

UPSC CSE MAINS · OPTIONAL SUBJECT

Public Administration

Optional · Paper I

Part B · Administrative Theory, Units 6 to 12

Complete notes on the seven units of Part B, from administrative law to financial administration, with diagrams, Indian examples and topic-wise previous year questions.

Compiled by Arvind KrS

7

SYLLABUS UNITS

18

CHAPTERS

616

PYQS 1987-2026

103

DIAGRAMS

06 Administrative Law**07** Comparative Public Administration**08** Development Dynamics**09** Personnel Administration**10** Public Policy**11** Techniques of Administrative Improvement**12** Financial Administration



Public Administration Optional — Paper I

Part B: Administrative Theory, Units 6 to 12

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UNIT 06

3 CHAPTERS

59 PYQS

Administrative Law

Meaning, scope and significance; Dicey on Administrative law; Delegated legislation; Administrative Tribunals.

CHAPTERS

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PUBLIC ADMINISTRATION OPTIONAL

PAPER I · PART B

Administrative Law: Meaning, Scope, Dicey's Rule of Law and Droit Administratif

Administrative law is the body of law that **creates, empowers and limits** the administration. A modern government licenses businesses, fixes prices, acquires land, cancels ration cards, disciplines employees, demolishes illegal buildings and decides millions of claims every year. Each of these acts touches a citizen's rights. Administrative law answers two questions about every such act: **did the official have the power, and was the power used fairly and for the right purpose?**

SYLLABUS Administrative Law: Meaning, scope, and significance; Dicey on Administrative law; Delegated legislation; Administrative Tribunals.

THIS CHAPTER Meaning and definitions of administrative law (Dicey, Jennings, Wade, K.C. Davis, Griffith and Street, Garner, Jain and Jain); administrative law and constitutional law; reasons for its growth; scope (powers of the administration, control mechanisms, remedies); significance and the red, amber and green light theories; Dicey's rule of law and his attack on droit administratif, his 1915 concession and the critiques of Jennings, Robson, Wade and Davis; the French system (Conseil d'État, Blanco); the modern rule of law (Bingham) and the rule of law in India; administrative discretion and its control (natural justice, Wednesbury, proportionality, legitimate expectation); remedies; the growth of administrative law in India.

CONTENTS

01	Meaning of Administrative Law	02	Reasons for the Growth of Administrative Law
03	Scope of Administrative Law	04	Significance of Administrative Law
05	Dicey on the Rule of Law and Administrative Law	06	Droit Administratif: The French System
07	The Modern Rule of Law	08	The Rule of Law in India
09	Administrative Discretion and Its Control	10	Natural Justice
11	Bridges: Delegated Legislation, Tribunals and the Ombudsman	12	Growth of Administrative Law in India
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16 Revision Grid

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PUBLIC ADMINISTRATION · ADMINISTRATIVE LAW

Topic map

Administrative Law and Dicey

Law that empowers the administration and keeps it within bounds

Expanding welfare state → wider powers → need for legal control

Meaning

Jennings, Wade, Davis, Griffith and Street, Garner, Jain and Jain; **vs constitutional law**

Growth and scope

Welfare state, technical complexity; **rule-making, adjudication, discretion**; controls and remedies

Significance

Protects rights, legitimises power; **red, amber and green light** views

Dicey (1885)

Three meanings of the **rule of law**; attack on droit administratif; 1915 concession

Critics

Jennings, Robson, Wade, Davis; **sovereignty vs rule of law**

Droit administratif

Conseil d'État, **Blanco (1873)**; French vs Anglo-Saxon systems

Modern rule of law

Bingham's eight principles; India: **Article 14**, basic structure

Control of discretion

Natural justice, Wednesbury, proportionality, legitimate expectation; writs, PIL

Administrative law does not abolish discretion; it disciplines it.

In simple words: the more the state does, the more law it needs to keep its officials fair. **Public Administration**

- The subject matters to public administration because **administration is the execution of law**: every official is, in effect, a law-enforcing officer whose authority comes from a statute and whose limits are fixed by law and by the courts.
- Its central problem is an old one: how to give government **enough power to govern** without letting that power become **arbitrary**. The nineteenth-century British jurist **A.V. Dicey** thought the answer was to deny officials any wide discretion; the twentieth century showed that discretion cannot be abolished, only **structured and checked**.

IN SIMPLE WORDS

A traffic policeman has the power to stop your car and fine you. Administrative law says three things about that power: it must come from a law (he cannot invent a fine), it must be used fairly (he must tell you what you did wrong and let you explain), and you must have somewhere to go if he abuses it (an appeal or a court). That, in small, is the whole subject.

01 Meaning of Administrative Law

IN SIMPLE WORDS

Private law deals with quarrels between two citizens, such as a landlord and a tenant. Administrative law deals with the relationship between a citizen and an official. Because the official holds public power, the rules have to be different: the official must always show legal authority for what he does.

1.1 A branch of public law

Administrative law is a branch of **public law** (law governing the state and its relations with individuals), as distinguished from **private law** (law governing relations between private persons). It has been called the law dealing with the **pathology of public power**: public institutions are repositories of power held **in trust** for public purposes, and power in public hands always carries the risk of misuse.

- **Two faces.** Administrative law both **confers** power (it is the legal basis for rule-making, licensing, adjudication and enforcement) and **controls** it (through procedure, review and remedies). One formulation sums it up as the **legitimation of due power and the de-legitimation of undue power**.
- **Non-arbitrariness** is its core value. In the Indian constitutional order this ties administrative law directly to **Article 14** and to the **rule of law**, which together form the foundation of good governance.
- The term itself is a translation of the French **droit administratif**, which is why the French system, and Dicey's hostility to it, sit at the heart of the topic.

1.2 Definitions

No single definition is accepted, because writers emphasise different parts of the subject. The table sets the main definitions side by side.

THINKER AND WORK	DEFINITION (PARAPHRASED)	WHAT IT STRESSES
A.V. Dicey, <i>Law of the Constitution</i> (1885)	The part of a nation's legal system that fixes the legal status and liabilities of state officials , the rights and liabilities of private persons in dealing with them, and the procedure for enforcing those rights	Judicial control of officials only; modelled on the French system

THINKER AND WORK	DEFINITION (PARAPHRASED)	WHAT IT STRESSES
Ivor Jennings, <i>The Law and the Constitution</i> (1933)	The law relating to the administration; it determines the organisation, powers and duties of administrative authorities	Structure and powers of the administration
H.W.R. Wade, <i>Administrative Law</i> (1961)	The law relating to the control of governmental power , whose primary purpose is to keep government within its legal bounds and protect the citizen against abuse	Control and protection of the citizen
Kenneth Culp Davis, <i>Administrative Law Treatise</i> (1958)	The law concerning the powers and procedures of administrative agencies , especially the law governing judicial review of administrative action	Agencies, procedure and review (the American focus)
J.A.G. Griffith and H. Street, <i>Principles of Administrative Law</i> (1952)	The law concerned with the operation and control of the powers of administrative authorities, with the emphasis on functions rather than structure	Functions and their control
J.F. Garner, <i>Administrative Law</i>	Those rules, recognised by the courts as law, which relate to and regulate the administration of government	Legal rules governing administration
M.P. Jain and S.N. Jain, <i>Principles of Administrative Law</i>	The law dealing with the structure, powers and functions of administrative organs, the limits of their powers, the procedures they follow, and the methods of control , including remedies available to persons affected	The most comprehensive working definition used in India

The definitions fall into three broad groups, and the contrast explains why the subject has widened over time.

- **Narrow, court-centred view (Dicey, Davis):** administrative law is mainly about how courts control officials. It misses rule-making, internal procedures and non-judicial controls.
- **Structural view (Jennings):** it covers the organisation and powers of the administration. Critics say this makes administrative law almost indistinguishable from constitutional law and public administration itself.
- **Functional-control view (Wade, Griffith and Street, Jain and Jain):** it concentrates on **powers, procedures, limits and remedies**. This is the view most writers now accept, because it captures both the grant and the control of power.

1.3 The five questions of administrative law

Griffith and Street reduced the subject to five enquiries, which remain the clearest map of what administrative law studies:

- **What sort of powers** does the administration exercise (legislative, judicial, executive, discretionary)?
- **What procedures** do administrative authorities follow in exercising them?
- **What are the limits** on those powers?
- **How is the administration kept within those limits** (judicial, legislative, administrative and other controls)?
- **What remedies** are available to a person harmed by illegal administrative action?

1.4 Characteristics of administrative law

- **It places the social interest above individual claims.** Administrative law subordinates the older common-law rights of personal freedom and private property to the **common good**: land can be acquired for a highway, a factory licence can be suspended to protect a river.
- **It works through flexible standards** rather than rigid rules: “public interest”, “reasonable”, “fit and proper person”, “in the interest of public order”. Applying such standards needs judgement.
- **Its technical standards are often applied by specialised bodies.** Tribunals, regulators and adjudicating officers interpret them, because ordinary courts lack the expertise (see the chapter on Administrative Tribunals).
- **It places public authorities in an advantageous position** over private individuals: they act on their own motion, their orders are presumed valid and they can enforce them directly. This is why safeguards are needed.
- **It is largely uncodified and dynamic.** It is a **law in the making**, built case by case. In common-law countries, and especially in India, much of it is **judge-made**: the Indian jurist **M.P. Jain** observed that Indian administrative law is primarily the creation of the courts, since India, unlike the United States, has no general administrative procedure statute.
- **It is recognised by its substance, not its form.** No single code labelled “administrative law” exists in Britain or India. A rule belongs to administrative law because of **what it does** (it governs the exercise of public power over individuals), whether it sits in a statute, a rule, a judgment or a constitutional article.

1.5 Administrative law and constitutional law

Both are branches of public law, and the line between them is thin. A classic image, associated with the English jurist **T.E. Holland**, says constitutional law describes the organs of government **at rest**, while administrative law describes them **in motion**.

POINT	CONSTITUTIONAL LAW	ADMINISTRATIVE LAW
Subject	Structure of the state, the organs of government and their relations; fundamental rights	Powers, procedures and control of administrative authorities in day-to-day action
Level	General principles and the framework	Detailed application of those principles
Source	The Constitution (written in India and the USA), conventions	Statutes, delegated legislation, judicial decisions, administrative practice
Supremacy	Supreme law; other law must conform	Must conform to the Constitution
Focus	Allocation of power	Exercise of power
Example	Article 311 protects civil servants against arbitrary dismissal	The departmental inquiry rules and the natural-justice standards that give Article 311 practical meaning

Why the boundary has become porous. Several developments have blurred the distinction:

- **Constitutionalisation in India.** Grounds of administrative review are read into **Article 14** (non-arbitrariness), **Article 21** (fair, just and reasonable procedure) and **Article 19** (proportionality of restrictions), and the writ jurisdiction under **Articles 32 and 226** is itself part of the basic structure. Every administrative-law challenge in India can become a constitutional one.
- **Administrative law does constitutional work.** In many countries the most important checks on government come not from the constitutional text but from **statutes and doctrines of administrative law**: procedure acts, freedom-of-information laws, ombudsman laws and judge-made review. American scholars describe this as **administrative constitutionalism**: agencies and courts give working content to constitutional values through ordinary administrative law.
- **The state–society line has blurred.** Regulators, public–private partnerships, outsourced service providers and self-regulating professions exercise public functions. Indian courts extend Article 12 and writ jurisdiction to bodies performing **public functions**, so administrative law now reaches beyond the formal state.
- **Justice and administration have merged.** Tribunals, regulators and adjudicating officers decide disputes, while courts lay down policy-like guidelines (as in the demolition case of 2024). Administration has become partly judicial, and adjudication partly administrative.

In this sense administrative law can be **more constitutional than the Constitution**: it is where constitutional promises of equality, liberty and fairness are actually delivered or denied to citizens at the counter, the police station and the tehsil office.

COMMON CONFUSION

Is administrative law the same as the law of public administration in a textbook sense, that is, all laws an administrator applies? No. An income tax officer applies tax law, but tax law is not administrative law. Administrative law is the law about **how** the officer may act: the source and limits of his power, the procedure he must follow, and the remedies of the taxpayer if he acts illegally. The substantive law he enforces belongs to other branches.

02 Reasons for the Growth of Administrative Law

IN SIMPLE WORDS

When the state only kept order and collected taxes, citizens rarely met officials. Today the state runs schools, hospitals, railways, ration shops and pension schemes, and regulates almost every trade. The more often citizens meet officials, the more rules are needed about how those meetings should go.

Administrative law is often called the **outstanding legal development of the twentieth century**. Its growth is a direct by-product of the growth of the state's functions and powers.

- **From police state to welfare state.** The nineteenth-century **laissez-faire** state confined itself to defence, law and order and justice. The **welfare state** took on health, education, housing, employment, social security, planning and the regulation of business. These tasks could not be performed without conferring **large powers** on the executive, and large powers needed legal control.
 - In India the Constitution commits the state to welfare: **Article 38** directs it to secure a social order based on social, economic and political justice, and **Article 39** to distribute material resources to subserve the common good. Planning, land reform, public enterprises and welfare schemes multiplied the occasions on which citizens deal with officials.
- **Industrialisation and urbanisation.** Factories, crowded cities, pollution, unsafe housing and disease forced the state to intervene in the interest of public health and safety, through inspection, licensing and standards.
- **Scientific and technical complexity.** Telecom spectrum, drug safety, emission norms, nuclear energy and financial markets require **expert, detailed and quickly changing rules**. Legislatures can lay down only broad policy; the details go to the executive (see the chapter on Delegated Legislation).
- **Inadequacy of the ordinary courts.** Courts are slow, costly, formal and generalist. Disputes over service matters, taxes, labour or land needed **cheaper, quicker and expert adjudication**, which led to administrative tribunals (see the chapter on Administrative Tribunals).
- **Need for preventive and flexible action.** Courts act after the harm; the administration can **prevent** it by licensing, inspection and prior approval, and can **experiment** and change course quickly.
- **Control of discretion.** Power tends to corrupt. Wider powers raised the danger of arbitrariness, favouritism and abuse, and administrative law grew as the means of **disciplining discretion**. This is why the **legal limitation of administrative discretion** is often described as the central concern of the subject.
- **Rising rights consciousness.** Citizens increasingly demand fair treatment, reasons and information as a matter of right, not favour; courts and legislatures responded with doctrines (natural justice, legitimate expectation) and statutes (**Right to Information Act, 2005**, citizens' charters and right-to-services laws).
- **Globalisation and the regulatory state.** Liberalisation replaced direct state production with **independent regulators** (SEBI, TRAI, CERC, CCI), which make rules, adjudicate and impose penalties. Regulatory governance has become a major new field of administrative law.

INDIAN CONNECT — THE LAW COMMISSION ON THE CHANGE IN THE STATE

- The **First Law Commission** under **M.C. Setalvad** examined the **liability of the state in torts** in its **First Report (1956)** and the whole system of justice in its **Fourteenth Report, Reform of Judicial Administration (1958)**.
- The Commission recognised that the shift from a **laissez-faire state** to a **public service state** had concentrated considerable power in the executive, and that the safeguards of the citizen had to keep pace with that power.
- The **42nd Amendment (1976)** later added **Articles 323A and 323B** to enable administrative and other tribunals, and Parliament enacted the **Administrative Tribunals Act, 1985**, showing the

same logic at work: as administration expands, so does the machinery for adjudicating its disputes.

2.1 How administrative law grew in Britain, the USA and India

The growth followed similar lines in the three common-law countries, though at different speeds. The table summarises the milestones.

COUNTRY	MILESTONES
Britain	Dicey denied its existence (1885) but conceded its growth (1915) · Robson , <i>Justice and Administrative Law</i> (1928) · Lord Hewart , <i>The New Despotism</i> (1929), attacking “administrative lawlessness” · Committee on Ministers’ Powers (Donoughmore, report 1932) · Crown Proceedings Act, 1947 (the Crown liable in tort) · Franks Committee on tribunals and inquiries (1957) and the Tribunals and Inquiries Act, 1958 · revival of natural justice in Ridge v Baldwin (decided 1963) · GCHQ case (1985) setting out the grounds of review
USA	Frank Goodnow , <i>Comparative Administrative Law</i> (1893), arguing that administrative law had always existed in England and America · Ernst Freund ’s casebook (1911) · Elihu Root , as president of the American Bar Association (1916), declared that a body of administrative law had become inevitable · the New Deal regulatory agencies · the Brownlow Committee (1937) called independent commissions a “headless fourth branch” · Administrative Procedure Act, 1946 · Loper Bright v Raimondo (2024) ending judicial deference to agencies’ readings of statutes
India	Constitution of 1950 with writ jurisdiction (Articles 32, 226) · Law Commission reports (1956, 1958) · judicial expansion of natural justice and non-arbitrariness (1960s–1980s) · 42nd Amendment (1976) and Administrative Tribunals Act, 1985 · RTI Act, 2005 · Lokpal and Lokayuktas Act, 2013 · decriminalisation through the Jan Vishwas Acts (2023, 2026)

The table shows a common pattern: an early denial that “administrative law” exists, a period of alarm about bureaucratic power (Hewart, the Brownlow Committee), and then **acceptance and regulation** of administrative power through procedure statutes, tribunals and judicial review.

03 Scope of Administrative Law

IN SIMPLE WORDS

Think of administrative law as three boxes. The first holds the powers officials have. The second holds the checks on those powers. The third holds what a citizen can do when an official goes wrong. Everything in the subject fits into one of these boxes.

The scope of administrative law follows the **three-part logic** of powers, controls and remedies.

3.1 Powers of the administration

Modern administration exercises functions that classical theory assigned to all three organs of government.

- **Rule-making (quasi-legislative) power.** The executive makes rules, regulations, bye-laws, notifications and orders under parent Acts. The volume of such **delegated legislation** far exceeds parliamentary statutes (see the chapter on Delegated Legislation).
- **Adjudicatory (quasi-judicial) power.** Ministers, officers, tribunals and regulators decide disputes and impose penalties: the Central Administrative Tribunal on service matters, SEBI's adjudicating officers on securities violations, revenue officers on land disputes (see the chapter on Administrative Tribunals).
- **Discretionary (executive) power.** Most administrative action involves choice: whether to grant a licence, which site to acquire, whom to promote, whether to prosecute. **Administrative discretion** is the heart of the subject (Section 9).
- **Investigatory and inspection power.** Search, seizure, inspection, summoning of documents and inquiries (for example by income tax, food safety, labour or environmental authorities).
- **Ministerial functions.** Routine duties with no discretion, such as issuing a certificate when the conditions are met; these are enforceable by **mandamus**.

Classifying an act matters, because the procedure required and the review available depend on it. Indian courts no longer treat the categories as watertight: in **A.K. Kraipak v Union of India** (1969) the Supreme Court held that the line between administrative and quasi-judicial power is **thin and being gradually obliterated**, so natural justice can apply to purely administrative action.

3.2 Control mechanisms

CONTROL	INSTRUMENTS	EXAMPLES
Judicial	Writs, statutory appeals, suits for damages, public interest litigation, review on grounds of illegality, unfairness and unreasonableness	Articles 32, 136, 226, 227; L. Chandra Kumar (1997) on review of tribunals
Parliamentary	Laying of rules, Committees on Subordinate Legislation, questions, debates, financial committees	Laying clauses in parent Acts; Committees on Subordinate Legislation of both Houses
Administrative (internal)	Hierarchy, departmental appeals and revisions, inspection, vigilance, audit	Central Vigilance Commission, departmental appellate authorities
Ombudsman and independent bodies	Complaint-handling against maladministration and corruption	Lokpal, Lokayuktas, CAG, information commissions, human rights commissions
Popular and procedural	Right to information, citizens' charters, social audit, public hearings	RTI Act, 2005; social audit under MGNREGA

The table shows that **judicial control** is only one of several. Courts act after the event, case by case and at a cost; parliamentary and internal controls act on policy and in bulk; ombudsmen deal with **maladministration**

that is not illegal (delay, rudeness, neglect). A balanced system uses all of them (see the chapter on Accountability and Control for the detailed treatment of legislative, executive and judicial control).

3.3 Remedies

- **Writs** under Article 32 (Supreme Court, for fundamental rights) and Article 226 (High Courts, for fundamental rights “and for any other purpose”):
 - **Habeas corpus** to release a person unlawfully detained.
 - **Mandamus** to compel a public authority to perform a public duty.
 - **Certiorari** to quash a decision made without jurisdiction, in breach of natural justice or with an error of law on the face of the record.
 - **Prohibition** to stop an inferior body from exceeding its jurisdiction.
 - **Quo warrant** to oust a person from a public office he holds without legal authority.
- **Public interest litigation (PIL).** From **S.P. Gupta v Union of India** (1981) the Supreme Court relaxed the rule of standing so that any public-spirited person can approach the court on behalf of those unable to do so. PIL made courts a powerful (and sometimes overreaching) check on administrative inaction.
- **Statutory appeals and revisions** to higher authorities and tribunals.
- **Damages and public-law compensation.** Under **Article 300** the state can be sued like a private person; the older immunity for “sovereign functions” (**Kasturi Lal**, 1965) has been eroded by **public-law compensation** for violation of fundamental rights (**Nilabati Behera v State of Orissa**, 1993, for a custodial death).
- **Injunctions and declarations** in ordinary civil suits.
- **Ombudsman remedies.** The **Lokpal and Lokayuktas Act, 2013** created the Lokpal for corruption complaints against public servants, including the Prime Minister with safeguards; the first Lokpal was appointed in 2019. The ombudsman idea, Swedish in origin (1809), offers a cheap and informal remedy for maladministration that courts cannot address.

04 Significance of Administrative Law

IN SIMPLE WORDS

Without administrative law, a citizen whose pension is stopped would have to beg. With it, he can ask for reasons, demand a hearing, appeal and go to court. Administrative law turns favours into rights and gives officials a clear rulebook, which also makes their work easier.

4.1 Why it matters

- **It protects rights against an expanding administration.** As the state’s reach grows, administrative law is the citizen’s main shield: it ensures that liberty and property are curtailed only **by law, for proper purposes and after fair procedure**.

- **It legitimises administrative power.** Power exercised according to known rules and fair procedure commands **acceptance**; arbitrary power breeds resentment and litigation. Administrative law thus supports **Weber's legal-rational authority** in practice.
- **It reconciles efficiency with justice.** It supplies a solution to the problem of reconciling the citizen's freedom with the needs of a government charged with social and economic policy. It does not forbid discretion; it **substitutes rules for discretion as far as possible** and structures the rest.
- **It improves the quality of decisions.** Requirements to hear the affected party, consider relevant factors and give reasons produce **better-informed, more consistent** decisions. Administrative law is therefore **not a rigid, rule-bound barrier to good management**: procedural fairness, transparency and reasons are themselves management tools, and many reforms (citizens' charters, RTI, e-governance with audit trails) use them deliberately.
- **It secures accountability.** It gives courts, legislatures, ombudsmen and the public the means to make officials answer for their acts.
- **It gives concrete form to constitutional values.** Equality, liberty and the rule of law become real only when an individual official's order can be tested against them.
- **It supports checks and balances.** Judicial review of administrative action, legislative scrutiny of delegated legislation and internal controls are the everyday machinery of the **separation of powers**. The Indian Constitution does not adopt a rigid separation (**Ram Jawaya Kapur v State of Punjab**, 1955), but it relies on **mutual checks**: Parliament controls the executive through responsibility and finance, courts review both legislation and administration, and the executive frames rules within limits set by law. Administrative law is where this balance is maintained daily, and it is why checks and balances count among the most basic constitutional values: they stop any one organ from becoming the judge of its own powers.

4.2 The rule of law as the foundation of administration and governance

The rule of law is not only a constraint on administration; it is the base on which every model of public administration rests.

- **Classical public administration** rests on **Weber's legal-rational authority**: officials obey impersonal rules, act within defined jurisdiction and are bound by written records. Bureaucracy without the rule of law degenerates into personal rule.
- **New Public Management** relies on **contracts, regulators, performance agreements and property rights**. Markets and contracting-out work only where contracts are enforced and regulators act predictably, so the rule of law is a precondition of NPM.
- **Public governance** (networks, partnerships, participation) needs clear rules on who is accountable for what. Global governance indicators treat the **rule of law** as a core dimension; the UN Secretary-General's 2004 report defined it as a principle under which all persons and institutions, **including the state itself**, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and consistent with human rights.

4.3 Arbitrariness and poor governance

Arbitrary or selective enforcement of law is a major cause of **poor governance**, because it destroys the predictability on which citizens and investors depend.

- When laws are applied **selectively** (against opponents but not friends, against the poor but not the powerful), the law loses legitimacy and citizens turn to **connections and bribes** instead of rights.
- **Over-criminalisation** of minor regulatory lapses gives inspectors wide discretion to threaten prosecution, which breeds **rent-seeking**. The **Jan Vishwas Acts** (2023 and 2026) replace imprisonment for many minor and technical defaults with civil penalties partly for this reason.
- **Demolitions as punishment** without notice, or delay and inaction in some cases with speed in others, are classic signs of arbitrary power; the Supreme Court's guidelines of **13 November 2024** on demolitions were a response.
- **Measured rule of law.** In the **World Justice Project Rule of Law Index 2025**, India ranked **86th of 143** countries; it ranked 62nd on constraints on government powers but 114th on civil justice, pointing to weaknesses in delivery and enforcement more than in formal law.

4.4 Red light, green light and amber light theories

Behind every theory of administrative law, the British scholars **Carol Harlow and Richard Rawlings** argued in *Law and Administration* (first edition 1984), lies a **theory of the state**. They grouped approaches under two traffic-light metaphors.

PUBLIC ADMINISTRATION · PURPOSE OF ADMINISTRATIVE LAW

Harlow and Rawlings

Red, Amber and Green Light Theories

Should administrative law mainly stop the state, or help it work well?

Control power

Enable power

Red light

- State as a **threat** to liberty
- **Courts** as the main check
- Roots: Dicey, Hewart, Wade
- Risk: legalism, delay

Amber light

- State as **necessary but fallible**
- Mix of courts, Parliament, ombudsman
- Fair procedure built into decisions
- Today's working consensus

Green light

- State as a **tool of welfare**
- Political, internal and **prior** controls
- Roots: Robson, Jennings, Laski
- Risk: weak rights protection

In simple words: red brakes the state, green drives it, amber steers it.

Public Administration

POINT	RED LIGHT THEORY	GREEN LIGHT THEORY
View of the state	A threat to individual liberty; to be kept in check	A positive instrument of collective welfare and progress
Purpose of administrative law	To control excesses of state power and subject it to the rule of the courts	To facilitate good administration and make public programmes work
Main control	Courts and judicial review, after the event	Political, internal and prior controls: Parliament, ministers, internal procedures, consultation, ombudsmen
Intellectual roots	Dicey, Hewart , the liberal tradition; later Wade	Robson, Jennings, Laski and the functionalist London tradition; Griffith
Typical tools	Ultra vires, natural justice, strict interpretation of powers	Clear statutes, good internal procedure, expert bodies, participation
Risk if pushed too far	Legalism , delay, judges second-guessing policy	Weak rights protection , unchecked bureaucracy

- **Red light theory** grows from **Dicey's** suspicion of discretion. It treats the courts as the primary weapon for protecting the citizen and assumes that most problems of administration are problems of **legality**.
- **Green light theory** grows from the experience of the welfare state. Its supporters do not favour arbitrary action; they argue that **courts are not always the best controllers**, since judges lack expertise and may block social reform, and that good administration is better secured by **better rules, better procedures and political accountability**.
- **Amber light theory** is the middle position Harlow and Rawlings themselves pointed towards: administration is **necessary but fallible**. Control should be built **into** decision-making (consultation, reasons, transparency) and backed by courts, legislatures and ombudsmen, each doing what it does best.

Which approach suits the objectives of administrative law? Neither extreme works alone.

- The **objectives** of administrative law are both to **enable** effective government and to **protect** individuals. A pure red-light approach protects rights but can paralyse welfare programmes; a pure green-light approach delivers programmes but leaves citizens exposed.
- **Indian practice is amber**. Courts apply red-light tools vigorously (non-arbitrariness, natural justice, proportionality, PIL), while green-light tools are expanding: RTI, citizens' charters, social audit, Lokpal, regulatory consultation, grievance portals and decriminalisation. The trend in most democracies is towards **prevention through good procedure**, with courts as a backstop.
- In India's context of weak capacity and frequent abuse at the cutting edge, the courts' red-light role remains indispensable; but judicial overreach (policy-making through PIL, slow litigation) also shows why green-light mechanisms matter.

CRITICISM — ADMINISTRATIVE LAW: A NEGATION OF THE RULE OF LAW

- **Lord Hewart**, Lord Chief Justice of England, in *The New Despotism* (1929) attacked the growth of ministerial powers as a design to **subordinate Parliament, evade the courts** and make the will of the executive supreme; he called departmental adjudication **administrative lawlessness**.
- Administrative law gives officials a **privileged position**: presumption of validity, wide discretion, immunity provisions and the power to decide disputes in which the state is a party.
- **Discretion can be misused** for the advantage of a few and the harm of many, and there may be no effective channel of redress, especially for the poor.
- Tribunals manned by officials lack the **independence** of courts; critics in India have compared administrative law and its tribunals to **martial law**, a negation of law.
- It blurs the **separation of powers**, as the executive legislates and adjudicates.

DEFENCE — ADMINISTRATIVE LAW: THE GUARANTEE OF THE RULE OF LAW

- **W.A. Robson** and **Ivor Jennings** showed that administrative powers and tribunals were already part of English government; the choice was not between discretion and law but between **controlled and uncontrolled** discretion.
- The **Donoughmore Committee** (1932) found no evidence of a conspiracy and accepted delegated legislation and administrative adjudication as **necessary**, subject to safeguards.
- Natural justice, ultra vires, reasons, proportionality and legitimate expectation have made administrative action **more controlled than ever**; in India they rest on Articles 14 and 21.
- Specialised adjudication is **cheaper, quicker and more expert**, and remains subject to judicial review (**L. Chandra Kumar**, 1997).
- Without administrative law, the welfare state would act **without rules**; administrative law is how the rule of law is extended to the modern state.

05

Dicey on the Rule of Law and Administrative Law

IN SIMPLE WORDS

Dicey looked at Victorian England and said: here, nobody, not even a minister, is above the ordinary law, and nobody has arbitrary power. He looked at France and saw special courts for officials, and decided that France had a privileged class of bureaucrats. His picture of England was too rosy and his picture of France too dark, but his ideal of a government bound by law survived.

5.1 Dicey and his work

Albert Venn Dicey (1835–1922), Vinerian Professor of English Law at Oxford, published *Introduction to the Study of the Law of the Constitution* in **1885**. The book became almost a substitute for a written constitution in Britain. It rested the English constitution on **two pillars**:

- **Parliamentary sovereignty**: Parliament can make or unmake any law, and no body can override its legislation.
- **The rule of law**: government must act through regular law, applied by ordinary courts.

He added a third element, **conventions of the constitution** (rules of political practice not enforced by courts), but he treated the rule of law as the distinctive feature of English liberty.

5.2 The three meanings of the rule of law

PUBLIC ADMINISTRATION · DICEY

1885

Dicey's Three Meanings of the Rule of Law

What he claimed for England, and what his critics replied

Introduction to the Study of the Law of the Constitution

DICEY'S CLAIM

1. Supremacy of regular law

No punishment except for a **distinct breach of law** proved in the ordinary courts; no wide arbitrary or discretionary power

2. Equality before the law

Every official, from the Prime Minister to a tax collector, answers to the **same law in the same courts**

3. Constitution as judge-made

Rights flow from **court decisions** such as habeas corpus, not from a written charter

THE CRITICS' REPLY

Discretion is everywhere

Modern statutes give officials **wide discretion**; the task is to control it, not deny it (Jennings, Davis)

Officials had special status

Crown immunity until 1947, special statutes and short limitation periods; **formal, not real** equality (Robson)

Statute is the main source

Most rights rest on **Acts of Parliament**, which a sovereign Parliament can repeal (Wade)

In simple words: Dicey drew a good ideal from a partly mistaken picture of England.

Public Administration

1. Supremacy of regular law (absence of arbitrary power).

- No one is punishable, or can lawfully be made to suffer in body or goods, **except for a distinct breach of law** established in the ordinary legal manner before the ordinary courts.

- The rule of law is opposed to government based on the exercise of **wide, arbitrary or discretionary powers** of constraint. Where there is discretion, Dicey believed, there is room for arbitrariness.

2. Equality before the law.

- Every person, whatever his rank or condition, is subject to the **ordinary law of the realm** and to the jurisdiction of the **ordinary courts**.
- In his own words:

> *"With us every official, from the Prime Minister down to a constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen."* — Dicey

- Officials enjoy no exemption from the duty of obedience to the law, and there are no special tribunals for them.

3. The constitution as the result of the ordinary law (predominance of the legal spirit).

- In England the general principles of the constitution, such as personal liberty and the right of public meeting, are **the result of judicial decisions** in particular cases brought before the courts.
- Rights do not flow from a written constitution; the constitution is the **result** of rights upheld by courts. Remedies come first: the writ of **habeas corpus** protected liberty better than any declaration of rights could.

What follows from the doctrine.

- **Liberty is the burden of the rule of law:** the individual is free to do, say or write anything that is not a breach of the law.
- **Self-help is excluded:** people must not take the law into their own hands; grievances go to the courts.
- **Law and regulation differ:** a law passed by Parliament after full debate has a legitimacy that a departmental regulation, signed by a subordinate official, lacks. This anticipates later fears about delegated legislation.

5.3 Dicey on droit administratif

Dicey contrasted the English rule of law with the French **droit administratif**, and concluded that **administrative law was unknown in England** and alien to its legal system.

- **His reading of the French system.** According to Dicey, droit administratif rested on **two ideas** foreign to English law:
 - The government and every servant of the government possess, as representatives of the nation, a body of **special rights, privileges or prerogatives** against private citizens, determined on principles different from those governing relations between citizens.
 - The government and its officials should be **independent of and free from the jurisdiction of the ordinary courts**.
- **Three features he attributed to it:**
 - The rights of the state are determined by a **special body of law** not applicable to citizens.
 - The **ordinary courts have no jurisdiction** where the state or its officials are parties; such cases go to **administrative courts staffed by officials**.

- Officials therefore enjoy **special protection** for wrongful acts done in the course of duty.
- **His conclusion:** droit administratif was a device for **placing officials above the law**, a relic of absolutism and Napoleonic centralisation, and **opposed to the rule of law**.
- **Lowell's echo.** **A. Lawrence Lowell**, later President of Harvard, took a similar view in *The Government of England* (1908), and the belief that common-law countries had no "administrative law" spread to the United States.

5.4 Where Dicey went wrong about France

Later scholars, among them **J.H. Morgan**, **W.A. Robson**, **Ivor Jennings** and **H.W.R. Wade**, showed that Dicey had misread both France and England.

- **He confused a part with the whole.** He identified administrative law with one feature of the French system (separate courts) and, finding no such courts in England, denied that England had administrative law at all.
- **French administrative courts were not tools of the executive.** He assumed that courts manned by civil servants must be partial to the state. In fact the **Conseil d'État** acquired a reputation for **independence** and decided thousands of cases against the state every year; far from being a menace to liberty, it became its **bulwark**.
- **The French citizen was often better protected.** Under droit administratif the **state itself paid damages** for the wrongful acts of its officials done in the course of duty. In England the Crown could not be sued in tort until the **Crown Proceedings Act, 1947**; a citizen had to sue the official personally, and if the official was too poor to pay, the citizen got nothing. Statutes such as the **Public Authorities Protection Act, 1893** also gave officials a short limitation period. As Professor Morgan put it, the effect of droit administratif was not to shield the official but to extend the state's liability to cases where the official would be immune in England.
- **The French system rests on law, not privilege.** French jurist **Marcel Waline** summed it up in three principles: the administration may act on its own initiative and impose decisions directly; this power is exercised **only within the law**, which protects individual liberty against arbitrariness; and a **specialised administrative jurisdiction** exists to enforce that limit. Lord Hewart himself accepted that, rightly understood, droit administratif is a definite system of law administered by a tribunal using judicial methods.

5.5 Where Dicey went wrong about England

- **Discretion already existed.** Even in Dicey's time, statutes gave officials wide discretion (poor law, public health, factory inspection), and the **prerogative powers** of the Crown in foreign affairs and defence were pure discretion. As **Robson** argued, English law already contained a special body of law applicable to administrative authorities.
- **Equality was formal, not real.** The **Inland Revenue** had powers no private creditor possessed; the Post Office and local authorities acted under special statutes; the Crown enjoyed immunities in contract and tort; and many officials could not be sued without restrictions. Statutory tribunals and ministerial adjudication were already growing.
- **The third meaning was too narrow.** Only a small part of English constitutional law came from judicial decisions; most came from **statutes**, conventions and custom. And judge-made rights are **fragile**: a sovereign Parliament can repeal them by ordinary law, while a written bill of rights entrenches them.

- **Equality before the law ignores inequality of means.** Radical and Marxist critics, **Harold Laski** among them, argued that formal equality favours the propertied: a rich man can hire the best lawyers, a poor man may not afford counsel at all. On this view Dicey's rule of law was the **legal counterpart of laissez-faire**, protecting property and the existing order.

5.6 The tension between the rule of law and parliamentary sovereignty

Dicey defended both doctrines, but they pull in opposite directions.

- If Parliament is **sovereign**, it can confer **unlimited discretion** on ministers, oust the courts' jurisdiction, create "Henry VIII clauses" allowing ministers to amend Acts by order, or legalise wartime detention without trial. The rule of law then survives only so long as Parliament chooses to respect it.
- **Dicey's own reconciliation** was that Parliament's will is expressed only through **statutes**, which judges interpret, and that the representative character of Parliament makes it unlikely to legislate tyranny. Critics replied that this depends on political self-restraint, not law.
- **How British courts later responded:** they read ouster clauses narrowly (**Anisminic v Foreign Compensation Commission**, 1969, held that a clause making a tribunal's "determination" final did not protect a decision made outside jurisdiction), and some judges have suggested that the rule of law may itself limit sovereignty in extreme cases. The tension remains **unresolved and often overlooked** in Britain, because no court can strike down an Act of Parliament.
- **India resolves it differently.** Parliament is **not sovereign**; the Constitution is supreme. Courts can strike down laws that violate fundamental rights or exceed legislative competence, and constitutional amendments that damage the **basic structure**. Judicial review of administrative action under Articles 32 and 226 cannot be excluded even by amendment (**L. Chandra Kumar**, 1997).

5.7 Rechtsstaat and the English rule of law

The German idea of the **Rechtsstaat** (the "law-state") shares the aim of a government bound by law, but it developed differently.

POINT	CONTINENTAL RECHTSSTAAT (STRONG VERSION)	ENGLISH RULE OF LAW
Origin	Nineteenth-century German legal theory; codified public law after absolutism	Centuries of common-law evolution and the struggle between Crown and Parliament
Source of limits	A written constitution and codes binding all organs, including the legislature	Ordinary law and courts ; Parliament itself unlimited
Courts	Separate administrative courts , and later constitutional courts reviewing legislation	Single system of ordinary courts; no review of Acts of Parliament
Substance	In its strong (post-1949) form, a substantive guarantee of rights and proportionality	Mainly formal and procedural : legality, equality before ordinary courts

The strong Rechtsstaat never took root in England for historical reasons: England had **no revolutionary break** that called for a new written constitution; the common-law courts had defeated royal prerogative courts in the

seventeenth century and became the trusted guardians of liberty; and the settlement of 1688 made **Parliament supreme**, leaving no higher law against which statutes could be measured. Only with the **Human Rights Act, 1998** did British courts gain the power to declare statutes incompatible with Convention rights, and even then not to strike them down.

5.8 Dicey's later concession (1915)

Dicey lived long enough to see the administrative state grow. In a short article, "**The Development of Administrative Law in England**", in the *Law Quarterly Review* (1915), written as a comment on the House of Lords decision in **Local Government Board v Arlidge** (1915), he accepted that:

- ministers and departments were being given **judicial or quasi-judicial functions**, and the courts were allowing them to follow their own procedures rather than those of a court;
- this marked the **growth of an English form of administrative law**, a body of "official law" under which government departments decided disputes affecting individuals.

He did not abandon his preference for the ordinary courts, and he warned of the dangers, but the concession showed that **his 1885 denial was no longer tenable**. His new opening essay for the eighth edition of the book (1915) also lamented the declining reverence for the rule of law in England.

5.9 Critics of Dicey compared

CRITIC AND WORK	MAIN ARGUMENT AGAINST DICEY
W.A. Robson, <i>Justice and Administrative Law</i> (1928)	Administrative adjudication already existed and could be as fair as courts ; England needed a coherent system of administrative tribunals, even an administrative appeal court, not denial
Ivor Jennings, <i>The Law and the Constitution</i> (1933)	The rule of law is a political ideal , not a legal rule; every modern state confers wide discretion; Dicey's view reflected Whig politics and hostility to the collectivist state
H.W.R. Wade, <i>Administrative Law</i> (1961)	Discretion cannot be abolished but must be controlled by law ; restated the rule of law as legality, rules restricting discretion, independent courts, even-handedness between government and citizen, and no punishment except for defined crimes
Kenneth Culp Davis, <i>Discretionary Justice</i> (1969)	Discretion is inevitable and often desirable; the task is to confine, structure and check it
Harold Laski	Formal equality before the law conceals class inequality ; administrative powers are needed for social reform
Lord Hewart, <i>The New Despotism</i> (1929)	A supporter of Dicey's ideal: warned that delegated legislation and departmental adjudication were creating a "new despotism"

5.10 The universality of administrative law and the journey beyond Dicey

The main conclusion of the debate is that **administrative law is universal**. Whether or not a country calls it by that name, has separate courts for it or codifies it, **wherever there is public administration there is administrative law**: rules about the constitution, powers, procedure and control of administrative authorities, creating a relationship between officials and citizens different from that between two citizens.

The journey of administrative law has moved far beyond Dicey in four ways:

- **From denial to acceptance:** administrative law is now a recognised branch of public law in every common-law country.
- **From abolition of discretion to its control:** the focus has shifted to grounds of review, procedural fairness and accountability for discretion.
- **From formal to substantive rule of law:** equality and legality are now read together with **fundamental rights, proportionality and social justice**.
- **From courts alone to many controls:** ombudsmen, information commissions, regulators, citizens' charters and internal grievance systems complement judicial review.

Dicey's lasting contribution is the **ideal**: government under law, no one above it, and independent courts to enforce it. His mistake was to equate that ideal with the absence of discretion and with one particular institutional form.

COMMON CONFUSION

Did Dicey say that France had no rule of law and that England had no administrative law? He said that droit administratif was **opposed** to the rule of law as he understood it, and that England had **no administrative law in the French sense** (no separate body of law and courts for officials). He did not deny that English officials had powers. His error was to treat the French form as the only form of administrative law, and he himself partly withdrew the claim in 1915.

06 Droit Administratif: The French System

IN SIMPLE WORDS

After the Revolution, the French did not trust judges, who had blocked reforms under the old kings. So they kept disputes with the government away from the ordinary courts and gave them to a council inside the government. Over a century that council turned into an independent court that often sides with citizens against the state.

6.1 Origins and evolution

Droit administratif is the body of French public law governing the organisation and actions of the administration and its relations with citizens, applied by a separate hierarchy of **administrative courts**.

- **1790: separation of functions.** The revolutionary laws of **16–24 August 1790** forbade the ordinary courts from interfering with the administration. Behind this lay distrust of the old royal courts (the *parlements*), which had obstructed reform, and a strict reading of the **separation of powers**: judging the administration was itself treated as an administrative act. At first, complaints went to the minister concerned (the theory of the **ministre-juge**, the minister as judge).
- **1799: the Conseil d'État.** **Napoleon Bonaparte**, as First Consul, created the **Conseil d'État** under the **Constitution of the Year VIII** (December 1799). It had two roles: advising the government on bills and regulations, and resolving administrative disputes. Its decisions, however, took effect only when signed by the head of state, a system called **justice retenue** (retained justice).
- **1872: delegated justice.** The law of **24 May 1872** made the Conseil d'État a true court deciding “**in the name of the French people**”, without the head of state's signature (**justice déléguée**). The same reform re-established the **Tribunal des conflits** to decide whether a case belongs to the ordinary or the administrative courts.
- **1873: the Blanco decision.** On **8 February 1873** the Tribunal des conflits decided the **Blanco** case: a child injured by a wagon of a state tobacco factory sued the state for damages under the Civil Code. The Tribunal held that the **liability of the state for its public services** cannot be governed by the Civil Code's rules for private persons; it has its own special rules, and the **administrative courts** have jurisdiction. Blanco is regarded as the foundation stone of French administrative law, establishing both the **autonomy** of administrative law and **state liability**.
- **1873: Pelletier.** In the same year the Tribunal des conflits distinguished **personal fault** of an official (for which he answers in the ordinary courts) from **service fault** (for which the state answers in the administrative courts).
- **1889: the Cadot decision.** On **13 December 1889** the Conseil d'État held that it could hear any application to annul an administrative decision directly, ending the theory of the minister as judge.
- **Twentieth century.** Regional **administrative tribunals** (1953) became courts of first instance and **administrative courts of appeal** (1987) were added, leaving the Conseil d'État at the apex.

6.2 Features of the French system

- **Dual jurisdiction:** ordinary courts for disputes between citizens; administrative courts for disputes involving the administration; the Tribunal des conflits for disputes over jurisdiction.
- **A separate body of public law**, largely **judge-made** through the case law of the Conseil d'État rather than codified, including **general principles of law** binding the administration (equality before public services, the right to a hearing, continuity of public services).
- **The annulment action for excess of power** (*recours pour excès de pouvoir*): any person with an interest can ask the court to quash an illegal administrative act, cheaply and with little formality.
- **State liability** for service fault and, in some cases, **without fault** (on the basis of risk or unequal public burdens).
- **Judges with administrative experience:** members of the Conseil d'État are trained administrators who understand how government works, while enjoying independence in practice.

6.3 Merits of droit administratif

This is why the system is often ranked, alongside the **Napoleonic Civil Code** (1804), as the most notable achievement of French legal science: the Code organised private law, and droit administratif created a coherent law for the relations between state and citizen.

- **Better protection of the citizen:** the state, not the individual official, pays compensation; liability extends even to no-fault situations.
- **Expertise:** judges who know administration can assess its decisions realistically, neither naively nor with hostility.
- **Cheap and accessible remedy:** the annulment action is simple and inexpensive.
- **Creative and coherent case law:** the Conseil d'État built general principles that guided the administration and inspired other countries.
- **Balance of efficiency and legality:** the administration can act with vigour, while its legality is checked by a specialised court.
- **Influence:** the model was adopted or adapted across continental Europe, francophone Africa and beyond, and its principles (proportionality, legitimate expectation) entered European Union law.

Limitations. Disputes over which court has jurisdiction can delay justice; the closeness of the Conseil d'État to government (it also advises on bills) raises questions about **appearances of independence**; and the system has faced backlogs, leading to new lower courts.

6.4 French and Anglo-Saxon systems compared

PUBLIC ADMINISTRATION · DROIT ADMINISTRATIF

[Comparison](#)

French and Anglo-Saxon Administrative Law

Two routes to the same goal: a government answerable to law

Feature	French (droit administratif)	Anglo-Saxon (UK, USA, India)
Courts	Dual system: administrative courts headed by the Conseil d'État	Single system: ordinary courts, plus tribunals under their review
Body of law	Separate public law , largely judge-made	Common law and statutes, with public law growing from them
Disputes over jurisdiction	Tribunal des conflits decides which court hears a case	No such body; superior courts settle it
Liability	State pays for service fault (Blanco, 1873)	Officials once sued personally; state liability came later
Judges	Members with administrative experience	Generalist judges trained in private law
Main remedy	Cheap annulment action for excess of power	Writs , appeals and judicial review

[1790 separation law](#)
[1799 Conseil d'État](#)
[1872 delegated justice](#)
[1873 Blanco](#)
[1889 Cadot](#)

In simple words: France built special courts for the state; England kept one set for all.

Public Administration

POINT	FRENCH (DROIT ADMINISTRATIF)	ANGLO-SAXON (UK, USA, INDIA)
Court structure	Dual: administrative courts under the Conseil d'État	Single: ordinary courts; tribunals under their supervision
Body of law	Separate public law, judge-made, with general principles	Common law and statutes; public law grew out of private-law remedies (writs)
Jurisdiction conflicts	Tribunal des conflits	None; superior courts decide
State liability	Early and wide (Blanco, 1873)	Late: Crown Proceedings Act, 1947 (UK); Federal Tort Claims Act, 1946 (USA); Article 300 and judge-made compensation (India)
Judges	Trained administrators	Generalist judges
Main remedy	Annulment for excess of power	Writs and judicial review; statutory appeals
Underlying idea	Administration needs its own law and judge	Officials answer to the same law and courts as citizens (Dicey)

India follows the **Anglo-Saxon** model, but with a **written constitution, a Bill of Rights and judicial review**, which makes Indian administrative law more constitutional than the British. Tribunals under **Articles 323A and 323B** introduced a partly French element (specialised adjudication), but in **L. Chandra Kumar** (1997) the Supreme Court kept them under the writ jurisdiction of the High Courts, so India never developed a separate administrative judiciary.

INDIAN CONNECT — WHAT INDIA TOOK FROM EACH MODEL

- **From England:** the common-law writs (now in Articles 32 and 226), natural justice, ultra vires and the idea that officials are personally answerable in ordinary courts (subject to statutory protections such as prior sanction for prosecuting public servants under **section 218 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, which replaced section 197 of the CrPC).
- **From the USA:** a written constitution with judicial review of legislation, and the idea of **due process**, which entered through **Maneka Gandhi v Union of India** (1978) despite the framers' choice of "procedure established by law".
- **From France (indirectly):** specialised administrative adjudication through tribunals, and the European doctrines of **proportionality** and **legitimate expectation**, which reached India through English law.

The Modern Rule of Law

IN SIMPLE WORDS

Dicey's rule of law said "no arbitrary power". The modern version says more: laws must be clear, rights must be protected, courts must be affordable and fair, and the government must keep its promises, even international ones. It is a rule of law for a democracy that also wants welfare and human rights.

7.1 From a thin to a thick conception

- **Thin (formal) conceptions** require only that laws be general, public, prospective, clear, stable and applied by independent courts. The philosopher **Joseph Raz** ("The Rule of Law and its Virtue", 1977) defended such a view: the rule of law is one virtue of a legal system, not the whole of justice. **F.A. Hayek**, in *The Road to Serfdom* (1944), defended a similar formal idea against economic planning.
- **Thick (substantive) conceptions** add **fundamental rights, democracy and fairness**. The International Commission of Jurists' **Declaration of Delhi (1959)** already linked the rule of law to the conditions for human dignity, including social and economic conditions.

7.2 Bingham's eight principles

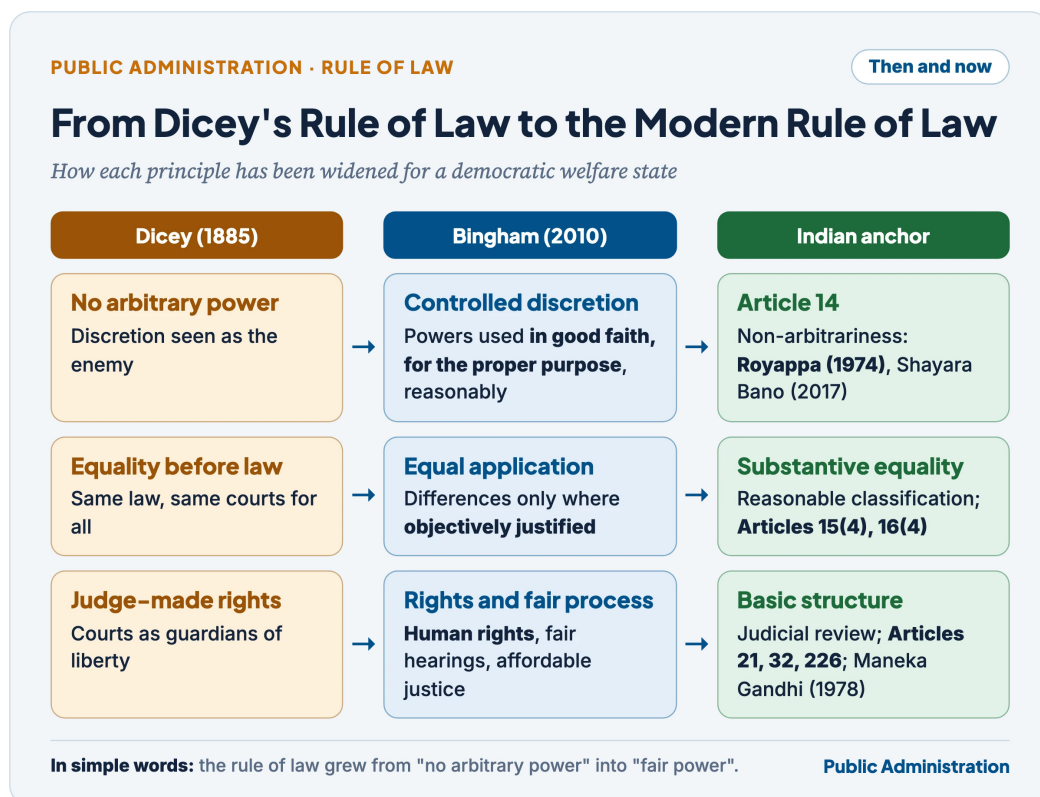
Lord Bingham, former senior Law Lord, set out the modern rule of law in his **2006 Sir David Williams Lecture** at Cambridge and in his book *The Rule of Law* (2010). His core idea: all persons and authorities within the state, public or private, should be bound by and entitled to the benefit of laws publicly made, taking effect in the future and publicly administered in the courts. He drew eight sub-rules from it.

NO.	BINGHAM'S PRINCIPLE	WHAT IT MEANS FOR ADMINISTRATION	INDIAN ANCHOR
1	Law must be accessible, intelligible, clear and predictable	Rules and notifications must be published and understandable	Publication of rules; India Code portal
2	Questions of legal right should be resolved by law, not discretion	Discretion should be narrow and guided	Article 14 non-arbitrariness
3	Laws should apply equally to all, save where objective differences justify differentiation	Reasonable classification only	Article 14; Articles 15(4), 16(4)
4	Public officers must use powers in good faith, fairly, for the purpose conferred, within limits and not unreasonably	The whole of judicial review in one sentence	Grounds of review; Section 9

NO.	BINGHAM'S PRINCIPLE	WHAT IT MEANS FOR ADMINISTRATION	INDIAN ANCHOR
5	Law must protect fundamental human rights	Administrative action tested against rights	Part III; Puttaswamy (2017)
6	Means must exist to resolve civil disputes without prohibitive cost or inordinate delay	Access to justice	Legal aid (Article 39A); tribunals; pendency problem
7	Adjudicative procedures must be fair	Natural justice, independent tribunals	Kraipak (1969); Tribunal Reforms Act case (2025)
8	The state must comply with its international law obligations	Treaties and human rights norms respected	Vishaka (1997) used international conventions

The table shows how far Bingham's version goes beyond Dicey: principles 1–4 restate and modernise Dicey's first two meanings, while principles 5–8 add **rights, access to justice, fair adjudication and international obligations**, none of which were part of the 1885 formulation.

7.3 How Dicey's three principles have been developed



- **Supremacy of law → controlled discretion.** Modern democracies accept discretion but require that it be exercised within limits, for proper purposes and reasonably. The test is no longer "is there discretion?" but "is it **structured and reviewable**?"

- **Equality before law** → **equal and substantive equality**. Equality now permits, and sometimes requires, **reasonable classification** and **affirmative action** to remove real disadvantage. Officials remain answerable in ordinary courts, but the state's liability for their wrongs has replaced personal liability as the main remedy.
- **Judge-made constitution** → **written rights and judicial review**. Most democracies now protect rights in written constitutions with judicial review; Britain itself adopted the **Human Rights Act, 1998**. The courts' role has grown, but it now rests on entrenched texts rather than on ordinary judicial decisions alone.
- **New elements**: accountability institutions (ombudsmen, information commissions), transparency (RTI), access to justice (legal aid), and the rule of law as a **governance indicator** measured by bodies such as the World Justice Project.

08 The Rule of Law in India

IN SIMPLE WORDS

India did not need Dicey to discover the rule of law; it wrote it into the Constitution. Every official must show legal authority, every law must respect fundamental rights, and the courts can strike down any action that is arbitrary. Parliament cannot take away this protection even by amending the Constitution.

8.1 Constitutional foundations

- **Preamble**: justice, liberty, equality and dignity.
- **Article 13**: laws inconsistent with fundamental rights are **void**, making the Constitution supreme over ordinary law.
- **Article 14**: "**equality before the law**" (from Dicey's English tradition) and "**equal protection of the laws**" (from the US Fourteenth Amendment).
- **Article 21**: no deprivation of life or personal liberty except according to **procedure established by law**, read since 1978 as a procedure that is **fair, just and reasonable**.
- **Articles 32 and 226**: writ jurisdiction to enforce rights and control administrative action.
- **Article 300**: the state can be sued; **Article 311**: protection of civil servants against arbitrary dismissal.
- **Exceptions to Dicey's equality** exist in the text itself: immunity of the President and Governors from court proceedings for official acts (**Article 361**), parliamentary privileges (**Articles 105, 194**), diplomatic immunities and the requirement of **prior sanction** for prosecuting public servants. These are reasoned exceptions, not general privileges.

8.2 The rule of law as part of the basic structure

- In **Kesavananda Bharati v State of Kerala** (1973) the Supreme Court held that Parliament cannot amend the **basic structure** of the Constitution; the supremacy of the Constitution, judicial review and the rule of law were among the features identified by the judges.

- In **Indira Nehru Gandhi v Raj Narain** (1975) the Court struck down **clause (4) of Article 329A**, which had validated the Prime Minister's election by declaring it valid without applying any law. Justice Khanna relied on **free and fair elections** as part of the basic structure; Chief Justice Ray and other judges held that validating a disputed election without applying any law offended the **rule of law** and **equality**, and that deciding a particular dispute was a judicial, not a legislative, function.
- In **ADM Jabalpur v Shivkant Shukla** (1976) the majority held that during the Emergency no one could approach the courts to enforce the right to life and liberty. **Justice H.R. Khanna's** dissent, which insisted that the rule of law does not vanish in an emergency, was vindicated when the nine-judge bench in **K.S. Puttaswamy v Union of India** (2017) declared the majority view overruled.
- **Minerva Mills** (1980) and **L. Chandra Kumar** (1997) confirmed that **judicial review** is part of the basic structure.

8.3 Article 14 and non-arbitrariness

Indian courts gave Dicey's first meaning a new constitutional home: **arbitrariness itself violates equality**.

- **E.P. Royappa v State of Tamil Nadu** (1974): equality is a dynamic concept; equality and arbitrariness are **sworn enemies**; an arbitrary act is unequal both in political logic and constitutional law.
- **Maneka Gandhi v Union of India** (1978): Articles 14, 19 and 21 form an integrated whole; any procedure depriving liberty must be **fair, just and reasonable**, and natural justice is implicit in it.
- **Ajay Hasia v Khalid Mujib** (1981): state action must be free from arbitrariness, and bodies that are instrumentalities of the state are bound by Article 14.
- **Shayara Bano v Union of India** (2017): **manifest arbitrariness** (something done capriciously, irrationally or without an adequate determining principle) can invalidate even legislation.
- **Association for Democratic Reforms v Union of India** (15 February 2024), the electoral bonds case: the Court applied **manifest arbitrariness** and a **proportionality** analysis to strike down the scheme and related amendments.

8.4 Rule of law and social justice

Indian constitutionalism links the rule of law with **social justice**, not merely with protection of property, which answers the radical critique of Dicey.

- **Constitutionalism** means government limited by a higher law and bound to observe both limits and procedures. In India this limited government is also charged with **positive duties**: the Directive Principles make social and economic justice a goal of state policy.
- **Substantive equality**: Articles 15(4), 15(5), 16(4) and 46 permit special measures for disadvantaged groups; reasonable classification allows unequal treatment of unequals.
- **Access to justice: Article 39A** (equal justice and free legal aid), the Legal Services Authorities Act, 1987, and PIL (for example **Bandhua Mukti Morcha v Union of India**, 1984, for bonded labourers) carried the rule of law to the poor.
- Thus Indian constitutionalism uses the rule of law **as an instrument of social transformation** rather than as a shield for the status quo.

8.5 Gaps between principle and practice

- **Judicial delay:** heavy pendency in courts means rights exist on paper but remedies arrive late; civil justice is India's weakest factor in the WJP Index.
- **Selective and coercive enforcement:** punitive demolitions, misuse of preventive detention and sedition-type charges, and custodial violence.
- **Police and investigative autonomy:** the reforms ordered in **Prakash Singh v Union of India** (2006) remain unevenly implemented.
- **Executive law-making:** re-promulgation of ordinances was held to be a **fraud on the Constitution** in **Krishna Kumar Singh v State of Bihar** (2017).
- **Over-criminalisation** of regulatory offences, now being reduced through the Jan Vishwas Acts.

INDIAN CONNECT — BULLDOZER DEMOLITIONS AND THE RULE OF LAW (2024)

- In **In Re: Directions in the matter of demolition of structures** (13 November 2024), a bench of Justices **B.R. Gavai** and **K.V. Viswanathan** held that the executive cannot demolish a person's house merely because he is accused or even convicted of a crime; doing so would make the executive a **judge**, violating the separation of powers and the rule of law.
- It laid down pan-India guidelines: prior **show-cause notice** with time to respond, a **personal hearing**, a reasoned **final order**, time to challenge it, video recording of any demolition, and personal liability of officials who disobey, including restitution at their cost.
- A week earlier (6 November 2024), in a road-widening case from Uttar Pradesh, another bench described "**bulldozer justice**" as unacceptable under the rule of law and required written notice, a speaking order on objections and compensation for high-handed demolition.
- The judgments apply every element of this chapter: Dicey's equality before law, natural justice, reasoned orders and public-law compensation.

09

Administrative Discretion and Its Control

IN SIMPLE WORDS

Discretion is the freedom to choose. A district magistrate deciding whether to grant an arms licence has discretion; so does a teacher deciding which student to send to a competition. The question is not whether officials should have discretion (they must) but how to stop them from using it for the wrong reasons.

9.1 Meaning and necessity

Administrative discretion is the power of an authority to choose among alternative courses of action (including inaction) on the basis of its own judgement. **Kenneth Culp Davis** defined it as existing whenever the effective limits on an officer's power leave him free to choose among possible courses of action or inaction.

- **Why it is needed:** laws cannot foresee every situation; individual cases differ; technical and local knowledge lies with officials; emergencies require quick action; and modern statutes deliberately use broad standards ("public interest", "fit and proper").
- **Why it is dangerous:** it opens the way to **arbitrariness, favouritism, corruption and inconsistency**; affected persons may not know the grounds of decision; and powerful interests can capture it.
- **Davis's prescription** in *Discretionary Justice* (1969): eliminate unnecessary discretion and then **confine** it (fix its boundaries by clearer rules), **structure** it (through published policies, reasons, precedents, open procedures) and **check** it (by supervision, review and appeals).

9.2 Control at the stage of delegation

Discretion can be controlled when it is conferred.

- The legislature must not delegate **essential legislative functions** and must lay down **policy and guidelines**; a law conferring **unguided** power can be struck down under Article 14 as arbitrary (see the chapter on Delegated Legislation).
- Statutes can require **consultation, published criteria, reasons** and **appeals** before discretion is used.

9.3 Control at the stage of exercise: grounds of judicial review

In the **GCHQ case** (*Council of Civil Service Unions v Minister for the Civil Service*, 1985), **Lord Diplock** grouped the grounds of review under three heads, and suggested that **proportionality** might later be added. Indian courts use the same classification.

Illegality. The authority must understand correctly the law that regulates its power and give effect to it.

- **Failure to exercise discretion:**
 - **Sub-delegation** without authority (a power given to the Collector exercised by his clerk).
 - **Acting under dictation** of a superior or a minister when the statute gives the power to the officer.
 - **Fettering discretion** by a rigid policy that admits no exceptions, so that individual cases are not considered.
 - **Non-application of mind** to the facts of the case.
- **Abuse of discretion:**
 - **Improper purpose** or **mala fides** (using town-planning powers to punish a political opponent).
 - **Irrelevant considerations** taken into account or relevant ones ignored.
 - **Colourable exercise** of power: doing indirectly what cannot be done directly.
 - **Exceeding jurisdiction** (ultra vires).

How Courts Control Administrative Discretion

The questions a court asks about any official decision

Administrative decision or order

Illegality

Power exists? Used for the **proper purpose**?
Relevant factors only? No dictation or sub-delegation

Procedural impropriety

Natural justice: no bias, fair hearing, reasoned order

Irrationality

Wednesbury: a decision no reasonable authority could reach

Proportionality

Legitimate aim, suitable means, **least restrictive**, fair balance

Also protected

Legitimate expectation from a promise or settled practice; non-arbitrariness under Article 14

In simple words: officials may choose, but lawfully, fairly and sensibly.

Public Administration

Irrationality: Wednesbury unreasonableness. In **Associated Provincial Picture Houses v Wednesbury Corporation** (1948) the English Court of Appeal held that a court can interfere with a discretionary decision only if it is **so unreasonable that no reasonable authority could ever have come to it**. Lord Diplock later described irrationality as a decision so outrageous in its defiance of logic or accepted moral standards that no sensible person could have arrived at it. Indian courts adopted the test in **Tata Cellular v Union of India** (1994), which held that courts review the **decision-making process**, not the merits, and in **Union of India v G. Ganayutham** (1997).

Procedural impropriety. Failure to observe statutory procedure or the **principles of natural justice** (Section 10).

Proportionality. A more intensive test, of European origin, which asks whether the measure pursues a **legitimate aim**, whether the means are **suitable** to that aim, whether they are the **least restrictive** means available, and whether the **balance** between the harm to the individual and the public benefit is fair.

- In **Om Kumar v Union of India** (decided November 2000, reported 2001), the Supreme Court held that where administrative action restricts **fundamental freedoms under Articles 19 and 21**, or involves discriminatory classification under Article 14, courts act as **primary reviewers** and apply **proportionality**; where action is challenged as **arbitrary** under Article 14 (for example the quantum of punishment in service cases), courts act as **secondary reviewers** and apply **Wednesbury** principles.

- **Modern Dental College v State of Madhya Pradesh** (2016) and **Puttaswamy** (2017) adopted a four-step proportionality test for restrictions on rights; the electoral bonds judgment (2024) applied a **double proportionality** test to balance two rights.

POINT	WEDNESBURY UNREASONABLENESS	PROPORTIONALITY
Question	Is the decision so unreasonable that no reasonable authority could reach it?	Is the measure suitable, necessary and balanced for a legitimate aim?
Intensity	Low ; courts defer to the administrator	Higher ; courts examine the weighing of interests
Role of court	Secondary reviewer	Primary reviewer where rights are restricted
Origin	English law (1948)	German and European law; EU and ECHR jurisprudence
Indian use	Service punishments, contracts, policy (Tata Cellular, Ganayutham)	Restrictions on Articles 19 and 21 (Om Kumar, Puttaswamy, electoral bonds)

Legitimate expectation. Where a public authority has made a **clear promise** or followed a **settled practice**, an affected person may legitimately expect that it will be honoured, or at least that he will be heard before it is changed.

- Recognised in English law in the GCHQ case (1985) and in India in **Navjyoti Co-operative Group Housing Society v Union of India** (1992) and **Food Corporation of India v Kamdhenu Cattle Feed Industries** (1993), which held that giving due weight to legitimate expectations is part of **non-arbitrariness** under Article 14.
- Expectation is not a legal right: the authority can defeat it for an **overriding public interest**, but must show that interest. In **Sivanandan C.T. v High Court of Kerala** (12 July 2023) the Supreme Court held that **substantive legitimate expectation** is entrenched in Indian law: a High Court that introduced a minimum cut-off for the interview after the selection process had begun acted arbitrarily, because good administration demands **consistency, transparency and predictability**.

9.4 Other controls on discretion

- **Legislative:** clear statutory guidelines, laying of rules, committee scrutiny.
- **Administrative:** published policies and guidelines, internal appeals, inspection, audit, vigilance.
- **Transparency:** RTI disclosure of reasons and file notings; e-governance that removes discretion from routine decisions (online land records, faceless tax assessment).
- **Ethical:** codes of conduct and the values of the civil service; the basic ethical problem for an administrator is to use discretionary power **consistently with democratic values**.

IN SIMPLE WORDS

Natural justice means two plain rules of fairness that every child understands: you cannot be the judge in your own quarrel, and you must hear both sides before you decide. Courts now add a third: say why you decided as you did.

10.1 Meaning and growth

Natural justice refers to the minimum standards of **fair procedure** that any authority deciding matters affecting a person's rights or interests must observe. The principles are not codified; as **A.K. Kraipak** (1969) put it, they **supplement the law rather than supplant it**, operating in areas not covered by a valid law, with the aim of preventing a miscarriage of justice.

- **English revival.** For some decades English courts confined natural justice to "judicial" bodies. **Ridge v Baldwin** (House of Lords, decided 1963, reported 1964), in which a chief constable was dismissed without a hearing, revived the principle and applied it to administrative decisions affecting rights.
- **Indian expansion.** **State of Orissa v Binapani Dei** (1967) required a hearing before an administrative order with civil consequences (an alteration of a government servant's date of birth); **Kraipak** (1969) applied natural justice to administrative selection; **Maneka Gandhi** (1978) made a fair hearing part of Article 21; **Union of India v Tulsiram Patel** (1985) held that natural justice is part of Article 14.

10.2 Rule against bias: nemo judex in causa sua

No one should be a **judge in his own cause**. Justice must not only be done but be seen to be done.

- **Pecuniary bias:** any financial interest, however small, disqualifies (in **Dimes v Grand Junction Canal**, 1852, a decision of the Lord Chancellor, who held shares in the company, was set aside).
- **Personal bias:** relationship, friendship, professional connection or hostility towards a party.
- **Official or subject-matter bias:** the decision-maker is involved in the subject, for example as the prosecutor, complainant or a person who has already pre-judged the issue; or **departmental bias** where the same department acts as prosecutor and judge.
- **Test:** whether there is a **real likelihood** or **reasonable apprehension** of bias in the mind of a reasonable person, not proof of actual bias (**Manak Lal v Dr Prem Chand**, 1957; **Kraipak**, 1969).
- **In Kraipak**, the acting Chief Conservator of Forests sat on the selection board for the Indian Forest Service while being himself a candidate; though he withdrew when his own name was considered, he took part when his rivals were assessed. The Supreme Court set aside the entire selection.
- **Exception, the doctrine of necessity:** if the only competent authority is disqualified and no substitute exists, it may still decide, since otherwise no decision would be possible.

10.3 Hearing rule: audi alteram partem

No one should be condemned **unheard**. The components depend on the context, but usually include:

- **Notice** stating the case to be met and the proposed action.
- **Disclosure** of the material relied upon against the person.
- **Reasonable opportunity** to present one's case, in writing or orally.
- **Cross-examination and legal representation** in some contexts (for example where serious charges depend on witnesses), but not as an absolute right.
- **Post-decisional hearing** where an urgent decision must be taken first: **Maneka Gandhi** (1978) accepted that a passport could be impounded before a hearing provided a prompt hearing followed; **Swadeshi Cotton Mills v Union of India** (1981) applied the idea to a takeover of management.

10.4 Reasoned decisions: the third principle

- Courts increasingly require administrative and quasi-judicial authorities to give **reasons** (a **speaking order**). Reasons show that the mind was applied, discipline the decision-maker, satisfy the affected person and make **judicial review** possible.
- **S.N. Mukherjee v Union of India** (1990): administrative authorities exercising quasi-judicial functions must record reasons unless the requirement is expressly or impliedly excluded.
- **Mohinder Singh Gill v Chief Election Commissioner** (1978): an order must be judged by the reasons stated in it, which cannot be supplemented later by affidavits.

10.5 Exceptions to natural justice

Natural justice is flexible, and in some situations its application is excluded or reduced.

- **Legislative action:** making laws or rules of general application does not require individual hearings, because it affects people at large rather than particular individuals (**Union of India v Cynamide India**, 1987). Consultation may still be required by statute.
- **Statutory exclusion:** a statute may expressly or by necessary implication exclude a hearing, provided the exclusion is itself constitutional.
- **Constitutional exclusion:** the second proviso to **Article 311(2)** allows dismissal without inquiry where it is not reasonably practicable to hold one, or in the interest of the security of the state (**Tulsiram Patel**, 1985).
- **Emergency and urgency:** where prompt action is needed to protect public health or safety (sealing an unsafe building, destroying contaminated food); a post-decisional hearing may then be due.
- **Public interest and national security, and confidentiality.**
- **Impracticability:** where very large numbers are affected (cancellation of an examination due to mass copying).
- **Interim, preventive or preparatory action:** suspension pending inquiry, a show-cause notice, a preliminary fact-finding inquiry.
- **Academic evaluation** and purely **administrative** matters without civil consequences.
- **Doctrine of necessity** (for bias).

- **No prejudice ("useless formality"):** courts have sometimes refused relief where a hearing would have made no difference, though they apply this cautiously (**State Bank of Patiala v S.K. Sharma**, 1996, introduced a test of prejudice for procedural lapses).

COMMON CONFUSION

Is natural justice written into the Indian Constitution? Not in so many words. No article says "nemo judex" or "audi alteram partem". The courts have read natural justice into **Article 14** (an unfair procedure is arbitrary, *Tulsiram Patel*, 1985) and **Article 21** (procedure must be fair, just and reasonable, *Maneka Gandhi*, 1978). That is why a breach of natural justice in India is usually also a constitutional violation, and why it can be excluded by statute only if the exclusion itself survives Article 14.

11 Bridges: Delegated Legislation, Tribunals and the Ombudsman

IN SIMPLE WORDS

The rest of administrative law grows out of two facts: officials now make most of the rules, and officials now decide many of the disputes. Each fact has its own article; here is the link.

- **Delegated legislation** is the legislative face of the administrative state. Its growth (pressure on parliamentary time, technicality, flexibility, emergencies) and its dangers (executive dominance, Henry VIII clauses, inadequate scrutiny) are the reason for parliamentary controls (laying, Committees on Subordinate Legislation) and judicial controls (substantive and procedural ultra vires, excessive delegation). See the chapter on Delegated Legislation.
- **Administrative tribunals** are the judicial face. They exist because the welfare state generates disputes that ordinary courts cannot handle quickly or expertly. Their independence and their subjection to High Court review (**L. Chandra Kumar**, 1997; the **Tribunal Reforms Act** case, 2025) are the central issues. See the chapter on Administrative Tribunals.
- **The ombudsman** (Lokpal and Lokayuktas) deals with **maladministration and corruption** outside the reach of courts. See the articles on Accountability and Control and on Corruption.

Growth of Administrative Law in India

IN SIMPLE WORDS

Indian administrative law began as borrowed English law, but Indian judges turned it into something bigger by joining it to fundamental rights. Parliament then added laws on tribunals, information and ombudsmen, and is now removing jail terms for minor lapses.

12.1 Phases

PHASE	CHARACTER	LANDMARKS
Colonial (before 1950)	Administration largely law-and-order and revenue; English principles applied through ordinary courts; state liability through the East India Company precedent	P. and O. Steam Navigation Co. v Secretary of State (1861) on liability for non-sovereign functions
Formal phase (1950–late 1960s)	Courts cautious; natural justice confined to quasi-judicial functions; procedure established by law read literally	A.K. Gopalan (1950); Law Commission's First (1956) and Fourteenth (1958) Reports; Kasturi Lal (1965)
Expansion (late 1960s–1980s)	Natural justice extended to administrative action; non-arbitrariness under Article 14; due process through Article 21; PIL	Binapani Dei (1967), Kraipak (1969), Royappa (1974), Maneka Gandhi (1978), S.P. Gupta (1981); 42nd Amendment (1976)
Consolidation (1985–2010)	Tribunals; Wednesbury and proportionality; legitimate expectation; compensation; RTI	Administrative Tribunals Act (1985), Tulsiram Patel (1985), Nilabati Behera (1993), Tata Cellular (1994), L. Chandra Kumar (1997), Om Kumar (2000), RTI Act (2005)
Contemporary (2010 onwards)	Manifest arbitrariness; four-step proportionality; substantive legitimate expectation; tribunal independence; decriminalisation and administrative penalties	Lokpal Act (2013), Shayara Bano (2017), Puttaswamy (2017), Sivanandan (2023), electoral bonds (2024), demolition guidelines (2024), Tribunal Reforms Act case (2025), Jan Vishwas Acts (2023, 2026)

The phases show the **judge-made** character of Indian administrative law: each expansion came first from the courts, with legislation following later. This is why judicial interest in administrative decisions has steadily **extended the frontiers** of administrative law in India, and why many issues (the limits of PIL, the standard of review, the independence of tribunals) remain **alive and contested** after decades of litigation.

12.2 Recent legislative developments

- **Jan Vishwas (Amendment of Provisions) Act, 2023**, notified on **11 August 2023**, decriminalised **183 provisions in 42 Central Acts** administered by 19 ministries and departments, replacing imprisonment for minor and technical defaults with monetary penalties.
- **Jan Vishwas (Amendment of Provisions) Act, 2026** (assent **7 April 2026**): introduced in August 2025 as a Bill to amend 355 provisions in 16 Acts, it was widened by a Lok Sabha Select Committee and finally amended **784 provisions across 79 Central Acts**, decriminalising 717 of them and amending 67 to ease living. It provides warnings for many first-time contraventions, graduated penalties, **adjudication by designated officers**, and an automatic 10 per cent increase in fines every three years.
- **Significance for administrative law**: decriminalisation shifts enforcement from criminal courts to **administrative adjudication**. This reduces harassment and court load, but it **widens the discretion of adjudicating officers**, so natural justice, reasoned orders and appeals become more important.
- India still has **no general administrative procedure statute** of the American type; procedure is fixed Act by Act and supplemented by judge-made principles.

13 Key Terms

TERM	MEANING IN SIMPLE WORDS
Administrative law	Law that gives the administration its powers, fixes its procedures and controls its actions, with remedies for citizens
Rule of law	Government according to known law, with no one above it and independent courts to enforce it
Droit administratif	French administrative law, applied by separate administrative courts
Conseil d'État	France's highest administrative court and government adviser, created in 1799
Tribunal des conflits	French body deciding whether ordinary or administrative courts hear a case
Parliamentary sovereignty	Parliament's unlimited power to make or unmake any law (Britain)
Rechtsstaat	German idea of a state bound by law and constitution, with administrative courts
Administrative discretion	Freedom of an official to choose among courses of action
Ultra vires	Beyond the powers given by law, and therefore void
Natural justice	Basic rules of fair procedure: no bias, fair hearing, reasoned decision
Nemo judex in causa sua	No one should be a judge in his own cause

TERM	MEANING IN SIMPLE WORDS
Audi alteram partem	Hear the other side
Speaking order	An order that states its reasons
Wednesbury unreasonableness	A decision so unreasonable that no reasonable authority could reach it
Proportionality	Test of whether a measure is suitable, necessary and balanced for a legitimate aim
Legitimate expectation	Reasonable expectation, based on a promise or practice, that an authority will act in a certain way
Public interest litigation	Litigation by any public-spirited person for those unable to approach the court
Red light theory	View of administrative law as mainly a check on state power through courts
Green light theory	View of administrative law as a facilitator of good administration through political and internal controls
Ombudsman	Independent official who investigates complaints of maladministration

14

Commissions, Committees and Judgments

BODY OR CASE	YEAR	KEY POINT
Blanco (Tribunal des conflits)	1873	State liability for public services governed by special rules and decided by administrative courts
Committee on Ministers' Powers (Donoughmore)	1932	Accepted delegated legislation and administrative adjudication as necessary, with safeguards
First Law Commission (M.C. Setalvad), First and Fourteenth Reports	1956, 1958	Liability of the state in tort; reform of judicial administration
Franks Committee	1957	Openness, fairness and impartiality for tribunals and inquiries
Ridge v Baldwin	1963	Revived natural justice for administrative decisions
A.K. Kraipak	1969	Natural justice applies to administrative action; rule against bias

BODY OR CASE	YEAR	KEY POINT
Kesavananda Bharati	1973	Basic structure doctrine
E.P. Royappa	1974	Arbitrariness is the antithesis of equality
Indira Nehru Gandhi v Raj Narain	1975	Article 329A(4) struck down; rule of law, free elections, judicial function
Maneka Gandhi	1978	Fair, just and reasonable procedure; natural justice in Article 21
GCHQ case	1985	Illegality, irrationality, procedural impropriety; legitimate expectation
Tulsiram Patel	1985	Natural justice part of Article 14; exclusion under Article 311(2)
S.N. Mukherjee	1990	Duty to give reasons
Kamdheni Cattle Feed	1993	Legitimate expectation as part of non-arbitrariness
Nilabati Behera	1993	Public-law compensation for violation of Article 21
Tata Cellular	1994	Review of decision-making process, not merits
L. Chandra Kumar	1997	Judicial review by High Courts is basic structure; tribunals subject to it
Om Kumar	2000 (reported 2001)	Proportionality for rights; Wednesbury for arbitrariness
Shayara Bano	2017	Manifest arbitrariness
K.S. Puttaswamy	2017	Privacy; proportionality; ADM Jabalpur overruled
Sivanandan C.T.	2023	Substantive legitimate expectation
Electoral bonds (ADR v Union of India)	2024	Manifest arbitrariness and proportionality
Demolition of structures	2024	Notice, hearing, reasoned order and official liability before demolition
Tribunal Reforms Act case	2025	Provisions struck down; National Tribunals Commission directed

Contemporary Developments

- **15 February 2024, electoral bonds judgment:** a Constitution Bench applied **manifest arbitrariness** and a **double proportionality** test, showing how Indian courts now use both doctrines to review state action.
- **28 June 2024, Loper Bright Enterprises v Raimondo:** the US Supreme Court overruled the **Chevron** doctrine of deference, holding that courts must exercise independent judgement on whether an agency acted within its statutory authority; a major shift in the balance between courts and the administrative state.
- **13 November 2024, demolition guidelines:** the Supreme Court held that punitive demolitions violate the rule of law and separation of powers, and laid down notice, hearing, reasoned-order and accountability requirements for all demolitions.
- **28 October 2025, WJP Rule of Law Index 2025:** India ranked **86th of 143**, with its overall score falling 1.7 per cent; it ranked 43rd on open government but 114th on civil justice.
- **19 November 2025, Tribunal Reforms Act case:** a bench led by Chief Justice B.R. Gavai struck down key provisions of the **Tribunals Reforms Act, 2021** as a repackaging of an already invalidated ordinance, and directed the Union to set up a **National Tribunals Commission** within four months.
- **7 April 2026, Jan Vishwas (Amendment of Provisions) Act, 2026:** amended 784 provisions in 79 Central Acts, decriminalising 717, and expanded administrative adjudication of penalties.
- **12 July 2023, Sivanandan C.T. v High Court of Kerala:** recognised **substantive legitimate expectation** as part of Indian administrative law, grounded in consistency, transparency and predictability.

Revision Grid

THINKER OR BODY	WORK OR REPORT (YEAR)	KEY IDEA
A.V. Dicey	<i>Introduction to the Study of the Law of the Constitution</i> (1885); LQR article (1915)	Three meanings of the rule of law; droit administratif alien to England; later concession
A.L. Lowell	<i>The Government of England</i> (1908)	Echoed Dicey's denial of administrative law
Frank Goodnow	<i>Comparative Administrative Law</i> (1893)	Administrative law always existed in England and America
Lord Hewart	<i>The New Despotism</i> (1929)	"Administrative lawlessness"; executive evading Parliament and courts
W.A. Robson	<i>Justice and Administrative Law</i> (1928)	Administrative adjudication is real and can be fair
Ivor Jennings	<i>The Law and the Constitution</i> (1933)	Rule of law a political ideal; discretion inevitable

THINKER OR BODY	WORK OR REPORT (YEAR)	KEY IDEA
Griffith and Street	<i>Principles of Administrative Law</i> (1952)	Five questions of administrative law
H.W.R. Wade	<i>Administrative Law</i> (1961)	Law relating to the control of governmental power
K.C. Davis	<i>Administrative Law Treatise</i> (1958); <i>Discretionary Justice</i> (1969)	Confine, structure and check discretion
Harlow and Rawlings	<i>Law and Administration</i> (1984)	Red, green and amber light theories
Lord Bingham	Sir David Williams Lecture (2006); <i>The Rule of Law</i> (2010)	Eight principles of the modern rule of law
Marcel Waline	French jurist	Three principles of droit administratif
Donoughmore Committee	Committee on Ministers' Powers (1932)	Delegation necessary, with safeguards
Franks Committee	Tribunals and Inquiries (1957)	Openness, fairness, impartiality
Law Commission of India	First (1956) and Fourteenth (1958) Reports, M.C. Setalvad	State liability; reform of judicial administration
M.P. Jain	Indian administrative law scholar	Indian administrative law is largely judge-made



Previous Year Questions 31 QUESTIONS



2026

"Dicey's three principles of the 'Rule of Law' have been further developed to meet the immense needs of a democratic society." **Discuss.** 10 MARKS

2025

Administrative Law has evolved from the need to create a system of Public Administration under law. **Elucidate.** 10 MARKS

2025

The **principles of checks and balances** count among the most fundamental constitutional values. **Comment.** 15 MARKS

- 2025 The foundations of Public Administration, New Public Management and Public Governance rest on **'rule of law'**. **Discuss.** 15 MARKS
- 2025 "Delegated legislation should be clear and should confine to the limits determined by the legislature." In light of the statement **explain how misuse of administrative discretion can be checked?** 20 MARKS
- 2021 **Judicial review, prevention of misuse or abuse of administrative power and provision of suitable remedies** are the basic principles of administrative law. **Justify** as how various organs of the State are able to uphold these principles. 15 MARKS
- 2020 **"Arbitrariness in the application of rule of law** is a primary cause of poor governance." **Discuss.** 10 MARKS
- 2020 "Developments in the field of Administrative Law reflect an increasingly blurred boundary between the state and society, and between justice and administration." Has **administrative law become more constitutional than the Constitution itself? Argue.** 20 MARKS
- 2019 **"Red light and Green light theories** provide contrasting approaches to the role of administrative law." Which of the two theories will be effective in achieving the objectives of administrative law? **Justify your choice.** 15 MARKS
- 2018 **"The Journey of Administrative Law has moved much beyond A. V. Dicey."** **Comment.** 10 MARKS
- 2017 **"Administrative Law is recognised by its substance rather than its form."** **Discuss.** 10 MARKS
- 2016 The central concern of Administrative Law has been the **legal limitation of administrative discretion."** **Give reasons.** 15 MARKS
- 2015 **"Legislative action is not subject to the rules of natural justice."** **Explain the exceptions to the rule of natural justice.**
- 2014 "The conceptual division between **administrative and constitutional law** is quite porous, and that along many dimensions, administrative law can be considered more constitutional in character than the constitutions." **How would you justify the statement?**
- 2012 **Would you agree** that the strong **Rechtsstaat** version of the rule of law found on the Continent never existed in England because of its particular history?

- 2012 **Why is le droit administrative regarded** alongside the Napoleonic Code as the most notable achievement of French legal science?
- 2012 **Do you think** that there is an unresolved and often overlooked **tension in Dicey's concept of rule of law**, considering that the other principle of parliamentary sovereignty in English constitutional system runs counter to it?
- 2011 **Make a critical assessment of Dicey's understanding of the Rule of Law and Droit Administratif.**
- 2006 "Today the **content of administrative law** is driven primarily by the scope of public administrative activity." **Explain.**
- 2005 "Today the **content of administrative law** is driven primarily by the scope of public administration activity." **Explain.**
- 2002 "**Dicey was wrong** not only in his concept of the rule of law, but he also overlooked the significance of the administrative law." – **Comment.**
- 1998 "**Administrative Law in modern government system is inevitable.**" **Comment.**
- 1997 The central concern of administrative law has been the **legal limitation of administrative 'discretion.'** **Comment.**
- 1995 The field of administrative law, after a century of litigation & adjudication, **remains alive with simmering issues.** **Comment.**
- 1994 "**Administrative law is not a rigid, rule-bound barrier to good management.**" **Discuss.**
- 1993 **How has the interest of judiciary in administrative decisions grown** over the years? Has it **extended the frontiers of administrative law?**
- 1992 '**Rule of law** is the base of India's constitutional life, and administrative law seeks to ensure that this basic premise remains upheld and protected.' **Comment.**
- 1990 '**..... administrative law, with its creature administrative tribunals, is like martial law, the negation of law.**' **Comment.**
- 1989 "Administrative Law has the obligation to observe the **principles of natural justice and fairness.**" **Elaborate.**
- 1987 '**The Droit Administratif violates Dicey's basic principles of Rule of Law.**' **Comment.**

2026

Constitutionalism in India paves the way for **rule of law and social justice**. Elaborate.

10 MARKS

PAPER II

LOTUSARISE IAS

10

UNIT 10

2 CHAPTERS

86 PYQS

Public Policy

Models of policy-making and their critique; Processes of conceptualisation, planning, implementation, monitoring, evaluation and review and their limitations; State theories and public policy formulation.

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13	Policy Process: Agenda-Setting, Implementation, Monitoring and Evaluation	448



PUBLIC ADMINISTRATION OPTIONAL

PAPER I · PART B

Models of Policy-Making: Rational, Incremental, Kingdon's Streams and State Theories

Public policy is what a government decides to do, or deliberately decides not to do, about a public problem. Every scheme, law, tax rate and budget line is the end point of a policy process, and **public administration** is involved at every point of it: officials define problems, draft options, bargain with ministers and groups, and then carry policy into the field. A **model of policy-making** is a simplified picture of that process. Each model picks out one factor (reason, bargaining, power, institutions, chance, ideas) and claims that it explains why policy looks the way it does.

SYLLABUS Public Policy: Models of policy-making and their critique; Processes of conceptualisation, planning, implementation, monitoring, evaluation and review and their limitations; State theories and public policy formulation.

THIS CHAPTER Meaning and nature of public policy (Dye, Easton, Anderson, Lasswell's policy sciences, non-decisions, Vickers' appreciative systems); decision-centred models (rational-comprehensive, Simon's bounded rationality, Lindblom's incrementalism, Etzioni's mixed scanning, Dror's optimal model); power-centred models (group, elite, institutional and neo-institutional, Easton's systems model, public choice); agenda and change models (garbage can, Kingdon's multiple streams, Sabatier's advocacy coalition framework, Baumgartner and Jones' punctuated equilibrium); game theory and policy networks; a comparison of all models; state theories (pluralist, elitist, Marxist, neo-pluralist, corporatist, feminist, developmental state) and how each explains policy formulation; Indian illustrations.

CONTENTS

01	Meaning and Nature of Public Policy	02	The Rational-Comprehensive Model
03	Simon's Bounded Rationality	04	Lindblom's Incrementalism
05	Etzioni's Mixed Scanning	06	Dror's Optimal Model
07	Group Theory	08	Elite Theory
09	Institutional and Neo-institutional Models	10	Easton's Systems Model
11	Public Choice Model	12	Garbage Can, Multiple Streams, Advocacy Coalitions and Punctuated Equilibrium
13	Game Theory and Policy Networks	14	Comparing the Models

15 State Theories and Public Policy Formulation

16 Policy-Making in Developing Countries and India

17 Key Terms

18 Contemporary Developments

19 Revision Grid

20 Previous Year Questions

PUBLIC ADMINISTRATION · PUBLIC POLICY

Topic map

Models of Policy-Making

Lenses for explaining why governments choose what they choose

Public policy: what governments choose to do or not to do

Meaning

Dye, Easton, Anderson; **non-decisions**; Vickers; Lasswell's policy sciences

How decisions are reached

Rational, Simon, Lindblom, Etzioni, Dror

Who holds power

Group, **elite**, institutional, Easton's systems, public choice

When and why policy changes

Garbage can, **Kingdon**, Sabatier, Baumgartner-Jones

Strategy and networks

Game theory, policy communities, issue networks

State theories

Pluralist, elitist, Marxist, corporatist, feminist, **developmental**

In simple words: each model is a lens; together they explain how policy is really made.

Public Administration

- No single model explains every policy. The models are best read as **lenses**: the same decision (say, the 1991 economic reforms) looks like a rational response to a crisis through one lens, an elite choice through another and a “window of opportunity” through a third.
- The models fall into **four families**: models about **how decisions are reached** (rational to incremental), models about **who holds power** (groups, elites, institutions, the system), models about **how issues reach the agenda and why policy changes** (garbage can, streams, coalitions, punctuations) and **state theories**, which ask whose interests the state serves.

IN SIMPLE WORDS

A family planning a holiday can do it in different ways. The parents can list every destination, compare costs and pick the best (rational). They can go where they went last year with a small

change (incremental). The loudest child can get their way (group pressure). The parent who earns the money can simply decide (elite). Or the plan can fall into place because a friend offers a cheap flat just when the school holidays start (chance and timing). Policy models are these same stories, told about governments.

The steps of the policy process itself (conceptualisation, planning, implementation, monitoring, evaluation and review, and their limits) are treated in the companion article on the policy process. This chapter stays with the models and the state theories that explain how policy is formulated.

01

Meaning and Nature of Public Policy

IN SIMPLE WORDS

A policy is a standing decision that guides many smaller decisions. "Every village will get an all-weather road" is a policy; deciding which road to build first in a block is a decision taken within it.

1.1 Classic definitions

There is no single agreed definition. **Sir Charles Cunningham**, a senior British civil servant, compared policy to an elephant: easy to recognise, hard to define. The definitions below each stress one element.

THINKER	DEFINITION (PARAPHRASED UNLESS QUOTED)	WHAT IT STRESSES
Thomas R. Dye , <i>Understanding Public Policy</i> (1972)	"whatever governments choose to do or not to do"	Choice , including deliberate inaction
David Easton , <i>The Political System</i> (1953)	The authoritative allocation of values for the whole society	Authority and society-wide reach
James E. Anderson , <i>Public Policymaking</i> (1975)	A purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern	Purpose , many actors , a problem
Harold Lasswell and Abraham Kaplan , <i>Power and Society</i> (1950)	A projected programme of goal values and practices	Goals and values
William Jenkins , <i>Policy Analysis</i> (1978)	A set of interrelated decisions by political actors about goals and the means of achieving them in a given situation	A set of decisions, not one

THINKER	DEFINITION (PARAPHRASED UNLESS QUOTED)	WHAT IT STRESSES
Carl Friedrich	A proposed course of action within a given environment, with obstacles and opportunities, aimed at a goal	Environment and goal
Yehezkel Dror	General directives on the main lines of action to be followed	Direction
Peter Self	Changing directives as to how tasks should be interpreted and performed	Policy as continuously revised
Nicholas Henry	What public administrators execute	The administrative face of policy

- **Dye's definition** is short but has a sharp edge: a government that does **nothing** about a problem has also made policy. Not regulating a sector, not revising a tax, not counting caste in a census for seven decades: each is a choice with effects.
- **Easton's definition** places policy inside the political system: policy is the output that **binds everyone**, because it carries the state's authority.
- **Anderson** adds two points that matter for administration: policies are usually made by **many actors scattered through government**, and they are about **what is actually done**, not only what is announced.

1.2 Features of public policy

- **Purposive:** policy is goal-directed behaviour, not random action. Goals (the end state, such as removing poverty) are distinct from policies (the instruments, such as a rural employment guarantee).
- **Policy is wider than a decision:** a decision is one act of choice; a policy is a **cluster of decisions** tied into a course of action over time. Policy decisions have **general application** and a **long time frame**; routine decisions are taken *within* them. Hence the old maxim that all policy-making is decision-making, but not all decision-making is policy-making.
- **Action and inaction:** both count. A declared policy that is never implemented (prohibition, a Directive Principle under **Article 47**, is a classic Indian example) shows that **practice is the real test** of policy.
- **Outputs differ from outcomes:** an **output** is what government delivers (toilets built, loans sanctioned); an **outcome** is the change in society (open defecation reduced, incomes raised). Policies can have **unintended outcomes**.
- **Dynamic and continuous:** policy is formed, implemented, adjusted and reformed in a loop. As one PYQ puts it, policy is "made as it is being administered and administered as it is being made": implementers fill gaps that the law leaves open.
- **Many actors:** ministers, legislators, civil servants, courts, parties, interest groups, experts, media and, increasingly, international bodies all take part.
- **Backed by authority:** public policy carries the state's legal and coercive power, which separates it from a private organisation's policy.

Austin Ranney broke a policy into five parts: a particular **object** (the part of society to be affected), a **desired course of events**, a **selected line of action**, a **declaration of intent** and the **implementation of intent**. The last item again shows that a policy is incomplete until it is carried out.

1.3 Non-decisions and the “second face of power”

Peter Bachrach and Morton Baratz, in “Two Faces of Power” (*American Political Science Review*, 1962), argued that power is exercised not only when an issue is decided but also when it is **kept off the agenda**. They called this **non-decision-making**: the suppression of demands before they reach the decision stage, through rules, procedures, the “mobilisation of bias” or the quiet threat of sanctions.

- **Why it matters:** pluralist studies of who wins open contests (see Section 7) miss the issues that **never become contests**. A group that cannot get its problem discussed has lost before the game begins.
- **Indian illustration:** demands of informal-sector workers, manual scavengers or nomadic communities stayed off the national agenda for decades not because they were rejected in a vote but because they rarely reached the table. Court petitions, social movements and media campaigns are ways of breaking such non-decisions.
- **Steven Lukes** (*Power: A Radical View*, 1974) later added a **third face**: shaping people’s wants so that they do not even feel a grievance.

1.4 Vickers: policy as judgement

Sir Geoffrey Vickers, a British administrator and systems thinker, in *The Art of Judgment* (1965), saw policy-making as the exercise of **judgement** within an **appreciative system**: the set of readiness to notice, value and respond that a policy-maker builds up over time.

- **Three judgements:** a **reality judgement** (what is the situation?), a **value judgement** (is it good or bad, and how much does it matter?) and an **instrumental judgement** (what can be done about it?). The first two together make an “appreciation”; the third is the action choice.
- **Norms over goals:** Vickers argued that policy-makers mostly **maintain relationships** within acceptable norms rather than chase fixed goals. Goals are subsidiary to the norms and values through which a situation is seen. A health ministry does not simply “maximise lives saved”; it keeps many relationships (with states, doctors, patients, budgets) within tolerable limits.
- **Significance:** Vickers anticipated later work on framing and on the role of values in policy, and gave a strong reason why pure rational models misdescribe what policy-makers do.

1.5 Lasswell and the policy sciences

Harold Lasswell, the American political scientist who wrote *Politics: Who Gets What, When, How* (1936), launched the **policy sciences** with his essay “The Policy Orientation” in *The Policy Sciences*, edited with **Daniel Lerner** (1951).

- **Two kinds of knowledge:** knowledge **of** the policy process (how policies are actually made) and knowledge **in** the process (using the best available knowledge to improve decisions).
- **Three features:** the policy sciences are **problem-oriented** (they start from real problems, not disciplinary boundaries), **multi-disciplinary** (they draw on economics, sociology, psychology, law and management) and **normative** (they serve the goal of **human dignity** and democracy, not only efficiency).

- **Contextual:** problems must be understood in their social and historical context; Lasswell warned against technique divorced from values.
- **Dror's contribution:** **Yehezkel Dror**, the Israeli policy scientist, in *Design for Policy Sciences* (1971) and *Ventures in Policy Sciences* (1971), argued for a new professional discipline with its own methods: alternative futures, **metapolicy** (policy about how to make policy) and better policy-making systems. He lamented that only a small part of existing knowledge reaches policy-makers and an even smaller part is used.
- **Tools that came from the movement:** operations research, systems analysis, cost-benefit analysis, Planning-Programming-Budgeting System (PPBS), forecasting, simulation and gaming.

INDIAN CONNECT – POLICY SCIENCES IN INDIAN INSTITUTIONS

- **NITI Aayog** (set up on **1 January 2015**, replacing the Planning Commission) houses the **Development Monitoring and Evaluation Office (DMEO)**, which evaluates Centrally Sponsored Schemes, and runs data platforms that put administrative statistics in the public domain.
- Policy units, think tanks and university schools of public policy have multiplied; several ministries use fellowship and consultancy routes to bring in analysts. The aim is Lasswell's "knowledge in the process"; the risk, as critics note, is that analysis becomes **advocacy** for decisions already taken.

1.6 Two branches of policy study

Policy study has two branches that map onto the models below.

- **Descriptive or processual branch:** studies how policy is actually made, usually one sector at a time ("the politics of" health, water, land). It has been led by **political scientists** and is close to the **incrementalist** view.
- **Prescriptive or normative branch:** studies how policy *should* be made and how to improve it. It has been led by **public administration and management scholars** and is close to the **rationalist** view.
- **Strategic planning** in the public sector (long-range goals combined with participative, adaptive steps) is often presented as a practical bridge between the two.
- **Thomas Dye's "output studies"** approach links the two: it treats policy as the **dependent variable** and asks which environmental and political factors (income, urbanisation, party competition) explain differences in policy outputs across states. Critics said it **overstresses** measurable, allocative outputs (spending levels) and **understates** symbolic, regulatory and process aspects of policy.

COMMON CONFUSION

Is policy always the dependent variable, explained by politics? Not always. **Theodore Lowi** turned the usual view around: in "Four Systems of Policy, Politics and Choice" (*Public Administration Review*, 1972) he argued that "policies determine politics". The *type* of policy (distributive, regulatory, redistributive, constituent) shapes the kind of political conflict around it. A distributive subsidy produces quiet logrolling; a redistributive land reform produces class conflict. Policy is therefore both

a product of politics and a cause of it. Critics reply that the categories overlap and that one policy can move between them, so Lowi's claim is a useful tendency, not a law.

02

The Rational-Comprehensive Model

IN SIMPLE WORDS

The rational model is the textbook way to decide: write down every goal, list every option, work out every consequence, and pick the option with the best balance of benefits over costs. It is what a perfectly informed, unhurried, neutral planner would do.

2.1 What the model says

The rational-comprehensive model (also called the **synoptic** or **rationalist** model) treats policy as a choice that **maximises social gain**: no policy should be adopted if its costs exceed its benefits, and among policies the one with the **greatest net benefit** should be chosen. It is the normative ideal behind cost-benefit analysis, PPBS, operations research and zero-based budgeting.

The model requires the policy-maker to:

1. Identify the problem and **separate it** from other problems.
 2. Know **all the value preferences** of society and their relative **weights**.
 3. Know **all the policy alternatives** available.
 4. Know **all the consequences** of each alternative, including opportunity costs.
 5. Calculate the **ratio of benefits to costs** for each alternative.
 6. Select the **most efficient** alternative.
- **Ends before means**: the model assumes that goals can be fixed first and means chosen afterwards. This **ends-means analysis** is the feature Lindblom attacked most sharply.
 - **Pareto ideas**: in its economic form, rationality looks for **Pareto improvements** (changes that make someone better off without making anyone worse off) and, ideally, **Pareto optimality** (a state where no such change is left). Every gain in one value is a **trade-off** against others, and policies create **externalities** (spillovers into other sectors).

2.2 Critique

The rational model is criticised less for being wrong as an ideal than for being **impossible in practice**.

- **Cognitive limits**: no human or organisation can know all values, alternatives and consequences. **Herbert Simon** made this the basis of bounded rationality (Section 3).

From Total Analysis to Small Steps

Five answers to the question: how much can a policy-maker know and calculate?

Complete analysis

Rational

All values, all options, all consequences; pick the **maximum net gain**

Bounded (Simon)

Limited search; accept the first option that is **good enough**

Small steps from the past

Incremental

Lindblom: **marginal changes**, agreement over proof

Mixed scanning (Etzioni)

Broad scan sets **direction**; detailed small steps within it

Optimal (Dror)

Rational plus **extra-rational** judgement; metapolicy; 18 phases

In simple words: the more we can know, the more rational; the less, the more incremental.

Public Administration

- **No agreed social values:** society has many publics with conflicting values; there is no single "social welfare function" to maximise. **Kenneth Arrow's** impossibility theorem (*Social Choice and Individual Values*, 1951) showed that no voting rule can turn individual rankings into a consistent social ranking under a few reasonable conditions.
- **Sunk costs:** past investments, programmes and commitments close off options. A government cannot start from a blank sheet.
- **Time and money:** comprehensive analysis is slow and expensive; critics said large rational planning exercises often **cost more than they save**.
- **Politics intrudes:** technical questions are entangled with political ones, and experts disagree (economists and environmentalists over a large dam are a standing Indian example).
- **Plans gather dust:** there is a wide gap between a rational plan and its implementation; plans ignore the role of **people, leadership** and the **policy entrepreneur** who makes ideas happen.
- **Non-linear reality:** the policy process is not a linear flow chart; it is multi-dimensional, iterative and full of feedback.
- **Poor forecasting:** rational planners have had a weak record of predicting the future accurately.

INDIAN CONNECT — RATIONAL PLANNING IN INDIA

- **Mahalanobis-model planning** in the **Second Five Year Plan (1956–61)** was India's most ambitious attempt at comprehensive rational allocation, using an input-output framework to set investment priorities for heavy industry.

- **Cost-benefit and outcome tools** live on: project appraisal by the Expenditure Finance Committee and Public Investment Board, the **Outcome Budget** (since 2005–06) and the **Output-Outcome Monitoring Framework** run with NITI Aayog.
- The gap between plan and outcome in many Five Year Plans was cited by critics as proof that comprehensive rationality outruns administrative capacity.

03

Simon's Bounded Rationality

IN SIMPLE WORDS

Nobody searching for a flat in a big city sees every flat. You look at a few, and you take the first one that is good enough on rent, distance and safety. That is satisficing: stopping at "good enough" because looking further costs too much.

Herbert Simon, the American Nobel-winning theorist of decision-making, in *Administrative Behavior* (1947) and *Models of Man* (1957), replaced the all-knowing "economic man" with **administrative man**.

- **Bounded rationality:** people are "intendedly rational, but only limitedly so". They are limited by **incomplete information**, limited **computational ability**, **time**, habits, values and the organisation's own **premises**.
- **Satisficing:** administrative man **searches for alternatives sequentially** and accepts the first that meets an **aspiration level** (a standard of "good enough"). If good options are found easily, the aspiration level rises; if not, it falls. These three features (search, satisficing and **aspiration adaptation**) are the core of Simon's view.
- **Simplified world:** administrative man works with a **simplified model** of reality, ignoring factors that seem irrelevant.
- **Organisation as the remedy:** organisations raise rationality by dividing work, setting routines, training staff, supplying information and fixing decision premises. Simon thus did not abandon rationality; he made it **procedural** (a good process) rather than **substantive** (the best result).

Critique.

- **Dror** argued that satisficing is **conservative**: it lowers sights and discourages bold innovation.
- **Critics of the fact-value split** (notably **Dwight Waldo**) said Simon's sharp separation of factual and value premises in decisions is untenable in public life.
- **Behavioural economics** has since confirmed and extended Simon: work on heuristics and biases (Kahneman and Tversky) and on "nudges" builds directly on bounded rationality.

INDIAN CONNECT — BOUNDED RATIONALITY IN INDIAN POLICY

- **Behavioural design in schemes:** default options, reminders and social comparison have been used in sanitation, tax compliance and immunisation campaigns; the **Economic Survey 2018–19** devoted a chapter to applying behavioural economics to policy. These tools accept that citizens (and officials) satisfice rather than optimise.
- **District officers** facing dozens of schemes, review meetings and targets routinely satisfice: they meet the indicator being monitored rather than optimise outcomes, which is why the choice of indicators matters so much.

04

Lindblom's Incrementalism

IN SIMPLE WORDS

A city does not redesign its bus network every year. It adds a route here, changes timings there and watches what happens. If a change works, it is kept; if not, it is undone. Policy-making by small, reversible steps is incrementalism.

4.1 Lindblom's argument

Charles E. Lindblom, the Yale economist and political scientist, set out incrementalism in "The Science of 'Muddling Through'" (*Public Administration Review*, 1959), developed it with **David Braybrooke** in *A Strategy of Decision* (1963) as **disjointed incrementalism**, and defended it again in "Still Muddling, Not Yet Through" (1979).

Lindblom contrasted the **rational-comprehensive ("root") method**, which starts afresh each time, with the **successive limited comparisons ("branch") method**, which builds out from the present situation step by step.

FEATURE	ROOT (RATIONAL-COMPREHENSIVE)	BRANCH (SUCCESSIVE LIMITED COMPARISONS)
Values and analysis	Values clarified first , separately	Values and analysis intertwined
Ends and means	Ends fixed, then means sought	Ends and means chosen together
Test of a good policy	Shown to be the best means to the end	Agreement among analysts and actors on the policy itself
Analysis	Comprehensive: every relevant factor	Drastically limited: important outcomes, alternatives and values neglected

FEATURE	ROOT (RATIONAL-COMPREHENSIVE)	BRANCH (SUCCESSIVE LIMITED COMPARISONS)
Reliance on theory	Heavy	Light; successive comparison reduces the need for theory

- **Disjointed:** analysis is spread across many actors and agencies in society, uncoordinated, each handling part of the problem.
- **Incremental:** only alternatives that differ **marginally** from existing policy are considered.
- **Remedial and serial:** policy moves away from present ills rather than towards a grand ideal; it is made and remade **endlessly**.
- **Partisan mutual adjustment:** in *The Intelligence of Democracy* (1965) Lindblom argued that coordination in a pluralist democracy comes from **bargaining and adjustment** among partisan actors, not from a central planner. The “intelligence” of the system lies in this distributed adjustment.

Why incrementalism prevails (its defence):

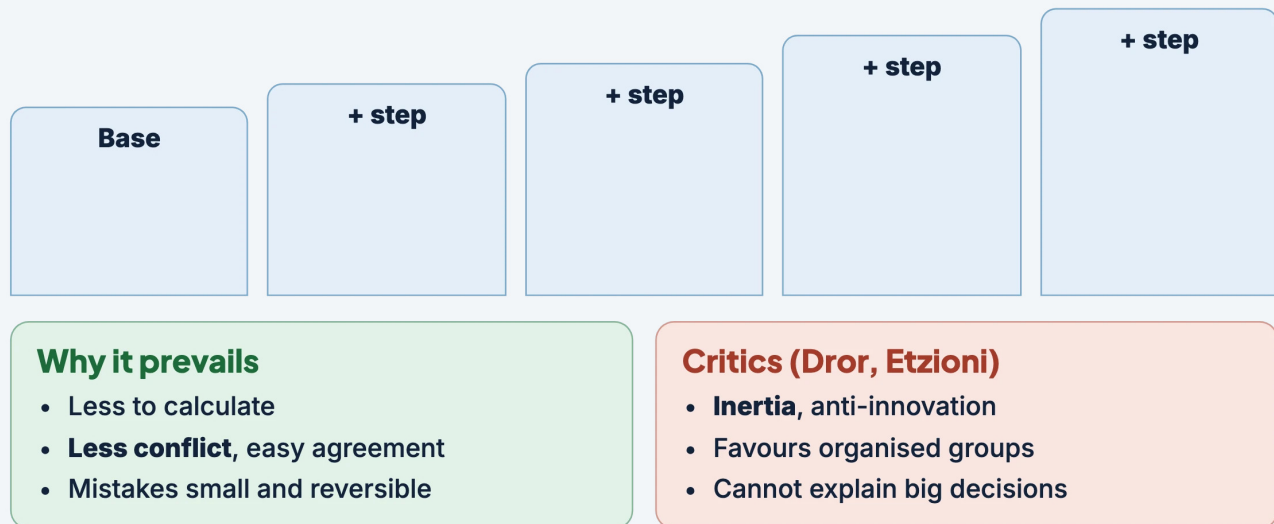
- It **reduces the cognitive burden:** only a few alternatives and consequences need study.
- It **reduces conflict:** small changes are easier to agree on than radical ones in a society with many interests; it is **politically expedient**.
- It **respects sunk costs** and keeps working programmes intact.
- It is **reversible:** mistakes are small and can be corrected by the next step.
- It matches **democratic pluralism:** policy emerges from many actors, none of whom has to agree on ultimate values.
- **Aaron Wildavsky's** *The Politics of the Budgetary Process* (1964) showed budgets behaving exactly this way: this year's base plus a fair share of the increase. Even **zero-based budgeting**, designed to break incrementalism, tended in practice to become incremental, because agencies could not re-justify every rupee each year.

4.2 Critique

- **Conservatism and inertia (Dror):** in “Muddling Through: ‘Science’ or Inertia?” (*Public Administration Review*, 1964), **Dror** argued that incrementalism is valid only when (a) present policies are broadly **satisfactory**, (b) the **nature of problems** is stable and (c) the **means** available are stable. Where these conditions fail, as in developing societies seeking rapid change, muddling through becomes a reinforcement of **pro-inertia and anti-innovation** forces.
- **Biased towards the organised (Etzioni):** partisan mutual adjustment reflects the interests of the **most powerful and organised** groups; the poor and unorganised are under-represented in the bargaining.
- **No fundamental decisions:** incrementalism cannot explain **big decisions** (declaring war, launching a space programme, opening an economy) that set the frame for later increments.

Incrementalism: Policy by Small Steps

Each year's policy is last year's policy plus a marginal change



In simple words: change a little, watch, then change a little again.

Public Administration

- **Drift into disaster:** a chain of small steps can add up to a large outcome nobody chose. American critics cited the escalation into **Vietnam** and the **Bay of Pigs** (1961) as incremental drift.
- **Bargaining needs slack:** negotiation works when there is **something extra to divide**; in times of scarcity hard choices need analysis, not just bargaining.
- **The "beagle fallacy":** like a beagle with a superb nose but weak eyesight, incrementalists may miss what is directly in front of them because they only follow the scent of past policy.
- **No vision:** critics charged incrementalists with an over-developed power of political calculation and an under-developed power of social imagination.
- **Lindblom's reply:** the alternative to incrementalism is not real comprehensiveness but **pretended** comprehensiveness; and a fast sequence of small steps can add up to substantial change. He also accepted later (in *Politics and Markets*, 1977) that business holds a **privileged position** in pluralist bargaining.

INDIAN CONNECT — INCREMENTALISM AND ITS LIMITS IN INDIA

- **Budgeting:** most Union budget allocations move as increments over the previous year's base, which is why outcome budgeting and expenditure reviews are repeatedly proposed to break the pattern.
- **Pension policy:** the **Unified Pension Scheme**, approved by the Union Cabinet on **24 August 2024** and effective from **1 April 2025** as an option within the National Pension System, did not return to

the old pension or scrap NPS; it added an **assured pension of 50% of average basic pay** of the last 12 months (for 25 years' service) on top of the existing architecture. It is a textbook incremental compromise between fiscal prudence and employee pressure.

- **Non-incremental breaks** show the other side: the **1991 reforms, demonetisation (November 2016)** and **GST (2017)** were large shifts that incrementalism cannot explain on its own.

COMMON CONFUSION

Is incrementalism necessarily slow? No. Lindblom insisted that incrementalism is about the **size and reversibility of each step**, not the speed of change. A rapid sequence of small steps can transform a policy within a few years, while a single grand plan may never be implemented at all. The 1988 PYQ makes this point: incrementalism can be "a fast moving sequence of small changes" that alters the status quo. The real weakness is not slowness but **direction**: small steps without a scan of the wider field may keep a country on the wrong path.

05

Etzioni's Mixed Scanning

IN SIMPLE WORDS

A weather satellite first scans the whole sky with a wide-angle camera to spot where storms are forming, then zooms in on those areas for close detail. It neither photographs every square metre in detail (too costly) nor looks only where it looked yesterday (too risky).

Amitai Etzioni, the German-born American sociologist, offered mixed scanning as a "third approach" in "Mixed-Scanning: A 'Third' Approach to Decision-Making" (*Public Administration Review*, 1967), developed in *The Active Society* (1968).

- **Two levels of decision:**
 - **Fundamental (contextuating) decisions:** a broad, high-order scan of the main alternatives in light of basic goals, without detailed analysis. These set the **direction**.
 - **Incremental (bit) decisions:** detailed, small-step decisions taken **within** the context set by the fundamental decisions, which prepare for and revise them.
- **Avoids both errors:** rationalism's unrealistic demand for complete detail, and incrementalism's **blindness** to new options and its bias towards the powerful.
- **Flexible depth:** how much scanning to do depends on the stakes, the cost of error and the capacity of the decision-maker; in a crisis, more fundamental scanning is needed.
- **Societal guidance:** Etzioni linked mixed scanning to an "active society" that guides its own change, rather than drifting through bargaining.

Critique.

- **Vague boundary:** critics asked how to tell a fundamental from an incremental decision; Etzioni gives no clear rule.
- **Not new:** some (including Lindblom's defenders) argued that good incrementalists already scan the field before taking steps, so mixed scanning restates practice rather than adding a model.
- **Descriptive or prescriptive?** It is both, and critics said it is not sharp enough as either.
- **Strength:** it is the model that best fits **planning in mixed economies**, where long-range goals are set centrally and annual programmes adjust within them.

INDIAN CONNECT — MIXED SCANNING IN INDIAN PLANNING

- **NITI Aayog's** move from Five Year Plans to long-range vision and strategy documents, with annual budgets and programme reviews within them, follows the mixed-scanning logic: a broad scan sets direction, and incremental steps carry it out.
- The **Aspirational Districts Programme (2018)** sets a few national goals across health, education, agriculture, financial inclusion and infrastructure, then lets districts improve step by step against monthly rankings.

06 Dror's Optimal Model

IN SIMPLE WORDS

A good doctor uses test reports and data, but also experience and a "feel" for the patient, especially when the case is unusual. Dror wanted policy-making to work the same way: data and analysis wherever possible, and disciplined judgement and creativity where data runs out.

6.1 The model

Yehezkel Dror, in *Public Policymaking Reexamined* (1968), proposed a **normative optimal model** that fuses the **economically rational** model with **extra-rational** processes.

- **Extra-rational elements:** intuition, judgement, creativity, tacit knowledge, "brainstorming" and leadership vision are not irrational; they are needed when information is short, problems are new and stakes are high.
- **Economic rationality, not pure rationality:** analysis should be pursued only as far as its benefits exceed its costs; the effort spent on analysis is itself a policy choice.
- **Metapolicy:** improving the **policy-making system** (its structures, personnel, information, procedures) is the highest-order task. Dror called this "policy on policymaking".
- **Feedback and learning:** the system must monitor results and learn.
- **Political feasibility:** Dror treated feasibility as a **probabilistic** concept: each policy alternative has a probability of being accepted and carried out by the relevant actors. Feasibility is therefore attached to

each alternative, can be estimated and can be **increased** by design, coalition-building and timing. This made politics part of rational analysis rather than an excuse for avoiding it.

- **Megapolicies:** broad master policies (postures, goals, boundaries, time preferences, risk preferences) that frame many specific policies.

6.2 The 18 phases

Dror divided optimal policy-making into **three stages and 18 phases**.

STAGE	PHASES (SUMMARISED)
Metapolicymaking (phases 1–7)	Processing values; processing reality; processing problems; surveying, processing and developing resources; designing, evaluating and redesigning the policy-making system; allocating problems, values and resources; determining policy-making strategy
Policymaking (phases 8–14)	Sub-allocating resources; establishing operational goals with priorities; establishing other significant values; preparing major alternatives; predicting benefits and costs; comparing them and identifying the best; evaluating the best alternative and deciding whether it is "good"
Post-policymaking (phases 15–17)	Motivating the execution of policy; executing policy; evaluating policy-making after execution
Feedback (phase 18)	Communication and feedback channels linking all phases

- Several summaries split the phases as 7, 6 and 5; Dror's own scheme is **7 metapolicy, 7 policymaking and 3 post-policymaking phases, plus a feedback phase**.

6.3 Critique

- **Academic, low operational utility:** critics said the model is a checklist of everything a good system should do, with **little guidance** on how to do it; it is normative and hard to apply.
- **Extra-rationality is undefined:** how to tell disciplined intuition from prejudice or political whim is left open; it may be used to justify arbitrary decisions.
- **Elitist bias:** the model trusts expert policy-makers and leaders; it says little about citizen participation.
- **Demanding:** few governments, least of all those in developing countries, have the analytical capacity it assumes.
- **Defence:** the model is meant as an **ideal to improve towards**, not a description; its stress on metapolicy, capacity-building and learning has proved prescient, and it was the first model to treat creativity and judgement as legitimate parts of policy analysis.

INDIAN CONNECT — OPTIMAL-MODEL THINKING IN INDIA

- **Digital public infrastructure** (Aadhaar, the Unified Payments Interface, the “JAM” trinity of Jan Dhan accounts, Aadhaar and mobile phones) combined data-driven design with a bold, non-incremental leap that analysis alone would not have recommended at the time.
- **Metapolicy** shows in institutional redesign: the replacement of the Planning Commission by NITI Aayog (2015), the creation of DMEQ, and **Mission Karmayogi** (2020) for civil service capacity are attempts to improve the policy-making system itself.

07

Group Theory

IN SIMPLE WORDS

Think of a tug-of-war with many ropes. Farmers, traders, industry, unions and consumers each pull. Policy settles wherever the pulls balance at that moment, and it moves whenever one side gains strength.

- **Origins:** **Arthur F. Bentley**, *The Process of Government* (1908), argued that politics is the activity of **groups**; **David Truman**, *The Governmental Process* (1951), and **Earl Latham**, *The Group Basis of Politics* (1952), developed it.
- **Core claim:** public policy is the **equilibrium** reached in the struggle among groups at a given time. As groups gain or lose influence, policy shifts towards the gainers. Latham described the legislature as a referee that ratifies the victories of successful coalitions.
- **Hydraulic thesis:** the polity is a system of forces and pressures acting on one another; policy is the resultant.
- **Checks in the system:** Truman argued that **overlapping memberships** (a person is a farmer, a parent and a member of a caste association at once) and **potential groups** (latent interests that organise if threatened) keep any group from dominating.
- **Regulatory capture:** studies of regulatory agencies found many were eventually **captured** by the industries they were meant to regulate; “what is good for the group is good for the nation” in the eyes of the regulators. **George Stigler**’s theory of economic regulation (1971) formalised this.

Critique.

- **Unequal groups:** organised, well-funded groups win; the poor, consumers and future generations are weakly organised. **Mancur Olson**, *The Logic of Collective Action* (1965), showed that small groups with concentrated stakes organise more easily than large groups with diffuse stakes.
- **State as a passive referee:** the model underrates the **autonomy of the state** and of officials, who have their own interests and ideas.
- **Non-decisions ignored:** it studies open contests only (Bachrach and Baratz).

- **Developing countries:** where many groups are weak, caste- or patronage-based, or excluded, the model explains less.

INDIAN CONNECT — GROUP PRESSURE IN INDIAN POLICY

- **Farm laws:** the three farm laws of **2020** were repealed by the **Farm Laws Repeal Act, 2021** after a year-long protest led by farmers' unions, a vivid case of organised groups reversing policy.
- **Industry associations** (FICCI, CII, ASSOCHAM), trade unions, professional bodies and caste associations press their demands through consultations, pre-budget meetings and media.
- **Drug pricing** and other regulatory fields show the risk of capture that the group model predicts.

08 Elite Theory

IN SIMPLE WORDS

In many societies a small circle of top politicians, senior officials, business leaders and media owners decides most big questions, and most citizens simply accept the results. Elite theory says this is how policy is really made, whatever the formal rules say.

- **Classical elitists:**
 - **Vilfredo Pareto** (*The Mind and Society*, 1916): every society has a **governing elite**, a **non-governing elite** and the masses; elites rise and fall in a "**circulation of elites**" (the "lions" who rule by force and the "foxes" who rule by cunning).
 - **Gaetano Mosca** (*The Ruling Class*, 1896): in all societies there are two classes, a **ruling minority** that monopolises power and a **ruled majority**; the minority rules because it is organised.
 - **Robert Michels** (*Political Parties*, 1911): the **iron law of oligarchy**: every organisation, even a democratic party, comes to be run by a few.
- **C. Wright Mills**, the American sociologist, in *The Power Elite* (1956), argued that the USA was ruled by an interlocking elite of **corporate, military and political** leaders who share backgrounds and values.
- **Thomas Dye and Harmon Zeigler**, *The Irony of Democracy* (1970), turned this into a **policy model**:
 - Society is divided into the **few who have power** and the **many who do not**.
 - Elites share a **consensus on basic values** (preserving the system); policy reflects **elite values**, not mass demands.
 - Policy flows **downward**, from elites through officials to the masses; the masses are largely **apathetic and ill-informed**, and their opinions are shaped by elites more than the reverse.
 - Change is **incremental** because elites seek to preserve the system; it happens when events threaten it.
 - Elite **competition** within the consensus gives some choice, but on narrow terms.
- **Bureaucracy as elite:** in some versions the higher civil service itself is the ruling elite, using policy to protect its own position ("Leviathan" state).

Critique.

- **Hard to test:** who counts as elite, and how unity is shown, is often assumed rather than demonstrated. **Robert Dahl** (*Who Governs?*, 1961, a study of New Haven) found that different elites dominated different issues, with no single ruling group.
- **Underrates mass politics:** elections, movements and courts do force elites to change course.
- **Static:** it describes power but explains change poorly.
- **Strength:** it explains the persistence of policies that serve the powerful and the frequent gap between public opinion and policy.

INDIAN CONNECT — ELITE INFLUENCE IN INDIAN POLICY

- **Political funding:** in *Association for Democratic Reforms v. Union of India* (15 February 2024) a Constitution Bench struck down the **Electoral Bond Scheme, 2018**. It held that anonymous funding violated voters' right to information under **Article 19(1)(a)**, and that the amendment allowing **unlimited corporate donations** was arbitrary under **Article 14**. The Court reasoned that such funding could buy access to policy-makers, which is the elite model's central worry.
- **Technocratic drafting:** policies drafted within a small circle of ministers and officials without wide consultation (often cited for the 2020 farm laws) fit the elite pattern, and their reversal shows its limits in a mass democracy.

09

Institutional and Neo-institutional Models

IN SIMPLE WORDS

The same cricket team plays differently under Test rules and T20 rules. Rules and structures shape behaviour. The institutional model says the same about government: constitutions, legislatures, courts and departments shape what policy can look like.

9.1 The traditional institutional model

- **Focus:** the formal structures of government (constitution, legislature, executive, courts, departments) and their **legal powers and duties**. Policy is what these institutions **authoritatively determine, implement and enforce**.
- **Three features of institutional policy (Dye):** it has **legitimacy** (legal obligation), **universality** (it applies to everyone) and a **monopoly of coercion**.
- **Representative work:** **Carl J. Friedrich**, *Constitutional Government and Democracy* (1937 and later editions).
- **Weakness:** the old model described organisation charts and legal powers but **ignored the living links** between institutions and the policy that flows from them. The behavioural revolution of the 1950s swept it aside.

9.2 Neo-institutionalism

- **Lowi's arenas of power: Theodore Lowi** ("American Business, Public Policy, Case-Studies, and Political Theory", *World Politics*, 1964; extended in 1972) classified policies by two dimensions, the **likelihood of coercion** (remote or immediate) and its **target** (individual conduct or the environment of conduct):

POLICY TYPE	COERCION	EXAMPLE	TYPICAL POLITICS
Distributive	Remote, individual	Subsidies, local projects	Quiet logrolling, low conflict
Regulatory	Immediate, individual	Licensing, pollution control	Group bargaining
Redistributive	Immediate, environment	Progressive tax, land reform	Class-like conflict, ideological, centred in the bureaucracy and executive
Constituent	Remote, environment	Creating agencies, reorganising government	Elite and administrative politics

- **New institutionalism: James March and Johan Olsen** (*Rediscovering Institutions*, 1989) argued that institutions shape preferences through a "**logic of appropriateness**": actors do what their role and rules make proper. Variants include **historical institutionalism** (path dependence: early choices lock in later ones) and **rational choice institutionalism** (rules shape incentives).
- **Path dependence** explains why reforms are hard: an established programme creates beneficiaries, staff and expectations that defend it.

Critique. The model can be **static** and **legalistic**; it says less about why institutions themselves change; new institutionalism is criticised for stretching "institution" to mean almost anything.

INDIAN CONNECT — INSTITUTIONS SHAPING INDIAN POLICY

- **Federal institutions:** the **GST Council** under **Article 279A** institutionalised Union–State bargaining over indirect tax. Its **56th meeting (3 September 2025)** moved to a two-rate structure of **5% and 18%** (with a 40% rate for a few goods), mostly effective from **22 September 2025**. The forum, not the Union alone, shaped the outcome.
- **Path dependence:** caste was excluded from every census after Independence, and the decision of the **Cabinet Committee on Political Affairs on 30 April 2025** to include **caste enumeration** in the next census shows how long an institutional default can last before it is broken.

Easton's Systems Model

IN SIMPLE WORDS

A machine takes in raw material, processes it and turns out a product; customers' reactions come back and change what goes in next time. Easton described government the same way: demands and support go in, policies come out, and their effects come back as new demands.

David Easton, the Canadian-born American political scientist, developed the systems model in *The Political System* (1953), *A Framework for Political Analysis* (1965) and *A Systems Analysis of Political Life* (1965).

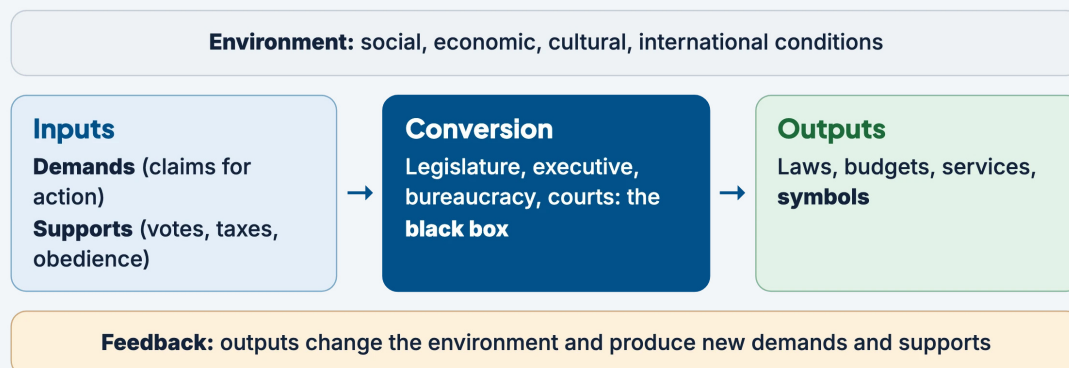
- **Environment:** the social, economic, cultural and international conditions that surround the political system.
- **Inputs:**
 - **Demands:** claims by individuals and groups for action (higher crop prices, safer roads).
 - **Supports:** acts that sustain the system (voting, obeying laws, paying taxes, patriotism).
- **Conversion process ("black box"):** the institutions and processes (legislature, executive, bureaucracy, parties, courts) that turn inputs into decisions. **Gatekeepers** (parties, officials, media) filter demands; "**withinputs**" are demands generated inside the system itself.
- **Outputs:** authoritative decisions and actions (laws, budgets, services, symbols). **Outcomes** are their effects on society.
- **Feedback:** outputs change the environment, which produces new demands and supports; the system adapts to survive.
- **Persistence:** the system preserves itself by producing reasonably satisfying outputs, relying on deep-rooted attachment (diffuse support) and, if necessary, force.

PUBLIC ADMINISTRATION · PUBLIC POLICY

Systems model

Easton's Political System

Inputs from the environment are converted into authoritative outputs



In simple words: what goes in shapes what comes out, and what comes out changes what goes in.

Public Administration

Critique.

- **Black box:** the model says little about **how** conversion happens: who decides, how and why. It names the box but does not open it.
- **Conservative bias:** the stress on system persistence and equilibrium sits uneasily with conflict, revolution and radical change.
- **Abstract:** concepts are broad and hard to measure.
- **Strength:** it gives a **comprehensive map** of the policy environment and a language (inputs, outputs, feedback) used by every later model, and it shows that policy depends on environmental pressures, not only on government will. **Gabriel Almond** adapted it into structural-functional analysis for comparative politics.

11 Public Choice Model

IN SIMPLE WORDS

If you assume that a shopkeeper wants profit, you can predict a lot about how he behaves. Public choice makes the same assumption about voters, politicians and officials: each pursues self-interest, and policy is what results when all these self-interested choices meet.

- **Founders:** **James Buchanan and Gordon Tullock**, *The Calculus of Consent* (1962), founded the **Virginia school**; **Anthony Downs**, *An Economic Theory of Democracy* (1957) and *Inside Bureaucracy* (1967); **William Niskanen**, *Bureaucracy and Representative Government* (1971); **Vincent and Elinor Ostrom** applied it to public administration and local public economies.
- **Core assumption: methodological individualism** and **self-interest**: voters maximise utility, politicians maximise votes, bureaucrats maximise their budgets or power.
- **Key claims:**
 - **Downs** classified officials by motive (climbers, conservers, zealots, advocates, statesmen); his model rests on a theory of **psychological motivation**. Bureaus grow, become rigid and resist change.
 - **Niskanen** used **neo-classical** economic reasoning: bureaucrats, holding a monopoly of information over their output, **maximise budgets**, so public services are over-supplied relative to what citizens would choose.
 - **Rent-seeking** (Tullock): groups spend resources to win privileges (licences, tariffs) that transfer wealth rather than create it.
 - **Logrolling** and vote-trading produce bundles of policies that no majority would accept separately.
- **Policy prescriptions:** smaller government, competition among agencies, contracting out, user charges, decentralisation to many small jurisdictions, and constitutional rules that limit spending. Public choice gave intellectual backing to **New Public Management** ("steering, not rowing").
- **Goods classification:** public choice writers sorted goods by **exclusion** (can non-payers be kept out?) and **consumption** (individual or joint): **private goods** (a meal), **toll goods** (cable TV, electricity), **common-pool goods** (fish in the sea, groundwater) and **collective goods** (defence, street lighting). Government's role is

greatest for collective and common-pool goods, where **free riders** and the “**tragedy of the commons**” (Garrett Hardin, 1968) defeat the market.

Critique.

- **Narrow view of human motive:** officials and citizens also act from duty, professional norms and public spirit (the “public service motivation” literature).
- **Imperfect markets:** the remedies assume that markets work well, but information gaps, monopolies and externalities limit them; contracting out often creates new rent-seeking.
- **Political factors:** budget decisions are made by politicians and finance ministries, not by bureaus alone; Niskanen later softened his budget-maximising claim.
- **Equity:** market-like solutions can neglect the poor and redistribution.
- **Strength:** it explains regulatory capture, subsidy lock-in and bureaucratic growth, and it pushed public administration to design incentives carefully.

12 Garbage Can, Multiple Streams, Advocacy Coalitions and Punctuated Equilibrium

IN SIMPLE WORDS

Sometimes a solution is waiting for a problem. A group of experts has a well-worked plan, and nobody listens until a crisis suddenly makes everyone ask, “What can we do?” Then the waiting plan is picked up. These models explain how such moments arrive and why policy can stay stuck for years, then change all at once.

12.1 The garbage can model

Michael Cohen, James March and Johan Olsen, “A Garbage Can Model of Organizational Choice” (*Administrative Science Quarterly*, 1972), studied universities and described them as **organised anarchies**.

- **Three conditions:** **problematic preferences** (goals are unclear and discovered through action), **unclear technology** (members do not understand how the organisation works) and **fluid participation** (people come and go).
- **Four streams:** **problems**, **solutions**, **participants** and **choice opportunities** flow independently, like items tossed into a garbage can. Decisions happen when they happen to **meet**.
- **Consequences:** solutions often come **before** problems; many decisions are made by **oversight** or **flight** rather than by resolving the problem.
- **Critique:** it describes disorder but predicts little; real governments are more structured than universities.

12.2 Kingdon's multiple streams

John W. Kingdon, *Agendas, Alternatives, and Public Policies* (1984), adapted the garbage can to national policy, especially **agenda setting**.

- **Problem stream:** conditions become "problems" through **indicators** (statistics), **focusing events** (disasters, crises) and **feedback** from existing programmes. Problems can also fade from view.
- **Policy stream:** a "**primeval soup**" of ideas floats among specialists (officials, academics, analysts). Ideas survive if they are **technically feasible**, fit **dominant values** and are within **budgetary and political limits**; a "softening up" phase, with **trial balloons**, prepares acceptance. Consensus here is built by **persuasion**.
- **Political stream:** the **national mood**, elections, changes of government and interest group campaigns. Consensus here is built by **bargaining**, ending in a "bandwagon" or "tilt".
- **Actors:** the **visible cluster** (ministers, legislators, media, parties) shapes the governmental agenda; the **hidden cluster** (career officials, academics, staff) shapes the alternatives.
- **Policy window:** when the three streams **couple**, a window opens. Windows are short; they open because of a compelling problem or a political shift.
- **Policy entrepreneurs:** people who invest time and reputation in a pet proposal, wait for a window and **couple** problem, solution and politics.

PUBLIC ADMINISTRATION · PUBLIC POLICY

Agenda setting

Kingdon's Multiple Streams

Policy changes when three independent streams meet at a window

Problem stream

Indicators, **focusing events**, feedback

Policy stream

Ideas of experts; **feasible** and acceptable options

Political stream

National mood, **elections**, new government



Policy window opens: streams couple

Policy entrepreneur joins a problem, a ready solution and political will

In simple words: a ready idea waits until a crisis and the right politics arrive together.

Public Administration

Critique. The streams are not truly independent; the model is better at explaining agenda setting after the fact than predicting it; it was built on the US federal system and needs adapting to parliamentary and federal-cooperative systems.

INDIAN CONNECT — POLICY WINDOWS IN INDIA

- **1991:** the **balance of payments crisis** (problem stream), long-discussed liberalisation proposals (policy stream) and a new government (political stream) coupled into the economic reforms.
- **Disaster management:** the **December 2004 Indian Ocean tsunami** was the focusing event behind the **Disaster Management Act, 2005**.
- **Criminal law:** the **Delhi gang rape of December 2012** led to the **Justice J.S. Verma Committee** (report, January 2013) and the **Criminal Law (Amendment) Act, 2013**.
- **Lateral entry:** the UPSC advertisement of **17 August 2024** for 45 lateral posts was **cancelled on 20 August 2024** after the government asked for a review to include reservation, showing how a shift in the political stream can close a window as fast as it opens.

12.3 The advocacy coalition framework

Paul Sabatier, the American policy scholar, set out the ACF in *Policy Sciences* (1988) and, with **Hank Jenkins-Smith**, in *Policy Change and Learning* (1993).

- **Policy subsystem:** policy is made within a subsystem of actors from many institutions (officials, legislators, interest groups, researchers, journalists) focused on one policy area.
- **Advocacy coalitions:** actors group into usually **two to four coalitions** that share **beliefs** and coordinate their actions.
- **Belief system in three layers:**
 - **Deep core:** basic values about human nature and society; very hard to change.
 - **Policy core:** basic positions within the subsystem (state vs market in health, for instance); hard to change.
 - **Secondary aspects:** details of instruments and budgets; change readily.
- **Policy brokers** mediate between coalitions.
- **Change** comes from **external shocks** (economic crises, a change of ruling coalition), **policy-oriented learning** (mostly in secondary aspects) and **negotiated agreements**. Understanding change requires a time perspective of **a decade or more**.
- **Critique:** coalitions are hard to identify; the framework fits pluralist democracies with many organised groups better than centralised systems.

INDIAN CONNECT — COALITIONS IN INDIAN POLICY

- **Right to Information:** a coalition of grassroots activists, journalists, lawyers and sympathetic officials, built over the 1990s around the **Mazdoor Kisan Shakti Sangathan** and the National Campaign for People's Right to Information, moved from state laws to the **RTI Act, 2005**.
- **Rural employment:** long contests between a rights-based coalition and a fiscal-efficiency coalition shaped MGNREGA (2005) and its replacement, the **Viksit Bharat – Guarantee for Rozgar and Aajeevika Mission (Gramin) Act, 2025** (assent **20 December 2025**), which raises the

statutory guarantee to **125 days**. The debate turned on policy-core beliefs about rights, demand-driven work and fiscal control.

12.4 Punctuated equilibrium

Frank Baumgartner and Bryan Jones, *Agendas and Instability in American Politics* (1993), borrowed the term from evolutionary biology.

- **Long stability, sudden change:** most policies stay stable for long periods (incremental change) and then change **sharply** in short bursts.
- **Policy monopolies:** stability rests on a closed community that controls a **policy image** (how the issue is understood) and a **policy venue** (where it is decided).
- **Breaking monopolies:** challengers redefine the image (for example from “progress” to “risk”) and shift the issue to new venues (courts, other committees, states, media). When attention shifts, change cascades.
- **Bounded rationality at system level:** governments cannot attend to everything at once; issues are processed in parallel in subsystems until they jump into **serial**, macro-political attention.
- **Critique:** it describes the pattern well but finds it hard to predict when a punctuation will occur; the threshold for “sharp” change is arbitrary.

INDIAN CONNECT — PUNCTUATIONS IN INDIAN POLICY

- **Labour law:** four labour codes were passed in **2019–2020** but remained unenforced for years; they were brought into force together on **21 November 2025**, replacing **29** central labour laws: a long stasis followed by a sudden break.
- **Indirect tax:** GST took nearly two decades of discussion before the **Constitution (One Hundred and First Amendment) Act, 2016** and its launch in July 2017, and another large reset in September 2025.

13 Game Theory and Policy Networks

IN SIMPLE WORDS

In chess, your best move depends on what you expect your opponent to do. Many policy choices are like that: a state's choice on water sharing or a tax rate depends on what other states or the Centre will do.

13.1 Game theory

- **Origin:** **John von Neumann and Oskar Morgenstern**, *Theory of Games and Economic Behavior* (1944).

- **Core idea: a rational choice in interdependent situations:** the best outcome for each player depends on what others choose. A conflict situation is a “game”; players choose **strategies**; outcomes are **pay-offs**.
- **Types: zero-sum** games (one’s gain is another’s loss) and **non-zero-sum** games (both can gain or lose). Games of **strategy**, not chance.
- **Prisoners’ dilemma:** two suspects, held separately, each do better by confessing whatever the other does, yet both would be better off if neither confessed. Individually rational choices produce a **collectively worse** result. This explains arms races, overuse of groundwater, competitive tax concessions by states and the difficulty of climate agreements.
- **Uses in policy:** war and peace, diplomacy, coalition bargaining, federal fiscal bargaining, regulation and auctions (spectrum auctions are designed with game theory).
- **Critique:** assumes rational, well-informed players and known pay-offs; real players misjudge each other and have mixed motives. Its main value is in forcing careful **thinking through of options and counter-moves** before acting; rigid faith in it can mislead.

13.2 Policy networks

- **From triangles to networks:** older American work spoke of **iron triangles** (agency, legislative committee and interest group). **Hugh Heclo** (“Issue Networks and the Executive Establishment”, 1978) found looser, more open **issue networks** of experts and activists.
- **Rhodes–Marsh typology** (*Policy Networks in British Government*, 1992): a continuum from **policy communities** (few members, stable, shared values, frequent contact, resource exchange; for example agriculture) to **issue networks** (many members, fluctuating access, conflict, unequal power; for example environment).
- **Governance view: R.A.W. Rhodes** argued that policy is increasingly made through **self-organising networks** of state and non-state actors; the state steers rather than commands.
- **Globalisation:** networks now cross borders. International organisations, credit rating agencies, global NGOs, treaty bodies and policy transfer among countries shape national agendas (climate commitments, financial regulation, Sustainable Development Goals), so the national policy agenda becomes partly international.
- **Critique:** “network” is often a metaphor rather than an explanation; networks can be closed and unaccountable; they describe structure better than they explain outcomes.

INDIAN CONNECT — NETWORKS AND GAMES IN INDIAN POLICY

- **GST Council** decisions involve repeated games between the Union and States, with compensation as a side-payment that eased agreement.
- **Inter-state river disputes** show the prisoners’ dilemma: each riparian state’s short-term interest in drawing more water damages all.
- **CoWIN and the COVID-19 vaccination drive** ran through a network of Union and State health departments, private hospitals, manufacturers and technology teams.

Comparing the Models

IN SIMPLE WORDS

Different maps of the same city show different things: roads, metro lines, wards. None is wrong, and none shows everything. The policy models are maps of this kind.

The table below sets the models side by side. Each answers a different question, so the comparison is about **focus and blind spots**, not about which one is “true”.

MODEL	KEY THINKERS (WORK, YEAR)	POLICY IS ...	MAIN STRENGTH	MAIN CRITICISM
Rational-comprehensive	Lasswell; PPBS planners	The option with maximum net social gain	Clear standard of good policy	Impossible information demands; ignores politics
Bounded rationality	Simon, <i>Administrative Behavior</i> (1947)	A satisficing choice	Realistic picture of decision-makers	Conservative; fact-value split
Incrementalism	Lindblom (1959); Braybrooke and Lindblom (1963)	Small adjustments to the past	Realistic, low-conflict, reversible	Inertia; bias to the powerful; no big decisions
Mixed scanning	Etzioni (1967)	Broad scan plus incremental steps	Joins direction with realism	Vague line between levels
Optimal	Dror (1968)	Rational plus extra-rational, with metapolicy	Values creativity, learning, capacity	Normative, hard to operate
Group	Bentley (1908); Truman (1951)	Equilibrium of group pressure	Explains bargaining and capture	Unequal groups; passive state
Elite	Mosca; Pareto; Mills (1956); Dye and Zeigler (1970)	Elite preferences	Explains bias and continuity	Hard to prove; underrates mass politics
Institutional	Friedrich; Lowi (1964, 1972); March and Olsen (1989)	Output of institutions and rules	Shows how structure shapes choice	Static; legalistic

MODEL	KEY THINKERS (WORK, YEAR)	POLICY IS ...	MAIN STRENGTH	MAIN CRITICISM
Systems	Easton (1953, 1965)	Output of the system in response to inputs	Comprehensive map with feedback	Black box; equilibrium bias
Public choice	Buchanan and Tullock (1962); Downs; Niskanen (1971)	Result of self-interested choices	Explains rent-seeking and growth of bureaus	Narrow view of motive; market bias
Garbage can	Cohen, March and Olsen (1972)	Chance coupling of streams	Explains disorderly decisions	Little predictive power
Multiple streams	Kingdon (1984)	Coupling of problem, policy, politics at a window	Explains agenda setting and timing	Streams not independent; ex post
Advocacy coalition	Sabatier (1988); Sabatier and Jenkins-Smith (1993)	Contest of belief coalitions over a decade	Explains long-run change and learning	Coalitions hard to identify
Punctuated equilibrium	Baumgartner and Jones (1993)	Long stability broken by bursts	Joins incremental and radical change	Cannot predict punctuations
Game theory	von Neumann and Morgenstern (1944)	Strategic choice among interdependent players	Clarifies options and counter-moves	Unrealistic rationality
Policy networks	Heclo (1978); Rhodes and Marsh (1992)	Product of state–society networks	Fits governance and globalisation	Metaphor more than theory

- **Decision models** (rational to optimal) ask **how** a choice is reached; **power models** (group, elite, institutional, systems, public choice) ask **who** shapes it; **agenda and change models** ask **when and why** policy moves.
- The models are **complementary**: Indian policy often shows an elite or institutional core, group pressure at the edges, incremental routine punctuated by crises, and windows opened by focusing events.

CRITICISM – THE CASE AGAINST MODELS OF POLICY-MAKING

- **Partial**: each model isolates one factor and so misdescribes the whole process.
- **Western origin**: most were built on the USA, with its separation of powers, strong interest groups and weak parties; they fit India's parliamentary, federal and coalition politics only partly.

- **Descriptive or prescriptive confusion:** models slide between saying how policy is made and how it should be made.
- **Little predictive power:** the agenda models in particular explain change after the fact.
- **Neglect of implementation:** most models stop at the decision, though implementation can change policy as much as the decision itself.

DEFENCE — THE CASE FOR POLICY MODELS

- **Simplification is the point:** a model highlights what matters most in a given case and suggests what evidence to look for.
- **Plural lenses improve understanding:** using several models together (as Graham Allison did for the Cuban missile crisis in *Essence of Decision*, 1971) gives a fuller picture than any one.
- **Practical guidance:** rational and optimal models supply standards (cost-benefit, evaluation, metapolicy); incremental and stream models warn about feasibility and timing.
- **Adaptable:** the models have been extended to developing countries, federal bargaining and global networks.
- **Democratic value:** models expose whose interests shape policy, which supports accountability.

15

State Theories and Public Policy Formulation

IN SIMPLE WORDS

Who really decides in a country: everyone through many groups, a small top circle, the owners of capital, a bargain between big organisations, men rather than women, or a strong state that leads the economy? Each answer is a state theory, and each gives a different explanation of why policies look the way they do.

The policy models above ask how a decision is made. **State theories** go deeper and ask **what the state is**, whose interests it serves and how much **autonomy** it has from society. Classical theories of the state's origin (the **social contract** of Hobbes, Locke and Rousseau, the **liberal** theory and its shift from laissez-faire to positive liberalism) form the background; the theories below are the ones that explain **policy formulation** in modern states.

15.1 Pluralist theory

- **Thinkers:** **Robert Dahl**, *Who Governs?* (1961) and *Polyarchy* (1971); **David Truman**; earlier, **Harold Laski** and the English pluralists, who denied the state's monistic sovereignty and saw it as an "association of associations".

Who Shapes Public Policy?

Seven views of the state and how each explains policy formulation

Theory	Who shapes policy	Role of the state
Pluralist	Many competing groups	Neutral referee
Elitist	A cohesive minority	Instrument of elites
Marxist	Capitalist class	Instrument, or relatively autonomous
Neo-pluralist	Groups, business privileged	Business-dependent actor
Corporatist	State plus peak associations	Partner and licensor
Feminist	Men and male norms	Patriarchal
Developmental	Technocratic state core	Leader of the market

In simple words: each theory gives a different answer to whose interests the state serves.

Public Administration

- **View of the state:** a **neutral arena or referee**; power is **dispersed** among many groups; resources (money, numbers, expertise, organisation) are unequally but **widely** spread, and potential power exceeds actual power.
- **How policy is formed:** by **competition and bargaining** among groups; policy is a compromise; losers can fight another day. Different groups dominate different issue areas.
- **Critique:** ignores unequal resources and non-decisions (Bachrach and Baratz); ignores the privileged position of business; assumes a neutral state.

15.2 Elite theory of the state

- **Thinkers:** Pareto, Mosca, Michels, Mills (Section 8).
- **View of the state:** run by a **cohesive minority**; democracy is in part a **myth** that legitimises elite rule.
- **How policy is formed:** elites define problems and choose solutions; policy reflects elite consensus; mass opinion is shaped from above. Elite theory stands against both pluralism and theories of state autonomy.
- **Critique:** Section 8.

15.3 Marxist theory

- **Classical view:** **Marx and Engels**, *The Communist Manifesto* (1848): "the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie". **Engels**, *The Origin of the Family, Private Property and the State* (1884), traced the state to the rise of **private property** and class division; **Lenin**, *The State and Revolution* (1917), called it the product of irreconcilable class antagonisms.

- **Instrumentalist Marxism: Ralph Miliband**, *The State in Capitalist Society* (1969): the state is an **instrument** of the capitalist class, because state elites share its social background, values and links.
- **Structuralist Marxism: Nicos Poulantzas**, *Political Power and Social Classes* (1968): the state has **relative autonomy** from individual capitalists so that it can protect the **long-run interests of capitalism** as a whole, even passing welfare and labour laws that individual capitalists oppose. The Miliband–Poulantzas debate (1969–1970s) is the key exchange.
- **Fiscal crisis: James O'Connor**, *The Fiscal Crisis of the State* (1973): the state must serve both **accumulation** (supporting profit) and **legitimation** (welfare to keep consent), and the two strain its finances.
- **How policy is formed:** policy serves **capital accumulation** and **social control**; welfare and reform are concessions that stabilise the system.
- **Critique:** economic reductionism; underrates electoral politics, ideas and state autonomy; the collapse of state socialism weakened its prescriptive side, though its analysis of business power remains influential.

15.4 Neo-pluralist theory

- **Thinkers: Charles Lindblom**, *Politics and Markets* (1977); **Robert Dahl**, *Dilemmas of Pluralist Democracy* (1982); **J.K. Galbraith** on countervailing power and the power of large corporations.
- **View of the state:** pluralism **revised**: many groups still compete, but **business holds a privileged position** because governments depend on business confidence for investment, jobs and revenue. The state is not a neutral umpire but a **relatively autonomous actor** with its own interests.
- **How policy is formed:** competitive bargaining, **structurally tilted** towards business; governments anticipate business reaction even without lobbying.
- **Critique:** sits between pluralism and Marxism; critics say it concedes the key Marxist point without explaining it.

15.5 Corporatist theory

- **Thinker: Philippe Schmitter**, “Still the Century of Corporatism?” (*Review of Politics*, 1974), defined corporatism as a system in which a **limited number** of **compulsory, hierarchical, non-competing** interest organisations are **recognised or licensed by the state** and granted a **representational monopoly** in return for controls on their demands and leaders.
- **State corporatism** (authoritarian regimes, imposed from above) is distinguished from **societal or neo-corporatism** (democracies such as Austria, Sweden and Germany, where peak federations of employers and unions bargain with the state).
- **How policy is formed:** by **tripartite bargaining** among the state, peak business associations and peak labour federations, especially on wages, prices, welfare and industrial policy.
- **Critique:** excludes unorganised interests (consumers, informal workers, women, minorities); declined with globalisation and weakened unions; fits small European welfare states better than large diverse ones.

15.6 Feminist theory

- **Thinkers: Carole Pateman**, *The Sexual Contract* (1988), argued that the social contract rests on an unstated **sexual contract** that subordinates women; **Catharine MacKinnon** saw the liberal state as male in its norms; the slogan “**the personal is political**” challenged the public–private divide.

- **View of the state: patriarchal:** dominated by men, it treats male experience as the norm and leaves the “private” sphere (family, care work, domestic violence) outside policy.
- **How policy is formed:** policy reflects gendered assumptions; unpaid care work is invisible; issues that mainly affect women are kept off the agenda (non-decisions). Liberal feminists seek representation and equal rights; radical and socialist feminists seek deeper change; **state feminism** works through women’s policy agencies inside the state.
- **Tools: gender mainstreaming** (endorsed at the **Beijing Conference, 1995**), **gender budgeting**, gender impact assessment and quotas.
- **Critique:** differences among women (class, caste, race) make “women’s interests” plural; gains through the state can be co-opted.

15.7 The developmental state

- **Thinkers: Chalmers Johnson**, *MITI and the Japanese Miracle* (1982); **Peter Evans**, *Embedded Autonomy* (1995); Alice Amsden and Robert Wade on Korea and Taiwan.
- **View of the state: a strong, autonomous, strategic** state with a capable, merit-based bureaucracy (a “pilot agency” such as Japan’s MITI) that **leads** the market towards national development goals.
- **Embedded autonomy (Evans):** the state is **autonomous** enough to resist capture by particular interests, yet **embedded** in dense ties with business so it can gather information and coordinate investment.
- **How policy is formed:** by a technocratic core that sets **industrial priorities**, disciplines firms through credit and protection tied to performance, and shields the economy from short-term political pressure.
- **Critique:** often authoritarian; success depends on rare bureaucratic quality; prone to cronyism when embeddedness becomes capture; harder to replicate in an open, globalised economy.

15.8 Public choice view of the state

- **Thinkers:** Buchanan, Tullock, Niskanen (Section 11).
- **View of the state:** not a benevolent guardian but a collection of **self-interested** politicians and bureaucrats.
- **How policy is formed:** through vote-seeking, budget-maximising and rent-seeking; hence the case for **constitutional limits** on government and market alternatives.

The table brings the state theories together.

THEORY	WHO SHAPES POLICY	ROLE OF THE STATE	TYPICAL POLICY RESULT
Pluralist	Many competing groups	Neutral referee	Compromise among groups
Elitist	A cohesive minority	Instrument of elites	Policies preserving elite values

THEORY	WHO SHAPES POLICY	ROLE OF THE STATE	TYPICAL POLICY RESULT
Marxist (instrumental / structural)	Capitalist class	Instrument, or relatively autonomous guardian of capitalism	Accumulation plus legitimising welfare
Neo-pluralist	Groups, with business privileged	Relatively autonomous, business-dependent	Bargains tilted to business
Corporatist	State plus licensed peak associations	Partner and licensor	Tripartite agreements
Feminist	Men and male norms	Patriarchal	Gender-blind policy, invisible care work
Developmental	Technocratic state core	Leader of the market	Strategic industrial policy
Public choice	Self-interested officials and politicians	Budget- and rent-maximising	Over-supply, rent-seeking

- The **key dividing question** is **state autonomy**: pluralists and public choice theorists see the state as shaped by society or by officials' self-interest; Marxists and elitists see it as serving a dominant class or elite; developmental-state theorists see it as able to lead society.
- Policy models connect to state theories: **group theory** is the policy face of pluralism, the **elite model** of elitism, and **public choice** of the market view of the state.

INDIAN CONNECT — STATE THEORIES AND INDIAN POLICY

- **Developmental state**: the early Nehruvian state, with the **Industrial Policy Resolution of 1956**, licensing, public sector “commanding heights” and planning, was an Indian attempt at a developmental state; scholars such as **Pranab Bardhan** argued that a coalition of **industrial capitalists, rich farmers and professionals** (including the bureaucracy) later captured it, which fits neo-pluralist and Marxist readings. The 1991 reforms moved India towards a more market-friendly, regulatory state.
- **Corporatist features**: the tripartite **Indian Labour Conference** (since **1942**) and wage boards brought government, employers and unions together, though India's huge informal workforce kept corporatism weak.
- **Pluralist features**: a free press, many parties, caste and farmer associations and an active judiciary give many groups access, as the farm-law reversal showed.
- **Feminist lens**: a **Gender Budget Statement** has been part of the Union Budget since **2005–06**, and the **Constitution (One Hundred and Sixth Amendment) Act, 2023** provides one-third

reservation for women in the Lok Sabha and State Assemblies, to take effect after the next delimitation.

COMMON CONFUSION

Is the elite model of policy the same as elite theory of the state? They overlap but answer different questions. Elite **theory of the state** (Mosca, Pareto, Michels, Mills) is a claim about **who rules** any society. The elite **model of policy-making** (Dye and Zeigler) applies that claim to **how policy flows**: downward, reflecting elite consensus, changing incrementally. One can accept that policy often reflects elite preferences in a sector without accepting that a single ruling elite governs the whole state; Dahl's research made exactly this distinction.

16

Policy-Making in Developing Countries and India

IN SIMPLE WORDS

In a rich, stable country, small yearly adjustments may be enough. In a country trying to end mass poverty quickly, the state often has to make big choices, but it also faces weaker data, thinner capacity and louder conflicts. The models have to be read with that in mind.

- **Distinct features of policy-making in developing countries:**
 - **Dominant executive and bureaucracy:** policy initiative lies with the political executive and higher civil service more than with the legislature or interest groups.
 - **Narrow, sometimes dependent elites:** in many post-colonial states a small urban elite, sometimes tied to external centres, shapes policy; Dror and others argued that independent policy needs **metapolicies** (such as import substitution and national defence capacity) that secure autonomy.
 - **Weak, uneven group pressure:** many interests (landless labour, informal workers, tribal communities) are unorganised, so group and pluralist models overstate representation.
 - **Large formal-informal gap:** policies are declared but implemented weakly (Riggs' **formalism**), so declared policy and actual policy diverge.
 - **External influence:** international lenders, donors and global agreements shape agendas.
 - **Need for big decisions:** developmental goals call for fundamental choices (mixed scanning or optimal approaches) rather than pure incrementalism, as Dror argued; yet capacity limits push towards incrementalism in practice.
- **Indian pattern:** policy initiative usually comes from **party manifestos**, the **Prime Minister and Cabinet** (with Cabinet committees), the **Prime Minister's Office**, ministries and NITI Aayog. Parliament legislates and scrutinises through committees; courts shape policy through **public interest litigation** (the right-to-food orders in *PUCL v. Union of India* from 2001 preceded the **National Food Security Act, 2013**); States shape it through federal bargaining; civil society and media set agendas.

- **Evidence and politics:** India has expanded evidence-based tools (DMEQ evaluations, administrative dashboards, randomised evaluations of some schemes), but **political realities** (electoral cycles, coalition needs, popular announcements) often decide timing and design. Evidence tends to shape **secondary aspects** (instrument design) more than **policy core** choices, as the advocacy coalition framework would predict.
- **Wicked problems:** Horst Rittel and Melvin Webber, "Dilemmas in a General Theory of Planning" (*Policy Sciences*, 1973), called problems such as poverty, urban congestion, climate change and pandemics **wicked**: they have no definitive formulation, no stopping rule, no true-or-false solutions, every attempt has consequences, and each is unique. Rational models suit "tame" problems; wicked problems need **adaptive, networked, learning** approaches, joined-up government and public participation. Air pollution in the National Capital Region, which crosses sectors and States, is a standing Indian example.
- **Research use:** Carol Weiss ("The Many Meanings of Research Utilization", *Public Administration Review*, 1979) distinguished the **knowledge-driven** model (research leads to application), the **problem-solving or decision-driven** model (a decision need prompts a search for research), and the **interactive, political, tactical** and **enlightenment** models. In practice research seldom settles policy directly; more often it slowly changes how problems are understood (enlightenment) or is used as ammunition (political).

17 Key Terms

TERM	MEANING IN SIMPLE WORDS
Public policy	What government chooses to do or not to do about a public problem
Non-decision	Keeping an issue off the agenda so that it is never decided
Appreciative system	Vickers' term for the ingrained way a policy-maker notices and values a situation
Policy sciences	Lasswell's problem-oriented, multi-disciplinary study of and for policy
Metapolicy	Policy about how policy is to be made; improving the policy-making system
Bounded rationality	Rationality limited by information, time and mental capacity
Satisficing	Choosing the first option that is good enough
Incrementalism	Making policy through small changes to existing policy
Partisan mutual adjustment	Coordination through bargaining among many actors, not a central planner
Mixed scanning	Broad scan for direction plus detailed small steps within it
Extra-rationality	Intuition, judgement and creativity used alongside analysis (Dror)

TERM	MEANING IN SIMPLE WORDS
Political feasibility	The probability that a policy alternative will be accepted and carried out
Regulatory capture	A regulator coming to serve the industry it regulates
Iron law of oligarchy	Michels' claim that every organisation ends up run by a few
Black box	The conversion process inside Easton's political system
Rent-seeking	Spending resources to win privileges that transfer, not create, wealth
Free rider	Someone who uses a collective good without paying for it
Organised anarchy	An organisation with unclear goals, unclear technology and fluid participation
Policy window	A short opportunity when problem, solution and politics come together
Policy entrepreneur	An actor who promotes a proposal and couples it to a problem and politics
Advocacy coalition	Actors who share policy beliefs and act together over time
Policy monopoly	Control of an issue's image and venue by a closed community
Prisoners' dilemma	A game in which individually rational choices give a worse joint result
Policy community	A small, stable, closed network sharing values in one sector
Issue network	A large, open, unstable network of actors around an issue
Relative autonomy	The state's ability to act against particular capitalists to protect capitalism (Poulantzas)
Corporatism	Policy-making through state bargaining with licensed peak associations
Embedded autonomy	A state independent of capture yet closely linked to business (Evans)
Wicked problem	A complex problem with no clear definition or final solution

18

Contemporary Developments

- **Unified Pension Scheme (approved 24 August 2024; effective 1 April 2025):** an assured pension of 50% of average basic pay of the last 12 months for 25 years' service, added as an option within NPS; an incremental compromise between rival coalitions on pensions.

- **Lateral entry reversal (17–20 August 2024):** a UPSC advertisement for 45 lateral posts was cancelled three days after issue at the government's request, to review reservation; political-stream pressure closing a policy window.
- **Electoral bonds judgment (15 February 2024):** *Association for Democratic Reforms v. Union of India* struck down the Electoral Bond Scheme, 2018 and unlimited corporate donations, a judicial check on the channels through which business and elites influence policy.
- **Caste enumeration decision (30 April 2025):** the Cabinet Committee on Political Affairs decided to include caste enumeration in the next census, breaking a post-Independence institutional default.
- **GST rate rationalisation (56th GST Council, 3 September 2025; effective 22 September 2025):** a move to a 5% and 18% structure with a 40% demerit rate, decided in the federal bargaining forum of Article 279A.
- **Labour codes in force (21 November 2025):** four codes passed in 2019–2020, replacing 29 central labour laws, brought into force together after years of stasis, a punctuated-equilibrium pattern.
- **VB-G RAM G Act, 2025 (assent 20 December 2025):** replaced MGNREGA with a 125-day statutory employment guarantee and Gram Sabha-led planning, after a long contest between policy coalitions over rural employment.

19 Revision Grid

THINKER / BODY	WORK OR REPORT (YEAR)	KEY IDEA
Harold Lasswell	<i>The Policy Sciences</i> (with Lerner, 1951)	Problem-oriented, multi-disciplinary, normative policy sciences
David Easton	<i>The Political System</i> (1953); <i>A Systems Analysis of Political Life</i> (1965)	Authoritative allocation of values; inputs, conversion, outputs, feedback
Thomas Dye	<i>Understanding Public Policy</i> (1972); <i>The Irony of Democracy</i> (with Zeigler, 1970)	Whatever governments choose to do or not to do; elite model
James Anderson	<i>Public Policymaking</i> (1975)	Purposive course of action by many actors
Bachrach and Baratz	"Two Faces of Power" (1962)	Non-decision-making
Geoffrey Vickers	<i>The Art of Judgment</i> (1965)	Appreciative system; reality, value, instrumental judgements
Herbert Simon	<i>Administrative Behavior</i> (1947)	Bounded rationality, satisficing
Charles Lindblom	"The Science of 'Muddling Through'" (1959); <i>Politics and Markets</i> (1977)	Incrementalism; partisan mutual adjustment; privileged position of business

THINKER / BODY	WORK OR REPORT (YEAR)	KEY IDEA
Aaron Wildavsky	<i>The Politics of the Budgetary Process</i> (1964)	Incremental budgeting
Amitai Etzioni	"Mixed-Scanning" (1967)	Fundamental plus incremental decisions
Yehezkel Dror	<i>Public Policymaking Reexamined</i> (1968)	Optimal model; extra-rationality; metapolicy; 18 phases
Bentley; Truman	<i>The Process of Government</i> (1908); <i>The Governmental Process</i> (1951)	Group equilibrium
Mosca; Pareto; Michels; Mills	<i>The Ruling Class; The Mind and Society; Political Parties; The Power Elite</i> (1956)	Elite rule; circulation of elites; iron law of oligarchy
Theodore Lowi	<i>World Politics</i> (1964); <i>PAR</i> (1972)	Arenas of power; policies determine politics
March and Olsen	<i>Rediscovering Institutions</i> (1989)	Logic of appropriateness
Buchanan and Tullock	<i>The Calculus of Consent</i> (1962)	Public choice
Downs; Niskanen	<i>Inside Bureaucracy</i> (1967); <i>Bureaucracy and Representative Government</i> (1971)	Bureaucratic motives; budget maximisation
Cohen, March and Olsen	<i>ASQ</i> (1972)	Garbage can, organised anarchy
John Kingdon	<i>Agendas, Alternatives, and Public Policies</i> (1984)	Three streams, policy window, entrepreneurs
Paul Sabatier	<i>Policy Sciences</i> (1988); with Jenkins-Smith (1993)	Advocacy coalitions, belief layers
Baumgartner and Jones	<i>Agendas and Instability in American Politics</i> (1993)	Punctuated equilibrium; policy image and venue
von Neumann and Morgenstern	<i>Theory of Games and Economic Behavior</i> (1944)	Game theory
Heclo; Rhodes and Marsh	"Issue Networks" (1978); <i>Policy Networks in British Government</i> (1992)	Policy communities and issue networks
Robert Dahl	<i>Who Governs?</i> (1961)	Pluralism

THINKER / BODY	WORK OR REPORT (YEAR)	KEY IDEA
Miliband; Poulantzas	<i>The State in Capitalist Society</i> (1969); <i>Political Power and Social Classes</i> (1968)	Instrumental vs structural Marxism
Philippe Schmitter	"Still the Century of Corporatism?" (1974)	Corporatism
Carole Pateman	<i>The Sexual Contract</i> (1988)	Patriarchal state
Chalmers Johnson; Peter Evans	<i>MITI and the Japanese Miracle</i> (1982); <i>Embedded Autonomy</i> (1995)	Developmental state
Rittel and Webber	<i>Policy Sciences</i> (1973)	Wicked problems
Carol Weiss	<i>PAR</i> (1979)	Models of research utilisation



Previous Year Questions 38 QUESTIONS



2026

The objective of policy sciences is to develop policy knowledge for better policy-making. **Comment.** 10 MARKS

2026

Rationality in policy-making is a challenge, and its absence is a predicament for the policy process. **Examine.** 15 MARKS

2025

Imperfect market and political factors limit the application of **Public Choice approach**. **Explain.** 10 MARKS

2023

"**Public policy-making** is an effort to apply the methods of political analysis to policy areas but has concerns with processes inside the bureaucracy and stakeholders." **Discuss.** 20 MARKS

2022

'**Lindblom** regarded **rational decision-making** as an unattainable goal.' In the light of the statement, **suggest measures** to avoid policy failures. 15 MARKS

2021

Policy problems are increasingly tending towards being **wicked**. **Discuss** the capacity and preparedness of the State to tackle such problems. 20 MARKS

2021

Groups work to elevate issues on the policy agenda or seek to deny other groups the opportunity to place issues. In this background, **discuss** the role of **interest groups in agenda setting** in the developing countries. 15 MARKS

- 2021 **Zero-based budgeting** was intended to get away from **incrementalism**, but ended up being the most incremental of any budgetary approach. **Discuss.** 15 MARKS
- 2020 Have political realities thwarted the move towards **evidence based policy making**? **Critically examine.** 15 MARKS
- 2020 "**Globalization** is impacting the context of **national policy making**. The national policy agenda is becoming international." **Explain.** 20 MARKS
- 2019 "**Maximum social gain**" in public policy making is an attractive goal which is rarely found in practices. **Discuss.** 10 MARKS
- 2016 "In Public Policy Making, '**Rationalism**' is the opposite of '**Incrementalism**'." **Examine.** 10 MARKS
- 2015 "In the **appreciative systems** of policy makers, goals are subsidiary to norms and values." (Vickers). **Explain.**
- 2015 "The concept of **political feasibility** in policy alternative is a probabilistic concept and is related to each policy alternative." In the context of the above statement **analyse Dror's contribution.**
- 2014 "**Policies determine politics** as governments constrain." **Attempt a critique** of this statement.
- 2014 According to **Y.Dror**, "The **Science of Muddling through** is essentially a reinforcement of pro inertia and anti-innovation ideas in policy-making." **Comment.**
- 2014 "The **output studies approach** to public policy analyses overstresses the rational techniques and allocative dimension of public policy." **Analyse** the statement.
- 2013 "The policy process was not structured in the way required by bureaucratic planning. Arguably, **incrementalism** now stands most in contrast to **neo-liberal nationality** that impose markets against both gradual change and democratic liberalism." **Analyse** these two statements.
- 2012 '**Policy judgements** comprise reality judgements, value judgements and instrumental judgements' (Geoffrey Vickers). **Elucidate.**
- 2012 Would you agree with **Bachrach and Baratz** that along with decisions, **non-decisions** are also part of policy? **Give reasons** for your answer.

- 2012 'On a more sophisticated plane **public choice** is concerned with "**Pareto optimality**", or at least with "Pareto improvements"; **Comment**.
- 2012 'Three features characterize **Simon's original view of bounded rationality**: search for alternatives, satisficing, and aspiration adaptation.' **Elucidate**.
- 2011 **Critically examine** the following statements in the field of Policy Sciences: (i) The **incrementalist paradigm** posits a conservative tendency in public policy making. (ii) **Dror's Optimal Model** is a fusion of the economically rational model with the extra-rational model.
- 2011 '**Policy is being made as it is being administered** and administered as it is being made.' **Comment**.
- 2011 Whereas **Downs' model** is largely dependent on a theory of psychological motivation, **Niskanen's model** is framed by neo-classical thinking. In the light of the above, **discuss** the **public choice approach** to decision-making.
- 2009 "**Yehezkel Dror's normative models** of policy making tend to be academic in perspective with poor operational utility." **Comment**.
- 2004 **Policy is a decision driven model of research use. Explain**.
- 2004 **Public Policy is not an independent variable** and human history shows little evidence of systematic learning from policy experience. **Discuss**.
- 2002 "**Public policy is what politics is about.**" – **Substantiate**.
- 1999 **Elucidate** the **political process of policy formulation**. Bring out its distinguishing features in **developing countries**.
- 1998 "All **policy-making is decision-making**, but all decision-making is not policy-making." **Elaborate**. How does a policy emanate and what course does policy-making in government follow?
- 1996 **Sketch** and overview of the **State of Public Policy Analysis** as it is most likely to interest those who have a public administration perspective.
- 1993 "The activities of public administrators at various stages of the policy process illustrate the difficulty of **divorcing politics from administration**." **Comment**.
- 1992 '**Policy-making** is a series of continuing dynamic processes which are **plural and composite**.' **Explain**.

1991

'Every **public policy** is a **government decision** aimed at solving a problem of its planning and implementation. **Comment.**

1990

'The emerging discipline of **policy science** aims to work out solutions of problems in policy making. **Comment.**

1989

"Public Administration today Stands at the crossroads of **public choice theory, pluralism, corporatism & elitism.**" **Discuss.**

1988

"**Incrementalism** in administration is not, in principle, a slow- moving tactic of conservatism, instead, it is a fast moving sequence of small changes that after the status que" **Examine**, in the light of this statement, the desire of development administration, for incrementalist policy-making.

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