

Interview

The IAS officers' loyalty has to be to the people, the Constitution and the nation: K. Sujatha Rao



SMITA GUPTA



Indian Administrative Service (IAS) Officers (from left) Varsha Joshi, Manisha Saxena, and Jaidev Sarang, addressing the media on their stand off with the Delhi Government on June 17, 2018 in New Delhi. Photo: R.V. Moorthy.

"The recent stand-off between Indian Administrative Service (IAS) officers and the Delhi government brought into sharp focus the "asymmetry in the architecture of governance" in the Union Territory based in the national capital, a steady deterioration in the civil service as well as the cavalier manner in which the political leadership uses it to further its own political agendas. Retired former Union Health Secretary K. Sujatha Rao, reflects on the state of the IAS which she joined in 1974, what it was meant to be when it was first created and the steady erosion of standards, even as she argues that the IAS as conceived by Sardar Patel is still relevant. She also talks of why she believes lateral entries into the IAS is a bad idea: she says "...administration and policy making is not a linear perfect science but the art of the possible", stressing that "this requires an in-depth understanding of the institutional architecture that laterals lack". Excerpts from an email interview by Smita Gupta, Senior Fellow, The Hindu Centre for Politics and Public Policy:"

The recent clash between IAS officers and the Delhi government appears to be symptomatic of a larger crisis in our system of governance. Is the iron frame no longer suitable for us, or could you point to other reasons for this situation?

It would be dishonest to say that the iron frame as envisaged by Sardar Patel is intact. It is not and over the years, has weakened badly. The high standards of professionalism have been diluted and elements of corruption, incompetence and mediocrity have been corroding the system from within. Yet, despite all these elements, I still feel that the IAS continues to have some unique features and is still very relevant. When there is political instability, it is the IAS that is able to provide a modicum of stability and continuity. Take Tamil Nadu for example, where there has been a political vacuum ever since the former Chief Minister, Jayalalithaa, died. Yet, the day-to-day administration is continuing.

Basically, governance is all about maintaining a balance between different interests and maximising opportunities.

The feeling that maybe the iron frame is no longer suitable often comes up when the political system tries to use the IAS to deliver on its political or personal agendas. On the other hand, as some feel, maybe the IAS has also not really been able to, as an organism, come to terms with the rapid shifts and changes in the external environment—the rapidly changing interface with the state and markets for example—issues that actually require an additional set of skills and a capacity to work with expertise and new challenges. IAS officers have to excel and be a model as their behaviour and standards also affect the way the private sector behaves. Basically, governance is all about maintaining a balance between different interests and maximising opportunities.

When you have a “super-powered” Lt Governor (LG)—if one may describe him as such—on the one hand, and a political party like the Aam Aadmi Party (AAP) that won an overwhelming electoral majority, was such a confrontation inevitable?

Well, the media did make much of this drama. There are many who feel it was a play of extreme childishness that brought no glory to anyone, the IAS officers, the AAP

or the LG. It was an extraordinary situation and does not really represent the rest of the polity in the country and that is why it is best ignored.

The confrontation is symptomatic of the basic asymmetry in the architecture of governance in Delhi. The Constitutionally elected government is accountable to the people but has limited powers to deliver the commitments made...the LG has all powers but no direct accountability to the people but the Constitution.

Having said that, to your question – yes, the confrontation is symptomatic of the basic asymmetry in the architecture of governance in Delhi. The Constitutionally elected government is accountable to the people but has limited powers to deliver the commitments made. On the other hand, the LG, as an appointee of the President, is also a Constitutional office with powers vested in him under the Constitution on matters relating to Land, Police and Law and Order, and Services. So in this case, the LG has all powers but no direct accountability to the people but the Constitution. In such a situation of dual control and dual power centres, such confrontations will continue to occur, even if the same party is in power at the state and the Centre due to the anomalous position of Delhi under the NCT Act (The Government Of National Capital Territory Of Delhi Act, 1991). It calls for statesmanship and mature leadership to negotiate this extremely fractured structure and the absence of uniformity of command and control: the IAS in Delhi, for example, is administered by the elected government, the LG and the Department of Personnel of the Government of India.



K. Sujatha Rao

Is the demand for full Statehood for Delhi viable?

Perhaps the initial mistake was in making Delhi a UT with a Legislature. It should have been a UT like Chandigarh. Even the alternative of earmarking the NDMC (New Delhi Municipal Corporation) area as a UT under the direct administration of the Central government is problematic. Overall, it is advisable to have the nation's capital governed directly by the Union government. If that is not to be then Parliament

must debate the issue thoroughly, examine the pros and cons and come up with an architecture that has clarity in the distribution of powers and responsibilities. In India, with a multi-party polity and bitter and acrimonious politics, it is always beneficial to have clear boundaries.

How should civil servants working in a particular State or UT respond when the central government applies pressure on them to take orders from it? What does this mean for the principle of federalism? What are a permanent civil servant's powers when confronted with a difficult situation vis-à-vis the political executive?

Often the word 'neutrality' is associated with the civil service. In its best traditions, that is what it is expected to be. In real terms, it means having the courage to say no—whether it is a case of compromising rules and conventions or bending laws to suit a particular party or politician in power, at State or central levels. The IAS was envisioned by Ambedkar and Sardar Patel as a permanent civil service entrusted with the responsibility of keeping the unity, integrity and Constitutional values intact. In fact, in the early years of our Independence, there were several IAS officers across the country who felt that the IAS was not a career in the usual sense but an instrument to bring in social transformation of the country. When Sardar Patel argued that there is no substitute to the IAS in terms of loyalty and hard work, he did not at all imply loyalty to the Congress party but loyalty to the Constitution from where the IAS derives its powers and relevance.

So for example, in 1978, when the then Chief Minister of Andhra Pradesh, Shri Chenna Reddy, directed Shri S. R Sankaran, the Secretary of the Social Welfare Department, to not implement the Bonded Labour Abolition Act of 1976, the Secretary indicated his inability as he was duty bound to implement an Act passed by the Parliament. This did result in the transfer of Sankaran as Chief Secretary Tripura, but the Chief Minister could not stop the implementation of the Act that he, as a landlord, was opposed to. This is why, Andhra Pradesh is one of the earliest States that had the distinction of abolishing the classical definition of bondage where people would be inter-generationally bonded to servitude for a paltry loan taken for illness, marriage or death ceremonies. It is such adherence to the values, principles

and laws that enabled the civil service to provide stability and bring in social reform even in very turbulent times like the Emergency.

It requires immense patience and maturity on the part of the elected government to work with the bureaucracy to deliver results.

Coming to the first part of your question: the administration of States is very different from the way Delhi and the Union Territories are administered, as the latter are directly administered by the Union Government. IAS officers are selected and appointed in both States and UTs by the Union Government which is the cadre-controlling authority, but, in the States, the State governments have powers over the IAS officers allotted to their State – in transfers, postings, writing their confidential rolls, taking disciplinary action and so on. In the AGMUT (Arunachal Pradesh, Goa, Mizoram and other Union Territories) cadre, of which Delhi is a part, this role is played by the Union Home Ministry. Hence, the UT officers often find themselves caught in a cleft stick between a distant cadre-controlling entity and an ‘in your face’ government. It requires immense patience and maturity on the part of the elected government to work with the bureaucracy to deliver results.

There are real limitations on the ability of the Union government to directly influence the functioning of the administration as witnessed in Delhi. But then there are myriad and subtle ways in which they can influence the IAS officers – not *en masse* but few. But this is really not done and, by and large, and as of now, Centre-State relations have not been very disruptive as was witnessed in Delhi.

What, in your view, should be the role of the permanent civil service in a political crisis, such as in Delhi, or when President’s Rule/Governor’s Rule has been imposed?

The Delhi crisis was a fallout of the political acrimony. Though the civil service is expected to work in the interests of public good it is easier said than done if the political environment is acrimonious.

See, let’s be honest about one thing. The Delhi crisis was a fallout of the political acrimony between the Delhi government and the Union Government. With the civil service controlled by the Union government, it does become a challenge to defy it

or its diktats. Though the civil service is expected to work in the interests of public good, not be partisan and be professional, it is easier said than done if the political environment is acrimonious.

In the Delhi case, the IAS officers became victims of an extraordinary situation - on the one side was the abrasive behaviour of the AAP members and on the other an unsympathetic Union government. In such a case, the LG as the elder, does have an important role to play in bridging the political divide and insulating the administration from the political environment. In other words, no matter what the provocation, the IAS as a service is expected to rise above the situation, seem to resolve the crisis if any and ensure smooth administration. There are likely to be extraordinary situations calling for extraordinary leadership. The IAS is expected to have those skills and the competencies to negotiate with different stakeholders. And India has several examples of this – the secessionist movement in Tamil Nadu back in the 1960s; the agitations in Telangana and Andhra Pradesh in the 1970s and so on.

As for instances of President's Rule – these work for short periods till the political system comes back to a stable form. The role of the civil service becomes vital during these spells as the responsibility of governance now falls directly onto its shoulders, even as its officers advise and assist the Governor to run the day-to-day administration. There is no buffer.

Should an IAS officer's loyalty be to the Constitution and nation, or to the government in power (by turn) as political parties tend to interpret it and which many people regard as "neutrality"?

There is no question of IAS officers placing their loyalty to the political party in power above those to the nation or the Constitution. The day that happens, the country is doomed.

There is no doubt in my mind that an IAS officer's loyalty has to be to the people, the Constitution and the nation and under no circumstances, the political party in power. But then your question seems to suggest a binary - the political party in power and adherence to the Constitution being in an adversarial position and being loyal to one as being disloyal to another.

That is not the case. As such, IAS officers are expected to be loyal to the government called upon to serve but to the extent that its actions and policies are in conformity with the Constitution and in favour of public good. In other words, there is no question of IAS officers placing their loyalty to the political party in power above those to the nation or the Constitution. The day that happens, the country is doomed.

When the conduct of IAS officers smacks of politicisation, inefficiency and irresponsibility, as was recently demonstrated in Delhi, doesn't the government's case for lateral entry become stronger? Is the idea of lateral entry a good or bad one?

I don't agree that the Delhi IAS officers' actions smacked of politicisation, inefficiency or irresponsibility in the manner you have framed it, without allowing space for any caveats. You have to understand the circumstances and context. You have to understand two things. One, IAS officers are professionals, not social workers. They respond to the power that controls their transfers, postings, promotions and has disciplinary power. In the case of Delhi, the IAS officers work in an unenviable environment as discussed above.

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The second is related to their actions in the recent drama which was quite bizarre, a situation that could easily have been sorted out under a more mature leadership. Having said that, yet, I do not think the IAS officers should have resorted to non-cooperation for so long. The first duty of IAS officers is to public welfare, ensuring smooth administration and at the senior levels, providing leadership. They are given power, prestige, social status and leadership. When they go on 'strike' or non-cooperation mode, they set a precedent and also chip at their moral authority. So for example, let us assume a doctor is beaten up and all doctors go on strike. It is the Chief Secretary, the Health Secretary and the Minister who have to mediate. But if these three themselves have gone on strike for similar reasons, on what grounds can they mediate? It is in that context that I thought their action bordered on being irresponsible. By resorting to such actions, they lower the moral bar as it were, set

precedents and generate a sense of indiscipline that will become very difficult to control later.

The lateral entry of persons is another question and is a complex issue. The problem with the 'laterals' is that they come in at senior levels of government for their knowledge and expertise in one area of work. But administration and policy making is not a linear perfect science but the art of the possible. And this requires an in-depth understanding of the institutional architecture that these laterals lack. How does a system work? What are the nuances of its working? How can good advice or the best idea get translated into a feasible, implementable policy? Understanding contexts takes years of being within that environment. Administration cannot be taught...it has to be acquired over years of practice.

As far as decision-making in government is concerned, would it be correct to say that civil servants are expected to provide inputs for decision-making by the political executive, that is, a Minister may overrule the advice given by a civil servant, or, as has been happening of late, that civil servants are expected to “anticipate” what the Minister wants? What does this do to the whole process of decision-making?

IAS officers are required to implement the political vision, programmes and policies that are consistent with the Constitution. IAS officers in view of their training and experience gained in the functioning of government processes do provide inputs to policy making. They are expected to undertake the research, examine the feasibility of any ideas that the party in power may want translated to policy and work out the financial, administrative and legal implications of the decision. In other words, it is the IAS officers who are responsible for designing the policy and ensuring its implementation. And at the senior levels, they provide leadership to ensure the implementation is being done properly.

But the ultimate responsibility for the nature and shape of policy is that of the Minister and the political executive. They can overrule, amend, modify or approve the proposals. IAS officers can at best reiterate the implications of 'bad policy', advise and try to convince, but cannot question the final decision. They have to carry out the policy to the best of their ability.

There is nothing wrong if IAS officers can anticipate what the political executive desires to be done and be proactive in facilitating the process, provided it is for the public good and in the interest of the nation. The architecture of governance in India is based on a political executive that is elected by the people of the country and a permanent civil service that is expected to serve the duly elected government. The other arms of the governance model are a free media and an independent judiciary. Independent and autonomous bodies like the Election Commission, Comptroller and Auditor General (CAG), Central Vigilance Commission and so on are expected to be further checks on any government from becoming authoritarian and arbitrary.

Has there been a visible change in the relationship between the political executive and the bureaucracy in the last four years, or has there been a steady deterioration?

The political leadership in India still functions on the principles of feudalism that have some typical features – nepotism, favouritism, caste loyalties and so on. The political and the administrative leadership have still not figured out their respective roles.

Deterioration in the civil service set in not in the last four years but over three decades. The political leadership in India still functions on the principles of feudalism that have some typical features – nepotism, favouritism, caste loyalties and so on. The political and the administrative leadership have still not figured out their respective roles. There are times when IAS officers are used to achieve narrow political or personal agendas, with several IAS officers happy to be so used, In such cases, yes, it does set in deterioration.

The IAS has huge talent and several officers of high calibre and integrity. Sadly they are not optimally utilised or adequately valued by the system. As P.V. Narasimha Rao, former Prime Minister, used to say, IAS officers are race horses, one needs to know how to ride them. Unfortunately, the tendency today is towards greater centralisation, be it in the Union Government or in States like Telangana and Andhra Pradesh, States I am familiar with. In such situations, the Prime Minister's Office/Chief Minister's Office adopt an intrusive hands-on approach. This is not a good development for the overall integrity of institutions as when the heavy hand goes, the systems find it difficult to function again. Increasingly, at the Centre and

in the States, the fact that the role of the Cabinet Secretary at the Centre and the Chief Secretaries in the States have been diluted is a telling situation.

About K. Sujatha Rao:

K. Sujatha Rao is a former Union Secretary of the Ministry of Health and Family Welfare, Government of India. Of her 36 years service as a civil servant, she spent 20 years in the health sector in different capacities at the state and federal levels.

Rao was chairperson of the Portfolio Committee of the Global Fund for HIV/AIDS, TB and Malaria (GFATM) 2007-09; Member of the Global Advisory Panel of the Bill & Melinda Gates Foundation; Founding member of the Public Health Foundation of India; Member of the Advisory Board of the Ministerial Leadership Program of the Harvard School of Public Health and member of the High Level Panel on Global Risk Framework of the National Academy of Sciences, USA.

A MPA from Harvard University, USA 1991-92, she was a Takemi Fellow at the Harvard School of Public Health 2001-2002 and Gro Harlem Brundtland Senior Leadership Fellow at HSPH in 2012. She is author of the book entitled "Do We Care? India's Health System, published by Oxford University Press.

(Smita Gupta, Senior Fellow, The Hindu Centre for Politics and Public Policy, was until recently Associate Editor, The Hindu, New Delhi. In a journalistic career spanning 38 years, she has covered all major political parties, the Prime Minister's Office, the Indian Parliament, and national and State elections, especially in Uttar Pradesh, Bihar, West Bengal and Gujarat.

In 1992-93, she was a Reuter Fellow at Oxford University, U.K. During her year at Oxford, she wrote a long paper on The Emergence of the Far Right in West Europe. She has contributed chapters in academic books on the Bharatiya Janata Party, the politics of Uttar Pradesh, and Parliament. She holds an M.A. degree from Delhi University.)