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Relevance of Relationship between the Ministers and Civil Servants in India

Dr. Shiw Balak Prasad

Professor and Former Head, University Department of Pol. Sc. B.N. Mandal University Madhepura, Bihar (India)

ABSTRACT

In a cabinet form of Government relationship between Ministers and Civil Servants plays an important role for functioning of a successful government because the ministers are members of Parliament and direct elected by the people from their respective constituencies, so they always claim their supermacy. In the other hand Civil Servants are selected on the countrywide merit for a certain age on permanent basis so they never forget their merits and permanent cadre. Therefore a major difficulty the adjustment of relations between the two are prevailed from the very beginning in India. In fact the relations between the ministers and civil servants are very delicate. But, unfortunately in India traditions have so far been developed to put them on a satisfactory and enduring basis. All the facts have discussed ahead in this context.

Keyword: Administrative, Civil Servants, Constitution, Functions, Government, Laymen, Ministers, Parliament.

*Correspondence to Author:

Dr. Shiw Balak Prasad
Professor and Former Head, University Department of Pol. Sc. B.N. Mandal University Madhepura, Bihar (India)

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In the cabinet system of government the relation between the Minister and the civil servant occupies a pivotal position as on it depends the success of this form of government. The relation between the popular and the permanent head is really the core of the problem of modern administration but in the cabinet system its importance cannot be exaggerated. The reason is that the popular head of the department is an amateur as he occupies his post not by virtue of his ability but his popularity. So everything possible is done under the British system to make it difficult for the Minister to know everything about his Department. At the same time the doctrine is rigidly applied that he does know everything (Critchley, A.T., 1951).

The Minister is a member of Parliament and has to keep in mind the constituency which has elected him. Moreover he does not hold charge of a department for a long time as frequent changes are made in the distribution of portfolios. He is put in charge of a department which has a complex structure and performs a large number of functions. As the work of government is not only increasing in volume and proportion but also is becoming increasingly complex and complicated it is beyond the mental grasp of a layman and only an expert can handle it successfully. Due to this fact modern governments employ a large army of civil servants the experts who supply what the parliamentary head lacks i.e. administrative experience.

Ministers are laymen. They are expected to possess broad vision, strong common sense, a knowledge of men and affairs an understanding of public issues and a sympathetic attitude towards the people. They are not conversant with actual details of administration. This is due to the fact that in no country of the world are any academic or other qualifications prescribed for the post of a Minister. All that is needed is that he should be an important member of the majority party in the legislature. On the other hand the civil servant is an expert in the art of administration. He is recruited through an

impartial and non-political expert body described as the Civil Service Commission or the Public Service Commission. He is expected to be objective and non-partisan with the result that he can serve the Ministry formed by any party with equal loyalty and devotion (Robson, William A., 1956).

However, when we consider the question of relationship between the Ministers and civil servants in the context of Indian conditions we have to examine four problems which have a bearing on this matter. Firstly we have to study the relation between the Minister and his Secretary as it is and as it should be. Secondly we have to examine the problem of Ministerial and political interference in administration of which there are frequent cases. Thirdly we have to examine the problem of the civil servants approaching the legislators and political bosses for pushing their claims. Lastly the time honoured and fairly well established tradition of neutrality of the civil service has to be re-examined in the changed context of the state embarking on huge schemes of planned economic development and welfare of the people.

Relation between the Minister and the Secretary of the Department in India

In India when the popular Ministries were established in the provinces after the introduction of the Reforms of 1919 the first confrontation between the Indian Ministers and their I.C.S. Secretaries took place. The situation was complicated by mutual suspicion and lack of understanding of each others point of view and it took sometime before their relations could be adjusted. But the civil servants were able to maintain their independence of outlook and integrity due to the fact that they could meet the Governor directly who could protect them against Ministerial tyranny.

Under the Act of 1935 provincial autonomy was introduced in the provinces and the Congress Ministries were formed in a majority of them towards the end of 1937 and the beginning of 1938 and continued to work until the

proclamation by the Governor-General of the participation of India in the War on the side of the British Government. During this period also the civil servants were protected by the Governor against the wrath of the popular Indian Ministers and, thus, were able to act fearlessly. C.D. Deshmukh narrating his experiences says that when he was working as Finance Secretary in then Central Provinces he told Ravi Shanker Shukla, the premier in 1938 that he had no authority to order the superintending Engineer Jabalpur to help in the completion of the Congress Camp at Tripuri (Punjabi, K.L., 1965). The Chief Minister was angry but soon accepted the advice in good humour. K.L. Punjabi narrates another interesting case. During the Second World War when Sri J.P. Srivastava was the Food Member of the Governor-General's Executive Council and he himself was a Joint Secretary in the Food Ministry the Member wanted to give a contract to a particular firm on the pressure of his political friends in violation of his own policy, but the latter advised against it. Being unable to convince the Member Mr. Punjabi sought the help of the Secretary in the matter. The Member reluctantly gave up the proposal and remarked: If I cannot occasionally help a friend what use am I as a Minister (Ibid)? But the classical case is that of Mr. J.H. Garrett who as a Commissioner had censured Morarji Desai's conduct as Deputy Collector leading to his resignation and who had later to work under Desai when he became the Revenue Minister of Bombay. But Mr. Garrett's attitude was clear when he was a party to the censure of Shri M.R. Desai he did it as a part of his duty and he would continue to do so irrespective of who was in power as long as he had to administer the laws correctly and impartially (Ibid). Such instances could be multiplied if space permitted.

The relation between the Minister and the civil servant after independence has been conditioned by the new circumstances of the country. In the new set up the Indian Civil Service was wound up and its place was taken by the Indian Administrative Service. This

service did not enjoy protection like the Indian Civil Service as it was not recruited by the Secretary of State but was recruited by the Government of India. Consequently, its members could not afford to displease the Ministers. But some members of the former Indian Civil Service continued to serve the new Government. They however showed independence of outlook in the beginning. But when they found it advantageous to remain on the right side of the powers that be a majority of them changed their attitude and began to give reports and notes on files as their Ministers would have wanted them to do. But however some honest and fearless men did hold the torch of integrity aloft. It was reported a few years ago that a Central Minister asked his subordinate civil servant to consult him before giving his note on any file. The civil servant replied that he was being paid a handsome salary so that he might give an independent note. Afterwards he took an assignment with the United Nations. But one Central Minister who appreciated the good work of the civil services and supported them was late Sardar Patel and almost all retired members of the Indian Civil Service have praised him for it (Patel, H.M., 1964).

In the opinion of H.M. Patel the freedom of action enjoyed by the civil servant in the twenties and early thirties began to disappear in the late thirties and forties. But on the whole he was able to do his duty because he knew that he would be supported by his superiors whether or not they agreed with him. Moreover he knew that promotion would come if he deserved it. But after the advent of freedom there was a change. His seniors would not tell him why a particular action had been taken in regard to him. Moreover they would not advise him on his weak points. He goes on to remark :

His promotion and prospects are not determined except on paper with that degree of impartiality and objectivity that is absolutely essential for ensuring that the qualities that make a civil servant efficient, impartial thorough and strong are valued above qualities such as flattery,

window dressing, hypocritical humility and yesmanship. Courage, initiative good judgment and willingness to accept responsibility used always to be highly valued and rewarded in the old days. Today it is very doubtful if any great importance is attached to any of these qualities. So ready is everybody to find fault with any one who makes mistakes that one fails to realize that all action involves an exercise of one's judgment and since no human being however thorough can always be right, he will necessarily make mistakes : if there is always to be witch hunting whenever a mistake is made, the inevitable happens, initiative and action are at a discount, with the result that the administrative delays occur and decisions fail to be taken promptly (The Organiser, Depawali, 1964).

That the civil servant has received a raw deal at the hands of the Ministers is clear from the accounts given by some ex-Indian civil servants in the book *The Civil Servant in India* edited by K.L. Punjabi. Three of them who have given in this book a graphic account of how they were persecuted by their political bosses are J.M. Lobo Prabhu, N. Baksi and Dr. Nabagopal Das. Many of them who had to seek protection of the courts have not written any memoirs so far.

N. Baksi has referred to the manner in which the ruling party of the Bihar Ministry were subjecting me to humiliation and persecution of all kinds particularly in connection with the stand I had taken in respect of my position as the Court of Wards (Punjabi, K.L. 1965). Ultimately he had to resign from the service. Similar was the case of Nabagopal Das. In his own words (Ibid) :

"The climax came in 1958 when as special Secretary, Home Department, in charge of anti-corruption and the enforcement of some special laws, I started submitting reports on corruption and other malpractices in high places and desired that action be taken against certain individuals. A gentle hint was given to me that I should go slow with these enquiries. I was even promised a better assignment if only I would be a little more accommodating. Unfortunately I was far too pigheaded to listen to such counsel. The

result was a virtual deadlock causing considerable mental agony and worry to me.

He could have continued in service for ten years more but resigned due to frustration and accepted a private employment.

Commenting on the treatment meted out to honest and conscientious members of the Indian Civil Service in independent India K.L. Punjabi says : They have been betrayed by politicians in crucial enquiries (Patel, H.M., 1964) and even harassed by some Chief Ministers of States to the extent that they have been forced to seek the protection of the supreme Court against the execution of disciplinary orders which were declared to be not bonafide (Punjabi, K.L., 1965). H.M. Patel is of the view that "there has grown up among the Ministers and the politicians a practice of running down civil servants in season and out of season. Even if they were deserving of all denigrating epithets hurled at them, it is obviously unwise to indulge in such a campaign of vilification, for the civil service is a necessary instrument with the help of which alone Government can carry out its administration and policies" (Patel, H.M., 1965) Again he says.

"that for more than monetary rewards the average human being longs for recognition and that is the one thing that Governments in India and the ruling party have almost of set purpose denied to the civil servants (Ibid).

No doubt, these are one sided statements. But the civil servant has had to face difficult and trying situations in post-independence India and there is ample evidence for it.

Political Interference in Administration

A very important factor which saps the morale of the civil service is the interference of the Ministers and other politicians in the work of administration on behalf of their partymen, friends and relations. This political interference takes two forms. In the first place it leads to tampering with rules and regulations. K.L. Punjabi mentions an incident relating to the period when he was the Collector of Broach after the formation of the first Congress Ministry in

Bombay. He writes : "I was seeing off a Minister at the railway station, he told me in the presence of some persons not to execute the court decrees against the agriculturists but to hold them up. I told him that this was a very large order and would probably be serverely objected to by the High Court and there were other snags which should be considered and he replied, "Never mind, do as I say." I told him that in a matter of this nature it would be appropriate that he should send me a written order from Bombay and that I would send him a note about the consequences of such action and then he would consider whether it would be advisable or not. He was very annoyed and never forgave me for this. At the same time my note had the support of the Departments of Law, Finance and Revenue, and no such order was issued to me (Pubjabi, K.L., 1965).

He mentions another instance which belongs to the period when he was working as Secretary of the Ministry of Agriculture in the Government of India. He says: "on a certain occasion a Minister was inclined to extend the benefits reserved for institutions in category A to two institutions in category B. This was contrary to rules and would raise a great deal of controversy. I suggested that the better course would be to amend the rules to extend the benefits to those in category B although thereby some other institutions in the same category would also receive the same benefits."

The Minister agreed and saved himself from a good deal of subsequent embarrassment. But a greater problem has been the interference of the members of legislatures and office-bearers and other workers of the ruling party in the normal working of the administration. A.D. Gorwala has narrated an interesting and classical case of interference by a legislator who was successful in securing the help of a Minister to browbeat a civil servant in these words :

"It is related of certain Collector that a member of a local Legislature appeared before him and made a request. The Collector said he would let him have an answer after two days. Two days

later he explained to the M.L.A. very politely why his request could not be accepted and how if it was various other people would be detrimentally affected. The M.L.A. with equal politeness asked if he could use his telephone. Permission being given, he phoned up the Minister and said that he had made this request and had been given this answer that he was naturally very disappointed and trusted the Minister would take necessary action. He then handed over the telephone to the Collector saying the Minister wished to speak to him. The Minister said he knew the facts of the case and desired that what the M.L.A. asked should be done. The Collector hesitated, suggested sending him the papers for consideration and attempted to argue. The Minister was adamant and ended the conversation by saying "Well you have my views. You can do what I want or...." The Collector in this case decided to do what the Minister wanted and passed orders accordingly (Planning commission Report, 1951).

This interference assumed such proportions as to require censure from the highest quarters in the party organization. On January 17 1949 Dr. Pattabhi Sitaramayya the President of the Indian National Congress issued a circular which said : "No Congressman more especially the members of the elective bodies - should interest himself in recommending candidates for offices for securing permits for export or import or for licences for shops for themselves and their friends and that none should approach the authorities particularly the executive including judicial officers in respect of civil or criminal matters pending before them (Times of India, New Delhi, April, 18, 1967).

Another method of political interference is that of patronage in regard to appointments in the State Civil Services. In 1948 when late Gopi Nath Srivastava was the Chairman of the U.P. Public Service Commission some candidates brought chits of recommendation from Ministers for the selection of the post of Deputy Superintendent of Police and they were disqualified due to this reason. The Report of the Commission of that

year mentioned this fact and pointed out that some of them would have been taken on merit if they had not tried to influence the Public Service Commission. This is the only instance of its kind on record. But the general impression is that recommendation counts with the public Service Commission (Bains, J.S., 1963).

The questions of posting, transfer and promotion of civil servants are not considered on merit and influence and corruption are allowed to have a full play in the matter which not only destroys the esprit de corps of the civil service but also demoralizes it. If these matters are considered on the basis of merit no body would have any grouse. But as Gurmukh Nihal Singh has noted. "the general impression is that both influence and corruption prevail" (Ibid).

On the top of it all there is a complaint that in some states group politics of the Congress Party has filtered down to the civil services. This results in certain officials becoming identified with some Ministers and becoming instruments in their hands for the retention of political power. This tendency leads to unfortunate consequences for the administration as such official cannot be loyal to their successors.

The Punjab Administrative Reforms Committee which reported in 1966 listed 12 causes responsible for the demoralization of the civil services –

Constant interference with delegated authority.

Victimisation of otherwise good officials for political and personal reasons.

Special pay and posts given to favourite officials.

Protection given to corrupt officials to enjoy political favours or influence.

Indifference to the essential needs of officials such as proper houses wages and recreational facilities.

Unhealthy conditions in which officials have to work because of inadequate office accommodation.

Tyranny of vigilance

Officials remaining under suspension for years

Frequent and irrational transfers

Callous attitude of superiors towards their juniors

Discourtesy shown to senior officers in front of their juniors

Reprimanding official in the presence of their juniours.

These causes have to be removed in order to promote good relations between the Ministers and civil servants in India.

Approach of Officials for Favours from Legislators and Political Bosses

The relation between the Ministers and civil servants is complicated by the latter's approach to the legislators and political bosses for postings, transfers and promotions. Although this phenomenon does not exist on a very large scale, yet it is not non-existent. In fact the Punjab Administrative Reforms Committee went to the length of suggesting protection for Ministers and legislators against pressures by civil servants keen on pushing their interests. It remarked :

"It is usually a Government servant who approaches a legislator. Sometimes the legislator may try to help him either on his own initiative or impelled by pressures. An impregnable fort has to be built around the legislator against this kind of personal onslaught by Government servants. The impregnable fort could be none other than a collective determination on the part of legislators not to allow Government servants to exploit them for these purposes (Times of India, New Delhi, April 18, 1967).

But it is at best a half-truth and puts forward only one side of the case - the side of the politician. Actually it takes two to strike a bargain and in some cases the legislator and in other cases the civil servant approaches the other party first. As a general rule however it may be maintained that the legislator approaches the official for some favour both being conscious of the former's political influence. When the official obliges him it is natural for him to seek a quid pro quo for the favour he has shown. That the Committee was

not entirely oblivious of this fact is clear from the fact that it urges the legislators to adopt a code of conduct and to approach administrative officers mainly for public work and to avoid procuring licences and permits.

The Doctrine of Neutrality of the Civil Service

The theory of the neutrality of the civil service was developed in Great Britain to meet the requirements of the cabinet system of government in which the tenure of the political executive is indeterminate and frequent changes in the party character of the government take place.

This concept has three implications –

Public confidence in the non-political character of the civil service.

Confidence of Ministers belonging to any political party in the loyalty of their permanent subordinates.

High morale of the civil service based on the confidence that promotions would be made not on the basis of political considerations but of merit.

It would be admitted on all hands that the above are very desirable conditions for the success and efficiency of the administration. However when the Labor Party came into power in Great Britain a doubt was expressed that the civil servants who came from the aristocratic classes of society and were hardly in sympathy with the socialistic programme of the Labour Party would not be able to do justice to it. Among others such a doubt was expressed by professor Harold J. Laski (Laski, 1938). But this fear proved to be unjustified as has been testified to by the former Prime Minister of Great Britain Clement Attlee (Robson, 1956) and late Lord Morrison. But this thing was made possible by then eutrality of the civil service.

In the present times however it is maintained by many persons that the theory of neutrality of the civil service has become out of date due to the acceptance of the welfare ideal by all civilized governments and also due to the process of decision making having become diffused over

the entire governmental machinery and not being confined to the political executive. In such circumstances it is suggested that the civil servant should be filled with a misson and zeal for welfare work. It is further pointed out that in a developing country like India such a thing is absolutely essential in order that the work of national reconstruction and development might be accelerated. But neutrality may be interpreted in two ways. It might mean a change from a negative doctrine of political sterilization and neutrality for a positive non-partisan participation in the management of the country's affairs (Lall, S, 1958). The need for such an attitude in the civil servant cannot be over-emphasised. But if it means that the civil servant should identify himself with the programme of a particular political party, it would be injurious to the government and the people. In India allegations have already been made regarding the interest shown by the civil servants in the elections. In this connection S. Lall makes a self contradictory statement when he says : The civil servant must observe neutrality as between the political parties he cannot however afford to be neutral in regard to the basic objectives of a welfare state and socialistic pattern of society which are today our accepted national goals (Ibid). It may here be pointed out that if the civil servant observes neutrality as between different political parties he cannot accept the socialistic pattern of society as the national goal as there are parties in India which do not believe in socialism. Thus in effect the supposed change in the outlook of the civil servant becomes meaningless.

In this connection it is interesting to note that after the elections the new Chief Minister of Madras belonging to the D.M.K. Party stated in the Assembly that the outgoing Chief Minister belonging to the Congress Party had ordered the destruction of some files in the Secretariat. The number included a file relating to an Assembly question a writ petition before the High Court and many relating to detention orders against well-known political leaders. The former Chief Minister came forward to justify his action on the

ground that he was motivated by a desire to protect some Government servants from the wrath of the new Ministers. But this explanation is based on two assumptions. Firstly, the reports and minutes of the civil servants contained in those files were not neutral and objective. Secondly the new Ministers would victimize the civil servant for what they did in the discharge of their normal duties. Both assumptions cut at the very roots of the cabinet system of government. But it is clear that this thing would not have been necessary if certain norms of political and administrative behaviour had been followed. Actually the civil servants owe loyalty to the State and not to any particular political party which may be in power as they are concerned with the means of Government and not its ends. Because, while the Government servants are expected to take a detached view of the political motivations of the actions required of them the party in power should also refrain from actively converting them to their political faith or brain washing them to a degree that would deprive them of their impartiality or neutrality (The Indian Express, New Delhi, April 21, 1967). He further remarks : "Unfortunately the Congress Government succeeding to the British system did not regard itself as a party but as a national movement and it expected the Government servants to subscribe to its political faith in all its aspects. As this was the only form of Government the civil servants had seen for many years many of them were converted either by conviction or by temptation or by fear to the details of Congress policies" (Ibid). But this attitude should be changed and the civil servant should be encouraged to do his work in a neutral and impartial manner instead of being required to show political conformity to the programme and objectives of the government regardless of its colour and ideology.

Concluding Observations

India has established in her Government the cabinet system borrowed from Great Britain in which the Ministers are amateurs. This system succeeds where the Ministers decide only broad

lines of policy and supervise the working of the Government generally while the civil service recruited on the basis of merit runs the real show of government. Thus here as in Great Britain the relation between the Ministers and civil servants is very vital and crucial to the success of the political system adumbrated in the Constitution and the various Five Year Plans devised for economic development and reconstruction.

But although India has had some experience of the working of parliamentary institutions in the past the relation between the Minister and the civil servant has not crystallized so far. The main reason for this has been that the Ministers have been with notable exceptions drawn from the ranks of immature politicians who do not know their limits. They are also suspicious of the civil servants (Punjabi, K.L. 1965). A major difficulty in the adjustment of relations between the two was and to some extent even now is that the Ministers are generally drawn from the lower strata while the civil servants are drawn from the higher classes. This distinction is getting blurred as now the sons and daughters of the lower middle class people are also getting into the higher civil service. But this distinction certainly stood in the way of cordial relations between the two sides for a very long time. When the first popular Ministries were formed in the provinces under the Act of 1919 some Ministers did not treat their civil servants well, humiliated them and adopted a vindictive attitude towards them. When the Congress Ministries were formed in the provinces under the Act of 1935 the High Command of the Congress advised the Ministers to keep themselves aloof from the civil servants.

In the opinion of V. Isvaran there were two points of difference in the approach of the Ministers and civil servants which created a gulf between them. Firstly the Ministers were averse to form and routine while the civil servant set the highest store by them. He narrates the story of a Minister who during his visit to a small town refused to take the salute of the police guard. He himself obtained the permission to take the salute and

found that one man in the guard was wearing canvas shoes while others had leather boots. The police officer explained that they had not yet received that year's supply of boots which had become overdue. He came back and told this to the Minister who realized the importance of the practice. Secondly the Ministers wanted to issue quick orders without caring for the legal form in which they had to be clothed. He writes : Time and again, it fell to the civil servant to explain that laws and rules must be observed in issuing orders. Here the differences could not be settled easily. In most of the States, only after there were a few court decisions declaring Government orders illegal did the political chief recognize that in a constitutional government good intentions by themselves were not enough but they had to be clothed in legal form" (Punjab, K.L, 1965)

In those cases where the Ministers have had their way rules and procedures have been generally violated with the inevitable result that in numerous cases the courts have passed strictures on the administration and the latter's reputation has greatly suffered. In some cases it has led to enormous waste of money.

In conclusion it may be pointed out that the relation between the Ministers and civil servants is very delicate. But in India no traditions have so far been developed to put them on a satisfactory and enduring basis. These relations should be examined from various angles and should be based not on partisan considerations but those of the larger interest of the country. If looked at from their angle, the doctrine of neutrality of the civil servants would still be found useful as if a civil servant acquires a love for the socialistic pattern of society he might be in trouble if any other anti socialist party forms the Government.

References:

1. Bains, J.S. : Studies in political science, Asia Publishing House, Bombay, 1963.
2. Critchley, A.T. : The Civil Service Today, Victor Gollancz, London, 1951.
3. Indian Institute of Public Administration Proceedings Lall, S. : Civil Service Neutrality –

The Indian Journal of Public Administration Vol- IV March, No. 1, 1958.

4. Laski, Harold J. : Parliamentary Government in England, Tailor and Farnicis Ltd., London, 1938
5. Patel, H.M. : Reflections on our Administrative setup – The Journal of the Indian Institute of Bankers, Vol. XXXV, No. 4 Oct. 1964.
6. Punjabi, K.L. : The Civil Servant in India, Bhartya Vidya Bhavan, Bombay, 1965
7. Planning commission Report, 1951.
8. Robson, William A : (ed) The Civil Service in Britain and France, The Hogrth Press, London, 1956.
9. The Indian Express, New Delhi, 1967.
10. The Journal of Indian Institute of Bankers, 1964.
11. The Organiser, Bombay, 1964.
12. The Pioneer, Lucknow, Jan. 18, 1949.
13. The Times of India, New Delhi, 1967.

