

1. Details of Module and its Structure

Module Detail	
Subject Name	Political Science
Paper Name	Public Policy, Governance and Indian Administration
Module Name/Title	Politicisation of Civil Services in India: Issues of Anonymity, Neutrality and Commitment.
Pre-requisites	Civil services, Bureaucracy, Parliamentary system
Objectives	To discuss the issue of politicisation of civil services in India
Keywords	Civil Services, Bureaucracy, Politicisation, Anonymity, Neutrality, Commitment

Structure of Module/Syllabus of a module

Politicisation of Civil Services in India: Issues of Anonymity, Neutrality and Commitment	Introduction, Civil Services: Concept and Role; Politicisation of Civil Services, Indian Scenario, Anonymity, Neutrality, Commitment and Conclusion
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2. Development Teams

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Language Editor (LE)		

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Objectives of the module

After reading this module, you will be able:

- To understand the concept and problems of politicization of civil services
- To understand the principles of anonymity and neutrality of civil services
- To understand the concept of commitment and its relevance for Indian Civil Service

Summary

The scope of activities of the government has expanded greatly, including both traditional and development functions, since independence. With the adoption of welfare state and socialistic pattern of society, the sphere of government has expanded enormously resulting in increase in the functions of the government. Indian bureaucracy is based on the Weberian model; it is hierarchically organized, rule bound, legal-rational and technically competent tool which works anonymously and stays neutral. The civil services system was modelled on the British Civil Services. After independence civil servants were entrusted with the huge responsibility of democratic governance, which resulted in continuous interaction between the political and permanent executive. This increased interaction and the dynamics of control has led to politicization of civil services.

Politicisation implies the undue political influence on the administrative machinery and has adversely affected the Weberian principles of anonymity and neutrality, which are considered as hallmark of efficient civil services. The civil servants are generally perceived to be more committed to the political masters and often indulge in political activities. The neutral civil servants often have to deal with the displeasure of the political executive.

1. Introduction

Civil services are the backbone of Indian administration. They have been playing an important role in both development of the country as well as welfare of its citizens. The civil services provided the thread of integration which binds the whole country together. After independence civil servants were entrusted with the huge responsibility of stabilizing the democratic governance. With expanding functions of the government in various sectors, role of civil services has also increased manifold. They are involved in providing services to public and, on the flipside, guide and assist the political executive in respect of mobilization of resources for developmental purposes. This process of mobilization, creation and distribution of resources necessitates a continuous interaction between the civil servants, political leaders and people.¹ This increased interaction has resulted in politicization of civil services.

Anonymity, neutrality and commitment are the hallmark of an efficient civil service. These principles were designed to protect civil servants from any external factor which might act as hurdle in carrying out their duties and functions. Anonymity implied that civil servants are to work behind the scenes; their skills and expertise are utilized by ministers to take final decisions. So, it is the minister who gets the applause for the good work and criticism for the poor decisions. While neutrality of civil services ensures that a civil servant places his/her knowledge, skills and expertise at the disposal of the minister without considering the political affiliation of the latter. Civil servants must provide impartial advice and should remain non-partisan. Further, for the success of democracy it is very crucial that civil servants should remain committed to the welfare of the citizens and the constitution that governs the laws of the land. However, over the period of time, the continuous interaction between the politicians and civil servants has resulted in politicization of civil services which has undermined these hallmarks of efficient civil services. The civil servants are no more neutral and anonymous and are more committed to the political parties rather than laws and, in certain cases, indulge in political activities. On the other hand, the neutral civil servants often have to deal with the displeasure of the political executive. Consequently, they are often transferred to the remote areas and are denied incentives and perks.

Thus, with the politicization of civil services has come the deterioration of the quality of civil services in India; this has also affected the development and welfare of the people adversely. This module will discuss the evolution and role of civil services in India and effect of politicization of civil services which has affected the principle of anonymity, neutrality and commitment of civil servants.

2. Civil services: Concept and Role

The modern structure of civil services is mostly derived from Weber's ideal type bureaucracy model. Max Weber described three types of legitimation, each corresponding to a particular type of domination, namely: Charismatic, Traditional and Legal-Rational. The bureaucratic structure described by him is based on Weber's concept of legal-rational authority. Weber

¹Hoshier Singh, *Aspects of Indian Administration*. (Jaipur: RBSA Publishers, 1994), 3.

presented division of work, rule and regulations, hierarchy, distinction between private and official, written documents and a legal authority system as the cornerstones of bureaucratic organization.

In a bureaucratic form of organization, activities based on specialization are assigned to specific positions. It is based on principle of hierarchy where in the scalar chain each level is controlled by the level above. A formal hierarchy is the basis of central planning and centralized decision making where the principle of neutrality is emphasized. The officials are expected to work in an impartial and formal manner so as to ensure similar treatment for all the citizens and employees, based on objective principles of the rule of law and uninfluenced by individual differences or affiliations. Thus, decisions are governed by an unswerving system of abstract rules, regulations and procedures which are written, coherent and impersonal. All the tasks follow a functional specialized division of labour. There is clear demarcation between personal and organization resources i.e. resources of the organization are quite distinct from those of the members as private individuals.

The Indian Civil Service system, also called the steel-frame, is also based on the concept of bureaucracy developed by Weber. During the British period, civil servants had played an important role in administration. Their main concerns, in the pre-independence era, were enforcement of law and order and collection of revenue. It was the established structure and its working that led to the adoption of the Civil Service System post-independence. However, in this period the role and importance of civil servants increased manifold with the adoption of a socialist, democratic welfare state where civil servants were made the agents of social change. Civil servants, thus, played a significant role in implementation of national and state policies which aimed to bring planned change. They remained at the forefront in bringing socio-economic development from the inception of the Indian state which was initially a period of government control and regulation; this has continued in the post-liberalization period.

Civil servants have been assigned important role in both policy making and its implementation. In policy making they act as chief staff agency to the political executive, assisting them in transforming their electoral promises to the masses in official policies and programmes. Being experts in administration they guide their political bosses on rules, regulations and procedures. Once the policy is finalized, the task of its implementation is assigned to civil servants who ensure its efficient execution, which is critical in achieving its objectives. Besides, civil servants also ensure the delivery of basic services to the people at the grassroots level. Here, the cutting edge/street bureaucracy acts as a link between the people and their representatives.

The Indian civil service system, based on the principles of neutrality and anonymity worked well in the historical situation of one party dominance in India in the initial post-independence decades. However, the loyalty and neutrality of the civil services was challenged when multiple political parties came into the picture. The demand of 'committed' civil service rather than neutral emerged. Whether this commitment of civil service should be towards national objectives or towards the objectives of political party in power was a highly debated issue. It was with this background that the issue of politicization of civil services came up in India.

3. Politicization of Civil Services in India

Politicization of civil services has been the subject of considerable debate. Interaction between civil servants and political executives is inevitable. It implies “exposure of civil servants to political forces and pressures.”² According to Guy Peters and Jon Pierre politicization of civil services implies “substitution of political criteria for merit based criteria in the selection, retention, promotion, reward and disciplining of members of public service.”³ **Politicization means that civil servants willingly or unwillingly follow the instructions which are influenced by political considerations.** The civil servants do not take steps to harmonize the particular interest with general interests and do not raise concern over the long term goals of society when facilitating the short term gains of minister or government of the day.⁴ In other words, as civil servants develop personal political consideration or political considerations are forced upon them while carrying out their official duties, it is called politicization.

The system of Indian Civil Services was borrowed from England during the British period. At that time civil servants were mainly the British, having no social or political interests in India. The GOI Act 1909 and 1919 sowed the seeds of politicization by introducing the political representatives. The Act of 1919 provided some safeguards for civil servants to check politicization. The civil servants worked under the political minister, but their conditions of service, recruitment, transfer, dismissal etc. remained under the control of Governor.

After independence the system of apolitical and neutral civil services was retained. In the initial years the politicization was minimal as the political bosses themselves remained committed to the objectives of nation building. However, change in the leadership in following years resulted in waning of the apolitical character of civil services. This period saw the emergence of multiple political parties based on caste, religion, region etc. Purpose of politics changed from welfare of the masses to cater to specific interests and to enjoy the power of being in command. Civil servants and political leaders in this time were more motivated by self-interest than general interest. Once the old leadership was replaced by the neo-elite leadership, politicization was let loose and it vitiated the ethical fiber of civil servants.⁵ **Politicisation reached its peak during the Emergency era.** Mrs. Indira Gandhi, the then Prime Minister, advocated for a committed bureaucracy rather than a neutral bureaucracy, which meant giving best advice to the government of the day. This was widely interpreted that she wanted a bureaucracy committed to single party and its leader than to alternating-party governments.⁶ **Those civil servants who were ready to further the interest of the Center were placed in vital positions even if it was in violation of administrative norms and practices.**⁷ **Transfer was used as tool of punishment for those who were reluctant to obey the orders.** Similarly, promotions were given either to undeserving officers or

² A. Sharma, *Politicisation of civil services a case study of Uttar Pradesh*. Unpublished Ph.D. Thesis, 126. Accessed from <http://shodhganga.inflibnet.ac.in/handle/10603/45893> ; on June 7, 2017

³ B. Guy Peter and Jon Pierre, eds., *Politicisation of civil service in Comparative Perspective: The Quest for Control*, (London: Routledge, 2004), 2.

⁴ Kamala Prasad, *Indian Administration: Politics, Policies and Prospects* (New Delhi: Dorling Kindersley (India) Pvt. Ltd., 2006), 118.

⁵ Sharma, *Politicisation of civil services a case study of Uttar Pradesh*, 130.

⁶ L.I. Rudolph, and S. Rudolph, “The State and its Permanent Government”, in *Public Administration: A Reader*, ed. B. Chkrobartry and M. Bhattacharya (New Delhi: Oxford University Press, 2003), 272.

⁷ Vishal Gupta, “Indian Administrative Services and Crony Capitalism: A Review Paper” (Ahmedabad: Indian Institute of Management, 2015), 6 accessed from

<http://vsilir.iima.ac.in:8080/jspui/bitstream/11718/16588/1/WP2015-03-07.pdf>

denied to deserving ones. False cases were started against honest officers. It was mainly during this time that partisan civil services came into being.⁸ It was during this time when top positions were filled on political considerations and not on the basis of merit which weakened the independence and confidence of senior civil servants and encouraged them to develop political affiliations to get best positions in the administration and to avoid the displeasure of the political bosses.

When Janta Party came into power in 1977, it further accentuated the politicization by transferring various civil servants who worked on top posts during the tenure of previous government. In the present time, the shuffling of the topmost civil servants after the change of political party in power has become the order of the day. Civil servants are transferred from the Center and even sent back to their home states to reward the supporters, those civil servants who are close to the political party in power are given vital positions. “Cases and forged charges are levied against honest officers. They are harassed, shunted out, and threatened for suspension at whims and fancies of ministers.”⁹

There are numerous examples of civil servants being transferred due to political considerations, not complying with the wishes of the political leaders is the foremost reason for such transfers. Former Mumbai Police Commissioner Rakesh Maria’s transfer in the middle of a high-profile murder investigation,¹⁰ controversies surrounding Ashok Khemka, IAS officer of Haryana cadre over DLF-Robert Vadra land deal, and Durga Sakhti Nagpal, UP cadre IAS officer¹¹, who was targeted by the state government for alleged misconduct are few examples of political pressure and interference in the efficient working of honest officers.

Even the Supreme Court has recognized political interference as the biggest threat to the efficiency of the civil services and has directed the central and state governments to provide fixed tenures to the civil servants so as to avoid untimely transfers for considerations other than merit. It was further advised that bureaucrats should not act on verbal orders to avoid conflicts and confrontation in future.¹² This will help in eliminating illegal activities at the policy making level as the minister has to think twice before issuing written orders which are illegal. Consequently civil servants need not carry out orders which are harmful to the public interest.¹³

4. Anonymity

The principle of anonymity has been regarded as an important characteristic of efficient civil services. It is insisted upon to ensure impartiality of the civil servants. It implies that the civil

⁸Dhrub Kumar, *Impact of Indira Gandhi on Indian Political System* (New Delhi: Deep & Deep Publications, 1999) https://books.google.co.in/books?id=60_OF5UpjVEC&printsec=frontcover#v=onepage&q&f=false 100-101.

⁹Gupta, “Indian Administrative Services”, 9.

¹⁰ “The Case for radical civil service reform: No political interference in administration” *The Economic Times*, September 12, 2015, accessed on June 10, 2017 <http://blogs.economictimes.indiatimes.com/et-editorials/the-case-for-radical-civil-service-reform-no-political-interference-in-administration/>

¹¹ “SC seeks law to shield IAS officers from political interference” *India Today*, October 31, 2013, accessed on June 10, 2017. <http://indiatoday.intoday.in/story/sc-seeks-law-to-shield-ias-officers-from-political-interference/1/321053.html>

¹² “SC seeks law to shield IAS officers from political interference”.

¹³ “Protecting India’s Civil Servants” *Live Mint*, November 04, 2013, accessed on June 10, 2017. <http://www.livemint.com/Opinion/ITzABL8w2sU0Rh9t2W2aN/Protecting-Indias-civil-servants.html>

servants work behind the curtain and decisions are taken in the name of the government. Civil servants, being the think tank of the department, provide valuable policy advice to the minister and are not given credit or blame for the policy advice given to the minister.

In the words of MohitBhattachayra “anonymity means that the civil servant advises the politicians from behind the scenes and will never be exposed to the din and fury of politics.”¹⁴

The principle of anonymity protects the civil servant from criticism for policy decisions. It plays an important role in ensuring impartiality of the civil servant, where he/she has to focus only on the efficient and effective policy decisions and provide fair and honest advice in favour of the welfare of the people.

Anonymity, also called facelessness, is closely associated with the principle of ministerial responsibility. It requires that the minister, who is the elected representative of the people and member of Council of Ministers, is responsible and accountable to Parliament for the policies and actions of his/her department (over which he/she presides) and its civil servants, whether they are aware of or approve of those actions or not. Minister being the political head of the department is responsible for all the decisions taken. He is responsible for finalizing the policy and consults his civil servants for policy decisions. Civil servants provide all the facts and information required to take policy decisions and play a major role in finalizing the policy but it is the minister who bears the ultimate responsibility for the actions of the department or ministry. Therefore, the principle of anonymity goes hand in hand with ministerial responsibility.

It is important to point out that minister is responsible only in case of legal acts of the civil servants and not in case of illegal or criminal acts. In other words, anonymity does not protect the civil servant who is guilty of abuse of authority for personal ends or criminal acts or any other illegal act. Civil servant is protected only for the actions taken by him/her under the direction of the Minister and the policy finalized by him/her.

The principle of anonymity is linked with permanence and neutrality of civil services. During their tenure civil servants serve numerous governments and have to advise the ministers belonging to different political parties where the latter may have varying ideological perspectives and thus opinion regarding the policy. Civil servants are expected to provide honest advice without fear of adverse political or public reaction and without any fear or favour with regard to their future career. Thus, anonymity provides a sense of security and impartiality to civil servants so that they can perform their duties efficiently.

However, in recent years, civil service anonymity has begun to be eroded for a variety of reasons. The creation of committees to scrutinise the activities of government departments has put the civil servants under scrutiny. MPs frequently question civil servants about the advice they give to ministers. Further, increasing media interest in government affairs has brought the civil servants in the public arena going against the principle of anonymity. Moreover, there have been numerous instances where the Ministers do not hesitate to name and blame civil servants as opposed to accepting responsibility for their departments’ actions. All these factors have contributed to the erosion of the principle of anonymity.

¹⁴Chakrabarty and Bhattacharya, eds. *The Governance Discourse: A Reader*, 232.

Further, the current environment in which senior civil servants work is different. With the advancement in information and communication technology and arrival of social media civil servants have embraced the opportunities of utilizing social media such as Twitter and Facebook, adopting direct forms of public communication that were previously unavailable. Frank and fearless advice, earlier confined to a private office, becomes instead a matter of public debate. This has resulted in charges of politicization and partisanship, as civil servants are blamed for being too closely associated with government policy or sometimes for contradicting it. It seems an invidious position. It is in fact the job of senior civil servants to be close to government policy, to discuss it with ministers, and to seek to implement it. When they do so privately, no wider perceptions or debates around politicisation can ensue. But when those debates are taken into the public domain, senior civil servants can find themselves engaged in debates regarding their political affiliations¹⁵

5. Neutrality

The principle of neutrality implies impartiality and non-partisan nature of civil services. In a multiparty parliamentary democracy various political parties contest elections. Periodic elections may result in change in government and thus its political ideology. It becomes important that civil servants adopt the attitude of impartiality towards the conflicting philosophies of the government espoused by various political parties. This attitude has been termed as doctrine of neutrality of civil service.¹⁶ Neutrality infers that civil servants must abstain from any active political participation or association and administer the policy as finalized by the political executive.

The civil service is said to be politically neutral when there is clear distinction between the policy making and policy implementation tasks. The policy of the government is finalized by the ministers, as they are elected by the people as their representatives. Civil servants play an advisory role in policy formulation- by providing the information required to formulate the policy and by suggesting alternative ways to realize the same policy objectives. However, the operational task of the civil servants is to implement the policy finalized by the political executive. The policy finalized may not be in consonance with personal views of the civil servant but he/she has to implement the policy with full zeal and efficiency.

In the words of Mohit Bhattacharya, “Neutrality meant a kind of political sterilization, the bureaucracy remaining unaffected by the changes in the flow of politics...there might be changes in political leadership but the civil servant would be unfailingly offering ‘technical’ advice to the political master keeping himself from the ‘politics’ of the day.”¹⁷ Civil servants are to serve the government of the day irrespective of its political colour. Personal antagonism may arise due to political affiliations of the civil servants which is undesirable in parliamentary system where the cordial relations between political and permanent executive are sine-qua-non. The Fulton Committee has also stated that “The Civil Service has...to be flexible enough to serve

¹⁵Dennis Grube, “Civil servants are taking on an increasingly public role, allowing for perceptions of partisanship to emerge”, London School of Economics, February 25, 2015, accessed on July 31, 2017

<http://blogs.lse.ac.uk/politicsandpolicy/are-civil-servants-now-promiscuous-partisans-and-does-it-matter/>

¹⁶ David M. Levitan, “The Neutrality of the Public Service”, *Public Administration Review*, 2, no. 4 (Autumn, 1942): 317-323.

¹⁷Chakrabarty and Bhattacharya, eds. *The Governance Discourse: A Reader*, 232.

governments of any complexion – whether they are committed to extend or in certain respects to reduce the role of the state.”¹⁸ Therefore, civil servants are expected to act apolitical and perform their functions without any political bias.

The doctrine of neutrality is the product of the British Parliamentary system, which is imperative for cordial relations between the political and permanent executive. The neutrality is vital to retain the confidence of the minister in the civil servant; affiliation to any political ideology by the civil servant can create doubt in the mind of minister with regard to his/her loyalty. Therefore, the principle of neutrality was given prime importance in the British System. In USA, the doctrine of neutrality was the product of ‘politics and administration dichotomy’. The First Hoover Commission stated that ministers are responsible for policy formulation and policy implementation is the task of civil servants. In this regard the Commission analysed that “they should keep clear of all political activity, preserve their neutrality in matters of policies...this means that they must avoid such emotional attachment to the policies of any administration that they cannot accept change and work in harmony.... Senior civil servants would necessarily refrain from all the political activities that would adversely affect their ability to perform duties fairly or that would tend to identify them personally with a political party or its policies... .” Therefore, the civil servant should relate him/herself with policy implementation and should not involve themselves in political issues.¹⁹ Thus neutrality was considered important for the success of the administrative machinery. Further, advantages of the concept of neutrality are as follows:

1. It boosts public confidence in civil service due to their non-political character;
2. It builds confidence of ministers in the loyalty of their permanent civil servants ; and
3. It ensures high morale of the civil servants based on the confidence that promotions and personnel decisions would be made not on the basis of political consideration but on merit.

The Indian Civil Service was created as a career service with permanence and security of tenure to strengthen the principle of neutrality. The Central Civil Services (conduct) Rules lay down the code of conduct to be observed by government servants and also include rules for ensuring political neutrality of civil servants. These rules provide that:

- 1) No Government servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- 2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

¹⁸ The Fulton Commission, “The Civil Service”, Vol.1 (London: Her Majesty’s Stationary Office, 1968), 11. Accessed on October 9, 2017. <http://www.civilservant.org.uk/library/fulton/fulton1.pdf>

¹⁹ M.K. Mohapatra, “The Doctrine of Civil Services Neutrality under Democratic Socialism in India”, *The Indian Journal of Political Science*, 26, no. 4, 1965, 138-142.

- 3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.
- 4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any legislature or local authority:

Provided that -

- (i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- (ii) a Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

EXPLANATION – The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.²⁰

Thus, various efforts have been made to ensure and maintain the neutrality of the civil servants. It was found suitable for transition from imperial rule to party government and posed few problems during single party dominance which did not put strain on the loyalty of the civil servants. However, the loyalty of the civil servants began to be questioned when civil servants had to serve various political parties. In the past few decades the demand for committed civil servants has been reflected in the actions of the political executive. Various factors have contributed towards this transition. Dwivedi and Jain have discussed the following reasons for the decline of the concept of neutrality:

- a. Effective policy coordination and guidance requires officials who are loyal to the responsible minister and are committed to their policy.
- b. While carrying out the developmental tasks; certain commitment to the goals and objectives of the state is inescapable.
- c. At the top level, the performance appraisal of civil servants is done by political heads and an element of political consideration is bound to creep into such a rating;
- d. It has become difficult in the present time to separate the policy advice and execution.
- e. Moreover, civil servants are also involved in political decision making and it becomes difficult to stay neutral on the issues and problems which are confronted regularly.²¹

It was during Indira Gandhi Government that it was felt that the British concept of neutral civil services was outdated and outmoded. “Mrs. Gandhi referred to administrative machinery as a

²⁰ Government of India, The Central Civil Services (Conduct) Rules, 1964, Rule 5. https://www.iitk.ac.in/wc/data/CCS_CONDUCT_RULES.pdf

²¹ O.P. Dwivedi and R.B. Jain, *India's Administrative State*, New Delhi: Gitanjali Publishing House, 1985), 71-72 cited in B.L Fadia and Kuldeep Fadia. *Public Administration: Administrative Theories and Concepts* (Agra: Sahitya Bhawan, 2015), 648.

‘stumbling block’ and that ‘the country would be in rut’ if it followed the British system in which civil servants were not supposed to be concerned with which political party was in power”²² and called for a committed civil servants rather than the neutral bureaucrats. It was during this time that politicization of civil services came to the forefront. In the words of L.I. Rudolph and S.H. Rudolph, “this view of commitment fed and grew first on prudence, then on opportunism and, under emergency, on fear. Better to show loyalty even to the extent of bending or breaking the law than to risk disfavor or punishment by too principled conduct”.²³ Therefore, the principle neutrality has been weakened and more emphasis was placed on a committed civil service.

6. Commitment

Weber’s model of bureaucracy was found to be inappropriate to achieve development goals and social transformation. It received a lot of criticism for failing to achieve the goals of social and economic development. After almost two decades of independence, Mrs. Indira Gandhi, expressed her concern over the incapacity of the civil services to achieve developmental goals due to impartial, anonymous and neutral character. The Indian civil service was criticized as unresponsive and indifferent towards the developmental policies and the plight of people. She advocated for a civil service which is more committed towards achieving the objectives of the Constitution. She emphasized ‘creation of an administrative cadre committed to national objectives and responsive to social needs’. She saw committed civil services as a panacea to the ills of neutrality that crippled the development process in India.

The concept of committed bureaucracy was criticized in political and administrative circles. It was suspected that it would damage the status of civil servants and would create a breed of pliable civil servants who would say “Yes Minister” and would follow their orders blindly. It was also alleged that in the name of commitment the ruling party was seeking association of civil servants towards party ideology to perpetuate its rule. However, the Government made clear that commitment in place of aloofness is sought towards developmental objectives and requires personal involvement of civil servants in the developmental tasks. Effective policy coordination and guidance needs the civil servants who are loyal to the minister and his/her policy.

L.P. Singh, a well-known civil servant, emphasized the importance of commitment to professionalism. He observed, “There can be no doubt that India needs a civil service with professional competence and commitment. Such a service will prove a sound instrument for achieving accepted social goals that Constitution has laid down.”²⁴ Thus, a committed bureaucracy which is nonpartisan, and a sensitive civil service which can coordinate with political leaders who are committed to development, is the need of the hour. Therefore, the commitment of civil servant should be towards the philosophy behind the Constitution and its implementation, and not to any political party.

7. Conclusion

²² L.I. Rudolph and S.H. Rudolph, “The State and its Permanent Government” in Public Administration: A Reader, ed. Bidyut Chakrabarty and Mohit Bharracharya (New Delhi: Oxford University Press, 2011), 271.

²³ *Ibid.* 272.

²⁴ Seminar, January-December, 1973, No. 168 quoted in Fadia and Fadia, *Public Administration*, 653.

Thus, it can be concluded that the civil service forms an integral part of the administrative machinery along with the political executive; it plays an important role in carrying out various developmental tasks and the efficient delivery of essential services, and the implementation of welfare schemes. While playing their part in the system, civil servants are expected to remain anonymous and neutral.

At the higher level civil servants work with the political executive and render valuable advice in policy making. Due to the nature of work and close association of civil servants with political leaders, it becomes difficult to stay neutral and anonymous while performing their duties. Soon after independence, the concept of neutrality and anonymity were regarded as hurdles in the way commitment required on the part of civil servants towards the performance of duty. The then Prime Minister, Mrs. Indira Gandhi, advocated the concept of a committed civil service rather than anonymous and neutral civil servants. Whether this, in actual working, meant the commitment of civil servants towards a political party or the Constitution of India remained a topic of debate.

However, it can be concluded that the politicization of civil services has come about and has affected the the civil services adversely. It has resulted in the erosion of the hallmarks of an efficient civil service i.e. anonymity and neutrality. Therefore, there is need to check the unnecessary political influence and interference in the functioning of the civil servants so they can perform their duties without any fear or favour. Hence, there is need of non-partisan and committed civil servants who are sensitive towards the goals and objectives of the policies and who can coordinate with political leaders who are committed to development.

3. Details of Module and its Structure

Module Detail	
Subject Name	Political Science
Paper Name	Indian Administration
Module Name/Title	Relationship of political and permanent executives
Module Id	15 B
Pre-requisites	Administration, Public Administration, Parliamentary form of Government, Civil Services,
Objectives	To examine the relationship of political and permanent executive
Keywords	Political executive, permanent executive, parliamentary government, Civil Service

Structure of Module/Syllabus of a module

Relationship of Political and Permanent Executives	Introduction; Role of Political and Permanent Executive; Historical background; Areas of Friction; Instances of Confrontations; Reasons of Friction; and Conclusion.
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- 10.1. Concept of Neutrality*
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- 10.4. Discharge of delegated functions*
- 10.5. Appointments/Recruitment to the civil services*
- 10.6. Transfers and postings of civil servants*

11. Major Instances of Confrontation

12. Reasons for Confrontations and Conflicts

13. Conclusion

Objectives of the Module

After reading this module you will be able:

1. To understand the role of political and permanent executive in parliamentary form of government
2. To know about historical evolution of relation between political and permanent executives.
3. To understand the areas of frictions and ways to avoid or minimize these frictions

Summary

India adopted the Parliamentary form of government after independence whereby the executive and the legislature enjoy an intimate relationship. The Executive is responsible to the legislature for all the actions taken by it to implement the laws and policies legislated. Being the principle organ for formulation as well as implementation of rules, regulations and laws, the executive plays a prominent role in the administrative system. It consists of political as well as non-political members; the political executive includes the representatives of the people and the permanent executive belonging to the civil services. The Political executive, being the representatives of the people in a democratic country like India, have the final say in the decision-making, and belong to the political party which enjoys the majority in the Lok Sabha, the Lower House of Parliament. They are elected by the people. They may or may not have any specialized knowledge about running the administration of the country. Therefore, they are assisted by the civil servants, who are specialized and trained in administration, and possess all the information on administrative matters. Besides, being the principal advisor to the political executive in policy formulation, it is the function of the permanent executive to implement the policies to achieve the desired outcomes. In this way the permanent executive plays an important role both in formulation as well as implementation of government policy. Theoretically the role and functions of the political and permanent executives are well defined. However, in practice, when these two collaborate in running the administrative system, they often tend to overlap, often leading to friction and tension, which deter the smooth functioning of the administration as well as the development of a nation.

The relationship between the two executives is determined by several social, cultural, educational and historical factors that remain significant for our discussion. The historical evolution of this relationship is based on the British legacy that India adopted post-independence and was enshrined in the Constitution. Nevertheless, as mentioned earlier, a few areas of conflicts and confrontations exist in practice, despite the demarcation of their respective roles and responsibilities in theory. The Second Administrative Reforms Commission has identified six major dimensions of frictions between the political and permanent executive, namely, concept of Neutrality; advisory role of civil servants in policy making; statutory role of the civil servants; discharge of delegated functions; appointments/recruitment to the civil services; and, transfers and postings of civil servants. These aspects have been discussed at length in this module, substantiated with major instances of such conflicts and the principal reasons behind them. The ARC has also given some valuable suggestions for the minister and his secretary to work in harmony by recognizing the limitations of each other and in the general interest of the nation.

It is clearly understood that the political and the permanent executive are two important pillars that uphold parliamentary democracy and it is vital for them to coordinate and not differ, cooperate and not vary, honor one another, and create harmony for a better and stable administrative system in India.

1. Introduction

In a democratic form of government, political and permanent executive are vital constituents of the system. Political executive provides the representation of the citizens and permanent executive provides administrative expertise and continuity to the administration. India, the largest democracy in the world, has adopted the parliamentary form of government whereby the executive derives its democratic legitimacy from the legislature, thus forming an intimate relationship between these two organs of the government.

Executive is a prominent organ of the government in terms of its role. It is primarily responsible for execution and implementation of laws and policies of the State. It consists of two parts - political and non-political i.e. permanent. The political executive consists of representatives of the people. It includes Prime Minister and his Council of Ministers. President appoints the leader of the majority party or coalition in the Lower House of the Parliament as Prime Minister and Council of Ministers on the recommendations of the Prime Minister. They remain in office till the time they enjoy majority in the Lower House. It is due to their political affiliation to a party and their influence in the party winning the elections that they occupy ministerial offices. Even after being appointed as ministers, they continue to engage in political activities like attending party meetings, propagating party policies and programmes, collecting funds for the party, contesting elections.²⁵ The Political executive is bound by the principle of ministerial and collective responsibility and is accountable to the Parliament. The supreme authority in policy formulation and implementation is vested in it. However, ministers are generally amateurs and may not possess any specialized knowledge in administration. Moreover, it is difficult for a handful of ministers to deal personally with the matters of administration. Therefore, to carry out the functions of administration, the political executive requires a body of officials, namely, the permanent executive, that serves as an organ which provides assistance to deal with all the administrative technicalities, makes available all the necessary information for policy formulation and enforce/implement the policies that have been finalized by political executive. In effect, the Constitution of India provided for the appointment of civil servants i.e. permanent executives to aid, advice and assist political executives to carry out their duties efficiently and effectively.²⁶

1.2 Role and Responsibilities of the Political and Permanent Executive

For the ease of administration of the country, the administrative work is divided among various departments. Every department of the government is politically headed by a minister, and a Secretary to the Government of India is its administrative head. In a democratic and welfare state, political executive being the representatives enjoy the ultimate authority and responsibility of running the administration. They have the final say in all the decisions and the permanent executive i.e. civil servants, provide support to the political executive. They play an important role in both policy making and implementation. In policy making, permanent executive acts as the chief advisor to the political executive. Once the policy is finalized it is the main responsibility of the permanent executive to implement the policy as efficiently as possible. As per the doctrine of Anonymity, civil servants remain out of public view and discreetly make policies, draw up and execute plans and schemes, formulate legislations and handle issues raised in the Parliament. Civil servants often occupy the Officers' Gallery in the Lok Sabha i.e. the Lower House of Parliament. Though they are not actual participants in the business of the House, they help ministers in carrying out parliamentary matters such as preparation of Bills; responding to questions raised in the House and informal letters addressed to Ministers by members; compilation of notes for the use of

²⁵M.P.Sharma and B.L. Sadana. *Public Administration in Theory and Practice*. (New Delhi: Kitab Mahal, 2008), 163.

²⁶ The Constitution of India, Part XIV, Articles 308-323. New Delhi: Ministry of Law and Justice, GOI

<http://lawmin.nic.in/olwing/coi/coi-english/coi-4March2016.pdf>

ministers during debates, briefs for their speeches in the House; and so on. Thus, the minister i.e. a non-official is responsible for the following functions:

- i. To formulate policies
- ii. To make decisions on important issues
- iii. To supervise the implementation of policies
- iv. To decide on larger administrative questions
- v. To make appointments to top posts
- vi. To intervene in administration to redresses the legitimate public grievance

On the other hand, the civil servant i.e. an official is responsible for the following functions:

- i. To implement policies and decisions
- ii. To provide information, facts and ethical judgment needed in policy making
- iii. To direct and supervise the work of subordinates
- iv. To maintain continuity in administration

Pfiffner²⁷ has enumerated the points of distinction between the political executive and the civil servant in the following ways:

S. No.	Minister	Civil Servant
1	Amateur	Professional
2	Non-technical	Technical
3	Partisan	Non-partisan
4	Temporary	Permanent
5	More public contact	Less public contact
6	More legislative contact	Less legislative contact
7	More policy formulating	Less policy formulating
8	Decision making	Advisory role
9	Dependence on technical opinion	Collection of technical data from study and research

A minister and a civil servant, therefore, are complementary to each other. They work in close cohesion for the day to day functioning of the ministry. The basic principles that govern the relationship between the minister and civil servant are:

- i. In a welfare state, both minister and civil servant should uphold the provisions of the constitution while discharging their functions.
- ii. A minister has the ultimate prerogative in policy-making.
- iii. A civil servant should execute all policies and decisions of the minister.
- iv. A civil servant should render honest and frank advice to the minister without any fear or favour.
- v. A civil servant should follow the principle of neutrality, impartiality and anonymity.

²⁷ John M. Pfiffner, *Public Administration* (New York: Ronald), 1935, cited in B.L.Fadia, and Kuldeep Fadia. *Public Administration* (Agra: Sahitya Bhawan, 2015), 109.

This implies that while a minister has the ultimate decision-making power regarding policy formulation and implementation on one hand, a civil servant, on the other hand, performs the staff function of rendering expert advice, provision of requisite information, and analysis of available information for future course of action. However, the overlapping areas of authority have been constantly increasing, engendering tensions between them.

1.3 Determinants of the political and permanent executive relationship

The relationship between the political and the permanent executives is affected by various factors such as social and cultural backgrounds, education, historical evolution and so on.

1. In developing countries like India, the relationship between these two evolved during the colonial times, where the civil servants enjoyed full authority and responsibility in matters of administration and were directly answerable to the Governor General. There was absence of the institution of elected ministers or representatives of the people, which later emerged during anti-colonial struggle. The freedom movement demanded the transfer of political power to these representatives, whose role was then delineated from the non-political administrators for the first time. However, the civil servants did not welcome this move and were reluctant to work under amateur political representatives. After independence, the attitude of civil servants towards the elected representatives, who were now the ultimate masters or decision makers, did not change which led to various confrontations and frictions between the two executives.
2. The harmony in relationship between the political and permanent executives also relies upon the consensus of the societal goals that must be pursued. The divergence of interests and lack of common development goals in developing countries, such as India, is reflected in the lack of unity between the working of the two executives. The objectives and targets of the political executive change with the change in elected government, which the permanent executive has to adapt to continuously and at times, unwillingly. Thus, there is lack of a unifying approach towards achievement of social and economic development goals, often leading to clashes between the two executives.
3. Another aspect of the political-permanent relationship is the flexibility of rules and regulations. In a parliamentary democracy of government, especially with the coalition system in place trying to serve varied interests simultaneously, the political executive is largely centered around the Cabinet Ministers led by the Prime Minister, who tries to hold the reins of legislative power by moving those matters faster that serve the interests of the party, even if it leads to reinterpreting/overlooking established rules and procedures. This proliferation of power of the political executive and its unconventional ways of handling administrative matters contrasts with the attitudes and functioning of the civil servants who are known to have a rule-bound legacy. The permanent executive is more rigid and conventional in dealing with norms and laws, thus leading to a rift with the political executive in the management of administrative affairs.
4. A further important facet shaping the political-permanent executive relationship is the attitudinal factors of the two in dealing with administration. While the civil servants undergo continuous trainings and are under unending surveillance by the executive, citizens, media etc., expected to operate honestly, impartially, wisely and follow the rulebook. The permanency of their job while assuring stability also puts them under radar of its loss due to non-performance. On the other hand, the impression of the politicians remains corrupt, selfish, laid-back non-officials who fail to

deliver their promises, yet manage to manipulate people before the next election through money and muscle power. For this, they try to pressurize the civil servants to adopt unfair means and resources to manage administrative tasks, to avoid unanticipated transfers and postings, fabricated media reports, etc. Thus, some officials in fear of frequent transfers, loss of their job and respect often join hands with corrupt officials (politician-bureaucrats nexus) leading to mismanagement of the executive power.

5. Lastly, it is noteworthy to mention the social origins of the two executives. Previously, for socio-economic reasons, the permanent executive mostly belonged to a middle or upper middle-class background with a sound educational and family background; and this trend largely continues till date. On the contrary, the political leaders usually came from royal/noble lineage, rich agricultural families or political families; these traditions still continue in India. The division in social origin not only brings the two diametrically opposite sections of the society into power but brings forward their paradoxical style of management and understanding of society, culture, people and politics.

2. Historical Background

There is absence of well-crystallized conventions regarding the relationship between the political and permanent executive in India. The historical background can be studied in two parts i.e. pre-independence era and post-independence era.

2.1 Pre-independence era

The Political and Permanent executive, in other words, the minister-secretary relationship in India, came into existence with the Act of 1919. Prior to this Act, the Governor-in-council was vested with the executive functions and there was no institution of popularly elected ministers. However, the Act of 1919 introduced the system of dyarchy(doubly ruled) at the provincial level. This system was an experiment of double government,²⁸ in which, the provincial subjects were divided into two parts i.e. ‘reserved subjects’ and ‘transferred subjects’. The governor and his executive council governed reserved subjects and the transferred subjects were assigned to Indian ministers, who were selected from elected members of Legislative Council by the Governor. As there was no office of the Chief Minister, Governor was the head of the Council. Ministers were given charge of the departments headed by Secretaries belonging mostly to the Indian Civil Service. The appointments, transfers and promotions of the permanent officials were controlled by the Governor and not by the ministers under whom they worked. While the minister was responsible to the legislature for the proper administration of the departments under his charge, he was not given the power to secure full cooperation from his subordinates.²⁹ On the other hand, the Civil Servants i.e. permanent executive did not easily accept this new office of popularly elected ministers. There was friction and conflict between minister and secretaries due to suspicion and lack of mutual understanding. The ministers expected the secretaries to obey and implement their orders, however the civil servants did not show loyalty to the ministers. In the words of M.V. Pylee, “ministers were humiliated by the members of Indian Civil Services by their insubordinate and even defiant attitude in many matters.”³⁰ They bypassed the ministers and directly communicated with the Governor. Sir C. Y.

²⁸R.C. Agarwal, *Constitutional Development and National Movement of India*. (New Delhi: S. Chand & Company Ltd., 2005), 202.

²⁹M.L Gupta, *Constitutional Development of India*. (New Delhi: Atlantic Publishers & Distributors, 1989), 76.

³⁰ M.V. Pylee, *Constitutional History of India*. New York: Asia Publishing House, 1967, 66-67, quoted in V. Bhagwan and V. Bhushan. *Indian Administration*. (New Delhi: S. Chand & Company Ltd., 1996), 476.

Chintamani, who was the Minister of Education in the United Province, complained before the Reforms Enquiry Committee (1924) about lack of cooperation on the part of his Secretary. He even resigned on this issue. This unwillingness on the part of the civil servants to cooperate with the ministers became one of the reasons for the failure of dyarchy in the provinces and led to the passage of a new Act in 1935.³¹

The Government of India Act, 1935 envisaged a responsible government. A democratic government was established in the provinces for the first time. The system of dyarchy or the division of subjects into 'transferred' and 'reserved' subjects, was done away with. All the subjects were transferred to the charge of a popularly elected Minister. The ministers were not absolutely free in the matter of running their department as the Governor continued to possess a set of overriding powers. The minister was made responsible to the legislature while the secretary of the ministry was made responsible to the ministers. Civil servants, however, continued their non-cooperative attitude towards ministers. Even though there were Governors at the provincial level and the Governor General at the Centre to protect the legitimate interests of the civil servants, and were considered as safeguards of the civil servants, but some of the senior civil servants resigned as they were not willing to work under Indian Ministers.³² Disturbances were deliberately created for ministers for the new system to fail. For instance, the Chief Secretary of the United Province issued a circular stating that orders of the ministers should not be executed unless countersigned either by him or any secretary, which had negative impact on the position of the minister.³³

Thus, during the most part of the British rule, Indian administration, remained in the hands of Indian Civil Service. The politicians were slowly inducted into administration under the Acts of 1919 and 1935. The hegemonic status of the top bureaucracy remained unaltered. Permanent executive was well organized and all powerful that framed policies and enforced them with all the support of Imperial power and political executive was given a negligible role in administration. The friction in the relations of permanent and political executive, originated in the British period and continued in the post independent era.

2.2 Post-independence era

In the post-independence period, the role of political and permanent executive changed. The politicians were assigned a superior position along with the adequate authority to carry out their functions, and the administrators had to work under their command. However, it became difficult to erase the established hegemonic civil service culture of the British Raj completely. Ministers faced opposition from civil servants of higher ranks, as the latter wanted to run the administration according to their orders and guidelines, mostly sidelining what the political executive had to say. Even the Prime Minister faced problems in checking this trend and getting his policies implemented.³⁴ It seemed difficult on the part of civil servants, mainly the senior civil servants, to unlearn their past role and accept the new bosses i.e. elected politicians whom they earlier (before independence) regarded as usurpers and unwanted elements. On the other hand, for some ministers the administrative role was new and they preferred to follow the decision of their secretaries instead of opposing them or creating a situation of confrontation. Similarly, the newly promoted officers also in view of adjusting themselves in new roles followed the directions issued by the ministers. Therefore, besides the confrontations, a correlation also started developing between the two.

Gradually, the senior civil servants found that it was advantageous to change their attitude and keep themselves in the good books of political masters and began to give reports and notes on files as their

³¹Bhagwan and Bhushan, *Indian Administration*, 476.

³²*Ibid.*, 476

³³*Ibid.*, 476

³⁴ Sri Prakasha, Early days in Pakistan-II: Public Men and Permanent Official, Hindustan Times, March 17, 1969, Sunday Magazine, p.1 quoted in *Indian Administration*. Hoshier Singh and Pankaj Singh New Delhi: Pearsons. (e-book).

minister would have wanted them to do.³⁵ The late N.V. Gadgil, while presiding over the Eighth Annual conference of the IIPA, said with regard to the relation between Ministers and civil servants: “In this connection I may also add to what Vallabhbai once said to me. He said you must impress on your civil servants that their honour is safe with you; their self-respect should be considered your self-respect and your self-respect will be considered by them and in that spirit we went on for the first four to five years. And then things changed. There were very rarely full-hearted discussions in the Cabinet and ultimately whatever the Prime Minister said was carried. Later on, that had a very bad effect on the civil servants. They thought it would be to their advantage if they are on the right side of the Prime Minister.”³⁶

As seen historically, the relationship between political and permanent executive could not remain smooth and there were a number of instances of confrontation.

2.3 Constitutional Provisions in India

The doctrine of separation of powers between the legislature, the executive and the judiciary is a part of the basic structure of the Indian Constitution. Though the Constitution did not recognize the doctrine of separation of powers in its absolute rigidity but the powers and functions of the different organs have been sufficiently differentiated. Being a parliamentary form of government, there is a close relationship between the executive and the legislature as the executive is accountable to the legislature. The Council of Ministers, the political executive, is therefore accountable to Parliament under the principle of collective responsibility.

Under the Indian Constitution’s Articles 63 and 164, the executive powers are vested in the President and Governors for respective states. They exercise their powers directly or through officers subordinate to them. These officers constitute the permanent civil services and are governed by Part XIV of Constitution and are subject to the control of the President and are provided security of tenure. Articles 309 to 323 of the Indian Constitution deal with civil services, their recruitment and conditions of service. Constitutional safeguards are provided to civil servants, i.e. permanent executive, so as to provide them a sense of security and fair play to facilitate their efficient working.

Articles 77 and 166 provide that the President and the Governor frame rules for the conduct of business in the Government at the Union and State levels, respectively. Work is allocated among Ministers as per the Government of India (Allocation of Business) Rules and the manner in which the officers i.e. permanent executive are required to assist the President or the Governor to exercise his/her executive functions is governed by the Government of India (Transaction of Business) Rules.

Although officers are subordinate to the President or Governor, they carry out the orders of the Council of Ministers in accordance with the rules framed in this behalf. The Rules of Business of Government do provide for the Secretary to the Government to advise the Minister with regard to due course of proposed action, and to make him/her aware about the legality of the orders while also providing him/her suitable suggestions regarding the viability of the action. After the formulation of policies and laws, rules and regulations are framed; it is the duty of the minister to support the Secretary who is implementing his/her orders. On the other hand, a civil servant is required to implement the orders of government without any bias, with sincerity and without fear or favor. The relationship between the Secretary and the Minister is thus, organic. The Minister has the mandate of the people to govern, but the Secretary has an equivalent constitutional mandate to advise the Minister.³⁷

³⁵ Singh, and Singh. *Indian Administration*. e-book.

³⁶ Proceedings published by IIPA, New Delhi, 1965, 3-4, quoted in *Indian Administration*, Singh and Singh), 439-440

³⁷ Government of India, Second Administrative Reforms Commission, *Refurbishing of Personnel Administration: Scaling New Heights*, 10th Report. (New Delhi: Second Administrative Reforms Commission, 2008), 273-274

4. Areas of Friction

Being the two pillars of parliamentary democracy, political and permanent executives are required to work in harmony to achieve the objectives of the State. Difference in their outlook and objectives often leads to friction. The Second Administrative Reforms Commission, in its report on Personnel Administration, identified the following Areas of Friction in Political and Permanent Executives in India³⁸:

- a) Concept of Neutrality
- b) Advisory role of civil servants in policy making
- c) Statutory role of the civil servants
- d) Discharge of delegated functions
- e) Appointments/Recruitment to the civil services
- f) Transfers and postings of civil servants

3.1 Concept of Neutrality:

In a democratic country like India, neutrality is considered an essential ingredient of an honest and efficient civil service. It implies that civil servants should give free and frank advice to the government, without any political consideration.³⁹ One of the major reasons to continue with pre-independence civil service structure was its neutrality. In the words of Sardar V. Patel, “It needs hardly to be emphasized that an efficient, disciplined and contented civil service assured of its prospects as a result of diligent and honest work, is a sine-qua-non of sound administration under democratic regime even more than under authoritarian rule. The service must be above party and we should ensure that political considerations, either in its recruitment or in its discipline and control, are reduced to the minimum if not eliminated altogether.”⁴⁰

However, this traditional concept of neutrality has undergone change. Civil servants have now become politically conscious. Change in the government leads to transfer of civil servants in large numbers reflecting the impact of the change in the political environment. For obtaining a preferred position in the Union and State government, civil servants seek patronage from politicians. As a result, the civil service in public perception is often seen as increasingly politicized.

The second Administrative Reform Commission opined that the political neutrality and impartiality of the civil services need to be preserved. The onus for this lay equally on the political executive and the civil servants. The Commission recommended that: “Ministers must uphold the political impartiality of the civil service and not ask the civil servants to act in any way which would conflict with the duties and responsibilities of the civil servants.”⁴¹ On the other hand, civil servants while implementing laws and programmes should act impartially and should not function with political considerations, which are not mentioned in the law. In this regard, Paul H. Appleby⁴² observed, that the role of civil servants is to render free and frank advice, which should not be coloured by any political considerations. Once the elected government has approved a policy or programme, it is the duty of the civil servant to faithfully and enthusiastically see to its implementation.

³⁸*Ibid.*, 274-279.

³⁹S. K. Das, *Encyclopaedic Dictionary of Public Administration*. Vol.2, (New Delhi: Sarup & Sons, 2007), 477.

⁴⁰ Second Administrative Reforms Commission, *Refurbishing of Personnel Administration*, 275.

⁴¹*Ibid.*, 275.

⁴² Paul H. Appleby, *Public Administration in India : Report of a Survey*, New Delhi: Cabinet Secretariat O&M Division, 1953, 25, cited in Second Administrative Reforms Commission, *Refurbishing of Personnel Administration*, 276.

3.2 Advisory role of civil servants in policy making

Policy-making is the primary and foremost function of the political executive and providing policy advice is the major staff function of the permanent executive. Political executive depends on the permanent executive for the necessary information and data required in policy formulation. It is the duty of the civil servants to provide the factual basis, thorough analysis of all possible implications of any measure under consideration and free and frank advice without fear and favour.⁴³ At the same time, it is the duty of the political executive to give an opportunity to its civil servants to put forward their opinion. Sardar V. Patel⁴⁴ wrote in this regard, “Today, my Secretary can write a note opposed to my views. I have given that freedom to all my Secretaries. I have told them, If you do not give your honest opinion for fear that it will displease your Minister, please then you had better go. I will bring another Secretary!’ I will never be displeased over a frank expression of opinion...”

Besides being honest in rendering advice or voicing an opinion on a certain matter, it is important that civil servants should have considerable time to analyse and ponder over the matter to provide free and frank advice. Unfortunately, civil servants being usually quite occupied in routine administrative work fail to contribute in policy advice function. For their effective contribution, civil servants need to have a broad perspective of the sector as well as of the government as a whole, along with conceptual clarity and requisite knowledge.

If a civil servant finds a policy to be against public interest, it is his/her responsibility to inform the political executive and convince him in light of negative implications of such policy. If he/she fails to convince the political executive in this regard, it is also the duty of the permanent executive to put this on record so as to avoid any future misunderstandings. In order to make permanent executive capable of providing free and frank advice to political executive second Administrative Reforms Commission recommended for the separation of staff and line functions of the senior civil servants so that they get adequate time to focus on ‘policy advice role’.⁴⁵

3.3 Statutory role of the civil servants

The civil servants besides performing other functions are required to perform certain statutory functions under various legislative enactments. Such functions are sometimes of quasi-judicial nature. The role of the executive magistrate under the Code of Criminal Procedure, the role of an Assessing Officer under the Income Tax Act and of the SHO under the Cr.P.C. and the respective Police Acts are some examples of such functions. Interference of the senior officials and ministers in these functions has increased over the years. Second ARC stated, “Acquiescence in the face of such interference is primarily the fault of the officer who has been entrusted with these statutory functions although those bringing such extraneous pressures should also be held to account.”⁴⁶ The Commission in its Report⁴⁷ on “Ethics in Governance” has recommended that “abuse of authority unduly favouring or harming someone” and “obstruction of justice” should be classified as an offence under the Act.

3.4 Discharge of delegated functions

⁴³Second Administrative Reforms Commission. *Refurbishing of Personnel Administration*, 276.

⁴⁴*Ibid.*, 276.

⁴⁵*Ibid.*, 276.

⁴⁶*Ibid.*, 277.

⁴⁷ Government of India, Second Administrative Reforms Commission. *Ethics in Governance*. (New Delhi: Second Administrative Reforms Commission, 2007), 61.

In a democratic country like India, the ultimate executive power lies in the hands of the political executive, which is accountable to the people through the Parliament. To carry out various functions in the government, a hierarchy of functionaries is appointed. Due to paucity of time, pressure of work and increased complexities of legislation, the legislature makes laws in skeleton form and delegates power to the executive to fill in the details. Political executive being novice, depends on the permanent executives for necessary policy advice. Administration is carried out by delegating authority and responsibility to civil servants at different levels in government. Such delegation is in accordance with the principle of subsidiarity which makes government closer to people.

However, only delegation of authority and responsibility does not necessarily lead to carrying out administration smoothly, especially if there is interference in decision making of the subordinate functionaries by senior political as well as administrative heads. Second ARC⁴⁸ in its report pointed out the increased tendency in government departments to centralize authority and also after having first delegated authority downwards, to interfere in decision making of the subordinate functionaries. This interference affects the relationship of political and permanent executive adversely. Therefore, exercise of delegated authority should be allowed without any formal or informal interference.

3.5 Appointments/Recruitment to the civil services

Process of recruitment is of vital importance, as it determines the tone and caliber of the public services, and the usefulness and relevance of the machinery of government to the society also rests on it. The Constitution of India had recognized the importance of sound and independent recruitment system and provided for the establishment of Union Public Service Commission (UPSC) at union level and State Public Service Commissions (SPSCs) at the state level. While the UPSC enjoys an unblemished reputation for having a fair and transparent recruitment system without any outside interference or influence, the State Public Service Commissions adversely, do not enjoy the same reputation and there are often many complaints against the free and fair recruitment done through these commissions. Furthermore, there are various departmental recruitments in the government done by departments or other organizations both at central and state level. For example, recruitments to the posts of Police constables, teachers, bus-drivers and conductors, etc., which are often subject of complaints and controversies. Second ARC has laid down norms to avoid complaints of favouritism, nepotism, corruption and abuse of power that have often characterized these recruitment exercises. These principles are:

- Well-defined merit-based procedure for recruitment to all government jobs
- Wide publicity and open competition for recruitment to all posts
- Minimisation, if not elimination, of discretion in the recruitment process
- Selection primarily on the basis of written examination or on the basis of performance in existing public/board/university examination with minimum weightage to interview⁴⁹.

3.6 Transfers and postings of civil servants

Transfer is the reassignment of an employee to a job with similar pay, status, duties and responsibilities. It is useful for an organisation as it helps it to utilize the skills of the employee to the fullest. However, various commissions have observed that in India, transfers and postings of the civil servants are done with political consideration rather than administrative efficiency. Second Administrative Reforms Commission

⁴⁸ Second Administrative Reforms Commission. *Refurbishing of Personnel Administration*, 277.

⁴⁹ *Ibid.*, 280-281

in its report has quoted the observation of the National Commission to Review the Working of the Constitution regarding transfers and postings of civil servants:

“Arbitrary and questionable methods of appointments, promotions and transfers of officers by political superiors also led to corrosion of the moral basis of its independence. It has strengthened the temptation in services to collusive practices with politicians to avoid the inconvenience of transfers and to gain advantages by ingratiating themselves to political masters. They would do the politicians’ biddings rather than adhere to rules. Lest the situation becomes more vicious, it is necessary that a better arrangement be conceived under the Constitution. The question of appointments, transfers and placements is not to be left to the discretion of the politicians or administrative bosses but be entrusted to independent and autonomous boards. The Commission, therefore, recommends that the questions of personnel policy including placements, promotions, transfers and fast-track advancements on the basis of forward-looking career management policies and techniques should be managed by autonomous Personnel Boards for assisting the high level political authorities in making key decisions. Such civil service boards should be constituted under statutory provisions. They should be expected to function like the UPSC. Reputed management experts from institutes of management, well known for their excellence, should be inducted into these boards to provide a broad based pool of expertise. The principle is not to take politics out of personnel policy but to make knowledge and information institutionally available to the political decision-makers on the basis of appropriate parliamentary legislation under Article 309. The sanctity of parliamentary legislation under Article 309 is needed to counteract the publicly known trends of the play of unhealthy and destabilizing influences in the management of public services in general and higher civil services in particular.”⁵⁰

Similarly, the Fifth Pay Commission called on ministries, departments and organizations to formulate clear, detailed and transparent transfer policies. Calling for minimum predetermined tenures, the Commission suggested that orders for premature transfers should contain detailed, recorded reasons approved by a Civil Service Board, and that the civil servant in question be given an opportunity for appeal. The pay commission acknowledged that it is perhaps not desirable to deny political masters some say in appointments to key posts. For this not to degenerate into patronage and for competence to not suffer, training, career progression and termination in the civil service and the police must change, drastically.⁵¹

This interference in the postings and transfers of civil servants leads to inefficiency in the administration as civil servants would rather focus on pleasing their political masters to get the desired posting or to avoid any unwanted transfer or posting than on efficient administration. A paper released by US think tank — Carnegie Endowment for International Peace, titled “The Indian Administrative Service Meets Big Data” states “political interference generates substantial inefficiency: the best officers do not always occupy important positions, while political loyalty offers bureaucrats an alternative path to career success.” The government should take measures against politically motivated transfers and postings.⁵²

⁵⁰ Government of India, National Commission to Review the Working of the Constitution, quoted in Second Administrative Reforms Commission, *Refurbishing of Personnel Administration*, 278-279.

⁵¹ “The Case for radical civil service reform: No political interference in administration” *The Economic Times*, September 12, 2015, accessed on June 10, 2017 <http://blogs.economictimes.indiatimes.com/et-editorials/the-case-for-radical-civil-service-reform-no-political-interference-in-administration/>

⁵² Milan Vaishnav and Saksham Khosla, *The Indian Administrative Services Meets Big Data*, Carnegie Endowment for International Peace, 2016 accessed on January, 2017 http://carnegieendowment.org/files/Brief-Milan-Big_Data.pdf

4. Major Instances of Confrontations

After independence, the conflicts in the relationship between the permanent and the political executive came to public knowledge first in 1957, with H.M. Patel of the ICS, functioning as Principal Finance Secretary to the Government of India and T.T. Krishnamachari, his Finance Minister. It arose from the purchase of shares of certain private companies by the LIC of India at the cost of more than a crore of rupees in order to salvage the credit of HaridasMundhra, a financial adventurer of doubtful integrity, who controlled these companies. In this case, the Minister leveled charges against the Principal Secretary that he had ‘casually’ mentioned to him about the purchase of the shares of a private concern. On the other hand, H.M. Patel maintained that he had been acting all along with the knowledge and approval of the minister. Thus, both blamed each other. The inquiry commission appointed to look into the matter held that constitutionally the Minister is responsible for the action taken by his secretary with regard to the Mundhra deal. He could not take shelter behind his subordinates, nor could he disown their actions. Thus the minister resigned on the grounds of constitutional responsibility and the Secretary preferred retirement from the government service.⁵³

The question on the compatibility of the political-permanent executive resurfaced significantly in November 1966, during the anti-cow slaughter demonstration by Bharat Sadhus Samaj in New Delhi. GulzariLal Nanda, the then Home Minister made complaints against his Secretary, L.P. Singh of ICS. He complained about the non-cooperation on the part of secretary and demanded his replacement. In his resignation, he charged that his senior civil servants were not cooperating with him in the proper implementation of policies. He wrote to the PM that ‘on a number of occasions I brought to your notice that I was not getting adequate secretarial assistance. All these appeals were ignored. Devoid of adequate political support at the level of my ministry, and denied the kind of assistance and cooperation I needed from a civil service set up not in tune with my ideas I was made to feel that I had no say in the making of decisions at policy making level.’ In this case, home secretary was retained by the PM and minister had to resign.⁵⁴

Another instance of conflict occurred in October 1971, between K. Hanumanthaiya, the then Railway Minister and B.C. Ganguli, Chairman of Railway Board, rank of Principal Secretary to the Government of India. The Minister had a difference of opinion with the Chairman on a number of issues; and he passed several orders affecting the functioning of chairman even without his knowledge. Consequently, the state of affairs worsened to the extent that the Minister cancelled a tour programme of the Chairman, due to which the carriage, which had already been boarded, was detached from the train scheduled to depart in a few minutes. The Chairman resented this and ordered that the bogie be locked there. As a result rail traffic was blocked resulting in the termination of services of the Chairman. He left in a state of humiliation, but the Minister too had to be sacked in due course of time.⁵⁵

Another incident took place in 1982 when A.B.A. Ghani Khan Chaudhary, the then railway minister sacked the chairman of railway board while reconstituting the railway board. In another instance, the then Prime Minister Rajiv Gandhi, departing from the agenda of already scheduled meeting demanded Sastry, then Agricultural Secretary, to make presentation on National Dairy Development Board rather than on edible oils as already scheduled. When Sastry reminded him of the agenda, PM ordered him out of the room and immediately issued oral instructions reverting him to his parent cadre.⁵⁶ One more incident was the announcement by the then Prime Minister Rajiv Gandhi at a press conference in 1987 for replacement of foreign secretary, A. P. Venkateshwaran leading to the resignation of the Secretary. Similarly,

⁵³ Singh and Singh, *Indian Administration*. (e-book); Fadia and Fadia. *Public Administration*, 842-843.

⁵⁴ Singh and Singh, *Indian Administration*. (e-book)

⁵⁵ Fadia and Fadia. *Public Administration*, 844.

⁵⁶ R.D. Sharma, *Administrative Systems of Developing Societies* (New Delhi: Mittal Publications, 2000), 154

BhaskharGhosh, the T.V. Chief was transferred in a bizarre manner by the PM. At the state level as well there are several instance of conflict between political and permanent executives.⁵⁷

Therefore the frictions and confrontations between the political and permanent executive still continue.

5. Reasons for Confrontations and Conflicts

There area number of political, structural, and attitudinal factors which cause the relationship between the political and permanent executive to be characteristically stressful, tense, and frequently not conducive to mutual understanding and coordination. Historic factors producing this environment include roles and positions enjoyed during pre-independence and post independence time, the ambiguous roles of political and career executives and the differing orientations of career and non-career executives.⁵⁸

The Political and permanent executives are expected to work in harmony with each other to run the administration smoothly. In the words of S. R. Maheshwari, each lacks what is best in the other, which means that they are complementary to each other. However, when there is lack of understanding between the two and they overstep limits, it leads to friction and disharmony, ultimately resulting in the delay in conducting smooth administration. VishnooBhagwan and VidyaBhushan⁵⁹have discussed the following reasons for the deteriorating relations between the Minister and the Secretaries:

- i. Portfolios of the minister changes frequently, which does not provide adequate time to both minister and secretary to develop proper trust and understanding.
- ii. The free and independent advice of civil servants when it has been unpalatable to the ministers is considered by them as hurdles in their way;they do not appreciate the value of independent advice.
- iii. Some civil servants by habit expose themselves and criticize individual ministers or their respective policies in private and social circles, and the political bosses strongly react to criticism.
- iv. Minister and Secretary, often in absence of clarity of their respective roles, interfere in each other's sphere. Sometimes, ministers interfere in petty matters of day to day administration of the department, while the Secretaries on their part put forward 'half-baked' proposals before ministers and important matters are not brought to their notice. Some bureaucrats have developed a nexus with business and shape their advice to their ministers accordingly.
- v. Ministers often give impression of helplessness to politicians, legislators etc. to do certain work, because the officers of their department put unfavourable notes.
- vi. Civil servants have come to be identified with particular political parties and have lost their impartiality, neutrality and credibility.

Beside these, B. S. Narula⁶⁰ identified differences in the social background, intellectual ability, professional commitments, temperament and outlook of political and permanent executives as other causes of frictions in smooth relations between political and permanent executives in India.

⁵⁷ Singh and Singh. *Indian Administration*. (e-book)

⁵⁸Lorentzen, Paul B. "Public administration and policymaking: The political/career executive environment" *International Journal Of Public Administration*. 16, no. 8 (1993) : 1105-1131

⁵⁹Bhagwan and Bhushan, *Indian Administration*, 478-479

⁶⁰B.S. Narula, "Ministers and Civil Servants in a Developing Society" *Management in Government*, Oct-Dec, 1969. Quoted in Goel, S.L. *Advanced Public Administration*. (New Delhi: Deep &Deep Publications Pvt. Ltd. 2008), 204.

Thus, we can say that besides the social, cultural and structural factors, the relationship of the political and permanent executive depends on their mutual understanding and personal relationships. It depends more on the individual personality of the both that determines the nature of relationship.

There is a need to eliminate factors of frictions in order to promote healthy relations between the political and permanent executives. In this regard, the Administrative Reforms Commission examined the question of relationship between minister and his secretary, and recommended⁶¹:

- a) Ministers should try to develop a climate of fearlessness and fair play among the senior officers and encourage them to give frank and impartial advice. They should give the secretaries the necessary guidance in carrying out their policies and orders.
- b) The prime minister should take special interest to arrest the growth of unhealthy personal affiliations to individual ministers among civil servants.
- c) Ministers should not intervene in the day-to-day administration except in cases of grave injustice, serious default or mal-administration on the part of civil servants.
- d) Secretaries and other civil servants need to show greater sensitivity to and a better appreciation of the minister's difficulties, and to discriminate between minor adjustments on the one hand and acts of political and other forms of accommodation compromising basic principles or likely to have substantial or lasting repercussions on efficiency and morale of the services, on the other.
- e) All major decisions along with reasons should be briefly reduced to writing, particularly where the policy of the Government is not clear or where the minister differs from the secretary on an important issue.

Thus, both should agree to the above recommendations in general interest of the nation and work in harmony by recognizing the limitations of each other.

6. Conclusion

It is clear that the political and permanent executive are two important pillars that uphold parliamentary democracy. The relationship between them is affected by number of historical, social, cultural, political and personal factors. Harmonious relations between these two executives are essential for the overall development of the nation. In India, this relationship had not been very cordial since the introduction of this system during colonial era. In present times, there is lack of mutual understanding and coordination on the one hand and undue favors are being exchanged on the other. Permanent executives are often reluctant to provide advice without fear or favor and political executives do not like to hear views against their wishes, they are under pressure to fulfill their promises made to the masses during elections and want civil servants to obey all their orders. The Second Administrative Reforms Commission has identified five major areas of confrontation and recommended paying attention to the same. Further it has recommended avoiding conflicts on an individual level which are mainly due to lack of mutual understanding or difference of opinion. For developing healthy relations between the two, LaPalombara⁶² observed that there is need to understand the distinction between the political and administrative roles and same should be adhered to by both political as well as permanent executives. It is the duty of the minister to play constructive role by not involving civil servant in political activities and at the same time civil servants should remain loyal to their political bosses and the minister should have confidence in his/her administrative staff.

⁶¹Fadia and Fadia, *Public Administration*, 845.

⁶²Joseph LaPalombara, ed., *Bureaucracy and Political Development*. (New Jersey: Princeton University Press, 1963), 24.

