CHAPTER 3

WELFARE STATE AND BUREAUCRATS

3.1: Welfare State and Bureaucrats

Welfare State is that state which seeks to promote the welfare of all segments of population. The Welfare State usually includes within its ambit the public provisions of basic education, health services, housing, social insurance etc. Anti-poverty programmes are also regarded as vital aspects of welfare state. The central problem of many of the developing countries today is poverty. According to the World Bank, half of the World’s population lives on less than $2 a day. As rightly pointed out by Amartya Sen, poverty stems not just from lack of resources, but from lack of entitlements; famines happen not because there is not enough food but because poor people are not allowed to eat the food that is there. That is why, it is very important for the welfare state to take various steps to root out poverty from the society, because economic development is essential for welfare. It promotes integration and interdependence and extends people’s entitlements. Thus, a ‘welfare state’ is a concept of governance where the State plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of equality of opportunity, equitable distribution of wealth and public responsibility for those unable to avail themselves of the minimal provisions necessary for leading a good life. More specifically seen, a welfare state is that state which provides state aid for the individual in almost all phases of life – from the cradle to the grave. Now-a-days, as a result of various scientific advancements, industrialization, increase in population etc., the State has awaken from its slumber or from its limited functions and is now playing
a very active, vital and positive role in solving the complex problems of social life of the population. So, the modern welfare states are performing those functions which were previously not conducted by the state. Previously, the State was only concerned with the maintenance of law and order, dispensation of justice, protection of private property etc. The State was then more or less a police state. But today, the welfare concept of the state has changed the scenario. Today it is the responsibility of the state to help those who are helpless, protect those who are protection less, extend economic help to those who are moneyless, guarantee social security to everybody, so that everybody gets the basic and minimum necessities of life. Thus, in this era, State’s control and functions have increased radically. With the increase in state activities, the administration has become very complex, complicated and intricate and at the same time, it had to play a vital role in promotion and protection of human welfare. People now-a-days are not satisfied with simply governance, they want good governance, thereby exerting pressure on the administration to be effective and efficient. This dual concepts of ‘welfare state’ and ‘good governance’ have thus exerted pressure on the administration to prove the test of the time. It is to be noted here that the effectiveness and efficiency of the administrative machinery depends on the efficiency and ability of the personnels/bureaucrats who are entrusted to administer. If the civil servants are not competent and motivated, then the policies and plans cannot see their successful completion, thereby nullifying the whole edifice and motto of welfare state. Thus, the goals of a welfare state can be translated into reality only by a competent chain of civil servants.

Since time immemorial, the bureaucrats have played important role in the development of a nation. It is responsible for translating into reality the policies and programmes
formulated by the political authority. In every nation, the quality of the citizen’s life depends on the attitude and performance of the bureaucrats. Thus, there is no denying the fact that an effective, efficient, flexible and responsive bureaucracy are a requisite in order to attain good governance. Actually, there is no standardized recipe for good governance. It is only when the State can cope up with the challenges and crisis which comes across its way, then we can say that it is heading towards good governance. The essential ingredients of good governance are like, respect for the rule of law, special care for the disadvantaged and the weak, political stability, lack of violence, free and fair election process, effective formulation and implementation of the policies, citizen’s participation in the decision-making process, lack of corruption etc. It is to be noted here that the competence of the bureaucrats at all levels determines the performance and efficiency of an administrative system. If the bureaucrats are bold, honest, assertive and tenders only right advice to the political leaders without any fear and favour, then the concept of welfare state, good governance and sustainable development can be translated into reality.

Bureaucrats/civil servants play a crucial role in the administration of a state in every country, but in a welfare state like India, the civil servants play a still more important role because it is the duty of the civil servants to execute the policies and programmes of the government and also to provide necessary inputs for future policy planning. The socio-economic ideals of a welfare state cannot be realized without efficient civil service. The fact that the civil service is a body of permanent, non-political, expert professionals in the art of administration as against the temporary, political and unskilled minister, makes it more important. The success of a democracy lies not in the quality of the laws, but how effectively these laws are implemented and administered,
and this responsibility of implementing the laws has been entrusted to the civil servants. Thus, the bureaucrats/civil servants are indispensable to the governance of a country in the modern administrative age. Ministers frame policies and legislatures enact laws, but the task of efficiently and effectively implementing these policies and laws falls on the shoulder of civil servants. The efficiency of administration depends upon the caliber, training, efficiency and integrity of the public services who run the administration, and hence, the bureaucrats are very significant for the smooth running of governmental machinery. The significance of the civil servants has also been emphasized by the joint select committee on Indian Constitutional Reforms which observed as follows – “The system of responsible government, to be successful in practical working, requires the existence of a competent and independent civil service staffed by persons capable of giving to successive ministers advice based on long administrative experience, secure in their positions, during good behaviour, but required to carry out the policy upon which the government and legislature eventually decide.”

Thus, with the acceptance of the goal of welfare state, the scope of government activities have expanded manifold. This wide diversity of the activities of a welfare state has made the entire administration a complex one. Today, most of the countries, especially the developing countries are trying to work amidst three processes: development, democracy and decentralization. In this era of democracy, dependence of the public on government has increased enormously but it has become difficult for the administration to come up to the expectations of the vast majority of the population. At the time of elections, the political leaders make promises without any regard to the limitations of resources and procedural difficulties, thereby leading to the rise in the aspirations and expectations of the people. These people feel disappointed if these
promises are not fulfilled and it is a known fact that in democracies, the contentment of the people is the desired goal of administration. This rising expectations of the people from the government has offered a new challenge to the administration. Now-a-days, the people want the administration to be honest, efficient, transparent and responsive towards the needs of the people. The rapport between the public and the administration must be direct and the government schemes must be taken to the doorsteps of the rural masses so as to bring the administration closer to the people. With these rising expectations of the public from the government, the role and professionalism of government servants has definitely undergone a vast change. It is believed that the bureaucrats must always adhere to the concept of civil service neutrality, which stipulates that they must not have any political biasness or affiliations. But an administrator who has to work under lots of obligation becomes weak and cannot function on his own. In the altered circumstances of today, when administrators are subjected to pressure from various quarters, it is still believed that they must stand firm and refuse to give up the fundamental values of integrity, courage and objectivity. It is believed that just like a carpenter who can shape the wood to a required design and pattern according to his own expertise and skills, a civil servant should also guide the administration in the right direction, while following the norm of neutrality. There is a common belief that it is not so much in the tools, but in the persons using them that the key to good workmanship lies and thus, lot depends upon the persons who are manning the organization. Actually, the entire edifice of administrative machinery can work honestly, successfully and efficiently, only if the integrity and sincerity exists at the top of the organization. Thus, since the bureaucrats play such a vital role in the administrative system and the working of the entire administrative scenario revolves
around them, it is believed that these personnels must be provided with enough rights, so that they feel secure and thus do not become easy scapegoats in the hand of their political masters. Only when these civil servants work freely and fearlessly, without any sort of undue political interference and pressure, and without any fear and favour, then only it will be possible to attain the cherished goal of welfare state and sustainable development in the real sense of the term.

It is quite a difficult task to explain the term ‘Civil Service’ as no precise definition has been given to suit all the circumstances. However, the most appropriate definition probably is that a civil servant is a civilian career public sector employee working for a government department or agency and this excludes the armed forces. The term ‘Civil Service’ actually means and include the top civil officers who stand close to the ministers, give them advice and receive instructions from them and are responsible to them for the detailed working of the administrative machinery. In a parliamentary democracy, the ministers are not well versed in the art of administration and so a minister cannot discharge his responsibilities satisfactorily without the constant assistance by the officers of his ministry. Thus, the ministers, by and large, has to work with and through the civil servants, who are permanent officers and do not vacate office with the change in the government. While the ministers are more interested in issues of policy, the civil servants are concerned with the execution of that policy although the role of the civil servants in the framing of the policy is no less significant. It is the duty of the civil servants to advice the ministers against the pitfalls of a particular policy, but once a final decision is taken by the minister, the civil servant has to implement it loyally, even if the decision taken is contrary to the advice given by him. The civil servant is always expected to be impartial and non-political and should have a
dedicated application to work. At the same time, it is the duty of the ministers to defend his subordinates against unmerited or unfair criticism. By doing so, the ministers can engender in the civil servants the confidence that they will receive a fair deal and due protection. Due to the heavy pressure of business and limitations arising from the composition of the Parliament, a law-making body being non-technical in nature, it has to confine itself to broad objectives and policies, and so it is for the civil servants to work out details within this framework. Thus, the civil servant today has become an integral part of the democratic process. Parliament, the ministers and the civil servants together have important and indeed vital roles to play, and none of these can function independently of the other with any real efficiency.

3.2: Welfare State v/s Globalisation

In this era of globalization, there is a need of redefining the role of the state, as remarkable change has taken place in the role of the state in the present era of globalization. With the adoption of the concept of welfare state, the nature and magnitude of activities under the state have increased manifold. Some of the activities which were earlier performed by the state have been left out from its purview and some other activities have been brought under its domain. Now-a-days, all sorts of developmental activities are taking place under the state. Today, the State is playing a multi-dimensional role like the role of entrepreneur, financer, co-ordinator, explorer and utiliser of resources, protector of life and property of the people, to maintain peace and harmony among different sections of the people. It is believed by some section of population that since in the era of globalization, many activities have been brought out of the purview of state activities, so the state’s role has diminished. But actually, it is not so. Although it is assumed that the state activities has reduced, but in reality, its
accountability has increased manifold in the post-globalisation period. Today, the State plays the role of facilitator and initiates policy measures to ensure that the widening gap between the rich and the poor, due to the operations of the free market is bridged and it also plays the regulatory role to ensure social and economic justice to everybody. Also, the process of globalization has become unavoidable for all the countries and today almost all the countries of the world are in the grip of globalization, which has led to the change in the nature of the state activities and life style of the people. Thus, it is to be noted here that the state has emerged much stronger in the era of globalization and it has taken up the task of human development and happiness. In a developing country like ours, there are lots of problems like, low per capita income, heavy population pressure, prevalence of unemployment and under-employment, low rate of capital formation, prevalence of low level of technology, malnutrition, poverty etc. In India, even today, a large section of population is living below poverty-line. At this critical juncture, the market-oriented economy cannot give the desired result, nor it can be solely relied upon to ameliorate the living condition of the poor. Therefore, it is the State which has to play a positive role in employment generation and social welfare for the poor. Therefore, it is widely felt that in a developing country like India, the civil servants play a much more significant role. It is pertinent to mention here the changed role of the State in this era of globalization:

(1) Today, it is the role of the State to protect the country from foreign aggression and to maintain peace and harmony.

(2) Also, it is the sole responsibility of the state to provide for electricity, irrigation facilities, educational opportunities, public health and family planning measures, measures for pollution free environment, maternity
and child welfare, to accelerate the rate of investment, to provide for agricultural development, specially irrigation and credit facilities, supply of fertilisers, adoption of advanced agricultural practices etc.

(3) To ensure proper utilisation of resources through conduct of proper survey of resources and exploitation.

(4) To provide for industrial development, to remove economic and social inequalities, to ensure balanced growth, to implement various laws and rules for the greater interest of the country, to ensure efficient and transparent public administration for increasing welfare of the common masses.

Thus, globalization has brought about significant changes in the activities of the State and has altered the nature of state activities, and this trend is much more prominent in the developing countries like ours.

Kuldeep Fadia in ‘Reforming India’s Higher Civil Services : Agenda for 21st Century Reforms’, stated that – The Civil Services Examination Committee (Y.K Alagh Committee) in its report submitted in 2001, observed, “……that recruitment, training and management of the civil services are interrelated components of the same system and one cannot succeed without the other. Any effort to rectify only one aspect to the exclusion of others will mean trying to cure the symptom rather than the disease.” (Report of the Civil Services Examination Review Committee; Y.K Alagh Committee, p.4, 2001). In recent times, there has been accelerated changes globally, brought about by technological advances, liberalization, greater decentralization and social activism. Thus, the primary challenge which has come before the government today is to exploit the advantages posed by globalization, in order to bring about economic development.
The civil service, under such changed circumstances, must keep pace with the changing times and circumstances so as to meet the growing aspirations of the masses. And so, there is need to bring about reform in the civil service. Some of the major components of civil service reforms are as follows:-

(a) Civil Services performance system;

(b) Performance related incentive scheme;

(c) Recruitment: Here, the writer suggests that building a motivated and capable civil service requires merit-based and non-discriminatory recruitment, which rests on the absence of political patronage, transparent rules and procedures, open competition and selection by an independent agency. Subsequently, other factors for motivating the employees are the opportunities for promotion, recognition and reward for performance, inter-sector mobility, placement in the right jobs etc. Also, it is equally important to do away with demotivating factors like frequent and arbitrary transfers, a poor work environment etc. It is to be noted here that the civil servant does not function in vacuum. Thus, civil service reform requires a relook at the entire management of human resources in the government.

(d) Strengthening meritocracy in service;

(e) Developing specialization/professionalism;

(f) Stability of tenure –It highlights on the harsh fact that despite the presence of various rules and various instructions issued from time to time, a genuine problem being faced by the officers is relating to their tenures. It has been noticed that with every change in the governmental set-up, there is usually a reshuffling of the officers and such a rapid turnover of officers adversely
affects delivery and the quality of services. The ever-present threat of transfer also affects the morale of the officers and their capacity to stand up to undesirable local pressures. Also, these frequent transfers in the states delays implementation of various projects.

(g) Improving service delivery;

(h) Training for improvement; etc.

The writer sums up by saying that – A bench of Justices K.S Radhakrishnan and Pinaki Chandra Ghose, giving a series of directions while disposing of a public interest writ petition filed by 83 retired civil servants and others said that civil servants should not act on verbal orders given by the politicians and suggested a fixed tenure for them. The Bench said – “We notice, at present the civil servants are not having stability of tenure, particularly in the State governments, where transfers and postings are made frequently, at the whims and fancies of the executive head for political and other consideration and not in public interest………Fixed minimum tenure would not only enable the civil servants to achieve their professional targets, but also help them to function as effective instruments of public policy.” (J. Venkatasar, “In Major Reform, SC Orders Fixed Tenure for Bureaucrats”, The Hindu, Nov.1, p.7, 2013). Thus, civil service reform is required in order to strengthen the administrative capability so as to perform the core governmental functions. These reforms will help to raise the quality of services to the citizens that are essential to the promotion of sustainable economic and social development (Fadia, 2014).

3.3: Indian Scenario

Since Indian independence, the responsibility and functions of the bureaucrats have increased tremendously. Civil servants were made in charge of various projects and
success in the entire administrative scenario solely depended on their integrity and competence. It has been expected that the bureaucrats should not only help in the process of planning, but they should also be responsible for the proper execution of the planning. Today, the bureaucrats have to play the important role of facilitators. Moreover, in this era of coalition politics, bureaucrats remain under stress and they face untold challenges. They have to struggle hard to strike a proper balance between sanctity of procedures, their integrity and the policy of appeasement towards the voters of the politicians. However, certain deficiencies exist within the bureaucracy also. The services are divided within and without. Most of the seniors do not have any rapport with their juniors, and younger colleagues. Upright officers have to face some punishments as they are put to disciplinary actions or prosecution on various flimsy charges.

Now-a-days, efforts are going on in India to bring about reform and it is to be noted here that India’s ‘responsive administration’ initiative owes its inspiration to Britain’s ‘New Public Management’ (NPM). This ‘responsive administration’ concept very much supports a direct and on-going participation of the citizens in the governing process. It is a growing concern of today’s administration as to how to bring the citizens within the administrative domain. The government is now-a-days regarded as a trustee and the civil servants are not merely effective managers of the public assets but they are the keepers of public trust. The theory of 1970s, which has influenced or gave impetus to responsive administration are – Public Choice Theory. This new movement has brought about a paradigm shift from the traditional public administration to a new approach and change in the role of government and bureaucrats in the society. The administrative rigidly bureaucratic model is now being denounced and replaced by
New Managerial Approach (NPM). Indian bureaucrats are now under severe attack because of its vices of corruption, inefficiency, politicization and criminalization. The rigid rules, fixed procedures and orderly working patterns are not working well in this changed circumstances, which demands flexibility within the bureaucratic set-up, so that they can cope up with emergencies. With the introduction of liberalized policies, a change in governmental sector is also needed to bring about flexibility and accountability in order to achieve the desired results. ‘New Public Management’ looks at results first with no preconceived idea as to how these should occur. Osborne and Gaebler’s volume – ‘Reinventing Government’ is a book that has guided a great deal of recent thinking on management in the public sector. Developing countries like ours are vexed with problems like that of poverty, inadequate capital, malnutrition etc. NPM accompanied by the use of welfare-oriented programmes may solve these problems to a great extent.

With the adoption of the New Economic Policy by the Govt. of India in 1991, India became a partner of the ongoing globalization process and also entered into a new era in the history of administrative reforms, and along with it came a sea-change in the role of bureaucrats. In order to bring about responsive, transparent, accountable and efficient civil service, The Committee on Civil Service Reforms was appointed by the Govt. of India on Feb. 3, 2004, under the chairmanship of P.C. Hota, former Chairman, Union Public Service Commission and Secretary (personnel) with comprehensive terms of reference in order to examine the entire gamut of civil service reforms and to suggest various measures in its report to bring about improvement in the civil service. The Committee submitted its report on July 30, 2004, and it made 64 recommendations, out of which some of the important ones are like:
(1) After 15 years of service, a rigorous review must be carried out of performance of civil servants based on the earlier review of performance. If an officer is not honest and performance-oriented, he must be weeded out of service on completion of 15 years on proportionate pension.

(2) Each department/ministry should be required to identify the points of citizen interface, benchmark the quality of services and strengthen the existing grievance redressal mechanism.

(3) After every 5-7 years in service, a civil servant should spend at least two months with a non-government organisation, academic institution or the private sector.

(4) Annual property return of all public servants be put on the website.

(5) Article 311 of the Constitution be amended to enable President/Governor to dismiss/remove public servants summarily in case of corrupt practice/having assets disproportionate to known source of income.

(6) Every programme of the Government should specify the deliverables in terms of services.

(7) Functioning of government offices having large interface with the common man should be assessed once in three/four years by independent organisation.

(8) Citizen centres should be set up to build capability for analysing and suggesting changes in government policies.
(9) To provide a clean, honest and transparent government, the antiquated rules and procedures in government must be discarded and new simplified ones be put in place.

(10) Government should actively support and encourage outstanding work done by the civil servants through National/State awards and commendations.

(11) The proposed comprehensive law on the civil service shall incorporate a code of ethics and a statutory minimum tenure in a post to an officer.

(12) Under the new civil service law, a member of the higher civil service should not be appointed to any statutory commission or a Constitutional authority after his retirement or superannuation.

Moreover, the first UPA Government at the centre had set up the 2nd ARC in August 2005 under the chairmanship of Shri Veerappa Moily in order to prepare a detailed blueprint for revamping the public administration system and to suggest measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of the government. The Commission had submitted as many as 15 reports to the Government of India. It is pertinent to mention here that the Committee on Civil Service Reforms and 2nd ARC has made valuable recommendations for bringing about efficiency in public administration.

The situation is now-a-days very pathetic because most of the bureaucrats get tamed by their political bosses and very soon they start serving themselves and the political bosses and does not care for the nation. It is true that exceptions are there but upright officers are few. The politicised situation compels them to get politicised. Now-a-days, many a times, the political power comes through money and muscle power and this
power is often misused. And whenever the administrative edifice suffers for that, ultimately the civil servants are blamed for that and they seldom gets an opportunity to explain their position in the public like the politicians. Ultimately, this frustration and depression leads to loss of interest in their job. Thus, in many ways, the bureaucrats mirror the changes sweeping through Indian society. Today, along with the society, the entire gamut of civil service is in turmoil. It is true that the role of the bureaucrats is of crucial importance in socio-economic development of the nations, but there are various hindrances/obstacles that the bureaucrats face while adjusting to the new democratic environment and while fulfilling the new demands placed on it. In the long run, it weakens the capacity of the bureaucrats and undermines their effectiveness and morale of the administration. Recently, in India, the bureaucrats have defamed themselves for lack of integrity and morality, for indulging into corrupt practices and for being ethically low. Actually, soon after Indian independence, when India decided to become a welfare state, the bureaucrats were burdened with so many new projects and programmes, which they have never performed earlier. As a result, their responsibilities have increased many-fold. They had to become co-partner in policy formulation with the political bosses and this has brought the bureaucrats and politicians face to face with each other, which became the root cause for many tensions and conflicts. Also, India decided to have quick social transformation by removing various social and economic inequalities, poverty, unemployment problems by making massive investments. All these factors have led to increasing pressure on the bureaucrats, and slowly, they have started complying with the demands of their political bosses, who in turn promise to help them to go up by exerting their undue influence, in their career building.
In a report of civil services survey (2010) by Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Administrative Reforms and Public Grievances, in Chapter 1, it has been stated that in any system, the quality of public servants is critical in determining outcomes. The Indian Civil Service, with its national character, has been a strong binding force and it has greatly contributed to the national development. Improved performance of our civil services is imperative if India has to take its rightful place as a global power. The civil service system needs to keep pace with the changing expectations of the citizens propelled through economic growth and liberalization. The administrative machinery has to quickly respond to the changing times enabling the government to discharge its responsibility efficiently and effectively.

Chapter 6 of the report deals with postings and transfers. It has been stated there that for the officers within the civil services, transfers, promotions and postings are the major sources of mobility and career advancement. However, these very factors could also become a major source of dissatisfaction if not handled in a fair and transparent manner. Use of transfers and postings as a means of coercion and harassment of honest officers is a well-known phenomenon. A need for minimum assured tenures for the key administrative positions has been advocated for a long time in India. Also the Hota Committee Report, 2004 (Report of the Committee on Civil Service Reforms) proposed a comprehensive law on the Civil Service, which shall incorporate interalia, a statutory minimum tenure in a post to an officer. Under the proposed law, if an officer is sought to be transferred before his tenure, there would be an expeditious administrative inquiry by a designated senior officer. Political executive shall have the final authority to transfer an officer at any stage in the public interest. However, he will be expected to give due consideration to the report of the Administrative Inquiry/views of the Civil
Service Board/Establishment Board and record reasons on the need for premature transfer of an officer. An officer aggrieved by order of premature transfer can agitate the matter before a three-member Ombudsman, who may, where suitable, award monetary compensation to the aggrieved officer. Surinder Nath Committee, 2003, to review the system of Performance Appraisal, Promotion, Empanelment and Placement of the AIS and other services recommended that promotion norms should be stringent and merit-based and also promotion should be based not only on current performance but also on potential for performance in the higher post etc. It has been stated in chapter 9 of the report that timely promotions are important for the civil servants to stay motivated. Moreover, the Hota Committee Report, 2004, laid down that Sections 13(1) (d) and 19 of the Prevention of Corruption Act and Sec. 197 of the Code of Criminal Procedure may be amended to protect honest civil servants from malicious prosecution and harassment. Also, a Code of Ethics should be drawn up for civil servants incorporating the core values of integrity, merit and excellence in public service etc. chapter 13 of the report deals with harassment and discrimination, where it has been stated that harassment and discrimination are insidious factors that demoralizes and wreck an officer and sometimes his family as well. The Survey revealed that 36% of the respondents report that they have been a victim of harassment in their service. The proportion is marginally higher among the male officers (36%) than the females (34%). Harassment of these officers was mainly by the individuals with authority over them (86%) and political representatives (40%) <http://darpg.gov.in/darpgwebsite_cms/document/file/civil_services_survey_2010.pdf>. 
The trend of Minister-Civil servant relationship in India

In a parliamentary democracy like India, the minister is responsible for all the happenings in his department. It is the minister who must take all the responsibility for the actions done by the civil servants in his department. On the other hand, once the policy is laid down by the minister, his subordinates must implement that policy loyally and trustfully.

This implies that the relationship between the minister and the civil servants is like a two-way traffic and their compatibility is an essential pre-requisite for driving in the concept of good governance. Herbert Morrison observed, “The relationship between the minister and the civil servants should be and usually is that of colleagues working together in a team, co-operative partners seeking to advance the public interest and the efficiency of the Department.” The Gorwala Report has analysed the relation between the minister and the civil servant in clear terms and observed : “The minister’s functions are the formation of policy and the superintendence of its implementation…………the secretary’s task is to help in the formulation of policy, to formulate subsidiary policy and to assist his minister in the superintendence and implementation of policies and programmes……”.

Thus, in India, the minister-civil servant relationship has been guided by the principles of neutrality of civil service. Neutrality, based on the concept of politics-administration dichotomy view, stands for absence of any political activity or bias on the part of a civil servant in the discharge of his duties. It also stands on the premise that the civil servants are appointed and promoted on the basis of merit rather than on the basis of party affiliations. It also stipulates that the civil servants must implement policy
decisions faithfully, without fear or favour and regardless of their personal opinions. However, here one thing to be noted is that no public bureaucrat operates in a vacuum. Since the bureaucrats have to work always within a political atmosphere, it has always to be seen in a political context and that is the reason why bureaucrats are often sucked into the political vortex. Today, even if a civil servant wants to be totally neutral, then also he finds himself in the centre of the political arena. These entire factors contribute for unavoidable politicization. Today, with the multiplication of state’s functions i.e., as the function of state increased, the administrators have no other way out but to share the burden and therefore undertake activity that is political in nature. As Caiden puts it, “Public administrators have, these days to think politically and even fight their superiors’ political battles for them.” (Gerald E. Caiden, ‘The Concept of Neutrality’ in Haile K. Asmerom and Elisa P. Reis (eds) Democratisation and Bureaucratic Neutrality, London, Macmillan, 1996, p.37). As a result of all the recent developments, the line between politics and administration have become blur and in today’s scenario, total neutrality is not possible also i.e., if the concept of neutrality is carried too far, then it will be difficult to run the government smoothly now-a-days. That means, if the bureaucrat is conservative, reluctant to move away from precedent thereby obstructing policy-making, then it obviously become a drag in a swiftly changing situation. Thus, what is required today is commitment on the part of the bureaucrats, not total neutrality, which is actually not possible. If the commitment is not to the ruling party’s programmes, but commitment to the values and the principles as enshrined in the Constitution, then neutrality is supportive of it. After all, neutrality does not stand for apathy or indifference.
In order to trace as to how the committed bureaucracy slowly and slowly got transformed to the politicized one, it can be discussed under different phases:

**First phase (1950s-60s; Nehruvian Era)** – Up to independence, the ICS under the guidance of the Viceroy writ large the concept of civil service neutrality. After independence, i.e., during the period of 50s-60s, the IAS officers continued this tradition. But, there were certain obstacles in the path of civil service neutrality. That is, after independence, the administrative system had to function in the context of 3Ds – democracy, development and decentralization. With democracy came the parliamentary accountability of the executive along with civil service neutrality. With periodical general elections, the political parties came on the scene and the elected representatives became directly responsible for political governance and also they were answerable to the public for their actions. In order to bring about socio-economic transformation of the people, the government had to initiate various developmental policies, projects and programmes and as a result the political leaders and the administrators had to work in partnership. Implementation of the welfare policies and programmes put a tremendous burden on the administrators, who had to work directly with the politicians. Thus, the time was ripe for change in orientation, motivation and behavioural patterns of both. But, fortunately this did not happen because the politicians showed themselves as true statesmen and versatile intellectuals and the civil servants totally adhered to the concept of civil service neutrality. At that time, the things were easy to some extent, because both the political leaders and the civil servants came from the same background, they were brought up in the same cultural milieu and they also imbibed the same values. So, it was possible for them to work in close harmony for upliftment of the people, without getting derailed.
However, with the increase in the implementation of various welfare schemes and programmes, the civil servants came under pressure. Nehru stated in 1954, at the inaugural meeting of the Indian Institute of Public Administration, “It (administration) is meant to achieve something and not to exist in some kind of ivory tower, following certain rules of procedure and Narcissus-like looking on itself with complete satisfaction. The test after all is the human beings and their welfare.” (As quoted in ‘The Public Administrator, Bombay, IIPA, Maharashtra Regional Branch, January 1978).

However, slowly and slowly, the scenario began to change. Towards the end of this era, things began to change and the civil servants learnt that they should not rock their boats too much, thereby becoming pliant tools in the hands of political masters. Ministers started preferring secretaries or officials who love to say ‘yes sir’, thereby blindly supporting their every course of action, whether right or wrong. As a result of this change in the attitude and behavior of the ministers and civil servants, the whole concept of civil service neutrality came under attack.

**Second phase (1960s-70s; The Indira Gandhi years)** – The situation in this period worsened. It was because as a result of planning, there came in to scene the economic aspect of development. As a result, the officials had to interact with the traders, industrialists and the like. This resulted in stress and strain of the bureaucrats, because the traders and the businessmen, who financially backed the politicians at the time of election, started demanding returns and favours, and while doing so, the civil servants had to struggle hard to adhere to the theoretical concept of civil service neutrality. The late 1960s was a period of political turbulence. It was because the Congress Party splited in 1969 and again in 1978. It was at that time that the ‘neutrality v/s
commitment’ debate came into limelight. Neutral civil servants were blamed and were viewed as ‘stumbling blocks’ on the road to progress and development. It was always demanded from the civil servants that they should be committed to the ruling party’s ideology, policies and programmes, rather than being committed to the Constitutional norm. Thus, during this period, the entire concept of commitment got mixed with politicization. Ministers, through their power of transfers, suspension and ability to delay or deny promotion was able to make the civil servants sacrificial lambs, who were ready to toe their (minister’s) line. It was seen during that period that the corrupt ministers and civil servants having a cozy relationship, and at times, even fostering linkages with anti-social groups, which ultimately led to criminalization of politics and politicization of administration. The situation further worsened during the Emergency period. At that time, the coercion of the civil servants by the government exceeded all the limits. Later, when the Janata Party came into power in 1977, the civil servants close to Mrs. Gandhi were treated with suspicion and were even transferred. Later, when Mrs. Gandhi came back to power in 1980, she again brought back civil servants loyal to her. Thus, ushered in the era of politicization of administration.

Third phase (1970s-till date; Post-Indira Gandhi Scenario) – During this period, as a result of rise in terrorism, communalism, corruption and casteism, crimes showed an upward trend. The politically aligned civil servants were promoted and those who dared to disagree to the whims and fancies of the politicians, were side-tracked. The weapon of transfer was used too much and the bureaucrats were shifted every time the government changed. Moreover, as a result of too much of political meddlesomeness, the morale, discipline and work environment got adversely affected. All these factors contributed for greater politicization of administrative scenario.
These downslides of the whole administrative scenario is indicative of the fact that the relation between the ministers and the civil servants as we see today are far from theoretical ideology, dreamt of by the founding fathers of the Constitution.

3.4: Bureaucracy in India since liberalization

In the last 50 years, both the political milieu and the administrative culture seem to have suffered degeneration. We are now witnessing a major discursive shift in interpretation of relationships between politics, bureaucracy, markets and social concerns. But, our bureaucrats are still not ready for market dominated economy and neither is it prepared to face the challenges posed by the changing times. Bureaucracy is the complimentary part of executive branch of government. It is responsible for implementing the policies which are decided by their political masters. A bureaucrat belongs to a section of persons who are directly employed in administration for running day-to-day affairs of the country and whose role and status are supposed to be oriented towards man’s interests and should not be governed by any political consideration. The efficiency of government machinery and fulfillment of public interest depends upon the quality of the bureaucrats and proper understanding between these two branches of the executive. The policy of liberalization had been taken for bringing socio-economic changes in the country but its objectives are yet to be fulfilled. But unfortunately, the rigidity of outlook, rule-boundness and conservatism of the bureaucrats prevent the organic integration of administration with structure of welfare state. They must change their attitude and red-tapism must be rooted out from the bureaucratic circle. Thus, behavioural reforms are the need of the hour for making bureaucrats change-oriented, result-oriented and people-oriented. Now-a-days, political interference in the day-to-day functioning of the bureaucrats is increasing in India. This selfish interference by
political bosses hampers not only the developmental works but also the full use of trained manpower. In such critical circumstances, the role of the bureaucrats becomes very important and they have to show firm determination and their top priority should be promoting nation’s interest. Morality and sense of duty can minimize corruption and the bureaucrats should inculcate the sense of duty and morality before the self (Barthwal and Kishore, 2003).

Some of the problems faced by Indian Bureaucracy are like:-

(1) With the initiation of the process of national planning, heavy responsibility now rests with the administrators for bringing about welfare goals in the society. The officials are now called upon to act as catalyst to the process of social and economic transformation.

(2) In the new realm of governing system, a bureaucrat is expected to be entrepreneurial and enterprising, eager to cast away red-tapism and hierarchical stigmas.

Some of the suggestions to strengthen Indian bureaucracy are like:-

(1) The rigid hierarchical bindings must be loosened;

(2) The age old business rules and regulations, office procedures must be got rid off as they were created by the british in the context of police state;

(3) Because of fear psychosis, the Indian bureaucrats restrain from taking up new challenges and experiments in their official capacity.

These trends definitely pull back the enthusiasm of the aspiring bureaucrats and also retards national developmental process. To get rid of this menace, the administrative set up needs to be revamped and restructured (Barthwal and Kishore, 2003).
Thus, the above points make it crystal clear that the Indian bureaucracy is now-a-days facing lots of challenges and problems. But at the same time, in the task of socio-economic development, the bureaucrats are required to display accountability and dilute inefficient, dilatory and cumbersome work procedures. With liberalization of Indian economy since 1991, thrust has been on linking the economy of India with that of the rest of the world. The role of the bureaucrats in linking the economy of India with the world economy is very critical and significant. The socio-political and economic situation calls for an overhauling of bureaucracy in terms of its attitudinal and structural patterns for it to play a constructive role.

Amarjeet Sinha in “For crafting credible systems” has pointed out that for inclusive growth, India needs public systems that can deliver in education and health care and these can be built by restructuring our civil service. The public perception of the bureaucracy has been so low. Every disclosure of the Comptroller and Auditor General further erodes the faith in the system. However, it has also been stated clearly that there are still a very large number of civil servants whose conduct, ability, integrity and competence will match the best in any profession and it is that core of dedicated civil servants that needs to lead the process of change. It has been opined that we have no option but to craft a credible, efficient, outcome-focused, quality public system. The article states that the structural changes that are needed in the civil service to meet the human development priorities are still weak, though there is a large pool of civil servants with long experience. Certain recommendations have been given so as to strengthen civil service in India. Firstly, it has been opined that the civil service in India will have to remove the governance deficits that seem to mar its existence. Transparent policies of transfer, posting and promotion done professionally, respect for dissent, zero
tolerance for corruption in high places, assessment on outcomes rather than non-performace, and clearly articulated performance standards for every individual and institution are required. It has been stated that the Constitutional safeguards are for conduct as per rules and not a license for the indefensible. It has to be clarified to the political executive that principles, not personal preferences will have to be the basis for transparent transfer and posting. Also, it has been stated clearly that no country can afford a low public image of the bureaucracy. To restore faith in institutions, swift actions need to be taken against individuals who destroy their sanctity. Thus, it has been pleaded that more transparency is needed so as to reform the entire system (Frontline, Sept.20, 2013).

T.S.R. Subramanian (former cabinet secretary) in “Too old to be in school” has laid down that the real issues of bureaucracy relate not so much to the selection process, but to the working conditions in the field. With politics now being a major business in India, and not subject to any regulatory authority, the temptation to use civil servants to toe a politician’s line at the district, state and national levels is ubiquitous. The new recruits find the working conditions quite daunting, a situation that has deteriorated sharply in the recent decades. It has been frankly stated that a young officer struggles to retain any idealism that he might have come with; the venal atmosphere does everything to suck him into the mire. If he doesn’t fall in line, he is subdued by the weapons of arbitrary and frequent transfers, adverse remarks on annual reports affecting his promotion prospects and even inquiries based on false charges. This makes some young recruits succumb to the pressures, some fairly early in their careers. Thus, when the civil services, a key instrument for the implementation and enforcement of policy, start getting used for servicing the political masters, it can only mean disaster.
for governance, as we all can see. Thus, there is no denying the fact that our civil services need urgent reform (Outlook, July 1, 2013).

In “Panic in the Boardroom” M.G. Arun with Kumar Anshuman and Jayant Sriram has stated clearly in the column – throttling the bureaucracy – that the lack of transparency in the decisions has enraged the bureaucracy. The worst fear for a bureaucrat now is to face retrospective action for policy decisions made during his career and the possibility of being sent to jail or facing court hearings post-retirement. Some bureaucrats see themselves as victims of bitter corporate feuds (India Today Nov. 4, 2013).

Jarugumilli Rama Krishna Rao in “To be or not to be a civil servant” (The Hindu, Feb. 2, 2013) has stated that The Indian Civil Service (ICS) came into being after the passage of the Government of India Act, 1858. Initially, there was not much problem but problems cropped up in the post-liberalised India, when the civil servants were ordained the role of a facilitator, and not necessarily one of a regulator. Also, in the past three decades, the regional parties have taken over the reins at the State. The officers were made to toe the line of the political bosses and the concept of a “committed bureaucracy” started being encouraged. Furthermore, the ethos of the society itself started getting metamorphosed, and the officers started collaborating with the political masters. It has also been stated in the article that the percentage of officers who are in this collusive collaboration is increasing day by day. The parties in power bestow favouritism on the civil servants loyal to them. That is why, the cardinal principles of civil service like : professionalism, anonymity, integrity and neutrality are slowly withering and unless we steadfastly return to the old edicts of professionalism, anonymity, integrity and neutrality, the goodwill will be completely eroded. Vinod Mehta, in his book – The Lucknow Boy - pays tribute to E.A.S Sarma, who fought the
PMO to uphold steadfastly what, he thought, was in the larger interest of the nation. Noam Chomsky in ‘Deterring Democracy’ predicted that the unholy businessmen-politician nexus will undermine democracy. The destiny of the civil servants is in the conduct of its own brethren <http://www.thehindu.com/opinion/open-page/to-be-or-not-to-be-a-civil-servant/article4372972.ece>.

Rahul Karmakar in “Northeast embraces bureaucrats, shows them due respect” (Hindustan Times, New Delhi, Aug 11, 2013) states that Tea Board Chairman MGVK Bhanu, an IAS officer of Assam-Meghalaya cadre, had some of his best years as deputy Commissioner of north-central Assam’s Sonitpur district in the mid-1900s. A PMO-Commissioned study on tenure of IAS officers too noted that most IAS officers in the region were largely able to serve their minimum tenure of 2 years. However, there are some negative examples also. There have also been instances of IAS officers getting killed such as the Upper Assam Commissioner G. Parthesarathy who was trapped in 1981. There are officers such as Nagaland’s former art and culture Commissioner K.K. Sema, who have been transferred 18 times in the first 22 years of his career. Sema suggested that the “I-scratch-your-back-you-scratch-mine” arrangement between bureaucrats and the politicians explains the cordial relations <http://www.hindustantimes.com/delhi/northeast-embraces-bureaucrats-shows-them-due-respect/story-MHcP7b0YdiJWRxhU16x2XJ.html>.

The case of suspension of Durga Shakti Nagpal, 28, has highlighted the difficulties that the bureaucrats face every day. JM Lyngdoh (former chief Election Commissioner of India) opined that in the beginning [politicians] didn’t like rules and regulations to be put up to them. Gradually, things became worse, and eventually they had nothing but
contempt for rules and regulations. Officers become stenographers and nothing better than that. Basically, if you are entering service today, you ought to enter with your eyes open. It is a very tough world, and you have to be tough to survive without being dishonest to yourself. Dr. EAS Sarma (former finance and power secretary of India) opined that not all politicians are bad. Any civil servant in India will be on firm ground if he/she has analysed the pros and cons of a given problem thoroughly before confronting a politician or a senior civil servant. He said in this article that he have been pleading with the Manmohan Singh government to reform the civil services by setting up independent Commissions to oversee transfers, promotions, foreign assignments and post-retirement appointments. What is urgently called for is to ensure transparency in the functioning of the government at all levels through hundred percent compliance with the requirements under Sec. 4 of the RTI Act, and delinking the investigating agencies like CBI, State anti-Corruption bureaus etc. from political control and making them accountable to the legislature. Kiran Bedi (once India’s highest ranking woman police officer. Now a social activist) opined that a young civil servant should be ready to move, but keep doing his or her best wherever he or she is. Though he/she runs the risk of marginalization too, the officer has to be self driven and self motivated to keep going. As for changes in rules, there should be a system of fixed tenure, removable for authentic reasons, not on whims and fancies. And there should be an appointments and transfer Board, which gives posting according to ones orientations and caliber. Amitabh Thakur (superintendent of police in UP) said that he proposes changes in conduct rules, where officers shall speak out through media as regards corruptions, impropriety and anomalies in the interest of larger justice.
Amitabh Thakur, an IPS officer in UP filed a public interest litigation (PIL) in the Lucknow bench of the Allahabad high court, praying to constitute a high-level Committee to study the need and utility of revamping the present administrative structure, particularly examining the role of Indian Administrative Services (IAS). In his PIL, Thakur has said that today generalists (IAS officer) occupy all the important positions in the central and state governments, as a result of which the specialists are sidelined. This system has become redundant and counter productive in the present circumstance. The petition also stated that today in the age of super-specialisation, the country is still following the colonial model of Indian Civil Services. There is a need to have a relook at the present administrative system where the IAS officer is being regarded as the master of all.

Thus, from the above articles, it is very much clear that the civil servants in India are facing variety of problems, as a result of which good governance has shown a downward trend. In this context, it needs mention that unless and until the rights of the civil servants are protected, we cannot expect them to play a vital and neutral role in bringing about development. It is only when the rights of the civil servants are protected (both Constitutional and extra-Constitutional rights) properly, then only the civil servants will be able to work fearlessly, which will enable them to give quality-service.
Development of a sound and rational posting and transfer policy is a sine-qua-non of any good system of human resource development. Unsound posting and transfer policies and practices not only adversely affect the efficiency and morale of civil service but also act as deterrent to the development of a comprehensive policy of career development. Transfers are inevitable in a big organization and is like an essential tool of administration as it brings efficiency and speed in the working of the organization. If it is used judiciously, it brings effectiveness and efficiency in the working of the organization. Otherwise, it mars the administration because erratic transfers are detrimental to the organization as well as to the civil service. Corruption in some form has always existed in public administration. But the high watermark of corruption has reached in India these days. Atmosphere in India is generally vitiated by corruption, influence, patronage, abuse of power and widespread inefficiency. Corruption in the civil service is a complex phenomenon. Bureaucratic morality mirrors political morality. One cannot expect to have a clean administration if the political leadership of a country is not free from corruption. The bureaucrats in India suffers from certain strange paradoxes. A rigid adherence to procedure combines with a ready susceptibility to personal pressure and intervention (Sharma, 2000).

Dalal Benbabaali in ‘Questioning the Role of the Indian Administrative Service in National Integration’ has stated clearly that vertical solidarity between bureaucrats and politicians seems to prevail over the horizontal solidarity of a composite body of IAS officers, who align themselves with political parties on a caste basis, or simply for opportunist motives of career advancement. Some upright officers resist this trend, but they cannot alone change a system which victimizes them through harassment and
pressures from local politicians, frequent punitive transfers and threats to their families <https://samaj.revues.org/633>.

Today, there is hardly any room for the average officer to display any sign of independence or candour in decision-making. Lord Macaulay, who was the law member of the Governor-General’s Council in India and later secretary of war in England in the second half of the 19th century, visualized the civil service as a body of young men with outstanding intellectual abilities and values. His report of 1864 paved the way for streamlining the recruitment for and training of the members of the Indian Civil Service. The foundation he laid stressed the qualities of discipline and integrity. The early years of independence saw both the politicians and the bureaucrats nursing the civil services with great care and affection. Both were convinced that the bureaucracy, as it evolved under the British, constituted a vital and dependable machinery to push through with the various reforms that an infant nation desperately needed. As a result, the civil services were kept insulated from the muddy waters of day-to-day politics and played the key role in maintaining social stability, thereby providing the right ambience for developmental work. Thus, a clear distinction between the policymaking role of the minister and of the implementation function of the civil servant had come to be established. The latter could argue against a minister’s decision without the peril of being humiliated or penalized but once the minister made up his mind after a discussion, the secretary had no alternative but to implement the decision. There was therefore everything in the system that promoted candour and honesty. However, the watershed in the history of the Indian administration was possibly the emergency, declared in 1975. Since then, the floodgates have remained open, and there has been no stopping the process of tinkering with the civil services. Barring a few,
ministers both at the centre and in the states have steamrolled the bureaucracy so much that a fear psychosis now envelopes the whole civil service. Even the judiciary cannot stop this damage because it cannot step in the routine administrative matters (such as transfers and suspensions) and generally an act of injustice done to a civil servant does not constitute any infringement of the fundamental rights embodied in the Constitution. The Administrative Tribunals have occasionally offered some redress but have not been able to remove the fear that grips a majority of civil servants. The current situation is one in which the average officer can hardly say ‘no’ to a ministerial fiat. Blind obedience is what is expected even when a direction is downright illegal. Some of the unfortunate recent scams are a direct outcome of this situation. The demand these days from a minister is for instantaneous action, and any perceived delay by an officer is fraught with grave consequences. Against this backdrop, it is not possible for the civil servants to show an iota of independence. Many of us criticize the civil servants for their submissive behaviour but it is also true that any non-conformist uprightness is a sure route to disaster for them. This is despite many safeguards provided to them under Art. 311 of the Constitution. This has been the chief source of fear even among the bold officials and that is why, major reform is immediately needed. However, it has also been stated here that it is not as if the whole blame falls on the shoulder of the politicians. Overzealous and greedy civil servants have contributed equally to the dilution of standards <http://www.thehindu.com/opinion/lead/the-minister-versus-the-civil-servant/article1327692.ece>.

The term ‘Civil Services’ covers the large number of permanent officials required to run the government machinery. The Parliamentary governing system of India entrusts the ultimate responsibility for running the administration with the elected
representatives of the people, who are the ‘Ministers’. However, the handful of ministers representing the government of India and states cannot be expected to deal personally with the manifold problems of the modern administration. So, the ministers keeping in mind the people’s needs for which they have been elected to fulfill, lay down the policies (assisted by the civil servants) and it is for the civil servants to carry out these policies effectively and efficiently putting their specialist, practical and technical administrative experiences to use. It has been stated that there exists a close link between democracy, economic development and good governance. So, civil services is a very pivotal part of good governance. This article also focuses on the concept of civil service neutrality, where it has been stated that one of the foundational pillars of an effective, competent and corruption free civil service is for it to be neutral and fearless in its approach and faithful to the Constitution while carrying out their duties and not soliciting for patronage from any party for vested interests. The founding fathers of the Constitution wisely provided, by making provisions in Part XIV of the Constitution for apolitical and independent civil services, with requisite protection for service matters that pertain to both the Union and the States. But, unfortunately, political interference and administrative acquiescence has severely dented the professional fibre of the service, reason being civil servants being in fear of regular transfers if not giving into the political masters and the politicians not allowing these civil servants to do their jobs due to their vested interests and initiate unnecessary disciplinary actions and transfers and using them as a tool against honest and upright civil servants who do not bow down to their unholy demands. It has also been stated here that now the need of the hour is to ensure a proper balance between two concepts of civil service neutrality as well as civil service activism.
A 1997 batch officer, Mr. Rafath attributes the present state of affairs to the ill-defined relationship between the political executive and the bureaucrats. The expected standards envisaged by the framers of Constitution have not been achieved, he says. Immunity from political interference Mr. Rafath feels, is imperative for career advancement of civil servants. In India, the politicians not only ‘handpick’ officers of their choice but also reward them with plum positions. Those who refuse to fall in line are given insignificant postings. Mr. Rafath cites examples of susceptibility of the Indian Civil Service to political pressure right from emergency of 1975 to the Gujarat episode of 2002. “There is urgent need to draw the lines of demarcation between the two to reform the administrative process” he says. Mr. Rafath suggests model legislation along the lines of Westminster UK to remove any ambiguity in the political executive-bureaucracy relationship and ensure the letter’s independence. “Greed for money, clamour for good postings, insecurity and the politician-bureaucrat nexus has come to the fore due to the absence of such legislation. IAS, IPS officers are at the mercy of political bosses for postings, promotions and transfers unlike in the UK, where an independent Board of Civil Services decides”, Mr. Rafath said.

The civil servants are expected to guide and implement programmes for the benefit of the masses and the development of the country and also everybody expects efficient, honest and speedy execution of tasks so mandated. Thus, a heavy burden is placed on the civil services. But, at the same time, it is to be borne in mind that the civil servants...
do not perform in a vacuum but are subject to political, economic and social structures and forces beyond their control. Moreover, they are expected to perform tasks which the services may not have been originally designed to perform. The following has been cited as major areas of challenges faced by the civil servants like, the new economic paradigm, rural and urban development, legitimacy of the state, the rule of law and the rights of the citizen, task setting and induction of technology in aid of administration, politicization of the bureaucracy, loss of morale and security of tenure-in-post. All these factors poses huge challenge before a civil servant now-a-days. Challenges are also being posed by the changing and increasing demands of the political system on the neutrality and objectivity of the civil servants. These multitude of new tasks set at the regular intervals ensures that the civil servant is always in a state of dynamic learning. Moreover, there is considerable concern that the civil services at all level is getting politicized. The independence of the civil servant is a critical aspect in the performance of its constitutional duties. Frequent transfers, sometimes used as punishments, are not conducive to service delivery or for upholding the morale and integrity of the service. The demoralization of the civil service in India today is to a great extent due to the feeling that they have no one to rely on except themselves.

The functions of the permanent executive, the civil service, are actually twofold:-(a) one is the ‘staff’ function, where the civil servants’ responsibilities consist in assisting the minister in policy-making. It is appropriate to quote Sir Warren Fisher, who defined very lucidly the Minister-Civil-Servant relationship, while tendering evidence before the Tomlin Commission on the Civil Service in Britain (1929-31):- “Determination of policy is the function of minister and once a policy is determined it is the unquestioned and unquestionable business of the civil servant to strive to carry out that policy with
precisely the same energy and precisely the same goodwill whether he agrees with it…..That is axiomatic and will never be in dispute. At the same time it is the traditional duty of civil servants, while decisions are being formulated, to make available to their political chief all the information and experience at their disposal, and to do this without fear or favour, irrespective of whether the advice thus tendered may accord or not with the minister’s initial view. The presentation to the minister of relevant facts, the ascertainment and marshalling of which may often call into play the whole organization of a department, demands of the civil servant the greatest care”. (b) another function of the civil servants are the ‘line’ functions, where the civil servants implements the laws and executes the various plans and programmes. However, in practice, the operational reality is that there is a reluctance on the part of the political leaders to welcome correct advice, and, also the civil servants on their part are turning sycophants and giving the kind of counsel which would please the minister showing not much concern for the public interest. The following comment have been made by the Administrative Reforms Commission (1966-72):- There is a disinclination among quite a number of ministers to welcome frank and impartial advice from the secretary or his aides. Instances are not wanting of ministers preferring a convenient subordinate to a strong one and thereby making the latter not only ineffective but a sulky and unwilling worker. This has also bred a tendency on the part of an increasing number of civil servants to attempt to anticipate the minister’s wishes and proffer their advice accordingly. A further development of this unhealthy trend is the emergence of personal affiliations leading to an element of ‘politicalisation’ among the civil servants. All these cut at the root of the healthy relationship. The wrong priorities of the minister have produced imbalances and dysfunctionalities in the Country’s political system. As
a result the professional norms of the bureaucracy have suffered serious erosion and a general climate of normlessness prevails all round. The ministers have been able to accomplish all these because of the triple powers at their disposal like, power of transfer, power of suspension and, power to give accelerated promotion or deny promotion. It is by a dexterous use of these three devices that the contemporary political leadership in India has been able to secure in practice an accommodating bureaucracy. Honest and professionally oriented civil servants have been gradually eased out from the sanctum sanctorum of administration and posted in the administrative periphery while the pliable and the pliant ones find themselves planted at all strategic positions. However, the picture is not totally one-sided. The distressing fact today is that the civil service has lost its professionalism and are ready to do anything or everything in the expectation of a reward or for fear of transfers. Thus, the bureaucrats in India are bearing the brunt of two kinds of politics – politics from without and from within. The relationship between the ministers and the civil servants has come to be characterized by a growing feeling of uneasiness (Maheshwari, 1984).

The administrative development often goes hand in hand with political development. Neutrality in the strict Weberian sense of instrumentality to the political executive is often not considered adequate now-a-days due to the dynamic role carved out for development administrators today. The widely held view now is that a fully committed and well-motivated bureaucrat, identifying himself with the governmental goals will be in fact more effective as a catalyst of change, than a strictly neutral and uncommitted rule oriented bureaucrat. But what happened after independence is that soon after independence, the minister-civil servant relationship had to move towards certain norms. The ministers forgot to bear in mind that according to the principles of
parliamentary democracy, they were as much servants of the state as were civil servants and the civil servants were not their personal servants, but like them, the servants of the State. (Basu, 1989).

The problems of administration in the developing nations arise mainly as a result of the conflict between tradition and modernization. In theory the role of the minister and the civil servant is clear but in practice, it is different. On the one hand, the ministers tend to concentrate decision-making power in themselves and to interfere unduly with the day-to-day administration and sometimes, the civil servants incur the displeasure of their ministers for giving tearless and independent advice. This tendency among the ministers to interfere in the particular cases instead of confining to the general policies and to penalize independence heads to irresponsibility and evasion lower down the hierarchy. Seen from the other angle, some of the civil servants are almost full-fledged politicians and they assiduously try to secure the pleasure of their ministers, and the advice they give to the ministers echoes the ministers’ views and do not constitute an independent assessment of the problem. These favourites among the civil servants get rapid promotions and are recommended for higher posts. It is thus clear that operationally the minister-civil servant relationship is determined by the standards of administrative efficiency set by the minister. It has also been stated here that one of the basic reason for the increasing politicization and debureaucratisation of administration in India is the lack of sufficient channels of democratic political participation (Bhalerao, 1964).

In another article titled, ‘Reform Bureaucracy – to curb graft’, by T.S.R Subramaniam (TSR Subramaniam retired as Cabinet Secretary to the GOI), it has been stated that governance is 5% policy and 95% implementation. All implementation is done by the
civil services machinery from the secretariat to the village level and any improvement in the administrative apparatus will have an across-the-board beneficial impact on the quality of governance. Political intervention in implementation, politicization of services and use of the civil services for the personal aims of the political executive are the main reasons for the sharp decline in standards. Some measures for bringing about administrative reform have been highlighted in this Article, out of which I am citing a few:

(1) Amend Rule 3(3) of All India Service (Conduct) Rules to additionally include recording of all instructions received verbally, telephonically or in any other form from any person or interest representing or purporting to represent any politician, businessman or anyone in authority.

(2) Fix tenure for each ‘post’ at the Centre rather than at each ‘level’ in accordance with the Supreme Court directions of Oct. 2013, following a PIL filed by TSR Subramaniam and others.

(3) Ensure establishment of Civil Service Boards both at the Centre and in the States, having at least 1/3rd membership of persons of experience (retired or other eminent persons) to ensure independence and objectivity in recommendations to the political executive for transfers and postings.

(4) Establish the institution of Lokpal – fully staffed, operational and given effective powers.

(5) Reform the CBI and make it fully independent of the government and concurrently bring it under total administrative oversight of lokpal or a committee of eminent persons of integrity.

(6) Enact a civil service law and amend existing rules.
(7) Provide for quicker completion of departmental inquiry cases within strict
time limits; encourage greater accountability; amend Art. 311 of the
Constitution and amend service rules appropriately.

(8) Create mechanisms for swift redressal of service-related problems of civil
servants. Create departmental boards headed by retired officials for informal
and quick hearing of complaints and appeals relating to adverse annual
remarks and denial of promotion. This will sharply reduce service-related
cases in CAT and courts.

(9) Facilitate major police reforms to increase efficiency and minimize
corruption.

(10) Complete effective steps to foster de-politicisation of civil services at all
levels. Prescribe norms and effective guidelines for bureaucratic and
political echelons, to encourage, facilitate, monitor and punish when
required, to ensure independent and impartial civil service.

(11) Use technology and communication devices to reduce the number of
employees in the central and state secretariats etc, etc. [India Today, May
26, 2014].

A recent survey commissioned by the Centre has confirmed that political corruption
happens because some of the bureaucrats collaborate with the political leaders. Corrupt
officers get the most sought after postings and also get away without being punished.
Also highlighting that honesty does not pay, the Civil Services Survey 2010 revealed
that the clean officers get harassed through baseless complaints and investigations. The
Survey was conducted by the Centre for Good Governance, Hyderabad, in
collaboration with AC Nielson ORGMARG at the behest of the Union Ministry of
Personnel, GOI. The study has cited political interference in the civil services as a major reason for the poor performance of the services. “It has been pointed out that lure of post retirement assignments is a major reason for spinelessness of the senior civil servants”, says the report <http://timesofindia.indiatimes.com/India/civil-servants-admit-steel-frame-is-suspect/articleshow/7273184.cms>.

M. Shamsul Haque in ‘E-governance in India : its impacts on relations among citizens, politicians and public servants’ has reiterated that in the current age, one of the most significant phenomena is that the public governance has been effected to a large extent by the revolution in information and communication technology (ICT). Today, as a result of this, necessary initiatives have been taken to restructure the political and administrative institutions and the public servants are encouraged and trained to be familiar with the tools and languages of ICT. Here comes the dilemma because we know that a common feature guiding the relation between the politicians and the administrators is that of the principle of political neutrality of the public servants. However, the current system of e-governance gives more importance to the ‘connectivity’ between the political executives and the senior civil servants (Haque, 2002).

For the proper functioning of administration, a harmonious relationship is required between the politicians and the bureaucrats. But still, it has been admitted that the conflicts between the two are quite common in the real world of administrative interaction. The nature and function of bureaucracy is easily perceptible from the behavior of the political leaders and the values which it nourishes, under whom the bureaucrats have to carry out their decisions. Thus, it has been rightly pointed out that for any conduct of the bureaucrats, they (bureaucrats) should not be judged for values
and actions in isolation from the entire social system because after all, it is actually only a sub-system within a larger ethos. The enquiries conducted by the Shah Commission about the happenings during the emergency observed that the Indian bureaucrats lacked stamina and courage and so, at the command of their political bosses, they violated all the laws, rules and regulations, conventions and procedures to give effect to the wishes of the politicians. This proves that the bureaucrats appear to have no backbone under political pressure. And this has its adverse effects on the administration. The means adopted by the minister to bend the civil servants to his will included the power to transfer, suspend or deny promotion. Actually, the guiding principle of the bureaucrats should be to adhere to the concept of civil service neutrality and be independent in advice and obedient in execution. But, the efforts by the politicians at all levels to undermine the prestige of the civil servants and to make them easy scapegoats not only leads to lack of initiative and purposiveness on the part of the civil servants, but also breeds corruption. Many politicians want obedience without independence in their civil servants which has resulted in the breakdown of morale of the bureaucrats. And that is why, it has been stated that as a natural corollary, in the absence of a committed political elite, a committed bureaucracy cannot come into being. One who wants to change others must first change himself. The political elite must reform itself and then the people and the bureaucrats will automatically change. If the political leaders perform well, walk straight on the right path, then the whole administration will run smoothly and the bureaucrats, the whole personnel system will become disciplined, sincere and honest and shall co-operate with integrity (Gupta, 1987).

Now-a-days, transfers have been used as an instrument of control. Actually, transfer, seen ideally, is not a punishment and it is done to train the officials in different facets of
work of an organization. It provides the required exposure to acquire varied experience and to help the civil servants in career advancement. But, in reality, the scenario is quite different. Although there are policy guidelines existing in all the departments, spelling out clearly the principles to be adopted while affecting transfers, but what is happening in reality is that, these guidelines have been flouted by the politicians and they are using transfer as a tool of punishment to tyrannise upright officials and to break the rule of non-complaint and non-cooperative ones. It is a common sight in the states and the centre that the politicians seek transfer of officials purely on grounds of personal aggrandizement. The bureaucrats in India, far too long, has been forced to put up with patently unreasonable transfers and postings on grounds hardly related to administrative matters. Very often an officer taking a forthright stance on a matter in line with the rules finds himself shunted of to a remote or undesirable place. Unless this practice is put to an end, it would be difficult to stem the rot that has set in the administrative system (Jain, 2001).

Uttam Sengupta in ‘Shaking up the Frame’ (Outlook, June 16, 2014), has stated that in Modi’s (the present PM) very second cabinet meeting, he set a 10 point framework for good governance. He followed it up by saying that bureaucrats need to be empowered. Also, in ‘Where are the lines’ by P.C. Parakh (the author is a former Coal Secretary), it has been laid down in crystal clear manner as to what should be the ideal relationship between a civil servant and politician. The relationship between a civil servant and elected representatives is critical to governance. Over the years, it has become either adversarial or collusive. To restore the rule of law and good governance, we must clearly define the boundaries within which bureaucrats and ministers should function. The bureaucrat is expected to –
(a) Provide information and advice to the ministers and accurately present the options;
(b) Take decisions on merit and in keeping with professional advice;
(c) Not ignore inconvenient facts while giving advice or taking decisions;
(d) Not act in a way determined by political considerations or use official resources for party or political purposes.

Ministers are also expected to –

(a) Give due weight to impartial advice from civil servants;
(b) To uphold the political impartiality of the civil servant;
(c) To ensure that influence over appointments is not abused;
(d) Not engage in activities that invite criticism that civil servants are being used for political purposes; and,
(e) Not give directions that are in conflict with the Civil Service Code.

Moreover, the civil servants also must feel assured that they won’t be hounded for the decisions taken by them in good faith. ‘Autonomy’ should not be confused with ‘Lack of Accountability’. Autonomy is undoubtedly one of the elements in restoring the confidence of the civil servants. Autonomy for the civil servants does not mean that they are not accountable to the minister.

A United Nations Study, compiled in the late 1950s, outlined the essential ingredients of a good civil service emphasizing that, recruitment should be based on merit and achievement, it should be by an independent body with full autonomy, the recruits should be adequately trained, they should have the opportunity to operate in an environment where performance is recognized and career advancement adequately provided for, and outstanding performance properly rewarded, the civil servants should
be politically neutral, capable of giving independent objective professional advice to the politicians, the civil servants should enjoy a reasonable degree of security and protection from undue political interference. The Iron-man of India, Sardar Patel, laid stress on the need for a civil service not only for administering the vast country but also on its vital role as a neutral instrument of governance in a multi-party democracy, where the parties with different ideological persuasions can succeed one another. The writer here said that in the post-1990 period, the civil servants had to play a more vital role. At this critical juncture, while rewards for outstanding performance have indeed vanished, we have today a situation where the honest and hard working officers, meritorious in their performance, suffer the ignominy of repeatedly being thrown out of jobs, sidelined into innocuous posts and made to look as if they are wanting. The political executive has increasingly tended to expect the civil servants say ‘yes’ only. Thus, the immediate reform that needs to be undertaken is to free the bureaucracy from the threat of politically motivated transfers. In Assam, the extremely diverse ethnic composition of the region and the consequent complexities in administering the area had added to the problem (Rao, 2002).

Kautilya’s ‘Arthashastra’ prescribed loyalty and earnestness as the two main qualifications for a civil servant. Kautilya also suggested some checks and balances – a continuous watch on their performance, and feedback on their work to the king. But today, the frequent incidents of civil servants being hauled to court on charges of corruption or nepotism have made the Indian public scornful of the bureaucrats. An interesting Harvard University research paper – ‘Political change and bureaucratic turnover in India’, Nov.2009- explores the phenomenon of the power of politicians to transfer bureaucrats to retain control over them. In the Indian context, bureaucrats who
speak out against corruption are frequently a threat to powerful politicians and come under attack. They are vulnerable to being demoted, transferred, suspended, even dismissed. <http://www.thehindubusinessline.com/opinion/columns/mohan-murti/babus-are-like-this-only/article4996208.ece>.

Public administration cannot be understood in isolation but it is an integral part of the whole system, and is influenced and conditioned by the system. The concept and the working of the civil service is conditioned by the institutional and value structure of the nation’s political system. If the civil servants are to work for the public interest, it is necessary that he should be protected against the corroding influence of politics. However, unfortunately, the role of the civil service in India is gradually changing from being a collaborator whose sole interest is the general welfare and public interest to that of a mere agent of the political executive. Now-a-days, the situation is such that the politicians wields influence in such a menacing manner that the officials, by their conduct, have to prove not their worth, but their loyalty to him. This has made the politicization of the bureaucracy complete. The emergency period saw the civil service bend its knee before insolvent might and thereafter, ‘bureaucracy bashing’ had reached its new height. The relations between the political and administrative wings have started showing stresses and strains. Political interference in the delegated authority of civil servant destroys peoples’ confidence in the impartiality and credibility of civil servants. The Sarkaria Commission in its report on Centre States’ Relations has also recorded the ensuing trends in the minister-secretary relationship. The report said: - “In this connection, it is necessary to take note of certain unhealthy trends in the matter of discipline and control that have made their appearance in some states. An officer of an All India Service who is uncompromising in the matter of maintaining the probity and
impartiality of administration not only finds himself on a path of collision with his political superiors….one such method is to keep transferring an officer frequently so that he is forced to shift the residence from one station to another in rapid succession. Another method is to place him under suspension on some unsubstantiated or flimsy ground. Suspension, though not a penalty under the disciplinary rules, has a shattering effect on the morale of the officer suspended, as his reputation in government and in his social circle at once sullied. Superseding an officer in the matter of promotion, and ‘punishment’ posting to a difficult area are the other disciplinary devices”. Sarkaria Commission recorded numerous instances of such gross misuse of the powers of transfer, promotion and posting and of placing an officer under suspension. “An efficient, disciplined and contended service, assured of its prospects as a result of diligent and honest work is a sine qua non of sound administration under a democratic regime”. The Commission in its report recommended that an Advisory Council for personnel administration may be set up, and the Council will advise the Union and the State governments and suggest solution of the problems referred to it. The Union as well as the State governments should be dissuaded from using the powers of transfer, promotion, posting and suspension of civil officers in order to ‘discipline’ them. Sarkaria Commission gave a good many suggestions to ameliorate the deteriorating conditions of politicized civil service in India (Gupta, 1990).

Dharam Vir (former Deputy Comptroller and Auditor General of India) in ‘Audit Reports - Looking beyond the Scams’, has stated that the telecom and coal scams have pointed out the fact that it is easy for the ministers to formulate bad policy and get it implemented, which implies that the checks and balances which are supposed to exist between the political and administrative wings of government have eroded. It has been
stated here that the audit reports of the Comptroller and Auditor General (CAG) of India on issues of 2G spectrum (2010) and on allocation of coal blocks (2012) have raised serious questions on governance and the relationship between the political executive and the higher bureaucrats. The article has also highlighted on how ideally the secretary v/s minister should be and how it is in reality. Ideally, it is generally accepted that the secretary provides the inputs for policy formulation but it is the minister who is ultimately responsible for policy and then again the secretary oversees its delivery and implementation. In order to usher in the concept of good governance, the secretary’s role is to render apolitical, impartial, independent and professional advice to the ministers, guided solely by the considerations of larger public interest. Thus, it is expected from a bureaucrat to render free, frank and uninhibited expression of views, which is indispensable to good governance. Thus, the bureaucrat in ultimate analysis is expected to “speak truth to power”, which carries a matching obligation on the ‘power’ to listen to and be patient with the ‘truth’. But there may be always situations when there arises differences of opinion between the ministers and secretaries. Thus, there is always the need of an enabling environment that places the secretary beyond “fear” or “favour”. Although the Constitution of India under Article 311 prescribes adequate safeguards against arbitrary action by way of dismissal, removal or reduction in rank, however there are other potent ways to secure the secretary’s compliance, the most common of which is transfer. In order to strengthen the condition of the bureaucrats, the Fifth Central Pay Commission had advocated the establishment of a high-powered civil service board for regulating the postings and transfers of officers. It was observed that the arbitrary methods of appointments, transfers and promotions had led to serious corrosion of moral values and so, the
Constitution Review Commission had recommended the creation of autonomous personnel boards that would function like the Union Public Service Commission. A similar recommendation was also made by the committee on civil services reforms and all these were needed so as to insulate the civil servants against fear of arbitrary transfers. The article stated clearly that all these measures will promote good governance and will facilitate accountability and will also provide a much-needed backbone to the bureaucracy (Dharam Vir, 2013).
References :-


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