

Governance and the Higher Civil Services in India: An Agenda for Reform*

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In the light of recent developments in the Indian political system in general and the administrative process in particular, the role of the higher civil services has attracted the spotlight of attention. The need to develop and respect a culture of accountability; arrest the process of the politicisation of the bureaucracy; de-politicising administrative transfers; ushering in greater transparency in the administrative system are some of the reforms that have become urgently necessary. The article focuses on such reforms.

Any assessment of the role of the higher civil services in governance would necessarily first involve an in depth analysis of the concept of governance. In its broadest sense, governance implies a scheme or plan to administer and cater to the needs of those it was essentially meant to serve. Governance involves making choices, the most fundamental being, 'which social problems will become public and which will be left to the individual decisions, or to the decisions of other institutions—most importantly the market' (Peters 1995: 3). The Club of Rome, in its analysis of the strategies for global survival rightly stressed that the 'deficiencies of governance are at the root of many of the strands of *problematique* and ... improved governance is an essential aspect of any scheme for human survival' (King and Schneider 1991: 160).

In most democratic systems the world over, there appears to be a mis-

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match between what the citizens expect of the state and the apparent lack of capacity of the state, both in terms of financial and managerial resources. While on the one hand, public opinion surveys indicate general public discontent with the achievements of governments, on specific services and issues, the same surveys reveal that the public appears reasonably satisfied with the performance of government (Peters 1995: 8 also Yadav 1996). The World Bank has identified the following factors as being crucial to governance in contemporary societies: (1) the form of the political regime; (2) the process by which the authority is exercised in the management of a nation's economic and social resources for development; and (3) the capacity of government to design, formulate and implement policies and discharge functions' (World Bank 1994: xiv).

With the increasing emphasis on de-regulated government, the need to create a customer friendly administration is being more assertively articulated. Private management concepts are gradually being applied in public administration, giving rise to the concept of 'new public management' (Pollit 1990). The 'reinventing government' crusade in the United States, which resulted in the National Performance Review (NPR)—under the leadership of Vice-President Al Gore—is an indicator of this new trend. In Canada, Prime Minister Chretien underscored the need for 'a close and congenial relationship between public servants of every level and politicians' (as quoted in Auction 1995: 114), in order to ensure effective governance. In India too, the Action Plan for Effective and Responsive Administration (prepared by the Central government) which was endorsed by the Chief Ministers in May 1997, focuses on reinvigorating governance through effective measures aimed at restoring the credibility of government. The National Agenda for Governance (NAG) prepared by the present Government also laid emphasis on the need for a responsive, responsible and citizen friendly administration.

Multi-track factors and developments have shaped the discourse on governance in India. Soon after Independence — in the context of the socio-economic conditions of the country — it was hoped that the instrumentalities of governance would work in the direction of realising Gandhiji's dream of *Swaraj* for the hungry and starving millions. In his tryst with destiny speech, Nehru underscored the imperative need to end poverty, ignorance, disease and inequality of opportunity. A state-sponsored scheme of development, which emphasised the importance of a mixed economy and planning, was vigorously pursued. While significant progress was achieved in diverse fields,

the output of government fell far short of public expectations. It is in the light of these developments that a spate of empowerment movements gained strength and attempted to re-focus the discourse of governance in tune with the aims and aspirations of the citizens. At another level, in response to global changes, the government embarked on an ambitious policy of economic liberalisation, which necessitated a serious second look at the role of the state and the instrumentalities of governance.

A review of the governance strategy in the light of the above developments would involve an assessment of the role of the higher civil services². It has rightly been asserted that the nature of responsibilities that came to be assigned to the officers belonging to these services—both at the federal and state level—was something unique and 'a truly remarkable feature' (Potter 1986: 163) of the Indian politico-administrative system. A deeper analysis of India's experience with governance clearly demonstrates that while the higher civil services have contributed in many positive ways to the stability and effectiveness of the administrative system, two disturbing trends have come to occupy the spotlight of attention. In the first place, recent controversies involved minister-civil servant relationship have raised doubts as to who controls and directs governmental activity. Secondly, the increasing politicisation of the higher civil services appears to have seriously undermined the credibility of the administration. The near abandoning of the Weberian 'neutral competence' and the resultant integration in terms of 'group objectives' (Saksena in interview to Agarwal 1996), between the elite services and the political leadership is increasingly being witnessed. A former Director of the LBSNAA has argued that 'officers are accepting a diminished role of themselves by becoming agents of exploitation' and are thus totally indistinguishable 'from other rent seeking parasites ... taking too much from the system and contributing too little' (*ibidem*).

The politicisation of the higher civil services has resulted in officers with a proven track record of honesty and political neutrality being transferred frequently. Loyalty to the political leadership becomes a critical factor in determining bureaucratic appointments. A former Union Personnel Minister is reported to have observed that when appointing Secretaries to Departments they were not looking for 'genius or brilliance but the qualities of ... loyalty' (as quoted in Dubashi 1990). What appears disturbing is that such politically motivated transfers were defended by some senior civil servants themselves on the ground that everyone 'wants to have a person of his confidence in

position' (a former Cabinet Secretary and Principal Secretary to the Prime Minister, as quoted in *Godbole* 1995).

The fall-out of these developments is seen in two important trends. In the first place, 'bureaucratic activism' has today become fashionable and has often been applauded by both the media and the public. Setting aside civil service regulations, serving IAS and IPS officers (among others) have openly criticised both the political leadership and their 'erring colleagues' for their acts of omission and commission. These 'activist bureaucrats' have seemingly assumed the role of 'educating the people at large on the corrupting influence ... rapidly corroding the moral and ethical standards of society' (*Godbole* 1996). Secondly, the judiciary has stepped in to try and rein in both the political leadership and the bureaucracy. In several judgements, the courts have censured politicians and senior civil servants for the manner in which they have exercised/abused their powers.

A second look at the system of governance has today become imperative, in the light of three major developments.

In the first place, the policy of economic liberalisation that is being pursued by the government has important implications for the nature and focus of administration. This new policy requires major shifts in the priorities of administration and a review of the style and content of governance. With economic restructuring, the administration is increasingly perceived as a facilitator and promoter. Yet, given the socio-economic realities of a country like India, the 'small government' norm (considered by some as an essential by-product of economic liberalisation) is met with stiff resistance (*Edadan* 1997: 1616). Administration in such countries, needs to be geared to create a 'socially just and acceptable distribution system' (*Banerjee* 1997) which entails not a shrinking of the responsibilities of the state but a major re-definition of its role. Nobel laureate Amartya Sen has rightly stressed that the issue today in India is not one of more or less government, but what kind of government. 'Corporatisation of administration'—which appears to be the trend in regimes of economic liberalisation—needs to take into account the socio-economic realities in which that administration operates and must consciously demonstrate a positive commitment to social justice and equity.

Secondly, the passing of the 73rd and 74th Constitutional Amendments and the subsequent reforms that have been envisaged (and sadly, not effectively realised) in the local government system also involve major changes in

the administration both at the state and local level. Certain functions and responsibilities have now been allotted to the local bodies. For effective local governance, both the centre and the state need to redefine their spheres of operation. This has become vital in order to ensure that the specific autonomy guaranteed to local bodies is in no way eroded.

Thirdly, the various movements for social empowerment have brought in their wake, an 'activist perspective' to the role of the state. A logical corollary to these changes—which involves a critical paradigm shift—is the need to reinvigorate administration from a multi-track perspective.

Given the significant role that was accorded to the higher civil services in the governance of the country, revitalising the administration would involve major changes in the style of functioning and the attitude of those in these services. While endorsing the views of the Sarkaria Commission that the higher civil services are 'as much necessary today as they were when the Constitution was framed' (*Report* 1988: 229), there are very many areas wherein achievements have fallen short of expectations.

A major lacuna that adversely affects the functioning of the administrative system (and the higher civil services) is the near absence of a culture of accountability. The accountability of the system, on many occasions, appears to be peripheral, obsolete and largely illusory. The validity of any system of accountability is judged on the basis of how effective it has been in ensuring that those vested with authority act in a responsive and responsible manner. Ideally, the feeling of responsibility and awareness in an administration, that misuse of authority will be detected and those responsible for such deviations punished, should be a 'powerful and necessary persuasion to propriety' (see *Shastri* 1994:4, *Shastri* 1997).

The accountability of the administration has also been eroded as a result of the politicisation of the bureaucracy on the one hand and the violation of norms relating to minister-civil servant relationship on the other. The accountability of civil servants to ministers needs to be more precisely defined in terms of bureaucratic accountability to the political leadership and political answerability to the people and Parliament (for details see *Shastri* 1999).

It is interesting to note that both in UK and in Australia, efforts to prevent the politicisation of the bureaucracy have yielded positive results. In UK, Ministers have been permitted to appoint political advisers who fulfil the role

that 'senior officers find offensive' (Wilson 1997: 2). Further, the British bureaucracy has come to realise that if it wishes to play a major role in advising the political leadership on policy matters, it must retain the confidence of the government as 'losing the confidence of government means losing influence' (*ibidem*: 15). In Australia too, the position of ministerial consultants was created which 'took over some roles previously undertaken by senior public servants' (Halligan 1997: 5).

The use of the power of transfer to favour those willing to toe the line of the political leadership is a direct consequence of the politicisation of the higher civil services. A Civil Service Board needs to be constituted to oversee appointments and promotions of civil servants. Further, a tenure system must be introduced. Sustained public pressure would have to be built up in this regard, as the political leadership may not favour such a move as it will deprive them of one of their 'biggest powers' (Alexander as quoted in Prasad 1996). The Chief Secretaries' Conference held in November 1996, has also favoured the setting up of a Civil Service Board to restrict political discretion and establish norms for minimum tenures.

It would be useful to record at this stage the practise followed in other parliamentary systems. In UK, the political leadership exercises little direct influence or control over the appointment or promotion of senior officials. The Senior Appointments Selection Committee headed by the Cabinet Secretary is given the task of deciding these issues. Former British Prime Minister John Major, is reported to have told his Cabinet Secretary and Head of Civil Service to decide on questions of promotion and transfer of senior civil servants as 'they knew these people and he did not' (Wilson 1997:3). In Australia, the Public Service Reform Act (1984) provides for a fixed five tenure for senior officers (Halligan 1997:6). In New Zealand, administrative procedures ensure that official appointments and transfers are independent of 'overt ministerial discretion' (Roberts 1987:79). The Heads of Departments have been designated as Chief Executive Officers with five year terms and managerial autonomy is ensured with ministerial intervention being made transparent (Halligan 1997:12-13).

The secrecy that pervades the administration today has encouraged the abuse of power by both politicians and bureaucrats. Greater transparency would permit persistent social pressures on the administration to ensure probity and honesty. Under the present system, it is possible for those in power to blame lapses on 'systems failure'. The Official Secrets Act needs to

be amended and the proposal for a Right to Information Act given early effect.

The bureaucracy must also bear in mind that its public image has hit an all time low, in India. A recent survey conducted as part of the National Election Study '96, reveals that the bureaucracy and the police were relegated to the last two positions in the index of popular trust in institutions (Yadav 1996:40). The survey revealed that out of a maximum score of 100, the Election Commission secured 62, State governments and Judiciary 59, Local government 58, Central Government 57, representatives 40, Political parties 39, Bureaucracy 37 and Police 28.

In keeping with the philosophy of economic liberalisation, steps need to be taken to downsize the bureaucracy. The Tenth Finance Commission had opined that 'viable methods of reducing the strength of government employees must be explored, otherwise economic reform may lose its way in a new bureaucratic maze' (*Times of India* 15 November 1995). Though the Prime Minister had promised (in 1991) a 10 percent reduction in the strength of the bureaucracy, between January 1992 and December 1995, only a 3.3 percent cut in staff strength was possible (*Financial Express* 8 March 1996). The manner in which the government has conceded to the demands of unions and gone beyond the Fifth Pay Commission recommendations has rightly been termed by one of the Commission members as 'fiscal suicide' (Tendulkar in *Deccan Herald* 13 September 1997).

The above mentioned reforms have become vital if these services are to effectively respond to the emerging challenges and play a positive role in the governance of the country.

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