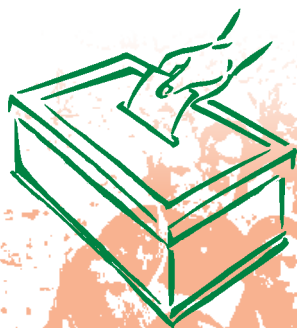




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Democracy and New Public Management

Concentration of Power

Metropolitan Governance

Entry of Foreign Universities

Indian Economic Growth

Tibet and China

Terrorism and Diplomacy

Decentralisation and Panchayat Raj

Land Reforms



INSTITUTE OF PUBLIC ENTERPRISE

CONTENTS

Page No.

From the Editor's Desk

1

Articles

Re-Inventing Democratic Constitutions:
An Application of New Public Management (NPM) Framework
Dr Prajapati Trivedi

3

Concentration of Power and Erosion of Legitimacy:
Enduring Threats to Civil Liberties in USA and India
Dr B Ramesh Babu

27

Metropolitan Urban Governance:
Approaches, Models and Implications for Indian Cities
Ramakrishna Nallathiga

37

Policy Implications of Entry of Foreign Universities:
Post-Gats Scenario
G Kamalakar

55

Book Reviews

India's Economy and Growth: Essays in Honour of VKRV Rao
Author: Pulin B Nayak and others
Reviewer: V Bhanoji Rao

65

Dharamsala and Beijing
Author: Claude Arpi
Reviewer: PM Kamath

67

Terrorism Challenge Diplomacy
Author: HM Virupakshaiah, HM
Reviewer: P Geeta

69

Decentralisation in India: Critical Issues From The Field
Author: G Palanithurai
Reviewer: A Sridhar Raj

72

Land Reforms in States and Union Territories in India
Author: PK Agrawal
Reviewer: Phanindra Goyari

74

About the Authors

79

RE-INVENTING DEMOCRATIC CONSTITUTIONS: AN APPLICATION OF NEW PUBLIC MANAGEMENT (NPM) FRAMEWORK

Dr Prajapati Trivedi *

There is a widespread disappointment with the functioning of democracy around the world. If this trend is not reversed, it will pose a grave threat to the very survival of democracy not only in India but also in the rest of the developing world. The perceived inadequacies of democracy flow from flawed rules of democratic governance. Using lessons learnt from the success of reforming bureaucracies through the tools of New Public Management (NPM), this article suggests changes that are required in the basic framework of democratic constitutions to make them results-oriented.

This is a sympathetic critique motivated by a desire to save democracies and not to merely criticize them. While the context of the discussion is Indian democracy, the proposed conceptual innovations are transcendental in their relevance. The three key elements of the proposed reforms for the redesign of democratic constitution are as follows: (a) Clarify society's goals: Democracy is a means towards an end. It is argued that the next generation of constitutions will thus need to incorporate economic and social goals that are measurable, verifiable and easily understood. (b) Create consequences related to achievement (or non-achievement) of these goals: Even if the goals are clearly articulated in the constitution, they will be taken seriously by politicians working the constitution only if there are consequences for achievement and non-achievement. (c) Evaluate government performance objectively and professionally: Since "delivery of results" is the proposed key focus of the future constitutions, it is important that it is not only done right but is also seen to be done right. Thus, the article proposes setting up a high-level, independent Performance Evaluation Commission with the same prestige and power as the Election Commission.

Key Words

Democracy, New Public Management, Goals, Performance Evaluation, Achievement, Non-Achievement.

Constitutions matter in democracy. Indeed they are everything in democracy. Fair and transparent elections are merely the starting point of the democratic process but they do not, in and of themselves, automatically guarantee results (Sartori 1997, Reynolds 2002, Sunstein 2001, Persson and Tabellini 2003). That is why there is a widespread discontent with the functioning of democracies and democracy is in retreat worldwide. This article argues that to convert good elections into good results for the electors the democratic constitutions have to be fundamentally reinvented or re-imagined. However, this reinvention cannot be

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done using the perspectives that created these documents in the first place. What is needed is a very different approach from that of the lawyers and political scientists who have been the principal architects of current generation of democratic constitutions. The New Public Management (NPM) framework used for reforming administrative structures around the world provides insights that can be useful for this exercise (Lane 2000), it is argued here.

The article is divided into three sections. The first section describes the rising democratic deficit in the world and highlights the need for urgent action to reverse this trend. The second section describes the basic tenets of NPM. The third section applies the principles of NPM to design the core elements of democratic constitutions of the future and presents the broad structure of the next wave of results-oriented constitutions.

Increasing Democratic Deficit

In March/April, 2008, edition of 'Foreign Affairs', an article titled, "Democracy in Retreat," written by Larry Diamond, claimed that democracy around the world is declining. Diamond termed it as the democratic recession. This democratic recession is now official. According to the Democracy Index 2010, produced annually by the Economist Intelligence Unit (EIU):

"The rollback in democracy is also part of an underlying trend that has been evident for some time, but has strengthened. Between 2006 (the year of the first issue of the index) and 2008 there was stagnation; over the past two years, between 2008 and 2010, there has been outright decline. In all regions, the average democracy score for 2010 is lower than that of 2008."

This trend was further confirmed by another think tank – Freedom House. Its research director, Arch Puddington, found in its 2010 annual assessment that liberty and human rights had retreated globally for the fourth consecutive year. He said this trend marked the longest period of decline in freedom since the organisation began its reports nearly 40 years ago.¹

In 1992 Francis Fukuyama famously declared "The End of History" and argued that the advent of Western liberal democracy may signal the end point of humanity's socio-cultural evolution and the final form of human government:

"What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of post-war history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government." (Fukuyama 1992)

Twenty years after he put forward this thesis, Fukuyama too was constrained to retract it. Recently he argued that it's by no means clear that the United States or any other welfare state capitalist liberal democracy is the goal for the rest of the World. In fact, now he argues that it's not clear where western democracies are heading, and they should keep their wits about them and adapt. He argues that America "managed to fritter away" the immense moral capital it held in 2000 "in remarkably short order", due to foreign policy missteps such as the invasion of Iraq and, later, the US-centred global financial crisis. Now, the USA has little to teach even China, the punching bag of pro-democracy activists.

"But what is the Chinese model? Many observers casually put it in an "authoritarian capitalist" box, along with Russia, Iran and Singapore. But China's model is sui generis; its

¹ Freedom in the World 2010: Global Erosion of Freedom, Washington, DC, Freedom House: 2010

specific mode of governance is difficult to describe, much less emulate, which is why it is not up for export.

The most important strength of the Chinese political system is its ability to make large, complex decisions quickly, and to make them relatively well, at least in economic policy. This is most evident in the area of infrastructure, where China has put into place airports, dams, high-speed rail, water and electricity systems to feed its growing industrial base. Contrast this with [democratic] India, where every new investment is subject to blockage by trade unions, lobby groups, peasant associations and courts.

Nonetheless, the quality of Chinese government is higher than in Russia, Iran, or the other authoritarian regimes with which it is often lumped—precisely because Chinese rulers feel some degree of accountability towards their population. That accountability is not, of course, procedural; the authority of the Chinese Communist party is limited neither by a rule of law nor by democratic elections. But while its leaders limit public criticism, they do try to stay on top of popular discontents, and shift policy in response.”

In short, Fukuyama (2011) argues that “accountability for results” seems to be winning over “procedural accountability.”

The situation in India is not very different from the global trends regarding disappointment with the functioning of democracy. It is fair to say that every party and every leader in India has had a chance to show their skill in steering the ship of state. Almost all major parties have had a chance to rule either the whole of India or a substantial regional chunk. Yet, there is a wide consensus, bordering on unanimity, that, in general, these political parties and their leaders have severely disappointed the people. They have not delivered what was expected from them. Today this sense of disillusionment with the politicians runs very deep and is perhaps the greatest danger to the Indian republic. This is confirmed over and over again by scientific and non-scientific surveys. Surely, both cannot be wrong (Kohli 1991). Following results from a recent survey done by research organization **Cfore** for **Outlook** magazine (March 26, 2007) reconfirm the results of previous surveys (all figures in percentages).² By all accounts, the situation has become much worse than that depicted in this survey:

Do you have any faith left in the political agendas and movements that politicians routinely float?			
	Average	Urban	Rural
Yes	16	8	24
No	84	92	76

Do you believe any political party is truly committed to any ideology today?			
	Average	Urban	Rural
Yes	18	16	20
No	82	84	80

² Research organization Cfore conducted the survey in five metros—Delhi, Mumbai, Calcutta, Chennai, Bangalore—and adjoining rural areas between February 18-20, 2007. A structured questionnaire was administered to a random sample of 1,022 respondents, 46% of whom were female. The sample was representative of different socio-economic classes.

Are politicians giving Indian Democracy a bad name?			
	Average	Urban	Rural
Yes	76	80	72
No	14	12	16
Can't Say	10	8	12

What do you feel about politicians?			
	Average	Urban	Rural
Dislike most of them	79	83	76
Like most of them	21	17	24

While the situation in India, as reflected in the survey results above, is a cause for great worry, this disappointment with the functioning of democracies is a global phenomenon. It seems that the majority of the books on democracy written in recent times find serious flaws with the functioning of the democratic system. For example, a recent comprehensive UNDP study of the state of democracy in Latin America warns that, "the proportion of Latin Americans who would be willing to sacrifice a democratic government in exchange for real social and economic progress now exceeds 50%."³ In a recent book, Fareed Zakaria (2003), editor of Newsweek International, argues:

"For the people in the West, democracy means 'liberal democracy': a political system marked not only by free and fair elections but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property. But this bundle of freedoms—what might be termed 'constitutional liberalism'—has nothing intrinsically to do with democracy and the two have not always gone together, even in the West. After all, Adolf Hitler became chancellor of Germany via free elections. Over the last half century in the West, democracy and liberty have merged. But today the two strands of liberal democracy, interwoven in the Western political fabric, are coming apart across the globe. Democracy is flourishing; liberty is not."

Historians are not surprised by these trends in democratic deficit. Democracy has died a number of times in different parts of the World. The story of democracy usually begins in the first half of the fifth century BC. (Woodruff 2005, West 1998, Cooper 1997). During this time a transformation took place in the political ideas and institutions among Greeks and Romans that has been compared in historical importance to the re-invention of the wheel or the discovery of the New World. This transformation reflected a new understanding of the world and its possibilities. This transformation has been best described by Robert Dahl (1989):

"At its simplest what happened was that several city states, which from time out of mind had been governed by various undemocratic rulers, whether aristocrats, oligarchs, monarchs, or tyrants, were transformed into systems in which a substantial number of free, adult males were entitled as citizens to participate directly in governing. Out of this experience and ideas associated with it came a new vision of a possible political system, one in which sovereign people is not only entitled to govern itself but possess all the resources and institutions necessary to do so. This vision remains at the core of modern democratic ideas and continues to shape democratic institutions and practices."

It is worth recalling that both Greek and Roman democracies disappeared because they could not deliver results. Besides, these democracies were meant for city states and not for

3 UNDP. 2004. "Democracy in Latin America: Towards a Citizen's Democracy," New York: United Nations, USA

nation states. Thus, when pure democratic principles were applied to nation states, they were found wanting. The current discontent with the functioning of democracies portends a dismal democratic future unless democracies start delivering desired results. The next section looks at the principles of New Public Management (NPM) that have been used to salvage another decaying institution – bureaucracy. Subsequently, same NPM principles are applied to re-invent the democratic constitutions.

BASIC TENETS OF NEW PUBLIC MANAGEMENT

There is no specific author or universally accepted or definition of New Public Management (NPM). It is a label given to a rather broad range of public management practices. At the core of its philosophy lies the attempt to move the management of public sector from “management by processes” to “management by results.” According to the World Bank, NPM is often used to describe a management culture that emphasises the centrality of the citizen or customer, as well as accountability for results. In addition, it promotes structural or organisational choices that promote decentralised control through a wide variety of alternative service delivery mechanisms, including quasi-markets with public and private service providers competing for resources from policymakers and donors. NPM does not claim that government should stop performing certain tasks. Although NPM often is associated with this policy perspective, NPM it is less about “what” tasks should be undertaken by governments and more about “how” to perform them better.

NPM was conceived as a means to improve efficiency and responsiveness of political principals. Its origins were in Parliamentary democracies (New Zealand, Australia, and United Kingdom) with curiously strong executive powers, centralised governments, and little administrative law. In this archetypal setting, NPM seems to embody the idea of a cascading chain of contracts leading to a single (usually Ministerial) principal who is interested in getting better results within a sector / portfolio over which he or she has significant and relatively unchallenged authority.

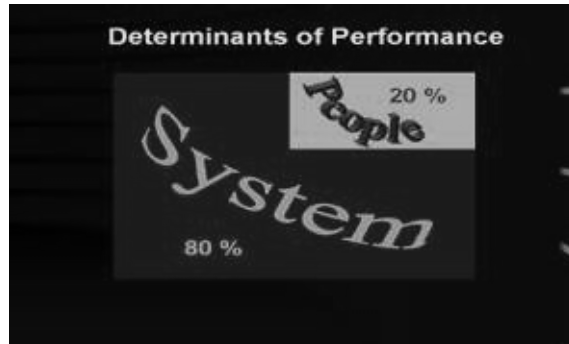
Primacy of Improving System

NPM believes in the primacy of the system. It believes that performance of any organisation depends primarily on the quality of its systems and not on the people. Proponents argue that the system governs the results most people want, whether they are students, operators, secretaries, managers, civil servants, or sales people. That is why teachers, directors, managers and supervisors, must understand and change the system instead of only judging, exhorting, encouraging and / or punishing people. Edward Deming (1993; 2000) shows that more than 90% of results can be attributed to the system. Joseph Juran (1992) has drawn similar conclusions regarding the production context, and has applied these results to other organisational processes, where he makes a distinction between mistakes that are under the employee’s control and mistakes that are under managerial control. Another author that has drawn similar conclusions is Peter Senge (1990), an expert in organisational learning.

While Edward Deming’s 90% may represent an outlier, most experts would agree that 80% of the performance of any organisation is determined by the quality of its systems (Figure 1). This should not be surprising to most Indians. We know of many instances of mediocre Indians doing exceedingly well when they go out and work in the West. We also know of civil servants and public enterprise managers getting multiples of their salaries when they join the private sector. On the other hand, Russi Mody, former Chairman of Tata Steel, could not turnaround Air India as was expected from a giant manager. Similarly,

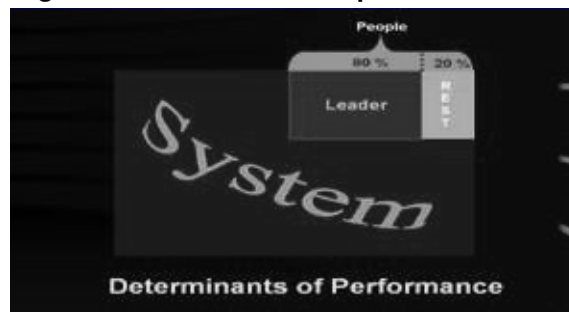
attempts by Capt Gustav Baldauf, an Austrian national, brought in to turnaround Air India in 2010 did not yield any results. In fact, Capt. Baldauf left Air India in frustration in a few months. These examples support the NPM philosophy that good people caught in a bad system cannot deliver results. What is required is to change the system and people can deliver results.⁴

Figure 1: Determinants of Performance



As depicted in Figure 2 below, within the people category, 80 % of the performance can be explained by leadership. Hence, according to NPM, all we need is a good system with a good leader to deliver results.

Figure 2: Role of Leadership in Performance



This also should not be surprising. After all who remembers the armies of Ashoka and Alexander. They were great leaders with a great system and the rank and file rose up to the occasion to conquer the world.

Components of a Performance Management System

NPM experts agree that performance improvement for an organisation or entity requires a three pronged approach. (a) First, it is important to have a clear vision that can help us paint the picture of the destination. That is, the vision must be able to articulate the end point of the performance improvement journey. (b) Second, the organisation must develop a strategy to achieve the vision. A strategy is simply a means to an end. (c) Finally, there must be a monitoring and evaluation system to ensure that the strategy is implemented as agreed.

⁴ This management wisdom is also reflected in the beliefs of young people in India. According to an India Today-AC Nielsen-ORG-MARG survey of 2,059 respondents, male and female, aged between 18 and 35 years, 62 per cent feel it is the system that is the root cause of our problems. 37 per cent say the root cause is the individual (reported in the January 31, 2004 issue of India Today).

Components of a Performance Improvement System

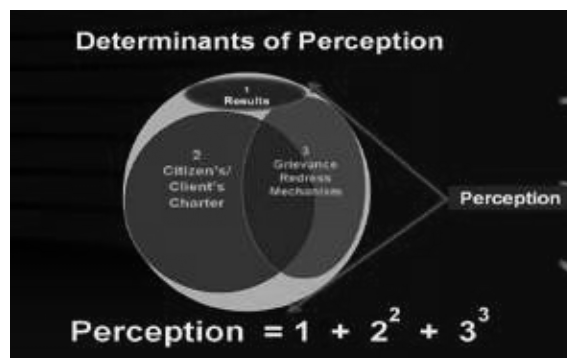
According to NPM, any performance improvement system ought to have three essential components: (a) Performance Information System, (b) Performance Evaluation System, and (c) Performance Incentive System. The argument is that without an effective information system, it is difficult to begin to talk about performance, let alone improve it. An effective information system need not involve a mainframe computer. In fact, it only implies that decision makers can get reliable information in an appropriate format in a timely manner. It can even be in a manual format so long as it satisfies these conditions. Once a decision maker has information, it is important to be able to use it to evaluate organisational performance. Thus, merely having large quantities of information does not guarantee accurate, objective and fair evaluation.

Finally, in spite of the most sophisticated information and evaluation systems, it is hard to achieve improvements in performance of an organisation without an effective Performance Incentive System. Few of us are selfless crusaders like Mahatma Gandhi or Mother Teresa, most of us require some sort of incentive to drive us to strive for better performance. These incentives need not be always pecuniary, but they ought to exist.

Determinants of Performance Perception

Perception of an organisation's performance in the public sector depends on several factors. The chief among them can be summarised as follows: (a) Clearly, achieving promised results is important. No matter what you do, if results are not achieved, citizens and clients will remain wary of the organisation. (b) However, the way citizens and clients are treated is perhaps more important. Here an airline analogy would help. We have more than five airlines that will take you from Delhi to Mumbai. They all promise the same result—a completed journey from Delhi to Mumbai. Yet, clients prefer one of them over others. That is primarily because of the relative experience they have travelling with them. Thus the management of the interface between government and citizens is an important determinant of perception. (c) Finally, the way government handles grievances of its citizens and clients has an exponential impact on perception of its performance. Citizens are very patient and are willing to give public officials a second chance to rectify their errors of omission or commission. However, if their complaint is ignored, they get really upset. Figure 3 presents the aforementioned argument graphically.

Figure 3: Determinants of Perception



APPLICATION OF NPM TO RE-INVENT DEMOCRATIC CONSTITUTIONS

There is a long tradition of constitutional reforms. Attempts to reform democratic constitutions can be classified into three broad categories:

Partial Solutions: The first group consists of solutions to fix one or more aspects of the system but not the whole system. These include ideas to fix the election financing, functioning of the party system, corruption and misuse of power, to name a few. While individual solutions do have merits, they are not enough to solve the problem. Many of these solutions ignore the interconnections between problems. They also ignore the motivations (and incentives) behind the problems.

Cosmetic Solutions: The second group consists of solutions that deal with the symptoms and not the underlying causes. These do not appear convincing to informed observers as they are at best temporary solutions. It is like treating a bacterial infection by taking pain killers, which may make the patient feel better but in no way cure the infection.

Process-Oriented Solutions: The third group consists of solutions that focus on the process and procedures, as if having the correct procedures could guarantee desired results. The classic example is the process of elections itself. Having fair and transparent elections is no guarantee that development in the national interest will take place. In fact, we also know this to our dismay from the study of bureaucracy, that no one is trained better or more rigorously to follow procedures. Indeed, following procedures is the *raison d'être* of bureaucracy. Yet, the widespread disappointment with bureaucracy shows that a perfect operation that results in the death of the patient is hardly desirable. Indeed, NPM grew out of dissatisfaction with these approaches.

Results-Oriented Solutions: It would be wrong to say that there has been no attempt to look at the design of constitutions from a results-oriented perspective. Indeed most constitutions around the world deal implicitly and indirectly with results in some fashion or the other. The first generation of modern constitutions (as opposed to Greek and Roman constitutions) was written to consolidate freedoms gained by diluting the powers of the monarchy. Indeed, the Magna Carta and many other first generation constitutional documents were merely agreements to grant relief and protection to subjects from royal tyrannies. The expected "result" was a greater freedom from tyrannies of the monarchies, albeit only for the aristocratic class.

The second generation constitutions focused on enlarging the democratic franchise. In addition to the aristocrats, common citizens were gradually given entry into the democratic club. This was a long, drawn-out process in which expansion was painfully slow. First to be included were the property owners, then came the women and slaves. Yet, the expected benefits of enlarged democratic participation have not materialised. Indeed, more people have more freedoms than before, but the freedom has not meant an increase in their welfare.

It of constitutions has focused on getting the right balance between checks and balances. It has been marked by the debates between the parliamentary and presidential forms of government. Unfortunately, with the passage of time there is a growing realisation among people that it is a futile debate (Linz and Venezuela 1994, Lijphart 1995, 1999, 2000, Lane and Ersson 2003, Palma Di 1990). For each country that wants to switch from the presidential form of constitution to a parliamentary form, you can find a nation wanting to do the opposite. While in India, we have been attempting to move towards a presidential

form of government, in the Philippines, there is a great movement for abandoning the presidential form. Similarly, many countries in Latin America would like to move away from their current presidential systems to parliamentary systems. In India's immediate neighborhood, all countries have moved away from the Westminster type of parliamentary democracy they inherited. Yet, it is difficult to say that people in any of our neighboring countries are more satisfied with their political system now than they were in the past.

Unlike the first two waves, the objectives (expected results) of the third wave of constitutions were not clear. We do not have a quantifiable, measurable and verifiable definition of "checks and balances." It is thus not surprising that almost any system can be argued to have the appropriate checks and balances. No one used the term "checks and balances" more than President Musharraf during the debates to change the Pakistani constitution. Yet, few, would argue that the constitution he crafted for Pakistan achieved the goal of appropriate checks and balances. Clearly, there was neither a check on President Musharraf's desire to simultaneously hold the two posts of Army Chief and President of the country, nor a countervailing power to balance his supreme authority. Since they are seeking unmeasurable objectives (e.g., checks and balances), there is no movement forward. It is now widely recognised that "what gets measured, gets done."

The time has come to move away from the "form" to "substance" and make a clear distinction between "ends" and "means." The next wave of constitutions will have to leave the old debates behind and re-imagine the constitutional mechanisms to achieve the expected results. An effort is made here to outline a set of solutions based on the following four conceptual pillars of NPM:

- There is a need to increase focus on accountability for results while maintaining hard-won freedoms.
- There is a need to define expected results in a measurable, quantifiable and verifiable manner.
- There is a need to incorporate the lessons learnt from the management literature about designing effective, results-oriented, performing organisations.
- The quality of a system is more important than the people running it. Eventually, good systems attract good people.

Let us look at these pillars in greater detail. The first pillar acknowledges the fact that previous waves of constitutions have achieved a great deal of freedoms for a great proportion of people. This is a desirable result of democratic struggles and this should be preserved at all costs. No constitution can be considered modern unless it guarantees a standard set of freedoms to all its citizens: freedom of press, freedom of speech, freedom to own property, freedom of movement, freedom to practice religion, freedom to choose government.

The second pillar reminds us that while most constitutions have a general notion of the expected results, they are not articulated in a form that can be used to hold the politicians accountable for results. Most constitutions talk about maximising the welfare of the people, but fail to define what is meant by that term, let alone how to measure it. This article recognises the need to answer the question: freedoms for what? That is, what are we going to use these freedoms for? When you do not have freedom, getting it becomes the only goal. But once you have had it for a while, freedom ceases to be an end and becomes a means. There is no debate about granting these freedoms. The debate is about the best use of these freedoms.

Third, the proposals in this article are derived by examining the “micro foundations of the constitution.” This parallels a conceptual approach in economics to understand and manage the economy. Micro-foundations of macroeconomics is a field that tries to understand the macro behavior by looking at the behavior of its constituents at the micro level. For example, the aggregate consumption function in the economy can be best understood by looking at the consumption function of individuals. This may seem obvious but it was not always so in the field of economics. Similarly, this article draws on the lessons learnt regarding improving performance of public organisations from the literature on New Public Management. It is the first attempt of its kind to treat the constitution of a country not as a framework to manage the struggle for power, but as a means to achieve better results.

As discussed in the previous section, the fourth pillar emphasises the supremacy of systems over people. This article is written on the premise that a system attracts the people it deserves. It is the built-in incentives (and disincentives) in the constitutions that determine the kind of people that will be attracted to it. Hence, it is the job of the constitutional designers (top leadership) to determine the right system.

PROPOSED CHANGES TO THE INDIAN CONSTITUTION

Based on the principles and the methodological approach outlined above, this article presents some of the major changes that are required to re-invent the democratic constitutions. The proposals are presented in the context of the Indian Constitution for ease of exposition. However, these principles are transcendental and apply to all democratic constitutions. Space does not permit a comprehensive discussion of all changes required to achieve this vision of a results-oriented democratic constitution. Therefore, only the most important ones are presented here.

Proposed Change 1: The re-invented constitution should embody a Core National Agenda (CNA) dealing with the most pressing national problems and this agenda will have to be pursued by the party in power. This agenda will have to be enumerated in a quantifiable, measurable and verifiable manner. Political parties will be able to include other promises over and above the CNA.

Rationale for Change 1: All management experts, dealing both with public and private sectors, agree that what gets measured gets done. A constitution is a framework (the rules of the game) for managing political competition. However, if the goals of this competition are not specified, then natural human instinct for self-preservation takes over and the objective of the game eventually becomes self-aggrandisement.

Imagine the impact on a competitive sport like soccer (or football) if the goal areas were eliminated and no alternative means of keeping score was provided. What would be the effect on the quality of play? Initially, players might continue to exhibit their old skills through professional pride or force of habit. This is exactly what happens when most constitutions come into force. The people who led the movement to get the new constitution (often freedom fighters) continue to behave in a socially desirable manner. Hence, people feel that the constitution is working fine. This category would include, people like Pandit Nehru, Sardar Patel, Maulana Azad, and Dr. Zakir Hussain.

“Eventually, however, new forms of behavior would emerge in the soccer without goal posts. Selfish show-boating might yield rewards in crowd applause without its old penalty

of reduced teamwork and scoring. Movement without the ball would cease as the old costs of being out of position would have been eliminated. Being out of condition would incur few penalties and practice might become perfunctory or canceled altogether. Coaches would have little reason not to indulge their whims and play their favorites regardless of their skills. Better players would yearn for recognition and the satisfaction of playing to win, and would move to other leagues and be replaced by weaker players. At best the game would become quite different – akin to a Sunday afternoon game of frisbee at the beach – pleasant and occasionally incorporating some spectacular moves, but with marginal appeal to competitive, goal-oriented individuals. In terms of efficiency, one can imagine the results if a member of this league were to play a competitive game with a conventional team.” (Jones 1991)

Written in a different context, this example is prophetic. Let us examine each part of the paragraph.

“Selfish show-boating might yield rewards in crowd applause without its old penalty of reduced teamwork and scoring.” In the Indian context, this amounts to individual politicians and ministers doing their own thing to please the crowd, without bothering about overall consequences. It is not limited to opening unviable railway stations and airports in their own constituencies; it also includes making reckless promises to write-off loans and distributing food and electricity at the cost of national exchequer. It is also a major reason why slums are allowed to develop in major metropolitan cities in India.

“Coaches would have little reason not to indulge their whims and play their favorites regardless of their skills.” This explains why the “high command” of all parties pick their candidates for legislatures. It is thus not surprising to find such a large number of relatives of party bosses and outright crooks running for public offices in the elections.

“Better players would yearn for recognition and the satisfaction of playing to win, and would move to other leagues and be replaced by weaker players.” This is exactly why, over time, good people have left Indian politics and it is now dominated by criminals of all hues wearing dhotis to Armani suits. Today the world recognises that India’s biggest strength is its people. India is expected to win the race with China only because of the quality of its manpower. However, this group of people stays away from politics. They do so not because they are not patriotic but because the political system is seriously flawed. Those few brave souls from the other pool that dared to join the Indian political system quickly found that it was an impossible task to survive and make a significant contribution to social welfare.

It is possible to argue that all our political problems are really a “symptom” or “effect” of this fundamental flaw in the constitution. This is not an India specific problem. Most constitutions state the objectives in very general terms. Therefore, if democracy has to thrive, the next generation of constitutions will have to be results-oriented and specify expected results more rigorously. It is therefore, proposed that the new Indian constitution should have a clearly defined Core National Agenda. It needs to go beyond the ‘Directive Principles of State Policy’ listed in Part IV of the Indian Constitution. As an example let us look at the following directive:

“Right to work, to education and to public assistance in certain cases—The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of underserved want.”

This sounds very good but it has no operational significance. The state and the politicians can easily ignore it and get away with it safely. Indeed, that is precisely what they have done. This principle is more of a slogan than objective. It is neither quantifiable (measurable) nor verifiable. What is meant by the limits of economic capacity and development? Who is to judge (and how) whether state and the politicians made “effective provision for the right to work”?

This article proposes that the new constitution should include the Core National Agenda such as follows:

- Reduce unemployment
- Reduce illiteracy
- Reduce poverty
- Improve equality of incomes
- Improve quality of public services
- Improve infrastructure

In addition, it must specify the relative priorities, measurement criteria, current status and target level.

Table 1: Core National Agenda

Core National Agenda	Relative Priority	Measurement Criteria	Target
1. Reduce Unemployment			
2. Reduce Illiteracy			
3. Reduce Poverty			
4. Improve Equality of Incomes			
5. Improve Quality of Public Services			
6. Improve Infrastructure			

Since the focus of this article is to outline the principles for the design of the new constitution, other columns have not been filled to avoid distraction by important but second order issues. If we accept the principle of a quantifiable, measurable and verifiable CNA, the details would not be difficult to work out.⁵ Since CNA is proposed to be part of the constitution, it should be decided by the constituent assembly. There are many options for deciding the CNA. One promising methodology is to start by inviting recommendations for the list from the members of the constituent assembly. Then, through multiple rounds of voting, eliminate the items on the CNA that get the least votes. This process can be conducted till the assembly arrives at the top ten choices. The same process can be used to determine the weights, measurement criteria and targets. These elements will be sacrosanct for all governments until the specified targets are achieved. Whenever, a target is achieved, the assembly at that time can substitute a new item in the CNA.

During each general election, each party will be required to do the following in its election manifesto:

⁵ For example, the United Nations Millennium Development Goals (MDGs) provide widely accepted definitions for most of the criteria in Table 1.

1. Mention its commitments against each element of the CNA. Thus, it will have to add another column and specify its commitments for the next 5 years. Thus all manifestos will be required by the constitution to include the following table:

Table 2: Core National Agenda in Party Manifestos

Core National Agenda	Relative Priority	Measurement Criteria	Target	Commitment of the Party for the period 2009-2014
1. Reduce Unemployment				
2. Reduce Illiteracy				
3. Reduce Poverty				
4. Improve Equality of Incomes				
5. Improve Quality of Public Services				
6. Improve Infrastructure				

2. In addition to the items on the CNA, each party will be allowed to promise in its manifesto other things it considers important for the country during the next five years. These commitments will have to follow the same format and will be allowed to have a maximum weight of 50% in the manifesto. The other 50% of weight must be allocated to the CNA. Thus all party manifestos should be constitutionally mandated to include a table similar to Table 2.

Just like the items on the CNA, each item on the party agenda will be required to have a relative priority, measurement criteria and target value for the time period. Without these details, the manifesto will be declared constitutionally invalid by the chief election commissioner.

3. The party manifestos will be required to specify the proposed strategies for achieving these objectives and targets.
4. This mandatory part will be the required first section of the manifesto. Political parties will be free to include what they wish in the second section of the manifesto. They can make more promises and blow their trumpets. How they will be held accountable to these will be discussed in the latter sections dealing with the proposed National Performance Commission (NPC).
5. Changes in the CNA will require a constitutional amendment and will normally be expected to last the entire life of the current constitution. The other part of the CNA, consisting of the Party Agenda, can change only with each election after every five years.

Table 3: Mandatory Table in Party Manifestoes (Minimum National Agenda)

Core National Agenda		Relative Priority	Measure-ment Criteria	National Target	Commitment of the Party for the period 2009-2014
1. Reduce Unemployment	50%				
2. Reduce Illiteracy					
3. Reduce Poverty					
4. Improve Equality of incomes					
5. Improve Quality of Public Services					
6. Improve Infrastructure					
Party agenda		Relative Priority	Measure-ment Criteria	National Target	Commitment of the Party for the period 2009-2014
7. Make India leader in Bio-tech	50%				
8. Make India a Knowledge Society					
9. Increase National Foliage Coverage					
10. Abolish Child Labor					
11. Reduce dependence on oil					
12. Reduce Crime					

This proposal to create an agreed national agenda that all parties pursue, albeit using different strategies and options, is an attempt to correct one of the fatal flaws of democracy pointed to by Plato. For example, Hall (1981) argues that Plato ranked aristocracy as higher because in a democracy unanimity of purpose would be hard to come by and, consequently, effective political action would be difficult.

Proposed Change 2

The Prime Minister of India will need to attain a minimum level of performance to continue as head of the government. If the Prime Minister fails to achieve, say, at least a 3 on a 5-point performance scale in two consecutive years, he will have to leave office. A new Prime Minister will be chosen from the existing assembly without any fresh elections.

Rationale for Change 2

There is no point in having a clear set of goals and objectives if no one is accountable for them. Hence, it is important that the chief executive of the government should be held

accountable for the Minimum National Agenda. Ultimately it is his or her responsibility to ensure that the Minimum National Agenda (MNA) is implemented. As the term implies, this is a minimum that is expected from the government of a particular Prime Minister. We would expect the Prime Minister to do much more than the MNA. This we expect the PM will do in his / her self-interest or in the interest of his / her party. In other words, while we want innovation and charisma to play a role, we want to protect the country from the latter overshadowing the former. While in the foregoing we have applied NPM principles in the context of a Parliamentary democracy, same principles apply to a Presidential for of Government. There are many options for specifying this minimum acceptable performance. A standard way to do so is as follows:

Step 1:

The Prime Minister will specify the Performance Matrix⁶ at the beginning of his / her term. This matrix would have the following structure:

Table 4: Hypothetical Performance Commitments of the Prime Minister

Minimum National Agenda (Performance Criteria)		Units	Weight	Criterion Values				
				5	4	3	2	1
				Excellent	Very Good	Good	Fair	Poor
1	Unemployment, total (% of total labor force)	%	.40	10	11	12	14	16
2	Literacy rate, adult total (% of people ages 15 and above)	%	.30	70	68	67	66	62
3	Poverty headcount, Rural (% of population)	%	.30	25	26	27	28	30

Definitions:

1. *Unemployment refers to the share of the labor force that is without work but available for and seeking employment. Definitions of labour force and unemployment differ by country.*
2. *Adult literacy rate is the percentage of people ages 15 and above who can, with understanding, read and write a short, simple statement on their everyday life.*
3. *Rural poverty rate is the percentage of the rural population living below the national rural poverty line.*

Step 2:

At the end of each year, the National Performance Commission will calculate the performance of the Prime Minister using the following methodology. Let us say that the performance of the government on all fronts is as follows:

1. Unemployment, total (% of total labour force)	15
2. Literacy rate, adult total (% of people ages 15 and above)	68
3. Poverty headcount, Rural (% of population)	24

⁶ This is a hypothetical example to illustrate the principles. Details of this methodology can be found in several places including Trivedi (2008; 2010 (a) and 2010 (b)).

Table 5: Performance Score for the Prime Minister (at the end of the year)

Minimum National Agenda (Performance Criteria)		Units	Weight	Units	Achievement	Raw Score	Weighted Raw Score
1	Unemployment, total (% of total labour force)	%	%	.40	15	1.5	.6
2	Literacy rate, adult total (% of people ages 15 and above)	%	%	.30	68	4	1.2
3	Poverty headcount, Rural (% of population)	%	%	.30	24	5	1.5
Performance Score for the PM =							3.3

In terms of our 5-point scale, a score of 3.3 means that the performance of the particular Prime Minister's government is between "Good" and "Very Good." With this performance, there is no threat to the life of the government. However, if the PM gets a score of less than 3 in two consecutive years, he or she would be required to leave the office. Of course, the cut-off point can be anything decided ex-ante by the constituent assembly.

When a PM leaves the office because of poor performance in meeting the commitments with regard to the Minimum National Agenda, the parliament would not be dissolved. There is no need to fire the shareholder representatives because of the poor performance of the executive. Rather, the existing legislature will elect a new Prime Minister.

Proposed Change # 3:

Each Cabinet member shall have a Performance Agreement with the Prime Minister.

Rationale for Change # 3

This proposition is also based on common sense reasoning. Even when, the national goals are clear and the Prime Minister is accountable for achieving them, the real work has to be done by the cabinet members. Thus, the commitments of the PM will need to be broken up into smaller agendas for each of the government ministries. According to international best practice, performance agreements are a perfect instrument to do so.

A Performance Agreement (PA) will be an agreement between the Prime Minister and the relevant cabinet member that will specify the results that are expected from the cabinet minister at the end of the year. It will not only specify the performance areas and their relative importance (priorities), but also criteria to measure success in each of these areas. The structure of these performance agreements would be similar to the one for the PM at the national level.

Table 6 shows how the actions / results/ commitments of the government ministries in their respective Performance Agreements will be related to the National Agenda. To paraphrase Kennedy, "Ask not what National Agenda can do for you, but what Performance Agreements can do for the National Agenda."

Table 6: Relationship between National Agenda and Performance Agreements

Relative Priorities	National Agenda	Government Ministry – A	Government Ministry – B	Government Ministry – C
50 %	Employment Generation	Action # 1 Action # 2 Action # 3	Action # 1 Action # 2 Action # 3	Action # 1 Action # 2 Action # 3
	Poverty Reduction	Action # 1 Action # 2	Action # 1 Action # 2	Action # 1 Action # 2
	Improvement in Quality of Public Services	Action # 1 Action # 2	Action # 1 Action # 2	Action # 1 Action # 2
	Illiteracy Reduction	Action # 1 Action # 2 Action # 3	Action # 1 Action # 2 Action # 3	Action # 1 Action # 2 Action # 3
	Improvement in Infrastructure	Action # 1 Action # 2 Action # 3	Action # 1 Action # 2 Action # 3	Action # 1 Action # 2 Action # 3
50 %	Other goals of the government agency	Action # 1 Action # 2	Action # 1 Action # 2	Action # 1 Action # 2
	Other goals of the government agency	Action # 1 Action # 2 Action # 3	Action # 1 Action # 2 Action # 3	Action # 1 Action # 2 Action # 3
$\Sigma =$		Performance Agreement for Ministry A	Performance Agreement for Ministry B	Performance Agreement for Ministry C

The concept of Performance Agreements has been discussed extensively elsewhere and hence there is no need go into the details in this article (Trivedi 2003; 2008). However, it is worth mentioning that, like the Prime Minister, each cabinet member will be required to achieve a minimum of 2.5 on a 5 point performance scale. Two consecutive years of performance below 2.5 would by law remove the cabinet member from the government. If the Performance Agreements are well crafted, and all cabinet members achieve a score above 2.5, the Prime Minister should be able to retain his / her job.

Performance Agreements have been effective in a wide variety of contexts in which a principal wants to hold agents accountable for results. For example, this instrument has been used not only to hold public enterprises accountable for results but also government ministers and permanent secretaries as civil servants heading departments. While Public Service Agreements (PSAs) in the British government are probably more advanced than many similar attempts, the Performance Agreements signed by President Bill Clinton are a particularly good example of how accountability trickles down. President Clinton signed Performance Agreements with his cabinet secretaries (Ministers) who in turn signed similar agreements with their subordinates (under-secretaries). These Performance Agreements in the US government were signed as a mandatory requirement under the landmark legislation known as the Government Performance and Results Act (1993).⁷

This policy is also gaining ground in developing countries. The United Nations Public Service Award for 2007 was given to the Kenyan policy of Performance Contracts for

⁷ For more details see: Trivedi (2003)

being innovative and effective. In fact, the Kenyan proposal comes closest to the proposal in this article (Trivedi 2003; 2008). This proposal is also similar to the Results-Framework Documents (RFDs) prepared as part of government of India's Performance Monitoring and Evaluation System (PMES) for government departments (Trivedi 2010 (b)).

Proposed Change # 4: Create a National Performance Commission

The proposal is to create an independent National Performance Commission (NPC) to measure the performance of governments in the center and states. It would have the same powers and privileges as the National Election Commission or the Supreme Court. The Commissioners once appointed to the NPC will have secure tenure like the Supreme Court Judges.

The main duties of the NPC would include the following:

- Evaluate the performance of the Prime Minister and cabinet ministers as per the performance agreements.
- Evaluate the performance of Chief Minister and his cabinet members as per performance agreements.
- At the beginning of each cycle, approve performance agreements measures and targets to ensure they are meaningful.
- Undertake a performance audit of the nation to highlight areas that require improvement in performance of government agencies.

Rationale for Change # 4: In simpler times, it was easy to judge the performance of a government. This was primarily because governments played a limited role in the life of a nation. Most of the economy was run by private individuals (and companies) and the state provided limited public services. Most governments were involved in the political matters more than economic. Indeed, the original Greek city states, where democracy is said to have been born, often used democracy to decide on issues of war and peace. All the citizens would gather in the city square to debate and decide whether or not to go to war. The issues were simpler and the outcome was easy to judge at that time.

Today, the government of any modern nation state is involved in almost every aspect of a citizen's life. Leaders like Ronald Reagan and Margaret Thatcher tried their best to reduce the role of the government to the bare minimum, but they did not succeed. Thus, to wish away government is not a realistic option anyway. What is needed is to ensure good performance of the government. This has been modern democracy's Achilles heel. No matter how well a government does, the opposition will find ways to argue that it has been a miserable failure. Similarly, no matter how poorly government performs, its protagonists will try to convince citizens that it has been a roaring success. The ordinary citizens do not have the means to get to the truth. Thus, overtime, they have lost all faith in not only politicians but also the political system that breeds them.

Proposed Change 5: The Prime Minister once elected by both houses of the Parliament cannot be removed, except for cause by a process of legislative impeachment.

This will be achieved as follows:

- Elections will take place for members of parliament on party lines as is done currently.

- After election, there will be a vote for the Prime Minister using secret ballot. Each party would be able to put forward a candidate as well as individuals will also be able to stake a claim. If a candidate for PM gets the majority of the vote in the first round, he or she will be elected PM. If not, there will be a run off between the top two candidates.
- Once the PM is elected, he or she will have a secure tenure for five years.
- The elected Prime Minister will have to implement the mandate on which he was elected as a Member of Parliament.
- The elected PM would only lose his / her job if his / her performance falls below the constitutionally specified level.

Rationale for Change 5: This proposal achieves three main objectives:

- It provides a stable government for five years. As mentioned earlier, a poor country like India cannot afford to have unstable governments and frequent changes in the government. In addition to all the ills of poor governance associated with insecure governments, the cost of conducting a clean election is huge.
- The PM will represent all members of the parliament and will be chosen by the parliament. Hence, the essence of parliamentary sovereignty will be preserved.
- Once elected, the PM will be able to focus exclusively on performance. He will not have to worry about pacifying recalcitrant party members.
- The parliament will be free to make laws and scrutinise the functioning of the ministries as per the commitments in the ministerial performance agreements. This would make debates more focused on performance and results.

Proposed Change 6: The Prime Minister must have a fixed tenure of five years, with the possibility of being renewed twice. That is, a person could be the Prime Minister of India for up to three terms.

Rationale for Change 6: If a person is elected through the parliament, perhaps there is no reason to restrict the tenure drastically. In fact, an argument can be made to remove all such restrictions. Given that the job is now performance based and the only way to survive is by performing and delivering on all promises, why should there be any restrictions on the length of the service?

Essentially, there are four main reasons to justify this proposal:

- While a person is involved in managing a country and the power structures, it is difficult to consistently develop a lot of new ideas. Most people who have brought innovative ideas to the political table have had time to reflect on them in relative wilderness. The long years spent in jail were one of the reasons why Pandit Jawaharlal Nehru developed a clear vision for India and was consequently right on the mark with most public policies. For example, he had absolute clarity on the need for secularism for the survival of Indian democracy and the Union. It was his foresight in setting up leading institutions for technology and management that have given India the ability to lead in this field today. Whatever the ideologues may think of public enterprise, there is no question that had Nehru not laid the foundation of these “temples of modern India,” we would not have become the manufacturing power that we are. Hence, 15 years is sufficient for any leader to implement his ideas and then step aside to let others lead the nation.

- People get attached to a leader and start to forgive his trespasses. Hence, if the leader does not have a mandatory exit deadline, people may continue to tolerate him for emotional reasons, in spite of damage to the public interest. Of course, there is some truth in the saying that power corrupts and absolute power corrupts absolutely.
- By giving a person an open-ended tenure, there is a risk of stunting the development of future leadership. When younger generation knows that the top spot is locked up for a very long time, they may be discouraged from pursuing their ambition. Often, successful leaders are tempted to hold their cards close to their chests rather than nurturing future leadership.
- If the person has still the energy after serving for 15 years as PM, it can be best used by offering guidance and advice from outside. A country benefits from having such personalities who are perceived to be giving opinions without any ulterior motive. That is why Mahatama Gandhi was so effective.

Proposed Change 7: The Cabinet should be chosen from the best people available in the country. A cabinet position should be considered a full-time job and should be staffed by the best available professional in that field.

Rationale for Change 7: There is no question that running a modern government is much more complex than it used to be. Would any private sector organization hire a CEO by means of a popular election? Government departments are even more complex and require even higher degree of skill. No wonder the US President often chooses the CEO of a large corporation to run many of his executive departments.

The reason for this convention of choosing cabinet members from among the members of the parliament has its origins in the desire for the parliament to have oversight over the executive branch.⁸ This practice started at a time when management science was not very developed. This was the only way to ensure that the executive followed the directions provided by the legislature.

Given the advances in management science, this method is archaic and counterproductive. The Legislature should control the executive by specifying outcomes and outputs and not by controlling procedures. Thus, under this proposed change, the legislature will play an active role in specifying the performance contract for the PM. This will decide the direction of the government. The legislature will also have the opportunity to debate Performance Agreements of individual government ministries. Once the Performance Agreements are approved by the parliament, the members would play an active role in monitoring the progress against the commitments specified in the Performance Agreements.

When implemented, this proposed change will shift the management of the entire government from management by control of processes and procedures to control by objectives and outcomes.

⁸ The following quote from the popular BBC serial, *Yes Minister*, is very insightful in this context: "The argument that we must do everything a minister demands because he has been 'democratically chosen' does not stand up to close inspection. MPs are not chosen by 'the people'—they are chosen by their local constituency parties: 35 men in grubby raincoats or 35 women in silly hats. The further 'selection' process is equally a nonsense: there are only 630 MPs and a party with just over 300 MPs forms the government and of these 300, 100 are too old and too silly to be ministers and 100 too young and too callow. Therefore, there are about 100 MPs to fill 100 government posts. Effectively no choice at all."

Concluding Comments

The outline of constitutional reforms presented may appear to be dramatic. But it is no more dramatic than previous democratic reforms. Many of the democratic achievements that we take for granted were obtained as a result of bloody and violent struggles. As simple and obvious an idea as universal suffrage was considered dramatic and unrealistic by many of its contemporaries. Yet, today it is difficult to imagine a democracy without it. This article is written with the hope that in a few years time, ideas outlined here will also be as integral a part of democracies as universal suffrage.

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