

Chapter: 10

PUBLIC POLICIES, BUREAUCRATIC DYNAMICS, CIVIL SOCIETY AND THE RIGHT TO INFORMATION IN THE DEVELOPMENT OF INDIA

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ABSTRACT

This passage discusses the intricacies of public policy-making in India, emphasizing the multifaceted nature of the process. It delves into the roles played by various entities, such as the government, bureaucracy, interest groups, and non-governmental agencies. The evolving dynamics of policy formulation, implementation, and evaluation are explored. Additionally, it highlights the growing participation of civil society in policymaking, raising questions about representation, legitimacy, and accountability. The case study of the Right to Information (RTI) Act is presented as a democratic and consultative process, showcasing the impact of grassroots movements on policy development and governance transparency. Overall, the text reflects the complexity and challenges inherent in contemporary Indian policymaking.

Keywords: *Public policies, Bureaucracy, Legislature, Civil society groups, Globalization, Governance, Legitimacy and Civil society organization.*



1. INTRODUCTION

1.1 Policy Formulation and Legislative Process in India: A Multifaceted Approach

Public policies are the activities that the government undertakes in order to pursue certain established goals and objectives. Policy making in India is taken up at different levels. Provisions have been made in the Constitution, in accordance with the spirit of a federal polity. Inter-governmental relations play a significant task in formulation of policies at various levels. Bureaucracy, thus, plays a very crucial role in policy formulation. Its suggestive, informative and analytical roles have made the political executive and the legislature fully dependent on it. Bureaucracy's role in delegated legislation can in no way be undermined. The legislature in India plays an important role in policy making, though the initiation of policies and proposals come from the executive, it is the legislature where it takes a formal shape. Each bill undergoes three readings in both the Houses before it is passed by them, Sapru, R. K. (2012). It becomes an Act when the president assents to it. The procedure of bill becoming an Act involves a lot of discussions and analysis by the members of the Parliament. The permanent executive in the process provides the members with all the relevant information in order to enable them, to answer the queries raised on the floor of the House. The role of parliamentary committees in this entire process has become very important. Due to lack of time and expertise, many issues are referred to these committees for detailed consideration. The committees' style of functioning is more flexible and informal and the recommendations come in the form of 'Action Taken Reports' submitted to the House from time to time.

1.2 Governance Dynamics: Exploring the Tripartite Role of Executive, Legislature, and Judiciary in Policy Implementation

It has been traditionally known that the execution of public policies is the task of the Executive branch of the government. But in modern political systems the legislature and the judiciary too play an indirect but significant role in the policy implementation process. It has been discussed at length what and how these two organs perform in implementing the policies and how the relationship between the two facilitate the smooth process of implementation of the policies.

The political executive or the politicians are the non permanent executive because their tenure depends upon the tenure of the legislature. They are members of the representative body and this is why they are amateurs in their experiences. The permanent executive, on the other hand, are experts in their field due to their long association with the government. Their career extends over a period of thirty years or so and thus they are in a position to give advise to the political executive in all matters of policy administration.

As civil society groups begin to engage in policymaking actively, on behalf of citizens and marginalised communities, they are increasingly being asked by the government, and other stakeholders like media, academics, sections of citizens (and rightly so), what is the basis for claiming the 'representation'? How 'representative' of the communities are the CSOs that are entering the policymaking domain? What are the mechanisms or the accountability measures for this? Who is being included, and who is left out? Here, it is important to disaggregate the voice of 'we the people' that are emerging. Does it include women, minorities, other vulnerable and marginalised sections? For by homogenising 'people' (a dominant tendency in the Jan Lokpal/anti-corruption movement), there is a danger of perpetuating dominant voices and inequitable power relation. How can the question of 'who represents whom' be addressed and brought to the centre of debate in creating democratic spaces for civil society's participation in policy processes.

1.3 Understanding the Multi-dimensional Impact of Public Policies

Today public policy making has become a complex task involving not only elected officials and public servants but also a host of other private agencies. The global markets have given rise to new issues of public concern that require global solutions. For better policy alternatives, government must increasingly work with other governments, non-government organizations and international organizations. Governments continue to play key role in setting the legal and political rules of governance, balancing interests

and insuring that principles of democracy and social justice are respected. Public servants are called upon to play new roles of facilitation, negotiation and conflict resolution.

If one examines the policymaking process in India, from the post-Independence period until late 80s, policymaking centered around the State as the 'maker' of policy, with limited participation from non-State actors. The State, in its maximalist avatar, sought to resolve societal problems by adopting a top-down, rational approach to policymaking, relying on its institutions to perform this function. One of the major institutional innovations of the scientific or the technocratic mode of policymaking was the Planning Commission. Such institutions depended on experts, mostly economists, and the focus of policymaking remained more on policy implementation and public administration, and less on policy scrutiny. This model worked as long as there prevailed political consensus on the role of the State, and centralized planning as the strategy for development. However, once this political consensus broke down with the onset of globalization and liberalization, two processes unfolded. One, the role of the State began to change and get more complex, and two, there began far greater scrutiny of public policy from the ground. Attention shifted to questions of appropriate policies and structures, processes for policy formulation, improving the competence of policymakers and evaluating policy outcomes.

What can we conclude from this about India's policy process? First, the relevance of these theories to India's bare-knuckle political arena with its pushes and pulls, bargains and quid pro quos is somewhat shaky. Add to this mix, personal egos, party dynamics and corruption. It becomes apparent how difficult it is not only to theorise but for any existing theory to be completely relevant to the realities of policy making. Second, most of the time change happens slowly. The pace can sometimes be accelerated due to an unpremeditated incident but by and large pace of policy change is slow. Third, the multitude of actors campaigning for a variety of causes point to the representative character of activism.

Activism in India has been by and large non-violent and peaceful (barring some cases). The activism that preceded the enactment of many of these laws were predominantly campaigns, which have more specific goals and a concentrated period of activity. However, some of these campaigns were part of a larger movement such as the women's movement or the environment movement in India.

1.4 Evolution of the RTI Movement and Strategic Stakeholder Alliances

The RTI movement, has a significance in the country's contemporary history. The first sign of this came when the movement could involve the leading public personalities. In 1996, MKSS decided to go on an indefinite public protest in Beawar to demand the RTI. Sihag, S., & Sihag, S. (2009). Medha Patkar herself engaged in the movement for rehabilitation of the Narmada dam oustees, Nikhil Chakravartty, Kuldip Nayar and Ajit Bhattacharjea, the three most senior journalists and public intellectuals, too were present. Presence of these personalities and their words of encouragement gave the issue elevated significance and lent greater dignity to the demands of the poor. Pawar, M., & Pulla, V. (2015)

To steer policy agenda, and impact policy process, the question of capacity of CSOs assumes importance. CSOs pay attention to factors that are critical to influencing policy. These may be external factors such as political factors, or internal factors such as networks and mobilization capacity. However, what receive far less attention are capacities to rigorously input into policy process and policy drafts – of evidence based knowledge, effective usage of the information, and communication strategies among others. How can civil society enhance its capacities in a more comprehensive way? On occasions when CSOs have been able to build coalitions across these capacities, their ability to impact policies has been greatly enhanced. What then are the ways in which civil society can enhance its capacities?

1.5 Knowledge, Public Sphere, and the Transformative Landscape of Governance

The think tanks and their attempts to formulate policy raise the whole question of the relation between knowledge and the public sphere. Policy formulation has not really articulated the views of the public sphere. In fact, the first challenges to policy came from the social movements, and from civil society which identified policy and experts as mere extensions to the state. The movements that grew around the Bhopal gas tragedy, the Narmada dam; the narratives of displacement and dispossession raised deep questions about policy and expertise, and about the public consumption of policy. Governance is now seen no longer as a statist exercise and the question of governmentality involves civil society articulating new epistemologies, notions of citizenship, ideas about the democratisation of knowledge and the assessment of public policy impacts. Governance has become tied to democracy, with the public sphere becoming crucial and public policy a critical field.

Since the passing of the Act, the RTI movement has inspired individuals from diverse backgrounds to actively confront corruption. The Right to Information has

played a crucial role in instilling a sense of transparency, accountability, and a heightened focus on monitoring public offices, as noted by Singh, R. K. This commitment to transparency and accountability is particularly relevant when unpacking the influence of labor regulations on Uttar Pradesh's tourism industry, as explored by Dixit, A. K., & Kumar, V. (2023). The intersection of these dynamics underscores the broader societal efforts towards governance and regulatory practices, impacting both the fight against corruption and the labor landscape in the state's tourism sector. RTI brought citizens closer to the government as people got empowered to know about decisions taken by the government and also to ask questions to the government. Amartya Sen and Martha C. Nussbaum have been arguing in their numerous writings, and the movement for the RTI by the MKSS has shown in ample measure that enhancement of capabilities is required as the basic premise of development of the whole society. Kumar, R. (2014)

1.6 Policy-Making Maze: Insights into the Enigmatic Pre-Legislative Process

This study is a first step in understanding the puzzle of how policies are shaped through the interventions of different stakeholders as it throws light onto hitherto dark corners of the policy process in India. While there is somewhat more information of the legislative process through Parliamentary debates, standing committee reports, and media reports of the political wheeling dealing, the pre-legislative process remains a black box. This study attempts to lift the lid a fraction to give a glimpse of the behind-the-scenes action as a law gets shaped. Those interested in activism will find it useful as a guide for predicting what strategies may work and at what moment in time. For policy-makers it would provide a glimpse of the inner workings of movements and campaigns and prepare them better for responding to such pressures. For the intelligent lay reader, it would be an introduction to the complex world of policy making with its pulls and pushes, the range of policy choices and the perils of decision making.

The 'legitimacy' Question: There is consensus today about the 'legitimacy' of civil society's participation in policymaking as passive players, using advocacy strategies of persuasion, education and awareness building within sanctioned and invited spaces. However, entry through claimed or occupied collective action, using confrontational strategies, as active players, has brought to the fore the question of 'legitimacy' Amanchukwu, 2015. This did come up, though in muffled tones, at particular junctures in the RTI movement, but with the Lokpal/anti-corruption movement, the 'legitimacy' of civil society in policymaking became a central debate. There are no easy answers here. The Constitution is silent on how policies are to be drafted—the nuts and bolts of it—before being placed in the legislature. In practice,

policies are drafted by 'experts' or bureaucrats, and there is now growing evidence of policymaking being delegated away from Parliament to 'boards' within ministries. These often constitute select corporate and businesses, and these State-business networks have started getting institutionalised within governments. How do we, in this context, see the question of 'legitimacy'? Are elections and dissent through 'sanctioned' structures the only rite to passage into the 'political' in a 'functioning representative democracy'? How does one gain legitimacy? Does legitimacy come from working in a village for years? Does legitimacy come from going to Jantar Mantar and other sites of protests? Does legitimacy come from getting media coverage, appearing on CNN-IBN or NDTV? In a country where an ordinary citizen has no space for representation between elections, what are the 'legitimate' forms of representation?

The contrasting journeys of Right to Information law beg a few questions. How do the gears of policy-making work in India? Why do time-lines for evolution of laws differ? Are there commonalities among the journey of different laws? Who influences the law makers? What strategies are used to influence them? How do policy makers engage with the non-state actors? Can a framework be developed to predict the outcome and time-line of the law-making process?

RTI represents a case of a unique campaign, which became a movement emerging from the grassroots with a rural base, building bridges into the urban landscape, with cross sections of citizens and media playing an active role in it. By making access to information a right, it did not just break the wall of secrecy surrounding the functioning of the state and bureaucracy, but also opened the domain of policymaking to include the participation of civil society and citizens, eventually leading towards democratizing governance. It also represents a successful transformation of civil society movement of pushing and achieving a legislation, which had far reaching impact on other movements, activism and campaigns. RTI is often perceived as a movement that internally evolved through a democratic process, took on board divergent opinions, emphasised on carefully building alliances and consensus among a diverse civil society over a period of time. Externally, it did not question the boundaries of Parliamentary democracy, and tended to work with it to deepen democracy.

The origins of the right to information campaign in India from our civil society organization's perspective and experience from the policy making perspectives are discussed. Civil society organization began with a strategy of advocating for minimum wage payments for local labourers, but subsequently shifted to mobilizing local populations to demand access to public records that exposed extensive corruption and

abuse of power in state of Rajasthan, India. Today civil society actors are not just proactively feeding into government policy action plans, but also in drafting of national legislation as well as setting the national agenda. Invariably, this has raised public debate about the 'legitimacy' and role of nonelected actors serving as the representatives of the people in official policy spaces – issues that surfaced in a big way in the wake of 'moments', like in the anti-corruption movement.

2. CONCLUSION

In conclusion, the intricate landscape of public policy in India reflects a dynamic interplay of various actors, institutions, and influences. The constitutional framework establishes a federal polity, with inter-governmental relations shaping policy formulation. Bureaucracy, as a key player, holds significant sway, influencing both the political executive and the legislature. Legislative processes, involving multiple readings and discussions, transform proposals into Acts, underlining the importance of parliamentary committees in detailed scrutiny.

Interest groups, reflecting shared beliefs or interests, exert influence through organized efforts, often aligning with dominant groups, while the unorganized find representation in India's democratic ethos. The executive, judiciary, and legislature all contribute to policy implementation, with non-governmental agencies increasingly playing a crucial role, especially in poverty alleviation and development programs.

The advent of civil society in policymaking introduces questions of representation, legitimacy, and inclusivity. While traditional policymaking centered on a state-driven, top-down approach, globalization and liberalization have ushered in a more complex, participatory paradigm. As the Right to Information (RTI) movement exemplifies, civil society can catalyze transformative legislative processes, shaping a more accountable and transparent governance landscape.

The evolving nature of policymaking demands collaboration not only among governmental bodies but also with non-state actors, international organizations, and private agencies. Think tanks, social movements, and advocacy groups contribute diverse perspectives, challenging the traditional policy narratives. The democratic processes underlying the RTI enactment provide valuable lessons for consultative and collaborative lawmaking, emphasizing the role of multi-stakeholder engagement in shaping effective policies.

Ultimately, the policymaking milieu in India is characterized by its responsiveness to societal needs, the influence of diverse actors, and an evolving balance between state-driven authority and participatory democracy. The complexities and

nuances inherent in this process highlight the need for continuous scrutiny, evaluation, and adaptation to ensure policies align with the evolving needs and aspirations of the diverse Indian population.

REFERENCES

1. Amanchukwu, R. N., Stanley, G. J., & Ololube, N. P. (2015). A review of leadership theories, principles and styles and their relevance to educational management. *Management*, 5(1), 6-14.
2. Dixit , A. K., & Kumar, V. (2023). Unpacking The Influence of Labor Regulations on Uttar Pradesh's Tourism Industry (1st ed., pp. 10-14). Noble Science Press. <https://doi.org/10.52458/9789388996969.nsp2023.eb.ch-02>
3. Pawar, M., & Pulla, V. (2015). Medha Patkar's environmental activism and professional social work in India: Mass legitimacy and myopic structures. In *Subversive action: Extralegal practices for social justice* (pp. 77-97). Wilfrid Laurier University Press.
4. Pawar, M., & Briskman, L. (2017). I cannot give up, I cannot give up on the children—Bernadette McMenamin, AO. *Empowering social workers: Virtuous practitioners*, 123-137.
5. Kumar, R. (2014). New governance, public policy, and social movements in India: Rethinking MKSS movement and RTI act. *Journal of Politics and Governance*, 3(4), 163-169.
6. Sapru, R. K. (2012). *Public Policy: Formulation, Implementation and Evaluation*. Sterling Publishers.
7. Singh, R. K. (n.d.). *People's Movement and the Story of the RTI*.
8. Sihag, S., & Sihag, S. (2009). Destroying the culture of secrecy: empowerment and dignity through right to information: a case study of MKSS in Rajasthan. *Community Development Journal*, 44(3), 382-392.