

## **Public Policy Making In India**

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### **ABSTRACT :**

Institutions involved in public policy making range from agencies in all branches of Government, the executive, the legislative, and the judiciary to a host of non-governmental institutions, associations, interest groups, political parties, academic bodies and individuals. In the executive branch of Government, the policies are given concrete shape and direction by the Prime Minister and his/her Cabinet. They are assisted in this function by the various Standing Committees of the Cabinet, and the Prime Minister's Secretariat composed of personal advisers. Although the Prime Minister's Secretariat does not make any original proposals in policy matters, it exercises a great deal of influence in molding them through the preparation of briefs and analysis and shifting the information for the decisions of the Prime Minister. The interplay between the Prime Minister and Cabinet colleagues, the use of Committee structure in the Cabinet, and the interaction between the staff of the Cabinet Secretariat, Prime Minister's Secretariat and the Secretariat of the different ministries determines the final outcomes of public policies through the executive branch of the Government.

Keywords : Cabinet, Secretary, Secretariat, Country, Planning

## **I INTRODUCTION :**

The Government of India with its civil services machinery take policy decisions and implement the same in the country. The origin of the Indian Civil Services can be traced back to the British era where these services formed (as they still do) the backbone of the public administration in the country. There are 50,000 civil servants in India, selected through one of the toughest entrance examinations in the world. Various government-affiliated policy making institutions such as the Reserve Bank of India conduct independent examinations for their job candidates.

## **II ROLE OF POLITICAL EXECUTIVE IN INDIA :**

Considering our Country , in Government the proximate policy makers are the Cabinet members who determine the public policies. The Cabinet draws power from various sources. It is the Cabinet who decides the policies , to be placed before the Parliament for its approval. Cabinet draws its powers from the Constitution itself. The second source of Cabinet power flows from ‘the principle of unity’. The Cabinet acts as a collective unit. The principle of collective responsibility enables the Cabinet that its decision will be implemented and defended publicly by the individual ministers, to the decisions taken in so far as they need department action”.<sup>4</sup> The party systems in Cabinet Government strengthen the position of executive to control the parliamentary majority.

The Cabinet Secretary play various roles. He must keep tab on urgent problems in socio-economic and political aspects, on bottlenecks in the implementation of Government program, on issues that the Prime Minister should know urgently and matters requiring his decisions. Cabinet Secretary as the head of civil services presides over the Chief Secretaries' conference and the Committee of Secretaries , attends all meeting of the Cabinet and its Committees. The Cabinet Secretary often prepares the agenda for Cabinet meetings, takes minutes, circulates decisions and follows them up to see that action has been taken in the departments. The role of the Cabinet Secretary is crucially important in the policy making process. At the Centre, the Cabinet Secretary plays a significant role in processing major policy matters of ours country. He consults the concerning Secretaries appropriately, discretely checks out the views of individual ministers, and taking all factors into account, comes up with a policy prescription to cover the situation, which goes through the Cabinet.

Cabinet Secretariat assists in decision making in Government by ensuring inter-ministerial coordination, ironing out the differences amongst ministries/ departments and evolving consensus through the instrumentality of standing/ ad hoc Committees of Secretariat through this mechanism new policy initiatives are also promoted. The Cabinet Committees relieve the Cabinet of its work load and act as a political and economic significance, and facilitate the inter-ministerial coordination and ensures the collective responsibility of the Cabinet. The Cabinet, functioning on the principle of collective responsibility, is the top policy making body in the Government, but only major proposals are taken to it for its decision, other matters beings disposed of by the minister at his own

level. The Cabinet deliberates on major problems of policy and administration. All kinds of policies affecting the federation are analyzed in detail in the Cabinet before they are presented to Parliament for their approval. But the Cabinet itself as a whole has to be persuaded of the correctness of most of the decisions. The decisions taken by the Cabinet and Cabinet Committees are fundamental to the governance of the country and form the basis of policy formulation as also for evaluating the impact of programs, policies, plans, projects and schemes of the Government. The preparation of correct, accurate and concise Cabinet notes is essential to facilitate decision-making at the highest level of the Government.

In India, though the executive power is vested in the President at the Center and the Governors in the States, but it is actually exercised by a Council of Ministers which is drawn from the legislature and is responsible to it. The Constitution of India did not elaborate the structure or method of functioning of Council of Ministers, which have therefore developed by conventions. Thus, at the center, the executive power is exercised by the Cabinet, headed by the Prime Minister, and the Cabinet is the source of political authority. The policies are scrutinized by the Cabinet before they are presented to Parliament for approval.

### **III PRIME MINISTER AND HIS OFFICE**

President of India is the nominal head of the State and the Prime Minister along with his Council of Ministers acted as the real executive in the parliamentary system of Government. Prime Minister is the crucial element in the decision - making process. S.R. Maheshwari, has observed that, “the Prime Minister (of India) always enjoys a special position in the realm of policy making and other

ministers play varying levels of subordinate roles”.<sup>1</sup> As the head of the Cabinet, Prime Minister influences public policy significantly. Prime Ministers are assisted by Prime Minister's Office set up in 1947. It emerged as a strong policy making organ under the Prime Ministers hip of Lal Bahadur Shastri who appointed some experts from the civil service to advise him on economic affairs. After that the Prime Minister's Office has emerged as powerful policy making organ in the Government of India.

The PM Secretariat includes Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and other personnel advisors are appointed to advise Prime Minister on various crucial issues including policy and related matters. The Prime Minister has appointed some advisors such as advisor to the Prime Minister on administrative reform, on economic affairs, on science and technology, on cultural affairs, etc. In addition, an Economic Advisory Council to the Prime Minister also exists. This Committee composed of certain well known economists is one most influential of such bodies, Prime Ministers are known to have sought advice from this as well as from other industrial group on various policy issues. In the words of Ishwar Dayal and others, “They advise the Prime Minister on matters of importance and follow up issues as necessary. They must collect all relevant information from various sources and properly sift it, considered important by him. The Secretariat personnel keep tab on inter-ministerial matters, and we have access to data from different sources and due to their own study or contacts, they tend to provide information links in developing integrated policy perspectives. In official matters they work closely with the

Cabinet Secretary. By virtue of their position the Secretariat personnel become an important link between the Prime Minister and others”.<sup>2</sup>

The advisors and officials of this Secretariat perform significant functions and deals with the issues require the attention of the Prime Minister. The Prime Minister’s Secretariat has been performing important functions, though all the matters must go through the Cabinet Secretariat, when the Prime Minister’s Secretariat “takes the initiative in an area other bodies become merely organs and many among them have even been forced to remain idle as a result”.<sup>3</sup> These specialists examine the issues more deeply and provide more alternatives to choose from. This arrangement advances the centralization of policy making and ignores the role of existing lower level machinery.

Prime Minister controls his party, Parliament, Cabinet, civil service etc. As the political head of the civil services exercise control over Government machinery through the Cabinet Appointment Committee of which he is the chairman through patronage of civil service the Prime Minister dominate the crucial offices of the Government. The Prime Minister must dominate otherwise he will look like a minister. Prime Minister play a very significant and important role in determining the general trend of policy and responsible for coordination of various Government departments. The role Cabinet plays in power structure should not be over sighted. Cabinet strengthens the position of the Prime Minister. The policies approved by the legislature are initiated by the concerned ministries in consultation with the Prime Minister.

#### **IV ROLE OF SECRETARIAT :**

The role of the Secretariat is to advise the political executive. The officers manning the Secretariat are to analyze each policy issue or individual proposal dispassionately and freely, and render opinion to the political executive without fear or favor. Integrity, impartiality, fearlessness, precedents, and experience in administration are the basis on which noting on files are made by the echelons in the Secretariat.

Decision making in Government requires consultation within the department, with related departments and ultimately leading up to a final view by the minister concerned. Where the matter is of relatively larger importance, after interdepartmental consultations, the issue is taken up before the Cabinet for a final decision. In all of these, the opinions of various officials are recorded in a file which is seen by others concerned, leading up to a decision. It is utmost importance that the system should nurture and maintain the ability of the official to express his views freely and independently without any pressure. It does not matter, if he is overruled, but the official has the right to make his point without being under duress.

For the purpose of administration, the Government of India is divided into ministries and departments, taken together, constitute the Central Secretariat. It is a complex of department or ministries whose administrative heads are known as Secretaries and whose political heads are ministers. The Secretariat is the key organization in the governmental hierarchy, engaged in assisting the minister in policy formulation. It translates these policies into issues or programs and

ensures their efficient execution.<sup>4</sup>It functions as co-coordinating agencies between different Government branches and maintaining contacts with the State administration. Secretariat functions as the main channel of communication between the State and agencies such as the Planning Commission and Finance Commission.

Policy formulation in modern public administration needs the fullest possible guidance from specialist and technocrats. Facts, figures, data and statistics are an indispensable part of decision making in public administration. No public policy can be formulated without the active role and involvement of the civil service. Secretariat is staff agency which collects and stores the information of vital importance, which is necessary to examine the Government future policies and present activities in the light of past precedents, and acts as think tank<sup>5</sup> to the Government of India. Secretariat carries out a comprehensive study and makes a detailed scrutiny of the issue before it takes the shapes of a policy proposal and submitted to the concerned minister. The legislature passes the laws in skeleton form and determines the broad framework and principles which has to be kept in mind during the preparation of detailed policy proposals.

### **V Planning Commission, National Development Council and NITI AYOG :**

Planning Commission was established in March 1950 by a resolution of the Government of India, and works under the overall guidance of National Development Council. The Planning Commission consults the central ministries

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and the State Governments while formulating five year plans and annual plans, and also supervise their implementation. Planning Commission has a nodal role in policy making for development. The Planning Commission is mainly concerned with the development policies and reviews the achievements. It is not engage directly in the non-developmental policies. The Planning Commission analyzes and examines the reason responsible for the success or failure in performance, evaluate the progress achieved in execution of the plan and recommend necessary adjustment. One important component of its task is policy formulation. In carrying out its task, a large number of experts, administrator and elites are engaged in the formulation of national plans.

confirm to them. For example, these rights make it necessary for the State to follow the path of liberalism.<sup>6</sup>

Broad frameworks of policies are decided in Political Parties' discussion workshop. "Government, thus takes decision on the basis, of what the party decides first".<sup>7</sup> Party decisions are recommendation to the Government, and Government takes the final decision. In Parliamentary System, the Council of Ministers is responsible to the Lok Sabha, lower house of the legislature. It is the Cabinet who shapes and determines the Government policy. The Cabinet considers only major matter of policy. Most of the issues are referred to its Committee for detail examination of issues constituted by Prime Minister according to the requirement of time. Ministries are also vested with the power of policy matters.

Parliament of India acts as a policy influencing legislature and considered as Constitutional procedural device for legitimizing Government decision, rather than an independent policy making unit. As such power does not reside in Parliament, but in the group of individual (Executive Members) who, at a particular time, gain predominance over its procedure on thereby succeed in making policy decision when the Council of Minister, headed by Prime Minister, is selected by a Parliamentary majority of the same party, automatic approval of the policy decisions or proposals become possible. R.B. Jain States that executive dominated legislatures, in general, "have been reduced to mere sound boards or mere rubber-stamp endorsing policies already framed by the executive".<sup>8</sup>

Legislative proposals in form of Government Bill are presented to the Parliament by minister. Parliamentary control over the executive is political in nature, it means, ministerial responsibility is based on political opinion of Majority of members of house of the people to which minister is responsible. Parliaments possess the institutional capacity to make the executive answerable. Within the Constitutional frame work, there are various parliamentary procedures to give sufficient opportunities to the members of Parliament to influence the policy process significantly.

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cooperative federalism by fostering the involvement of State Governments of India in the economic policy-making process using a bottom-up approach.

The NITI Aayog (Hindi for Policy Commission) (abbreviation for National Institution for Transforming India) is a policy think tank of the Government of India, established with the aim to achieve Sustainable Development Goals and to enhance cooperative federalism by fostering the involvement of State Governments of India in the economic policy-making process using a bottom-up approach. Its initiatives include "15 year road map", "7-year vision, strategy and action plan", AMRUT, Digital India, Atal Innovation Mission, Medical Education Reform, agriculture reforms (Model Land Leasing Law, Reforms of the Agricultural Produce Marketing Committee Act, Agricultural Marketing and Farmer Friendly Reforms Index for ranking states), Indices Measuring States' Performance in Health, Education and Water Management, Sub-Group of Chief Ministers on Rationalization of Centrally Sponsored Schemes, Sub-Group of Chief Ministers on Swachh Bharat Abhiyan, Sub-Group of Chief Ministers on Skill Development, Task Forces on Agriculture and op of Poverty, and Transforming India Lecture Series.

It was established in 2015, by the NDA government, to replace the Planning Commission which followed a top-down model. The Prime Minister is the Ex-officio chairman. The permanent members of the governing council are all the state Chief Ministers, along with the Chief Ministers of Delhi and Puducherry, the Lieutenant Governor of Andaman and Nicobar, and a vice chairman nominated by the Prime Minister. In addition, temporary members are selected

from leading universities and research institutions. These members include a chief executive officer, four ex-official members and two part-time members.

On 29 May 2014, the independent evaluation office submitted an assessment report to prime minister Narendra Modi with the recommendation to replace the planning commission with a "control commission." On 13 August 2014, the union cabinet scrapped the planning commission, to be replaced with a diluted version of the national advisory council (NAC) of India. On 1 January 2015 a cabinet resolution was passed to replace the planning commission with the newly formed Niti Aayog (national institution for transforming India). The union government of India announced the formation of Niti Aayog on 1 January 2015. The first meeting of Niti Aayog was chaired by Narendra Modi on 8 February 2015.

India is a diversified country and its states are in various phases of economic development along with their own strengths and weaknesses. In this context, a 'one size fits all' approach to economic planning is obsolete. It cannot make India competitive in today's global economy." It is a reformation schemes of day-to-day lifestyles of the people of India

## **VI JUDICIARY AND POLICY MAKING**

An independent and impartial judiciary play a very important role in smooth functioning of a political system. The three wings of any Government are the executive, the legislature and the judiciary. Legislature makes laws of land; executive is mainly concerned with the enforcement of laws and administration and judiciary guarantees justice and act as the custodian of the Constitution. A written and rigid Constitution cannot ensure a sufficient restrain on parliamentary majorities unless accompanied by an independent body (through judicial review) that can test the constitutionality of laws passed by the

national legislature. If Parliament itself is the arbiter of the constitutionality of its own laws, it can easily be tempted to resolve any doubt in its own favor.<sup>9</sup>

In our constitutional scheme the judiciary alone has been entrusted with the power and duty to test the constitutional validity of legislative provisions and the validity of administrative actions. The superior courts empowered to declare a Statute ultra vires the Constitution and to nullify an executive action as unconstitutional. These powers of judicial review are given not with a view to make the judiciary a supreme body superior to other wings of the constitutional frame work, but to ensure a system of check and balance between the legislature and executive on one hand and judiciary on the other. The mechanism has been devised to function in such a way that the unconstitutional actions of one of the wings are corrected by the other and vice versa. It is not the purpose of judicial review to criticize legislative or executive actions, as the opposition is expected to fulfil this function in a democratic polity. On the contrary, the judiciary's role is to review executive and legislative actions and declare whether those actions confirm with the dictates of the Constitution of India. Justice A. S. Anand remarked: "The legislature, the executive and the judiciary are three coordinate organs of the State. All the three are bound by the Constitution. The minister representing the executive, the elected members of Parliament representing the legislature and the judges of the Supreme Court and the High Court representing the judiciary have all to take oaths prescribed by the Third Schedule of the Constitution. All of them swear to bear to faith allegiance to the Constitution. When it is said therefore that the judiciary is the

guardian of the Constitution, it is not implied that the legislature and the executive are not the equally to guard the Constitution. For the progress of nation, however, it is imperative that all the three wings of the State function in complete harmony”.<sup>10</sup>

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