



Ministers and Civil Servants Relations in India: An Evaluation



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Abstract

In a parliamentary form of government, like in India, there exist two types of executives i.e. political or elected and permanent executive. Political executive derives its power from people and enjoys the power by virtue of constitutional position, while permanent executive or civil servant is selected on merit basis and accumulate its power due to an administrative position and technical expertise. The system of a democratic government is based on the principle of popular sovereignty wherein the supreme rests in people or their elected representative. Political executive or Minister is assisted by a civil servant. A balanced relationship between them is essential for smooth and efficient functioning of government. Minister and civil servant act as two pillars of the parliamentary form of government and weakness of any one of them will adversely affect the performance of government. Theoretically political and permanent executives perform a different role in government but in practice, their work is often overlapping and difficult to differentiate it.

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1. Introduction

The dichotomy of Politics and Administration is a classical theme in political science, started with the writing of Woodrow Wilson, Max Weber, and several other writers. But in today's scenario, this idea of separation has been totally discarded and there seem overlapping areas. Which results into both conflict as well as cooperation between politicians and administrators. For a developing country like India, it becomes more important that both works in a harmonious relationship, giving full respect to each other to achieve the common goal. No doubt unholy alliance between the two gives rise to new scams. There was a famous television series in the United Kingdom in 1980s named 'Yes Minister'(1). It was a political satire and criticized the system in a funny manner. In this, every morning the new and ardent minister gives daily orders to his senior civil servants and latter obediently say 'Yes Minister' but never follow the instructions. When again called by the minister for complaining they once again dutifully say 'Yes Minister'. Condition remains same every time and nothing gets done.

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Citizens are also not satisfied with the functioning of civil servants. The Fifth Central Pay Commission comments about the public impression of civil servants: "However if one speaks to any enlightened member of the public he or she has several complaints against the public services. These relate to their size, productivity, accountability, transparency, and integrity. There is a general impression that the absolute size of bureaucracy is overgrown beyond what is fundamentally necessary. It is often referred to as being "bloated". It is also felt that the numbers are increasing at a rapid pace, with scant regard for the workload. People also speak of bureaucracy being top-heavy. Not only are public servants perceived to be too many in number it is believed that they do not contribute to the gross domestic product. Public servants are alleged to invariably come late to office, spend a large part of the day in sipping tea, smoking and indulging in gossip and leave office early. Consequently, performance is said to be abysmally low, estimates of their actual working hours ranging from one to two-and-half hours in a day.

It is felt that bureaucrats are a law unto themselves. They hide behind mountains of paper, maintain uncalled for their secrecy in their dealings with public issues take surreptitious decisions for considerations that are not always spelled out on paper, and are accountable to no one. They have lifetime contracts of service which cannot be cut short on any ground, defended as they are by the safeguards under Article 311 of the Constitution. Their misdeeds are never found out. If exposed, they take refuge behind the protective wall of collective decision making in committees, which cannot be brought to book. The most serious charge leveled against them is that they lack integrity and honesty. Thus they are alleged to lack not merely in the sense that they accept money or rewards for the decisions they take as public servants in the exercise of their sovereign powers, but also in the larger sense of not maintaining a harmony between their thoughts, words, and deeds. Many scams are being uncovered every day and evidence unearthed of public servants not only conniving at corruption but being the beneficiaries of the system themselves."(2)

In modern democracies, politicians are more accountable to the public for their actions and to maintain this political accountability civil servants have to be accountable to their ministers. Relations between politicians and civil servants differ from country to country depending upon prevailing conditions and there is no Include scale for maintaining the right balance among them. Civil Servants include Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries, and other professional administrators. Bureaucracy is the other word often used for civil service which was originally visualized as a negative concept. It was Max Weber, a German sociologist, who made this concept respectable. Bureaucracy is generally associated with the terms like red tape, delay, and repetition of works, wastage of time and etc. Despite it is vital to run the government smoothly.

In India relationship between ministers and civil servants are governed by the Government of India Act 1919, enforced in 1921, also known as Montague Chelmsford Reforms. (3) After this, for the first time, Indian Civil Services officers were made to work under the supervision of the newly formed office of minister, latter was accountable to Legislative Council. As the relations between the ministers and civil servants in India has remained in dispute since a couple of years, leading to the eruption of a number of slams and poor performance, hence a modest attempt has been made in the present write up to analyses and evaluate the relationship between the two. Besides, their functions and duties have been highlighted with suitable suggestions to make ten deem relations between the duo

2. Materials and Methods

This article is presented based on qualitative analysis. The data were obtained through observation and interviews. The observations were conducted in a non-participant manner and interviews were conducted in a deep interview. The informants were determined purposively and snowball. Data processing was done in three stages included data reduction, data presentation, and data verification/conclusion.

3. Results and Discussions

3.1 Civil services in India

Civil Services are those public services which are constituted by the government to give practical shape to all its plans and programmers. E.N. Gladden calls civil service as the heterogeneous body of persons who are engaged upon the tasks confined to the nation's civil administration. (4) According to N.R. Deshpande⁵ about civil services in

India are “In India, the phrase civil service is used to denote different clauses of officers appointed by and paid for by the government for general administrative work. Normally it does not include the legislature and judicial officers, or members of defense services. Officials of local bodies are not civil servants.” Civil servants are paid from the consolidated fund of India. In Britain, civil servants are “those servants of the crown other than holders of the political and judicial offices, who are employed in a civil capacity and of course, remunerated through budget passed by Parliament.”⁽⁶⁾ Thus the civil servants are non-political and non-elected officials, who carry out the administrable process under the supervision and control of elected representative according to rules and principles.

Iron lady, Mrs. Indira Gandhi, former Prime Minister of India and successor of Pt. Jawaharlal Nehru, formulated the concept of committed bureaucracy in spite neutrality. She believed that the desired change could bring out in the system only through the commitment of civil servants towards their political heads as there is a need to change the colonial mindset of civil servants. This concept was then criticized by all other parties and eminent politicians as it would create a line of such dutiful civil servants who will always say ‘Yes Minister’ and will work to support their political leaders as we see in any communist country where civil servants are committed to the policies of the communist party. It was also said that Mrs. Gandhi was turning to a tyrant to perpetuate her rule. But committed does not mean committed to the ideology of ruling party or leader but to the development of country making civil servants personally and emotionally involved in the tasks. It is also one of the recommendations of the Administrative Reform Commission. Committed to the objectives for the development of society is one thing and working for the benefit of political leaders in power to please them is other.

Nowadays it is often seen that civil servants generally works in favor of their respective ministers and therefore political interference in day to day administrative affairs is increasing. Civil servants, who do not obediently follow their minister’s orders, or toe to their wishes are punished in form of frequent transfers, putting in low profile postings, compulsory retirement, etc. The example of Ashok Khemka, 1991 batch Indian Administrative Services (IAS) officer of Haryana cadre, best known for canceling the land deal in Gurgaon between DLF Company and Robert Vadra, son-in-law of Sonia Gandhi. Khemka was transferred 45 times by the state government in his 23 years of carrier, as he exposed the corruption in the departments where he was posted.⁽⁷⁾ Similar is the case of Pradeep Kasni another senior IAS officer whole hardly appointed on any lucrative post in his entire career of 24 years due to his uprightness and somewhat lifted approach. His posting as commissioner of Gurgaon could not sustain more than 3 months (2015). Another IAS officer, Durga Shakti Nagpal, from Uttar Pradesh, suspended by Chief Minister of the state for doing her duty honestly. Likewise, many civil servants also use political influence and patronage to brighten their career. However, Civil Servants often think themselves as the *maai baap* of people due to their colonial mindset. In this connection, Sixth Central Pay Commission has aptly made comments that “For the common man, bureaucracy denotes routine and repetitive procedures, paperwork and delays. Thus, despite the fact that the government and bureaucracy exist to facilitate the citizens in the rightful pursuit of their legal activities, rigidities of the system, over-centralization of powers, highly hierarchal and top-down method of functioning delaying finalization of any decision, divorce of authority from accountability and the tendency towards micromanagement, have led to a structure in which form is more important than substance and procedures are valued over end, results and outcomes. Non-performance of the administrative structures, poor service quality and lack of responsiveness and the subjective and negative abuse of authority has eroded trust in governance systems which needs to be restored urgently.”⁽⁸⁾ Thus the rising tendency of politicization of bureaucracy is indeed a serious concern of Indian polity.

3.2 Functions of civil servants

Main functions of civil servants are to aid and advice the political executive in the formulation and implementation of policies. They collect the required data and try to reach the root of the problem to solve it find the best solution to the problem. In other words, they act as ‘think tank’ of the government and give the best possible advice to its political head. They play important role in the execution of law without any biasness or political consideration. According to E.N. Gladden ⁽⁹⁾, “It is the function of the civil service to fulfill the will of Parliament as formulated by the cabinet ... The cabinet works out the policy of the government. The civil service sees that that policy, when duly approved by the Parliament, is faithfully executed, so far as this is humanly possible.”

As the works of government increase today and become more complex, there is a need of a distinct group of officials called civil servants. It is also called as the fourth organ of government. In words of Max Weber, ⁽¹⁰⁾ “the decisive reason for the advance of bureaucratic organization has always been its purely technical superiority over any other form of organization.” It is truly said that life of a country gets its shape by the quality of administration. A

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civil servant acts as an advisor to his/her political master providing required data and facts. His/her aim should be to implement the policy faithfully. It is expected from civil servant to deliver impartial advice without any fear or favor. Doctrines of anonymity and neutrality derived from a Weberian model of Bureaucracy, detach the civil servant from politics and make him/her impersonal and professional in his/her outlook. In India, Civil Service Conduct Rules also support the Weberian principle of neutrality and restrict the government employees from actively participating in political activities or to support any political party openly. But this concept of neutrality gradually declines with the passage of time as the process of policy making is no longer remain the work of politicians only. Civil servants also play an important role in this as the statues passed by the government are not clear enough. Normally ministers are not experts in their departments. They only have general ideas to the problem and therefore forced to depend on civil servant for facts and advice.

After the disintegration of The USSR, communism declined and increases the trend of Liberalization, Globalization, and Privatization (LPG) took the central stage and India is also affected by these ideas. Due to this change in the role of state changes from the welfare state to non-interference state, which only performs those functions that can't be performed by the market. So there is need of professionally sound and honest civil servants for implementing any programmed of development and regulating the market forces. They act as a catalyst for the development of the country, hence enhance the speed of its progress. They have reached to all information and also adequate communication web to disseminate their programmer of action. In changing conditions they do not act only as watchdogs but now, "fact, pragmatism, dynamism, flexibility, adaptability to any situation and willingness to take rapid, ad hoc decisions without worrying too much about procedures and protocol, have now become a well-accepted theory of civil service capabilities in the developmental context of India." (11) It is often said that in new politico-social conditions civil services have to be adaptable and amiable in nature, citizen-oriented and should be interested in taking quick decisions. So civil servants must possess honesty along with traditional morality

3.3 Role of ministers

Every department is headed by a minister, as political head. A civil servant is the administrative head of the department. A minister is responsible for the formulation and supervision of policies. Minister can also interrupt in administrative works where reform in legitimate public complaints needed. He or she also makes top administrative appointments related to his/her department. Now a day under the system of delegated legislation role of civil servants has been increased and with an increase in works of government, there is a simultaneous increase in power of civil servants. The administrative success of government depends on the satisfactory functioning of civil servants. A new debate arises that if all work depending on the civil servants then there is hardly a need for any politician to run a government. But it is wrong to say that politicians lost the importance. They are directly elected by the people and power of people rests in them. They are more connected with people and can't ignore their aspirations and laws in accordance with their needs for maximum development. They have also an apprehension that if they do not work for benefit of people they won't be elected again, while no such fear exists in civil servants.

No doubt, the advice of civil servants should be given weight as they are experts of the area and their advice relied on practical grounds. But this does not lessen the importance of politicians as they are the voice of the people. If civil servants are the mind of the nation then politicians are the heart of the nation. Civil servants are just like robots and follow the rules as it is. For example, if a civil servant has been ordered to guard the gate of a temple, allowing people to come in only after putting off slippers or shoes at the gate of the temple, he/she will follow the instructions literally. If a person visits temple barefooted, a civil servant would not allow him to enter the temple, as instructions were to put off shoes at the gate of the temple. (12) You may get such absurd replies from civil servants if you visit a government office in India to get a work done. Any country can prosper when its mind and heart works for the same objective i.e. development of the country. Minister as political head of the department knows what should be done while civil servant knows the method of doing. As the country grows economically, its work becomes more and more complex, the role of civil servants increases. They gain control over data and technical information and due to this, they have upper hand over ministers, who are generally not experts of their department. Civil servants do not directly snatch the power of minister but they regulate the ministers by playing important role in decision making. Therefore politician must be firm in their decisions, not sacrifice laws and creatively use the knowledge of civil servant for maintaining a healthy relationship in the betterment of the country.

3.4 Relationship in practice

Frank Good now, father of American Public Administration, stated that politics deals with the policies and express the state's will while administrators work is to execute such policies. Politicians heavily influence the administrators as complete separation of works of both is not possible. Even Woodrow Wilson, the father of Public Administration, realized that dichotomy of politics and administration is fictional. The only thing Wilson wants is to prevent the administration from the evil effects of politics and institutionalize the practice of effective administration.¹³

Practically the relationship between the minister and civil servant is full of suspicion, conflicts, uneasiness, and unfaithfulness. There are examples right from the time of our first Prime Minister, Pt. Jawaharlal Nehru. This conflict is often termed as very first corruption scandal in 1957 in 'Mundhra Deal'. When inconsistency of this deal came to limelight both, then Finance Minister (T.T.Krishnamachari) and Finance Secretary, started blaming each other. One man commission, 'Chhagla Commission' was appointed by the government, reported within a month that, "Constitutionally the minister is responsible for the action taken by his secretary...He cannot take shelter behind them nor can he disown their actions." Thus on the principle of ministerial responsibility, the Finance Minister resigned. Another incident was of 1966, Home Minister, Gulzari Lal Nanda, blamed Home Secretary for noncooperation and requested the then Prime Minister for his replacement; but as the request was not considered Home Minister resigned from the government. Another time in 1971, there was a conflict between Railway Minister, K. Hanumanthaiya and Chairman of Railway Board, B.C. Ganguli, related to the financial administration of the railway. In this case services of B.C. Ganguli were terminated by the government. In 1987 also, then Prime Minister, Rajiv Gandhi had conflicts with Agriculture Department Secretary (C.S. Shastri), Rural Development Secretary (D. Bandopadhyaya) and Foreign Secretary (A.P. Venkateshran). In 1993 also there was a dispute between Home Minister and Home Secretary, after which latter resigned. (14) The reasons for relapse of this relationship between ministers and civil servants are as under:

- a) It is commonly the habit of ministers to blame civil servant for misappropriations and remain aside. According to Chhagla Commission (15), "The doctrine of ministerial responsibility has two facets. The minister has complete autonomy within his sphere of authority. As a necessary corollary, he must take full responsibility for the actions of his servants."
- b) Effective and efficient use of civil servants lies in the creativity of ministers. They should encourage free and unbiased advice from civil servants. Administrative Reforms Commission 16 stated, "There is a disinclination among quite a number of ministers to welcome frank and impartial advice from the Secretary or his aides and an inclination to judge him by his willingness to do what they wish him to do."
- c) Civil Servants should be judged by an objective appraisal system and this will be possible only when ministers have will as well as skill and sense of direction in which they want to direct the administrative horse, only then system will run smoothly.
- d) After the commencement of the Era of Coalition form of governments after the 1980s in India increases the power game in politics. It increased the influence of money and criminals in politics. Politicians when become ministers do illegal things to satisfy the demands of all those people who helped them in elections, physically or economically. At this point, there is a difference of opinion between the minister and civil servant, as latter will not agree to sacrifice the laws. Vohra Committee Report of 1993 was centered on the criminalization of politics.¹⁷ this committee observes that criminals and millionaires are enjoying the patronage of the ruling party as they helped them during elections. Also, ministers and civil servants join their hands and become grand thieves.
- e) In coalition type of government, ministers become busy in power game to maintain their majority in Lok Sabha. As a result, they give less attention to their departments. Also due to the presence of a number of parties with contradictory views, the legislative process is so ambiguous and full of diverse views. Therefore to hold the coalition often the blurred language is used and administrators have to use their own implications to interpret the policy.
- f) It is often heard that civil servants do not respect their political head and make fun of them in their private circle and politicians react similarly.

Recommendations of the Administrative Reforms Commission

Administrative Reforms Commission was set up in 1966 to suggest improvement in Indian Civil Services and gave the following recommendations to renew the relationship between political and permanent executives:

- 1) Commission recommended that all major decisions should be in written along with reasons. It more important where policy is not clear and there is a possibility some deviation or where the minister and civil servant have heterogeneity in views.
- 2) The environment of fearlessness and fair play must be maintained by the minister so that civil servants can give the best possible advice without any fear or influence.
- 3) Prime Minister, with the help of Cabinet Secretary and central personnel agency, should take interest in developing healthy relationship and sorting out of disputes between ministers and civil servants.
- 4) Minister should not interfere in day to day work of administration. In case of any complaints from the people, laws must not be sacrificed merely to gain their support.
- 5) Efforts should be made on part of civil servants also to understand the difficulties of ministers and must show greater sensitivity and emotional attachment towards their political head. (18)

Prime Minister of India also initiated a Conference of Chief Secretaries in November 1996 on, 'An Agenda for an Effective and Responsive Administration'. (19) This conference aimed at making public services more dynamic, effective, accountable, transparent and citizen-friendly. In short, the minister should show confidence in civil servant and latter should also display loyalty in action towards the political head. In case of TSR Subramanian Vs Union of India (2003), the Hon'ble Apex Court ruled that the bureaucrats should put all the dictates of ministers in black and white so that their responses can be fixed if needed. Similarly, the concept of cooling the bureaucrats came into existence in 2010-11 to crush the existing & increasing nexus of politicians and bureaucrats under this provision, no civil servant can join politics until he/she completed more than 2 years of retirement.

4. Conclusion

Today the situation is that average bureaucrat hardly says no to his/her political head even when directions given are illegal which results in a recent increase in scams. Blame should not rest only on politicians as greedy and overzealous bureaucrats also contribute equally. Central Bureau of Investigation (CBI) also arrests Siddhartha Behura, Telecommunication Secretary to former minister A. Raja while investing 2G Scam. (20) So we want to say that both, minister and civil servant, are like two pillars of government and weakness among anyone will affect the proper functioning of government. Theoretically, they play a different role in government, as the work of a politician is to formulate the policies and of a bureaucrat is to execute them, but practically there is no line or we can say a blurred line of separation in their work which is often overlapping. Role of bureaucrats changed now, it not only performs regulatory functions but also actively participate in development and welfare activities. The doctrines of anonymity and neutrality gave by Weber are not suited to the present environment.

So, the Political executive must remember that he/she is simply the representative of people and get power only from people due to a democratic form of government and not an expert. On the other hand, permanent executive or civil servant should also aware of the fact that in a parliamentary form of government policymaking is the work of the minister. Minister should patiently hear the department secretary on the part latter must submit if the minister is firm in his stand.

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The author(s) have a responsibility for the conception and design of the study. The author(s) have approved the final article.

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