



MINISTER – SECRETARY RELATIONSHIP IN THE INDIAN ADMINISTRATIVE SYSTEM: ISSUES AND IMPLICATIONS

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ABSTRACT: The system of government that prevails in India puts a Minister who is a part of the legislature, at the top of, and holding command over a body of permanent professional civil servants whose administrative head is the Secretary. The system is based on a combination of the lay politician and a politically neutral, permanent civil service. This system is different from that existing in the United States. In the U.S.A. the political head of the department does not hold a seat in the Congress but is a nominee of the President. He stays in his office at the pleasure of the President, and there is no civil servant corresponding to the Secretary in India.

Key Words: Minister, Secretary, Policy-Making, Governmental Machinery, Civil Service, Administration, Decision-Making, Public Accountability, Parliamentary Control, Responsible Government, Constitutional Responsibility

The relationship between the Minister and the Secretary is of critical importance to the effective functioning of the machinery of government. The Minister is a professional politician who comes to his office with a knowledge of what people expect from the government and what they would not stand. He comes and goes, depending on the fluctuations of party fortunes. He has to his credit legislative experience and, may be, some governmental experience. The Secretary, on the other hand, is a permanent civil servant possessing wide administrative experience. Each lacks what is best in the other and, therefore, supplements the other. When, however, one over-steps, or does not perform his role properly, friction, misunderstanding and disharmony are arisen, obstructing the smooth running of administration.

POLICY AND ADMINISTRATION:

The Minister lays down the policy and it is the duty of the Secretary to implement it. Even when a decision is made orally, the Secretary must record it briefly but clearly to remove any possibility of ambiguity and confusion. A policy can be formulated only on the basis of relevant information and data. This is made available by the Secretary. The Secretary is the principal adviser to his Minister and “he must advise his Minister without any fear or favour.” The Secretary should keep his master fully informed of all important developments in the sphere of his responsibility. He should show sensitiveness to the Minister’s political and parliamentary responsibilities, which are of no less importance.

It is, however, not possible to separate policy – making from administration completely. Both are, in practice, integrated with each other. A close and intimate relationship must, therefore, exist between the Minister and his Secretary for the good efficiency of the Minister. The Minister must have complete trust and confidence in his Secretary and the latter must fully co-operate with his master and should respect his views and share his worries. As the Minister is accountable to

Parliament, the Secretary must always bear in mind that he is only his adviser; the ultimate authority to take decisions on policies must necessarily be with the Minister.

As the Minister is a professional politician, he necessarily carries a combination of popular, political and parliamentary responsibilities, which he can afford to neglect only at the cost of undermining his political career. Among the various duties of the Secretary, one, therefore, is to see that his Minister retains a favourable public image outside.

As the Minister has to decide on policies, he must be clear in his own mind about what he wants to achieve during the period at his disposal and what his scheme of priorities is. He must know, or soon make up his mind, on all important issues concerning his ministry.

QUALITIES OF A MINISTER:

A Minister must be a good learner; he must acquire a deep, if not complete, understanding and knowledge of the subject under his charge. He must constantly remind himself that there are no substitutes or short cuts to industry and application. Indeed, he should be made of strong moral, mental and physical virtues, and be farsighted without becoming a mere visionary, firm without seeming rigid. “These qualities he should wisely employ to warn, to comfort and to command,” said Morarji Desai.

The Minister should not try to appear arrogant and uncommunicative. He should cultivate the habit of meeting the senior civil servants regularly and should encourage frankness in discussions. He should be a profound listener. He is likely to obtain the best out of the civil service if the latter has a feeling that it gets a fair deal at the hands of the Minister and has a participatory role in policy-making. Of course, the Minister should not allow the discussions to continue endlessly. He must, after listening to all concerned, arrive at a decision. Sardar Patel followed this practice which paid back so tremendously. N. V. Gadgil, who was a Minister in the first Cabinet of free India, observes :

“Sardar Patel was watchful regarding the state of affairs in the government. He used to invite the Secretaries of the various departments to tea or dinner almost every week by turn, listen to their problems and difficulties, and advise and guide them. The civil servants were greatly encouraged by this and worked with greater self-confidence. The Cabinet had introduced the innovation of referring difficult problems to committees of the Secretaries of the Ministers. This too has encouraged the civil servants who considered the problems with enthusiasm and offered their suggestions. This innovation was entirely Vallabhabhai’s .”

INTANGIBLE ELEMENTS:

The relationship between the Minister and his Secretary depends essentially on such intangible elements as trust, confidence and understanding. By its very nature it cannot be completely expressed in writings. “In a very real sense it is like the relationship existing between husband and wife – close, intimate, personal, even psychic.”

However, it is very easy to describe such an ideal relationship than to practice it. “The advice given to the Minister by his Secretary today is not always that which is

in the best interest of the country but very often one which the Minister may like. The Secretary quite often anticipates his Minister's wishes and then advises him accordingly." And yet the fact remains that the Secretary is regarded as the Secretary to the Government as a whole, and not to his Minister alone. Slowly but steadily, however, objectivity has been giving place to palatability at the hands of a civil service which enjoys the unparalleled distinction of protection by the Constitution itself. The game was started by a top few – perhaps at Delhi – but soon all levels seem to have mastered the technique.

The Minister often oversteps his legitimate function of policy-making and starts interfering in the day-to-day administration. Thus, he undermines the sense of initiative and independence of the civil service. A Minister should confine himself to his role of a policy-maker and leave implementation of policy and day-to-day administration to his civil servants. But a popularly elected Minister, who has necessarily an eye on the next election, is under pressure from several groups and may desire a particular course of action on a certain issue. It is a duty of the civil servant to warn him of the consequences that would flow from his desired action. The Minister is, after all, a reasonable human being and may be convinced about the harmful results of his proposal. If he remains firm and the civil servant thinks the desired course of action to be harmful to public interest, he must put down his views in writing and wait for and abide by the Minister's decision. The civil service must appreciate that the nation has, through its Constitution, conferred on its bureaucracy a charter of privileges. This has been done to reinforce the sense of independence and fairness of the civil service and such are the occasions when these qualities are tested and the founding fathers' hopes proved true.

Such a tendency of not to offer advice without fear or favour has gradually spreaded to all levels in the administration. Those who seek frank advice from their subordinates are not many, and those who have the courage and frankness to offer advice are still fewer. This is a new, discouraging phenomenon, not known to the pre-independence administration when advice was frankly given as well as sought.

HISTORY OF MINISTER - SECRETARY RELATIONSHIP:

In India, historically, the politician – Minister – made his advent in the machinery of Government for the first time in 1921, when the Montagu Chelmsford Reforms of 1919 were implemented. For the first time in the administrative history of this country, the Secretary was called upon to work under a lay Minister. The experiment of Minister - Secretary relationship did not go off entirely without friction and conflict. Many of the Ministers later complained before the Reforms Enquiry Committee (1924) about lack of co-operation the part of the Secretary. One member of the committee admitted that : “despite the general harmony which seems to have characterised the relation between the Ministers and the Secretaries of their respective departments, the position has not been free from difficulty. And there is reason to believe that some Ministers have considered themselves unduly fettered.”

After the passing of the Government of India Act, 1935, the question of the Minister - Secretary relationship again came to the forefront - and more prominently. The introduction of responsible government under this Act directly affected the

functions and status of the Secretary in three ways : Firstly, the Minister, who was to be from the public life of the country, might not possess governmental experience. Moreover, he would certainly be called upon to devote a considerable portion of his time to political, parliamentary and public duties. Secondly, the Minister was liable to change from time to time and, certainly, more frequently than the Secretaries. Thirdly, the machinery of public administration, which was the instrument for implementation of government's policy, was to have a separate and continuous existence of its own. The Minister's accountability to the legislature implied the undivided responsibility of the Secretary of the Ministry to the Minister. This was vital both for departmental efficiency and discipline.

A Committee on Organization and Procedure was set up in 1937 which examined the question of proper relationship between the Minister and his Secretary. It pointed out that the Minister had a right to expect advice based on the widest administrative experience available in the department. The Secretary was the only officer in the department qualified by experience to give such advice. The Minister, who was naturally not in a position to attend to the day-to-day administration, expected administration to be efficiently carried on. This was impossible to ensure if the control of the department under the Minister was divided. The Secretary was the sole administrative head of the department under the Minister, responsible to him for the implementation of the ministerial policy, and the final adviser of the Minister on all administrative questions within the department. The Committee held that the Minister had the freedom to consult experts or other departmental officers on technical or even administrative questions but, at the same time, the Secretary was to be always associated with such consultations and the final decision on such matters should not be taken without giving the Secretary the opportunity of expressing his views. Moreover, in view of the political, parliamentary and public pre-occupations of the Minister, the Committee recommended that matters of only major importance should be referred to the Minister for his decision.

It must be noted that, at least during the early days of independence, some of the civil servants had somewhat strange views in their mind about their own position in the emerging administrative set-up. They found it rather difficult to act in complete harmony and co-operation with the political element in the Government, namely, Ministers. Sri Prakash, the former Indian High Commissioner in Pakistan, recalls the difficulties he faced in getting his instructions implemented by an Indian Civil Service Officer who was his deputy in the High Commission. Finding consolation in a similar sad experience by even Jawaharlal Nehru, Sri Prakash wrote :

“It would be interesting to recall that even the Prime Minister had his own sad experience. He told me that high ranking Indian Civil Service officers thought that the Government should be run according to their own directions, and that he himself had a difficult time keeping them in check and getting his policies implemented. When he had to encounter such opposition, the position of small folks like myself can well be appreciated.”

SOME EXAMPLES OF MINISTER - SECRETARY CONFLICTS:

In independent India an open conflict between the Minister - T.T. Krishnamachari and the Finance Secretary - H.M. Patel - occurred for the first time in 1957. The issue was the purchase of shares of certain private companies by the nationalized Life Insurance Corporation of India. According to the Minister, the Finance Secretary only 'casually' mentioned to him about the purchase of these shares, whereas the Secretary maintained that he had been acting all along with the knowledge and approval of the Minister. The final result of this episode was that the Minister, on grounds of Constitutional Responsibility of the Minister for any actions of the civil servants, resigned from his office. And the Secretary too preferred retirement from government service, although he had been eventually freed from all charges.

Since the Minister is accountable to Parliament, should he enjoy the freedom of choosing his Secretary ? A Minister inherits his Secretary, he does not appoint him, although departures from this practice have been too frequent. N. V. Gadgil observes : "I found that like the singer asking for a particular 'tabalchi', some ministers insisted on having a particular Secretary." A Secretary is supposed to serve any Minister with equal competence, honesty and loyalty. There are, however, a few instances when a certain Minister does not find his Secretary co-operative enough and asks for his replacement. Decisions on a change of Secretary are, however, taken by the Prime Minister, who is the head of the Council of Ministers.

The question was forced to the surface in 1966 when Gulzarilal Nanda, the Home Minister, complained of non-cooperation by the Home Secretary, L. P. Singh, and had asked the Prime Minister, Mrs. Indira Gandhi, for his replacement, twice. Both the times the Prime Minister did not accept the right of a Minister to have his Secretary changed. "It was not always possible to accommodate minister in this matter," she said. The controversy ended with the Minister resigning from his office, the Secretary remaining in position. On another occasion, she observed : "As far as the appointment of the Secretary is concerned, that is a departmental affair. There is a special Appointments Committee of the Cabinet which goes into the matter."

Such an attitude is neither helpful nor constructive. As Parliament holds the Minister accountable, he may be given the freedom of getting a Secretary changed with whom he finds it difficult to work. This does not mean that the Minister should have unlimited freedom in getting the Secretary of his choice. There should be a panel of names eligible for Secretaryship in Government and a Minister's choice must, as a rule, be limited only to this panel. The Ministers themselves are unlikely to change Secretaries frequently, for fear of public criticism.

A significant dimension was added to the Minister-Secretary relationship in 1969 when a Deputy Minister of the Central Government felt 'hurt' by certain remarks made by the Secretary of his ministry. When this incident was discussed in the Lok Sabha, the Minister said that the Secretary addressed him 'in a hard tone' and in a 'very objectionable' manner. Clarifying the matter later, the Cabinet Minister in charge of the concerned Ministry told the Rajya Sabha : "In the discussion that took place (between the Cabinet Minister, the Deputy Minister and the Secretary), the Law

Secretary raised his voice perhaps to emphasise his point. This appeared to have hurt the feelings of the Deputy Minister. I asked the Law Secretary to express regret. He did so in my presence and the Deputy Minister said that he was satisfied with his expression of regret. He told the Law Secretary and me that the matter may be taken as closed!" The curtain finally fell on this episode without anyone - the Deputy Minister or the Secretary - losing his head!

In 1987, one more incident took place which was a unique in its own way. At a meeting of the Science & Technology Co-ordination Committee which held in the second week of January 1987, the Prime Minister Mr. Rajiv Gandhi insulted the senior officer like C.S. Shastry, the Agricultural Secretary in the Central Government. The Committee had before it an agenda to review the official programmes. But Rajiv Gandhi departed from the agenda and demanded that Mr. Shastry should make a presentation on the National Dairy Development Board rather than on edible oils as already scheduled. When Shastry reminded him of the agenda, the Prime Minister ordered him to go out of the room and immediately issued oral instructions reverting him to his parent cadre of Andhra Pradesh!

Hardly had the ink dried when another episode, extremely ugly and shocking, occurred. The occasion was a press conference which the Prime Minister was addressing in New Delhi on 20th January 1987, and the victim was the Foreign Secretary A. P. Venkateswaran. The Prime Minister was asked by the Pakistani correspondent "when he would be visiting Islamabad, and he replied that he had no such plan." The correspondent reminded the Prime Minister that Foreign Secretary Venkateswaran had said during his recent visit to Pakistan that the Prime Minister would be visiting the capitals of other member countries including Pakistan in his current capacity as SAARC chairman. The Prime Minister did not directly reply to the question, but remarked : "you will be talking to the new Foreign Secretary soon." Thus was Venkateswaran's removal announced in a press conference! And the concerned officer was present at the conference in his capacity as the Foreign Secretary taking notes of the proceedings! The audience was shocked. Venkateswaran immediately rushed to his office in the Ministry of External Affairs and submitted his resignation from the service with immediate effect. Inder Malhotra wrote in The Times of India : "The sudden removal of the Foreign Secretary, A.P. Venkateswaran, has shocked the entire governmental set-up, shattered the morale of the bureaucracy and aroused very serious misgivings about the future pattern of government in New Delhi." Such a public and humiliating style of announcing ousters destroys whatever little civil service morale survives. It also must not be forgotten that all these officers subjected to humiliating treatment have been known for their honesty and integrity.

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