
UNIT 13 **ROLE OF VARIOUS AGENCIES IN POLICY IMPLEMENTATION**

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13.0 LEARNING OUTCOME

After studying this Unit, you should be able to:

- a Understand the importance of policy implementing agencies;
- a Discuss the elements for policy implementation;
- Describe the implementation process in terms of the mix of instruments and institutions, which are used in providing public policy; and
- Explain the role of various implementing agencies concerned with policy delivery; and
- a Describe the relationship between the legislature and the judiciary in the context of implementation of public policies,

13.1 INTRODUCTION

Public policies are implemented through various agencies, that is, public, private, voluntary, and community. It is the response of the implementing agency, which tends to determine the success or failure of a given policy. This fact is, however, not adequately recognised and understood by policy-makers. Indeed, the important role of implementation is often overlooked in the design of policy. Policies cannot be understood in isolation from their means of implementation. The framework assumes that the extent of implementation of a policy is a function of the interaction between policy content and inputs from the implementing agencies. The implementation effort is, thus, an integral part of the policy-making process. When policy is pronounced the implementation process starts.

In this Unit, we will discuss the meaning and significance of policy implementation. In addition, attention will also be focused on important elements, and modes of policy delivery. This unit will also discuss the diverse roles of public, private and civil society sectors in the implementation

process of public policies. In this context, an attempt will be made to examine the role of government institutions and the interaction of public, private, NGO and community sectors.

13.2 ELEMENTS FOR POLICY IMPLEMENTATION

Policy implementation encompasses those actions and operations, by public and private agencies and groups, that are directed at the fulfilment of goals and objectives set forth in a policy. As already mentioned, implementation is a continuous process, although there is some point at which the contours of implementation become relatively settled and routine administrative activities take over. Putting policy into action involves various elements. Take for example, implementation of the National Health Policy that requires human and financial resources, time and management capability, and the creation of necessary health organisations. In the words of Barrett and Fudge, policy implementation is dependent on: "knowing what you want to do; the availability of the required resources; the ability to marshal and control these resources to achieve the desired end; and if others are to carry out the tasks, communicating what is wanted and controlling their performance".

At the minimum, implementation includes the following elements:

- Adequate personnel and the financial resources to implement the policy;
- Administrative capability to achieve the desired policy goals; and
- Political and judicial support (from the legislative, executive, and judicial organs of the government) for the successful implementation of policy.

Understanding of policy implementation is critical to the success of government. When policies work, the executive (council of ministers) is eager to take the credit; when they fail, blame is usually assigned to the administrative agencies. Walter Williams, a leading student of the problem of implementation observes, "Nothing comes across more strongly than the great naivete about implementation. We have got to learn that the implementation period is not a brief interlude between a bright idea and opening the door for service".

The study of policy indicates the complexity of the policy process. It involves an environment setting from which demands and needs are generated, a political system that first processes and then makes policy decisions, and an administrative organisation or system that implements the policy decisions. In fact, the implementation of public policies is divided between these three settings.

Successful implementation is, therefore, dependent on *inputs*, *outputs*, and *outcome's*. Inputs are the resources (personnel and finance) mobilised, in producing outputs (decisions taken by the implementers) to achieve the outcomes (what happens to the target groups intended to be affected by the policy). Irrespective of the level of outputs of an implementing organisation, if the intended effect on the target group is not adequate it shows that there is something wrong. Policy does not implement itself; it has to be translated into action through various agencies and processes.

13.3 MODES OF POLICY DELIVERY

The provision of public goods and services can be regarded as a complex mixture of contributions from the government, market, and civil society including voluntary organisations. Modes of delivery or systems of policy delivery have drawn the attention of the policy analysts. These delivery systems in terms of the way in which public goods and services are provided through a network of public and private institutions assume considerable importance. This fragmentation of responsibilities among a number of agencies creates problems for control and accountability in a democratic

country like India. Simple hierarchical tiers have now given way to policy delivery systems, which use a mix of partnerships between the public and private sectors market mechanisms; in the process, new roles are being allocated to the NGOs, and other civil society groups and the community. The resultant mix of policy delivery may be viewed as a mix or blend of bureaucratic, market, and civil society agencies. It may be mentioned here that thinking in terms of clearly defined sectors or modes of coordination is not, in practice, possible, since in the real world there is considerable ambiguity and overlap in the roles and responsibilities of the participating agencies and functionaries.

13.3.1 Roles and Responsibilities of Administrative Organisations

The bureaucracy is an executive branch of the government. It is an administrative organisation, consisting of a legal body of non-elected full-time officials, which is organised hierarchically into departments in accordance with the rules governing the conditions of their service. This is an important institution, that performs most of the day-to-day work of governance. It is the bureaucracy that controls the personnel, spends money, allocates materials, and exercise the authority of the government. This institution receives most of the implementation directives from the executive, legislature and judiciary.

In theory, the Ministers decide on policies and the civil servants take the necessary executive actions to implement them. Senior administrators play a critical role in policy implementation as they are concerned with 'ends' and not merely with the 'means'. They are exclusively concerned with the implementation of policy decisions made by the political masters. More important is their work on the development of major policies in line with government commitments. Senior administrators have a constitutional responsibility to advise on the financial and administrative implications of different policy options, thus helping ministers to find ways of achieving their political objectives.

Policy implementation by the administrators, feeds back into policy formation so that they can advise authoritatively from experience on the practicability of different policy options. Much of the legislation and policy builds on the past administrative practice and accumulated experience. Further, the knowledge derived from direct experience of policy implementation gives the senior administrators a near monopoly of knowledge relevant to policy-making. New policy emerges as administrators bring their experience and ideas to bear on problems, which political masters wish to solve. As repositories of knowledge and experience senior administrators are able to give instructions and advice to the lower staff as to how to implement policy decisions. They can foresee the administrative and political difficulties likely to be encountered from their constituents. They are able to evolve from their expertise and experience new methods of dealing with the problems of policy implementation. Thus, the administrators' role in policy implementation is of considerable importance. The senior administrators, then, are catalysts who come up with satisfactory solutions. In this context, R.B. Jain notes that it is the "responsibility of the bureaucracy to ensure that the policies are conceived so as to be relevant to prevailing conditions and implemented with patience and convictions".

Administrators' Discretion and Limits

Despite the maladies attributed to bureaucracy, its role in policy-making cannot be under emphasised. Legislation is never self-implementing but requires delegation to appropriate organisations and personnel. Placing a programme in perspective is the first task of implementation, and administering the day-to-day work of an established programme is the second. It is because delegation and discretion permeate bureaucratic implementation that it plays a crucial role in the structure of policy-making and policy implementation. Technically, the task of all public organisations and

personnel is to implement, execute, and enforce law and policy. In doing so, most personnel do use bureaucratic discretion. It is pointed out that legislation does not minimise discretion. As Davis remarks, "Perhaps nine-tenths of the injustice in our legal system flows from discretion and perhaps only ten per cent from rules."

Since so much power and control over implementation is held by the administrative organisations and personnel, chief executives must put in conscious and determined efforts to control the discretion of subordinate agencies and administrators. Efforts to control bureaucratic discretion rest upon many strategies. First, if the public agencies do not implement a law to the satisfaction of the legislature, the policy can be changed by the political executive. The latter may also overrule routine bureaucratic interpretation of legislation. Secondly, from time to time, most of the problems associated with administration could be solved either by transferring responsibility to a friendly agency or by replacing a recalcitrant agency head, or by controlling the agency budget. Thirdly, the legislature may also curb bureaucratic discretion by making legislation more detailed. The bureaucracy can also be pressured through public hearings, the media and public criticisms, especially by legitimate attacks from the opposition in a political system. When all else fails, the administrators concerned can be made accountable through judicial pronouncements against acts of malfeasance.

Basic Concerns of Administrators

Policy implementation is not easy. Without determined political support and without willing cooperation of many top administrators, little can be achieved. In policy implementation administrators, especially senior executives, should have the following functions and roles to perform.

In the first place administrators must clearly understand the nature and significance of policies, which the political masters have set. They are responsible for advising in the formulation of policies, designed to achieve goals, and also mobilising, organising and managing the resources necessary for carrying out these policies. Second, they should assist policy makers to avoid ambiguities. They should advise them on the importance of adopting policies that can be implemented. Third, they should be able to translate the general policy and its objectives into operational targets. This function should also include analysis of probable costs and benefits of each way of achieving the operational targets. As far as possible, they should adopt a rational approach and use appropriate management techniques to implement policies. Finally, they should be able to pay special attention to the issue of coordination of policies and policy instruments. They should analyse the policy in question in relation to other policies to see if any inconsistencies or vagueness exist, and examine whether it complements or supplements other policies to produce better results. They must also be conscious of the likely consequences of the respective policies, especially the possibilities of popular distress, disapproval or resistance.

13.3.2 Legislative Bodies

While administrative organisations are the primary implementers of public policy, the legislative bodies are also involved in policy implementation. Though their role in implementation tends to be limited, the legislative bodies may affect the operations of the administrative organisations in several ways. In law, the power of the legislature over specified subjects is virtually unlimited. Administrative actions are subject to examination and criticism by legislative bodies. They can lay down limits to administrative discretion and delegation. The more detailed the legislation is, the lesser the discretion a bureaucracy would have. The legislature authorises taxation and expenditure, and holds the executive accountable for its financial decisions. It specifies limits in the legislation over the use of budgeted funds. Further, it may attach statements or suggestions concerning how the legislation should be implemented. The legislature and its various committees not merely exercise control but also attempt to influence the actions of administrative agencies that fall within their purview. The

public, mainly the supporters of the respective legislators, approach the latter to protect their interests. Interventions by legislators, in the administrative process, to pursue the interests of their constituents, therefore, tend to be quite common. As members or chairpersons of various committees of the legislature, a number of legislators also interact with senior officers and exercise influence on the implementation process in multiple ways.

- In India, the Parliament is empowered to exercise its control over the political executive for its decisions and actions. It operates in three broad arenas: i) control over policy; ii) control over implementation, and the day-to-day working of the departments; and iii) control over public expenditure. These are detailed below.

i) **President's Address**

Members of the parliament, after the President's address to the new session, get an opportunity to criticise the governments for its alleged acts of omission as well as commission.

ii) **Budget Discussion**

During the general discussion on the Finance Bill and submission of Demands for Grants, members of both the Houses of Parliament get innumerable opportunities to discuss the budget proposal on taxation and expenditure in particular, and economic policies in general. Members of the Lok Sabha can move three kinds of cut motions to assent, reject or reduce the amount of a demand. These are:

- a) Policy Cut Motion indicating the disapproval of the policy underlying the demands;
- b) Economy Cut Motion to project economy that can result from the suggestion of the member;
- c) Token Cut to ventilate a specific grievance. Issues of policy, economy, efficiency, grievances, etc. may be raised, and the minister concerned has to respond to the questions.

iii) **Question Hour and Government Policies**

The first hour of business in the legislature forms the most valuable part of the day's proceedings, which is reserved for raising questions on the executive's functioning. It serves the purpose of asserting the supremacy of the Parliament (e.g. Tehelka tape controversy in April 2001, Volcker report on Iraq's food for oil in November 2005). Besides question hour, financial matters are also discussed during the Zero Hour discussion, Adjournment debates (discussion on matters of urgent public importance) and No Confidence Motions. All of them provide further opportunities for criticising government policies.

However, any control that parliament exercises over the executive is largely indirect, inducing self-control and exercise of responsibility under the threat of exposure, rather than control in the sense of actually implementing policies.

13.3.3 Judicial Bodies

Judicial bodies including administrative tribunals also play a crucial role in their efforts to review or interpretation of public policies. In India, as in many other developing countries, most laws are enforced through judicial action. The Environment Protection Act, Income Tax Act, Urban Land Ceiling and Regulation Act, and the various laws dealing with crime, are some examples. Many of the clauses stipulated in the Acts are subjected to judicial interpretation. In addition, due to the power of judicial review, the courts are either directly or indirectly involved in policy implementation. The Indian Constitution empowers the Supreme Court and High Courts to exercise judicial review of the legislation. The enforcement of policies in many fields has been influenced by judicial decisions.

The judicial bodies can help, nullify or stop the implementation of particular policies through their interpretations of statutes and executive decisions. The role of the judiciary in responding to administrative action has usually been to protect the rights of the citizens faced with the growing power of the state or its whimsical exercise by those in authority. The courts are usually concerned with the procedural aspects of executive decision making as well as the legal authority behind them. A classic example was the Supreme Court's ruling in September 2003 restraining the Government of India from implementing disinvestment policy without seeking parliamentary approval regarding the disinvestment and privatisation of Hindustan Petroleum Corporation Limited, (HPCL) and Bharat Petroleum Corporation Limited (BPCL) (Kapoor, September, 2003). Similarly, the Supreme Court's ruling in September 2003, on putting a bar on the en masse remission of the sentences of convicts by the Government of Haryana indicates that the judiciary in India can nullify the implementation of particular policies.

The judicial control over administration is a direct outcome of the doctrine of rule of law and its scope is very wide. It can interfere with administrative orders whenever and wherever they effect the rights of citizens or violate any aspects of the Constitution of India while formulating or implementing public policies. The causes of judicial intervention include:

- i) lack of jurisdiction;
- ii) error of law;
- iii) errors of fact-findings;
- iv) abuse of authority; and
- v) errors of procedure.

The administrative tribunals and agencies for administrative adjudication—created under provisions of the Indian constitution—exercise checks on the functioning of implementing agencies and whosoever feels affected can approach these bodies. Though the verdict of these agencies and tribunals is final, the civil courts could interfere in case the agency or tribunal concerned has:

- i) acted on an issue outside its jurisdiction;
- ii) overacted, which means acting in excess of its power;
- iii) acted against any rule of natural justice;
- iv) not adhered to the compliance of the provisions of Act; and
- v) been fraudulent and dishonest, in its proceedings.

In order to have an effective check on the functioning of Administrative Tribunals, some safeguards have been provided in the Indian Constitution. As per Article 32(2) of the Indian Constitution, the Supreme Court is empowered to issue writs, viz. Habeas Corpus, Mandamus, Prohibition, Quo Warranto, and Certiorari. Any individual feeling that his fundamental rights have been infringed through the implementation of a given policy and has failed to get justice through the administrative adjudication agency or tribunal, could move the court for protection, and for safeguarding his rights. Thus, the courts (especially the High courts and the Supreme Court) and the Administrative Tribunals perform a positive role in the implementation of public policies.

13.3.4 Civil Society

Civil society organisations have an important role in the public policy arena, which is evident and described in detail in Unit 9. Historically, the religious organisations and charitable institutions in India have served as principal providers of many social services. With the emergence of the welfare state, some of the services have been taken over by the state. However, in recent years the role of the NGOs has received wide recognition and impetus as the state has been progressively

restricting its role in the provision of some welfare services. Moreover, the NGOs have made significant contributions to the implementation of public policies, notably with regard to population policy, health and education policies. It is, therefore, widely recognised that group action is a more effective method than individual action for the implementation of public policies. NGOs, and interest groups provide effective approaches and methods for mobilising public policies. Free from bureaucratic trappings, they can communicate more effectively to citizens, thereby ensuring adequate response to public policies. They also serve as bridge between individual citizens and policy implementers. They help the policy implementers by supplementing human resources in the policy implementation. For example, the NGOs played an effective role in carrying the message of family limitation and education of the girl child. The role of pressure groups is equally significant. For instance, farmers' organisations in several states have been active in launching direct action against what they considered 'anti-farmer' policies of the respective state governments. The agitations were aimed at securing remunerative prices for farm products, and for retaining the pre-existing subsidies on electricity, fertilisers, insecticides and pesticides.

The Government needs the cooperation of various civil society organisations for securing optimal results in the implementation of its policies. Hence, many government programmes have to be planned with the consent of those organisations. The cooperation within the implementation process is seen as a way of handling and resolving conflicts of interest.

However, to secure the involvement of various civil society groups/interest groups in policy implementation it would be better to bargain with them during the policy-making stage itself. This may be seen as the vesting of some discretionary power in the hands of such groups. They might be more inclined to protect their members' interests than those of the general public. In recent years, there is a growing tendency for public agencies to depend on civil society and interest groups to deliver services, which they find it either difficult to provide directly or lack the resources to provide them.

Role of Community

Another important component in the policy implementation is the community. The community is seen as an alternative or a supplement to the markets and bureaucracies. At the forefront of advocating 'communitarianism' as an approach to public policy is Arnitai Etzioni. Community-based public policy strategies have been a significant development in new approaches to local policy-making and implementation since the 1980s. The approach aims at increasing the participation of the community in solving its social and economic problems. In India, the Constitutional (73rd and 74th Amendment) Amendment Acts 1992 give a constitutional status to the rural and urban local bodies for formulation and implementation of policies and programmes for economic and social development of the respective communities. Community policy may, for instance, be directed at a neighbourhood or a part of an urban area. It may also be directed at a group of people who share a problem or an interest. The aim is to create a "bottom-up" process in which people participate in the making and implementation of policies. The community is seen as an agent of social change and reform. This approach is also conceived as a de-bureaucratisation strategy in which the community concerned acts as a channel for defending the interests and rights of individuals and groups who are threatened by the power of bureaucracy.

13.3.5 Influence of Political Structures

Political parties and executive staff agencies also affect the policy implementation process. As pointed out earlier, civil servants would argue that their policy-related advice to ministers is based solely upon practical considerations of feasibility in implementation. On the other hand, politicians

would argue that their interventions, if any, are intended to see that during the implementation phase, policy goals are not being distorted.' These comments indicate that the role of politicians and civil servants are important in the administration of public policies. Thus, the study of implementation is closely linked with issues of intra and inter-governmental relations. Moreover, the central government plays a core role in designing public policies, and in suggesting suitable administrative structures besides the provision of financial resources. In India, political parties are often seen to be exerting their influence on both the political executive and bureaucracy, in the implementation process, so as to realise their goals and to ensure popular control over government and its policies.

13.4 CONCLUSION

In this Unit, you have been exposed to the modes of policy delivery and role of various agencies in implementation. In this context, the respective roles of the legislature and judiciary have been described. The Unit emphasised on the fact that a good policy, if it is to be implemented, must have effective means of enforcement. It was noted that the political leaders, administrators, civil society organisations, and citizens play their respective roles in the enforcement of public policies. It was further noted that the government pursues a variety of approaches and instruments for translating its policies into action. In short, while the bureaucracy, its staff, and line agencies in particular are the primary implementers of public policies. Many other actors, such as, legislators, NGOs, civil society groups, besides the affected citizens are involved in the policy implementation process.

13.5 KEY CONCEPTS

Certiorari	: An order issued by a higher court to a lower court to send up the record of a case for review.
Habeas Corpus	: A court order, directing an official who has a person in custody to bring the prisoner to court and show cause for his detention.
Interest Group and Pressure Group	: An interest group is simply a voluntary association articulating interests of its members. On the other hand, a pressure group is an organisation with a formal structure whose members share a common interest and seek to influence government policy or decision without attempting to occupy political offices.
Mandamus	: An order issued by a court to compel performance of an act.
Policy Instrument	: A policy instrument is a means of accomplishing a particular policy objective.
Prohibition	: An extraordinary judicial writ, issuing out of a court of superior jurisdiction and directed to an inferior court for the purpose of preventing the inferior court from usurping a jurisdiction with which it is not legally vested.

13.6 REFERENCES AND FURTHER READING

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13.7 ACTIVITIES

- 1) Visit the office of any Government Agency. On the basis of your observation, critically examine the role of bureaucracy in policy implementation.
- 2) Examine the ways by which the legislature and judiciary exercise their influence on policy implementation.
- 3) Describe the role of the NGOs in policy implementation. If possible, describe their role on the basis of certain case studies or examples.