Shri Vinod Rai, the present Comptroller & Auditor General of India, while addressing the trainees at the National Police Academy recently, expressed his anguish at the deteriorating credibility of governance and the declining morale of the All India Services (AISs). In his words, “too much is at stake for too many in such a situation”. As AISs form the core of the Indian bureaucracy, these observations apply as well to the role of the bureaucracy in delivering good governance to the people and planning the future of the economy on sustainable lines.

As Constitutionally created entities, the civil services in India enjoy a unique status. They are bound by the norms laid down by the Constitution and its laws; not by the whims and fancies of the political executive.

When our elders framed the Constitution six decades ago, they intended that the process of development should be inclusive, not exclusive; it should empower, not disempower those who are disadvantaged; it should reduce, not widen the disparities among different sections of the population; it should aim at promoting the welfare of the society in a holistic, not a fragmented, manner. The implicit theme of the Constitution is that the process of economic development should not only be inclusive in its outcomes but also participative in the way it is formulated.

In particular, Article 39 obligated the State to ensure that “the ownership and control of the material resources of the community are so distributed as best to subserve the common good”. The ambit of this Article is wide enough to encompass the “common good” of not only the present generation but the future generations as well.

To what extent have the civil services in India been proactive in ensuring that our policies fulfill the two overarching objectives, namely, “inclusivity” and “sustainability”? If not, what are the factors that have stood in their way?

Requirements of good governance:

There are at least five essential requirements that the civil services are expected to keep in view in the interest of good governance. These are (i) participative decision making, (ii) transparency in government’s functioning, (iii) competitive environment, (iv) public accountability and (v) long-term sustainability in planning.

Let us take each one of these to assess the role played by the civil services in fulfilling these requirements.

(i) Participative decision making:
Panchayats, Gram Sabhas and municipalities are elected Constitutional bodies created by the Parliament in 1992. Many laws provide for public consultation as a mandatory requirement. Even otherwise, public consultation is at the heart of any democracy.

The civil services could have readily facilitated participative governance, by involving these local bodies in many ways, thereby enhancing the credibility of democratic governance. Unfortunately, whether it is in the framing of a policy on mineral development, or in the choice and location of an industrial project, or in formulating a development scheme for the people, the civil services have more often, than not, inhibited public consultation on the ground that it will come in the way of its speedy implementation. Even when the statute mandated it, as in the case of an industrial project seeking environment clearance, the civil servant, more often than not, chose to take sides with the project developer, not the local community.

(ii) Transparency:

It is ironic that the civil servants in India are still required to take an oath for secrecy, not transparency! Article 19 of the Constitution has implicitly conferred on the citizen the right to information and the civil services have no alternative but to respect it.

It is the civil society, not the bureaucracy that has played a pivotal role in translating the right to information into a law. But for the relentless activism on the part of the civil society activists, many States would not have enacted their own laws on right to information during 1997-2003. But for the civil society pressure, the government would not have enacted a more comprehensive law on the subject in 2005 at the national level.

Equally ironic is the fact that it is the civil services that have consistently stood in the way of the benefits of this law reaching the disadvantaged sections. Section 4 of the Act requires the public authorities to provide to the citizens, all available information on their functioning. The bureaucracy that has a monopoly over these authorities has firmly defied this statutory requirement and, instead, shifted the burden of seeking the information to the helpless citizen. When the citizen took pains to obtain the needed information by filing individual applications, it was the same bureaucracy that blamed the citizen for “misusing” the law and even coerced the political executive into threatening to dilute the law, time and again. With information technology at its beck and call, the civil servant could have helped the people in accessing the major part of the government’s information systems, thereby improving the tenor of governance. Instead, his role has been obstructive.

The bureaucracy’s attitude is best illustrated by two examples, one of Central Vigilance Commission (CVC) and the other, the Central and State Information Commissions. Both CVC and the Information Commissions mostly comprise retired civil servants as their members. The procedure for choosing the Information Commissioners
continues to be non-transparent in most States. In the case of CVC, it is the apex court that prevailed on the executive to ensure transparency in selecting the Vigilance Commissioners.

Even though the Prime Minister and his Cabinet colleagues have upheld the spirit of transparency by publicly disclosing their assets every year, the members of CVC, who are expected to fight corruption among the Central Government officials and set an example to them in probity, are yet to comply with such an exemplary norm. Similarly, the Information Commissioners, who are the custodians of the citizen’s right to information, have, by and large, refrained from disclosing their own assets annually.

**Competition:**

Following economic liberalization in 1991, one would have expected the country to create a competitive environment in every sector of the economy in order to reduce the cost of goods and services to the society. Independent regulation was expected to take care of the externalities and natural monopolies. In the name of liberalization, however, competition has been given a go by in many sectors. Independent regulation has remained a non-starter. The old license raj, that was dismantled, has yielded place to another form of license raj, more virulent.

In the power sector, the so-called “fast track” projects were an example of this. The scars of the infamous “Enron” project are still there to see. The same is the case with the major mining scams, the 2-G spectrum sale and the other scandals that took place in the recent times. The civil servants who were associated with these scams chose to toe the line of their political masters, rather than insisting on competition to safeguard the public interest.

**Public accountability:**

In a Parliamentary democracy, the political executive and the bureaucracy are expected to be accountable to the Parliament and the people at large. It is clearly the failure of the civil servants in rendering proper advice to the political executive that has often led to embarrassing situations in which the judiciary had to intervene and remind the government of its Constitutional obligations. During the proceedings before the courts, rarely has there been an instance in which the civil servants have emerged as the champions of good governance. No wonder that C&AG had to rue over this situation.

**(v) Sustainable policies:**

Have the civil services provided a vision to the political executive in the prudent management of the country’s natural resources? Whether it is in the matter of conserving valuable and strategic minerals, or in protecting the rich bio-diversity of the country, or in ensuring that the limited water resources in different regions are neither mined nor contaminated, rarely have the civil servants as a class helped the executive in formulating prudent policies. Instead, they have often joined hands with their political masters and
friends in industry to plunder the country’s resources. Iron ore mining across AP-Karnataka border is a classic example of this.

Is there a way out?

No doubt, the civil services in the country are merely a sub-set of the society at large and they share the society’s strengths and weaknesses. The way they function as a part of the government depends crucially on their own ethical values and the incentives that motivate them. Unfortunately, the civil services are caught today in the vicious cycle of increasing corruption in the country’s electoral system and the consequent pressure from the politicians on the bureaucracy to facilitate the generation of black money. If this situation is allowed to continue any longer, their credibility will get further eroded. More important, if the existing equation between the bureaucracy and the politicians were to continue, it would cut at the roots of our democratic system and allow the resources of the country to be frittered away. In Rai’s words, “too much is at stake for too many”.

The only way for the bureaucracy to break away from this potentially perilous situation is by introspecting on its own role and getting back on the track that is set by the Constitution and its laws.

(Published in One India One People Vol 15/5 December 2011)