CHAPTER III
PUBLIC POLICY-MAKING IN INDIA – A FRAMEWORK

Charles E. Lindblom views policy-making "as an extremely complex process without beginning or end, and whose boundaries remain most uncertain." He feels, "a complex set of forces together produces effects called 'policies'." ¹

The function of policy-making cannot be vested exclusively at one particular point or level in the Government. Different actors like politicians, bureaucrats, business leaders, professionals, and organisations such as Government departments, local authorities, public agencies, pressure groups, trade associations, companies are involved in the public policy-making process. The complex interrelationships between the various actors and organisations are denoted by the term 'policy network'. Policy-making can be described in terms of the relationship between policy networks and their environment. Policy networks are embedded in a particular environment, and this provides them with the political, social and economic resources necessary for policy formulation and implementation. In addition, it defines the parameters of policy issues.²
The Environment of Public Policy-Making

Systems theory suggests that policy-making can be adequately considered only in the environment in which it takes place. Demands for policy actions are generated in the environment and transmitted to the political system; at the same time, the environment places limits and constraints upon what can be done by policy-makers. Environment includes geographical characteristics like natural resources, climate, and topography; demographical variables like population size, age distribution, and spatial location; political culture; social structure; and the economic system.

To understand how and why policy decisions are made, political factors, as well as socio-economic factors must be taken into consideration. These are elaborated below:

Political Culture

Every society has a culture that differentiates the values and lifestyles of its members from those of other societies. Culture has been defined as the total way of life of the people and the social legacy that the individual acquires from his group. Culture is one of the many factors that shape and influence social action. What is relevant here is the political culture, viz., widely held values, beliefs, and attitudes concerning what Governments should try to do, how they should operate, and the relationship between the citizen
and *Government.* Because of the different patterns of development, environmental conditions, and historical factors, political culture will differ from one nation and its society to another. Variations in public policy and policy-making among countries can be at least partially explained by their political cultures. For example, public medical care programmes are more numerous and extensive in Western Europe because there is greater public expectation and acceptance of such programmes as a proper governmental activity. Conversely, in the United States of America, public attitudes have been much stronger in support of mass public education, and these attitudes are reflected in their extensive public educational system.

*Karl Deutsch* suggests that the time orientation of people, their view of the relative importance of the past, the present, and the future, has implications for policy formation. A political culture oriented more to the past than to the future may more sanctify age-old traditions and customs as in India, than perhaps in the United States of America, a country whose culture is more future-oriented, adaptable and innovative.

*Almond and Verba* have differentiated between parochial, subject, and participant political cultures. In a parochial political culture, citizens have little awareness and orientation towards, the political system as a whole, the input
process, the output process, and the citizen as a political participant. The parochials expect nothing from the system. E.g., some African chiefdoms, kingdoms, tribal societies, and modern-day Italy.

In a subject political culture, like that of Germany, the citizen is oriented towards the political system and the output process; yet, he has little awareness of input processes or himself as a participant. He is aware of governmental authority, he may like or dislike it, but he is essentially passive. He is, as the term implies, a subject.

In the participant political culture, like the United States of America, citizens have a high level of political awareness and information and have explicit orientations toward the political system as a whole, its input and output processes, and meaningful citizen participation in politics. Included in this orientation is an understanding of how individuals and groups can influence decision-making. Some of the implications of these differences in political culture for policy formation are discussed below:

Obviously, citizen participation in policy formation in a parochial political culture is going to be essentially nonexistent, and Government will be of little concern to most citizens. The individual in a subject political culture may believe that he can do little to influence public policy,
whether he likes it or not. This may lead to passive acceptance of governmental action that may be rather authoritarian in style. In some instances, frustration and resentment may build until redress or change is sought through violence. In the participant political culture, individuals may organise into groups and seek to influence Government action to rectify their grievances. Government, and public policy, is viewed as something that can be controlled by citizens. Also, more demands will be made on Government in a participant political culture than in either a parochial or a subject culture.\textsuperscript{5}

Thus, subject activities are those in which the average citizen is involved in policy implementation. Laws have been made, and the citizen responds to them, whether as taxpayer, welfare recipient, or simple law abider. Participant activities are those in which the average citizen makes some attempt to influence policy-making. He may write to a legislator urging the passage of fair-housing legislation, or he may work to help a candidate favouring industrial development rather than environmentalism.\textsuperscript{6}

Thus, political culture helps in shaping political behaviour. A study of political culture is important because common values, beliefs, and attitudes inform, guide, and constrain the actions of both decision-makers and citizens.
Socio-Economic Conditions

Social and economic factors impinge on or influence political activity. Public policies can be seen as arising out of conflicts especially in economic activities, between different groups of people, private and official, possessing different interests and desires. E.g., conflicts may develop between the interests of big business and small business, employers and employees, etc. Groups that are weak, disadvantaged, underprivileged or dissatisfied with their current relationship with other groups in the economy seek governmental assistance to improve their situation. The dominant group which is able to achieve its goals satisfactorily by private action, has no incentive to bring Government into the fray and usually will oppose Government action as unnecessary or improper. E.g., labour groups, dissatisfied with the wages resulting from private bargaining with employers, seek minimum-wage legislation.

Rapid industrialisation and the growth of big business in the United States of America in the latter part of the nineteenth century had produced new economic conditions, and led the small businessmen, reformist elements, and others aggrieved to call for Government action to control big business.
It has to be noted that the scarcity of economic resources in a society will limit the welfare services of the Government and this is seen more in many of the less developed countries of the world than in an affluent society.

Social conflict and change also provoke demands for Government action. E.g., growing concern about women's rights in the United States of America had produced demands for alteration in public policies to provide for its greater protection. Those with conflicting interests and values have opposed such demands, with the result that public officials often find themselves hard-pressed to devise acceptable policy solutions.7

Thus, public policy is determined and legitimised to a large extent by the environment. It is the environment, in the light of the adopted ideology of the State, that influences the making of the policies such as upliftment of the down-trodden or the abolition of untouchability. Environment contributes to the effectiveness of policy and also provokes resistance against a policy.8

Public Policy-Making in Different Systems of Government

Different systems of Government have different ways of formulation of policy. Comparing Governments according to the concentration or separation of policy-making authority, reveals several types.
In authoritarian regimes, such as China and Tanzania, there is no delegation of authority to legislatures, courts, or similar structures outside the office of chief executive. Here, power is either concentrated in a political bureau or military junta, or typically, it consists of an uneasy balance of military factions, bureaucrats, and party leaders. These groups bring their political resources to bear on policy-making. They do not have to compete for citizen support. In all the authoritarian systems, the rules of public policy-making involve a concentration of power at the centre.

Policy-making authority is most sharply separated in the democratic presidential regime, e.g., the United States of America. The principal characteristics of this regime are that the political executive is independently elected, holds office for the entire term whether or not he has the legislature's support, and has substantial authority in policy-making, as in the American President's veto power. At the same time, the executive must deal with an independently elected legislature that also has policy-making authority; this factor distinguishes the democratic presidential regime from many authoritarian regimes called Presidential.

Parliamentary regimes, such as those of Great Britain and India, are characterized by a combination of the political executive and the legislative assembly. The executive (usually called a Cabinet or Council of Ministers) is selected from the
assembly and holds office only as long as it can command the support of the majority in the assembly. Here, policy by and large originates in individual ministries under the collective guardianship of the Cabinet.

The democratic presidential system relies on specialisation for shaping policies and the advisers to the President are generally experts in their respective fields. On the other hand, policy-making in the Parliamentary system is mainly handled by the generalist administrator or professional civil servant who has experience accumulated over a period of time. The election manifesto, which is largely a transcription of the programme of the political party that has come to power, is the basic source of policies in the Parliamentary Government. Although not all policies have to draw their substance from the election programme, policy formulation in the Parliamentary system is the exclusive function of the political leadership at the helm of the Government and the role of the civil servant in it is limited to that of a chief adviser.

Public Policy-Making in Developed and Developing Countries

The term 'industrial' countries refers all those developed countries of Western Europe and United States of America where industrialization has produced an identifiable change in economic structure and growth followed later by political and administrative modernization.
'Developing' countries refers to those newly independent Third World countries of Asia, Africa, Latin America and the Middle East. These states have emerged in the post-World War II era as a result of the gradual ebbing out of the era of colonialism.\textsuperscript{12}

The systemic frameworks for public policy-making in developing countries display marked differences from those of industrialized countries.

The advanced industrial nations have well-established agencies for making and implementing policy, with experienced political leaders and civil servants performing the various jobs. Their advantages are partly due to their longer historical independence, and also the greater social and economic skills and resources they command. But industrial nations also have problems of governmental organisation.

The growth of Government in advanced industrial societies, along with the increased rates of taxation and public expenditure required for that growth, have been meeting increased public resistance, demands for cutbacks in Government programmes, pressure for greater efficiency in governmental performance, and efforts to limit and reduce taxation and Government expenditure. In the advanced industrial nations, solutions to problems in organisation usually take the form of adaptation of the existing and widely accepted Government institutions. Their organisational problems are different from those encountered in the Third World.
By comparison, the pre-industrial nations are in the process of developing, for the first time, effective governmental and political agencies through which the central authorities can reach into the countryside, extract resources from people, provide benefits for them, regulate their behaviour, and provide organisations through which their needs and demands may be expressed.  

A table showing policy problems confronted by developed and developing nations is given in Appendix-II.

Yehezkel Dror has propounded a model, according to which developing states are generally characterised by:

a. very low technological development;

b. a once strong tribal or communal structure that is now slowly disintegrating;

c. a mass leader and a small political elite, who are aspiring toward a rapid and radical socio-economic transformation by means of centrally directed social change, the leader maintaining a strong grip on the masses by both charisma and force, but depending on support by the military;

d. a long history of colonial rule that terminated recently after a period of militant nationalism; and

e. a wide range of public policy that covers most economic activities.

This model of Dror fits various developing states to different degrees. Developing states vary in the degrees to which any of their aspects may be underdeveloped, in their history, in their ideology, in their resources and in their political regimes, that few generalisations about developing states as such can be considered valid.
The problems are not of the same order throughout the Third World. The problems of governmental organisation in a country like India differ greatly from that of a country like Tanzania. India had made use of the effective governmental machinery and personnel left by the British. But Tanzania had to create governmental machinery, where almost none existed before.\textsuperscript{15}

Unlike the situation in the industrialise states of the West, the leaders of the Third World find themselves confronted with a number of challenges \textit{simultaneously}. Thus such critical tasks of state-building and state-maintenance as establishing a national identity, ensuring national survival, integrating pluralistic societies (both horizontally and vertically), creating an acceptable authority system, mobilizing and distributing economic resources efficiently, and securing freedom from external control, cannot be dealt individually and over a lengthy period; a determined effort must be made to deal with them on the various fronts at the same time.\textsuperscript{16} The leaders of developing countries have been characterised as "century skippers" because their aspirations are far beyond their capacities. Their policies are primarily symbolic gestures to meet the emotional aspirations of the masses.\textsuperscript{17}
Quality of Public Policy-Making in Developed and Developing Countries

The quality of public policy-making in the developing countries tends to be lower than that in the developed countries, primarily because of the lack of resources at the disposal of the planning organisations. In the more effectively planned societies of the West, trained staff, consultants, computer facilities, data banks, and research funds are in relatively abundant supply; in the developing countries, such resources are frequently unavailable, and policy-makers are compelled to rely extensively on guesses, intuitions, ideological preferences, or hunches.

The conditions prevailing in the developing countries make policy application a considerably great challenge. A developing country can launch a sophisticated programme, but ineffective implementational machinery will atrophy it. But a developed country can determine a line of action with some reasonable expectation that it can be implemented.

In developing countries, even where policies are implemented, the task of evaluating the consequences of these actions is difficult and is primarily attributable to a lack of reliable feedback. So planning organisations find it difficult to determine the effect public measures have had in the real world due to lack of contact and communication.
This is complicated further when attempts are made to compare results with those in other countries. Political cultures, developmental objectives, institutional capacity, expenditure patterns, and so forth tend to be insufficiently comparable. Therefore the paucity of cross-national data is often matched by inability to utilize existing information from other countries in an effective manner.\(^\text{18}\)

Public policy in the developing countries of Asia, Africa, and Latin America tends to be made in an environment characterized by several foundational elements, that differ sharply from those prevailing in advanced industrial societies. This is due to the following reasons:

1. The policy concerns of the developing countries do not match those that predominate in the West. In Western societies, for example, some spheres of activity, like religious freedom and morality, are more or less exempt from policy concern and state intervention. On the other hand, precisely the same spheres of relative immunity in the West, may be subject of intense policy concern in the Third World. The social heterogeneity of most developing countries is regarded by many political leaders as a problem to be addressed by the policy process and are seen as integral to the development process.
2. The State structures of developing countries, whatever their weaknesses, are still relatively powerful vis-à-vis their societies. The size and impact of the State, in relation to the society, are far greater. The share of resources both invested and consumed by the State is large. Extra-state organisations or mediating institutions, i.e., those organisations that can pursue their interests and activities in considerable measure apart from the State, lack autonomy and resources. So the sphere of State intervention is more in developing countries. On the other hand, such mediating institutions are in general more developed in industrial than in non-industrial societies.

3. Participants in the policy process are fewer in developing countries than in the West, and some sectors of the society are hardly participant. Political participation in advanced industrial societies is at a significantly higher level than it is in most developing countries. In many Asian, African, and Latin American states, including those characterised by high levels of politicisation in general, large sectors of the public are politically inactive and inarticulate.

4. The channels for participation are less well established and less clearly prescribed in developing countries. There are differences in the mode of participation.
There is no single technique for mobilizing power. Various contenders resort to quite different sources of power, including the possession of armed force or the capacity for disruption. Democratic consent is not the only test of power, and democratic processes are merely alternative to other means of mobilizing power. Therefore, regimes are unable to claim incontestable normative sanction for the policy that issues from them. 19

Developing world is passing through a critical phase due to global changes in the political power base, market-oriented economy, increasing emphasis on privatisation, use of sophisticated technology and a modern information system operated through satellite. In such a situation, developing world needs a proper and accurate policy management system to evolve policy choices and options, optimum solutions and supra-optimum results. 20

Public Policy-Making in India

Public policy-making in India is a complex and continuously changing process which is conditioned by many different factors. Both individually and as a whole, these conditioning and influencing factors which constantly change according to time and circumstance, provide the scope, the degrees of freedom as well as the limitations within which any policy-making or any course of action must be contained. 21
India is one of the developing countries of the Third World, which emerged free from colonial rule after World War II. India attained Independence from the British rule on August 15, 1947. While the leaders of the other Third World countries believed in accomplishing developmental objectives by limiting rather than expanding popular participation, India was a major exception. India's leaders were committed to Parliamentary democracy, which they wanted to be both centralized and federal in character. The great challenges India faced demanded a strong Centre; recognition and accommodation of Indian diversity required a federal structure. Against the backdrop of partition and in the face of the continuing pressures of regionalism, the nation's leaders were determined that India remain secular and united.  

The Indian nationalist elite super-imposed the framework of a liberal democratic state on a highly traditional, diverse, stratified, and pluralistic social order. India is generally viewed as a traditional illiterate, village society with only a ritualistic democratic process. However, colonial rule, the nationalist struggle, socio-economic change, and competitive politics since Independence based on mass franchise had altered profoundly the Indian social structure, values, and political behaviour. Thus, although this accelerated process of change had generated substantial tensions among India's antecedent social groups, the new political institutions created by the
nationalist elite came to play a significant role in helping to channel, moderate, and manage these tensions and had contributed to the integration of India's heterogeneous social structure and regional diversities. Unlike the more brittle and authoritarian political system of its neighbour Pakistan, competitive party politics and political pluralism had contributed substantially to the level of integration and legitimacy that the Indian political system had achieved.

Historically and culturally, India had absorbed a variety of groups and ideas and incorporated them into a system that enabled its people to exist in a complex pattern of diversity. The traditional social values — combined with colonial rule, the fight for constitutional reform, and the character of the nationalist struggle — resulted in an elite predisposition to accept the British model of Parliamentary Government for free India.

Once created, the political system based on the politics of mass franchise began to gradually expand the size and scope of the political community and legitimized political participation as a mechanism for the achievement of group aspirations and goals, drawing the bottom sectors of Indian society into public life as participants. This led to a gradual dispersion of political power in India from national to state and thereon to village levels. Thus, political participation had increased in scope, intensity, and relevance.
People became genuinely involved in the new institutions and processes of the system. They acquired a more sophisticated knowledge of the system and developed a sense of commitment to these institutions. The increase in the level of interest, knowledge, and efficacy, in turn, affected the people's political behaviour and they held a positive image of the political system and its legitimacy.\textsuperscript{23}

Against this background, public policy-making must take into account the factor that any course of action decided upon by a Government must be broadly acceptable to, and accepted by, the people, if the policy is to be effective at all.

Policy-making and its execution in a Parliamentary democracy is subject at all times to a great variety of constantly changing pressures — political, social, economic, ideological, that sometimes policy-making is reduced to a sort of random movement, without a sense of overall direction. The need for a politician or a political party or group to obtain and retain governmental office, in the face of every kind of opposition adds its own variations and uncertainties in the making of rational, coherent, or consistent policies.

The administrative apparatus which is available to the Government in office, imposes its own freedom of choice, the opportunities as well as the limitations in the planning and implementation of policies. The Government, whatever its
particular ideology, is compelled to depend upon the bureaucracies, the technocracies, the cadres, for the execution of their purposes and policies. The successes and failures of many of the policies adopted since India attained Independence is related to this factor.

On one hand, India is highly industrialised, with large cadres of scientists, technologists, economists, managers and administrators, and on the other hand, India is a developing nation, depending upon technical, economic and other contributions from abroad. The paradox of a developing country like India is that while resources are limited, demands are enormous. Under resource constraints, changes in regimes can ill-afford to adopt swings in policy. They can only build on the existing foundations. Past policies which involve expenditure of resources in the form of physical and social capital provide experience and knowledge for new regimes to learn from and to be used in framing future policies.

Constitutional Framework of Public Policy-Making in India

After India attained Independence from British colonial rule, a Constituent Assembly met for two and one-half years, from 1947-1950, and its task was to draft a Constitution that would provide a framework for democratic Government and an institutional structure capable of both sustaining and accelerating change. The Constitution of India, adopted in 1950, is among the longest in the world, with 395 articles, and 9 schedules.
Public policy-making is shaped within the framework of a country's constitutional system, of which the following features stand out most prominently in the case of India:

1. Parliamentary form of Government

2. Federalism, and

3. A broad band of social, economic and political philosophy articulated in the Preamble, the Directive Principles of State Policy, and the Fundamental Rights. These are explained below:

1. Parliamentary Form of Government

The Parliamentary form of Government which India has adopted, provides the basic organisational setting in which public policies are formulated. Essentially this system of Government means that there is a Parliament directly elected by the people on party lines. Through the Parliament, the representatives of the people frame laws and decide policy by a majority vote. The outstanding feature of policy-making in Government is characterised by accommodation and settlement. Being a multi-party system, certain national policies are modified at times, as a result of discussions in Parliament.

Under the Constitution, the President of India is the head of the State. The executive power of the Union is vested with the President [Article 53(1)]. The Prime Minister is the head of the Government and leader of the majority party in Parliament. There is a Council of Ministers headed by the Prime Minister to aid and advise the President in exercising
his executive power [Article 74(1)]. The Council of Ministers is collectively responsible to the House of the People (Lok Sabha), which is the lower House in the Parliament [Article 75(3)].

The Government can stay in office only as long as it enjoys the confidence of the House of the People. As soon as that confidence is lost, it must either resign or advise dissolution of the Lok Sabha, otherwise it will be dismissed.

2. Federalism

India combines broadly a unitary form of Government with a dominant Central Government with many federal features. The states of the Indian Union contain a large area of governmental autonomy and a degree of independence. A distinctive feature of the Indian Constitution's federal set-up is that a conscious effort has been made to define the area of policy formulation between the Union Government and the states. Clear listing of powers has been made through three lists: List One is the Union List containing 97 subjects, List Two is the State List containing 66 subjects, and List Three is the Concurrent List containing 47 subjects. The Union, State and Concurrent Lists are specific and can be changed only by an amendment to the Constitution by Parliament.
Most subjects, which constitute the ingredients of development administration are constitutionally within the states' direct jurisdiction, such as agriculture, housing, industries, public health and sanitation, family planning, water supply, animal husbandry, minor irrigation, forests, fisheries and local Government, while many others like electricity, labour, economics and social planning, etc., are in the Concurrent List, subject to state as well as Central jurisdiction. Subjects such as currency, coinage and legal tender, foreign exchange, inter-state trade and commerce come under the Union List. Because the financial resources are concentrated in the Central Government, the states have to necessarily look to the Centre for funds, especially since the adoption of socio-economic planning in the fifties.30

The Union Government enjoys wide powers in formulating policies both in the general area of economic and social planning and in the individual sectors of the economy. In many cases, implementation of programmes involves both the Union and the State Governments and the two jointly have to share responsibility for good results. The Centre often subsidizes many schemes and has used the Concurrent List to develop many new administrative institutions in respect to trade and commerce, social welfare and community development, etc. In such cases the control and regulation by the Central Ministries is achieved through grant of funds for the programmes in their
initial stages. The disputes between the Central Government and the states are to be decided by the Supreme Court which is an independent body under the Indian Constitution. The Constitution provides for the creation of a powerful Central Government. The Union Parliament is authorised under Article 249 to enact legislation on any subject in the State List. Articles 256 and 257 place a state Government under an obligation to comply with the Union laws and directions issued by the Central Government. Articles 220 and 221 empower the Governor of a state to reserve a bill passed by the state legislature for the consideration of the President who has the power to veto it without giving any reasons.

The powers of the Central Government become far-reaching in situations of Emergency, when:

a. The security of the country is threatened on account of war, external aggression or armed rebellion (Article 352),

b. There is the failure of the constitutional machinery in a state (Article 356), or

c. There is a threat to the financial stability of any state (Article 360),

d. Finally, under Article 3, the Parliament can also form a new state, increase or diminish its area.

Whenever the first type of Emergency is declared, the Constitution is automatically converted into a unitary one. In case of failure of constitutional machinery in the states, the executive authority of the state is to be exercised by the
President or some one on his behalf and the legislative powers of the state legislature are to be exercised by Parliament which can delegate them to the President with such conditions as it deems fit. Whenever Financial Emergency is declared, the financial powers of the states can be curtailed by the Union Government to any extent.\textsuperscript{32}

Thus, the policy-making process in India has to contend with the federal form of the country’s polity.

3. **Socio-Economic and Political Philosophy of the Constitution**

The social, political and economic message of the Indian Constitution is given in the Preamble, the Fundamental Rights (Part III) and the Directive Principles of State Policy (Part IV). The articulations in them are the potential stuff out of which public policies at both levels of the Government in the federal system are to be made.\textsuperscript{33} The precepts of the Directive Principles are not justiciable, that is, they are not enforceable by a court, as are the Fundamental Rights. They are designed, rather, to serve as a guide for the Union Parliament and the state assemblies in framing new policies.\textsuperscript{34} The earlier view held by some that the Directive Principles of State Policy, being unenforceable by the judiciary are largely ornamental in nature is not valid; and the current judicial thinking is that the Fundamental Rights and the Directive Principles of State Policy are complementary to each other,
being mutually reinforcing in nature. The judiciary of the land does take into account the Directive Principles of State Policy while interpreting the Fundamental Rights and even other issues and thus the dichotomy between them has been rightly put to rest. Both levels of the Government are thus under an obligation to formulate public policies so as to work towards the realisation of the Directive Principles of State Policy. The policy options before any Government offered by these Directive Principles of State Policy are many and a Government has enough to pick and choose depending on its own priorities and predilections. However, the precise mix of policies to be followed by a party in power may vary, even by the same party over a period of time. Thus the Constitution of India provides enough policy options within its framework.35

Thus, public policy is shaped within the framework of the national, cultural and institutional contexts, in varying situations and motivations. The effectiveness of policies and policy-making processes have to be assessed in the context of the distribution of economic and political power within political systems.
END NOTES


12. Ibid., p.30.


23. Ibid., pp.149-152.


