

Reactionary Public Policy Making in India: Issues and Remedies

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Abstract— Public policymaking is one of the most ignored aspects of governance in India. In fact, we have mastered the art of adhocism for governance. Policy making is mostly reactionary without a long-term vision, lacking empirical analysis and devoid of the informed choice of the people at large. In this paper various such current instances of 'reactionary' policies are brought to light and analysed. The risks associated with such policies have been discussed and then remedies have been suggested. The paper concludes by saying that policy making should be a 'proactive' process which involves all the stakeholders, which is from a long term perspective and which caters the widest interests of the masses.

I. INTRODUCTION

Before moving on to the discussion on Public policy, it is essential to define what Public is. The term 'public' denotes the sphere of life which is not private, it can also be termed as something which deals with general interest of society, and it also denotes the 'public ownership/control' for public purposes. Like the idea of 'public', the concept of 'policy' is also not a precise term. Policy denotes, among other elements, guidance for action. Y. Dror defines policies as general directives on the main lines of actions to be followed. According to Sir Geoffrey Vickers, policies are "... decisions giving direction, coherence and continuity to the courses of action for which the decision making body is responsible". Thus public policy is a purposive course of action in the pursuit of public interest. As per Thomas Dye's definition, "Public policy is whatever governments choose to do or not to do". David Easton (1957) defines public policy as "the authoritative allocation of values for the whole society".

II. PUBLIC POLICY IN INDIA

India is a very populous country spread across a vast geographical area. People of various castes, creeds, races, religions live here. Economic conditions of its citizens vary to a great extent. Thus proper public policy assumes great significance. Being a federation, subjects are divided among Centre and States and thus policies are made at both levels. Various specialized institutions have also been made for policy making. Mechanisms have been established to ensure participation of civil society too.

Public policy making can be discussed from various perspectives, but scope of this paper is limited to the discussion of Public policy from the perspective of whether it is 'Proactive or Reactive'. Proactive policies are introduced and pursued through deliberate choice. The national skills and learning programmes exemplify this approach. Knowledge and learning increasingly have been recognized as vital keys that unlock the doors to both economic wealth and social well-being. Reactive policy, by contrast, emerges in response to a concern or crisis that must be addressed e.g. health emergencies and natural disasters [1].

III. EXAMPLES & ANALYSIS OF REACTIVE POLICY MAKING

A survey of some recent and not-so-recent examples of policy-making in India suggests however, that the policy making process in India is mainly 'reactionary':

- 1) Just after the dismal performance of India at Rio Olympics, the central government's think-tank Niti Aayog has devised a short-term and medium-to-long term action plan to help India achieve 50 medals at the 2024 Olympic Games. The premier policy-making body said it is "disappointing" that the world's second-most populous country with world-class talent in various disciplines has not been able to produce champions in sports. It was a knee-jerk reaction to the poor performance of our players who could win only two medals at Rio. [4]
- 2) In the World Bank's "Doing Business" report 2016, which ranks 190 nations on how easy it is for private companies to follow regulations in 11 areas, India comes in 130th. This represents an improvement of only one place over last year [2]. The Union government was taken by surprise and then as a knee-jerk reaction a meeting was held under the chairmanship of Finance Minister Arun Jaitley, where secretaries of various departments of the Central government also participated. Several major decisions were taken during the meeting to take India to top 50 in 'Ease of Doing Business' ranking [3].
- 3) When pollution in Delhi and surrounding areas increased to disastrous levels in November 2017, the governments (central and state) came out with reactionary policies and decisions. Similar situation existed exactly a year ago but no lessons were learnt.
- 4) The issue of Jat reservation in Haryana and Jajjar reservation in Rajasthan was handled in an adhoc manner. Respective governments took no action proactively and when the law and order situation deteriorated due to strikes and bandhs the governments took reactive steps. Reservation was given to the communities without fulfilling the prerequisite conditions. Later on respective High courts stroked down the governments' decisions. No lessons have been learnt and the same process is being repeated and the problem still lingers on. Patels have also joined the chorus in Gujarat.
- 5) The Punjab and Haryana high court indicted the Haryana government for failing to control violence after the rape

conviction of Gurmeet Ram Rahim (Aug. 2017) adding to calls for the chief minister to take responsibility for clashes that singed five states and claimed 34 lives.

A three-judge bench of the high court made several scathing observations like “This was a political surrender to lure vote banks”. [5]

Several decisions were taken in the aftermath of the incident but the court wasn't impressed and even criticised the Centre, terming its response as “only a knee-jerk reaction”.

“The PM is of the nation and not of the BJP. National integrity is above parties. Are we one nation or a party nation?” asked the bench of High court.

No lessons were learnt as it was a virtual repeat of the shoddy security arrangements during the Jat community protests for quotas a year ago in which nearly 30 people died. Prakash Singh committee's suggestions were ignored completely.

No proactive policy was made though the government was fully aware of the place and time where the incident was to take place and also the identity of the miscreants. All steps taken were reactionary.

6) Around 30 children died at the state-run Baba Raghav Das Medical College and Hospital in Gorakhpur on August 10 and 11, reportedly due to shortage of liquid oxygen. All stakeholders were aware beforehand that a disaster was imminent but no one tried to assuage. No proactive steps were taken otherwise the incident could have been avoided. But once the media reported the issue the whole machinery activated and reactionary steps were taken like a committee was constituted, police registered FIRs, oxygen supply was streamlined but all this was of no help to the children who had already died.[6]

7) In the backdrop of various notable examples of alleged corruption in the country including the Adarsh Housing Society Scam, the 2010 housing loan scam, the Radia tapes controversy, and the 2G spectrum scam; in 2011 an anti-corruption movement intended to establish strong legislation and enforcement against perceived endemic political corruption developed. The movement was named among the "Top 10 News Stories of 2011" by *Time* magazine. This movement forced the incumbent government to react to the peoples' demands and both Lok Sabha and Rajya Sabha went out of their way to discuss in a special sitting on this issue. This was a reactive step of the legislature and the executive to deal with the mass movement [7].

IV. RISKS ASSOCIATED WITH REACTIONARY POLICY MAKING

Mere existence of reactionary policies signals toward the failure of incumbent governments because policies should be made proactively. Reactionary policies are ad hoc arrangements to deal with the current challenges. Most of the time these policies are made in haste without proper policy analysis. Such policies are made without the involvement of all stakeholders and thus lack the support of the masses. There is no long term vision and thus these may be in opposition to the long term larger public interest.

In some situations government does not take any action because of vote bank politics and thus the problem keeps on lingering. Thus when the situation goes out of hand, the administration is bound to act reactively. Let's explain the risks point-wise:

(1) Due to urgency not all pros and cons are duly analysed before taking decision e.g. while responding to the pollution crisis in Delhi, parking rates were increased. Its aim was to discourage people from using cars and use public transport but its effect was opposite but people didn't park their cars at metro station and instead took them to their offices.

(2) Governments lose credibility in the eyes of public and only seen to be doing something just for the sake of doing. NGT commented 'a picnic spot' about 'odd-even' road rationing scheme of Delhi government [11].

(3) Sensitive issues keep on lingering because governments do not provide proper long term solutions and only try to get rid of the current crisis e.g. Issue of reservation to Jats, Gurjars and Patels.

(4) Public can't continuously keep on pressurizing the government and thus those steps which are taken under public gaze are made ineffective after sometime e.g. Lokpal bill was passed but never implemented.

(5) Reactive policies are normally results oriented and thus less importance is given to establish the structures and systems in place. Thus institutional memory is also not build for the future generations.

(6) Reactionary policies are less scientific and not backed by data analysis/evidence e.g. High courts questioned state governments for providing reservations to communities without any survey on the status of them; NGT questioned Delhi government's road rationing scheme on similar lines.

(7) Public is confused and a chaotic situation exists whenever a policy is implemented without public consultation and proper homework e.g. when demonetisation and GST were implemented government was forced to make frequent changes as a reaction to public outrage.

(8) In reactionary approach human harm must generally be proven before action is taken to reduce or eliminate exposure, it places the burden on the public to show that a given process/product is harmful. It also discourages public participation in decision making [9].

V. REMEDIES

The “President's Cancer Panel” of U.S. recommends that a precautionary, prevention-oriented approach be taken to replace current reactionary approach to regulating environmental contaminants in which human harm must generally be proven before action is taken to reduce or eliminate exposure. The core tenets of the Precautionary Principle are: taking preventive action in the face of uncertainty, shifting the burden of proof to proponents of an activity, exploring a wide range of alternatives to possibly harmful actions and including public participation in decision making.

The report recommends “self-advocacy”. Each person can become an active voice in his or her community. Individuals

have the power to affect public policy by letting policymakers know what they strongly support [9].

Reactive policy emerges in response to a concern or crisis that must be addressed. Proactive policies, by contrast, are introduced and pursued through deliberate choice e.g. Knowledge and learning increasingly have been recognized as vital keys that unlock the doors to both economic wealth and social well-being and thus Canada launched two separate, but linked, national strategies: the National Strategy on Innovation and the National Strategy on Skills and Learning [1].

While all empirical analyses have their inherent limitations, they are indispensable in weighing different options from the point of view of policy effectiveness e.g. National Green Tribunal directed the Delhi government to submit data or studies on the basis of which it has planned to introduce the odd-even car rationing scheme [11]. A potential advantage of policy formulation through empirical analysis is that it reduces the risk of dramatic changes in policy due to changes in government after elections. Public policy analysis requires a more rigorous approach in which many fields of inquiry, including, but not limited to sociology, political science, law, anthropology, ethics and history besides economics, remain relevant [10].

If the executive and the legislature accord more time, thought and reflection before passing laws or making policies, the risk of them being challenged in the courts and the courts declaring them to be in violation of the law or the Constitution, can be considerably reduced. The issues related to reservation of Jats, Gurbajars and Patels can thus be solved.

Government agencies are woefully preoccupied with a range of day-to-day matters of governance. Thus their capacity and ability to think and reflect on sound public policymaking is minimal due to lack of time and attention. Under these circumstances, it can only help the government if it develops strong and substantive linkages with academic institutions, research centres and independent experts [8].

There is a need to establish several world-class public policy schools in India. Interdisciplinary studies relating to public policy, both as an academic programme as well as a research programme leading to cutting edge, empirical and pioneering research in various fields are absent in India. Even reactionary policy making can be successful if certain conditions are met. Niti Aayog's action plan for "revitalising sports in India", though a knee-jerk reaction, may get success because it is a well thought out short-term and medium-to-long term action plan with a good structure for implementation [4].

Likewise, in year 2016 'Doing Business' report India had moved just one point, from 131st position among 190 countries, prompting Modi government to question the credibility of World Bank's ranking process still the proactive action of the government to take sufficient measures to influence the results, where it matters most, resulted into India jumping 30 places to reach 100th place [13].

On the issue of pollution in NCR, though the concerned governments subscribed reactive measures yet an atmosphere has developed in which all stakeholders have put their views in the public domain, public is more informed of the issue now

and media and courts have tried to fix accountability of the executive at all levels.

VI. CONCLUSION

Public policymaking is one of the most ignored aspects of governance in India [10]. In fact, we have mastered the art of adhocism for governance. Policy making here can be best described as a battle among various actors seeking to please distinct constituencies. Policies are maintained by public monopolies where "open windows", in John Kingdon's terms, occur on occasions that only sometimes line up with the development of a social problem. Policies reflect, and then shape, dominant social constructions not only of problems but of persons associated with those problems [12].

Policy making is mostly reactionary without a long-term vision, lacking empirical analysis and devoid of the informed choice of the people at large.

Public policy making should be guided by our constitution whose philosophy is clearly mentioned in its preamble, fundamental rights and directive principles of state policy. Policy making should be a 'proactive' process which involves all the stakeholders, which is from a long term perspective and which is for the widest interests of the masses.

(The views expressed in this paper are personal to the authors and do not necessarily represent the views of the organization they belong to.)

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