Block 2

Governance

ignou
THE PEOPLE'S
UNIVERSITY

ignou
THE PEOPLE'S
UNIVERSITY

UNIT 4 CONCEPT OF GOVERNANCE*

Structure

4.0 Objectives
4.1 Introduction
4.2 Government and Governance
4.3 Concept of Governance
4.4 Concept of Governance: Interpretations of International Organisations
4.5 Governance: Contextual Uses
4.6 Forms of Governance
4.7 Concept of Governance: An Appraisal
4.8 Conclusion
4.9 Glossary
4.10 References
4.11 Answers to Check Your Progress Exercises

4.0 OBJECTIVES

After reading this Unit, you should be able to:

- Differentiate between government and governance;
- Define the concept of governance;
- Examine its contextual uses;
- Explain the various forms of governance; and
- Make an appraisal of the concept of governance.

4.1 INTRODUCTION

In contemporary world governance has become a prominent area of discussion. Governance now not only occupies centre stage in the development discourse but is also considered as the crucial element to be incorporated in the development strategy. The onset of liberalisation, privatisation and globalisation has led to significant changes in the roles of individuals, institutions as also the State. It has widened the process of governing. From a doer the State has become a facilitator and regulator. Instead of government being the sole agency to discharge the tasks of governance, need for participative and consultative modes of governing has become strong. The welfare state has been transformed to a corporatist state. It favours a dominant presence of market forces over the State, for effective governance and efficient delivery of goods and services. This along with gradual blurring of distinction between public and private sectors has given rise to the concept of governance and over time gained a wider connotation.

*Contributed by Dr. Sweta Mishra, Senior Assistant Professor, Gargi College, University of Delhi.

In the light of these introductory remarks, in the succeeding sections of this Unit, we shall attempt to differentiate between government and governance, examine the concept of governance, its contextual uses and different forms.

4.2 GOVERNMENT AND GOVERNANCE

The words 'government' and 'governance' are often used interchangeably, though they are not the same. Government is a group of people who rule or run the administration of a country. It is the body of representatives that governs and controls the State at a given time. It is the medium through which the power of the State is employed. Governance, on the other hand, is the act of governing or ruling. It is the set of rules and laws framed by the government that are to be implemented through the representatives of the State. Simply put, governance is what the governments do. Governance is the physical exercise of the polity while the government is the body through which this is done.

Government includes the regularised body of people who run the administration of a country. While there can be various forms of government like, democracy, autocracy etc., they all serve the same purpose i.e., to drive the national wheel. On the other hand, governance is the act of ruling that comes after the government is formed. So, it could be termed as the effective implementation of the rules by the ruling government. It is a function of a government. A government is a body entrusted with the power to make and enforce laws to govern a country. While governance involves not just these but has features such as efficiency, accountability, transparency, responsiveness, equity and many more.

The terms government and governance have been very well explained by Rosenau. According to him, both refer to purposive behaviour, to goal-oriented activities, to system of rule of law; but government suggests activities that are backed by formal authority, by police powers to ensure the implementation of duly constituted policies, whereas governance refers to activities backed by shared goals that may or may not derive from legal and formally prescribed responsibilities and that do not necessarily rely on police powers to overcome defiance and attain compliance. Governance in other words is a more encompassing phenomenon than government. It embraces governmental institutions, but it also subsumes informal, non-governmental mechanisms whereby those persons and organisations within its purview move ahead, satisfy their needs, and fulfil their wants (Rosenau & Czempiel, 1992).

Thus, we can say that the concept of governance is more encompassing and broader in nature than government. Government conventionally refers to the formal institutional structure and the location of authoritative decision making in the modern state. Governance is much more than this. It focuses more on collective action and the networking of various stakeholders. In government, the exercise of authority is of utmost importance. In governance, it remains significant but is not its single focus. In governance, the power is much more shared than wielded and the authority is defined much by the consent and participation of the governed than by the control of the ruler. Governance is not only about government but about reworking the relations between the state, market, and civil society. Government and governance, both are ideal types and there exists a continuum between the two, the broad features of which can be qualified (Bagai, 2016).

4.3 CONCEPT OF GOVERNANCE

The concept of governance has been in use at least since the fourteenth century. It was first used in France. It meant 'seat of government'. It has been derived from Greek word 'Kybernan' which means 'to steer and to pilot or be at the helm of things' (Medury, 2010). Governance, in simple terms, means "the process of decision-making and the process by which decisions are implemented (or not implemented)". The Concise Oxford Dictionary defines it as an "act or manner of governing" and "the office or function of governing". Governance has also become a term used to describe a particular set of changes. It signifies a set of elusive but potentially deeply significant shifts in the way in which government seeks to govern (Pierre & Peters, 2000).

The term 'governance' was first used by Harland Cleveland (1972). He used it as an alternative to public administration. According to him, what people want is 'less government and more governance'. He identified governance with a cluster of concepts. According to him, "the organisations that get things done will no longer be hierarchical pyramids with most of the real control at the top. They will be systems – interlaced webs of tension in which control is loose, power diffused and centres of decision plural…. Because organisations will be horizontal, the way they are governed is likely to be more collegial, consensual, and consultative. The bigger the problems to be tackled, the more real power is diffused and the larger the number of persons who can exercise it – if they work at it" (Frederickson, 2008).

Governance refers to a process of exercise of authority to govern people or regulate public affairs. In the simplest terms, governance relates to the effective management of the affairs of a country at all levels, guaranteeing its territorial integrity, and securing the safety and overall welfare of people. It is about the rules of collective decision-making in settings where there are plurality of actors or organisations and where no formal control systems can dictate the terms of relationship between these actors and organisations (Chhotray & Stoker, 2009). Governance introduces the private sector, the civil society including the local government system as participants in the process of governing through changes in their subsidiary roles and direct involvement in areas hither to kept exclusively in the public domain.

According to Rhodes (1997), 'governance signifies a change in the meaning of government, referring to a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed'. Governance denotes the development of ways of coordinating economic activity that transcend the limitations of both hierarchy and markets. It highlights the role of the State in 'steering' action within complex social systems (Kooiman, 2000).

Governance can be interpreted as the undertaking of activities, management of resources, organisation of citizens, communities, local government bodies, business organisations and the branches of the State (legislature, executive and judiciary) through social, political, administrative, and economic arrangements that meet the daily needs of the people and ensure sustainable development. Though the conventional constituents of State namely, parliament, judiciary and executive, government may encompass this diverse area of governance at some particular point of time, changes often take place subsequently, that make a combination of these constituents of the State and other actors, as collaborative partners in governance with clear cut and sometimes overlapping jurisdictions. Governance is a participative system in which those who are called upon

to govern on behalf of the people are motivated with a will to give their best, serve the people, solve their problems, and make their lives more liveable, satisfying, and enjoyable.

Public administration is no longer confined simply to a discussion of government agencies, processes, and procedures. It encompasses governance which is broad in nature that includes all processes and individuals in the execution and operations involved in policy implementation.

4.4 CONCEPT OF GOVERNANCE: INTERPRETATIONS OF INTERNATIONAL ORGANISATIONS

The concept of governance received added importance in the hands of multilateral and bilateral aid-giving agencies in the late eighties and early nineties. These agencies used it as a pre-condition for providing aid. In this context, in 1989, the World Bank gave the lead followed by OECD, UNDP, and the UNESCO.

World Bank

It was the first international organisation to use the term. It defined it as having three distinct aspects: The form of a political regime (parliamentary or presidential, military, or civilian, and authoritarian or democratic); the processes by which authority is exercised in the management of a country's economic and social resources; and the capacity of governments to design, formulate, and implement policies, and, in general, to discharge governmental functions. The terms usually describe conditions in a country.

Organisation for Economic Cooperation and Development (OECD)

The concept of governance denotes "the use of political authority and exercise of control in a society in relation to the management of its resources for social and economic development". The OECD lays down the key components of governance as follows:

- Legitimacy of government;
- Accountability of political and official elements of government;
- Competence of governments to make policy and deliver services; and
- Respect for human rights and the rule of law.

United Nations Development Programme (UNDP)

UNDP (1997) has viewed governance as "the exercise of economic, political, and administrative authority to manage a nation's affairs at all levels. It is the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights and obligations, and mediate their differences". UNDP has laid down following characteristics of good governance viz., participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability, and strategic vision.

United Nations Education and Social Cultural Organisation (UNESCO)

UNESCO (1997) defines governance as … "a process whereby citizens' needs, and interests are articulated for the positive social and economic development of the entire

society and in the light of a perceived common good. Governance means more than government: it refers to a political process that encompasses the whole society and contributes to the making of citizens, active contributors to the social contract that binds them together. Their sense of political efficacy is one of the indicators of democratic governance".

Governance has gained importance in the domain of public administration by giving a new interpretation to the modes of governing. It is multi-jurisdictional and creates space for several actors. It gives importance to transparency, accountability, integrity and legitimacy of the institutions, rules, practices, and values on which the society functions.

4.5 GOVERNANCE: CONTEXTUAL USES

In the preceding sections, we have acquainted you with the concept of governance and its several interpretations. The concept of governance is used in several contexts. According to Rhodes *(op.cit)* these contexts are:

Governance as the Minimal State

In this sense, governance redefines the extent and form of public intervention and the use of markets and quasi-markets to deliver 'public' services. The extent of any change is a matter of dispute. Indisputably, as regards U.K, the size of government was reduced by privatisation and cuts in the size of the civil service. However, public expenditure remained roughly constant as a proportion of Gross Domestic Product (GDP); public employment fell only slightly in local government and the National Health Service; and regulation replaced ownership as the preferred form of public intervention with the government creating major regulatory bodies.

Governance as Corporate Governance

In this context, governance refers to "the system by which organisations are directed and controlled" (Cadbury Report, 1992). It is the structure and the functioning of corporate policies. It is the mechanism by which corporations and managers are governed (Holmstrom and Kaplan, 2001). Thus, the governance role is not concerned with running the business of the company, *per se,* but with giving overall directions to the enterprise, with overseeing and controlling the executive actions of management and with satisfying legitimate expectations for accountability and regulation by the interests beyond the corporate boundaries… All companies need governing as well as managing (Tricker, 1984).

In this use, governance has a narrow meaning, but it helps in ensuring business flexibility, market transparency, corporate ethics and maintaining the monitoring standards. The concerns of corporate governance are echoed when discussing accountability in the context of 'new public management' and 'good governance'. In this use, private sector management practice has an important influence on the public sector.

Governance as New Public Management (NPM)

In its third use, governance is related to the new public management. One of the powerful thrust areas of NPM is to shed responsibilities in two ways, which all along has been the concern of several governments during the 1980s. The first is to decentralise governmental responsibilities by privatising functions discharged by the state at all levels. The second way is to focus on internal management practices based on performance

measurement, total quality management and the use of customer-driven measures as methods of discerning the public interest (Medury, *op.cit.,).*

New public management implies two aspects. In its first, it means managerialism, i.e., introducing private sector management methods to the public sector. In its second sense, it refers to new institutional economics, i.e., introducing incentive structures (such as market competition) into public service provision. Managerialism was the dominant strand in Britain before 1988 and after that new institutional economics became more prominent.

New Public Management is relevant to the discussion of governance because steering is central to the analysis of public management and it is a synonym for governance. Osborne and Gaebler, (1992) for example, distinguish between 'policy decisions (steering) and service delivery (rowing)'. They argue that bureaucracy is a bankrupt tool for rowing. Hence, they proposed entrepreneurial government based on certain principles, viz., competition between service providers, empowering citizens, focusing on outcomes, decentralisation of authority, catalysing all sectors, putting energies into earning money, missions, and goals, etc.

NPM and entrepreneurial government share a concern with competition, markets, customers, and outcomes. Governance calls for more steering, providing impetus to other forces, rather than rowing. The emphasis has thus been placed on 'enabling' rather than 'providing'.

Governance as 'Good Governance'

This use of governance became popular after the World Bank (1992) popularised the phrase 'good governance', which includes an efficient public service, independent judicial system and legal framework and accountable administration. For the World Bank, governance is 'the exercise of political power to manage a nation's affairs'. The bank came to realise that good governance is central to creating and sustaining an environment, which fosters strong and equitable development, and it is an essential complement to sound economic policies. It is a combination of the efficiency concerns of public management and the accountability concerns of governance thereby enhancing the quality of governance through empowerment, participation, accountability, equity, and justice (Medury, *op.cit).*

Leftwich (1993) identifies three strands of good governance: systemic, political, and administrative. The systemic use of governance is broader than government covering the 'distribution of both internal and external political and economic power'. The political use of governance refers to 'a state enjoying both legitimacy and authority, derived from a democratic mandate'. The administrative use refers to 'an efficient, open, accountable and audited public service, which has the bureaucratic competence to help, design and implement appropriate policies and manage the public sector'.

The good governance agenda advocates freedom of information, a strong legal system and efficient administration to help the underprivileged sections' claim to equality; but these have been most successful when backed up by strong political mobilisation through social movements or political parties with a clear-cut mission. Good governance means bringing about goodness in all the three sectors: government, civil society and corporate world including transnational corporations. Good governance is a tryst with trust, a commitment of the people for the people, a social contract for the greatest good, the collective conscience of the community (Mishra, 2003).

Governance as a Socio-cybernetic System

Governance, according to Kooiman (1993), is the pattern or structure that emerges in a socio-political system as a 'common' result or outcome of the interacting intervention efforts of all involved actors. This pattern cannot be reduced to one actor or group of actors. It means instead of a single sovereign authority, there is a multiplicity of actors specific to each policy area; interdependence among social, political, and administrative actors; shared goals; and blurred boundaries between the public, private, and voluntary sectors (Medury, *op.cit.,).* The socio-cybernetic approach views governance as the result of interactive social-political forms of governing. The approach highlights the limits to governing by a central actor and claims there is no longer a single sovereign authority.

In other words, policy outcomes are not the product of actions by central government. The government may pass a law but subsequently it interacts with local government, health authorities, the voluntary sector, the private sector and, in turn, they interact with one another.

Governance as Self-organising Networks

This use sees governance as a broader term than government with services provided by a combination of government, the private sector, and the voluntary agencies. It focuses on network and collaboration driven government rather than hierarchies. It lays stress on horizontal linkages among the three actors – state, market, and civil society – in a steering society (Joseph, 2003). For example, the British Government creates agencies, special-purpose bodies to deliver services, and encourages public-private partnerships; so, 'networks' become increasingly prominent among British governing structures.

Networks are a widespread form of social co-ordination, and managing inter-organisational links is just as important for private sector management as in government. According to Powell (1991), networks are 'a distinctive form of coordinating economic activity'. Similarly, Larson (1992) explores 'network structures in entrepreneurial settings; concluding that 'the network form of governance' highlights 'reputation, trust, reciprocity and mutual interdependence'.

In other words, a network is autonomous and self-governing. Autonomous systems have a much larger degree of freedom of self-governance. Deregulation, government withdrawal and steering at a distance … are all notions of less direct government regulation and control, which lead to more autonomy and self-governance for social institutions (Kickert, 1993).

From the above discussion, it becomes clear that governance has too many meanings to be useful. As such, it becomes difficult to provide a single definition of governance. According to Rhodes, it incorporates most notably the minimal state, a socio-cybernetic system, and self-organising networks.

Check Your Progress 1

Note: (i) Use the space given below for your answers.

(ii) Check your answers with those given at the end of the Unit.

1. Bring out the points of distinction between government and governance.

   .....

   .....

   .....

   .....

2. What are the different uses of the term governance?

   .....

   .....

   .....

   .....

4.6 FORMS OF GOVERNANCE

In the preceding sections, we have examined the different interpretations and conceptual uses of governance. Similarly, there are various forms of governance more important among which are political, economic, and social.

Political

Due to the global political and economic shifts, the nation states' capacity to govern has been limited. There is a general feeling that there is a 'hollowing out' of the State. This has resulted in shifting of the power outwards to international financial markets, to global companies to be able to move capital and other resources from one site of investment to another, and to supra-national entities such as the World Bank or European Union. Power has also percolated downwards to the sub- national level of regions and cities. As a result of these changes, a series of reforms have taken place resulting in reduction in the size of the machinery of government and its fragmentation.

Under the new model of governance, the State is one of the actors in the process of governance along with civil society, NGOs, and private sector. New strategies based on informal influence, enabling and regulation have grown in importance. The State retreats and the government withdraws from the areas that traditionally remained in their domain. The State is now the 'enabler' rather than 'doer' and is being reinvented through reducing welfare expenditure, retrenching public services, and contracting out functions to private agencies (Singh, 2016). However, this does not necessarily mean a decline in the role of the State. The forms of control through hierarchical, institutional channels continue alongside new forms of governance. Besides, the changing role of the State can be understood as an adaptation to its environment rather than a diminution of its power. Pierre and Peters (2000), for example, adopt an explicitly 'State-centre' approach which emphasises the reconfiguration of State power. They view governance as a process in which the State continues to play a leading role.

Economic

A central theme in the governance literature is the idea that markets, hierarchies, and networks form alternative strategies of coordination. Different modes of governance, including those based on markets, hierarchies, and network, are likely to coexist, with

different institutional combinations in specific nations, but with networks becoming increasingly significant (Newman, 2001).

The neo-liberal political/economic regime of the 1980s and 1990s partly dismantled the conception of the State as a direct service provider. The introduction of market mechanisms has led to a more fragmented and dispersed pattern of service delivery and regulation that required new forms of coordination. The states can no longer provide traditional public goods. Where the states were once the masters of markets, now it is the markets which, on many crucial issues, are the masters of the governments of the states (Strange, 1996). As a result of privatisation, contracting out, quasi-markets, the removal of functions from local authorities, the separation between the policy and delivery functions in the civil service with the setting up of executive agencies, governments had to develop new forms of control. These types of control included framework documents, contracts, targets, performance indicators, service standards, contracts, and customer charters (Newman, *op.cit.,).* While governments could still set the parameters of action (through funding regimes) and had the monopoly on certain forms of power (such as legislation), they increased their dependence on a range of bodies across the private, public, and voluntary sectors.

Economic governance requires removal of market distortions, setting appropriate service standards, ensuring fair competition amongst the players and a level playing field, protecting the interests of all concerned key stakeholders.

Social

Another form of analysis of governance is responding to complexity, diversity, and dynamic changes in society. Kooiman and Van Vliet (1993), link governance to the need for an interactive form of governing. The purpose of governance in our societies can be described as coping with the problems but also the opportunities of complex, diverse, and fragmented societies. Complexity, dynamics, and diversity has led to a shrinking external autonomy of the nation state combined with the shrinking internal dominance vis-à-vis social subsystems … Governing in modern society is predominantly a process of coordination and influencing social, political, and administrative interactions, meaning that new forms of interactive government are necessary. Governing in an interactive perspective is directed at the balancing of social interests and creating the possibilities and limits of social actors and systems to organise themselves.

Kooiman *etal* (1993) argue that in a society that is increasingly complex, dynamic, and diverse, no government is capable of determining social development. Kooiman further argues that there has been an attempt by governments – in the UK, the USA and across much of Western Europe – to shift the focus away from the State itself to various forms of co-production with other agencies and with citizens themselves. There seems to be a shift away from more traditional patterns in which governing was basically seen as a 'one way traffic' from those governing to those governed, towards a 'two-way traffic' model in which aspects, qualities, problems, and opportunities of both the governing system and the system to be governed are taken into consideration.

In the present scenario, the government is not acting alone. Rather it is increasingly engaging in co-regulation, co-steering, co-production, cooperative management, public/private partnerships, and other forms of governing that cross the boundaries between government and society and between public and private sectors (*ibid*). The tasks of steering, managing, controlling, or guiding are carried out through a wide a range of agencies in the public, private, and voluntary sectors, acting in conjunction or combination

with each other. It is no longer the domain of the government. Governance in this context stands for developing, strengthening, and sustaining collaborative and participative processes, bringing about networking and coordination and building human capacities. We shall also be discussing network governance in detail in Unit 7 of this Course.

4.7 CONCEPT OF GOVERNANCE: AN APPRAISAL

It should be clear by now that the term 'governance', has, over the decades, occupied a prominent place in the discipline of public administration. As we have discussed in this unit, the form of governance is not homogeneous and it has several things, be it civil society, market forces, third-party government, network management and so on.

Friedrickson challenges the validity and usefulness of governance on several fundamental grounds (Chakrabarty and Bhattacharya, 2008). It appears to be a rehash of old academic debates under a new name. It is imprecise and broad, connoting several meanings.

Second, the concept is freighted with values which are often contradictory. For instance, some approaches to governance as public administration tend to wrap up together anti-bureaucratic and anti-governmental sentiments, preferences for markets over governments and preferences for limited government.

Third, more than being about change, reform or getting things right, government is about order. The key elements of governance such as networks, inter-organisational and interjurisdictional cooperation, public private partnerships etc., are forms of institutional adaptations in face of increasing interdependence.

Finally, governance is centred on non-state institutions – both profit and non-profit, non-governmental and inter-governmental. It diminishes the capacity of the core State executive to steer. In the hollow state, conditions of steering are reversed; the State is steered by its governance partners.

As Frederickson (2001), points out two important implications arise from the critique of governance. One is that governance approach to public administration focuses on change and reform rather than functioning of institutions such as State. The second implication of the critique is that governance theorists look for an all-pervasive pattern of organisational and administrative behaviour, a 'general theory' that provides an explanation for the past and a means to predict feature.

Frederickson suggests a fundamental distinction between public administration as the internal day to day management of an organisation and governance as management of extended state. It includes management of non - governmental, institutional, and other organisations in so far as their policies or actions affect the citizens in the same way as state agencies. This leads to a three- fold theory of governance in public administration. First, is inter- jurisdictional governance. This refers to policy area specific, formalised, or voluntary patterns of inter organisational or inter-jurisdictional cooperation. Second, is the idea of third-party governance that extends the functions of the State by exporting them, by contract, to policy area, specific non-profit, for profit, or sub governmental third parties. Third, is the area of public non-governmental governance. This accounts for those activities of non-governmental organisations that bear on the interests of citizens in the same way as governmental agencies (*www.rhu/ac.uk.mgt/news and events/seminars)*.

Merille.S. Grindle (2007) proposes the notion of 'good enough governance'. This challenges the argument in support of universalising governance as a model of public administration. Good enough governance as a concept suggests that not all governance deficits or lacunae of any country can be tackled in one go. So, what is needed is to assess the prevailing political, socio-economic conditions of any country and accordingly devise the strategies. This provides a contextual interpretation than an idealistic version of governance. The feasibility of interventions can be assessed by analysing the context for change and their implications.

Governance as a concept has brought in significant changes in the processes of governing. The governance lacunae and challenges pose serious concerns. Developing mechanisms and indicators of effective governance relating to performance, accountability, transparency, responsiveness and so on in any system shall enhance its quality.

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the Unit.

1. What are the various forms of governance?

.....

.....

.....

.....

2. Make an appraisal of the concept of governance.

.....

.....

.....

.....

4.8 CONCLUSION

Governance basically focuses on the process of governing, involving interactions between various formal and informal institutions as well as influencing the policies and decisions that concern public lives. The success of governance depends on the reinvention of the government, re-invigoration of non-government sectors, with a social motive. There is a need to have political will, normative concerns, and organisational flexibility. Besides, it is imperative to pay attention to the mechanisms and modalities followed by governments to determine public policies and equally important, to critically examine whether the policies are being efficiently and honestly implemented by the government agencies and organisations responsible for performing the assigned tasks. It also needs to be seen whether, and to what extent, the governments have established meaningful linkages with various elements of civil society, which can support the concern for good governance.

Governance needs to be transformed to make it the key instrument towards effective implementation of public policies. This requires a multi-pronged strategy to strengthen the capacities of all the actors involved in the governance process. Governance needs

to be given a wider connotation, to bring within its fold, not simply good government, but also other formal and informal institutions, public-private interface, legal and regulatory reforms, decentralisation of economic functions, and empowerment of communities.

Governance now not only occupies centre stage in the development discourse but is also considered as the crucial element to be incorporated in a development strategy. It signifies a change in the meaning of government, referring to a new process of governing; or a changed condition or ordered rule; or the new method by which society is governed.

4.9 GLOSSARY

Corporate Governance : It is the system by which business corporations are directed and controlled. The corporate governance structure specifies the distribution of rights and responsibilities among different participants in the corporation, such as the board, managers, shareholders, and other stakeholders, and spells out the rules and procedures for making decisions on corporate affairs.

Hollowing out of the State : The phrase summarises many of the changes, which have taken, and are taking, place in British Government. It refers to: (I) privatisation and limiting the scope and forms of public intervention; (ii) the giving away of functions by central and local government departments to alternative delivery systems (such as agencies); (iii) the devolving of functions by British Government to European Union Institutions; and (iv) Limiting the discretion of public servants through application of new public management principles, with its emphasis on managerial accountability, and clearer political control through a sharper distinction between politics and administration.

New Institutional Economics : It is an approach to the study of economic phenomena that focuses on institutions other than the market- on norms, conventions, and patterns of social interaction, to examine as to which institutional arrangement fosters growth, development, and efficiency and which hinder these. The new institutional economics differs from the 'old' institutional economics in that it builds up analyses of institutions from individual tastes and preferences and choice of action.

4.10 REFERENCES

Bagai, A. (2016). Understanding Governance in the Twenty-first Century. In Shivani Singh (ed.), *Governance Issues and Challenges*. New Delhi, India: Sage.

Cadbury Report. (1992). *The Report of the Committee on the Financial Aspects of Corporate Governance*. London: Gee & Co.

Chhotray, V. & Stoker, G. (2008). *Governance Theory: A Cross Disciplinary Approach*. UK: Palgrave.

Frederickson, G. (2001). *Whatever happened to Public Administration? Governance, Governance Everywhere*. The Oxford Handbook of Public Management.

Fredrickson, H.G. (2008). Whatever Happened to Public Administration: Governance, Governance Everywhere. In Bidyut Chakrabarty & Mohit Bhattacharya (ed.), *The Governance Discourse*. New Delhi, India: Oxford University Press.

Grindle, M.S. (2007). Good Enough Governance Revisited. *Development Policy Review*. 25 (5).

Holmstrom, B. & Kaplan, S. (2001). Corporate Governance and the Merger Activity in the United States: Making Sense of the 1980s and 1990s. *Journal of Economic Perspectives*. 15(2).

Joseph, S. (2003). Creating a Public: Reinventing Democratic Citizenship. In Gurpreet Mahajan (Ed.), *The Public and the Private: Issues of Democratic Citizenship*. New Delhi, India: Sage Publications.

Kickert, W.J.M. (1993). Complexity, Governance and Dynamics: Conceptual Explorations of Public Network Management. In J.Kooiman(ed), Modern Governance: Government – Society Interactions. London: Sage Publications.

Kooiman, J. (2000). Societal Governance: Levels, Models and Orders of Social-Political Interaction. In J. Pierre (Ed.), *Debating Governance: Authority, Steering and Democracy*. Oxford: Oxford University Press.

Larson, A. (1992). Network dyads in entrepreneurial settings: A study of governance exchange relationships. *Administrative Science Quarterly*. 37, 76-104.

Leftwich, A. (1993).Governance, Democracy and Development. *Third World Quarterly*. 14(3), 605-624.

Medury, U. (2010). *Public Administration in the Globalisation Era, The New Public Management Perspective*. New Delhi, India: Orient Black Swan.

Mishra, A.D. (2003). Good Governance: A Conceptual Analysis. In Alka Dhameja (Ed), *Contemporary Debates in Public Administration*. New Delhi, India: Prentice- Hall of India.

Osborne, D. & Gaebler, T. (eds.) (1992). *Reinventing Government: How the entrepreneurial spirit is transforming the public sector.* New York: Plume.

Pierre,J. & Peters, B.G. (2000). *Governance, Politics and the State.* Basingstoke: MacMillan.

Powell, W. (1991). Neither market nor hierarchy: Networks form of organization. In G. Thomson, et. al., *Markets Hierarchies and Networks: The Coordination of Social Life*. London: Sage.

Rhodes, R.A.W. (1997). *Understanding Governance Policy Networks, Governance, Reflexivity and Accountability*. Buckingham: Open University Press.

Rhodes, R.A.W. (1999). Foreword: Governance and Networks. In G. Stoker (ed.), *The New Management of British Local Governance*. Basingstoke: Macmillan.

Rosenau, J.N. & Czempiel, E.O. (eds.)(1977). *Governance without Governments: Order and Change in World Politics.* Cambridge, New York: Cambridge University Press.

Singh, S. (2016). Introduction. In Shivani Singh (ed.), *Governance Issues and Challenges.* New Delhi, India: Sage.

Strange, S. (1996). *Retreat of the State*. Cambridge: Cambridge University Press.

Tricker, R.I. (1984). *International Corporate Governance*. Englewood Cliffs, New Jersey: Prentice Hall.

UNDP. (1997). *Governance for Sustainable Human Development*. New York.

UNESCO. (1997). *Capacity Building for Governance*. Paris.

World Bank. (1994) *Governance, The World Bank Experience*. Washington DC.

4.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

   - Government includes the regularised body of people who run the administration of a country. Whereas governance is the act of ruling and it comes after the government is formed.
   - Government is a body entrusted with the power to make and enforce laws to govern a country. Governance involves not just these aspects but features such as accountability, transparency, equity and so on.
   - Government refers to formal institutional structure and location of authoritative decision making in modern State. Governance is a collective action and networking of various stakeholders. It is reworking the relations between the State, market, and civil society.

2) Your answer should include the following points:

   - Governance as the Minimal State
   - Governance as Corporate Governance
   - Governance as New Public Management (NPM)
   - Governance as 'Good Governance'
   - Governance as a Socio-cybernetic System
   - Governance as Self-organising Networks

Check Your Progress 2

1) Your answer should include the following points:

- The political dimension
- The economic dimension
- The social dimension

2) Your answer should include the following points:

- George Frederickson's appraisal of the concept of governance as having contradictory values.
- Government is about order while key elements of governance such as networks, public private partnerships are forms of institutional adaptation in face of increasing interdependence.
- Governance approach focuses on change and reform rather than functions of the institutions such as State.
- Merrile S. Grindle's notion of "good enough governance' challenges the universalising of concept of governance. It makes a case for a contextual interpretation of the concept of governance.

ignou
THE PEOPLE'S
UNIVERSITY

UNIT 5 ROLE OF BUREAUCRACY AND POLITICAL EXECUTIVE*

Structure

5.0 Objectives
5.1 Introduction
5.2 Role of Political Executive
5.3 Role of Bureaucracy
5.4 Relationship between the Political Executive and the Bureaucracy
5.5 Conclusion
5.6 Glossary
5.7 References
5.8 Answers to Check Your Progress Exercises

5.0 OBJECTIVES

After reading this Unit, you should be able to:

- Explain the role of political executive;
- Describe the role of bureaucracy; and
- Discuss the relationship between the political executive and bureaucracy.

5.1 INTRODUCTION

It is imperative to understand the concepts of bureaucracy and political executive to comprehend their role. Bureaucracy comprises a group of individuals recruited by the government-in-power to carry out their policies on the ground. The word 'bureaucracy' came from the French word 'bureau' in the 1300s. The king's administrators used to bring the financial records to a special room, called the Chamber of Accounts, to lay down on a brown woollen cloth, called *la bure.* The room, over time, began to be known as a bureau which gradually became bureaucracy and is also called the permanent executive because the political executives (kings, governments) come and go. No kingdom or society with a democratically elected government can work without its bureaucratic officials. The term came to be used in a negative manner because of its absolutist and inflexible /rigid ways of functioning. However, the political executive cannot survive without bureaucracy to carry out governance.

The Constitution of India states that India is a Parliamentary form of government with three branches-legislature, executive and judiciary. The political executive implies the democratically elected representatives from the identified constituencies from all over the country who pledge to run the government on behalf of the President (who is a titular head). There is a Parliament which is constituted by two houses – Rajya Sabha

*Contributed by Dr. Anupama Mahajan, Former Post-Doctoral Fellow (Public Administration), Himachal Pradesh University, Shimla.

(the Upper House) and Lok Sabha (the Lower House). The President appoints the Prime Minister and on his/her advice the other ministers of the Council of Ministers who are collectively responsible to the House of the people. They all form the political executive of our country. The elections take place once in every five years in India. This unit shall explore the role of the bureaucracy and the political executive and analyse their relationship in the governance process.

5.2 ROLE OF POLITICAL EXECUTIVE

The political executive represents the people and has the responsibility of translating the needs of the citizens into public policies. Before the advent of democratic structures, the political executive was largely autonomous and unchecked but developed into more re-empowered institutions due to constitutional checks. The role of the political executive is different in different political regimes. It is a key feature in any political system with decision-making powers beyond a single person. Historically, they have been a part of every regime for the purpose of governance how much ever small its scope might have been. Since there are different political structures across the globe, the attention that they have received also has been different with more on the Presidential political systems and its executive. The term, "political executive" is somewhat a misnomer with the word, "executive" attached herewith. Usually, executive is attached with bureaucracy, but "political executive" has become the norm for the elected representatives.

The role of the political executive in discharge of following functions is discussed below:

Public Policy Making: The major function of the political executive is to make policies which are a general set of objectives for a desired situation which are driven by social norms. A public policy can be defined as, 'anything a government chooses to do or not to do'. It is determined by the political party in power and imposed by the ministers, collectively and individually. The latter are also called the policy bureaucracy by some scholars. Public administration has been defined as consisting of all those operations having for their purpose the fulfilment or enforcement of public policy. It is the duty of the political executive to make public policies which the bureaucracy implements on the ground. It is the ultimate decision-making power of the political executive. There are many public policy models that are employed in making policies according to the needs of the citizens. The mammoth tasks of the governments have to be carried out in welfare states catering to areas, for example,social security, unemployment, health,education, gender equality etc.

The public policies are formulated by the government in various sectors. With Indian government pledging to achieve the Sustainable Development Goals (SDGs) havingcommitted to the SDG Agenda 2030, the policies proposed by NITI Aayog (the central planning think-tank and body) are approved by the Government of India and are enacted and executed through the Parliament. Sound public policymaking can give overall direction to the various sectors of the economy.

Law-making: The role of the political executive encompasses the law-making activity by formulating laws and enacting them in the Parliament. In India, if it is a money bill, it has to be passed by both the Rajya Sabha and the Lok Sabha, like the budget. It ensures that all well-formulated policies are enacted through the law-making process

specified in the Constitution and executed by the concerned Departments and Ministries. The legislature is empowered to issue enactments. The political executive is vested with the power to make policy decisions and implement the laws. It is important to understand the difference between a policy and a law. A policy outlines what a government hopes to achieve and the methods and principles it will use to achieve them as its goals. A policy document is not a law, but it will often identify new laws needed to achieve its goals. On the other hand, laws set out standards, procedures and principles that must be followed. If a law is not followed, those responsible for breaking them can be prosecuted in a court to ensure its compliance. Thus, a policy sets out the goals and planned activities of the ministry or a Department, but it may be necessary to pass a law to enable the government to put in place the necessary institutional and legal framework to achieve their aims. Laws are generally guided by current government policy.

Control over the Bureaucracy: The political executive exercises control over the permanent executive, that is, the bureaucracy. The relationship between the two is hierarchical with the political executive holding a higher position to maintain a balance between both the powers. The bureaucrats are bound by the law to serve the principles of democracy. Since the bureaucrats develop their own groups and interests, they need to be monitored to check the performance. Hence, the political executive has the right to control the bureaucracy. They have the central decision-making power who can mould the choices of the bureaucrats. They must, however, know how to manipulate and use the controls available to them and identify whether they are effective in regulation or not. Bureaucratic responsiveness may vary according to the policy direction and design. A moderate degree of control exercised by the political executive improves the bureaucratic responsiveness and efficiency.

Max Weber had argued that there must be a separation between politics and administration, that is, the politicians and the bureaucrats. Bureaucracy must be controlled by the politicians to prevent it from becoming an all-too powerful institution. The nexus between bureaucrats and politicians occurs because of the latter's powers to make appointments to posts within Departments and Ministries and hence, politicisation of bureaucracy happens which is detrimental to effectiveness and efficiency of the implementation of policies. The political executive faces problems in controlling despite rules and laws in place because of the obvious nexus and the constraints on their capacity to understand the mechanisms. In the Presidential systems, with regard to the political control over bureaucracy, both the legislative and the executive branches face problems of political responsiveness among bureaucrats. In Parliamentary systems, the political executive is granted delegated authority to govern, by the Parliament.

In India, even though there are stringent control mechanisms of political executive control over bureaucracy, there are numerous cases of nexus and corruption. This is responsible for poor performance and delays in the completion of infrastructural projects and inefficiencies in the delivery of public goods and services. However, to counter this problem, there are checks and balances provided by law. Monitoring and Evaluation (M&E) is a part of the public policy cycle. Monitoring is increasingly embedded in the performance system while evaluation has an uncertain role with a doubt over its being a system or a practice. There are parliamentary control mechanisms in place in India to carry out the M&E and review to ensure the proper and timely implementation of policies. There are three committees constituted for this purpose – Public Accounts Committee; Committee on Public Undertakings; and the Estimates Committee.

Check Your Progress Exercise 1

Note: (i) Use the space given below for your answers.

(ii) Check your answers with those given at the end of the Unit.

1) Explain the terms, 'Bureaucracy' and 'Political Executive'.

.....

.....

.....

.....

2) Discuss the role of political executive.

.....

.....

.....

.....

5.3 ROLE OF BUREAUCRACY

Meaning of Bureaucracy

It refers to a formal legal organisation with a hierarchical structure of authority whereby merit-based criteria are used to appoint, retain, promote,and rewardor impose sanctions on officials who perform functionally specialised duties in an impersonal manner.There are three connotations of bureaucracy which are commonly accepted by public administration scholars and political scientists. They are:

Weberian View: The traditional view comprises Max Weber's concept of bureaucracy, commonly known as the Weberian Model,that refers to any organisation of modern society with several ideal characteristics such as unity of command, clear line of hierarchy, division of labour and specialisation, record keeping and merit system for recruitment and promotion, and finally rules and regulations to govern relationship and organisational performance. Weber termed this as an ideal type of bureaucracy working comfortably in a capitalist world. This also includes the military type bureaucracies. It has been considered as the most efficient model of bureaucracy.

Structural Functional View: According to this any large organisation or an institution which has specific structure, functions and processes can be considered as bureaucracy. This view was proposed by Dwight Waldo which can be applied to public and private organisations alike.

Dynamic View: The dynamic view, which is less popular, is applied to military bureaucracies.

The above given views or meanings of bureaucracy have one common feature that the bureaucracy is a part of the constituent system of a society or a nation. It is a necessary evil, as some say, to get public affairs done. It has been considered as the machinery of the government; an essential system to carry out governmental affairs and activities;

and develop and uphold international relations. It is acknowledged as the best form for effective governance due to its:

- Impartiality in the application of rule of law.
- Merit-based recruitment;
- Order and stability; and
- Professional expertise.

Role of Bureaucracy

The basic role of bureaucracy is to execute the policies formulated by the political executive. They have been a part and parcel of civilisations known to history. There is evidence of its existence in the ancient Iran 10,000 years ago and, in our ancient Indian texts which is at least 3,000 years old. Bureaucracy has been thought as a class because they hold power and position, have self-interests, and make all efforts to protect them. Scholars have proposed that they must remain neutral from the political executive which in reality has not been possible.

The bureaucracy has a significant role in following areas:

Administrative and Political (Policymaking): The bureaucracy performs administrative as well as political tasks. They implement the policies of the government which involve administrative planning, execution, coordination, and monitoring. The policy is translated into programmes, projects, and activities after it has been enacted in the legislature. It is the administrator's job to see that the activities are carried out as per the plan and to see that it is efficiently, economically, and effectively done. On the other hand, it is political also because this is considered as one of the most intelligent, expert, professionalin the concerned field. They assist the political executive in the policymaking process as they bring their professional expertise to the table. This increases the interaction between the bureaucracy and the political executive and various political interests are savoured and fulfilled.

Custodian of Data (Record-Keeping): The bureaucrats bring with them their professional expertise and innovation into the process of public policymaking process along with relevant data required to do so. They are the custodians of data as record keeping is one of their characteristics and duties that they do. The political executive does not have the required data and moreover their tenure is not permanent that they can be given this responsibility. Thus, the bureaucracy helps in policymaking as they are the host of data.

Repository of Control and Power: After the World War II, many nations were formed with most of them either having an imperialist bureaucratic structure or a military bureaucracy. they soon realised that they need to seize power and control to avoid anarchy and maintain law and order. They became stronger and self-serving in no time as their number increased. Thus, their role in running the public affairs is extremely important. Nothing moves without them and nothing moves with them. This can be explained easily as they are the ones who translate the policies into action, but they are so embroiled in their power and control that their actions at times are steeped and mired in rigidities, red tape, nepotism, display of undue favours to some and so on. All said and done, they have the power to get things done.

Public Service: It is a service that is meant for serving the communities without any discrimination. Bureaucracy has been termed as public service also because that is

what they must do in their role to help and strengthen the society. They serve not only the governments in power but also the public.

Law Formulation: The bureaucrats have an indirect responsibility of assisting the Law Ministry in the formulation of laws. The replies to the questions that are asked by the opposition parties in the Parliament (Legislature) are prepared by the public servants.

Advisory Role: The ministers (the political executive) are advised by the civil servants when asked by the former. The bureaucrats have the data, expertise and the experience that is needed to address all sorts of concerns of the Ministers.

Administrative Law: Administrative law is a new branch of public law which studies how those parts of our system of government that are neither legislatures nor courts make decisions. The bureaucracy has the responsibility of making rules and regulations and deals with the functioning of the executive. It also decides on various disputes as a semi-judicial body, for example, grant of permits; licences; etc.

Tax Collection: It is the responsibility of the bureaucracy to advise the political executive concerning fiscal planning and tax collection. They are engaged in the budget preparation and have the prescribed functions of tax recovery,subsidies, or other concessions to the citizens.

The bureaucracy acts as a bridge between the people and the State in a world of growing welfarism. They are the link between the citizens and the State to explain policies to the latter for their better implementation.

Although the bureaucracy has been generally referred to in a derogatory way, it is also an accepted fact that no society can work without it. In tune with the rapidly changing events in a globalised world, bureaucracies are evolving from being the Weberian model of legal-rational and rigid to flexible and adaptive.The administrative reforms have helped the civil service in India to be more sensitive, responsive, and adaptive to public needs. In India, the bureaucracy has adapted to various structural changes to meet the challenges. The introduction of lateral entry into higher civil services to promote appointment of specialists from private sector to bring in domain expertise is said to be a measure for effective policy making and service delivery. This was also recommended by the Second Administrative Reforms Commission.

5.4 RELATIONSHIP BETWEEN THE POLITICAL EXECUTIVE AND THE BUREAUCRACY

The relationship between the political executive and the bureaucracy is an overly complicated one. As we have discussed in the previous sections, the policy formulation and implementation is inter mingled in practice. A basic understanding, consensus and cordial relationship between the political executive and bureaucracy is needed for better governance. The political executives represent the people, and it becomes their responsibility to translate the popular needs into policies. The formulation and implementation of policies need requisite competence and professional expertise that is provided by the bureaucracy. In contemporary times this involves the involvement of multiple actors including market, civil society organisations and the community. This is marked by network management, interaction, and interdependence.

The relationship between the bureaucrats and political executives is said to be complementary. They both need to help each other in a partnership for good governance.

The bureaucrats and political executives maintain distinct roles based on their unique perspectives and values and the differences in their formal positions, but the functions they perform necessarily overlap. The bureaucrats influence and are also influenced by the competing norms and values of the complex system of governance. They have to strike a balance between the demands of policy makers to increase the efficiency on one hand and challenges from market-based actors on the other. These forces together induce bureaucracy to develop new routines, organisational concepts, and skills for greater efficiency to compete with private actors in the sphere of service delivery (Mishra, 2005).

The relationship between bureaucracy and political executives in present times involves bringing in their time, expertise, experience, knowledge in building networks between multiple actors for realising public policy goals. It calls for their leadership, steering and coordination roles. The COVID-19 pandemic has demonstrated the coming together of multiple stakeholders in handling the crisis on several fronts.

According to Pierre (1999), the relationship between bureaucracy and political executives is a two-way phenomenon. On the one hand, there is 'politicisation of bureaucracy', wherein policymakers have increasingly come to realise that the bureaucracy is a source of tremendous executive powers and capabilities which require strong political control to ensure that they serve the objectives formulated by the policy makers. On the other hand, there is 'bureaucratisation of politics', due to its higher degree of continuity and specialised expertise. The bureaucrat becomes more assertive, more engaged in creating networks and linkages with other organisations and more inclined to use its discretion to pursue its own interests and ideals.

In the present times, apart from a collaborative relationship, multifaceted roles of political executives and bureaucracy enable them deal with complexities of managing public systems.

The bureaucracy is in a dominant position in present times due to their professional expertise, decision making skills. As Denhardt and Denhardt (2000) opine the bureaucrats have to be stewards of public resources, conservators of public organisations, facilitators of citizenship and democratic dialogue, catalysts for community engagement and at the same time street level leaders.

A cordial and smooth bureaucracy-political executive relationship reflects the balance in their capacities, understanding and influence they have on each other in ensuring good governance.

Check Your Progress Exercise 2

Note: (i) Use the space given below for your answers.

(ii) Check your answers with those given at the end of the Unit.

1) What are the three main connotations of bureaucracy?

.....

.....

.....

.....

2) Discuss the role of bureaucracy.

.....

.....

.....

.....

3) Analyse the relationship between the political executive and the bureaucracy.

.....

.....

.....

.....

5.5 CONCLUSION

In India, the interface between the political and bureaucratic culture began after it gained independence in 1947. The British system of civil service was adopted as it is because there was no time for restructure, reorganisation, or reform because of the immediate crisis of rehabilitating the population due to the partition of India into two nations. The Indian Civil Service is called as the steel-frame for India as it was responsible to develop the ravaged economy and infrastructure. However, the specialist bureaucracy has a long-standing strife with the generalist political executive because of their varying nature and approach. The bureaucrats in India generally work in cooperation with the political executive rather than face their displeasure. The present generation of civil services is shifting away from the traditional rigid, indifferent, and corrupt public administration to an innovative and sensitised service.

5.6 GLOSSARY

Administrative Law : Administrative law is the branch of public law which studies how those parts of our system of government that are neither legislatures nor courts, make decisions.

Bureaucratisation of Politics : The change in the complexion and functioning of politics influenced by the impact of bureaucratisation in the form of rigidity, adherence to rules and regulations, formal structures etc. The informal and flexible form of functioning of politics is said to become formal and rigid.

Instrumentalism : The method or the model that is going to be employed in the process of public policymaking is called the instrumentalism.

Politicisation of Bureaucracy : It is in a way considered contrary to the concept of political neutrality. It is substitution of impersonality by personal criteria in bureaucracy.

Sustainable Development Goals : These are a collection of 17 interlinked global goals designed to be a 'blueprint to achieve a better and more sustainable future for all". These were set by the United Nations General Assembly in 2015 and are intended to be achieved by all nations by 2030.

Weberian View of Bureaucracy : The traditional view comprises Max Weber's concept of bureaucracy, commonly known as the Weberian Model. It refers to any organisation of modern society with several ideal characteristics such as unity of command, clear line of hierarchy, division of labour and specialisation, record keeping and merit system for recruitment and promotion, and finally rules and regulations to govern relationship and organisational performance.

5.7 REFERENCES

Binder, S.A., Rhodes, R.A.W. & Rockman, B.A. (Ed.) (2008). The Oxford Handbook of Political Institutions. Oxford, UK: Oxford University Press.

Denhardt, R. & Denhardt, J. (2000). The New Public Service: Serving rather than Steering. *Public Administration Review.* 60(6), 549-559.

Farazmand, A. (Ed.). (1994). *Handbook of Bureaucracy.* New York, USA: Marcel Dekker Inc.

Farazmand, A. (Ed.). (2009).*Bureaucracy and Administration.* Boca Raton, Florida, USA: CRC Press.

Goodin, R.E., Moran, M. & Rein, M. (Ed.) (2006).*The Oxford Handbook of Public Policy.*Oxford, UK: Oxford University Press.

Lodge, M. &Wegrich, K. (2012). Public Administration and executive politics. Perennial questions in changing contexts. *Public Policy and Administration*. 27(3), 212-229.

Mahajan, A.P. (2019).*Administrative Thinkers.* New Delhi, India: Sage Publishers.

Mishra, S. (2005). Relationship between Bureaucracy and Political Executive. MPA 013 - Public Systems Management. New Delhi, India: IGNOU.

PRS Legislative Research. (2011). Legislature versus Judiciary. Retrieved from https: //www.prsindia.org/theprsblog/legislature-versus-judiciary

Rajyasabha. (n.d.). Executive – Its Accountability to Parliament. Retrieved from https: //rajyasabha.nic.in/rsnew/practice_procedure/naccount.asp

Wood, B.D. & Waterman, R.W. (1991). The Dynamics of Political Control of the Bureaucracy. *American Political Science Review.* 85(3), 801-828.

5.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

   - Bureaucracy comprises a group of individuals recruited by the government-in-power or the ruler to carry out their policies on the ground.
   - The political executive implies the democratically elected representatives from the identified constituencies from all over the country who pledge to run the government on behalf of the President (who is a titular head).

2) Your answer should include the following points:

   - The role of the political executive comprises the law-making activity by formulating laws and enacting them in the Parliament.
   - The political executive is vested with the power to make policies and implement the laws.
   - A moderate degree of control exercised by the political executive improves the bureaucratic responsiveness and efficiency.

Check Your Progress Exercise 2

1) Your answer should include the following points:

   - Bureaucracy refers to a formal-legal organisation with a hierarchical structure of authority whereby merit-based criteria are used to appoint, retain, promote, and reward or impose sanctions against officials who perform functionally specialised duties in an impersonal manner.
   - Weberian view: The traditional view comprises Max Weber's concept of bureaucracy, commonly known as the Weberian Model. It refers to any organisation of modern society with several ideal characteristics such as unity of command, clear line of hierarchy, division of labour and specialisation, record keeping and merit system for recruitment and promotion, and finally rules and regulations to govern relationship and organisational performance. It has been considered as the most efficient model of bureaucracy.
   - Structural Functional view: Any large organisation or an institution which has specific structure, functions and processes can be considered as bureaucracy. This view was proposed by Dwight Waldo which can be applied to public and private organisations alike.
   - Dynamic view: The dynamic view, less popular, is applied to military bureaucracies.

2) Your answer should include the following points:

   - Administrative and Political (Policymaking)
   - Custodian of Data (Record-Keeping)

- Repository of control and power
- Public Service
- Law Formulation
- Advisory
- Administrative Law
- Tax Collection

3) Your answer should include the following points:

- The relationship between the political executive and the bureaucracy is an overly complicated one.
- It has undergone a change especially in the wake of globalisation.
- The politicians need the bureaucracy to implement their policies on the ground.
- The contemporary times is marked by involvement of multiple stakeholders.
- They both need to help each other in a partnership for good governance.
- The relationship is to bring in their time, expertise, experience, knowledge in building networks between multiple actors to realise public policy goals.

ignou
THE PEOPLE'S
UNIVERSITY

UNIT 6 ROLE OF LEGISLATURE AND JUDICIARY*

Structure

6.0 Objectives
6.1 Introduction
6.2 Role of the Legislature
6.3 Role of the Judiciary
6.4 Conclusion
6.5 Glossary
6.6 References
6.7 Answers to Check Your Progress Exercises

6.0 OBJECTIVES

After reading this Unit, you should be able to:

- Explain the role of the legislature;
- Describe the role of the judiciary ; and
- Discuss the relationship between the legislature and the judiciary.

6.1 INTRODUCTION

There are three wings in a democratic polity – the legislature, the executive and the judiciary. This unit deals with the role of legislature and the judiciary with special reference to India. The executive and judiciary are dependent on the legislature because unless it carries out its function of making laws and legitimising policies of the political executive, the other two branches of the polity will not be able to discharge their functions. In India, the first Legislative Assembly came into existence in 1921 which functioned according to the rules laid down in the Government of India Act, 1919. On the other hand, the judiciary came into existence because of the Government of India Act, 1935 with an All-India Court called the "Federal Court of India". The Indian judicial system evolved into one of the best systems in the world when the Constitution of India came into force in 1950. The judges in the courts were impartial, independent and had excellent legal scholarship. The judiciary became indianised with a shift away from the trend of the British judiciary system. The Federal Court of India was renamed as the Supreme Court of India as the highest interpreter of the Constitution and the final dispute settler.In a nutshell, the Constitution provides for the legislature to make laws, the government (political and permanent executive) and the courts (judiciary) to interpret and enforce these laws. While the judiciary is independent from the other two branches, the government is formed with the support of majority members in the legislature. The Parliament in India can hold the government accountable for its decisions and scrutinise

[1]Contributed by Dr. Anupama Mahajan, Former Post-Doctoral Fellow (Public Administration), Himachal Pradesh University, Shimla.

its functioning. These two branches -the legislature and judiciary are important safeguards of the Indian democracy and infact in any polity. This unit orients the learners with the role of the legislature and judiciary and analyses the relationship between the two.

6.2 ROLE OF THE LEGISLATURE

It is important to understand the meaning and the origin of legislature before delving into its role. A legislature is a deliberative (the act of thinking carefully and the making of a decision) assembly with the law-making authority.It is called by various names in different countries, for exampleAssembly, Congress, Diet, Duma, Estates, or Parliament. There is evidence of the oldest legislature in Athens, nobility assemblies in European monarchies named the *Estates.* The oldest legislature that still exists is of the Iceland called *Althing* which was found in 930 A.D. Most of the legislatures around the world have some common functions that make up their role with varying degrees like representation; deliberation; legislation; authorising expenditure; and oversight.The role of a legislature is determined by the essential functions that it performs as a body of elected representatives in a democratic state. The public opinion and aspirations are integral to the legislature in translating them into laws. The Indian Parliament operates as a bicameral legislature having two units or two houses – the Rajya Sabha (the Upper House) and the Lok Sabha (the Lower House) – and headed by the President who is a nominal executive. However, the office of the President of India is the creation of the Indian Constitution. On the other hand, the Prime Minister is the political executive and a leader of the Council of Ministers who aids and advises the President.

The legislature has law-making as its basic role. Various functions of the legislature make up its role. They are given below:

Leadership: The legislature has a primary leadership role with their presiding officers (speakers and deputy speakers), house leaders and the whips. The Lok Sabha Speaker presides over the house when in session and decides upon which matters need to be discussed, at what time, under which rule of the *Rules of Procedure and Conduct of Business in Parliament* and by whom. The Speaker has specified responsibilities according to the Constitution in giving a ruling in cases of interpretation of rules or precedents of the house. S/he has the duty to maintain discipline in the house so that its business can be productively conducted without any disruption. *Secondly,* the leader of the opposition is a member of the Council of States or the House who is opposed to the Government-in-power. The leader of the opposition must have a party strength of one-tenth of the total strength of the house.

Law-making: The legislature has the most important function of law-making besides other functions. The parliament makes laws according to the subjects in the Union and the Concurrent list. The subjects of the concurrent list in which the Union and the State Governments both have jurisdiction, the Union law prevails over the states except for the cases in which the states have prior assent of the President. Nonetheless, the Legislature or the Parliament has the power to repeal any such state law or in the case of:

- an emergency;
- if the Rajya Sabha passes a resolution by 2/3rd of majority of its members on the subject in the state list;
- if the state list item impacts on the implementation of international agreements/ treaties; and

- if two or more than two states pass a resolution for the Parliament to make a law regarding a state subject.

The procedure for passing a bill into a law has been specified in the Constitution of India in which both the houses have to vote for it with the approval of the President. A joint sitting of both the houses can be called for by the President. Both the houses have the same status except in matters of a financial bill which is the prerogative of the Lok Sabha.

Accountability/Oversight of the Administrative Executive: Legislative oversight means scrutiny or control of executive branch programmes and its performance.Oversight involves assessing of the implementation processes. It comes towards the end of the policy process during the implementation of laws. The effectiveness of these methods depends upon the strength of the ruling party in the House of the people and activeness of members of opposition. It is agreed that in the cabinet form of a government, as in England and India, legislative control is more effective than in presidential form.Although the Parliament in India does not maintain an oversight over day-to-day administrative affairs of the executive but the procedures like question/zero hour and debates and discussions help in this activity.

i. **Question/Zero Hour:** The instruments of parliamentary control over the executive are through question hour and the zero hour. The opposition members get an opportunity to question the policies of the government-in-power and for the latter to give informative replies. The question hour strengthens the role of legislature in several ways. It

   - Confirms the policies;
   - Serves as a means of interaction;
   - Assesses public response;
   - Points out any misuse of appropriated funds;
   - Facilitates establishment of a legislative committee or passing of a legislation; and
   - Ensures transparency and accountability (because of televising of the question hour).

   Zero hour (because it starts at the zero hour) is the time from noon to 1300 hours after the question hour. Since the issues to be asked in the question hour requires a ten-day notice; zero hour allows discussion of matters which are of critical significance. It is an informal practice without any mention in the *Rules of Procedure and Conduct of Business in Parliament.* Debates and Discussions are another way of maintaining oversight over the executive by the Parliament.

ii. **Committees:** Strong financial committees enable the legislature to enhance its proficiency and play a greater role in budget decision-making. In India, there are three parliamentary committees – Public Accounts Committee; Estimates Committee and the Committee on Public Undertakings and 17 Departmentally Related Standing Committees. They help the Parliament in completing their work efficiently and make an exhaustive examination of the diverse work done by it. They are constituted by passing of a motion in the Parliament. There are two types of committees – Ad hoc and Standing Committees. The Ad hoc Committees are

made for a limited period for a specific purpose. The Standing Committees are elected or appointed every year,but their work is continuous. These committees can provide an on-going disciplinary oversight of the government. The legislature can also exercise its role more effectively.

iii. **Motions:** Alternatively, the members of parliament may move a motion for -

(i) discussing important issues (such as inflation, disasters, corruption etc.),

(ii) adjournment of business in a House to express displeasure over a government policy, or

(iii) expressing no confidence in the government leading to its resignation.

To improve government accountability in Parliament, the opposition in some countries such as the UK, Canada, and Australia forms a shadow cabinet. Under such a system, opposition MPs track a certain portfolio, scrutinise its performance and suggest alternate programmes. This allows for detailed tracking and scrutiny of ministries and assists MPs in making constructive suggestions. Some of these countries also provide for days when the opposition parties decide the agenda for Parliament.

Informational: The legislature has the right to being informed over matters concerning the country. The government is obliged to provide the information to the legislature by way of reports and papers or by placing documents in the Parliament's library. There can be discussion based on such reports and documents.

Reflection of Public Opinion: The Members of Parliament (MPs) may raise issues of public importance in Parliament, and examine the government's response to problems being faced by citizens through:

(i) a debate, which entails a reply by the concerned minister, or

(ii) a motion which entails a vote. The time allocated for discussing some of these debates or Bills is determined by the Business Advisory Committee of the House, consisting of members from both the ruling and opposition parties.

Using these methods, MPs may discuss important matters, policies, and topical issues. The concerned minister while replying to the debate may make assurances to the House regarding steps that will be taken to address the situation.

Judicial: The legislature has a limited but a very important judicial role in:

i. Impeachment – of the President if there is any violation of the Constitution of India.

ii. Removal – of judges of Supreme Court and High Courts; and the Vice President; and

iii. Reprimand – members of the legislature in case of any breach of privileges, for example participating in the legislative proceedings before taking the oath.

Electoral: The legislature has the role of conducting and participating in the elections of the President and the Vice President. The Speaker and the Deputy Speaker are also elected for the Rajya Sabha and the Lok Sabha are elected by the members of the legislature.

Financial: This is the most important role of the legislature as it approves the appropriation bill for the budgetary allocations through a constitutionally specified procedure. It has the supreme authority over the strings of the purse of the government. It also carries out budgetary and post-budgetary control through various measures as mentioned above.

Legislatures should be as efficient as possible to match the demands made on it by the system and the people from time to time. In this context, it is desirable that the procedure, the functioning, and the infrastructure facilities available with legislatures are updated periodically so that they may keep pace with the changing times. It was stated by the Speaker Shivraj V. Patil in 1992 that, "It is a matter of some satisfaction that parliamentary democracy has worked in India nearly successfully and has led us to the path of progress and development. But it has also thrown up some problems. We have to apply our mind as to how best these problems can be solved". The interests of stability needed for socioeconomic development of India with the political dynamics inherent in governance must be factored in the improvement of the legislature's role and functions.

Check Your Progress 1

Note: (i) Use the space given below for your answers.

(ii) Check your answers with those give at the end of the Unit.

1. Discuss the role of legislature.

.....

.....

.....

.....

2. What is the significance of question hour?

.....

.....

.....

.....

6.3 ROLE OF THE JUDICIARY

Judiciary is the third branch of the government, the other two being legislature and the executive. It is the guardian and the protector of the Indian Constitution which gives the rights to the people. Across the globe, most countries use a formal and hierarchical judicial process to uphold the rights and lay down the duties of the citizens. It establishes legal principles and laws through courts, tribunals, civil codes, and the precedents in the verdicts of the courts. All kinds of disputes and conflicts are brought before the courts pertaining to civil, criminal, economic, political, or social matters. The disputes can be between states and the Union governments or among the states in a federal structure. In India, it has the constitutional authority of being independent based on social, economic, and political equality,liberty,opportunity, and promotion of these among

all; fraternity assuring dignity and the unity of the nation,as mentioned in our Preamble. The founding fathers of the Indian Constitution have placed judiciary at the highest place.The same spirit is reflected in the chapter on Fundamental Rights and the Directive Principles of State Policy in the Indian Constitution.

The role of judiciary is to uphold the principle of rule of law which is one of the indicators of *good governance* which had been laid down by the United Nations. Good governance is linked to an enabling environment conducive to the enjoyment of human rights and promoting growth and sustainable human development. The United Nations established 17 Sustainable Development Goals in 2015 which came into implementation in 2016 to be achieved by 2030, which is called Agenda 2030. India pledged to work in the direction to meet the objectives of sustainable development. SDG 16 deals with**"Peace, Justice and Strong Institutions".**It states in detail as, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

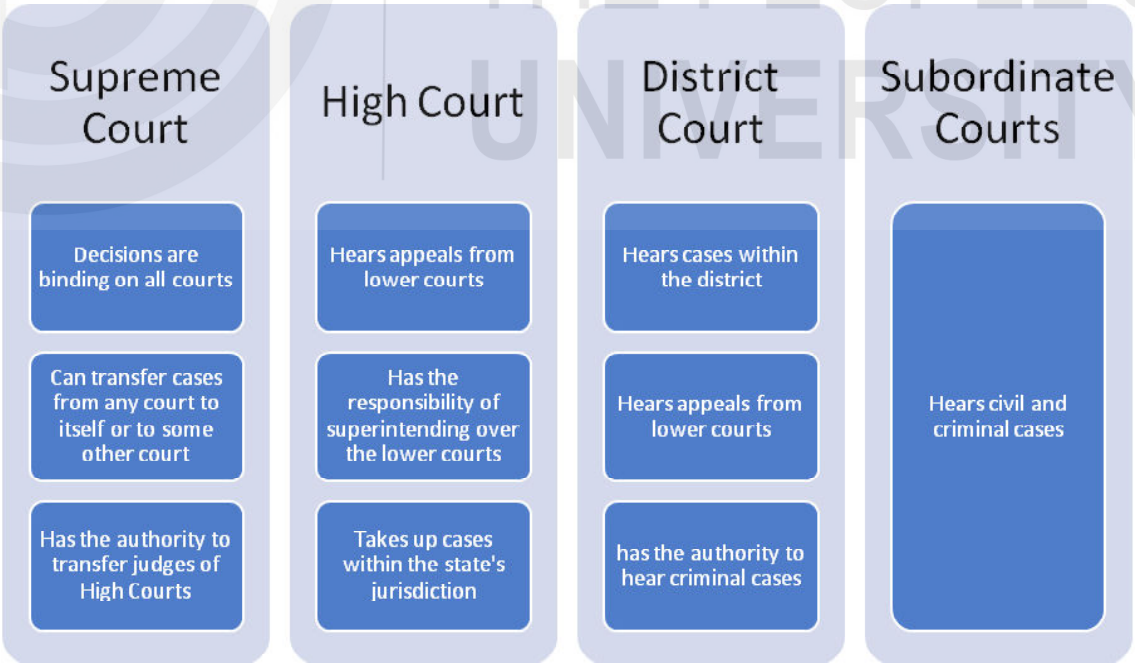
To achieve the goals, the judiciary has to be active, equitable and effective.

Structure of Indian Judiciary

It is imperative that the structure of judiciary in India is understood before attempting to discuss its role. After independence, the framers of the Indian Constitution wanted to create a society based on "law, individual merit, and secular education".

The Indian judiciary consists of an integrated system in a pyramidal form with the Supreme Court as the apex body at the top. The second tier consists of High Courts and the third tier of District Courts. The figure given below explains the structure of the Indian judiciary:

Structure of Indian Judiciary



Adapted from: **https://ncert.nic.in/ncerts/l/keps206.pdf.**

Role of Indian Judiciary

The Indian judiciary is independent as its functioning is not restricted by the executive and the legislature. It performs its functions without any fear or pressure from external

sources. Since it is a part of the polity as the third branch, it is accountable to the Constitution and adheres to the principles held by it. This has been made possible by:

- Provisions of legislature not being involved in the appointment of judges to avoid party politics;
- There is a system of fixed tenure of the judges so that they are secure in their work;
- Their salaries and allowances are provided for by the Constitution and is not dependent on the executive or the legislature;
- Any criticism of their decisions is considered as contempt of court which is a punishable offence;

The role of the judiciary is discussed below:

Justice to All: The primary function of the judiciary is to give justice to people when approached and give verdicts based on the witnesses, evidence, and proofs. Article 311 provides for the right to hearing as a basic principle of natural justice with sub-clauses for restrictions over the right to carry trade and business. Articles 14 and 21 of the Indian Constitution are also based on this principle. However, the term, "natural justice" is not found in it, but the principle is reflected throughout the Constitution. The judiciary ensures equality before law and equal protection of law. Access to justice is another prerequisite for fulfilling the principle of "justice to all" and to establish the rule of law. It means having the option to an affordable, quick, satisfactory settlement of disputes from a credible forum. Punishment and compensations are decided by the courts while also announcing the verdict.

Interpretation of Laws: The Indian Constitution is the longest written Constitution in the world. The judiciary has the responsibility of interpreting and applying laws to cases to settle disputes and conflicts. This implies that the judiciary plays a legislative role because it is the creativity of the judiciary to interpret and give meaning to the written words in the Indian Constitution, although it cannot make the laws. The laws are generally framed keeping the future in mind and it is the legitimate exercise of government power. Some state that this role infers as the judiciary "legislating" rather than interpreting laws because in many cases, it has been observed that the judges give the verdict as an inference in the absence of any law regarding the issue at hand or the judiciary has given administrative directions to the government departments.

Law-making: The interpretation of laws given by the judges becomes law and these precedents are called case laws. The decisions given by the higher courts are binding on the lower courts by way of Courts of Records. The Supreme Court shall be a court of record and shall have the powers of such a court including the power to publish for contempt of itself. A court of record, according to Dr. B.R. Ambedkar, has records those which are admitted are to be of evidentiary value and they are not to be questioned when they are produced before any court. This has been given in Articles 129 and 215 although not in the exact same words but well recognised in the judicial world as a court of record. Hence, judicial decisions constitute a source of law. It has been clarified by the Supreme Court that there is separation of powers in the Constitution between the three organs of the state and one organ should not ordinarily encroach on another's jurisdiction. While lawmaking is the job of the legislature, interpretation is that of the judiciary though in exceptional cases, they can also formulate laws. In a detailed

judgement by a bench consisting of Justice A.K. Mathur and Justice MarkandeyKatju, it was stated that it was only the judiciary out of the three organs which can define the limits of all three. Hence, the judiciary must exercise this power with extreme caution and self-restraint.

Judicial Review: The Indian Constitution provides for a wide range of powers of judicial review in India as it is the guardian of the Constitution. According to Article 13, the judicial review of all legislations in India, past as well as future can declare a law unconstitutional or *ultra vires*(beyond legislative competence)if it is inconsistent with any part three of the Constitution which deals with the fundamental rights of the Indian citizens. Judicial review deals with mainly three aspects, given below:

i. legislative action;

ii. judicial decision; and

iii. administrative action.

This implies that the judges of higher court have to interpret the legislation in such a way that the values of the Constitution are not compromised. With some misinterpretations made in history, the importance of judicial review became even more pertinent and led to judicial activism in the recent years (dealt later in this unit). The doctrine of judicial review is the interposition of the judicial restraint on the legislative, executive, and judicial actions of the government. It is the basic structure of the Constitution of India and any attempt to destroy or damage the basic structure is unconstitutional. This also signifies that the Supreme Court holds the power to review the legislative enactments of both the Parliament and the State legislatures. Judicial review is sometimes confused with judicial control, but the latter means all methods by which a citizen can seek relief from any kind of dictatorial actions of the authority through appeals, writs, and injunctions.

Protection of the Rights of the Citizens: The judiciary acts as the protector of the rights of the citizens, whether they are economic, social, or political. Social welfare rights are the second-generation rights (after new nations were formed after the Second World War). Social justice means the availability of equal social opportunities for the development of personality of all people in the society without any discrimination based on caste, sex, race, or religion. In India, according to the concept of *continuing mandamus* the courts identify issues which are in public interest and devise a plan with the government officials after they have sought judicial approval. It is a relief given by a court of law through a series of orders directing an authority to do its duty or fulfil an obligation in publicinterest. The courts monitor the outcome and if required direct them to change their plans. The major responsibility of the judiciary is to ensure protection of rights of the individual and the nation.

Union-State Conflict Resolution: In a federal structure of India, the judiciary has the role of resolving conflicts between the Union and the State Governments. In the recent times, the judiciary has played an important role in making India an arbitration friendly state. It encourages and accepts arbitration despite any minor errors under the Arbitration and Conciliation Act, 1966. Many disputes and conflicts that arise naturally can be resolved by arbitration saving a lot of judicial time and money of the parties in dispute.

Advisory Function: The President of India at any time can ask for advice from the Supreme court on any law that needs clarity.

Judicial Inquiry: The view box of judiciary are called upon to head various commissions that are constituted by the legislature to investigate any specific crime like riots or any other complicated matters.

The above given points bring forth the role of judiciary, but this discussion is incomplete without studying about judicial activism which is a recent addition to its role.

Judicial Activism

The Supreme Court was technocratic in nature before it began the interpretation of the law. The court took the responsibility upon itself in judicial review. Judicial activism is a part of judicial review because the judiciary has to take a more active role in light of challenging times of governance.

Judicial activism refers to the intervention of judiciary in the legislative and executive fields. It is a way through which relief is provided to the disadvantaged and aggrieved citizens.It is increasing in recent times mainly due to failure on the part of executive and judiciary to act, ineffective public service delivery, violation of human rights and misuse and abuse of Constitutional provisions etc.

Judicial activism gained prominence under the lead provided by former Chief Justice P.N. Bhagwati. In various cases in India relating to child labour, human rights violation, environment issues, traffic regulation, care of elderly, etc., the judiciary has ensured immediate access to justice, relief to the aggrieved, just standards of procedure and so on. We have witnessed in recent times of covid-19 pandemic the intervention of judiciary in facilitating the management of the situation.

Judicial activism describes judicial ruling suspected of being based on personal or political considerations rather than on the existing law. It is sometimes used as an antonym of judicial restraint. It deals with issues of constitutional interpretation; statutory construction; and separation of powers.Judicial activism could also be concerning overturning laws as unconstitutional; overturning judicial precedent or a ruling against a preferred interpretation of the constitution. It implies that the judiciary becomes stronger with activism as a counterbalance to the effects of transient majoritarianism. The majority must not be allowed to oppress the minorities and exploit their rights.

Judicial activism can be positive or negative. It is positive when it engages itself to make power relations between different sections of people more equitable. It is negative when it is conservative and tries to maintain a status quo. In the last few decades,the judiciary has transformed its role from being a positivist to an activist due to the problems of complexity and pluralisation of polity.

Public Interest Litigation (PIL): The judiciary has a system of public interest litigation (PIL) to keep a watch on the activities of the legislature and the executive, which began in 1976 in India,to ensure justice for people who belonged to the vulnerable sections of the society.In the 1980s, the judiciary began the transition to an independent institution of governance.PIL is a suit filed in a court of law for the protection of public interest such as health, education, pollution, road safety, environment etc.PIL is an instrument devised by the Supreme Court to consider issues that are non-traditional concerning the poor who do not have any platform of redressal of their grievances. The PIL can be a useful tool in the hands of the people in filing a writ in the court which helps in creating and enforcing rights. It strengthens democracy as it gives the mechanism to the common citizens to fight for their rights. As the name suggests, it is a litigation in

the interest of the public, for example, problems of pollution;risks/dangers arising from construction activities; terrorism; etc. There has been an increasing demand on courts to take up PIL cases for ensuring compliance with statutory and constitutional provisions. A pioneering role has been played by Justices P.N. Bhagawati and Krishna Iyer in making PIL accessible as an effective legal remedy to common citizen. Though at times,through this instrument frivolous unimportant issues are drawn to the attention of judiciary.

Writ Petition: A writ is a formal written court order while one can file a writ petition in the High Court under Article 226 or in the Supreme Court under Article 32 if any one of the fundamental rights of an individual is violated.The writ petition is an order by a higher court to lower courts directing them to act or stop them from doing an activity. The Constitution of India lays down five types of writs which are briefly given below:

i. **Habeas Corpus:** A writ petition can be filed if a person is illegally detained, the court can order for the body to be released. Habeas Corpus means – *you may have the bodyof*. It can also be filed in the case of a violation of a fundamental right of a prisoner. The court has the authority to order to produce the detained person in the court to determine if he/she has been illegally detained and be released. If the individual who has been detained cannot file the writ petition himself/herself, then any relative or a friend on his/her behalf can also do so.

ii. **Mandamus:** Mandamus means '*we command'* by which the higher courts can order the lower court, tribunal, forum, or any public authority to act.

iii. **Prohibition:** The Supreme Court or the High Court issues a writ to prohibit the lower courts if they act out of their jurisdiction or prevent it from usurping any authority which is not vested with it.

iv. **Certiorari:** The writ of certiorari (to be certified) can be passed by the Supreme Court to the lower courts to transfer any matter to it being the superior court for determining the legality of proceedings.

v. **Quo-Warranto:** Quo-Warranto *(by whose authority)* can be issued to stop a person from acting in the capacity of holding a public office in the absence of entitlement.

The Constitution gives the judiciary the right to review the laws and declare them invalid if it deems unfit. The Indian Constitution has been observed as being organic as it keeps embodying the spirit of the nation. The amendments to the Constitution keep the Parliament and the Government abreast of the needs and the changes in the socioeconomic dynamics of the people. However, the amendments must not destroy the basic structure of the Constitution with respect to fundamental rights. Judicial activism has emerged since the last decade in India by which the judges deviate from precedents and move towards new social policies.However, when the judiciary goes beyond its boundary and interferes in the work of other two branches, it becomes judicial overreach. Care needs to be taken that the instrument of judicial activism – PIL – does not become a Political/Personal/Publicity Interest litigation otherwise the instrument will lose its legitimacy.

PIL, Social Justice and Human Rights: Public interest litigation, as mentioned before is a social litigation that provides social justice to the vulnerable. Human rights have a universal legitimacy for all major international and national institutions. In India, the fundamental rights are justiciable and enforceable through the judiciary. Some politicians are of the view that judicial activism has upset the constitutional system of checks and

balances by making inroads into the legislative and executive domain without restraint. They point out that it adversely impacts the spirit of democracy because of the fear of loss of public faith in them and the executive. However, parliamentary accountability seems to be affected by frequent walkouts and unproductive chaos instead of meaningful discussions and debates. Having said this, the judiciary is also not above law. There have been allegations and cases of corruption and favouritism by the judiciary.

To sum up, judicial activism has activated not only the judiciary but also the legislature and executive. It has resulted in many new legislations and striking down some, while unearthing scams and scandals. It has done a great deal of good for the common person, for example, the Supreme Court in 2007 directed the immediate release of all mentally ill under-trials in mental asylums for years. It ruled that if the prisoners' confinement exceeded the maximum punishment they would have undergone if convicted, the criminal trials against them must be closed and they must be released. There have been numerous such positive results out of judicial activism although there are always pros and cons to everything.

In terms of performance, there has been a certain amount of dissatisfaction in the functioning of the judiciary. In particular, the problem areas are: -i) Undue delays in the disposal of cases and lack of sensitivity (accountability) to the mounting arrears of cases. ii) Injecting avoidable uncertainties in the law and thereby making the task of the executive more difficult and sometimes unmanageable. iii) Lack of transparency in judicial appointments and transfers. iv) Poor management of resources and ineffective standards of judicial administration including legal aid. v) Absence of strategic action plans for clearance of pending cases in courts.

CheckYour Progress 2

Note: (i) Use the space given below for your answers.

(ii) Check your answers with those give at the end of the Unit.

1. Discuss the role of the judiciary with special reference to India.

.....

.....

.....

.....

.....

2. Explain the significance of judicial activism.

.....

.....

.....

.....

3. What **is** Public Interest Litigation?

.....

.....

.....

.....

6.4 CONCLUSION

The doctrine of separation of powers is applicable in India with three pillars of democracy – the executive, legislature, and the judiciary –which perform their separate functions as separate entities to form a whole democratic nation. The common citizens have benefitted from the separation of powers in getting their demands met though not without certain lapses and weaknesses. At times the issues confronting the citizens due to implementation problems encountered by the executive draws intervention by judiciary. Hence judicial activism is gaining prominence. This unit examined the role of legislature and judiciary in a comprehensive manner. It reflects on the changing complexion of role of judiciary.

6.5 GLOSSARY

Althing : It is the oldest National Parliament of Iceland which was founded in 930 A.D.

Bicameral Legislature : The Indian Parliament operates as a bicameral legislature having two units or two houses – the Rajya Sabha (the Upper House) and the Lok Sabha (the Lower House) – and headed by the President who is a nominal executive.

Nominal Executive : A nominal executive is who constitutionally enjoys all powers and execution of laws but practically exercises no authority in administration.

Rules of Procedure and Conduct of Business in Parliament : Article 118(1) of the Constitution empowers each House of Parliament to make rules for regulating its Procedure and the Conduct of its business. Under this provision of the Constitution, Rajya Sabha adopted rules for regulating its procedure and the conduct of its business on June 2, 1964.

6.6 REFERENCES

Anirudh. (20th April, 2011). Does the judiciary "make laws"? Retrieved from https://www.prsindia.org/theprsblog/does-judiciary-%E2%80%9Cmake-laws%E2%80%9D

Bhat, F.A. (01st Feb, 2020). Power of Judicial Review in India. Retrieved from https://www.latestlaws.com/articles.

Bhatia, R.P. (2003). Judicial Activism in India. *Journal of the Indian Law Institute*. 45(2), 262-274.

Bhatkoti, R. (2011). Human Rights and Judicial Activism in India. The Indian Journal of Political Science. 72(2), 437-443.

Khullar, V. (2017). Role of Parliament in holding the government accountable. Retrieved from https://www.prsindia.org/theprsblog/role-parliament-holding-government-accountable

Mishra, S.(2005).Role of the Legislature and the Judiciary (Unit 13). *MPA-013: Public Systems Management*. New Delhi, India: IGNOU.

Rajya Sabha Secretariat. (2013). Rules of Procedure and Conduct of Business in the Council of States (8th Ed.). Retrieved from https://rajyasabha.nic.in/rsnew/rs_rule/rules8th.pdf

Rao, K.V. (1965).*Parliamentary Democracy of India.* Calcutta, India: World Press.

Rao, P.P. (2003). Access to Justice and delay in disposal of cases. Indian Bar Review.30, 208.

6.7 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

1) Your answer should include the following points:
   - Leadership
   - Law-making
   - Accountability/oversight of the political executive
   - Informational
   - Reflection of public opinion
   - Judicial
   - Financial
2) Your answer should include the following points:

   Question hour strengthens the role of legislature in several ways. It
   - Confirms the policies.
   - Serves as a means of interaction amongst members of parliament.
   - Points out any misuse of allocated funds.
   - Facilitates establishment of a legislative committee or passing of legislation.
   - Ensures transparency and accountability.

Check Your Progress 2

1) Your answer should include the following points:
   - The role of Indian Judiciary is determined by its performance of following functions:
   - Justice to all
   - Interpretation of laws

- Law making
- Judicial review
- Protection of citizens' rights
- Union-state conflict resolution
- Advisory functions

2) Your answer should include the following points:

- Judicial activism refers to the intervention of the judiciary in legislative and executive fields.
- It is a way through which relief is provided to the disadvantaged and aggrieved citizens.
- It's importance is increasing due to failure on the part of executive and legislature to act, ineffective public service delivery, violation of human rights,misuse, and abuse of constitutional provisions and so on.
- Judiciary over time has transformed its role from being a positivist to an activist.

3) Your answer should include the following points:

- The judiciary has a system of public interest litigation (PIL) to keep a check on the activities of the legislature and the executive, which began in 1976 in India, for people who belonged to the vulnerable sections of the society looking for justice. It ensures social justice to the vulnerable.
- It is a suit filed in a court of law for the protection of public interest such as health, education, pollution, road safety, environment etc.
- PIL is an instrument devised by the Supreme Court to consider issues that are non-traditional and unpopular concerning the poor who do not have any platform for redressal of their grievances.
- The PIL can be a useful tool in the hands of the people for creating and enforcing rights. It strengthens democracy as it gives the mechanism to the common citizens to fight for their rights.
- As the name suggests, it is litigation in the interest of the public, for example, problems of pollution; hazards/dangers arising due to construction activities; terrorism; etc.

UNIT 7 NETWORKING AND INTER-INSTITUTIONAL COORDINATION IN GOVERNANCE*

Structure

7.0 Objectives
7.1 Introduction
7.2 Network Governance
7.3 Network Governance: Strengths and Challenges
7.4 Inter-Institutional Coordination
7.5 Conclusion
7.6 Glossary
7.7 References
7.8 Answers to Check Your Progress Exercises

7.0 OBJECTIVES

After reading this Unit, you should be able to:

- Explain the concept of network governance;
- Analyse its elements and strategies;
- Discuss the strengths and challenges of network governance; and
- Appreciate the need for inter-institutional coordination.

7.1 INTRODUCTION

We are familiar with the term governance ,as we have already introduced the concept in Unit 4, but to recapitulate, it is a process by which the governments take decisions and get them executed. There is evidence of some form of a government and execution of its decisions since ancient civilisations. The issues in governance arose when the world became a complex global village with the sudden exponential growth of information and technology. In the last two centuries, the governments controlled every public sphere as the world was under the rule of imperialist forces. After the Second World War, there were many new nations which began governing on their own. The meaning of governance kept evolving into "Good Governance", given by the World Bank, as "governance epitomised by predictable, open and enlightened policy making (that is, transparent process); a bureaucracy imbued with a professional ethos; and a strong civil society participating in public affairs and all behaving under the rule of law". Now, with the increase in the number of stakeholders like the private sector; non-profit sector; other states; and other countries partnerships have increased. The governance process is transforming towards managing collaborations. This unit shall

*Contributed by Dr. Anupama Mahajan, Former Post-Doctoral Fellow (Public Administration), Himachal Pradesh University, Shimla.

explore how network governance with inter institutional coordination can improve management of public systems.

7.2 NETWORK GOVERNANCE

Governance initiates excellence in the government operations in a democracy keeping in mind the needs of the citizens and society. Network governance, which aims at inclusive policymaking, is a form of organisational alliance in which relevant policy actors are linked together as co-producers where they are more likely to identify and share common interests. It is the outcome of the collaborative processes and arrangements between organisations and individuals. We have referred to governance as network forms in Unit 4 of this Course.

Concept of Network Governance

Network Governance is *defined* as "coordination characterised by informal social systems rather than by bureaucratic structures within firms and formal contractual relationships between them". It is increasingly used to coordinate complex public products and services in uncertain and complex environments. The two most important components in network governance are the interactions and flow of resources between independent units. Such contracts are designed to be flexible and adaptive to dynamic and fluid global environments. This system is opposed to centralisation. It involves multiple agencies from the private sector and non-profit sphere to carry out specific tasks. The common factor in various definitions is coordination among all the said agencies and organisations. They cannot work in silos (independently without much interaction and sharing of information) like the earlier era of public administration. The public systems management has changed to a mechanism for an easy and accessible interaction between the sectors to solve policy concerns.

The process of governance includes government, market, communities, citizens, and several stakeholders. The present times is marked by the dispersal of functions, powers, authority, responsibilities to the multiple actors by the State. This is broadening the scope of governance with the involvement of civil society. It is a configuration of organisations involving various groups, public, private and non-profit organisations coming together to share knowledge and skills among all its stakeholders towards providing various services and solutions.

Castells (1997) explains the rise of network society due to changes in technology, communication, production, and politics. With the State unable to provide comprehensive welfare to the citizens, new forms of network are gaining importance. These integrate and bridge the space between public and private sectors, bureaucracy, and market.

Network governance is assuming several forms as follows:

Meta-governance: In the recent years, the concept of meta-governance has emerged meaning a combination of institutional design and network framing or process management and direct participation. It introduces some indirect formal hierarchical control over devolved and decentralised decision-making organisations. It focuses on achieving coordinated governance by managing hierarchical, market and network governance.

Policy networks: These are popular in Britain which consists of several actors who pursue their own specific goals and strategies and yet are dependent on each other to achieve the desired public policy outcomes. In the UK, functional policy networks based on central government departments have expanded to include more actors, most notably from the private and voluntary sectors (Rhodes,1995).It encompasses a set of stable and interdependent relationships between government and other societal actors aiming to understand policy making processes and outcomes. The interactions culminate in development of mutually agreed policies, resolutions, framework of established procedures to resolve problems, arriving at solutions etc. Forexample, World Commission on Dams, Global Water Partnership etc., are examples of policy networks.

Inclusive policymaking: It is the consequence of collaboration between the governmental and non-governmental stakeholders having the requisite expertise in the areas of agenda-setting; policy formulation; policy adoption; monitoring and evaluation. The PPP Model (public private partnerships); cooperative management, self-help groups; community ventures are some of the ways that this socio-political interaction in network governance can work. There is no clear-cut vertical hierarchy in network governance because of multiple stakeholders. They are all horizontally placed in social sub-systems that have an important role to play in policy development and evaluation. The government becomes the initiator of network governance and establishes the essential channels to perform its developmental activities. An enabling environment is a pre-requisite to achieve effective network governance which can be complex because of different needs of every project or activity.

Elements of Network Governance

Network governance includes varied stakeholders such as people's representatives, bureaucracy, interest groups, professional associations, academia, media etc., It establishes communication both vertical and horizontal,facilitates innovation, creativity through interaction among stake holders and establishes consensus. There are some main elements that strengthen the policy development, with reference to network governance. These are:

i. **Interference –** Informal social interaction without any directional coordination.

ii. **Interplay –** Collaborative; semi-coordinated and semi-formal networking.

iii. **Intervention –** Formal channels of social interaction in legal structures.

iv. **Interdependency –** Policy and service delivery is implemented through a network of independent actors.

v. **Interaction –** Interactions among many actors instead of a single one, that is, the government.

vi. **Institutional –** Institutional relationships develop through social network which reduce transaction costs.

Nature of Network Governance

Decentralisation in a democratic polity is essential to promote deliberative and consensus-building for higher effectiveness in the policymaking process. It reverses the traditional top-down approach not to bottom-up approach but a horizontal collaboration. The citizens, organisations and communities are brought together in an informal network to build a *network society*. Network Governance, also called as

collaborative governance by many, is being considered as a paradigm (A paradigm is a distinct set of concepts or thought patterns, including theories, research methods, postulates, and standards for what constitutes legitimate contributions to a field) for government not only in the nature of public discourse and public opinion but also the form and content of concrete decision-making, policy development and implementation. The Delhi MetroRail Corporation (DMRC) is an example of the model of collaborative governance. The Union and Delhi governments are the main stakeholders. The financial funding is through Japanese International Cooperation Agency (JICA).

Governance has been moving towards new public service and new public governance from the traditional new public management. it means that there must be an open public discourse with the citizens via engagement and participation with them. So, the key word again has come back full circle to "steering" instead of a top-down or bottom-up approach of governance. A new term has come replace the term "nation-state" to "network-state" in which the government or the state is embedded in local, regional, and global networks of governance.

Network Governance Strategies

Network governance is based on formal and informal networking among various agencies in which the non-state actors are the main and common players. This requires a restructuring of relationships and interface between the government and non-government stakeholders. Networks have the potential to eliminate multiple layers of bureaucracy and attain the developmental objectives. There are two concepts intrinsic to network governance with reference to its methodology, which are networking and network management. *Networking* implies that the managers, whether public or private, have more connections with a variety of actors to increase effectiveness in governance although networking can be ridden with favouritism as a side effect. It is important to have more specific connections with specific actors like politicians, corporate managers, or non-governmental organisations. On the other hand, *network management strategies* comprise:

- Development of a conducive environment to ease the interaction process among the actors;
- Modifying network framework for better coordination;
- Exploration of innovative action plans with the help of cooperative research and fact-finding; and
- Build negotiation skills among the managers to facilitate resourcing funds.

Network governance results in effectiveness but it cannot be achieved by traditional methods. Each project has its own requirements; hence, there cannot be a single strategy except working on networking and improving coordination with the help of technology.

Types of Network Governance

There are three types of network governance – brokered, non-brokered, and participant-governed. In *non-brokered* network governance, also called shared governance, networks maybe governed completely by the organisations making up the network and there would be interaction among all the organisations strengthening decentralisation. On the other hand, *brokered* network governance may have direct interaction between few organisation-to-organisations. There would be a centralised

network broker which could be a lead organisation for issues like network maintenance and survival. Any one of the two types can be selected to devise a network depending upon the specific situation and environment. There is a third type of network governance called *participant-governed* networks which is most commonly and recently been adopted. It is governed by the members of the network themselves without any specific governance body. There can be formal or informal meetings among the representatives of the organisations engaged in the network. However, there could be various degrees of participation of centralisation/decentralisation in the process of governance. The internal as well as external relationships are managed by the organisations themselves. They have to source the raw material, manufacture the product, and then market it also. Participant network governance is used in the health sector, education, development sector and in public community organisations.

Check Your Progress Exercise 1

Note: (i) Use the space given below for your answers.

(ii) Check your answers with those given at the end of the Unit.

1. Explain the concept of network governance.

   .....

   .....

   .....

   .....

2. What are the elements network governance?

   .....

   .....

   .....

   .....

3. List the network governance strategies.

   .....

   .....

   .....

   .....

7.3 NETWORK GOVERNANCE: STRENGTHS AND CHALLENGES

In a globalised world with changed objectives and goals of the government, the governments have moved towards network governance which has seen many successful ventures. Its strengths are given below:

1. **Governance Architecture:** The government has a rigid form of designing its system of processes; procedures; control mechanisms but management does not

have this issue. They make flexible mechanisms in network governance which promote transparency and accountability, thus, reducing chances of corruption. The feature of decentralisation in network governance creates a widely distributed power structure creating checks and balances. They become self-regulating and self-governing and there is more flexibility. It accelerates the performance of specific tasks, for example, in a disaster crisis, matters can be resolved quicker by adding more experts to the team and later, letting them leave the scene.

2. **Specialisation:** The other stakeholders called in for networking with the government is basically done because they bring expertise to the table. The specialists called in to complete the task have the requisite expertise which the bureaucratic and the political officials are deficient in. Since network governance is based on loose arrangements, they can be hired for a specific period to participate in framing the policy network and can be let off after their task is over. It is task specific governance meant to find solutions for technical problems.

3. **Operational Ease:** Network governance's distributed control has the advantage of simplification of processes which results in a decrease in the burden of liabilities of decision-makers. They have autonomy in making decisions with lesser data to work productively. There is a decentralised network of intelligence and data resulting in operational ease.

4. **Stakeholder Engagement:** Network governance has the ability to engage all kinds of stakeholders, for example, manufacturers; raw material suppliers; employees; agents and distributors and bring them altogether under one collaborative effort. There is direct engagement reducing the time and costs in relaying information from one to the other. Such collaborations are more sustainable and successful.

5. **Co-regulation:** Non-governmental stakeholders become co-regulators in network governance giving them the freedom to directly resolve concerns saving thereby time. There is very less need for expensive social audits because there are internal regulations of checks and balances, for example, in Corporate Social Responsibility, more efficiency is seen without the need for audits because of direct engagement with the stakeholders and beneficiaries. The stakeholders themselves can take up the issues by reporting them directly. The feedback on strengths, weaknesses, opportunities, and threats (SWOT) can be directly accessed by the stakeholders of the collaboration because information is available to them through established systematic processes.

6. **User-based:** There is ample evidence from research studies that valuable information comes from users instead of the brainstorming meetings of the management executives. Network governance allows gathering information from the users with the help of technology about the needs and demands of the users to have better public service delivery. A decentralised system in network governance permits all stakeholders to present their views openly, thereby, putting the organisation on a profitable path and eliminating the need for privatisation of public sector enterprises.

7. **Strengthens Democracy:** Network governance strengthens democracy which is also favoured by the political executive because of its inherent foundation of self-governance and self-regulation. The government need not exercise indirect control but can reduce its size and responsibilities to the level of indirect interventions,

for example, tax incentives or penalties, depending on the performance of the stakeholders. This helps in increasing the 3E's – economy, efficiency, and effectiveness.

8. **Innovation:** There are several stakeholders involved in network governance bringing together many innovative ideas and expertise. Technology has made it possible to make a larger policy framework over spatial and time reference, including as many experts and policymakers as possible to provide inputs from different backgrounds. During the ongoing pandemic COVID-19, it has been seen how online meetings via zoom or google meet, made possible the governance in crisis.

9. **Public Private Partnerships (PPP):** The PPP Model has come to stay as a consequence of network governance, especially, in capital intensive projects. In India, it has been observed how various stakeholders come together to complete projects in record time and cost, eliminating corruption opportunities.

Thus, it can be said that network governance has many advantages to the growing and developing economies to carry out the developmental activities without the hassle of an increased government debt, reduction in ministerial accountability and autocratic control of public assets.

Challenges of Network Governance

In an evolving world of society and state institutions, the public authority perception is also changing. The governments of today across the globe are looking for newer ways like network governance for the efficient and effective delivery of public goods and services. After an understanding of what network governance is and its advantages, its weaknesses cannot be ignored. The study of its shortcomings is important to be able to reduce them to establish better networks for public administration. Given below are the challenges of network governance:

1. **Complex Networks and Accountability:** It has been understood that network governance has complex interrelationships which lead to a struggle of establishing hierarchies in a flat structure. The decreasing control by the State over the delivery of public goods and services is because of the emergence of a decision-making structure that has no State control. There might be a co-regulation mechanism or self-regulation in the network, but the State loses its control over politically strategic sectors resulting in unethical practices and loss of accountability. There might emerge lobbying and pressure groups which can skew the processes and contracts; or transaction costs in their favour. Since organisations and individuals in a network are not steered by the government as in traditional public administration, it is difficult to establish external accountability.

2. **Goal Compatibility/Congruence:** There are multiple stakeholders in network governance who have their own conception of goals but must be homogeneous across all players in the specific project. Goal compatibility or congruence may become a problem if there is disagreement amongst the different stakeholders. This can occur due to too much data; lack of coordination; imbalance in power relations; opportunism; and external negativities. Such problems result in loss of sight in the goals or objectives.

3. **Communication:** Every institution or organisation has its own method of communication. However, due to the multiplicity of individuals and organisations,

as the networks get larger, maintenance of effective communication channels becomes a challenge adversely affecting network performance.

4. **Coordination:** Comparable performance is essential for the whole to be effective in network governance but even if one stakeholder lags behind, it impacts the network's performance as a whole. This happens mostly in a hybrid structure where there is a mix of public and private stakeholders with different work styles. There is a lot of academic discussion over the concept of 'Government to Governance'. The multiplicity of network partners sometimes results in exclusionary instead of inclusive networks which are undemocratic and lack transparency.

5. **Determining stakeholders in Network Participation:** The issue of who can or must participate in a network is difficult to ascertain as the government takes a backseat in network governance. Usually, the initiator of the specific network for a project becomes the lead by bringing together different stakeholders. Network governance requires an equitable representation for all players in a flat hierarchical structure by co-governance but in reality, the government still has the controlling power. There can be conflicts among the stakeholders in a network regarding control and leadership.

7.4 INTER-INSTITUTIONAL COORDINATION

Coordination has been considered as the only way that network governance can be carried out. In a rapidly changing world with daunting tasks and developmental goals, there has to be a mechanism to coordinate all concerned agencies and stakeholders to achieve goals and their targets. In 2015, the United Nations established 17 Sustainable Development Goals (SDGs) under Agenda 2030 to which 192 Member countries pledged to achieve by 2030 out of which India was an active participant. The SDGs cover all relevant developmental issues and concerns that plague our global society. It is clear from the discussion above that governments alone cannot reach the goals alone. The governments, civil service organisations, the private sector and international institutions all have a role to play coming together forming networks for governance. A strengthened institutional framework which is guided by coordination among the institutions from all sectors is the need of the day. This section of the unit will discuss this aspect with special reference to SDGs because they are all-inclusive. The United Nations has suggested mechanisms and ways to achieve coordination. Among other ways, the main thrust would be on the UN recommendations because India has been attempting to follow them. NITI Aayog, the supreme think-tank and planning body of India, prepares the policies which are translated into budgetary estimates that are presented to the Parliament for their appropriation. The budget is prepared based on SDGs and India has prepared an SDG Index to measure its performance goal-wise. However, there is no way that they can be achieved without inter-institutional coordination.

India does not have a separate coordination mechanism for network governance and inter-ministerial committees serve the purpose. More needs to be done to resolve the issue of coordination. Given below are the ways through which inter-institutional coordination is being worked upon around the world, as suggested by the United Nations:

1. **Adoption of Existing Administrative Framework:** Many countries are adopting the existing institutional mechanisms for coordination. The role of government for

steering is very important so that there is power and hierarchy but in network governance, it has been seen that it does not work well since the partners in the network expect a horizontal structure where everyone has a voice. For example in India, the Inter-State Council which is a Constitutional body set up by a presidential order on the basis of provisions in Article 263 of the Constitution is an inter-governmental institutionis entrusted with the task to discuss or examine policies, subjects of common interests and disputes among the states.The Goods and Services Tax (GST) Council is a constitutional body for making recommendations to the Union and state governments on issues relating to Goods and Service Tax.These ensure coordination on matters concerning centre and states. The Finance Commission about which we have discussed in the earlier unit of this course also works towards bringing in coordination between centre and states.

India started the *Government to Citizen to Government (G2C2G2) Model* based on stakeholder participation and feedback. This model has been widely accepted regarding citizen engagement and stakeholder involvement. This is an interactive e-governance model that ensures participation of citizens in governance for example online grievance redressal, e-ballots, opinion polls and so on. The objective of this is to facilitate interaction among the concerned stakeholders.

2. **Establishing New Coordination Mechanisms:** The traditional hierarchical bureaucratic' approach to governing has been counter-productive, necessitating the need for new coordinating mechanisms. The broad participation of multiple stakeholders with the government, like the civil society, business, philanthropy, academia, and others is essential in the enhancement of development efforts. However, with the inter-ministerial commissions, the biggest problem that arises is the high risk of political interests and a shorter populist appeasement vision. Non-governmental representatives need more voice and capacity for unrestricted engagement with the ministers and senior officials to achieve consensus.

3. **Vertical Coherence:** Any coordination committee or council that is established must have local government representatives providing for vertical as well as horizontal coordination. It must include bottom-up engagement (with non-government stakeholders) approaches by adapting a new legal framework beyond a voluntary effort.

4. **Cross-sectoral Cooperation and Coordination:** Cross-sectoral cooperation and coordination is required for achieving multiple SDGs. There are interrelated goals that can be addressed at the same time if there is coordination among various agencies, for example goals like family welfare; child development; water, hygiene and environment are all inter-related.

5. **Monitoring SDGs Progress:** India has developed an *SDG Index India* for the measurement of the targets achieved to understand where the countries as a whole and in specific sectors stand. This enables the authorities to understand the deficient areas where more work is required. It June 2021, the Niti Aayog released SDG India Index.

6. **Multi-tiered Governance Structure:** A multi-tiered governance structure would help improve coordination among the stakeholders in networks. The main elements in such a structure must be leadership; long-term, medium-term, and short-term plans and their integration. There must be an institutional coordination mechanism that can oversee, plan and steer the development goals. There is a need for well-

resourced and technically capable planning secretariat or department which would be responsible for supporting horizontal and vertical multi-stakeholder coordination.

The above-given guidelines have been proposed by the UN which must be adopted by all countries to improve network governance which gradually become global governance since many of the stakeholders are across the globe. However, a lot needs to be done in this sector.

Check Your Progress Exercise 2

Note: (i) Use the space given below for your answers.

(ii) Check your answers with those given at the end of the Unit.

1. List the strengths and challenges of network governance.

   .....

   .....

   .....

   .....

2. How can inter-institutional coordination be achieved for effective network governance?

   .....

   .....

   .....

   .....

7.5 CONCLUSION

Network governance is ridden with challenges of communication, coordination, consensus, free interaction and innovation. They are essential for providing strong social and economic development in today's times. It helps strengthen democracy, empowering people, groups and improving efficiency in the delivery of public services and goods to the citizens. The involvement of civil service organisations in network governance enables social capital to be built and sustained to help actors pursue shared goals in development. Civil society is highly relevant to social capital, which is collective value, that can both build and bridge social networks, enabling them to play important roles in policy formulation and execution. Public administrators, private sector bodies, NGOs and citizens, the actors or stakeholders, take on the role of entrepreneurs or problem solvers in the networks they fabricate.

7.6 GLOSSARY

Network-State : A network-state is that in which the government or the state is embedded in local, regional, and global networks of governance.

New Public Governance : It is a twenty-first century approach proposed by Stephen.P.Osborne and later by other scholars that

analyses collaborative relationships between non-profit or commercial organisations which deliver publicly-funded services and government organisations. It is a mode of governance that emphasises interaction, cooperation and collaboration between the State and non-state actors to achieve policy objectives.

Social Capital : It is a set of shared values that allows individuals to work together in a group to effectively achieve a common purpose.

New Public Service : This concept propounded by Robert Denhardt and Janet Denhardt puts forth a set of norms and practices that emphasise democracy and citizenship as the basis of the theory and practice of public administration. It focuses on serving the citizens as they occupy key place in governance. Also, it propagates shared notions of public interest, valuing citizenship, to think democratically, to serve than steer and valuing people.

7.7 REFERENCES

Lim, J. (2011). Networked Governance: Why it is different and how it can work. Retrieved from https://www.csc.gov.sg/articles/networked-governance-why-it-is-different-and-how-it-can-work

Mishra, A.D. (2005). Networking and Inter-institutional Coordination in Governance.*MPA 013: Public Systems Management*. New Delhi, India: IGNOU

Rhodes, R.A.W. (1997).*Understanding Governance Policy Networks, Governance, Reflexivity and Accountability*. Buckingham: Open University Press.

Zafarullah, H. (2015). Network Governance and Policy Making: Developments and Directions in Asia. Retrieved from https://www.researchgate.net/publication/283773385_Network_Governance_and_Policy_Making_Developments_and_Directions_in_Asia

7.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1. Your answer should include the following points:

   - Network governance is a form of organisational alliance in which relevant policy actors are linked together as co-producers as they are more likely to identify and share common interests.
   - It is the outcome of the collaborative processes and arrangements between organisations and individuals.

- It is characterised by informal social systems rather than by bureaucratic structure within firms and formal contractual relationships between them.

2. Your answer should include the following points:

   - Interference
   - Interplay
   - Intervention
   - Interdependency
   - Interaction
   - Institutional

3. Your answer should include the following points:

   Network Management Strategies comprise:

   - Development of a conducive environment to ease the interaction process among the actors;
   - Modifying network framework for better coordination;
   - Exploration of innovative action plans with the help of cooperative research and fact-finding; and
   - Build negotiation skills among the managers to facilitate.

Check Your Progress 2

1. Your answer should include the following points:

   The strengths of network governance are:

   - Governance Architecture
   - Specialisation
   - Stakeholder Engagement
   - Operational Ease
   - Stakeholder Engagement
   - Co-regulation
   - User-based
   - Strengthens Democracy
   - Innovation
   - Public-private Partnerships

   The challenges are:

   - Complex networks and Accountability
   - Goal Compatibility

- Communication
- Coordination
- Determining stakeholders in NetworkParticipation

2. Your answer should include the following points:
   - Adoption of existing administrative framework
   - Establishing new coordination mechanisms
   - Vertical Coherence
   - Cross-sectoral Cooperation and Coordination
   - Monitoring SDG's Progress
   - Multi-tiered governance structure

ignou
THE PEOPLE'S
UNIVERSITY

ignou
THE PEOPLE'S
UNIVERSITY