CHAPTER 1

INTRODUCTION

In a developing country like ours, new dimensions are always added to the traditional tasks of the civil service, requiring new structure, new orientation and new dynamism, for the smooth running of the huge governmental apparatus depends upon the ability, honesty, dedication and efficiency of the civil servants. The civil services’ role in the administration has assumed added importance in the modern welfare, socialist state where the state engages in the multifarious economic and social activities. The basic problem faced by modern administration now-a-days, is how to strike a balance between the need of efficiency so that the total interest of the State is safeguarded and to provide security of tenure to the civil servants. In order to tackle this problem, the founding-fathers of our Constitution have tried to provide certain safeguards in Part XIV of the Constitution.

Public Servants and Civil Servants:-

The term “Public Servant” is of wider amplitude because it is a general term and includes all the servants employed in public services. The persons employed in defence establishment or defence services are all public servants. Art. 309 uses the expression “Public Service”. On the other hand, the term “Civil Servant” means a member of civil service of the union or a state or a person holding a civil post under the union or a state. The term “civil service” has been used in both Articles 310 and 311. In Art. 310, “defence service” is also used along with the term “civil service”. The term “civil service” simply means an appointment or office on the civil side of the administration as distinguished from an appointment or post under the defence forces. A union or state
minister is a public servant but he is not a civil servant. Thus, all civil or government servants are public servants, but all the public servants are not civil servants. Persons holding posts in defence forces are public servants but they are not civil servants. The protection of Art. 311 is available only to persons who are members of an All-India civil service or a civil service of a State or holds a civil post under the union or a state. One example to be cited here is that of Debish Chandra Das v/s Union of India, where the Supreme Court considered the case of tenure appointment. One Debish Ch. Das who was serving the Assam Govt. was promoted to a tenure post for a period of five years under the Govt. of India. But before the expiry of the stipulated period, the Govt. of India terminated the contract and sent him back to his parent department. The Supreme Court held that it was a tenure post and the notification appointing him did not mention that his services could be terminated earlier. Thus, the order of reversion was set aside.(the court also held that it amounted to reduction in rank).

Doctrine of pleasure v/s fundamental rights: - The civil servants are subjected to the doctrine of pleasure which is subject to the fundamental rights. A person who enters the government service does not surrender or waive his fundamental rights. Thus, a govt. servant can always challenge the constitutionality of rules which contravenes the fundamental rights. (Diwan, 1984).

Also, a radical change has taken place in the constitutional law relating to services by the 42nd Constitution Amendment Act, 1976, which inserted into the Constitution Art. 323A, to take out the adjudication of disputes relating to the recruitment and conditions of service of the public services of the union and of the states from the hands of the civil courts and the High Courts and to place it before an Administrative Tribunal for the Union or of a State (as the case may be). According to the Administrative Tribunal Act,
1985 (as amended in 1986), the Central Administrative Tribunal will adjudicate disputes and complaints with respect to the ‘recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union’, excepting –

(a) members of the defence forces;

(b) Officers and servants of the Supreme Court or of any High Court;

(c) Members of the secretarial staff of Parliament or of any Legislature of any State or Union Territory. (Basu, 1997).

Rights are essential conditions for good life and necessary for the all-round development of the people. No individual can develop his/her personality, without certain basic rights. Therefore, enjoyment of certain basic rights are very essential in order to lead a dignified life. The enjoyment of these rights are closely inter-linked with the freedom and dignity of the individuals, and are conducive to the physical, moral, social and spiritual welfare. Also, rights and duties are co-related issues, in the sense that one’s duties form another’s rights. For example, if I have a duty not to hamper others life, that means others have the right to enjoy life; similarly, if I have the obligation not to hamper the environment, that means other individuals have the right to enjoy a pollution-free environment. Also, it is true that only when an individual is able to enjoy his rights properly, then only that individual is motivated to give his best in his work, thereby discharging duties properly. As rightly pointed out by Srinivas Shastry, rights and duties are both two sides of the same coin. Also, today we are living in the era of welfare state, where the State performs a multi-dimensional role and the motto of the welfare state can be converted into reality only by a long chain of civil servants having integrity, equipped with administrative ability for bringing about development. Thus, keeping in mind the importance of rights in moulding the personality of an
individual and also the important role played by the civil servants in a welfare state, it is my humble endeavour and effort to focus some attention on the rights of the civil servants in Assam, with reference to India, and to link up these with the concept of the welfare state.

1.1: Role of Civil Servants in Developing Countries:-

P.N. Parashar (2003) in the book, ‘History and Problems of Civil Services in India’ vol. II, discusses about the growing importance of bureaucrats in the developing countries. It is stated clearly in the book that the role of bureaucracy in developing countries assumes a new significance in the post-independence era, because of the well recognized need of giving substance to their political freedom in economic terms. Societies in the developing countries are mostly traditional and stand in a need to get modernized with the help of science and technology. Consequently, the activities of the State have increased manifold. Thus, bureaucracies of the developing societies have to bear the brunt of these heavy responsibilities: first, in adjusting themselves to the new needs, aspirations and images of the new regimes, and, secondly, in equipping themselves to face new challenges and cope with them by means of whatever manpower they have.

Thus, the transitional societies which have attained independence from colonial subjugation during the last decades have now diverted their energies for improving their economic conditions. Since in transitional societies, intense overlapping tends to occur, it becomes difficult to distinguish between the two – politicians and administrators. Their roles and functions fuse in such a manner that it becomes really difficult to distinguish an administrator from that of a politician. Bureaucrats, under such
circumstance, also take part in political activity while administrative decisions are also made by the politicians.

Now-a-days, in a democracy, the crucial importance of the role played by the civil service is a well-established phenomenon. A healthy, well-knit civil service system is the backbone of the successful working of a democracy. In a modern state, the civil service renders all sorts of services to the people from birth to death, and in all spheres of life. The service enforces laws and executes the policies and programmes of the government. The new tasks of the civil servants are comprehensive and include planning, control and guidance of the entire economic as well as social activities. The manner in which work is done and its efficiency now directly impinge on the lives of individual citizens.

In the last fifty years, science and technology have brought about revolutionary changes in almost all the facets of human life, but, there is not much change in the ‘modus operandi’ of bureaucracy. It still projects its classical image as was reflected in the bureaucratic model propounded by Max Weber. In India, prior to independence, the bureaucrats were primarily engaged in performing regulatory functions like revenue collection, judiciary and the maintenance of law and order. But now, however, the situation has changed and the state has assumed the responsibility of multi-faceted development of the society and with this the active and positive role of bureaucracy has increased manifold. Under the Indian conditions, the realization of the goal of welfare state and the establishment of a socialistic pattern of the society demands for greater initiative and drive from the bureaucrats.(Parashar, 2003).
1.2: Research Questions:-

1) Are the civil servants in Assam able to enjoy all the rights given to them by the Constitution?

2) What are the problems they are facing while enjoying their rights?

1.3: Significance of my study:-

The significance or importance of my study are the following:-

(a) The study on the rights of the civil servants in Assam, which is my research topic, is first of its kind, because no such study have been undertaken earlier, so far as my knowledge goes;

(b) Also, today in this era of good governance, we are always vocal about the duties of the bureaucrats, and we seldom miss an opportunity to criticize them if they do some wrong. But, we never ponder over the question that actually rights and duties are the two sides of the same coin and when we talk about somebody’s duty, we should also think whether these people have been able to enjoy their rights properly or not. Without enjoying the rights properly, nobody can discharge duties properly, hence my topic of research;

(c) There is no denying that our present-day society is a frustrated and degenerated society- morally, ethically and spiritually which has definite reasons and my research studies is a humble effort to delve into at least one of the innumerable reasons which relates to the civil servants. The framers of our Constitution had unequivocally admitted that the welfare of the society depends upon good governance which in turn depends on the efficient functioning of the civil servants. Thus, the linkage is efficient functioning of the civil servants, good
governance and welfare of the people i.e., the society. It is an established fact that the first step of the linkage i.e., the efficient functioning of the civil servants have become a big question mark in the present day situation, which is creating a void in the last step of the linkage i.e., the welfare of the society. Findings of my research may contribute to unearth the tip of the iceberg in respect of the rights of the civil servants which are often rejected and ignored with the only expectations of their duties alone, which is actually only one side of the same coin. Thus, my research topic has got vital link to the welfare of the society. The topic though challenging and though the collection of field data are seriously constrained by the administrative limitations and compulsions of my target group, yet I am confident that my venture may be appreciated.

1.4: Review of Literature:-

The following works/books/articles have been studied with a view to understand my topic of research:-

S.R Maheshwari (1984) in the book, ‘Political Development in India’ Concept Publishing Company, New Delhi, has dealt with the various issues and concepts like the politician, the parliamentarian, the minister and the civil servant, the party system, coalition government, political corruption, centre-state relations, tension areas in Indian politics etc. Chapter 4 of this book which deals with the minister and the civil servant, there it has been stipulated that in a parliamentary democracy, the elected representatives have to carry on the tasks of governance for the period for which they are elected. But the political executive being temporary, this huge task ultimately falls on the shoulder of the permanent executives. This book has highlighted on the fact that
actually, ideally the permanent executive are expected to serve and provide service to the political executive with utmost devotion, competence and impartiality. But, the problem has started as the relationship between the minister and the civil servant has come to be characterized by a growing feeling of uneasiness, resulting in serious erosion and a general climate of normlessness amongst bureaucracy. The ministers misuse their powers of transfer, suspension, accelerate promotion or deny promotion etc and thus has been able to secure in practice an accommodating bureaucracy.

The book ‘Public Administration in India – 21st century challenges for Good Governance’ by R.B Jain, Deep and Deep Publications (2001), in its chapter 6 has specifically focused attention on the transfer mania of current time and stated that though transfer actually is not a punishment but how now-a-days it is used as a weapon to punish the bureaucrats and how it is done purely on grounds of personal aggrandizement.

K. Sreedhar Rao (2002) in the Book ‘Whither Governance: Reflections of an Assam Civilian’ South Asia Foundation, has highlighted on the question of internal security and various problems like terrorism, insurgency etc, which plagues administration in India, in general, and also has its adverse effects on the progress of North Eastern states. Also, the author has highlighted on various fissiparous tendencies working in India, for which the nation opted for a strong central government. Thus, the book has highlighted its attention on various problems faced in Indian administration and also hinted at the extremely diverse ethnic composition of north-eastern region and thereafter the consequent complexities in administering the area.
The book ‘History and Problems of Civil Services in India’, by P.N Parashar, Vol. II, Sarup and Sons, New Delhi (2003), which deals with developmental role of civil services attempts to look at bureaucracy from the view-point of Weberian model and points out that previously the bureaucrats were primarily engaged in performing regulatory functions, but now, since the state has assumed multi-faceted role, the functions of bureaucrats has also increased and this is more true in case of the developing societies. Democracy demands the bureaucrats to come out of their age-old rigid rules and to do productive work so as to usher in the process of development and change. The author also pointed out that the present situation demands more committed bureaucrats, rather than neutral bureaucrats, but, the commitment must be towards Constitutional goals. The book has also highlighted on the concept of civil service neutrality.

Uma Medury (2010) in the book ‘Public Administration in the Globalisation Era’ Orient Blackswan Pvt. Ltd, highlights on the effects of globalization on the field of public administration and the changes which it has ushered in the traditional hierarchical bureaucratic system of governance, resulting in the emergence of ‘New Public Management’.

M. Laxmikanth in the book, ‘Public Administration’ published by Tata McGraw Hill Education Pvt. Limited, New Delhi (2011), deals with concept of personnel administration in chapter 7 where the author has discussed at length about the role of civil servants in developing societies, their recruitment, training, promotion, pay and service conditions, relations with the political executive, administrative ethics. Here, the author has highlighted that for the smooth and efficient functioning of governmental machinery, a proper and harmonious relationship between the political executive and
the civil servant is needed and also highlighted on the concepts of neutrality and anonymity.

The book ‘Introduction to the Constitution of India; 18th edition’ by Dr Durga Das Basu, published by Prentice Hall of India Pvt. Ltd, discusses at length about the various aspects of Indian Constitution like, nature of the Constitution, government of the union, government of the states, administration of union territories, Indian federal system, judiciary system etc. Thus, the book very well highlights on the various Constitutional rights enjoyed by the civil servants and discusses in detail about rights and liabilities of the government and public servants, the services and public service commissions, fundamental rights etc.

The book ‘Services and Disciplinary Actions (In civil services, PSUs and other services) – A complete book on dismissals, discharge, termination of service and Punishment’ by Nirmal Singh, Deep and Deep publications Pvt. Ltd., New Delhi (2003) highlights in an elaborate manner different provisions relating to the rights of civil servants in India as enshrined in the Constitution. This book has dealt at length with various concepts like dismissal, termination of service, punishment, Appointing authority, disciplinary authority etc.

The book ‘Sustainable Human Development, issues and challenges’ by Dr. Kamal Taori, Concept Publishing Company, New Delhi (2000), deals with concepts like sustainable development, rural development, professionalism and civil servants etc.

concepts like interface between politician and civil servants, basis of conflict between politicians and administrators, factors affecting politician-bureaucrat relations, Indian experience of relationship between ministers and civil servants, weaknesses of the existing system, recommendations for a healthy relationship, neutrality etc.

The book ‘Administrative Culture in India’ edited by R.D Sharma, Anamika Publishers and Distributors (P) Ltd., New Delhi, 1st published 2000, highlights on various important issues like contemporary administrative culture of India, where it has been discussed in detail about the politics of bureaucracy, where it has been stated how the bureaucrats, once hailed as the ‘steel frame’ of the government, today characterized by rank incompetence and steeped in corruption. Also in this book, the administrative culture in Assam is very well depicted by Prof. Niru Hazarika, then a professor of political science from Gauhati University.

The book ‘Public Administration in India (current perspectives)’ edited by C P Barthwal, Kumkum Kishore, A.P.H Publishing Corp., New Delhi (2003) has highlighted on the role of the state and administration in the emerging scenario. Part II of the book has discussed about bureaucracy in India since liberalization where certain important concepts are discussed like, e-governance in India, its problems and prospects, challenges of bureaucrats in India since liberalization, historical perspective of bureaucracy in India. The book, in its various chapters has emphasized on the need for re-vamping the Indian bureaucracy and also thrown light on political interference in the day-to-day functioning of bureaucracy. Thus, different write-ups in the book has emphasized on the behavioural reforms as the need of the hour for making bureaucracy change-oriented, result-oriented and people-oriented.
The book ‘Public Administration in the New Millennium (Challenges and Prospects)’ edited by Shiv Raj Singh, P. P. S. Gill, Sewa Singh Chauhan, Sanjeev K. Mahajan, Anamika Publishers and Distributors, New Delhi (2003) has discussed at length in Part I about the concept of New Public Management, which represents a shift from the traditional model of public administration and marks a change in the role of government and bureaucracy in the society. Part II of the book has emphasized on the concept of good governance, where emphasis has been given on decentralized planning. Part 5 of the book deals with administrative reforms in India during 1990s and new directions in administrative reforms in India. Also, this book has emphasized on bureaucracy in the new millennium.

The book ‘Theories and Concepts in Public Administration’ by S R Maheshwari, Allied Publishers Ltd., 1991, has highlighted on the various important issues like the growth and development of public administration over these years. Chapter 5 of the book deals with the politician and the civil servants, where the ideal v/s real scenario has been nicely portrayed, emphasizing on the politicization of bureaucrats and the reasons thereof.

Krishna K. Tummala (1996), in the book ‘Public Administration in India’ Allied Publishers Ltd, has dealt at length with administrative history, concepts of decentralization, the higher civil service and the reform attempts from time to time, rights of the civil servants etc.

The book ‘Public Administration in India – An introduction’ by S.R Maheshwari, 1st published 2000, Macmillan India Limited, deals with growth and development of civil service in India, and the concept of bureaucracy at length. Also, the book highlighted on
the politician-civil servant relationship, history of Commissions of Inquiry and the emerging pattern of relationship amongst them.

The book ‘Public Administration in India – The Higher Civil Service’ by S.R Maheshwari, Oxford University Press (2005), discussed about the role and importance of the higher civil service in India, higher civil service during British rule and after independence, civil service ethics etc.

The book ‘Public Administration in India’ by Padma Ramachandran, National Book Trust, has emphasized on public administration in India before independence, after independence, union-state relations, rule of law and ethics in public administration, administrative reforms in India, recent changes in the role of government etc.

The book ‘Administrative Challenges’ by Bhure Lal, Siddharth Publications, New Delhi, 1st ed.(2009) has highlighted on the role of public administration in the maintenance of public order, India’s turbulent North-east, criminalization of politics, civil service neutrality and civil service reforms. Also, it has highlighted on the fact as to what ails the Indian administrative service and the complex problems which are faced by the civil servants.

The book ‘A Century of Civil Service in North East India 1874-1974’(Sept. 2013) by Prof. Niru Hazarika has very well highlighted the important role of the bureaucrats in developmental process in the country with special emphasis on evolution of modern civil service in Assam throughout the years.
Articles:-

The Article ‘Reforming India’s Higher Civil Services : Agenda for 21st Century Reforms’ by Kuldeep Fadia (Indian Journal of Public Administration; Vol. LX, No.1, Jan-March 2014) highlights the various aspects of reform in the field of civil service in India. The article very well highlighted on the fact that recruitment, training and management of the civil services are all interrelated components and any effort to rectify only one aspect of the system by excluding the others will not work and will not yield any fruitful result. Thus, the article very nicely pointed out the simple fact that reform in the field of civil service is required so as to strengthen the administrative capability which will help the civil servants to perform the core governmental functions effectively and efficiently.

Amarjeet Sinha (Amarjeet Sinha is secretary, education, in Bihar government) in the article ‘For crafting credible systems’ in Frontline Sept. 20, 2013, highlighted the need to craft a credible, efficient, outcome-focussed, quality public system and for that more transparency is needed in the system. Two broad remedies are suggested like, removing governance deficits and, more transparency needed. The article sums up by ascertaining the simple fact that it is possible to make the uncertain glory certain. It simple requires a restructuring of our civil service system in such a manner that it becomes accountable to the people it serves, rather than the masters to whom it reports. It is the only route to inclusive development.

The Article ‘Too old to be in school’ by T.S.R Subramaniam in Outlook July 1 2013, also stressed on the need of urgent reform in the field of civil services. It has highlighted on the fact that today politics have become a major business in India, not subject to any
regulatory authority. The civil servants struggles very hard to stick to idealism, and if they do not adhere by what the politician’s wishes, then they have to bear the consequences like arbitrary and frequent transfers, adverse remarks on the annual reports affecting his promotion prospects and even inquiries based on the false charges. All these compel the civil servants succumb to the political pressure, which leads to disaster in governance. Thus, there is need of urgent reform so as to get rid of these problems. The article also highlights on the fact that robust common sense, coupled with a sense of dedication, pride, professionalism, experience from years of working in the field and as a junior officer in the secretariat, along with compassion are the things needed to make a fine administrator.

The Article ‘Northeast embraces bureaucrats, shows them due respect’ by Rahul Karmakar in Hindustan Times, August 11, 2013, highlights on both positive and negative cases of civil service in Northeast India. This article has stated that there are certain civil servants who could very well enjoy their tenure in the region. However, there are certain negative cases also, where the officers were transferred many times so as to toe the line of the politicians.

Again, the article ‘Nagpal case highlights challenges for civil servants in India’ by Anjan Chakraborty (2013) highlighted on the difficulties faced by the bureaucrats everyday, which has been clearly brought into light by the case of suspension of Durga Shakti Nagpal. The article stated that the civil servants ultimately become more of stenographers, since they learn that they should not show too much of idealism, but should obey what their political masters say. In this tough world, they have to become tough enough so as to survive. Thus, the article suggested that reform is urgently needed in the field of civil service and thus what is urgently needed 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, delinking the investigating agencies like
CBI, State Anti-Corruption bureaus etc from political control and making them
accountable to the legislature. The article also highlighted on the opinions of some
leading bureaucrats on the issue.

The article ‘IPS officer files PIL on changing role of Indian Administrative
Services’(2013), highlights on the fact that today there is need of revamping the present
administrative structure, since it is adhering to the age old colonial model of civil
service. It has been stated in this article that 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 in order to study the need and utility of
revamping the present administrative structure, because even today the generalists
occupy all the important positions in the central and state governments. As a result, the
specialists are sidelined, which ultimately results in the system becoming redundant and
counter-productive in the present circumstances. The article also pointed out the fact
that it is laid down in the petition that in todays era of super-specialisation, if the
country is following the age-old colonial model of Indian Civil Services, then, there is
obviously a need to have a relook at the present administrative system, so as to bring
reform.

The article, ‘Panic in the Boardroom’ by M.G Arun with Anshuman and Jayant
Sriram (India Today; Nov.4, 2013), again highlights on the fact that the lack of
transparency in the decisions has seriously enraged the bureaucrats and the worst fear
for a bureaucrat now is to face the retrospective action for policy decisions made during
his career and they also fear the possibility of being sent to jail or facing court hearings post-retirement.

Jarugumilli Rama Krishna Rao, in the article, ‘To be or not to be a civil servant’ (The Hindu; Feb. 2, 2013), again throws light on the fact that initially there was not much problem with the ICS, but problems started cropping up in the post-liberalised India, when the civil servants were given the role of a facilitator, and not necessarily one of a regulator. The worst problem was that the officers were made to toe the line of the political bosses and the concept of “committed bureaucracy” started emerging. At that time, the ethos of the society itself started getting metamorphosed, as the officers started collaborating with the political masters and the percentage of the officers who are in this collusive collaboration started increasing day by day. Also, the parties in power started showing favouritism to the civil servants who were loyal to them, thereby nullifying the cardinal principles of the civil service like, professionalism, anonymity, integrity and neutrality etc. which slowly started withering away. It has also been stated in the article that Noam Chomsky in ‘Deterring Democracy’ predicted that this unholy nexus between businessmen and politicians will undermine democracy, and so, the destiny of the civil servants is in the conduct of its own brethren.

In the article, ‘The Minister versus the Civil Servant’, the writer R.K Raghavan(2011) nicely pointed out the crisis faced by bureaucrats now-a-days. The article points out that today the bureaucrats nursed civil services with great care and affection. Initially, there was a clear distinction between the policymaking role of the ministers and that of the implementation function discharged by the civil servants. Thus, the civil services were kept insulated from the muddy waters of day-to-day politics. However, the article points out that the main problem started since the proclamation of emergency in 1975, since
when the floodgates remained open and since then, there was constant tinkering with the civil services. As a result, fear psychosis engulfed the whole of civil service since then. It has been stated in the article that The Administrative Tribunal have occasionally offered some redress but have not been able to remove the fear that grips majority of civil servants. The writer pointed out that the situation is worst, despite the presence of safeguards in the Constitution, thereby pleading that major reform is immediately needed.

In the article, ‘Officer focuses on ills of Indian Administrative Service’ by J.S Ifthekhar, The Hindu (2012), the writer focuses attention on the factors that stands as an obstacle in the smooth working of Indian Administrative Service.

C.N Bhalerao in the article, ‘Substantive forces in Indian Administration’ (1964), highlights on the problems of administration in the developing nations which arise mainly as a result of conflict between tradition and modernization. As a result there is a wide difference between the theoretical assumptions and practice. Also, the article highlights on the fact that along with the development of public administration in India since independence, there erupted the problem of increasing and complex interplay of politics and administration resulting in the politicization and debureaucratisation of administration. The article also highlighted on the fact that although in theory, the role of minister and civil servant is clear, in practice, it is quite different and that actually leads to politicization. There is a cozy relationship between the corrupt ministers and the corrupt civil servants, whereas, the civil servants who give independent opinion have to suffer the consequences. As a result, it has become possible for the administrative authority to misuse its powers, thereby resulting in corruption.
The article, ‘Civil Servants admit: steel frame is suspect’ Jan 13, 2011, highlights on the fact that the civil servants themselves admitted that the political corruption happens only because some of the bureaucrats collaborate with the political leaders, which has been revealed by the Civil Services Survey, 2010. The article stated that the major reason for the poor performance of the services is the political interference in the civil service and also, the officers remarked that the discrimination is rampant based on caste, religion, region and service.

The article, ‘E-governance in India: its impacts on relations among citizens, politicians and public servants’, by M. Shamsul Haque (2002), highlighted that in all the societies, the formation of the public governance is largely dependent on various contextual parameters like the social structure, economic condition, political atmosphere, cultural pattern and technological trend. And in the current age, the revolution in information and communication technology (ICT) has profoundly affected and influenced the public governance. So, today the public servants are encouraged and trained to be familiar with the tools and languages of ICT and that is why, many concepts have come into limelight like digital governance, smart governance, net-governance etc. In order to keep pace with this global trend, even India has also undertaken massive initiatives to introduce e-governance at the national, state and local levels. However, the critics point out that e-governance is a new mode of governance which has affected the nature of the relationship between citizens, politicians and the public servants. This article highlighted on the fact that a common feature of the relation between politicians and the administration is the political neutrality of the public servants and their accountability to elected political representatives. But, there is a growing tendency in India toward a blurred or fused relationship between them,
especially due to their common mission of e-governance that stresses connection rather than separation of activities, which at times, results in the bureaucratization of IT-driven political leaders and the politicization of information-smart bureaucrats, and this totally nullifies the concept of civil service neutrality. This article sums up the positive as well as the negative aspects of e-governance in a poor country like India. It is stated that there is no doubt that e-governance has been useful for certain services enjoyed by citizens, but it is yet to be seen whether it can eradicate poverty, reduce inequality and satisfy basic human needs in a poor country like India.

Again the article, ‘Bureaucracy and Political development in India’ by Shriram Maheshwari(1978), explains properly the meaning of bureaucracy and political development and highlights on the fact that the one-party dominance system which was a striking feature of Indian political system for the last few years has had the general effect of politicizing the bureaucracy. Thus, the once reputed for being objective and professional, the bureaucracy in India has allowed itself to become increasingly subservient to the ruling political party, thereby nullifying the concept of civil service neutrality. The present author asked a number of senior bureaucrats to delineate the bureaucrats’ role in political development. It stated that the bureaucracy can assist the political development process by following certain simple rules like: giving independent advice, effective administration, honesty and integrity, fearless decisions, internalization of the social and political ethos and high values, jumping out of the current values and being imbued with the cherished ideals and the goals set by the professed policies of the government etc.

The Article titled ‘A study of conflict between political elite and bureaucracy’ by V.P Gupta (1987), highlighted on the ideal and real functioning of bureaucrats, saying
that ideally bureaucrats are supposed to work neutrally, without having any party affiliations but in reality, the situation is getting worse, and here the writer has blamed the system as a whole, which compels the bureaucrats to become corrupt.

Again, V.P Gupta in the article ‘Politiced Bureaucracy in India and the Recommendations of Sarkaria Commission’ (1990) has highlighted on the fact that the working of civil service is always conditioned by the value structure of the nation’s political system and when that value structure is getting eroded, then automatically the bureaucrats are getting politicized. Here, the author also throws light on the various recommendations of the Sarkaria Commission in order to ameliorate the deteriorating conditions of politicized civil service in India.

The article ‘Bureaucratic culture of higher civil services in India’ by S.L Verma(1978) has highlighted on the crucial role played by the bureaucrats in the developing countries and also it pointed out the futility of the ideal Weberian model in the developing societies. It has also thrown light on the historical aspects of bureaucracy.

The article ‘Corruption, Political Interference and the Civil Service’ by M. Godbole(1997) has stressed on the fact that today the society is in turmoil as a result of rise in corruption and accordingly the bureaucrats are also facing problems. Ideally, the civil servants should exhibit certain qualities but today due to rising level of corruption, it has become difficult for the bureaucrats to stick to these qualities and rules.

A.R Tyagi in the article ‘Role of Civil Service in India’ (1958) has nicely projected the change of role of the bureaucrats over the years. Earlier, the role was very simple but today, as a result of adoption of the concept of welfare state, the role of the bureaucrats
have widened requiring the civil servants to exhibit positive qualities of initiative, originality and constructiveness of mind and of human understanding, vitality, drive etc. However, the article points out that for imbibing these qualities, the bureaucrats must be in a position to work freely and fearlessly, which has become difficult for the bureaucrats now-a-days.

The article ‘The Transfer Raj : Indian Civil Servants on the move’ by Dan Banik(2001) has highlighted on the transfer syndrome of the civil servants which demoralizes the civil servants.

The article ‘Some Theoretical Implications of a Welfare State in India’ by Satyabrata Ghosh(1954) has highlighted on the development of the concept of welfare state in India and the inherent defects from which it suffers. This article also talks about the various parameters of welfare state and how planning at all the levels is intricately related to welfare state. Also, the article talks about how in India, the twin concepts of democracy and welfare state is blended.

The article ‘The Doctrine of Civil Services Neutrality under Democratic Socialism in India’ by M.K Mohapatra(1965), has highlighted on the concept of civil service neutrality and how this concept has been imported in India from Britain and then wedded to the principle of Democratic Socialism, where a civil servant becomes a missionary endowed with the twin task of initiating development and democratization. Thus, how in a democratic socialism like ours, the whole concept of politics-administration dichotomy has come under scanner.

The article ‘The Indian Bureaucracy : Its Profile, Malady and Cure’ by S.R Maheshwari (1970) again deals with the concept of civil service neutrality, explaining
what the concept actually means and how it is used in distorted sense at times so as to safeguard the corrupt civil servants. Also, the article ‘**The Neutrality of the Public Service**’ by David M. Levitan deals with the concept of civil service neutrality at length.

In the article ‘**More must be done to protect the independence of civil servants**’ (2013), the writer has re-examined the issues related to the independence and autonomy of the civil servants and pleaded for the need of more protection to the honest civil servants, so as to free themselves from the malaise of corruption, ineptitude, incompetence, lack of independence, succumbing to political patronage etc.

In the article ‘**Constitutional Protection to civil servants**’, the writer Dr. A Prasanna has highlighted on the concepts of civil post, reduction in rank, compulsory retirement, temporary employees and probationers etc and also when the protection of Art. 311 is available to the civil servants.

In the article ‘**Dynamics of Judicial Analysis relating to civil servants accountability for good governance**’, the writer Niranjan Parida(2012) highlighted on the role of the judiciary as the guardian of the rights of the people as it protects these rights from all the possibilities of encroachments, thereby providing good governance to the people. This article also talks about the role of judiciary in protecting rights of the civil servants in particular, and deals with prosecution of civil servants by the court of laws and also deals with safeguards regarding prosecution of civil servants.

The article ‘**Protection only for honest public servants : apex court**’(2015), has dealt with the issue as to how Sec. 197 of Criminal Procedure Code (CrPC) can be used only so as to safeguard the honest civil servants in order to protect them from malicious
prosecution and that this provision is not to safeguard any corrupt officials. Similarly, the article ‘Sec.197, CrPC – Prosecution of a public servant’ has also highlighted on this aspect.

The article ‘What Ails Northeast : An Enquiry into the Economic Factors’ by Sreeradha Datta(2001) has nicely summed up the various problems which pose as a serious challenge to the administration in this region.

The article ‘Politics in Assam’ by Prof. Niru Hazarika(1994) has very well highlighted on the political scenario of Assam since 1950s and discussed at length about the evolution of political situation in Assam over these years. The article also highlighted on the ethnic diversity of the region and the problems associated therewith.

The article ‘Problems of Public Administration’ by S.V Kogekar (1953) has highlighted the various problems faced by public administration in different countries and also focused on the problems faced by under-developed areas.

The article ‘Power-relations between ministers and higher civil servants after 4th General elections’ by Prof. Vishnu Prasad(1968) has highlighted on the evolution of power-relations between the ministers i.e., the political wing and the civil servants i.e., the administrative wing in Indian political set-up. The article also highlighted on the ideal relationship which should actually exist between the minister and civil servants, based on the concept of civil service neutrality, and also highlighted on the actual scenario which became politicized. The article suggested that cordial relationship between both the wings is essential for smooth working or functioning of Indian democracy.
The article ‘An Appraisal of Appleby Report on Public Administration in India’ by Sri Ram Sharma(1954) has highlighted on the various suggestions given by Dean Appleby, a consultant in public administration to the Ford Foundation, so as to improve various aspects of public administration in India. This article projects the fact that Dean Appleby, who made a comprehensive survey of Indian administrative system highlighted on various parameters of Indian administration like Indian federation, line and staff personnel, departmental structures in Indian administration, pay structure, present examination system, corruption etc. and pointed out the defects thereby making suggestions for improving the efficiency of the governmental machinery in India.

In the article ‘India’s Civil Service – Battling the babu raj’(2008), it has been stated that though India has some of the hardest working bureaucrats in the world, yet its administration has earned a bad name and has an abysmal record of serving the public. Thus, the steel frame needs urgent reforms.

Another article ‘Administrators and Politicians : Emerging relations’ by V. Subramaniam(1977) has highlighted on the various changes that occurred both in the concept of civil service neutrality and Indian political system from time to time.

The article ‘The Politico-Administrative Relationship in Development Administration in India’ by Rumki Basu(1989) has explained the concept like development administration and also focused on the relationship between the political and administrative wings, in order to initiate the process of development administration in India.

The article ‘Babus are like this only’ by Mohan Murti(2013) has highlighted on the transfer syndrome which has become a matter of concern among the bureaucrats.
In the article ‘The Welfare State, Citizenship and Bureaucratic Encounters’, Yeheskel Hasenfeld, Jane A. Rafferty and Mayer N. Zald (1987) has beautifully depicted the concept of welfare state and how the increase of functions of welfare state has led to increasing citizen encounter with bureaucratic agencies. Also, the article emphasized on the growth and development of the concept of welfare state.

The article ‘Essay on the concept of neutrality as suggested by Sardar Patel’ has highlighted on Sardar Patel’s observations in the Constituent Assembly regarding the role of civil servants in independent India, while laying emphasis on the concept of civil service neutrality.

The article ‘Neutrality v/s Commitment : A Futile Debate’ by Haridwar Rai, Sakendra Pd. Singh and M.K Gour (1978) has highlighted on the fact that the efficient working of a government in any system depends upon the bureaucrats and the nature of governmental tasks has undergone a massive marked change since independence. The article has also highlighted on both the concepts of ‘neutrality’ and ‘commitment’ and that how now-a-days, strict adherence to the concept of neutrality has become a problem, rather the civil servants must be committed to the spirit of welfare state and Constitution.

The article ‘Minister-Secretary relations-II : Getting the best of ministers’ has emphasized on the point that good governance can only be achieved only when both the administrators and the politicians work properly and also work in close harmony, rather than getting totally politicized.
The article ‘Structural Adjustment, Public Policy and Bureaucracy in Developing Societies’ (Eds.) R.B Jain and Heinz Bongartz (1994) has focused on the changed role of the bureaucrats in developing countries today.

The article ‘Globalization and the Role of the State : Challenges and Perspectives’ by Guido Bertucci and Adriana Alberti has focused on the concept of globalization, opportunities and challenges of globalization, relationship between globalization, poverty and inequality, impact of globalization on the role of state and in this article, the writer has also redefined the role of the state in an era of globalization.

The article ‘Audit Reports - Looking beyond the Scams’(2013), by Dharam Vir (former Deputy Comptroller and Auditor General of India have pointed out some institutionalized procedures that can restore a measure of accountability and transparency in administration by insulating the bureaucrats from that of political pressures.

1.5: Methodology adopted:-

The present study has been conducted by adopting both the theoretical as well as empirical methods. Data were collected through unstructured interview process, and then, analysis and interpretation of data were made, gathered through interview process. Also, optimum care was taken for accuracy and objectivity as far as the data interpretation is concerned. I have used unstructured interview schedule as a tool to get the responses from the civil servants. Thus, I used both the primary source (data gathered from my field work), as well as the secondary source (books, relevant reports of various government committees, articles from journals, papers, internet etc.) to help complete my study of the topic.
1.6: Jurisdiction of the topic:-

Regarding jurisdiction of my topic of research, I have selected ‘Assam Secretariat’ as my field of work. It is because the civil servants posted in the Assam Secretariat are in the seat of powers. If their rights are infringed, then the plight of other civil servants throughout the state can easily be inferred. As such the study conducted at Dispur Secretariat serves the purpose of a representative sample to reflect the condition of other civil servants in Assam who only serve the second line of administration. Hence, Assam Secretariat was taken as the jurisdiction of my studies.
References:

