Policies of the Indian Constitution reveals the provisions regarding Minorities' rights and protection of their recognition in the majoritarian population of the Indian democracy¹¹.

The most important event after Independence has been the drafting of the Constitution of India enshrine the principles of equality, liberty and social justice. The Constitution of India has certain provisions relating to minorities. It makes special provisions for the treatment and development of minorities in every sphere of life¹².

The Preamble of constitution of India, does not discriminate between minority and majority, it treats them alike. The Preamble contains the quintessence of the Constitution and reflects the ideals and aspirations of the people. The preamble contains the goal of equality of status and opportunity to all citizens. The aspect of social justice is further emphasized and dealt with in the Directive Principles of State Policy. It declares India as a Democratic, Republic, Socialist and Secular Nation, which reflect the soft corner of Indian democracy⁶. The term 'Secular' refers to the soft attitude for the religious or cultural diversities in the country. It is generally agreed that modern democracies have to be Secular. Secularism involves a complex requirement. As it has three categories, as defined following-

1. **Liberty**- It is about the Free Exercise of Religion. No one must be forced in the domain of religion or basic belief. This is what often defined a religious liberty, including of course, the freedom not to believe.
2. **Equality**- There must be equality between people of different faiths or basic belief, no religious outlook can enjoy a privileged status. Let alone be adopted as the official view of the state.
3. **Fraternity**- All spiritual families must be heard, included in the ongoing process of determining what the society is about and how it is going to realise these goals. These goals corresponds fraternity.

Article 14 of the constitution deals with Equality before Law, that- "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." The Preamble of the Constitution itself declares that all

people irrespective of their caste, class, colour, creed, sex, region or religion will be provided with equal rights and opportunities. **Articles 15(1)** and **15(2)** prohibit discrimination on grounds of religion. **Article 25** promises the right to profess, propagate and practice religion. It is clear that there is no legal bar on any religious community in India to make use of the opportunities, such as the educational, economic, etc., extended to the people. It is true that some religious communities, like- Muslims, Christians etc. have not been able to avail themselves of the opportunities on par with other communities. The Preamble of the Constitution describes the concept of secularism which means that the State has no religion of its own, and there is equal respect for and protection to all religions. No one is to be discriminated on grounds of religion and everyone is guaranteed full and equal freedom of religion.

Fundamental Rights in the Constitution of India, are the Human rights, entitlement of every citizen of the country, belonging to majority or minority community and it has been made enforceable as fundamental rights of India. In *Maneka Gandhi v/s Union of India*, **Justice Bhagwati** said that- ***“These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent.”*** The special features of fundamental rights which are guaranteed to all citizens irrespective of their minority status are as following-

1. Right to equality (Articles 14 and 15)
2. Right to freedom (Articles 19–22)
3. Right against exploitation (Articles 23–24)
4. Right to freedom of religion (Articles 25–28)
5. Cultural and educational rights (Articles 29-30)
6. Rights to constitutional Rights (Articles 32–35)
7. Recognition and protection of minority rights under a legal framework

These Fundamental Rights, of the Constitution have two- fold objectives-

1. Firstly to prevent state from being oppressive against the minorities as in a democratic setup government is run by majority.
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2. Secondly to provide the minority a protective zone, whereby they can preserve their separate identity while contributing in national development and progress.

According to **Article 29(1)**, any sections of the citizens, residing in any part of India having a distinct language, script or culture of its own has the right “to conserve the same”. Article 29(1) does not refer to any religion. Article 29(1) includes the right “to agitate for the protection of the language.

Article 30(1) gives the linguistic or religious minorities the following two rights as, the right to establish and the right to administer educational institutions of their choice. Article 30(1) of the Constitution of India gives linguistic and religious minorities a fundamental right to establish and administer educational institutions of their choice. These rights are protected by a prohibition against their violation. The prohibition is contained in **Article 13** of the Constitution which declares that any law in breach of the fundamental rights would be void to the extent of such violation. The benefit of Article 30(1) extends only to linguistic or religious minorities and not to any other section of the Indian citizens. Although, Article 30(1) does not speak of citizens of India, however, it has been held that the minority to claim the protection of this Article must be a minority of persons residing in the territory of India. The Supreme Court in ***Bramchari Sidheswar Shai v/s State of West Bengal***, held that Ramakrishna religion was not distinct and separate from Hindu religion and not minority religion. Therefore, citizens of India, who are the followers of Ramakrishna religion could not claim to belong to a minority based on religion and as such were not entitled to the fundamental right under Article 30(1) ¹³.

Though Article 30(1) provides rights to the minorities to establish educational institutions but it is not an absolute right and may be subject to reasonable restrictions. The Supreme Court in ***T.M.A. Pai Foundation v/s State of Karnataka (1993)*** held that any regulation framed in the national interest must necessarily apply to all institutions, whether run by the majority or the minority. It is further observed that the right to administer an educational institution includes the right to take disciplinary action against the teachers and other employees. A law regulating the manner of the functioning of its managing body would be not violative of the right under Article 30(1).

Article 30(1) also postulates that the religious community will have the right to establish and administer educational institutions of their choice meaning thereby that where a religious minority establishes an educational institution, it will have the right to administer that. The right to administer has been given to the minority, so that it can mould the institution as it thinks fit, and in accordance with its ideas of how the interest of the community in general. The court held that the word administer and establish have to be read conjunctively.

In Andhra Pradesh *Christian Medical Association v/s Government of Andhra Pradesh (2013)*, the Supreme Court of India, emphasized that the object of the Art. 30(1) is not to allow bogies to be raised by pretenders. The institution must be an educational institution of minority in truth and reality and not mere masked phantoms. Article 30(2) debars the State from discriminating against minority institutions in the matter of giving grants.

Apart from the provision in the Constitution, Government of India has undertaken a number of initiatives for educational development of minorities, at all levels of elementary, secondary and higher education and in all sectors including vocational, professional and technical education. Apart from the Pre-Matric and Post- Matric Scholarships, Merit-cum-Means Scholarship Scheme and Maulana Azad Fellowship Programme, which are being implemented by the Ministry of Minority Affairs, Ministry of Human Resource Development is also implementing the *Scheme for Providing Quality Education in Madarasa (SWQEM) and Infrastructure Development in Minority Institutes (IDIM)* exclusively for the benefit of the minorities ¹⁴.

The Constitution has not defined the term “**minority**”, but it has provided all rights to minorities. In certain circumstance it has categorically stated that such right though not absolute, but is meant only for minority class for their protection. Under Article 30(1) when the court spelled out that the words administer and establish must be read conjunctively, it is a classic example that has been proved that they have been given absolute right to mould their institution in consonance with the interest of their community and with the law of the land. The Constitution has been time and again trying to protect the minorities by providing various benefits, but still the fear of communal tension, poor representation and lack of protection lingers in their mind.

The main aim of law should be to instill the confidence in the mind of such minorities that their legal rights will be protected and they will be treated in par with the majority and there would be no discrimination between citizens.

4.3 - Multicultural aspect of Indian society -

India is the largest diverse society in the world. Various religions, cultures, faiths, languages and social - milieu of India, reflect a very fine aspect of Indian Multiculturalism. The Indian Multiculturalism is not defined by any particular community , religion, region rather it is a matrix of different values, traditions, customs and languages of it's heterogeneous cultures, religions, sects etc. Indian society represent it's Secular nature, as provided by the Constitutional provisions of the country. Scholars of the Social Sciences, specially the Sociologists centred their concern on that –*What does Multiculturalism mean? How does it affect the Indian Society?*

It is important today to understand multiculturalism in the context of changing character of nation states which is marked by the absence of any single national identity. While some view it as a panacea for the growing menace of divisiveness in the world, while others take it as a challenge for their dominant culture and nationhood. India, being a Multicultural society, has Secular perspective towards cultural or ethnic diversities. Constitution of India, provides a field to develop one's own belief and way of life.

In simple term we may specify Multiculturalism as coping up and living with other cultures. This means acknowledging, accepting and encouraging different cultural customs. The idea of multiculturalism can vary from giving equal rights to all cultures to accommodating cultural minorities.

4.4 - Link between Good Governance and Multiculturalism in India

Indian Multiculturalism consist the idea of “*Unity in Diversity*”. It is considered that- there may be many model of a Good Life, but their operation is only possible in a Multicultural-order. Indian Multiculturalism promotes the vigorous and health of

society. Each Culture reflects a particular range of human-capacities and attitudes. It argues that-“Successful societies must be based upon shared Values and a common-Culture”. It demands Respect for all Cultural-traditions.

Irshad Manji (2016) has said that- Indian Multiculturalism sets- out two fundamental principles, such as the following

1. All citizens are equal and have the freedom to preserve, enhance and share their Cultural-heritage.
2. Multiculturalism promotes the full and equitable participation of Individuals and Communities, of all origins in all aspect of the society ¹⁵.

As defined above, we may say that-Multiculturalism of Indian society stand for the Unity, Equality, Liberty and Rights or Recognition of Specified Cultural groups or Community, having Religious and Ethnic differences. Such features are the integral or essential features of a Good Governance. Good Governance consist the features, Transparency, Equity, Responsiveness, Participation, Efficiency, Effectiveness, Orientation of diversity, Strategic vision on Historical, Cultural and Social-complexities ¹⁶. Indian society, being a land of Multiculturalism and Good Governance, inherits the ideal of ‘*Unity in Diversity*’. As **Irshad Manji (2016)** in her book ‘*Allah, Liberty and Love,, The Courage to Reconcile Faith and Freedom*’ has defined such Diversity as “*If you love Diversity then also love the fact that- all of Us, will have a different point of view and that We should be willing to engage one another in point of view. If we avoid asking each-other, searching questions, then in-effect, We are doing infantilizing one-another and treating one-another like children, that is not Respect and dishonest to diversity*”.

The society of India inherits such diversity in Unity, while providing Recognition and Specific Identity of diverse cultural or ethnic groups of People or Communities in the Majority population¹⁶. As Indian democracy always concern with the fulfilment of the ideal of Good Governance. And such elements are essential equipment for ensuring Good Governance. As far as India is concerned with Diversity in cultures and

traditions, the effect of such a Multicultural society may identified from such features, which are as following-

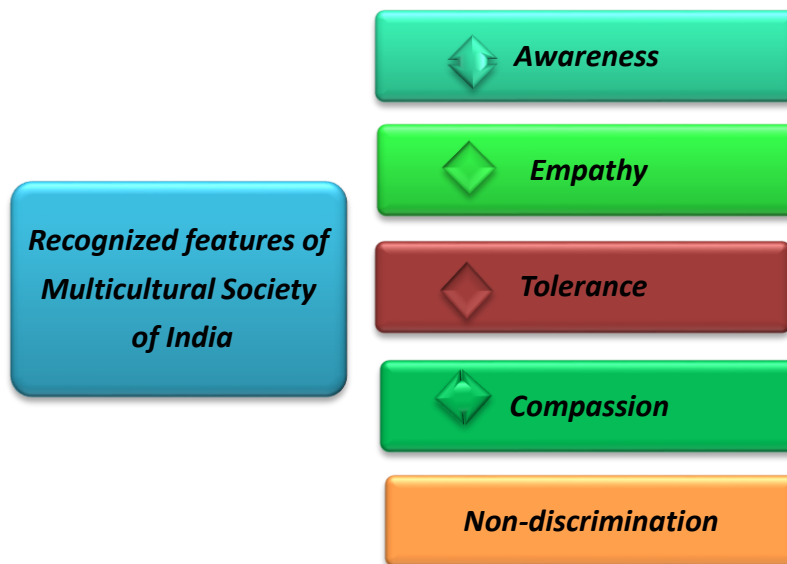


Figure - Recognized Features of Multicultural Society of India

- 1. Awareness-** Indians are subconsciously more aware about other cultures. Indian with its colorful history knows more about religion such as Islam or Buddhism.
- 2. Empathy-** The awareness subtly contributes to an understanding about other's viewpoint. We tend to be more accustomed to think what others think and why. This is a big factor for national harmony.
- 3. Tolerance-** This has also resulted in a greater tolerance for other cultures. It is not uncommon to see a Jain pure veg - restaurant side by side with a Mughlai restaurant, known for its non veg-cuisine one.
- 4. Compassion-** Indians have by default an implicit compassion for other cultures. There is after all a region that Indian NRIs are happily living in all geographies of the world.

5. Non-discrimination- Indian democracy does not recognize any discrimination in matters of Public as well as Personal life of an Individual. The Constitution of India consist the equal opportunities in all spheres of the country, either in political, social, cultural, religious or economical. No discrimination based on caste, race, religion, region, economic-status, ehnic inhabitants or culture, is allowed by Indian Constitution, before law and in matter of employment or government service ¹⁷.

However, there are few parameters which can actually define the link between the Good Governance and Multiculturalism. Knowing the parameters would facilitate comparison and understanding of both these concepts. The *Eleventh Five Year Plan* of Indian Government has outlined six characteristics of democratic governance, with the ideal of Good Governance as following are-

1. Free, fair and timely Elections in all spheres of political authority.
2. Transparency and accountability of all institutions of the state to its citizens.
3. Efficient and effective delivery of socio-economic public services.
4. Effective devolution of authority, resources and capabilities to PRIs and municipalities.
5. Rule of law, where legal rights are clear and understood, and legal compliance and enforcements of those rights is time-bound and swift.
6. Needs and interests of hitherto Excluded-sections of society are privileged and included, with dignity.

As defined above, such parameters are somewhat, having some ideals for ensuring Good Governance in the multicultural context of a particular democracy. For example- needs and interests of the excluded sections of the society are included while framing any public policy in the country, this factor is what Multiculturalism stand for.

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