CHAPTER 5

PROBLEMS AND PROSPECTS

5.1: SHORTCOMINGS OF THE CONSTITUTIONAL PROVISIONS

(DEFECTS):-

The founding fathers of our Constitution made their utmost efforts to make our Constitution a full-proof document so that it imbibes all the good things of the constitutions of the contemporary world. Despite their sincere efforts, it could subsequently be seen that with the changing needs of the society, the constitutional provisions necessitated certain changes which led to several amendments of our Constitution. This fact obviously indicates that our Constitution dictates have certain problems associated therewith. To some extent, such problems may be attributed to the inherent defects in drafting the provisions laid down in the Constitution which suffer from clarity and as such leaving rooms for divergent interpretation of those provisions. But, to a greater extent, the problems of our Constitution are attributable to the distorted interpretation of the Constitutional dictates by the users of the Constitution who eventually deviated from the vision and spirit which our founding fathers had in their mind while drafting the Constitution which was done after long debates, arguments and counter-arguments. One of those problem areas in our Constitution is the provision pertaining to the protection of civil servants in India as provided under Part XIV of the Constitution which is a subject matter of my PhD thesis. An attempt has therefore been made to highlight on those problems:-
(1) Besides laying down certain general provisions, the Constitution does not aim at providing detailed rules for recruitment or conditions of the services of the union or of the states. This power is left to the respective legislatures. The Article 309 is an enabling provision which confers certain powers upon the legislature and does not impose any duty to legislate with regard to the conditions of service of government servants, nor prevent the legislature from laying down such conditions in any general law enacted under some other powers. The rule-making function is a legislative function. A rule made under Art. 309 constitutes ‘law’ within the meaning of Art. 235. For the same reason, the court cannot interfere with the formulation or change of administrative policy of the Government, unless it violates some provision of the Constitution, such as Art. 14, 16 etc. of the Constitution, and not because the court considers it to be unreasonable. Thus, even if the court considers a rule framed by the legislature (or executive) to be ‘unreasonable’ but if that rule does not go against any Constitutional provisions, such as Art. 14, 16, 19, 299, 234, 310, 311 etc., then, the court cannot declare that rule to be void, even if that rule appears to be unreasonable.

(2) The rule-making power conferred by Art. 309 of the Constitution cannot be fettered by any contract. Hence, the employee cannot rely on anything in his contract of employment which is inconsistent with the rules of service in force, because the rules made under Art. 309 have the same force as an Act passed by the appropriate legislature. Thus, this rule-making power under Art. 309 puts the civil servants in some-what insecured position.

(3) Art. 310 provides for doctrine of pleasure. But, the office being terminated at the pleasure of the state, there is no limitation as to the ‘grounds’ upon which the services of a Government servant may be terminated. Once the procedure under Art. 311(1) and
311(2) has been complied with, the courts are not entitled to determine whether the ground or the charge upon which government has proceeded against a government servant is sufficient to warrant a dismissal.

(4) Article 310 is discriminatory in its operation. The words “except as otherwise provided by this Constitution”, makes this Article quite discriminatory in nature. Because these words refer, interalia, to Arts. 124, 148, 217, 218 and 324 which, respectively, provide that the Supreme Court Judges, the Auditor General, the High Court Judges and the Chief Election Commissioner shall not be removed from the office except in the manner laid down in those Articles. The holders of these offices, therefore, hold their posts, not at the pleasure of the ‘President’ but ‘during good behaviour’. But, other than these officials, the rest of the civil servants are made open to the provisions under Art. 310. This make the Art. 310 discriminatory in nature.

(5) The scope of Art. 311 is too narrow. It provides safeguards to the civil servants only on two occasions. Thus, Art.311 does not in any way alter or affect the principle that a government servant holds office at the pleasure of the President or the Governor, as the case may be. Art. 311 only subjects the exercise of that pleasure to the two conditions laid down in this Article. Thus, if the government wants, it can easily encroach upon the rights of the civil servants without resorting to only the two conditions as mentioned under Art. 311. other areas like transfer, promotion, suspension etc. are left open to the government as these are not covered under Art. 311. Thus, even without violating Art. 311(1), (2) provisions, government may impose indirect punishments to the civil servants through other means as discussed above. Ministers, through their power of transfer, suspension and ability to delay or deny promotion can get civil servants to toe
their line. Thus, Art. 311 due to its narrow scope, is not in a position to provide enough safeguard to the civil servants.

(6) It is true that clause (1) of Art. 311 makes it imperative that the order of dismissal of a civil servant should be made by an authority who is not subordinate to the authority who appointed that civil servant. A dismissal by an officer subordinate to the appointing authority is null and void. But, the defect goes to the root of the order of dismissal and is not cured even if that order is confirmed on appeal by the ‘appointing authority’ or some other superior authority. Moreover, the dismissal is not invalid where the order of dismissal is passed by the appointing authority but the order is merely communicated by some subordinate officer (Bhojraj v/Saurashtra Govt., A. 1952 Sau. 40 (42); Balakotial v/Union of India (1958) S.C.R 1952 (1066). It is for the government servant to plead and prove who was his ‘appointing authority’ and also that the dismissing authority is lower in rank than the appointing authority.

(7) Another defect is that the provisions of Art. 311 extends only to a limited no. of posts. Art. 310 is broader in scope than that of Art. 311. It is because under Art. 310, the government can exercise ‘pleasure doctrine’ not only over the civil servants but also the members of the defence services comes within the purview of Art. 310. Thus, under Art. 310, members of the defence services hold office during pleasure of the President, but they are not entitled to the protection offered by Art. 311, as they do not hold ‘civil post’. Since Art. 311 does not apply to civilians in defence forces, because they hold posts ‘connected with defence’, it follows that if disciplinary proceedings are drawn up against them or their services are terminated without any proceedings, they cannot invoke Art. 311, nor can they, for the same reason, challenge the order on the ground of
contravention of anything in the central civil services (classification, control and appeal) rules.

(8) Again, Art. 311(2)(a) is defective. This clause makes an officer who was convicted on a criminal charge, liable to dismissal without any further proceeding under Art. 311(2). It includes conviction under any law which provides for punishment for a criminal offence, whether by fine or imprisonment. But, no distinction is made between crimes involving moral turpitude and other crimes or statutory offences. For example, trivial offences or technical offences like a ‘parking offence’ or ‘drunkenness’ is always different from an extreme offence like murder. But, this clause has not made any distinction between such technical offences and extreme offences, both being criminal offences. Thus, even conviction for drunkenness and conviction for murder may stand on the same footing. Thus, this clause leaves chances of disproportionate punishments even in case of trivial offences of criminal nature.

(9) Article 311(2)(c) lays down that there might be cases where the mere disclosure of the charge might affect the security of the state. In such cases, the President or the Governor might exempt the holding of an inquiry, as required by Art. 311(2), if they are satisfied that in the interest of the security of the state, it is not expedient to hold such inquiry. But, the satisfaction referred to in this clause of the proviso is not circumscribed by any conditions. Though it is to be exercised in compliance with Art. 166, yet, enough room is left for misusing the power, because no inquiry need be made by the President or the Governor for an order under this clause.

(10) The Scope of Art. 310(2) is very narrow, and is limited to only those cases where the post does not belong to any of the regular services and the government is obliged to
enter into a special contract for securing the services of a person having special qualifications. But, even in these cases, no compensation would be payable under the clause if the service is terminated within the contractual period, on the ground of his misconduct. But, the defect lies in the fact that the term ‘misconduct’ is not properly explained, thereby leaving gap or room for misuse of power by the government.

(11) Another defect lies with Art. 320. Art. 320(3)(c) does not confer any right upon the government servant, in the real sense of the term. It is because the consultation prescribed by the sub-clause is only to afford proper assistance to the government in assessing the guilt or otherwise of the delinquent officers as well as the suitability of the penalty to be imposed. But, for the omission of or irregularity in such consultation, the aggrieved officer has no remedy in a court of law, nor any relief under the extraordinary powers conferred by Arts. 32 and 226 of the Constitution. Thus, since the commission’s function is purely advisory in nature, and its advice is not binding upon the government, so, the whole clause becomes meaningless. It means that if in any case, government fails to consult the commission; the decision of government to terminate the services of the employee shall not be invalidated by a court of law on this ground.

(12) It is laid down that Art. 311(2) is attracted only when a civil servant is ‘reduced in rank’ or dismissed or removed (that is to say, his services are terminated), before the normal period of his service and against his will, by way of penalty. But, it is not clearly laid down as to when a penal element may be said to be involved in a termination of service so as to amount to a ‘dismissal’ or ‘removal’ within the meaning of Art. 311(2).
Thus, the various problems of the Constitutional provisions have been discussed. It is seen that the doctrine of ‘service at pleasure’ has been subjected to Constitutional limitations in India. Inspite of the very best efforts of the Constitutional framers, some aspects of safeguards to the civil servants have been left outside the Constitutional provisions, as discussed above. It is seen that some very minutest details of administration rules have been left behind as gaps to be filled in by the government as and where necessary. It was not possible for the Constituent fathers to make detailed provisions relating to every matter concerning the public service. The makers of the Constitution realized that, that was not practicable too. But, our ministers always take resort to those gaps of the Constitution for their own benefit. They increasingly prefer officials who love to say ‘Yes Sir’, thus, blindly supporting their ‘line of action’ without asking uncomfortable questions. This results in the sharp deterioration in the ranks of bureaucracy, and is reflective of the malaise that plagues the Indian polity. But, whatever the problems might be, it should be borne in mind that the fault actually does not lie with the Constitution. It is the attitude of the users of the Constitution which is to be blamed. Very few respect Indian traditional values of honesty, selflessness, detachment and objectivity. Indian democracy suffers too much from muscle and money power as also indiscipline, violence and corruption. The situation is worse with the growth of manipulative politics and the downslide of the political system. Thus, in order to bring about reform in civil service, first, it is the attitude of the people, particularly ministers should be changed. So, both the bureaucrats and the politicians have to identify their respective roles and work in tandem towards goal realization. The social turmoil will persist and the churning process will continue till
democracy, secularism, integrity and such values strike roots and proper equations between democracy and bureaucracy are worked out.

Here, I would like to highlight on some problems faced by the bureaucrats in their day-to-day life, while discharging their duties, and for this purpose, like to cite the few articles:-

The bureaucracy can never be immune to political interference as long as bureaucrats are willing to twist and bend before politicians to get the postings of their choice. The S.C. has made a recent move to set up a Civil Services Board for the management of promotions and emoluments, granting fixed tenure to the civil servants and freeing them of the obligations to obey oral orders from the executive. The SC Bench has relied heavily on various reports – the 2004 Hota Committee on civil service reforms, the 2008 Second Administrative Reforms Commission, the 1997 Conference of Chief Ministers on Effective and Responsive Administration and the 1968 All-India Service Conduct Rules. It has been stated in that article that the SC order is not going to change the nature of the senior bureaucracy. The cabinet, instead of the civil services Board, continues to have control over appointments. As long as bureaucrats are willing to twist and bend before the politicians to get their choice of top postings, they can never be immune to political interference. While it is necessary to stay the hand of politicians, so is it important to reform the bureaucracy <http://www.thehindu.com/opinion/lead/keeping-politicians-at-bay/article5390619.ece>.

The Supreme Court’s directions that civil servants should have an assured minimum tenure and should refrain from acting on verbal orders given by politicians will serve public interest by improving governance and bringing greater accountability in the
system, say retd. Bureaucrats who have held key positions in the government. Former Cabinet Secretary T.S.R Subramaniam said that assured minimum tenure has a basic requirement and many Commissions have recommended it in the past. ‘There has to be some method in transfers. The S.C directions have implications for governance’ – Subramaniam told IANS. Subramaniam, who was Cabinet Secretary during 1996-1998, was among the former bureaucrats and civil servants, who had filed a public writ petition in the S.C demanding reforms to ensure that bureaucracy was insulated from unwarranted political interference. Subramaniam said the Court has been moved as “there was deterioration in the quality of administration”. He said on many occasions, political leaders give instructions to the civil servants without taking responsibility. Insistence on written directions will help bring in greater accountability. Also, former Chief Election Commissioner (CEC) S.Y. Quraishi said that the issue of fixed tenures for the civil servants had been discussed in the government many times over and the apex court’s directions will help in its implementation. “There is need to strike a balance between the powers of a government to transfer and a need for civil servant to have a fixed tenure”, he said. He said the court directions for insistence on written instructions from political bosses will allow civil servants to express their views more independently. The Court has asked the government to enact a Civil Services Act under Art. 309 of the Constitution to set up a Civil Service Board (CSB) that can guide and advise the political executive on issues such as transfers, postings and disciplinary action. The Court has suggested that CSB should consist of high-ranking service officers who are experts in their respective fields. Quraishi said that CSB should have some members who were no longer in the government as they can give their views more independently. Former Cabinet Secy. Prabhat Kumar said that the question was
whether the S.C. directions will be implemented by all the states. “Frequent transfers are mostly in states and are often guided by what interests of politicians are. The civil servants are always under fear of being transferred.”

Scientific advancement, industrial revolution, technological development and increase in population have made it necessary for the State to play a positive role in solving the complex problems of social life of the human being. Thus, the activities of the state are fast expanding and the modern states are performing functions which were previously the concern of private organizations or individuals. Now, the state is no longer responsible merely for the maintenance of law and order, dispensation of justice, protection of private property and enforcement of contracts, but, under the impact of science and technology, the negative concept of the ‘Police State’ has been replaced by the positive ‘Welfare concept of the State’. The essence of the welfare state is the promotion of common well-being and it is the responsibility of the state to care for the people and to guarantee social security to all individuals from birth till death. Thus, state control or regulation over the individual’s life is increasing and when the scope of the activities of the state increases, the role of its administration assumes great importance. Efficiency of administration to a great extent depends on the efficiency of the personnels who manage it. If the administrative set up does not function with speed, efficiency and integrity, even the best policies and plans are bound to end in failure. Thus, the civil servants have a very important role to play and on its performance capacity, depends the success or failure of various crucial programmes of socio-economic development. As a catalytic agent of change, civil servants in India have to
play a very crucial role in nation building in modern societies. Since the independence of India, the civil servants have been confronted with many challenges. After independence, the National government took up the task of modernizing India through industrialization and undertook to provide basic amenities to all. The administrative apparatus, which was inherited from the old British regime was to be adapted, adjusted and renovated to fulfill the requirements of the new socialistic society. It was a marvelous phenomenon human adjustment and the civil servants, apart from administering the country, had to undertake the gigantic task of re-constructing the Indian economy. But, with the opening up of Indian economy of late, the role of the civil servants in the economic administration of the country has been redefined. Now-a-days, the government is shedding its regulatory role in favour of being a facilitator in the economic development of India. The greatest challenge before the civil servant today is to adjust to this new role of the government. In carrying out the economic reform programmes successfully, the bureaucrats have a great role to play. But, the problem lies in the fact that the civil services is highly factionalised and fragmented and the political leaders are well conversant with cleavages and divisions within the bureaucracy and they fully exploit it. Many challenges can be met by the bureaucrats if it follows the procedures of work. Politics interferes in the functioning of bureaucrats and the bureaucrats have to confront and contain it. To resist political intervention, bureaucrats need support from its clients i.e., the citizens <http://www.preservearticles.com/201107068946/essay-on-the-challenge-before-a-civil-servant-today.html>.

A sound administrative system is the pre-requisite for well being and development of the country. The basic attributes of a good administrative system are upholding the rule
of law in an unbiased manner, transparency as secrecy breeds corruption, accountability, responsiveness, efficiency and ensuring an effective delivery system. But today, it is pathetic to note that the administration has marked a departure from ethics, morality, traditions, law and virtue. Corrupt administrative practices emerge at the interface of political leadership and supposedly neutral professional civil service. The nexus between the corrupt politicians, bureaucrats, tycoons, middlemen and mafia has destroyed the very fabric of administration. And it is a known fact that corruption and inefficiency go hand in hand, thereby undermining the administration. This also leads to criminalization of politics. Civil servants are made the scapegoat for failures. It is true that the civil service suffers from a number of complex problems, some of them are their own creation. At times, the civil servants have been used as tools and implements by the politicians to give the colour of legality and legitimacy to the designs of the latter. Under this circumstance, the job of an administrator becomes very tough. He faces attack from all directions and he has to prove his credentials and capabilities to hold the reign of administration. He has to maintain his strict neutrality and impartiality, take an objective view of things, have the same standards while dealing with people without recognizing their political affiliation. The civil servant must have patience and perseverance and at the same time, he must not hesitate to take strong action in the interest of peace and tranquility (Bhure Lal, 2009).

Bhure Lal (2009) in ‘Administrative Challenges’ also deals with the conditions prevailing in the north-eastern states. It has been stated here that the overall security scenario in the NE is disturbing and maintenance of law and order is a very difficult task here. Insurgencies, autonomy agitations, coercive imposition of disorder in the form of bandhs have completely paralysed the NE region. These problems can be
effectively handled if there is a strong political will and there is also a strong administrative will. At the same time, the SC should also give protection to the civil servants who act fearlessly. The prevailing circumstances are not conducive to the emergence of an independent minded civil service. The corrupt politicians often extend political patronage to the corrupt officials. Corruption makes the honest bureaucrats to gravitate to the bottom and the unscrupulous bureaucrats to dominate the top echelon.

The topic “Civil Service and Politicians” has been discussed at length in this book i.e., ‘Administrative Challenges’ by Bhure Lal. It has been stated here that the experienced political leaders do not embarrass the administrators by putting unreasonable and improper demands and they also do not apply pressure on them to get their demands fulfilled. The administrators have the right to not comply with unreasonable demands of the political leaders. Today, the scope of the civil service activity is no longer confined to collection of revenue and maintenance of law and order. It has to play a tremendous role in economic development and social change. However, excessive demands for unreasonable and improper gratification make the operation of legal and rational criterion of bureaucracy difficult. Appointments, writing of Confidential reports, promotions, postings and transfers should be sternly and rigidly objective, only then the system will work. Today, the selection and postings of the officers are done on the basis of their pliability and alignment. Officers are not posted on key positions on the basis of their toughness and independence or intelligence and ability. The flexible officers rule and get plum postings while the independent minded officers are sidelined. Thus, the political acceptability rather than the personal qualities determine the postings of the officers. The political masters should also realize that impartial, independent and neutral civil service is the sine-qua-non for an efficient administration.
This is possible only when the political masters give up their narrow political objectives and the civil servants render rational advice to the political masters without any personal axe to grind. According to Sri B. K. Nehru, “the independence of civil services has been jeopardized by the liberty given to the State governments in the matters of transfer, suspension and promotion. The power of transfer is very frequently used to bend an officer to the minister’s will.” It has been rightly stated here that there is no rule governing transfers which disturb the life of an officer. Also, the power of suspension affects the independence of an officer. All these factors are not congenial for a civil servant to act impartially and honestly. If the power of a politician to influence the transfer of an officer is taken away, then half of the administrative problems will disappear and the civil service will act as a strong vibrant and independent arm of Indian democracy (Bhure Lal, 2009).

With all the glorious past and rich heritage, the present administrative scenario is quite distressing. Actually with the ushering in of the concept of ‘good governance’ in the vocabulary of public administration since the 1990s, the whole scenario changed. Till about the late 60s, the country seemed well set on the path of steady advancement. From then onwards, governance in the states and the centre started witnessing serious difficulties and consequent decline. And today, there is no denying the fact that there is politicization of the services. The book highlights on the fact that we have highly competent, resourceful and honest functionaries all over the country. All that is needed is to ensure that such elements are provided recognition, and the requisite security of tenures, thereby putting the system back on the rails. (Singh, Gill, Singh Chauhan and Mahajan, 2003).
Rouban in ‘*Politicisation of the civil service*’ stated very clearly that the politicization of the civil service has been the subject of considerable debate in all the countries for the last few years and today it is impossible to study the politicization of the civil service without taking into account the social evolution, political culture and the history of the various countries reviewed (Rouban, 2003).

The civil service provides an exciting opportunity full of challenges. Actually there are very few services which provide such a vast range of challenges, a mix of field and policy making opportunity and opportunity to act as a key player in the national growth process. Thus, the whole responsibility of strengthening the concept of good governance is on the civil servants. In the initial years of independence, in the 1950s and even in the early 1960s, the relationship between the political executives and the civil servants was that of trust and mutual understanding and non-partisan functioning of the civil servants. But today, this trust has gradually given way to segmentation of civil servants and their politicization in many cases. Today, two types of relationships between civil servants and politicians have emerged: first, covers those, who try to maintain a degree of integrity and upright behavior; second, covers those civil servants, who cosy up to the political executive and go along with them, irrespective of the civil service norms, good conduct or ethical behavior. It has been seen over the years that of the first category, the number is gradually dwindling. There is increasingly a feeling that the civil servants who fall in this category may not be treated fairly by the political leaders in respect of their assignments, transfers or their other service matters. 

S.V. Kogekar in ‘*Problems of Public Administration*’ laid down that the widening scope of governmental functions and the increase in the volume of parliamentary
business have tended at once to enlarge the bureaucracy and reduce the effectiveness of Parliament’s control over it. (Kogekar, 1953).

In the commonwealth countries of Australia, Canada, England and India, the civil servants have to seek prior permission of the competent authorities for publishing a book or an article or for speaking to the general audiences. In India, the civil servants cannot express against any policy or action of the government. They cannot even express on any matter pertaining to politics of parties and matters of public controversy. According to the Civil Service (Conduct) Rules in India, the government servants are not permitted to communicate anything to the press, make any public utterance, make any statement of fact or opinion which has the effect of an adverse criticism of any policy of the government or which leads to embarrassing relations between the internal governmental agencies and the governments of foreign states. The purpose of this restriction is to maintain the political neutrality of the civil servants and to keep them away from public controversies and to enable the civil servants to serve the government of the day with all the loyalty. In India, the civil servants are prohibited from participating in any political activity and movement. In India, as per the Conduct Rules, no government servant shall communicate directly or indirectly any official document or information, except in the form prescribed, to any government or person to whom he is not authorized to communicate. The Official Secrets Act 1923 also lays down service restrictions on unauthorized communication of official information. Therefore, the civil servants are put under special obligation to use and protect official information with the utmost care.

Prof. Vishnu Prasad in ‘Power-Relations between ministers and higher civil servants after 4th General Elections’ highlighted very well the problems of bureaucrats after the
4th general election in India. One of the formidable problems of public administration is to promote cordial and friendly relations between the political and administrative wings of the government – the ministers and the civil servants. Both administrators and politicians are inseparable parts of the organic whole – the governmental machinery. In a democratic country, both the wings of the government must work hand-in-glove and cultivate a spirit of co-operation and friendliness in their mutual relations. After independence, with the proliferation of governmental activities, the higher civil service grew in size and importance. Initially, the bureaucrats were concerned with maintenance of law and order but after independence, their functions increased. However, in the days following independence, the Indian bureaucrats and its relations with the politicians were by and large cordial. But after the 4th general elections, the problems of harmonious relations between the political and administrative wings of the government added new dimensions. The 1967 General Elections gave birth to a changed era in India’s political life. New forces entered the political arena and the unchallenged dominance of the Congress Party ceased to exist both at the centre and the states in India. Quite often, the advice of the higher civil servants was misinterpreted as obstructionist tactics of the bureaucracy (Prasad, 1968).

Dean Appleby was invited to study the public administration in India at work and suggest such changes in its structure and working as he thought necessary. Prof. Appleby’s survey is a comprehensive one. He studies the structure of public administration, the problem of personnel, the procedures – formal and informal, and financial and fiscal organization. Very rightly, Prof. Appleby insists that the working conditions in the civil service be considerably improved (Sharma, 1954).
In the article, ‘India’s Civil Service – Battling the babu raj’ it has been stated that on coming to power in 2004, Manmohan Singh, the PM said that administrative reform at every level was his priority. Some economists see India’s malfunctioning public sector as its biggest obstacle to growth. In India’s corrupt democracy, the problem is made more acute by interfering politicians. The problem is more acute and grievous in some parts of India, where the civil servants tend to attach themselves to the politicians for enrichment, advancement – or in despair of otherwise getting their jobs done. The habit is said to have been implanted in the system during India’s 1975 state of emergency. Under Indian Constitution, the politicians cannot sack easily IAS officers. Instead, they tend to misuse their power to transfer or suspend them. [March 6th 2008; The Economist]

The use of transfers and postings in the states as a means of harassing the officers who are inconvenient because of their professional independence or because they are perceived to be close to an outgoing chief minister is a well-known phenomenon. Such transfer processes are essentially an indication of the politicians’ will to control policy implementation and ensure loyalty. Articles 310 and 311 of the Constitution make it impossible for the civil servants to be dismissed or demoted by the elected representatives. Now-a-days, the politicization of the bureaucracy has become a major public policy issue in India. Frequent transfers present a major problem for governance because the civil servants are not allowed to stay in a position long enough to acquire adequate knowledge of and experience in their job. Such a policy also prevents the civil servants from instituting or sustaining reforms. It is both demoralizing and demotivating when the civil servants are not able to see the fruits of their efforts. A young officer cannot retain her idealism for long if, over a period, she suffers adverse
consequences because of honesty and integrity. Concerned over such frequent transfers, PM Manmohan Singh has said that no system can deliver if top civil servants are transferred without notice, and thus favours a minimum security of tenure. In State of Maharashtra v/s Omprakash Ghanshyamdas Mudiraj, the Bombay High Court showed its concern and observed that – “cases of transfer of employees prior to normal period of three years on the complaints of political parties should be looked into………with close scrutiny.” The ARC and 5th Pay Commission have also endorsed the idea of a high-powered civil services board, both at the centre and the states to look into and regulate the cases of premature transfers of the civil servants <http://www.thehindu.com/todays-paper/tp-opinion/time-to-check-the-khemka-syndrome/article4782816.ece>.

K. Subrahmanyam (2005) in ‘Cleanse Politics, Bureaucracy will follow’ held that political corruption has affected all aspects of our system. Bureaucratic corruption, misgovernance, inefficiency and lack of accountability are just some of the side-effects of this malaise. In such an environment, can an independent panel to assess bureaucratic performance be immune to political pressures? Today, a large percentage of the civil servants are politicized and their careers depend upon their political allegiance. In such a situation, the politicians will ensure that no panel can work efficiently or independently. Thus, the corruption and sloth in the civil service are only extensions of a debarred political culture. The political system must first be cleansed, the bureaucracy will follow <http://timesofindia.indiatimes.com/edit-page/Cleanse-politics-bureaucracy-will-follow/articleshow/1120558.cms>.

In ‘Civil Service Reforms in India’, Dr. P.K Saxena (Asst. Prof., Public Administration, University of Rajasthan, Jaipur) has opined that in developing countries like India,
introduction of market economy and restructuring the administration to suit the needs of the economic system has started debate over the conventional role of administration as characterized by instrumentality, unity and rationality to a transfigured administration through “market type mechanism”. In a vast, overpopulated, poverty-ridden and culturally diversified country, the new role of public administration has become an issue of debate, analysis and criticism. Political instability, economic depression and dominance of MNCs or foreign investors has put more burden on the shoulders of public administration in India. In such situation, a very careful and cautious strategy of administrative reforms is needed in India. It was also stated in this article that it must be kept in mind that administrative reforms are on-going processes and are conditioned by the socio-cultural setting of the country <http://unpan1.un.org/intradoc/groups/public/documents/eropa/unpan021217.pdf>.

S. Subramanyam in ‘Minister-Civil Servant relations-mutual dependence, striking a balance’ pointed out that inconsistency in the policy pronouncements would naturally create difficulties in implementation. The merry-go-round of the civil servants hinders further the proper implementation of the policies. All these tend to erode the minister-civil servant relations. In the interest of good governance, the balance needs to be restored. This writer has also highlighted the paradox facing the bureaucracy. It has been stated here that on one hand we confer on the bureaucracy a tenure in their positions so that they will be guided by rigorous criteria of professional judgement, integrity, decency, impartiality and public interest in the performance of their duties, and, on the other hand, they are agents of the elected government and should comply with the directions of their political superiors. Thus, the bureaucrats must be professional experts who are above politics and must at the same time, paradoxically be
politically responsive. “Some friction between ministers and officials is unavoidable and even positively desirable”, says Mr. Simon James, “Because they are different types of people who perform different functions. Ministers are temporary and as far as departmental business goes, amateur. Civil servants are permanent and professional. A minister’s forte is parliamentary and public performance and political brokerage. Officials’ expertise lies in the smooth administration of public business. Ministers are concerned with the public acceptability of policy, civil servants with its administrative rationality……….so it would be surprising if there were not occasional conflicts over policy decisions.” However, the solution to this problem lies in building consensus and team-work and not simply dumping civil service as has been done now. Thus, the relationship between the ministers and the civil servants should be one of mutual dependence, because they need each other. Thus, an implicit bargain has to be struck. The parliamentary democracy shall flourish only if both the ministers and civil servants endeavour to understand each other’s point of view, objectives and requirements.

If the bureaucracy is to realize the grand aspirations for change and development, then, there has to be some continuity, stability and consistency in politics as well as in the administration. “Bureaucracy……is an organization and structure for achieving objectives as may be laid down by political masters……it is not an inert tool to be manipulated”(Chaturvedi). In his inaugural address at the National Seminar of the G.B Pant Social Science Institute, Allahabad, Sept. 1986, T.N Chaturvedi opined that bureaucracy is the vital instrument of change and development. Politics sets the goals for bureaucracy. Hence, bureaucracy is instrumental as a tool to achieve certain ends. But it is not an inert tool to be manipulated. For, it to be effective, it must be looked
upon as a ‘human institution’ imbued with a purpose and a sense of dignity. It was further stated that the bureaucracy can play a meaningful role – whether it is in the form of contribution to policy-making or in the process of implementation – only when there is some continuity, stability and consistency in the politics as well as in the administration. To function as an effective instrument of change and development, the bureaucracy should not only be efficient and socially sensitive but must also have the flexibility to deal with the day-to-day problems that arise. However, today the Indian bureaucracy has not been regarded as efficient. There are many tasks it cannot handle well. As B.K Nehru, a senior civil servant has complained: “It is undeniable that corruption has spread to every part of the governmental apparatus…………A large number of politicians and ministers are corrupt; corruption is universal in the lower levels of the public service, it has affected the middle ranks as well and is now infecting the apex of our administrative structure – the All India Services – who used at one time to be like Caesar’s wife, wholly above suspicion.” In a democratic system, interaction between politics and administration is inevitable. The relationship between politics and administration developed after independence in its own unique way, somewhat different from the British system, from where we actually borrowed the concept and pattern of our parliamentary democracy. The attainment of independence brought about a fundamental change in the Indian polity. It changed from a unified polity to a mixed polity and a mixed polity is one in which the political and administrative elements have to work together in the process of governance. Also, it was stated clearly that administration should be free and fearless. Its members should not tailor their views to suit the convenience of an individual or the exigencies of a particular political situation. While such independence is a must for effectiveness of administration, it must be
remembered here that it should not be interpreted to mean absence of responsiveness or humanity. Administration, at all points must be sensitive to the public needs, public opinion and social justice. In the developing countries, where political traditions and political maturity have not yet developed in full measure, the responsibilities of the administration are far too extensive (Pant and Gupta, 1990).

Regarding the relationship between the politicians and bureaucrats, S.R Maheshwari (1991) in ‘Theories and Concepts in Public Administration’ states that the relationship should be such that the ministers make public policies and the duty of the civil servants is to implement these policies and also to advise the ministers and make available the data on the basis of which the policies are to be made or modified. There must be complete trust and confidence between them. However, today, this pattern of relationship finds itself under tremendous stress. The distortion and imbalances first manifested themselves in the 1960s, very sharply after the fourth general election (1966) and at the lower levels of government – local and state. Today, the political leadership has succeeded in coercing the civil servants into a position of subservience and personalized commitment; this has happened because the minister enjoys triple powers to transfer, the power to promote, and the power to suspend. The most critical of these is the minister’s prerogative of transferring and posting officers. It is to be noted here that transfer of personnel are necessary and desirable both for administrative health and individual growth, but these must be well planned and also purposive. But, over the years, transfer has increasingly become politically motivated. There is no doubt that transfers, if politically motivated, disturbs stability of life which adversely affects the civil servants and has an absolutely demoralizing effect on the civil servants. The successive 5 year plans under way since the 1950s have caused an enormous
expansion of regulatory and developmental activities at all levels of government. A minister has today devised his own reward and punishment system: those who toe his line are awarded with such plum postings and others kept out. Today, the mixed economy pattern of development brought the industrialist and the minister together – the former wanted a license, permit or quota or some such favours which the politician-minister alone could grant. Processing of the papers is the responsibility of the civil servants and his collaboration is essential for the deal to be finalized. In this process, all the three come closer in a wide variety of matters. However, it would be unfair and untrue to ascribe this kind of bureaucratic behavior to the totality of the civil service. There are civil servants who are absolutely objective and impartial in their actions and would not tilt under pressure (Maheshwari, 1991).

Indian bureaucracy is not a development of post-independence era, but it has grown under three successive regimes: the East India Company, the Crown and the Indian Republic. The civil services of independent India were a continuation of the civil services of the British colonial rule. In 1854, Macaulay Committee submitted its report and provided the philosophy and base for the Indian Civil Service. At that time, there were two types of civil services: Covenanted civil services and Uncovenanted civil services. The former got designated as the Indian Civil Service and the later became the subordinate services. However, after independence of India, the actual moulding of bureaucracy started, because India adopted socialist philosophy and the concept of welfare state, which led to the widening of the role and functions of state. Thereafter, the importance of bureaucracy grew to a large extent with the assumption of new functions and responsibilities. During the period between fifties and eighties, bureaucracy became omnipotent, omnipresent and even omniscient. During emergency
period, i.e., 1975-77, the entire bureaucratic machine became a pliable tool in the hands of unscrupulous political set-up and the situation could not get better even afterwards. Thus, the problems of politicization of bureaucrats and political interference in the internal working of the bureaucracy started and consequently, the bureaucracy also started losing its political impartiality. The concept of neutrality and committed bureaucracy totally changed. A new page in the Indian administrative history was added with the adoption of a New Economic Policy in 1991, thereby committing itself to liberalization and privatization. This further led to a change in the role and functioning of the bureaucrats in India. In the last century, we are witnessing a major discursive shift in interpretation of relationships between politics, bureaucracy, markets and social concerns. Bureaucracy is the backbone of organization and administration. Bureaucracy plays a crucial role in the operation of governmental system under any form of government. However, bureaucracy now-a-days, faces various kinds of problems, like, now-a-days, political interference in the day-to-day functioning of bureaucrats is increasing in India. This selfish interference by political bosses hampers not only the development works, but also the full use of trained man-power. Another problem is corruption. Moreover, before independence, India was a police state promoting revenue administration and the function of every bureaucrat was merely a custodian of authority vested with the state. But since independence, India has become a welfare state and the government is pursuing developmental administration, and thus, the bureaucrats have to evolve themselves as caretakers. The officials are now called upon to act as catalyst to the process of social and economic transformation. The problems and challenges which the bureaucrats has to face in the present society are: terrorism, drug menace, political agitation and its character, corruption, over-
population, caste rivalries, environmental pollution, indiscipline and work culture, violence etc. (Barthwal and Kishore, 2003).

It is recognized that the minister as the “political elite” and the civil servant as the “task elite” will have to work as a team. In this context, the planners in India, having subscribed to Max Weber’s ideal of a neutral civil servant, had this to say in 1952: “The political executive in charge of the government has a two-fold responsibility to fulfill. Its principal task becomes one of assessing what the public desires, what its essential needs are, and how they can be met. In other words, its sphere is, in the main, one of policy and the principles that lie behind policy. Secondly, it has to ensure that the principles and policies which are laid down are followed faithfully and, when discretion is vested, it is exercised in the public interest……The public service stands outside the arena of political life……Their advice is always available to the government and they should be encouraged, as indeed their paramount duty, to tender advice without fear or favour. Even though their views generally influence decisions, their main role is to implement and to administer policies approved by the government.” (pg.194-195) [Govt. of India, Planning Commission, First Five-Year Plan (New Delhi : Planning Commission, 1952, p. 112] (Tummala, 1996).

Also, the civil service is expected to render impartial advice without fear or favour. But once a policy is made, the civil service is duty-bound to implement it. This sentiment is expressed by a retired civil servant, later a member of Parliament, thus: “A civil servant in fact has to be committed only to the discharge of his duties as competently, as efficiently and as devotedly as possible. The more objective the civil servant is in the appraisal of the facts and evidence before him, the more capable will he be of discharging his legitimate functions and duties well and adequately. His minister and
the government may accept his conclusions or advice, or may not……His duty, once
the decisions is made, will be to apply his mind to the ways in which the decision made
can be implemented effectively and made a success.” (pg. 195) [H.M Patel, “The

The word ‘commitment’ apparently is used as opposed to the traditional concept of
neutrality. A synthesis of these two contradictory values lead, of necessity, to
ambivalent behavior. The difficulty is reflected by B.D Pande, one-time Cabinet
Secretary, Govt. of India, thus : The word “commitment” in relation to the civil service
means……..commitment to the task on hand. And commitment in the wider sense is a
commitment to the Constitution of India, for the future welfare of the
country…………..Commitment to the task on hand and doing it with a greater
efficiency and greater speed, devoid of any fear or favour is what is asked
for………As far as the political part is concerned, the civil servant is neutral. But it
should be emphasized that the neutral civil service has also got to be a positive civil
service, and not a civil service sitting back. The civil service has got to carry out the
task allotted with devotion and speed. And it is that part of commitment in the sense the
public at large refer to when they say that the civil service is not pulling together its
weight. The civil service tends to take the line of least resistance and does not take the
line of actively assisting the implementation of programmes. (pg. 199) [Quoted in
Tummala, The Ambiguity of Ideology and Administrative Reform, pp. 178-179.].

The Shah Commission, appointed in 1977 to enquire into the 1975 emergency, had a lot
to say on this issue. The Commission realized that for some officers “self-preservation
was at stake”, which led to compliance with the demands of arrangizing politicians.
Indeed, there are several kinds of consequences of non-compliance with the will and
whim of the politicians, the most important of which is transfer. Those civil servants who do not tow the political line find themselves moved out in search of a pliant civil servant (Krishna K. Tummala, 1996).

The following main trends have characterized the civil services in many countries during the recent years, like:-

(a) Rapid increase in the number of the civil servants.

(b) Increasing diversification of civil services by the recruitment of more and more technicians, specialists and experts.

(c) Change in the traditional concept of civil service neutrality.

(d) Increasing emphasis on moral and professional standards.

(e) New tasks of the civil service.

(f) Qualities needed in civil service in the changed context.

(g) Breakdown of the Weberian model in independent India (Avasthi and Avasthi, 2003).

Consequent upon the change in the number, nature and complexity in the governmental functions of the modern state, the civil services assumed new tasks and heavy responsibilities. A new dimension that has been added to the role of the public services is that with the increasing democratization of the governments everywhere, the civil service works under political direction and under the glare of public accountability. The three implications of this new dimension are:-

(a) Relationship between the minister and the civil servants;

(b) Assumption of a semi-political role by the civil servant; and,

(c) Growing exposure of the public official to public attention, scrutiny and control.
Ideally, the relationship between the ministers and the civil servants must be based on certain Constitutional provisions and conventions regarding the working of parliamentary form of democratic government, namely, the obligation of ministers as well as public servants to uphold the Constitution and the rule of law; the obligation of every public servant to implement faithfully all the policies and decisions of ministers even if these be contrary to the advice tendered by him, and the freedom to public servants to express themselves frankly in tendering advice to their superiors, including ministers. However, in practice, the difference in approach and manner of work have at times been the cause of strain between the minister and the secretary. Thus, an unhealthy development in the recent years in India has been the tendency of the minister to make the official the scapegoat for all acts of omission and commission in his charge. This has been adversely affecting the morale of honest civil servants. (Avasthi and Avasthi, 2003).

A new feature today is the use of transfer as a weapon to compel the official concerned to do or not to do something as desired by the politician. Postings and transfer takes place on political basis. This adversely affects the morale of the public officials and further deteriorates conditions with every change of ministry. It seems there is no law regulating transfers and those with some ‘influence’ or ‘connection’ are having heyday. In extreme cases, the honest and efficient officers have preferred to resign rather than face humiliation. G.S Khosla, in his article entitled ‘Ailing Bureaucracy’ has pointedly referred to this malaise (Avasthi and Avasthi, 2003).
5.2: How far the Civil Service has deviated itself from ideal Weberian model:-

So far as Max Weber’s Bureaucratic model is concerned, it is an ideal type construct where there is stress on division of labour, hierarchy, rules, rationality, and neutrality. However today, there has been a deviation from the ideal construct. Today various compelling circumstances make the civil servants hardly think of enforcing honesty, transparency and accountability in the field of their functioning. Repeated transfers, suspension etc. of the civil servants disrupt the implementation of vital developmental programmes and projects. Today, the performance and morale of public bureaucracy to a large extent, has been effected adversely due to unhindered interference of the politicians in the day-to-day activities of the bureaucrats. It is often seen that the employees who show too much concern for rules are promptly transferred and marginalized. Actually, the politicization of the bureaucracy had climaxed since 1980s, and since then the graph has shown a downward trend. So today, the urgent need of the hour is to depoliticize our civil services by ensuring their independence and impartiality, which can be very well secured if their tenure is fixed and they feel secured to render impartial advice.

5.3: Need for Civil Service Reforms:-

M. Satish, Knowledge Manager (Human Development) Centre for Good Governance, Hyderabad, in “Civil Service Reforms” has nicely discussed about the different parameters of civil service reforms. The article states that civil service is essential for the functioning of government. The civil service has long been regarded as the ‘steel frame’ of administration in India right from colonial days. This article has nicely discussed about the importance of civil service right from the ancient period to the
modern and presents the problems affecting the civil services, the reforms that are needed as suggested by various committees and the reorientation that is needed for the civil service for effective service delivery. It is stated here that civil service refers to the body of government officials who are employed in civil occupations that are neither political nor judicial. The concept of civil service was prevalent in India from the ancient times. The Mauryan administration employed civil servants in the name of ‘adhyakshas’ and ‘rajukas’. Thereafter, the britishers took some steps to revive the civil service system in India, and also many changes took place in Indian Civil Services since Lord Cornwallis introduced it in India. The Indian Civil Services were created to foster the idea of unity in diversity. The civil service was expected to give continuity and change to the administration no matter the political scenario and turmoil effecting the country. Thus, during different phases of Indian administration, the civil service has been regarded as an integral part of the administration. The institution of civil service has rendered yeoman service to the overall socio-economic development of the country. It has been at the forefront of development process right from the ‘commanding heights regime’ to the ‘liberalisation and de-regulation era’. It has not only played a pivotal role in designing and activating policies but also ensured basic service delivery at the cutting edge of government-citizen interface. In recent times, the technological advances, greater decentralization and social activism have brought about various changes in administration. The civil service, as the primary arm of government, must keep pace with the changing times in order to meet the aspirations of the people. The purpose of ‘reform’ is to reorient the civil services into a dynamic, efficient and accountable apparatus for public service delivery built on the ethos and values of integrity, impartiality and neutrality. The reform is to raise the quality of public
services delivered to the citizens and enhance the capacity to carry out core government functions, thereby, leading to sustainable development.

The various ailments afflicting Indian Civil Services are like:-

(1) Lack of professionalism and poor capacity building;

(2) Inefficient incentive systems that do not appreciate upright and outstanding civil servants but reward the corrupt and the incompetent;

(3) Outmoded rules and procedures that restrict the civil servants from performing effectively;

(4) Systemic inconsistencies in promotion and empanelment;

(5) Lack of adequate transparency and accountability procedures, there is also no safety for whistle blowers;

(6) Arbitrary and whimsical transfers, insecurity in tenures impedes institutionalization;

(7) Political interference and administrative acquiescence;

(8) A gradual erosion in values and ethics;

(9) Patriomonialism (World Bank, 1994)

Thus, to root out these problems from administrative acumen, civil service reform is not only necessary but also inevitable. A well-functioning civil service helps to foster good policymaking, effective service delivery, accountability and responsibility in utilizing public resources which are the prime characteristics of good governance. Administrative reform focuses on rationalizing structures of government. Governance reform tends to refer to the improvement of legal and policy frameworks to create proper decision-making environment; participatory systems for elements of civil society to become actively involved in policy and programme formulation and their
implementation and an effective and transparent system and process for control and accountability in governmental activities. The main components of civil service reform, as highlighted in this article, are like:- structure, recruitment, capacity building, performance and promotion, professionalism and modernity, accountability <http://www.cgg.gov.in/workingpapers/CivilServicesReform.pdf>.

Krishna K. Tummala in “Public Administration in India” in chapter VII : Management of Personnel: The Higher Civil Service, also highlighted on civil service reforms. It has been nicely summed up there that India, after independence, has embarked upon massive social engineering in its efforts at heralding a modern and less unequal society, based on the principles of democratic socialism. Since the State took over more and more responsibilities, the State apparatus has grown inevitably. Such a massive administrative organization demand sound personnel, based on merit based selection. For independent India, development administration is an ideal as well as the task. Such a task placed a lot of trust in the capacity of the bureaucrats. This metamorphosis of the State from that of a regulatory one to a development agent, necessitated a transformation of the administrative service and its attitudes (Krishna K. Tummala, 1996).

However, it is true that if we scan through the newspapers and journals, we find that even today there are many civil servants who like to cherish the dream dreamt by our founding fathers. They are upright officials, who very much value the concept of civil service neutrality, thereby negating the concept of politicization of bureaucracy. Here, a few of India’s honest bureaucrats has been listed who actually raised voice against the corrupt. They are:-
(a) Durga Shakti Nagpal: This young and honest bureaucrat showed great courage by taking on the powerful sand mining mafia in western U.P., which posed a great threat to the environment. However, in retaliation to her act, the UP government accused her of creating communal tension.

(b) Ashok Khemka: A 1991 batch IAS officer in Haryana, who cancelled the mutation of the controversial Rs. 58 crore land deal. However, for this act of his, he had to go through various troubles like warning phone calls and others. Khemka was atleast transferred 44 times in his 22 years career.

(c) Mugdha Sinha: She was the first woman collector of Jhunjhunu, who was transferred for taking on the local mafia and also for opposing the demand of the local MLA.

(d) Manoje Nath: He was an honest and upright IPS officer, who had to suffer over 40 times transfer in his 39 year long career because he never used to dance to the tune of the political leaders.

(e) Arun Bhatia: He was also an honest civil servant who worked in various positions in the Maharasta cadre and during his 26 year career, he was shifted 26 times and faced various other inquiries.

(f) Uma Shankar: An honest and upright IAS officer, who joined the IAS in the year 1990. like various other bureaucrats, he too was the victim of cruel politics and had to face suspension <http://www.siliconindia.com/news/general/Indias-Honest-Bureaucrats-Who-Raised-a-Voice-against-the-Corrupt-nid-151928-cid-1.html>.
Whenever there is a concern about rights of the civil servants, obviously the parameter which comes to our mind is the question of civil service reforms. It is to be noted here that civil service reform in India is a difficult exercise considering the great diversity of our population, language, culture, infrastructure and the institutions of governance. However, there have been several studies in the past on civil service reforms. Before independence, there were the Royal Commission on Public Service in India, popularly known as the Islington Commission (1912-15) and the Royal Commission on Superior Civil Service in India, popularly known as the Lee Commission (1923-24). After independence, the important committees on Civil Service Reforms included the Secretariat Re-organization Committee under the chairmanship of Sir Girijashankar Vajpayee (1947); the Committee on Reorganization of Govt. of India headed by Shri Gopalaswami Aiyangar, the Report on Public Administration (1951) by Shri A.D. Gorwala and the reports of 1953 and 1956 by Paul Appleby. Also, Central Pay Commissions have also made useful recommendations, the last Pay Commission being the Fifth Central Pay Commission (1997). Mention may also be made of the Expenditure Reforms Commission (2001) under the chairmanship of Shri K.P Geethakrishnan and the National Commission to Review Working of the Constitution headed by Justice M.N Venkatachaliah, former chief justice of India. The Cabinet Secretariat has also initiated some studies in the recent years on Civil Service reforms and also set up Committees of Senior Civil Servants to consider reforms in governance. In 2003, the Surinder Nath Committee submitted a comprehensive report to Govt. of India on the system of performance appraisal, promotion, empanelment and placement for the All India Services and the higher Civil Services of the Union Govt. The Committee headed by Shri B.N Yugandhar has also submitted its report on building up
of skills and competencies by providing training to All India Services officers at different stages of their service careers. It has been stated that at this report, it has been tried to identify the measures required to equip members of the permanent civil service for performance of duties and to remove the impediments in making them honest, responsive, politically neutral and professionally sound.<http://www.performance.gov.in/sites/default/files/document/CivilServiceReforms2004.pdf>

K.L. Panjabi has edited a work, ‘The Civil Servant in India’, which is an anthology of reminiscences written by 20 retired civil servants. Moreover, the reports of administrative reforms committees also throw enough light on the minister-secretary relationship. A cursory look at the findings of a few of these Commissions can help us understand the existing relationship between the ministers and the civil servants:

(1) S.R. Das Commission of Inquiry (1963-64): This Commission highlighted the disconcerting practice of civil servants aiding and abetting the wrongs committed by the minister’s sons and relatives and thus concerned the existence of a rather new pattern of relationship between politicians and the civil servants.

(2) The Rajagopala Ayyangar Commission of Inquiry (1965-67) : This Commission discovers a close-knit alliance between the higher civil service and the unscrupulous ministers. The Commission’s verdict was that the civil servants were ‘very unreliable persons’ and were ‘willing tools of the government in power.’ It felt concerned about such a state of affairs and pointed out that an honest and public spirited civil service was among the pre-requisites of high political morality in the society.

(3) The Aiyar Commission of Inquiry (1967-70) : This Commission, reporting in 1970, discovered many instances of ministers and senior civil servants colluding with
each other in getting things done to the neglect of public interest. It commented upon
the ministers operating through their ‘favourites’ in government departments and civil
servants going out of their way to please them, and considered this kind of a mutually
supportive relationship to be a truly ‘depressing state of affairs’. It commented as
follows: It is hardly necessary to emphasise that the existence of an independent,
strong and able secretariat is the sine qua non of any good government. . . . . . . It is
undoubtedly the duty of the officers to carry out truly and faithfully the orders of the
ministers, but at the same time, it is also their duty to advise them clearly and firmly
whenever the action of the ministers are not in accordance with the well-recognised and
established principles of administration. Nothing can be more disastrous to a state than
that the heads of administration should, instead of advising the ministers properly, take
to humouring them and toeing their line.

(4) The Mudholkar Commission of Inquiry (1968-69) report also briefly refers to
this trend and the A.N. Mulla Commission of Inquiry (1969-71) report also states that it
appeared to be a regular practice with quite an appreciable number of the civil servants
to look to the local political climate for designing their individual postures. Moreover,
the Commission also highlighted on the emerging alliance between the civil servants,
the ministers and the industrialists, much to the detriment of public interests(  
Maheshwari, 2000).

V. Subramaniam (1977) in ‘Administrators and Politicians: Emerging relations’ stated
that the concept of civil service neutrality, taken for granted under the colonial regime,
continued to guide the relation between Indian administrators and the politicians even
after independence. But, this principle came under great strain during the later period of
the regime of Indira Gandhi, when the concept of a ‘Committed bureaucracy’ was
sought to be given currency as being more suitable to the Indian conditions. Thereafter, the whole problem of the relationship between the administrators and the politicians has assumed new dimensions. The Britishers in India built up over the years a centralized administrative pattern, where local initiative and centralized imperial standards were married without any fuss. This combination worked well under the Britishers simply because the recruits were drawn from the same social, economic and educational backgrounds and were imbued with the same imperial ideas. Moreover, at that time, governance was limited to maintaining law and order and a minimum amount of paternalistic economic development. But, slowly the whole scenario changed and thereby created confusions all around. Today, the whole question of civil service neutrality or the mutual non-interference between the politicians and civil servants is in the melting pot.

R.B Jain and Heinz Bongartz, (1994) in ‘Structural Adjustment, Public Policy and Bureaucracy in Developing Societies’ focussed on the present economic situation in the developing countries, including the nature and implications of the Structural Adjustment (SA) to political economy, its effects on policy issues and the role of bureaucracy in the changed context. Liberalization and privatization have become the most popular options in the 1980s and 1990s and India also joined the stream in the early 1990s. Many writers have pleaded for redefining the role of the state in this changed scenario and also observed that for the success of these reforms, the tradition-bound bureaucracy has to be transformed into a modern instrument that regulates and monitors change through key controls.

Guido Bertucci and Adriana Alberti in ‘Globalisation and the Role of the State : Challenges and Perspectives’, it has been pointed out that globalization is a complex
phenomenon, which encompasses a great variety of tendencies and trends in the economic, social and cultural spheres and it offers potential opportunities for economic growth. It has also provided opportunities for the developing countries to expand the size of their markets for export and to attract foreign capital, which aids development. But one thing to be noted is that while globalization has great potentials, without appropriate domestic conditions, it can have negative effects for many people. Moreover, it also affects the national decision-making processes. In common parlance, people have a misconception that with the emergence of global civil society, the functions of the state has minimized. But actually, since the last century, the responsibilities of the state have expanded in all the areas. With the advancement of globalization, the state has an important role to play in different fields. That is why, today, what matters is the “quality”, not “quantity” or volume of government activity. The term “intelligent, democratic state” puts the emphasis on the capacity to carry out effectively the tasks incumbent on the state. Thus, closed bureaucratic systems must be replaced with open and flexible structures that are abler to respond effectively to new demands and challenges. This article makes clear the pivotal role of the bureaucrats in our country in this era of globalisation. This arduous task of coping with the new challenges as a result of globalization actually falls on the shoulder of the bureaucrats. And it is also true that if the bureaucrats want to give “quality” work, the first thing is that they will have to work fearlessly, which can be possible only when they are secured about their rights and safeguards.


Dr. Kamal Taori (2000), in the book ‘Sustainable Human Development, issues and challenges’ in chapter 8 deals with Professionalism and Civil Servants, where it has
been mentioned clearly that the scope of government activities has expanded manifold due to the acceptance of the concept of welfare state in our Constitution. The wide diversity of the activities of a welfare state has however, made the entire administration a complex one. Political awakening and consciousness of rising expectations had offered a new challenge to the administration. A time has come to move towards greater administrative efficiency and re-awaken a sense of response to the needs of the people. The administration must be in a position to sense the mood of the people and work towards goals meant for the benefit of the public at large. Taking of government schemes to the doorsteps of the rural masses and to bring administration closer to the people is the greatest need of the hour. No amount of mechanical engineering can improve the edifice till social and ethical values continue to remain at their lowest ebb. With the rising expectations from government, the role of government servant has definitely undergone a vast change. It would be pertinent to mention something about politics because no study of civil servant can be done in isolation. The politicians have their own professional hazards. The permanent administrators have to possess great amount of sagacity and tolerance. An administrator under obligation is weak and cannot function on his own. Even in the altered circumstances of today when administrators are subjected to pressure from various quarters, they must stand firm and refuse to give up the fundamental values of integrity, courage and objectivity (Taori, 2000).

Goel and Rajneesh (2008) in ‘Public Personnel Administration: Theory and Practice’, in the chapter 3 deals with minister-secretary relationship. There it has been stated that in a democratic government, the political elites and the administrators are vital constituents of the governmental system. Though there is a clear cut division of role
and their functions have been prescribed separately, yet, it becomes difficult to maintain this line of division and it overlaps so much that often there is a feeling of intrusion. Even though in common man’s view, the political elites formulate the policies and the administrators implement those policies, but in reality, this role specification is not so accurate and the close proximity necessitated due to their working environment often results in role-confusion and role-conflicts among them.

**Basis of Conflict :-**

Kothari and Roy have explained some of the reasons for conflict between the politicians and the administrators. Administrators are actually supposed to be ‘value-neutral’ in implementing the policy decisions made by the political leaders. Secondly, political leaders are concerned with the functions of ‘interest-aggregation’. In actual practice, sometimes variation in ideologies lead to conflicts. C.V Raghavulu’s study of Politicians and Administrators documented critical remarks made by each other. The bureaucrats expressed that the politicians are not interested in the people, rather they are interested in the pursuit of their own interests. Also, attitudes of the political elites towards the bureaucrats are equally uncomplimentary. Ralph Braibanti has explained the reason for conflict to the “different socio-economic background of the two.”

In India, it has been observed that many ministers have been favouring ‘Committed Civil Servants’, the idea of which was popularized during the times of Mrs. Indira Gandhi and Mr. Rajiv Gandhi (Goel and Rajneesh, 2008).
Weaknesses of the existing system :-

Prof. B.S Narula in his paper entitled, “Relationship between Ministers and Civil Servants in a Developing Democracy”, has mentioned that the stresses and strains, which have developed in the recent years in minister-secretary relationship are due to the following inter-connected issues :-

(a) The increasing tendency on the part of ministers to interfere in the day-to-day administration to show accommodation to individuals and groups for parochial and political considerations.

(b) Lack of a clear and adequate perception by ministers of their administrative responsibilities and their inability, for various reasons, to do full justice to them.

(c) Lack of fuller appreciation by the civil servants of the political side of the minister’s role.

(d) Differences in the social background, intellectual ability, professional commitments, temperament and outlook of the ministers and senior civil servants (Goel and Rajneesh, 2008).

O.P Mehra, in “The Information Age, The Civil Services and the New Challenges’ in Platinum Jubilee Souvenir (1926-2001) of UPSC has observed, “Governance has all along been a function of relationship between the political executive and the bureaucracy. It is unfortunate, but it seems that underlying this relationship, the deciding factor has been having a command on the power and not a sense of service to the cause of the nation and people at large. It is sad but true. In the initial years of the republic, the members of the political executive and the party in office were persons of
eminence in their own right. Majority of them had been silent followers of Gandhiji’s ideals…………………” but, today, he stated that they often politicize the bureaucracy through their acts of unmerited favouritism and victimization in transfers and postings. This has to stop. K.R. Sundar Rajan in his Article, “Decline of the Civil Service” has rightly sensed that the attitude of the civil servants now-a-days is like why bother to give independent advice to the ministers when they will just not listen. On the contrary, such advice will result in harassment and humiliation. So, it is safer to swim with the political current. Thus, it is clear that the ‘unbridled’ power of the politicians to mar the career of a bureaucrat has made the relationship like a nose dive (Goel and Rajneesh, 2008).

**Recommendations for a Healthy relationship:-**

The civil servants and the politicians, working at cross-purposes certainly stands as an obstacle in the path of effective policy formulation and good governance, because there is always an intermingling of politics and administration at every step. We must always encourage the integration of politico-administrative leadership to frame feasible, viable and useful policies which can help the mankind get rid of various problems like, poverty, unemployment, disease, hunger etc. Here, it is to be noted that the Administrative Reforms Commission (ARC) in their report on the machinery of the government of India and its procedures of work, recommended the following:-

1. All major-decisions, with reasons thereof, should be briefly reduced to writing, particularly where the policy of government is not clear or where some departure from the policy is involved or where the minister differs from the secretary on an important issue;
(2) Ministers should try to develop a climate of fearlessness and fairplay. They should give the secretaries the necessary guidance in carrying out their policies and orders.

(3) Ministers should not interfere in the day-to-day administration except in cases of grave injustice, serious default or maladministration on the part of the civil servants.

(4) The official relationship of the secretary to the minister should be one of loyalty and that of the minister to the secretary one of confidence etc.

Thus, the ultimate success of the functioning of the machinery of government depends upon firm, sincere and honest executives. There can be no conflict if both the politicians and bureaucrat have ‘honesty of purpose’ to public service rather than to serving their narrow interest. Charan Singh, the late PM of India in his ideas on Politicians v/s Civil Servants, in the ‘Illustrated Weekly of India’ (Nov. 1, 1977) has rightly said that: - “since the entire system is governed by the rule of law and morality no civil servant can be asked to do what is illegal or unethical. A civil servant cannot take shelter behind a minister’s order, oral or written, to defend an illegal or immoral action. He should have the courage not only to advise fearlessly but to accept the consequences of such an order.”

It has also been stated in this chapter that the idea of ‘neutrality’ is based on the ‘politics-administrative dichotomy’ view of Woodrow Wilson and has generally been upheld as a basic tenet for governing minister-secretary relationship. However, in the modern democratic state, politics and administration are seen more as a continuum with many points of fusion between the two. The conditions under which the concept of
neutrality can be strictly applied are fast diminishing. It is widely felt today that the relations between the two should be of mutual confidence and trust (Goel and Rajneesh, 2008).
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