CS

CERTIFIED SECRETARIES (CS)

PART III

SECTION 6

PUBLIC POLICY

AND

ADMINISTRATION

STUDY TEXT

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TOPIC 1

NATURE AND CONTENT OF PUBLIC ADMINISTRATION

CONCEPT OF PUBLIC ADMINISTRATION

Introduction

Public Administration is a newly emerged discipline compare to other Social Science's discipline. Public Administration has gained immense importance since the emergence of Administrative state. In Ancient Greek, Roman and Indian political system gave more importance to the concept of Administration. Kautilys's "Arthasathra" contributed large scale in the administrative system; it deals every aspect of the state and its relation to subjects. In simple sense Public Administration is state mechanism. In every Political System administration have significant role.

Meaning of Public Administration

The word Administration has been derived from the Latin words 'ad' and 'ministiare' which means to serve. In simple language it means the 'management of affairs' or 'looking after the people'. In general sense Administration can be defined as the activities of groups co-operating to accomplish common goals. It is a process of management which is practiced by all kinds of organisations from the household to the most complex system of the government. According to L. D. White, Administration was a 'process common to all group effort, public or private, civil or military, large scale or small scale'.

Public administration is "centrally concerned with the organization of government policies and programmes as well as the behavior of officials (usually non-elected) formally responsible for their conduct. Generally Public Administration has been used in two senses. In the wider sense it includes all the activities of the government whether falling in the sphere of legislature, executive or judicial branch of the government, in the narrow sense Public Administration is concerned with the activities of the executive branch only.

Definitions of Public administration

L D White observes, "Public Administration consist of all those operations having for their purpose the fulfilment or enforcement of public policy".

Pliffner defines It would seem that "Public Administration consists of getting the work of government done by co-ordinating the efforts of the people so that they can work together to

accomplish their set tasks".

Prof: Woodrow Wilson defined Public Administration as detailed and systematic execution of public law; every particular application of general law is an act of administration.

Luther Gullick 'Public Administration is that part of the science of administration which has to do with Government and thus concerns itself primarily with the executive branch where the work of the government is done.

Dwight Waldo defines Public Administration as 'the art and science of management as applied to the affairs of state'.

NATURE OF PUBLIC ADMINISTRATION

There are two divergent views regarding the nature of the Public administration. These views are following

Integral View. According to this view, Public administration is a sum total of all the activities undertaken in pursuit of and in fulfillment of public policy. These activities include not only managerial and technical but also manual and clerical. Thus the activities of all persons from top to bottom constitute administration although they are of varying significance to the running of administrative machinery. Prof: L D White adopts this view of Public administration. According to him, Public Administration 'consists of all those operations having for their purpose the fulfilment or enforcement of public policy'. This definition covers a multitude of particular operations, many in fields. Another scholar Marshal E Dimock also shares the same view. He holds that administration is concerned with the 'what' and 'how' of government. The 'what' is the subject matter, the technical knowledge of a field which enables the administrator to perform his tasks. The 'how' is the technique of management, the principles according to which cooperative programmes are carried to success.

Managerial view. According to this view, the works of only those persons who are engaged in the performance of managerial functions in an organisation constitute administration. In this managerial view the administration has the functions of planning, programming and organise all the activities in an organisation so as to achieve the desired ends. Luther Gullick and Herbert Simon subscribe this view. Gullick says 'Administration has to do with getting things done; with the accomplishment of defined objectives'.

These two views are deals the nature of public administration. In simply the nature of Public Administration deals the execution.

SCOPE OF PUBLIC ADMINISTRATION

In the modern time Public administration have a pivotal role. There are many discussions about the scope of Public Administration, some scholars are argued that in the Neo-liberal time the scope of Public administration is very less and Private administration have growing importance. Some argues that the neo-liberal time the term Public administration has significant one because the neo liberal state has faced many problems like environmental and technological issues.

The scope of Public administration deals in many ways

Public Administration and People.
Public Administration is an organisational effort it needed a close relation to people. In every Administrative system they have good relation between people and administrative agencies. It influenced the day to day life of the common people.

Public Administration and Democracy
In a Democratic political system scope of public administration is related in many ways. It have close link to people and at the same time they are the watch -dog of the political system. The Modern democratic state gave more important to the welfarism, In a welfare democracy the effective administration is essential.

There are many other reasons also contribute the scope of Public Administration.

- ➢ Development of Communication and Technology
- ➢ The Development of Neo-Liberal State
- ➢ The concept of Participatory Development
- ➢ Good Governance.
- ➢ E-Governance
- ➢ Environmental concerns
- ➢ Human rights approach
- ➢ New Social Movements and State

The characteristics of Public Administration

The characteristics of public administration in the democratic context are:

- **Non-partisan or Neutrality:** public administration is a non-political administrative apparatus that is subject to policy direction but not partisan.
- **Structure:** a set of laws or legally founded rules that create the structure of the administrative apparatus of the state.
- **Power:** public administration has given certain authority to draw and implement policy to achieve the desired goal.
- **Activities:** public administration carries out activities that are related to the government
- **Supervision:** continuing democratic supervision of administrative activities through the executive which directs activities within public administration apparatus.
- **Personnel**: public administration is carried out by public servants who work in public departments and agencies, at all levels of government, and perform a wide range of tasks.

The Significance of Public Administration

- Enhancing civil society, ensuring a well-run, fair, and effective public service.
- Improving equality, justice, security, efficiency, effectiveness of public services usually in a non-profit, non-taxable venue.
- Maintaining law and order.
- Promoting peace and harmony.
- Protecting the interests of the state and of the people.
- Practicing Good governance - transparency and accountability in government policy decision making and implementation process.

The Role of Public Administration

Public administration plays very important role in any country. The role of public administration is changing from being a major provider of public services and development to promoter and facilitator of development.

- **Implementing government policies -** Public administration has important role to play in translating the ideas, wishes and policies of politicians into reality.
- **Providing Public services** — public administration provide varieties of services directly or indirectly through its agencies. Such services including provision of water, education, health, electricity, telephone, postal, transport, public housing, immigration and security services.
- **Improving Service delivery** —, improving service delivery in term of timeliness, quality, availability, effectiveness, efficiency and convenience. This can be achieved by considering citizens as customer and success is measured in terms of citizens' satisfaction.

- **Promoting social change and economic development** — improving socio-economic status of citizens and alleviating poverty.
- **Maintaining peace and harmony -** Public administration is a major force for bringing stability in society.
- **Monitoring and control private sector activities -** Public a.dministrationis also regulate and control private economic enterprises to meet the objectives of the state.
- **Protecting of the rights of workers in industrial sector** - it is imperative for public administration to implement such laws in order to meet the requirements of labour welfare.
- **Scientific and technological developments** — bringing new techonologies for administration such as the advancement of e-goverment.
- **Economic planning** - Centralised economic planning has been pursued in many' developing countries as a method for socioeconomic development. It requires a large number of experts and elaborate administrative machinery for plan formulation, implementation, monitoring, and evaluation.

PUBLIC ADMINISTRATION IN DEVELOPING NATIONS

After World War 11, many developing countries became independent before they had developed effective administrative structures or bodies of trained civil servants. Few of the colonial powers had trained indigenous administrators sufficiently. The British left a viable administrative structure in Kenya and a partly Kenyanized civil service, but the newly independent Kenya had few experienced civil servants. Even when they inherited reasonably efficient administrative organizations, the newly independent countries' politicians frequently proved incapable of fulfilling their supporters' expectations. Civil servants from the old colonial powers who remained behind often found radical policies and new masters uncongenial. The resulting exodus of many such civil servants worsened matters, for indigenous civil servants were seldom an adequate substitute.

The lack of qualified personnel sometimes led to not only a reduction in efficiency but also a decline in administrative morality. Nepotism, tribalism, and corruption as well as inefficiency in the civil service were difficulties often added to the other trials of independence. In many countries the incapacity of the civil service was a factor leading to military rule, as were the political failings of the elected leaders. Military regimes have frequently been the last resort of a country where the civil power has failed to cope with the problems of independence. Consequently, the United Nations (UN), in conjunction with the governments of advanced countries, began to develop training programs for civil servants from underdeveloped countries.

After the 1970s the international agencies gave less help toward training, on the assumption often unrealized that the less developed nations would take on greater responsibility themselves. Training also tended to be generalist and academic, leading to acute shortages of trained administrators in

specialized fields such as finance and planning. However, organizations such as the British Council began in the early 1980s to remedy some of these deficiencies.

HISTORY OF PUBLIC ADMINISTRATION

The study on the history and development of public administration actually focuses on three major issues.

- The major scholarly movements that contribute to the formation and establishment of public administration.
- The institutional development of public administration
- The factors that are shaping the discipline.

The major scholarly movements in USA

1. Early 16 century - It witnessed the birth of national state. The governors principally emphasized on moral and political human nature. The first Western expressions on the methodology of government. Max Weber (1864 — 1920) Theory of Bureaucracy.
2. Mid — 1800s to 1930s - Lorenz von Stein (1815 — 1890) the founder of the science of public administration. Woodrow Wilson (1856 — 1924) the father of public administration. The congressional government and of the major concept is separation of politics and administration (political and administrative dichotomy).
3. 1940s - Luther Halsey Gulick, III (1892 — 1993) summarized the duties of administrators with an acronym; POSDCORB, which stands for planning, organizing, staffing, directing, coordinating, reporting, and budgeting.
4. Post- World War II - 1970s - The mid-1940s theorists challenged Wilson and Gulick. The politics-administration dichotomy remained the center of criticism in the third generation. In addition to this area of criticism, government itself came under fire as ineffective, inefficient, and largely a wasted effort.
5. 1980s - In the late 1980s, yet another generation of public administration theorists began to displace the last. What was called New Public Management was proposed by David Osborne and Ted Gaebler. The new model advocated the use of private sector innovation, resources, and organizational ideas to improve the public sector.
6. 1990s - In the late 1990s, Janet and Robert Denhardt proposed a new public service model. This model's chief contribution is a focus on Americans as "citizens" rather than "customers". Accordingly, the citizen is expected to participate in government and take an active role throughout the policy process.

7. Year 2000 - New public management (NPM) focusing on themes of reintegrating government responsibilities, needs-based holism (executing duties in cursive ways), and digitalization (exploiting the transformational capabilities of modem IT and digital storage).

Public Administration as a discipline is not very old and it is only a hundred years. During these years Public Administration has passed through several phases of development. We can broadly divide the history of Public Administration into the following five periods:-

Period I 1887 — 1926
Period 11 1927 - 1937
Period III 1938 - 1947
Period IV 1948 - 1970
Period V 1971 — continuing

Period I (1887 — 1926) Public Administration Dichotomy:

The discipline of public administration was born in the USA. The credit for initiating as an academic study of public administration goes to Woodrow Wilson, who was teaching political science at Princeton University and who later became the President of USA. He is regarded as the father of the discipline of public administration. in his article entitled "The Study of Administration", published in 1887, he emphasized the need for studying public administration as a discipline apart from politics. This is known as principle of politic administration dichotomy, i.e. a separation of politics and administration. Wilson argued that administration lies outside the proper sphere of politics. The administrative questions are not political questions. The field of politics is not the field of business; it is removed from the strife of politics.

Period II (1927 - 1937) Principles of Administration:

The central belief of this period was that there were certain principles of adimnistration and which was the task of the scholars to discover and applied to increase the efficiency and economy of public administration. Scientific management handled the business of administration became a slogan. Administrative practitioners and business school joined hands to mechanize aspect of management. They claimed that public administration is a science. The great depression in the America contributed a lot to the development. These periods were the golden years of principles in the history of public administration. This was also a period when public administration commanded a high degree or respectability and its product were in great demand both in -government and business.

Period III (1938 — 1947) Era of Challenge:

The main theme during this period was the advocacy of 'Human Relationship Behavioral Approach" to the study of public administration. The idea of administrative dichotomy was rejected. It was argued that administration cannot be separated from politics because its political in nature and role. Administration is not only concerned with policy decision but it also deals with policy formulation. Similarly, the principle of administration was a challenge. It was considered as a proverb and naturalistic facilities were criticized due to its dependence on formal structure of organization.

Period IV (1948 - 1970) Public Administration as Management:

Some public administrators began searching for an alternative, partly because of their second-class citizenship status in a number of Political Science Department of universities. The management option which sometimes is called "administrative science" or "generic management" was a viable alternative for a significant number of scholars in public administration.

Management is a field that covers organization theory and behavior, planning, decision making, and various techniques of management science such as path analysis and queuing theory, human resources management, leadership, motivation, communication, management information systems, budgeting, auditing, productivity, and marketing. Management thinking, stemming from the many business schools fostered the alternative paradigm of management.

Scientific management and principles gave way. to administrative management science. Catheryn Seckler-Hudson in 1955 came up with the basic concepts hi the Study of public management. She recognized the policy and political implications within the setting of public administration but gave primary weight to the problems of public management. She argued that management is the effective utilization of human resources and material to reach the known goal. Other works as James G. March and I lerbert Simon's organization (1858), Richard Cyert and March's a behavioral theory of the firm (1963), March's handbook of organization (1965), and James D. Thompson's organization in action (1967) gave solid theoretical reasons for choosing management, with an emphasis on organization theory as the paradigm of public administration.

In the early 1960s organization development began its rapid rise as a specially of management. As a focus, organization development represented a particularly tempting alternative to political science for many public administrators. Organization development as a field, is grounded in social psychology and values the democratization of bureaucracies, whether public or private, and the self-actualization of individual members of organizations. Because of these values, organization development was seen by many younger public administrators as offering a very compatible area of research within the framework of management. Democratic values could be considered, normative concerns could be broached and intellectual rigor and scientific methodologies could be employed.

Period V (1971 - Continuing: Public administration as public administration: 1971-?

The National Association of Schools of Public Affairs and Administration (NASPAA) in 1970, was founded. The formation ofNASPAA represented not only an act of secession by public administrators from political science or management science, but a rise of self-confidence as well. Progress, particularly in the area of organization theory and information science, has been made in this direction. Additionally, considerable progress has been made in refining the applied techniques and methodologies of public administration.

The development or evolution of public administration in a particular country is significantly related to the social and economic development of the state. The government and public administration is transforming to maximize public value. The existence of contemporary public administration is significantly related to the past and present scenario to ensure that citizens get the best assistance from the government.

Public administration as an academic discipline, its intellectual history can be traced back to the seminal essay by Woodrow Wilson published in the Political Science Quarterly in 1887 entitled "The Study of Administration" in which he called for a politics/administration dichotomy stressing the need for a scientific study of administration.' His essay was a pioneering attempt in delineating administration (government in action) as a filed for analytical study and a symbolic beginning of public administraticin as a subject of enquiry.

Wilson's contribution to the academic discipline of public administration can be visible in three distinct and interrelated areas:

- His emphasis on a politics/administration dichotomy by distinguishing the special features of administration.
- His advocacy of a scientific study of the subject of administration
- His early initiaves for the adoption of the comparative methods in the study of administration.

According to Wilson, the study of administration developed as a consequence to the increasing complexities of society and the resultant growth in the functions of governments. By the 19th century, growing population, complexities of trade and commerce, emergence of huge corporations, coupled with the problems of personnel management made the problems of governance complex and difficulty in all states. This ever growing galaxy of functions raised the question as to how and in what directions these functions should be performed. Wilson categorically stresses the need for reforms in the government, especially in its administrative sphere. The object of enquiry was to discover what government can do properly and how it can do so with efficiency and economy.

Functioning of the governmental machinery has attracted the attention of scholars and administrators since the earliest periods of history. The term public administration began to creep into European languages during the 17th century to distinguish between the absolute monarch's administration of

public affairs and his management of his private household. The contemporary discipline arose out of the bureaucratization of the nation state when the church was separated from the state and government was superimposed on all other social institutions within a definite territory. The scope of government administration was traditionally lower in Europe and administration was considered more of an experimental art rather than a subject to be taught theoretically. With the expansion of governmental functions, the need for training practitioners in the art of public administration was felt. The study of public administration began in the United. States, which led to its acceptance as a fully-fledged discipline. With the expanding governmental functions, public administration as an activity became highly diversified, complex and specialized. There was a growing need for better management of public affairs through scientific investigations into government functioning and specialized training of public servants in the USA.

Many factors contributed towards the growth of the study of public administration in the USA as a separate academic discipline in the 26th century.

Firstly, the development of modern sciences and technology made an impact on the life of the people and the functioning of the government. Industrialization gave birth to large scale organizations with complex problems of coordination and cooperation. Rapid technological development created large scale social dislocations which made state intervention imperative and desirable. Hence scholars came to pay increasing time and attention to the problems of organization and management.

Secondly, the scientific management movement founded by Fredrick W. Taylor which began in the USA towards the end of the end of the 19th century gave great impetus to the study of public administration. Taylor's ideas had a revolutionary impact throughout the world. His main thesis was that all work processes are separable into units; the efficacy of each unit can be tested and improved; the techniques can be extended upwards in every organization, making industries and governments even societies, more efficient and rational.

Thirdly the gradual evolution of the concept of welfare state. The philosophy of state functions everywhere has decisively shifted from the tradition notion of laissez faire to that of social welfare. The welfare movement has tremendously enlarged the scope of governmental function and administration since public administration has become the chief instrument of social welfare.

Lastly, the movement for governmental reform gathered momentum in the USA from the early years of the present century when intellectual efforts were systematically made for the steady development and growth of an autonomous and specialized field of knowledge based on the structure and functioning of public administration as the quality of public services was poor and left much to be desired.

PUBLIC ADMINISTRATION VERSUS PRIVATE ADMINISTRATION

Similarity between public and private administration

- Activities performed by government agencies are also tasks performed by private agencies which are strictly public service and welfare oriented. Conversely, there are many tasks performed by the government bureaucracy which may be of a private nature.
- Methods and work procedures may be common to both public and private administration. Accounting, statistics, office management and procedures and stock taking are problems of administrative management common to both public and private administration.
- With the continuous expansion of the public sector in industrial enterprises and the steady growth of public corporations governments have been drawing heavily upon the business knowledge and expertise of private administration to run these enterprises. With the popularization of the concept of democratic welfare state, the PrinCiple of democratic control, public accountability and popular checks on administrative behaviour are increasing in all private organizations.
- Private business concerns are also subjected to many legal constraints as the government is exercising much control, over business firms through taxation, monetary and licensing policies.

The four main principles which differentiate public from private administration are:

- Uniformity
- External financial control
- Ministerial responsibility
- Marginal Return

Public administration is viewed as bureaucracy characterized by red tapism, inefficiency and inertia whereas private administration is viewed as efficient and businesslike.

Differences between public and private administration

- **Political direction or ministerial responsibility:** Unlike private administration, public administration is subjected to political direction in most policy matters. It is the minister who lays down broad policy outlines, under which the bureaucrat has to implement the policy. Operational autonomy is however granted to a great extent to public administrators who are not responsible for their actions to the legislature. It is the minister who represents his department in the legislature and is held responsible for all acts of omission and commission of his administrative juniors to parliament.
- **Profit motive or marginal return:** Public administration is service oriented and profit making is not its goal. There is no correlation between income and expenditure since most government departments are spending departments and even in the so called revenue

producing departments, the primary motive is always public service. For private administration, profit is usually the bottom line.

- **Social. Necessity:** Public administration caters to social needs and public utilities e.g. it maintains railway to facilitate movement of goods and passengers, hospitals and dispensaries are meant to provide medical aid and public health services to the people. The scope of the private administration is narrower as it is concerned with providing marketable consumer goods to the public thus catering to the economic needs of the citizens. Besides, the nature of some of the government services is so wide, comprehensive and expensive that no private administration can undertake them e.g. maintaining a vast network of police and the army.
- **Public responsibility:** The public administrators are trained and duty bound to respect the wishes of the public and cater to their needs. Private administration has no such obligation as its main objective is to secure its own ends.
- **Uniformity of treatment:** Public administration should be consistent in procedure and uniform in its public dealings as it is subject to the principle of external financial control. Government revenues are controlled by the people's representatives through the legislature whereas in private administration finances are controlled by an outside agency.
- **Conformity to laws** and regulations: The public administrators cannot do anything contrary to or in excess of legal power as they have to function within the legal framework as they can never break the law. If the law is broken, the public administration actions can be declared invalid or ultra-vires by the courts. Private administration has no such responsibility.

A summary table of differences between public vs. private administration

PUBLIC	PRIVATE
Created by the government/public	Owned by private/individual or group
Constitution set the formation	Subject to company law
Funded by taxes/public budget	Funded by investor capital/share
Not for profit motive	Profits motive
Controlled by legislative & judiciary	Controlled by the board
Public services/Do not pay taxes	Pay taxes / Engage in various business activities

PUBLIC ADMINISTRATION VERSUS POLITICS

Rossenbloom noted that public administration differs from political science in its emphasis on bureaucratic structure and behaviour and its methodologies.

Wilson viewed administration as government in action and argued that administration and politics are separate and should be kept so. He insisted that administrative questions are not political questions and that politics is the field of the statesman whereas administration is that of the technical

official. Wilson observed that public administration is a detailed and systematic execution of public law and that every particular application of a general law is an act of administration. Distinction is between, policy making and policy execution. He stated that administration should be concerned with the efficient management of government business and should be removed from the uncertainties and strife of politics as he was aware of the interdependence between politics and administration. Wilson advocated that administrative development should not take place in a political vacuum and that merit should be the sole criteria for selection and training of civil servants. He was strongly opposed to the creation of bureaucratic elite not subject to democratic control.

According to Frank .J. Goodnow, politics has to do with the expression of the state will while administration has to do with the execution of these policies. In short, Goodnow posited the politics-administration dichotomy and he developed the Wilsonian theme further and greater courage and conviction.

There are several differences between public administration and politics and they are highlighted in tyhe table below:

KEY CHARACTERISTICS	PUBLIC ADMINISTRATION	POLITICS
Power	Have limited power within various departments.	Have limited power since politics are based on majority citizens' choice through election.
Structure	It is the largest sector and dominant force of the country.	Representatives from particular parties win in the elections to govern the government.
Purpose	Serves every member of the society	Fulfill citizens' interests to get support.
Office Tenure	Permanent.	Changes after a number of years e.g. in Kenya, elections are held after every 5 years.
Activities	Repetitive	Takes action on current issues

THEORETICAL PERSPECTIVES OF PUBLIC ADMINISTRATION

There are different approaches /theories to the study of public administration:

- The philosophical approach emphasizes the ideals underlying the administrative activities as it advances a humanistic and philosophical bent to the rationalization of human behavior in administrative activities. It means that the scheme of classification and analysis looks at values both of the administrative structures and the values and expectations of the individuals it ought to serve.
- The legal approach emphasizes the legalistic concerns and processes of public administration as it views public administration as a legal matter and studies it as part. of law and focuses attention on the legal structure of public authorities, their stated duties and limits of their powers. It describes the way in which things are supposed to be done without noting how they are actually done.
- The managerial approach views public administrative institutions as agencies of management. It views public administration as a purely technical and non-political organization concerned with getting things done effectively. It emphasizes that the formal administrative structures and the impersonal view of individuals in whom authority is vested according to their hierarchical positions in the organization. It also advocates the idea that principles of organization are of universal applicability to all forms of administration.
- The behavioural approach focuses on the actual behavior of individuals and groups in administrative organizations rather than rules and institutions. It views administration system as a pattern of behavior that depends on a network of human relations.
- The systems approach to the study of public administration is borrowed from engineering. It sees administration as a system of interrelated and interdependent parts and forces. Formal structures as well as behavioural patterns are the channels along which these forces move. The administrative system receives inputs in the form of demands from the people and converts them into outputs which take the form of goods and services.
- The political approach argues that public administration is an integral part of the political process and emphasizes the political nature of public administration. It accepts the view that public bureaucracy plays an important role in the shaping of public policy and rejects the view of the traditional dichotomy between politics and administration. It also stresses that public administration should be organized around the political values of representatives, responsiveness and accountability through elected officials to the citizenry.
- The economic approach looks at public administration as an economic organization ie rationalizes the scarce resources of the administrative state and maximizes the societal gains for the benefit of the many.

The study on the on the theories of public organization focus on:

- The theory of bureaucracy as the foundation for the establishment of public organization.
- The nature and characteristics of bureaucratic organization.

- The strengths and limitations of bureaucratic organization.

BUREAUCRACY

A bureaucracy is a form of organization in which officeholders have defined positions and (usually) titles. Formal rules specify the duties of the officeholders. Personal distinctions are usually discouraged by the rules.

Bureaucracy is the collective organizational, procedures, protocols, and set of regulations in place to manage activity, usually in large organizations and government.

According to Karl Marx's theory, bureaucracy rarely creates new wealth by itself, but rather controls, co-ordinates and governs the production, distribution and consumption of wealth. The bureaucracy as a social stratum derives its income from the appropriation of part of the social surplus product of human labor. Wealth is appropriated by the bureaucracy by law through fees, taxes, levies, tributes, licensing etc.

Max Weber defined bureaucracy as a formal, hierarchical organization with many levels in which tasks, responsibilities, and authority are delegated among individuals, offices, or departments, held together by a central administration. He noted that the development of bureaucratic organizations is necessary for the emergence of any modern civilization. According to Weber, the attributes of modern bureaucracy include its impersonality, concentration of the means of administration, a leveling effect on social and economic differences and implementation of a system of authority that is practically indestructible.

The general principles of bureaucracy

- Clear hierarchy of authority.
- Rigid division of labour.
- Written and inflexible rules, regulations and procedures.
- Impersonal relationship.
- Once instituted, bureaucracies are difficult to dislodge or change.

Types of bureaucracy

- Representative Bureaucracy — acts as representative of citizens. The establishment of bureaucracy based on citizens ratio (race and ethnicity) to ensure the interests of diverse groups are represented in policy formulation and implementation processes.

- Neutral Bureaucracy - Bureaucrats are supposed to administer the rules without bias. No one should be given preferential treatment. There is political neutrality in the civil service and work is based on policy, rules and regulations.

The characteristics of bureaucratic organization

- Official business is conducted on a continuous basis
- Official business is conducted with strict accordance to the following rules:
  - the duty of each official to do certain types of work is delimited in terms of impersonal criteria
  - The official is given the authority necessary to carry out his assigned functions
  - the means of coercion at his disposal are strictly limited and conditions of their use strictly defined.
- Every official's responsibilities and authority are part of a vertical hierarchy of authority, with respective rights of supervision and appeal
- Officials do not own the resources necessary for the performance of their assigned functions but are accountable for their use of these resources
- Official and private business and income are strictly separated
- Offices cannot be appropriated by their incumbents (inherited, soldeeted
- Official business is conducted on the basis of written documents.

The strengths of bureaucracy

- Prevent misuse or abuse of power.
- Rationalized and formalized decision making which lead to right decisions based on facts.
- Clear and written records hence there is formality.
- Specialization of works leading to increased productivity.
- Increases accountability and integrity i.e. more responsibilities on the job.
- Equal access to government services: Fair and just treatment regardless of political ideology, race or ethnicity.

The critics and limitations of bureaucracy

- Overspecialization makes individual officials not aware of larger consequences of their actions.
- Rigidity and inertia of procedures makes decision-making slow or even impossible when faced with some unusual circumstances, and this similarly delays change, evolution and adaptation from old procedures to new procedures.
- A phenomenon of group thinking i.e. zealotry, loyalty and lack of critical thinking regarding the organization which is perfect and always correct by definition, making the organization unable to change and realize its own mistakes and limitations.

- Disregard for dissenting opinions even when such views suit the available data better than the opinion of the majority;
- As bureaucracy creates more and more rules and procedures their complexity rises and coordination diminishes, facilitating creation of contradictory and recursive rules, as described by the saying "the bureaucracy is expanding to meet the needs of the expanding bureaucracy".
- Not allowing people to use common sense as everything must be as.is written by the law.

Thus the theory of bureaucracy has created an institution of public organization. Public administration denotes the institutions of public bureaucracy within a state and governed by bureaucratic officials. A bureaucrat is a member of public organization working to execute public policy. All Government servants are bureaucrats in public administration. Their position is subject to law, rules, regulations and procedures.

PUBLIC INSTITUTIONAL THEORY

Institutionalism is the framework, the language and the set of assumptions that hold and guide empirical research and theory building in much of public administration. It begins as a basis for understanding political and social institutions, including formal and bureaucratic organizations. The perspective and tone of institutionalism in public administration were set in 1989 with the publication of the foundation documents, James Q. Wilson's Bureaucracy: What Government Agencies Do and Why They Do It and March and Olsen's Rediscovering Institutions. These authors point to the limitations of economics and market logic as theory that accounts for institutional behavior, and instead build their theories on the consideration of structure, particularly hierarchy, and individual and group behavior in institutional contexts; on the interaction of individuals and organizations and their wider political, social, and economic contexts; and on the influence of professional and cultural norms on institutional behavior patterns and institutional longevity and productivity. Institution theory captures and comprehends the rather long series of scholar-ship on co-production, multiple stakeholders, public-private partnerships, privatization and contracting, and the increasingly fuzzy distinctions between things public and things private. Institutional theory has the particularly useful capacity to describe favorably the linkages, networks, and couplings; of institutions coping with fragmentation, disarticulation, asymmetry between public problems and public jurisdictions, and high interdependence.'

In simplified form, institutionalism sees organizations as bounded social constructs of rules, roles, norms, and the expectations that constrain individual and group choice and behavior.

Most institutionalists work from a few key ideas:

- Institutions are understood to be a formal bounded framework of rules, roles, and identities

- Within the formal frameworks, preferences are inconsistent, changing and at least partly endogenous, formed within political institutions. Institutions shape the definitions of alternatives and influence the perception and the construction of the reality within which action takes place
- Institutional theory emphasizes the logic of appropriateness based on institutional structures, roles, and identities. The logic of appropriateness is based on the assumption that institutional life is "organized by sets of shared memories and practices that come to be taken as given. Institutional structures are organized according to socially constructed rules and practices that are formally assumed and supported.
- The logic of appropriateness is based on matched patterns of roles, rules, practices, and structures, on the one hand, and a situation, on the other. Appropriateness, then, is influenced by laws and constitutions and other authenticated expressions of collective preferences. But appropriateness is also influenced by emotions, uncertainties, and cognitive limitations. Appropriateness not only is applicable to routine decision problems but also comprehends ill-defined and novel situations, such as civil unrest, demands for comprehensive redistribution of political power and welfare.
- One group of institutional theorists give importance to the idea of community and the common good. Effective public institutions are thought to be unlikely, if not impossible, if citizens are concerned only with self-interest.
- Another group of institutional theorists who work from the rational chdice perspective tend to use deductive assumption-based models and computer simulations.
- Some institutionalists tend to focus on order, and particularly on structures that impose order. Others do not find order in the rational reasoning of relationships between means and ends or in a notion of an efficient history in which exogenous forces shape the policy outcomes of political institutions.

NEW PUBLIC MANAGEMENT (NPM)

The new conceptualizations in the discipline of public administration coinciding with the remarkable changes in the practice of governments and public agencies worldwide since the eighties have been termed as a paradigmatic shift and given the generic name of New Public Management (NPM).

New public management is the series of reforms from the 1980s onwards, to improve the efficiency and performance of governments and public sector organizations. The basis of NPM has been an emphasis of efficiency and cost cutting and the general assumption that the government should deliver more for less and also improve public sector performance.

Today, the NPM is becoming the dominant managerial approach. The key concepts somewhat evolutionary a decade ago are now the standard language of public administration. Terms such as

results oriented, customers focused, employee empowerment, entrepreneurship, and outsourcing, have .dominated the mainstream.

Overall, public administrative culture is changing to be more flexible, innovative, problem solving, entrepreneurial, and enterprising as opposed to rule bound, process oriented, and focused on inputs rather than results.

The characteristics of NPM are the following eight aspects:

- Strengthening steering functions at the center
- Devolving authority and providing flexibility
- Ensuring performance, control and accountability.
- Improving the quality of regulation.
- Providing responsive service
- Developing competition and choice within the public sector
- Greater use of contract arrangements within the government as well as outside it.
- Emphasis on results rather than procedures

Main features of NPM

- 'NPM emphasizes the role of public agencies in adopting private sector techniques in providing high quality services to citizens and advocates managerial autonomy in public management.
- Organizational structures are being redesigned and hierarchies abandoned to create environments for more effective and productive managerial leadership.
- Personal responsibility and accountability is sought to be built into the production process. Rewards including pay structures are based on fulfillment of performance targets.

Values of the New Public Management

	New public management	Traditional public management
Values	Entrepreneurship, flexibility and creativity	Prudence, stability and accountability
Risk tolerance	Risk taking	Risk taking
Accountability	Accountability by results	Process accountability
Structures	Decentralized partnerships contracts	Hierarchical and centralized contracts

SALIENT ADMINISTRATIVE PRINCIPLES

There are several principles that govern public administration and have wide, if not universal acceptance.

Authority: The political executive is obliged to be satisfied with giving broad guideline s and directions leaving the details of the job to the care of the public administrator who has the responsibility to discharge and is supposed to handle every situation with great care so that it does not become explosive and uncontrollable. This can only be a success only when the public administrator has sufficient authority and is given considerable freedom and liberty to exercise it.

Political Direction: A public administrator must carry out the directions of the political executive honestly and obediently and should never have any political affiliations. He should serve with the lofty idea of serving the others within a framework given to him by his political executive. He should neither take such initiatives nor implement policies in a way which may irritate the political executive. This is one of the basic principles of public administration as it emphasizes civil servant - neutrality.

Discipline: A public administrator should obey and enforce discipline. He should be capable and competent enough to keep his subordinates under discipline. He should see to it that his administrative orders are carried out effectively and that all parties working under him are disciplined.

Span of Control: A senior officer's work should be organized so that the maximum number of subordinates can approach him and he has sufficient time to supervise the work of his subordinates.

Responsibility: A public administrator is supposed to follow the principle of responsibility and should work with the idea that he is largely responsible to the tax payer. He should be willing to take additional responsibilities and take initiative without fear that it would involve more responsibilities.

Social Necessity: Richard Warner developed /Came up with the principle of social necessity as he was of the view that public administration is an integral part of the whole social system This is due to the state having undertaken so many responsibilities upon itself that politician alone cannot discharge all social obligations. Public administrators play a big role in implementing social policies programmes.

Efficiency: Efficiency is the sole standard of judging success or failure of an institution and public administration is of no exception to this rule. An efficient public administration is more essential for the development of the growing complex social, political and economic setup. It is essential that the targets fixed for achievement should be rational and achievable with the available resources. There should be courses and in-service training facilities for the employees

so that public administrator is fully aware /well informed about the latest administrative techniques and methods.

Unity of command: It is a good principle of public administration since for work to be completed smoothly and efficiently, every employee should be responsible to at least one superior in the organization.

Coordination: It is essential that a public administrator should devote his time and attention to coordination so that many departments of the same organization do not go on performing the same types of functions and labour is saved.

Hierarchy: Hierarchy means grouping of units into a large unit for direction and control of activities. It is the method whereby different the efforts of different types of individuals are coordinated. It is essential that hierarchy should be logically strengthened for free flow of information, upward as well as downward as an essential channel of command and communication.

Organization: A good public administrator should have scientific organization which should have needed expertise and knowledge of subject with which it deals.

Evaluation: From time to time, progress made in different directions should be evaluated. Public administration should promote harmony and a spirit of intelligent cooperation rather than disintegration as periodical reviews of production and productivity are the accepted principles of public administration.

Research: A public administrator should carry out regular and continuous research work to enable him keep pace with rapid, social, economic and political changes as it promotes both advancement and enrichment of knowledge.

Confidence: A public administrator should inspire the confidence of those who come into contact with him especially his subordinates who must have faith in his sense of justice and fair play.

PRINCIPLES OF PUBLIC SERVICE UNDER ARTICLE 232 OF THE KENYAN CONSTITUTION

The values and principles of Public Service under Article 232 of the Kenyan Constitution include:

- High standards of professional ethics;
- Efficient, effective and economic use of resources;
- Responsive, prompt, effective, impartial and equitable provision of services;
- Involvement of the people in the process of policy making;
- Accountability for administrative acts;

- Transparency and provision to the public of timely and accurate information;
- Representation of Kenya's diverse communities; and
- Affording adequate and equal opportunities for appointment, training and advancement at all levels of the public service of :
  - ➢ Men and women
  - ➢ The members of all ethnic groups; and
  - ➢ Persons with disabilities.

The values and principles of public service apply to public service in:

- All State organs in both levels of government; and
- All State corporations.

CHALLENGES IN THE PUBLIC SECTOR

Public sector organizations globally are faced with unprecedented challenges. The following are some of the challenges being experienced in the public sector:

- Efficiency reform and strategic cost management
- Governance and accountability
- Development agenda and economic stimuli
- Citizen engagement
- Infrastructure and asset management
- Fundamental shift for public sector

Efficiency reform and strategic cost management

Corporations and other private sector organizations have achieved proven success in driving down costs by increasing efficiency and processing capacity by implementing best practices in financial management. Today, public sector organizations are under pressure to deliver the same successes. Streamlined procurement and expense management practices, centralized treasury, cash and liquidity management and building centers of excellence in financial shared services all contribute to substantial efficiency gains, increased processing capacity, reduced costs and improved performance. Public sector organizations can leverage these techniques and solutions to deliver services, reduce costs and eliminate unnecessary bureaucracy. By doing so, borrowings can be reduced and more funds directed towards front line services that have a positive impact on beneficiaries.

Governance and accountability

Citizens and businesses are demanding ever-higher levels of accountability and transparency from public sector organizations and NGOs. Every unit of currency paid in tax or donations needs to be justified and rigorously accounted for to maintain public confidence and create trust. This requires robust processes and systems that are closely integrated both internally and externally to avoid the risk of error and fraud, detailed financial information and a robust reporting framework to provide information in a timely and accurate way. Demonstrating accountability does not only extend to financial processing. Public sector organizations and NGOs also need to manage their financial and operational risks effectively to avoid the attrition or loss of funds through error and fraud, foreign currency exposures, and rising interest rate costs. Public sector pensions threaten to create huge overheads for current and future governments unless best practices in asset and liability management are established. Organizations with surplus balances need to consider how this cash is invested to minimize the risk of loss of capital, in the case of failure of the counterparty, whilst also avoiding the negative effects of inflation on surplus cash.

Development agenda and economic stimuli

With growth stalled or slowing in many parts of the world, governments and central banks are tasked to find ways to stimulate their national economy and create attractive opportunities for investment. This requires innovative approaches to private sector partnerships, infrastructure financing and creating favorable conditions for foreign investors. Moving beyond the domestic economy, governments, through their ministries of foreign affairs and embassies, and development NGOs, are working across the world to achieve their diplomatic, trade and development objectives. From disaster recovery planning to long term funding, foreign currency risk management and payment requirements in multiple currencies and locations, these organizations are seeking to minimize risks in many of the world's most volatile locations whilst ensuring cash flow security and efficiency.

Citizen engagement

Governments and public sector bodies cannot simply improve the efficiency and accountability of their activities by enhancing their internal processes, this needs to extend to every interaction they have with citizens. As technology advances, citizens' expectations of the services they require increases, and the means by which they receive them increases as well. Similarly, public sector organizations have an obligation to keep citizen information secure and prevent misuse of information or abuse or services through identity fraud. Governments, city authorities and government agencies are therefore embracing mobile technology, cards and digital channels to deliver services efficiently, cost effectively and conveniently, and leveraging new techniques in formerly labor-intensive activities such as identity management and document processing. By doing

so, they develop greater trust and satisfaction amongst citizens and beneficiaries of services, accelerate document and payment processing whilst reducing costs and increasing security.

Infrastructure and asset management

Good management of the Government's physical and financial assets will be beneficial to the long-term fiscal position and the performance of the economy. Raising the standard of infrastructure and asset management is a key part of the Government's economic growth agenda.

Fundamental shift for public sector

The Government wants a fundamental shift in the way the public sector goes about its business. This amounts to embedding a focus on effectiveness, efficiency, and innovation as a priority, and developing an expectation that achieving value for money in the public sector is business as usual and not an exception or a one-off objective. The Government has been looking at improving public sector productivity by doing the same tasks in new ways, learning from the private sector and overseas experience. A range of initiatives designed to improve the efficiency of public expenditure includes structural changes to public sector agencies (including merging some agencies), preparing and implementing alternative approaches to delivering services (such as providing single points of entry), as well as making greater use of the private sector and the not-for-profit sector, such as using public-private partnerships.

STRUCTURE

DEVOLUTION, DECENTRALIZATION AND DECONCENTRATION, ELECTIVE AND APPOINTIVE BODIES

DEVOLUTION

Devolution is the statutory granting of powers from the central government of a sovereign state to government at a sub national level, such as a regional, local, or state level. The moving of power or responsibility from a main organization to a lower level, or from a central government to a regional government.

Devolution is the creation or strengthening--financially or legally--of sub national units of government, the activities of which are substantially outside the direct control of the central government. Under devolution, local units of government are autonomous and independent, and their legal status makes them separate or distinct from the central government.

Devolution is one form of decentralization. Devolution has been described as the highest form of decentralization as it involves the distribution of administrative, political and financial powers from the centre to lower levels of governance also referred to as sub- national units. This includes the

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powers to generate and spend revenue. Devolved units also have the power to make public policy decisions.

Devoldtion enables decision making on governance to be done at the local level by those affected most by such decisions. It enables the citizen to govern themselves by multiplying opportunities for citizens to participate in governance processes such as planning for development, budgeting for the implementation of development projects and programmes, and policy making. This in the case of Kenya is to be enhanced through various structures and further levels of decentralization at the county level as established in the constitution of Kenya 2010 and legislation anchoring devolution.

The Republic of Kenya got a new Constitution which was promulgated on 27 August 2010. The new constitution of Kenya at article 1(3) and (4) established, two levels of government; the national and county levels of government.

Decentralized/devolved government gives powers of self-governance to the people and enhances the participation of the people in the exercise of the powers of the state and in making decisions affecting them. It also promotes social and economic development and the provision of proximate, easily accessible services throughout Kenya while ensuring equitable sharing of national and local resources throughout Kenya for poverty alleviation and employment creation.

The territory of Kenya is divided into the counties specified in the First Schedule. The governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation. A national State organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service.

The objects of the devolution of government are:

- To promote democratic and accountable exercise of power
- To foster national unity by recognizing diversity to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them
- To recognize the right of communities to manage their own affairs and to further their development
- To protect and promote the interests and rights of minorities and marginalized communities
- To promote social and economic development and the provision of proximate, easily accessible services throughout Kenya
- To ensure equitable sharing of national and local resources throughout Kenya
- To facilitate the decentralization of State organs, their functions and services, from the capital of Kenya
- To enhance checks and balances and the separation of powers.

- County governments established under this Constitution shall reflect the following principles:
- County governments shall be based on democratic principles and the separation of powers
- County governments shall have reliable sources of revenue to enable them to govern and deliver services effectively
- No more than two-thirds of the members of representative bodies in each county government shall be of the same gender.

DECENTRALIZATION

Decentralization is defined as the process of dispersing power from the centre to lower levels of government. Decentralization is the transfer of authority and responsibility for public functions from the central government to intermediate and local governments.

Decentralization can also be defined as:

- The process by which the agents of central government control are relocated and geographically dispersed
- Administrative decentralization, i.e. a transfer to lower-level central government authorities, or to other local authorities who are upwardly accountable to the central government.
- The transfer of administrative responsibility for specified functions to lower levels within the central government bureaucracy, generally on some spatial basis.

Different types of decentralization have different characteristics, policy implications, and conditions for success.

For many years the Government of Kenya had a unitary system and structure of government. Most planning and administration is done at national level.

For citizens' easy access of government services, administration and planning were decentralized through creation of districts and local authorities.

Decentralization reforms were fully utilized in Kenya in the year 2013 after elections through devolution as part of implementation of the New Constitution.

Cases of Decentralization in Kenya

Regional Development Authorities

There are the drivers for development in the regions through integrated regional planning.

Constituency Development Fund

Established through the CDF Act, 2003 as a public funded kitty that targets development projects at the grassroots level. It is one of the several. devolved funds set up by the Government to mitigate poverty and to harmonies the spread of development throughout the country. Membership comprises of committee appointed by the area MP.

DECONCENTRATION

Deconcentration transfers implementation powers to lower regions or sub- national units that implement decisions made at the centre.

The responsibility for service delivery and decision making under delegation is passed to semi-independent territorial or sub-national units.

Deconcentration is whereby centrally located authorities and entities are relocated to government structures in the provinces.

The Advantages of Deconcentration

One of the first advantages of deconcentration is to organize combined action between state authorities and local authorities. However, confusion remains regarding the distribution of power when both state services and local elected bodies are involved. Redundancies still exist between various levels.

Some observers say that, clue to the complexity of government action, this difficulty cannot be avoided but that there is an advantage to be found in the greater degree of flexibility and the creation of a kind of procedural competition process.

Instead, local authorities have been developing their own spheres of intervention, even though they are very closely controlled by the State in doing so. However, some powers, shared in joint actions, can be clearly articulated by contracts entered into between the state and one or several authorities. Following along the same lines, deconcentration organizes the separation of powers at the local levels according to each sphere of intervention.

ELECTIVE AND APPOINTIVE BODIES

Each county assembly shall have a speaker elected by the county assembly from among persons who are not members of the assembly.

A sitting of the county assembly shall be presided over by:

- The speaker of the assembly; or
- In the absence of the speaker, another member of the assembly elected by the assembly.

Parliament shall enact legislation providing for the election and removal from office of speakers of the county assemblies.

The executive authority of the county is vested in, and exercised by, a county executive committee. The county executive committee consists of:

PUBLIC POLICY AND ADMINISTRATION

- The county governor and the deputy county governor; and
- Members appointed by the county governor, with the approval of the assembly, from among persons who are not members of the assembly.

The number of members appointed shall not exceed:

- One-third of the number of members of the county assembly, if the assembly has less than thirty members; or
- Ten, if the assembly has thirty or more members.

The county governor and the deputy county governor are the chief executive and deputy chief executive of the county, respectively.

When the county governor is absent, the deputy county governor shall act as the county governor. Members of a county executive committee are accountable to the county governor for the performance of their functions and exercise of their powers.

If a vacancy arises in the office of the county governor, the members of the county executive committee appointed under cease to hold office.

The county governor shall be directly elected by the voters registered in the county, on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every fifth year.

To be eligible for election as county governor, a person must be eligible for election as a member of the county assembly.

If only one candidate for county governor is nominated, that candidate shall be declared elected. If two or more candidates are nominated, an election shall be held in the county and the candidate who receives the greatest number of votes shall be declared elected.

Each candidate for election as county governor shall nominate a person who is qualified for nomination for election as county governor as a candidate for deputy governor.

The Independent Electoral and Boundaries Commission shall not conduct a separate election for the deputy governor but shall declare the candidate nominated by the person who is elected county governor to have been elected as the deputy governor.

A person shall not hold office:

- as a county governor for more than two terms; or
- as a deputy county governor for more than two terms.

LEADERSHIP, INTEGRITY AND NATIONAL VALUES IN PUBLIC SERVICE

Authority assigned to a State officer is a public trust to be exercised in a manner that:

- is consistent with the purposes and objects of this Constitution
- demonstrates respect for the people
- brings honour to the nation and dignity to the office
- promotes public confidence in the integrity of the office
- Vests in the State officer the responsibility to serve the people, rather than the power to rule them.

The guiding principles of leadership and integrity include:

- Selection on the basis of personal integrity, competence and suitability, oo.election in free and fair elections;
- objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
- Selfless service based solely on the public interest, demonstrated by:
  a) Honesty in the execution of public duties; and
  b) The declaration of any personal interest that may conflict with public duties;
  c) Accountability to the public for decisions and actions; and
  d) Discipline and commitment in service to the people.

Before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.

A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids:

a) Any conflict between personal interests and public or official duties
b) Compromising any public or official interest in favour of a personal interest
c) Demeaning the office the officer holds.

A gift or donation to a State officer on a public or official occasion is a gift or donation to the Republic and shall be delivered to the State unless exempted under an Act of Parliament.

A State officer shall not:

a) Maintain a bank account outside Kenya except in accordance with an Act of Parliament; or
b) Seek or accept a personal loan or benefit in circumstances that compromise the integrity of the State officer A full-time State officer shall not participate in any other gainful employment.

Any appointed State officer shall not hold office in a political party.

A retired State officer who is receiving a pension from public funds shall not hold more than two concurrent remunerative positions as chairperson, director or employee of

a) A company owned or controlled by the State; or
b) A State organ.

A retired State officer shall not receive remuneration from public funds other than as contemplated in the above statement.

TOPIC 2

STRUCTURE OF GOVERNMENT, COMPOSITION, APPOINTMENT AND FUNCTIONS

OVERVIEW OF STRUCTURE OF GOVERNMENT

There are two levels of governments in Kenya namely:

- a) The National government
- b) The County governments.

The National government consists of

- The three arms of government which are:
  - a) The executive
  - b) The legislature
  - c) The judiciary
- Constitutional commissions
- Government owned enterprises

The County government comprises of:

- The county executive
- The county assembly
- The county public service boards
- Urban and cities
- County government entities
- Ward and village administration

THE EXECUTIVE

Being by far one of the most crucial arms, it consists of the following primary members:

- President
- Deputy President
- Cabinet Secretaries
- Attorney General
- Director of public prosecutions

Headed by the president of the republic, the executive is guided by an underlying framework of laws. The laws require the president to appoint between 14 and 22 cabinet secretaries reflecting ethnic and regional diversity.

Appointments of cabinet secretaries and other key positions such as that of the attorney general, secretary to the cabinet, high commissioners, consular representatives and ambassadors are vested in the president subject to approval by parliament.

Principle and structure of the national executive

Executive authority is derived from the people of Kenya and shall be exercised in accordance with the Constitution.

Executive authority shall be exercised in a manner compatible with the principle of service to the people of Kenya, and for their wellbeing and benefit.

The national executive of the Republic comprises the President, the Deputy President and the rest of the Cabinet.

Authority of the President

The President:

- is the Head of State and Government
- exercises the executive authority of the Republic, with the assistance of the Deputy President and Cabinet Secretaries
- is the Commander-in-Chief of the Kenya Defence Forces
- is the chairperson of the National Security Council
- is a symbol of national unity.

The President shall:

- Respect, uphold and safe card this Constitution;
- safeguard the sovereignty of the Republic;
- promote and enhance the unity of the nation;
- promote respect for the diversity of the people and communities of Kenya; and
- Ensure the protection of human rights and fundamental freedoms and the rule of law.
  The President shall not hold any other State or public office.

Functions of the President

The President shall:

- Address the opening of each newly elected Parliament
- Address a special sitting of Parliament once every year and may address Parliament at any other time
- Once every year:
    a) Report, in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values, referred to in Article 10
    b) Publish in the Gazette the details of the measures and progress
    c) Submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic.

The President shall nominate and, with the approval of the National Assembly, appoint, and may dismiss:

- The Cabinet Secretaries, in accordance with Article 152
- The Attorney-General, in accordance with Article 156
- The Secretary to the Cabinet in accordance with Article 154
- Principal Secretaries in accordance with Article 155
- High commissioners, ambassadors and diplomatic and consular representatives and
- In accordance with this Constitution, any other State or public officer whom this Constitution requires or empowers The President to appoint or dismiss. The President shall:
- Chair Cabinet meetings
- Direct and co-ordinate the functions of ministries and government departments
- By a decision published in the Gazette, assign responsibility for the implementation and administration of any Act of Parliament to a Cabinet Secretary, to the extent not inconsistent with any Act of Parliament.

The President may:

- perform any other executive function provided for in this Constitution or in national legislation and, except as otherwise provided for in this Constitution, may establish an office in the public service in accordance with the recommendation of the Public Service Commission;
- receive foreign diplomatic and consular representatives;
- confer honours in the name of the people and the Republic;
- Subject to Article 58, declare a state of emergency; and
- With the approval of Parliament, declare war.

The President shall ensure that the international obligations of the Republic are fulfilled through the actions of the relevant Cabinet Secretaries.

Election of the President

The President shall be elected by registered voters in a national election conducted in accordance with this Constitution and any Act of Parliament regulating presidential elections.

An election of the President shall be held on the same day as a general election of Members of Parliament, being the second Tuesday in August, in every fifth year in the circumstances contemplated in Article 146.The President shall hold office for a term beginning on the date on which the President was sworn in, and ending when the person next elected President in accordance with Article 136 is sworn in.

Qualifications and disqualifications for elections as President

A person qualifies for nomination as a presidential candidate if the person:

- is a citizen by birth
- is qualified to stand for election as a Member of Parliament
- is nominated by a political party, or is an independent candidate
- is nominated by not fewer than two thousand voters from each of a majority of the counties. A person is not qualified for nomination as a presidential candidate if the person:
- owes allegiance to a foreign state
- Is a public officer, or is acting in any State, or other public office.

The clause regarding public officer shall not apply to:

- The President
- The Deputy President
- A Member of Parliament

Assumption of office of President

- The swearing in of the President-elect shall be in public before the Chief Justice, or, in the absence of the Chief Justice, the Deputy Chief]ustice.
- The President-elect shall be sworn in on the first Tuesday following:
  a) the fourteenth day after the date of the declaration of the result of the presidential election, if no petition has been filed tinder Article 140
  b) the seventh day following the date on which the court renders a decision declaring the election to he valid, if any petition has been filed under Article 140. .
- The President-elect assumes office by taking and subscribing the oath or affirmation of allegiance, and the oath or affirmation for the execution of the functions of office, as prescribed in the Third Schedule.
- Parliament shall by legislation provide for the procedure and ceremony for the swearing-in of a President-elect.

Vacancy in the office of President

The office of President shall become vacant if the holder of the office:

- dies
- resigns, in writing, addressed to the Speaker of the National Assembly
- Otherwise ceases to hold office under Article 144 or 145 or under any other provision of the Constitution.

When a vacancy occurs in the office of President:

- The Deputy President shall assume office as President for the remainder of the term cif the President
- If the office of Deputy President is vacant, or the Deputy President is unable to assume the office of President, the Speaker of the National Assembly shall act as President and an election to the office of President shall be held within sixty days after the vacancy arose in the office of President.

Removal of President

The President may be removed from office:

- on grounds of incapacity
- on impeachment:
  a) on the ground of a gross violation of a provision of this Constitution or of any other law
  b) where there are serious reasons for believing that the President has committed a crime under national or international law
  c) For gross misconduct.

Functions of the Deputy President

- The Deputy President shall be the principal assistant of the President and shall deputize for the President in the execution of the President's functions.
- The Deputy President shall perform the functions conferred by this Constitution and any other functions of the President as the President may assign.
- Subject to Article 134, when the President is absent or is temporarily incapacitated, and during any other period that the President decides, the Deputy President shall act as the President.
- The Deputy President shall not hold any other State or public office.