

Constitutional Law and Public Administration in India

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Week- 10

Lecture-03

Role of Public Policy in Public Administration – I

The Role of Public Policy in Administration, Statutory Corporations and Public Sector Undertakings are relevant for study. There also are primary concerns with regards to public importance of public policy for a robust country like India, the parts and various dimensions of public policy, the parts of public policy and the significant role that it plays in the nature and functioning of the government. The definition of public policy has been given by various authors and public policy academicians; however, interpreting as to what public policy is and its significance occupies a primary place in the realm of public policy in public administration. Robert Eyestone states public policy as ‘the relationship of government units to its environment’. Thomas R Dye says, ‘public policy is whatever the government chooses to do or not to do.’ It is a proposed course of action by the government providing opportunities and overcoming obstacles to reach a goal. Thus, public policies are governmental decisions. But it doesn’t end here. It goes a step ahead and sees how the government actually functions. So, the manner in which a government functions is determined on what policy the government of the day is applying.

It can be for various facets and for various reasons. The relationship of the government with its environment means with its people and with the other bodies that are there in the government. There is a Central Government, there is a state government. There are governments in the rural sector and the panchayats. This entire ecosystem work is the backbone where the public policy of the government comes into picture. Where it is mentioned that public policy is what the government chooses to do or not to do, choosing the government is not a one-day thing. This choosing of the government is based on a policy that it works upon. It is the undertaking of the policy primarily and then how the government actually thinks to act in a particular direction. That is what matters most in the public policy domain. Now, if the government wants to change a particular course of action, providing opportunities and overcoming obstacles to reach a goal, how the government will actually achieve it is determined on the manner in which the government focuses its public policy to be. Though the definition of public policy defines it in a few words and is small, the interpretation of public policy is quite large.

How public policy is determined or the importance of public policy for nation building, has a multi-dimensional approach because the entire functioning of the nation depends on the nature of the public policy and how the government of the day is planning out its public outreach. So public policy and public outreach, both play a significant role in this direction. Further, the activities that the government undertakes to provide various welfare schemes, is again based on the ideology and how the government wishes to function. And every government around the world has a course of action. They do plan a course of action. The course of action is based on the public policy that it has determined that this is the policy that the government will be focusing on, or this is the manner of action. The government will have a course or manner for giving welfare schemes to the people. It would be children centric, or women centric, or elderly people centric and the elderly citizens would be at the forefront of a government's policies. So, all these are policy decisions. But to make these decisions, there is a wide range of institutional happening and people and brains that are involved.

This requires a very close interaction and relation between various governmental agencies because policies may be thought in one person's mind, it can also be formulated by a few. But to implement the same policy, you require a large number of people. The large number of people eventually will go on and carry out the envisioned policy in the way it was thought and the same being implemented. There are some cardinal approaches to and the differences between a policy and a decision. Policy is something that may be quite vague, not very firm, or not be there on paper. Policies are generally the dreams and ideologies and the direction in which a particular government plans to work out in a phased manner. Whereas a decision is a choice that is made from the alternatives that are available. Decisions are prompt, they are taken on a day-to-day basis. Policies are formulated and on the basis of the policies, in the manner in which the policy is formulated, the decisions will be based upon the policies.

So, one is acting as the back front, one is playing at the back foot and decisions they play on the front foot on a day in and day out basis. Policies include a series of decisions. Only then can you arrive at one particular policy that the government of the day decides to take it forward. Decisions on the other hand, are a single time action. For instance, a decision taken by the collector of a particular district to plant trees on both sides of the road. This is a decision, but it may be based on a policy that will ensure that the people do not face any kind of difficulties. There is a rise in temperatures, and it will be ensured that if there are bypasses or if there are the common people who are walking on the footsteps, they get tired, there are benches, there are proper footpaths and there are roads and there are trees that provide shade. So, this is a policy initiative that is being taken care of by that one decision of the collector through a single time action. So, policies form over a long period of time over people coming together, deliberating, and then finally finalizing on a point. On the other hand, single time actions are one-time actions taken.

Policies are long-term perspectives. It may be to develop the nuclear program in India. When the ISRO was being formulated or when the space program was being formulated in India during the 1950s, there were debates from both sides. There was a Professor Vikram Sarabhai who wanted that India leads into the space rush, that India also joins the space club and there were other people in the cabinet and in the government who were focusing on the point that majority of the people in India do not have food, clean water and shelter. The question was, when you do not have food, water and shelter, a proper shelter, why focus on things that are not currently important. But, if we see Dr. Sarabhai who is known as the founding father of India's space program, what he started then is, today, a robust organization in our country, one of the leading space organizations in the world, the Indian Space Research Organization. India landing on the south pole of the moon on its third attempt is something that started then that was a policy decision. This is an action-oriented thing that's been taken. So, it was a long-term perspective, and it was seen as India's space program which is now becoming a time with the various kinds of missions that India is sending the astronauts into or the space agencies involved in. For example, the Gaganyaan project that it has been involved in, has been tested recently. These are decisions that have been taken and are all based on a long-term perspective.

Policies are more comprehensive. On the other hand, decisions are comparatively limited in terms of time, period, and scope. As mentioned, decisions are time bound. One needs to make a time bound decision. If there is a flood in a vertical area, there is a need to take a time bound action because of the need to send the lifeguards, send people from the rescue missions, send the national disaster authority forces out there and so on. If the help of the armed forces is necessary, they must be sent too. People must be evacuated and this needs to be done in a fast-paced manner. Decisions need to be taken very quickly as the decisions must bear a result. Whereas policies are more comprehensive. For example, if there is a natural disaster, which are the forces which are actually going to be at the forefront to respond during the policy or to respond during a natural calamity is to be decided. So, policies in short are long-term planned projects, decisions are carried out during the same project by taking day in and day out as affirmative or otherwise, that is, go ahead or don't go ahead, like the green and red flags.

Policies are generally divided into five broad categories. First, is the substantive policy, second regulatory policy, third distributive policy, fourth the redistributive policy, fifth capitalization. On the other hand, decisions are broadly classified into programmed and non-programmed. There are various types of policies. A substantive public policy in general, is for the general welfare and development of the society as a whole. It sees the society as one collective being and works for the betterment of the entire community, of the entire area and its base of operation is very large. This is formulated keeping in view the character of the constitution, the character of the existing laws and the nature or

character of a country. For instance, the US is a capitalist economy, their substantive public policy may be to boost capitalism to a maximum.

On the other hand, there are socialist economies wherein they would boost on how the government can provide maximum welfare to the people. In India, which is a combination of both socialistic and capitalistic, the focus is on how to encourage the capitalists and how to see that people are also taken care of their needs, and how to push people so that they also have a chance to become a capitalist one day. So, a substantive public policy is generally very broad in nature, it takes the entire nation into consideration or all the people in a nation into consideration. It deals with all the socioeconomic problems and the moral claims of society. Public policy also determines how a judiciary will function and what kind of decisions will come from the judiciary.

In India, for instance, there are a lot of litigation pending in various kinds of courts; and while we look at and analyze judgments, we would realize that the courts have been people centering the decisions that they have been making. We do recognize the rights of people a lot. For example, in a recent case in the state of Orissa, the *Anil Agarwal Foundation v. the State of Orissa*, the apex court of the country, sided with the people of Orissa, that is with the residents of that particular land. The outline of the case is such that a particular tract of land was taken away by one big business house which wanted to build a university. But that particular area was a natural heritage site very close to the sea and was on the Puri Konark Creek. So, it is a place that attracts a lot of people and wildlife. Especially. In this matter, the High Court of Orissa was clear that the land should be given back to the people who actually reside there, who don't own it but they protect the national heritage of that place. Eventually, the private party appealed against this order of the Orissa High Court before the Supreme Court and the Supreme Court taking the assistance of Article 14 realized that there had been a blatant abuse of power, and the land should go back to the people. So, this is a substantive public policy wherein the people, the socio-economic problems of people, and the moral claims of society are taken into consideration.

Another kind of public policy is the regulatory public policy. This is concerned with the trade, finance, and business of a particular country. It is concerned with how the economy of the country look like, what would be the public policy in which the economy of the country will function how should trade be regulated in this category, how should businesses function and thrive, what are the various economic safety measures that the leaders or the economists who are involved in the economic policy making should take, what are the public utilities that can be provided, what are the financial aid that can be provide to the people, the taxation regime , taxes and its formulation etc. These matters and how it works is based on the regulatory public policies. These are done by independent organizations that work on behalf of the government. For example, in India we have the LIC, we have the Reserve Bank of India that is the regulator of the country's financial system, the state electricity board, state transport corporations, SEBI (the Securities and Exchange Board of

India) that regulates the share market and its activities in India and ensures that there is no malafide activity in the share market. Then, there is Insurance Regulatory and Development Authority of India (IRDA) that looks at the insurance sector, how the insurance policies will be, and it also looks so that it does not go on with the malafide intent to actually harass individuals in that regard. This is with regard to the regulatory policy that focuses on the economic front because these are something that helps in nation building. The distributive public policy is meant for specific segments of the society and gives public assistance and welfare programs.

The kind of specific segments in the society can be young girls below the age of 18, it can be one particular community that has been wronged since time and now they are getting special treatment from the government, it can be some schemes for women or specific to children or elderly citizens or education for the elderly. These are covered under the social garb of the distributive public policy. For instance, during the COVID pandemic, the government took the decision once the vaccines were formulated; it took up the onus to ensure that every person in India would get a free vaccine in government hospitals, in the healthcare camps or institutes or minor establishments in the villages. So, distributive public policy looks at the larger picture as to how to assist one particular section of the society. This is because they require that and may not be able to be at par with all the other sections of the society. So, the adult education program may be for specific targeted individuals, or food relief during a natural calamity for a specific kind of people, social insurance, like for example, in India, the post office runs various kinds of social insurances.

Anyone can go to a post office and open and invest their money in various kinds of programs through the government, the Pradhan Mantri Jan Dhan Yojana, etc. There are many such examples where the distributive public policy is focusing on specific sectors of the government. Then there is the redistributive public policy. Here the focus is on rearrangement of policies for basic social and economic changes. The outreaches of public goods and welfare services are disproportionately divided, and this policy formulates how the same can be streamlined.

This looks to rearrange policies, because one particular segment has already benefited from it and now it is time for the government to look beyond this and see how this can grow further. Then we have the capitalization public policy. The capitalization public policy mostly provides financial subsidies granted by the union, to state and local governments. There are various schemes of the Central Government wherein they provide subsidies to the state governments and the local governments for them to take loans, for them to take various kinds of initiatives for the welfare of the people in a particular state and these subsidies are granted by the central and state undertakings in some important spheres if necessary and they may be different in nature. For instance, in various states in India the farmers get a lot of financial subsidies when they want to expand their scope of work.

For example, a farmer who has been doing paddy farming, if he wants to get into fish cultivation there are subsidies from the government wherein, they provide a lot of subsidies for that farmer to build an artificial pond wherein he can actually start harvesting fishes. Now there is a farmer who wants to start a small transport business. He would want to buy two mini trucks or one mini truck. There are institutes, there are the government banks, there are cooperative banks who provide loans to these individuals. And all this is done under the capitalization of public policy wherein the center focuses that your local governments give this thrust to the people where they have the confidence to take the things further and ensure that they also rise up from their conditions. Public policies are generally based on the constitution of the country or how the country's financial system or entire structure of the government is based upon. So public policy will be goal-oriented, and it is concerned with specific goals.

Every policy will have a specific goal. For instance, in India before the upcoming of the NITI Aayog, we had the five-year plans. So that was a large-scale policy. There was a roadmap in which we would take the development of the country further. For instance, in the first five-year plan the thrust was on agriculture and dams and therefore Pandit Nehru India's first prime minister termed that dams are the temples of modern India. This was a statement based on a policy that was implemented over the course of time by decisions.

Policies generally spell out the strategy on how to achieve a particular goal and at that time India was a young independent robust country, so it needed a particular game plan. It needed a road map in order to achieve the goals that it set for itself. Public policy also becomes an instrument to achieve a goal because you have planned a particular thing and now you are planning on how to execute it. So, to get things done this is one of the best ways in which governments of countries can function. Fourth, formulated and implemented to attain the objectives for the ultimate benefit of the masses. The outcome or the focus of a public policy is generally on its subjects. The subjects are the primary concern and the primary people who would be dealing with public policy on how it should be formulated. So, the government's scheme will be focused on the masses. Next, it looks for the collective good of the greater number.

It does not focus on individual or singular numbers. It focuses on larger people and larger numbers and ultimately the government actually decides on how it should be taken further. It chooses its path to take it further and this takes form in various kinds of ways through laws, the legislations that the government passes, the ordinances that the government comes up from time to time, the court decisions, the executive orders and in general decisions of the government. So, this is the nature of public policy and based on all of these. There are also situations of how should the law take course, how should the legislation be passed, what kind of bills are presented before the parliament, what kind of bills do they actually go on and make law and so on. The debate that takes place in a particular parliament also speaks a lot about the nature of public policy in general. Public policy is

generally something that guides the government of the country on how the administration of the government should function.

It guides the various branches in the government should function and the classes of issues that are there; or if there is an issue that arises within the government department, how should it be resolved. This may seem something as an adjudicating process, but it is more on the lines of how the same should actually be administered and reached at a particular conclusion. This entire process is formed at the backdrop of something that is the policy at large, the policy decisions. The nature of the policies, the policies of the government and how it actually looks forward to implementing the same is also relevant. Policies depict the concern of the government. By analyzing the various policies of the government, you can understand what kind of government it is.

The policies reveal what the government is trying to cover up or what the government is trying to achieve. And it shows what are the problems the government is focusing on which is by far one of the most important elements in public policy. It also involves the action of a particular problem, and it is backed by the sanction of law and authority. Now negatively there are decisions that do not take any action on a particular issue. You do have a roadmap but at times decisions do not take place in that same manner. So that is a time when policies of the government, even if they are robust and very strong, do not come into the forefront, which becomes slightly a dangerous issue in this regard.

So, your policies may be robust, but you also need them to be accompanied by robust decisions on a day in and a day out basis. The scope of public policy is determined by the kind of role that the state adopts for itself in society. The scope of public policy is for policy formulation and policy adoption. You have policy implementation, policy education, policy evaluation and policy maintenance. But there are various facets, and which make an important part in this? The first step in public policy is the formulation of the policy wherein the brains are actually mining, wherein they are contributing, and they are working to formulate a particular policy

For example, we have a scheme of the government of India on the *Atma Nirbhar Bharat*. This is a scheme of the government of India, the self-reliant India for which there needs to be a formulation for the policy. So, there will be people who would be involved to formulate a policy as to how the government will take forward the idea of a self-reliant India. A group of people will research and formulate this policy. Once the policy is formulated, it will be presented to the government wherein the government will analyze the policy. If it is good, it will then adopt it. Once the adoption of the policy is done, the same needs to be implemented. The policy is implemented through various rules, ordinances, and legislations. It is up to the government. Now once the policy is implemented, the policy also needs to be preached to the people. This is where policy education comes in. The outreach of the government policy has taken place. The

government will approach various people and the various masses of different categories and see as to which segment of the society will benefit from this policy and it will in a similar manner focus or give its thrust to that kind or to those categories of people. Once the policy education is done, the government will analyze how the policy is being received by the people and then you have policy maintenance. These are the six broad steps in which public policy actually functions. The Government identifies a problem, or a sector and it calls upon the masses from people's representatives, people from the media, pressure groups, broad ideology of the ruling party and how the same can be aligned with the ideals of the Constitution.

Thus, in a democratic setup, the government forms its own policies. As is seen, people assist and eventually the government focuses and builds up its own policy. Next, it responds to organized groups through these policies. Every country or every policy generally has a pressure group behind it that is actually pushing the policy forward for the government of the day to actually go ahead and accept the policy. The reasons for this can be multitude. Every public policy does come into existence through a process. First is identification of policy problems. Then we will be setting up the agenda. Once the agenda is set up, the formulation of the government response will take place and it will also focus on the targets and decisions in that same regard. Once these are achieved, the policy process formulation kicks in and eventually a policy comes out. In essence, there are three major components of a policy formulation. Setting goals and objectives is very essential for a policy and the objective.

Second, the strategy for its implementation is equally important and third, determination of the implementation machinery. Under the setting of goals and objectives, the problems will come in. Why this policy is required, what would be the broad objective of this policy and what is the goal that the government is eventually trying to achieve would come under this sector. There are various examples with the concerns that are going on in India. For instance, the example may be with regard to the *Atma Nirbhar Bharat*.

Then you have your strategy for implementation, that is how you will be implementing this policy. Once that stage is completed, then you need to see the implementing machinery. How the implementing machinery will be for taking this policy forward to the masses and how the masses will actually reciprocate to this policy. So, the stage of policy design is where the choices are made from a coherent framework. There are a lot of things and in a funnel approach, it all boils down and narrows down to one. It determines the integration of various factors and resources to achieve the objectives in this regard. It also identifies interlinkages and interdependencies among personal and material positions. Now if the policy is inadequate, it can be amended or it can be substantiated with something at a later point in time. The influence implementation and performance of a policy and this can emanate from internal government and external sources. So, in a sense, if we see development of a policy framework or in short, a policy design is a circle connected with

arrows. Motivation of policy makers, political and professional insights, development of a framework. You need a framework. You need your pressure group to push the policy makers. The policy makers will push it through various people, then the political professional insights will come into it, the industry insights will come into it and then eventually a decision in that regard will be taken. Thus, it goes on and builds up a very important segment and policy design comes into picture. This public policy does not only begin when a government comes into power, it also comes into picture as to how they have been functioning in the past.

Next, policy adoption. A policy is adopted via the enactment of regulations or legislation for its implementation. Parliamentarians get involved. It involves the state machinery in case of a national policy. Now there is the water policy in India. It is said to be a vision document on how actually every household in India will receive a tap connection, a water connection. How it will receive the same is a policy initiative, the national water policy of 2012. This policy is backed by the Jal Jeevan mission of the government. Under this mission of the government, it is the mission of the government to provide every household with a fully functioning clean tap water. Now we see the national water policy, then we see the mission that the government undertook and then the government undertook the decision to give water to every household. Thus, it is a cycle in which every machinery of the government gets involved and every machinery means that right from the people who actually start the policy to the executive officers or the members who will actually be implementing these policies, they are also given capacity building training so that they know how to implement such large-scale visions and projects.

So, policy adoption is more about the implementation and pre-implementation side of it as to how things will have to fall into place. What kind of preparation the government needs to make, what kind of training should various departments of the government be involved in, what kind of training should they actually take forward and so on come in this area. Then we have policy implementation. Policy implementation requires clear coordination across government and non-government agencies because taking the example of the Jal Jeevan mission, it is not that the government will be able to provide a fully functioning tap connection if it just passes a policy. You need non-government agencies, you need private contractors who would actually lay down the pipe connection, who will establish the tank, who will go ahead and enter into various contracts on behalf of the government and for the government but for the people. So, with the government but for the people. Though this seems like a perfectly well-documented, well-planned policy outreach, that is not the case every time. There are times when there is a failure. The reasons for these failures are quite different and they may vary. For instance, political motivations at every stage of implementation.

In India, we have a Central Government and a state government. Now this is a policy that every household should get clean drinking tap water or a fully functioning tap water. The

same will not be realized if there are conflicts in the political functioning of that state or that particular district. So, the governments also need to work in a unanimous and unified approach. This hampers the autonomy and flexibility of implementers in accomplishment of various tasks because such large projects would require the government to take a lot of permissions and the government to give a lot of permissions, the non-government agencies. For example, contractors would require the permission to dig the road to lay down the pipelines and this needs to be passed by the government.

So, if there is no collaboration between the government and its agencies, there is a little tussle for the non-government agencies to fulfill this kind of work and criteria. Then bureaucracy, necessity, and professional skills matter. There are many procedural delays as at times, files get stuck for months together and they are not cleared. This ensures that the policy is not being taken into proper action through decisions. Then there is lack of resources on the personal front, financial and technical front, then lack of response from target groups. If you do not get the required assistance or the required support from the people, it is very difficult to bring such policies into reality. It is very difficult to make such decisions and to accept such decisions from people.