

Policy Implementation: Process and Problems

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Abstract: Policy implementation is of critical importance to the success of government. No policy can succeed if the implementation does not bear any relationship to the intentions of policy adopters. This paper attempts to understand the implementation process and highlighted the contribution of various agencies involved in implementation stage. Apart from this it also focuses on various issues such as communication, coordination, institutional design, public participation and corruption etc. that hinders the implementation and also suggest measures to overcome these hurdles.

Keywords: Policy implementation, communication, coordination, institutional design, public participation.

1. INTRODUCTION

Understanding the process of implementation through which policies are put into practice, is the key to understanding the difficulties and outcomes of public policy making. Implementation is essentially about trying to accomplish public objectives, the process by which and the structures through which policy is intended to affect societal conditions and outcomes. Implementation is at the core of the discipline of public administration and aims to contribute to the practice of policy. Donald Van Meter and Carl Van Horn observed: "Policy Implementation encompasses those actions by public or private individuals (and groups) that are directed at the achievement of goals and objectives set forth in prior policy decisions".¹ The task of implementation is to form a bridge that allows the objectives of public policies to be achieved as outcomes of Government activities. Implementation involves the "creation of a policy delivery system in which specific mechanisms are designed and pursued in the hope of reaching particular ends".² Thus, public policies in the form of a statement of goals and objectives are put into action-programs with an aim to realize the ends stated in the policy.

2. MAJOR AGENCIES INVOLVED IN POLICY IMPLEMENTATION

In policy formulation various agencies are involved directly or indirectly. It is essential to examine the role of these agencies in the formulation of policy in India.

Parliament and Policy Implementation:

In a parliamentary democracy, the legislature or Parliament is the most appropriate site for policy making as well as the site for evaluation and monitoring for its implementation. Parliament of India exercise control over executive through its Committees. The most important Standing Committees of Parliament are those that exercise control over the finances: the Public Accounts Committee, the Committee on Estimate and the Committee on Public Undertaking. To make the parliamentary activity more effective and to make the executive more accountable to the legislature, a beginning had been made in the Eight Lok Sabha in 1989 by setting up 3 Department Related Standing Committees, one each on (i) Agriculture, (ii) Science and Technology, and (iii) Environment and forests³. Third Report of the Rules Committee, adopted by Lok Sabha on 29 March, 1993, paved the way for setting up of 17 Departmentally Related Standing

¹. D. Van Meter and C. van Horn, The Policy Implementation Process: A Conceptual Framework, *Administration and Society*, Vol. 6, No. 4, 1975, p. 445-488.

². Ibid., pp. 446.

³. Ibid.

Committee covering under their jurisdiction all the ministries/departments of Union Government.⁴ In July 2004, rules were amended to provide for the Constitution of seven more such Committees, thus raising the number of DRSCs from 17 to 24. The Department Related Standing Committees (DRSCs) are supposed to act as watchdogs, and make the executive more accountable to the legislature. These Department Related Standing Committees scrutinize the work of ministries and departments and their implementation of planned objectives on an ongoing basis, in addition to examining their demands for grants in the budget.⁵

During the general discussion on Finance Bill and submission of Demands for grants, Members of Parliament gets opportunity to discuss the budget proposals and general taxation policy. Members of Lok Sabha can move motions to reduce any demands for grant. Such motions are called as 'cut motions' which are of three kind: (1) disapproval of policy cut motion represents the disapproval of the policy underlying the demand, (2) economy cut motion represents the economy that be affected in the proposed expenditure. (3) token cut motion ventilates specific grievances which are within the sphere of responsibility of the Government of India. Issues of policy, economy, efficiency, and grievance may be raised and the minister concerned has to respond the questions. The first hour of every Parliament sitting is allotted to raise questions on executive's functioning. The 'question hour' is the forum where members can elicit information on any aspect of the performance of the executive. Besides the question hour, there is the zero hour discussion, adjournment debates and no confidence motions provide occasions when the entire or part of the Government policy is criticized. Audit system is an important tool of parliamentary control over administration. The Comptroller and Auditor General of India (CAG), on behalf of the Parliament, audit the account of Government. The control exercised by the Parliament over the executive is indirect inducing self-control and responsibility under the threat of exposure, rather than control in the sense of actually implementing policies.

Judiciary in Policy Implementation:

The Indian judiciary is also regarded as an important agency in policy making process. Armed with the power to strike down executive, quasi-judicial and legislative actions as unconstitutional, the judiciary has, as the ultimate interpreter of Constitutional provisions⁶, expounded the basic features of the Constitution of which the power of judicial review has been recognized as forming an integral part.⁷ Every attempt at diluting or dispensing the power of judicial review through statute or constitutional amendments has been rebuffed with certainty.⁸ Secondly, the Supreme Court's declaration of the law is mandatorily binding "on all courts within the territory of India"⁹ and all authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court of India.¹⁰ This coupled with the power to punish for contempt of the court¹¹, reinforces the position of the judiciary as a constitutional authority that enforces accountability and answerability of the other organs of the State. The innovation of Public Interest Litigation (PIL) as a tool to achieve social objectives by enabling easy access to courts for those disadvantaged socially and economically. A conscious attempt was made to relax the rules of standing and procedure and free litigants from the strength of law and lawyering.¹² The early PIL cases witnessed attempts by the court to rescue bonded labor from dehumanizing conditions of work¹³, ensuring availability of free legal aid to destitute under trial prisoners¹⁴ and protecting the rights of pavement dwellers to processual due process while facing forced eviction.¹⁵

In *Bandhua Mukti Morcha*¹⁶, the court declared that the non-enforcement of welfare legislation like the Minimum Wages Act, 1948 and the Bonded Labor (Abolition) Act, 1976 would tantamount to "denial of the right to live with human dignity enshrined under Article 21 of the Constitution. The court has also stressed that its intervention is warranted only where it finds that there has been a failure by those charged with performing their statutory and Constitutional functions to

⁴ . Ibid.

⁵ . Devesh Kapur, Pratap Bhanu Mehta, *Public Institutions in India: Performance and Design*, New Delhi: Oxford University Press, 2005, pp. 90-92.

⁶ . *State of Rajasthan v. Union of India* (1977) 3 SCC 592 at 662.

⁷ . *Keshavananda Bharti v. State of Kerala* (1973) 4 SCC 225.

⁸ . *Kihoto Hollohan v. Zachillhu* 1992 Supp. (2) SCC 651.

⁹ . Article 141 of Constitution of India

¹⁰ . Article 144 of Constitution of India

¹¹ . Article 129 in the case of Supreme Court and Article 215 for High Court. This power is in addition to be found under the contempt of Courts Act, 1971.

¹² . The Objective of PIL has been explained in *S.P. Gupta v. Union of India* 1981 Suppl. Sec. 87.

¹³ . *Bandhua Mukti Morcha v. Union of India* (1984) 3 SCC 161.

¹⁴ . *Hussainara Khatoon v. State of Bihar* (1980) 1 SCC 81.

¹⁵ . *Olga Tellis v. Bombay Municipal Corporation* (1985) 3 SCC 545.

¹⁶ . *Bandhua Mukti Mrcha v. Union of India* (1984) 3 SCC 161.

address the problem.¹⁷ It is in this context that the court intervened to direct the Governments at the Center and the States to make available food grains, overflowing in State go downs, to be made available on a priority basis to those living below the poverty line.¹⁸

However, the judiciary can intervene in the administrative acts under the following circumstances:

- Lack of jurisdiction,
- Error of law,
- Error in fact finding,
- Abuse of authority,
- Error of procedure.

The person aggrieved by these cases can seek the intervention of judiciary in administrative acts. Judicial bodies including administrative tribunals and agencies for administrative adjudication operate to exercise checks on the functioning of the implementing agencies and whosoever feel affected can approach these bodies. In order to have an effective check on the functioning of administrative tribunals, some safe guards have been provided in the Constitution. As per Article 32(2) of the Indian Constitution, the Supreme Court is empowered to issue writs, viz. Habeas Corpus, Mandamus, Prohibition, Quo Warranto, and Certiorari. Any individual feeling that his Fundamental Rights are being infringed through the implementation of a given policy and has failed to get justice through the administrative adjudication agency or tribunal, could move to the court for protection and safeguarding of his rights. The Court attempts to strike a balance between remaining within its sphere of influence while continuing to ensure answerability and accountability of the organ of the state. Thus, the ordinary courts and the administrative tribunals have a creative role in the implementation of public policies.

3. POLICY IMPLEMENTATION AND BUREAUCRACY

The contribution of the higher civil services and the higher judiciary to the nation has been immense. The bureaucracy is classically considered an executive branch of the Government. It is the bureaucracy that controls the personnel, resources, materials and legal powers of Government, and it is this institution that receives most of the implementation directives from the executive, legislative and judicial decision maker.¹⁹

Legislation is never self-implementing but always requires delegation to appropriate organization and personnel. Placing a program in its perspective is the first task of implementation, and administering the day to day work of an established program is the second. It is because delegation and discretion permeates bureaucratic implementation that it plays a crucial role in the power structure of policy making and policy action. Technically the task of all public organizations and personnel is to implement, execute and enforce laws and policies. As Davis Remarks: “perhaps nine-tenths of the injustice in our legal system flows from discretion and perhaps only ten percent from rules”.²⁰

In any complex situation, policy making and policy execution are inter-related phenomena and influence each other. Often, policies have to be modified and revised in the course of their execution after taking into account the experience gained. Besides, policies are often subject to various interpretations. In such cases, the administrators responsible for the implementation of a policy can use their own discretion in its interpretation. The administrator’s role in policy making is to clarify the choices open to politicians and to anticipate their consequences. The bureaucracy in the developing countries, plays a dominant role in policy making because of the underdeveloped nature of the political system.²¹ Thus the modern State is heavily dependent upon bureaucracy both for policy formulation as well as policy execution.

Interest Groups in Policy Implementation:

Interest groups exercise influence on the implementation process. Interest group is an important channel of communication for ordinary citizen. Dror nicely points out: “Because of discretion often vested in agencies by legislation,

¹⁷ . Vineet Narian v. Union of India (1996) 2 SCC 199 at 200-01.

¹⁸ . People’s Union for Civil Liberties (PUCL) v. Union of India (2001) 7 Scale 484.

¹⁹ . Meter D. Van and C. Van Horn, op.cit., p. 445-448.

²⁰ . Kenneth Culp Davis, *Discretionary Justice*, Baton Rouge: Louisiana State University Press, 1969, p. 25.

²¹ : L.I. Rudolph and S.H. Rudolph, *In pursuit of Lakshmi: The Political Economy of the Indian State*, Hyderabad, Orient Longman, pp. 263-266

once an act is adopted, the group struggle shifts from the legislative to the administrative arena".²² Powerful interest groups pursue their interest at every stage in the policy implementation chain and use their tactics on weak links of the chain to influence the implementation process. In sphere like pollution control, land and agriculture policy, and in many other social policy areas, the interest groups affect administration. The cooperation with in the social implementation processes is seen as a way of managing and channeling conflicts of interest.

Political Parties in Policy Implementation:

Political parties also affect the policy implementation process. Political parties are often seen to be exerting their influence on both the executive and its branch, the bureaucracy, to implement policies which serve their purposes. They have been considered agents for establishing popular control over Government and policies. They generally present their goals and policies to the people with a view to gain their support. Since the government is formed by the leaders of the political party with a majority of seats in the legislature, the party leadership engages in the formulation of public policy.

Problems in Policy Implementation:

Woodrow Wilson had emphasized the need for sound implementation of policies and programs and advocated politics – administration dichotomy. Though the Wilsonian dichotomy is no longer accepted. The soundness of his observation that 'it is getting to be harder to run a Constitution than to frame one'²³ made in 1887 is universally acknowledged. A policy or program is necessarily implemented in the field though it is made in the Secretariat. The implementation process necessarily gets tied up with the dynamics of relationship between different implementing agencies in the field. Plan implementation requires cooperation, coordination and commitment at all levels of implementing machinery starting with the ministries at the Central State level through the various non-secretariat organizations in the field of at district, block or village level. And policy is only as good as its implementation. The National Environment Policy outlines a significant number of new and continuing initiatives for enhancing environmental conservation. This requires the coordinated actions of diverse actor, for the major part organized and stimulated by one or more public agencies.

Lack of administrative capability in implementation also poses a threat to successful implementation. Communication is an essential element of policy implementation. Through communication, orders to implement policies are transmitted to appropriate personnel in a clear manner while such orders must be accurate and consistent. Broadly speaking communication is the means by which intentions of the program are classified to ensure fruitful result. There must be effective communication between the target groups and implementers of policy programs. One major cause of weak implementation is that organizational structure of Government is incompatible with the functional requirement of national development. The institutional structures in their current form are inadequate for responding to the emerging environmental challenges, including river cleaning, management of waste, hazardous substances and plastic management, dealing with chemical contamination, monitoring compliance with environmental clearances, etc. There is no suitable authority to comprehensively and efficiently implement the Environment Protection Act 1986. Several recent reports have called for an institutional redesign. The Report of the Steering Committee on the Environment and Forest Sector for the 11th Five Year Plan (2007) recommended the setting up of a National Environment Clearance Authority. The report also found it critical to urgently upgrade and strengthen the Pollution Regulatory Authority. Similarly, the 192nd report (2008) of the Departmental Parliamentary Standing Committee on Science and Technology and Environment and Forest on the functioning of Central Pollution Control Board on various counts.²⁴

Public involvement in policy implementation is of crucial importance. For policies to be successful the target group should be involved actively. Public enthusiasm and community participation in the program which is necessary for its success has not been generated in adequate measures. This program is still viewed by the public as a routine governmental activity. There is a need for projecting the program as a people program backed by support from governmental and non-governmental agencies.²⁵ Corruption has greatly contributed to the failure of policy implementation. Lack of motivation, misutilization of funds, no coercive actions against defaulters and poor working condition also hinders the implementation

²² . Y. Dror, *Public Policy Making Reexamined*, New Brunswick: Transaction Publisher, 1989, p. 97.

²³ . Woodrow Wilson, *The Study of Public Administration*, *Political Science Quarterly*, June 1887, p. 4.

²⁴ . Ministry of Environment & Forest, *Towards Effective Environmental Governance: Proposal for a National Environmental Protection Authority*, Discussion Paper for comments, Government of India, September 17, 2009, New Delhi, p. 2.

²⁵ . Jagmohan Singh Verma, *Dynamic of Population Growth*, Lucknow: Jyotsana Publication., 1977, p. 144.

process. Comptroller and Auditor General in its report bring out a number of irregularities in the implementation of the Rural Employment Programs.

Policy goals can be achieved only when there is an effective system of implementation and monitoring. 10th five year plan has observed that in “the absence of adequate monitoring and evaluation of plan programs and other non-plan activities, there is a considerable amount of wastage, leakages and spill over of programs over successive plans, leading to less than optimal use of the scarce public resources in the development process”.²⁶ This is an account of the fact that the existing mechanism for monitoring and evaluation have neither been adequately used by the agencies responsible for implementing various programs nor has there been any visible effort to improve and strengthen these mechanism over time.²⁷

In developing countries, most of the policies are not implemented in full scale because of lack of trained staff and financial resources. The CPCB and the State Board are heavily reliant on the funds directly provided by the Ministry of Environment and Forests. The SPCBs especially receive only marginal funding from the Central Government and mostly through specific projects to be executed at a State level. According to the CPCB²⁸, the SPCBs are dependent on the reimbursement of cess/tax collected under the water (Prevention and control of pollution) Act and other consent and authorization fees imposed on industries. The Departments of Environment at the State level also face a similar problem, being unable to enforce laws due to adequate financial support. For a country with about 7500 kms. of coastline, the Coastal Regulation Zone (CRZ) Notification 1991 set out a range of activities for its own implementation such as preparation of maps, coastal zone, management plans and zone demarcation. Such a significant statute was not backed up with finding support, thereby all the above activities necessary for its effective implementation did not quite enthusiastic to the State Governments. Implementation implies allocating personnel resources to the appropriate task and activities to achieve the policy objective. All the personnel engaged in a policy implementation program need to work as a unit for the purpose of achieving policy results. But sometime lack of the allocation of work to personnel also hinders implementation other problems could be paucity of staff; financial and infrastructural constraints; unrealistic targets; and shortage of time. A more effective implementation demands a lighter project planning implementation shortfall reveal imperfect knowledge about the micro situation, inadequate data base and time resource constraints.

Lack of dedicated staff at block district and State level and non-compliance to policy guidelines also hinders the implementation process. Many policies are not performing well up to their potential because of these lacunas. Audit report 2009 on implementation of NREGs in Orissa highlighted that “Dedicated administrative and account assistants were not posted in any of the blocks of the State for proper record keeping and financial management. Despite mandatory requirement, project executed by line department were neither identified nor approved by gram sabha. The Act and the Government of India’s operational guideline issued there under provided for a full time dedicated Program Officer (PO) for each block and executive staff at GP block, district and State level for planning, implementation monitoring of the schemes.”²⁹ Problems connected with policy implementation in developing countries are intertwined with basic socio-economic and political conditions. The policy maker must be able to consider the environment – social, economic, political in which policy are formulated.

The Economic Administration Reform Commission headed by L.K. Jha was confronted by the widely held belief that India’s major failure has been on the administrative front and that the machinery for the implementation of plan has not been equal to the tasks emphasized the need for step which can be taken to improve the implementation of plans.³⁰

Effective implementation of a policy depends largely on a well-made policy. Yehezkel Dror has mentioned that “qualified manpower in the developing countries is the qualified manpower and knowledge is crucial factor for sound policy formulation. Lack of sound policy design also affects the implementation process. For efficient implementation of public policy, the internal procedure should be simple and clearly defined. They should define the roles at different levels. These procedures should also take into account the speed and responsiveness; avoid unnecessary delays and incorporate the insight of intermediaries. Simple internal procedures, where in roles at specific levels are defined clearly, result in

²⁶ . Planning Commission, Tenth Five year Plan, 2002-2007, Government of India, New Delhi, pp. 186.

²⁷ . Ibid., p. 186.

²⁸ . <http://www.cpcb.nic.in/faq2.php> assessed on 31 Jan. 2011.

²⁹ . http://www.cag.gov.in/html/cag_reports/Orissa/rep_2009/civil-chap2.pdf assess on 31 January 2011.

³⁰ . Report of the Economic Administration Reform Commission on “Towards the Successful Implementation of the Seventh Plan: An Overview of Economic Administration”, New Delhi, Planning Commission, 1984, p. 3.

efficient implementation.³¹ Effective implementation hinges on such factors as availability and skill of personnel, complementary activities and supportive roles of participating agencies, acceptance from the target group and persistence of organized effort. Effective and successful implementation requires that implementers know what they are supposed to do. It involves the degree to which program/project objectives and standard are transmitted to implementers clearly and accurately. Effective implementation is the combination of design features, agency behavior, and target group reactions. The implementation rate can be quickened by improving program/project management and success is verifiable by focusing on performance.³² Policy statement should be in clear terms. The implementers often face a number of problems because they do not find the policy statement made in clear terms. According to C. Han and M. Hill, successful implementation must require satisfactory solution of the following problems:

1. "Nature of the policy the policy should be unambiguous.
2. The links in the chain of the implementation structure must be kept to minimum.
3. Prevention of outside interference.
4. Control over implementing actors".³³

The argument put forward by these authors is that problems can be avoided by anticipating complications and difficulties prior to implementation. Implementation needs to be dynamic, flexible and adaptable to changing situation. Support building is critical to effective implementation. The quality of the agency personnel influences implementation effective communication network, necessary control over staff, leadership style influence individual identification with the agency goals and objective also facilitate the effective implementation.

4. CONCLUSION

Public policy making in democratic countries is a complex process which has a number of not only governmental agencies and actor but also non-governmental agencies and actors playing an important role. Unless and until the policies formulated are executed in a fair, impartial, and effective way, however good the policy intents may be the outcomes can never be achieved. The Indian Constitution, modeled on the British parliamentary system, has entrusted the basic responsibility of executing the policies approved by the legislature, and overseen by the judiciary, to the executive. The key role of governance and management of the country's affairs vests with the executive, to whom all successes and failures of the same are attributed. The political executive is essentially akin to the board of directors in a large corporation, with functionaries, i.e. the permanent executive manning implementation positions at all levels. It is a vast machine with complicated internal structure.

Getting policy implementation is of critically important. Even if political system is fair, even if the goal are noble and if the organizational structure is very strong; no policy can succeed if the implementation part is not up to the mark. Poor coordination and missing link among the administrative institutions sometime stand in the way of implementing policy actions. . Policy implementation at the highest level is not characterized by an effective coordination and cooperation. Implementation of development program and policies in India has exerted strains on the varying capacities of the governmental and other institutional machinery. Conceivable there are innumerable factors which could affect policy implementation process. Important factors are; the organizational structuring for implementation, their location in the governmental system, the nature and range of authority and the responsibility vested in them, the range of control accorded to implementers for planning coordination and managing critical program resources, in technical qualification of key implementers, and the nature of the program undertaken. This is an attempt to identify the problems and shortcomings in India's policy implementation process. The first of these is structural too much fragmentation, too much implementation work load on policy maker, poor structure and process for involving outside expert and stake holders. the second kind of problem is associated with the competence of the people who man the structure inadequate professionalism of the policy making staff, and inadequate competence of specialist as well as the field of staff. Failure causes financial waste, political frustration and disruption for ordinary citizens, as demonstrated in a series of policy failures.

³¹ . Q.U. Khan, A Model of Public Policy Implementation Process, *Indian Journal of Public Administration*, Vol. 33, No. 1-4, 1987, p. 36.

³² . Jamal Khan, The Implementation Process, *Indian Journal of public Administration*, Vol. 35, No.4, 1989, p. 859-861.

³³ . C. Han and M. Hill, *The Policy Process in the Modern Capitalist State*, Sussex: Wheatsheat, 1984, p. 99.