CHAPTER - IV

REORGANISATION OF CIVIL SERVICE

Nation building in any developing country depends on a number of ingredients, which are to be put into cohesion in a systematic manner, to achieve the ultimate goal. Among these factors, administrative machinery plays a vital role. To achieve progress and to march the country towards development, a well built administrative machinery, competent enough to homogenise the diversified elements, is the foremost requirement. The sociopolitical environment prevailing in India at the time of partition was not congenial for nation building. The political atmosphere of the country was full of complexities and would have resulted into disintegration. The nation building activity might have suffered a serious set back, if the administrative machinery of the country were not bold enough to accept a challenge for bringing social and political integration. All the complex elements, which were responsible for detering progress of the country, were to be properly directed towards national solidarity. The problems were of multiple dimensions and the Congress leaders felt the necessity of a strong administration. The administrative set up of British India comprised of a number of Civil Servants as the head of administration. With the transfer of power, the country felt the importance of the Civil Servants. As an immediate step, it was wise to avail
the services of experienced Civil Servants. Sardar Patel master minded the consolidation of the country. He realised the importance of the experienced and dedicated Civil Servants and he took them into confidence, engaged them in various complex administrative problems. The confidence he could develop in the minds of the Civil Servants contributed towards untiring participation of the Civil Servants in consolidation of the country and thereby accelerated the process of nation building.

The Civil Servants assumed the role of the keeper of law and order by providing administrative control over the country where the nationalist leaders were engaged in formulating proper policy for economic growth and planning and development. With the need for accelerated development, the administrators of the country should have diversified and specialised knowledge and skills of high level managerial ability for integrative co-ordination. To quicken the pace of development the country needed the services of high calibre administrators having vision and capability for achieving results and introducing innovations.

With the withdrawal of British power from India, the main task of administration fell in the hands of Congress

government which had to face a serious situation due to prevailing socio-political environment of the country. The administration was entrusted to Sardar who was determined to combat the critical situation with the help of Civil Servants. He realised that for the establishment of stability of the country, which was the first need, experienced civil servants were to be retained in the country's administration. He could foresee that after the departure of British administrators the country would need a large number of dedicated and experienced officers to tackle the problem that might arise as a result of partition and subsequent communal riots and mob violence. The Congress cadres acted as freedom fighters and did not have many experienced administrators required at various levels of administration. Had the old British Civil Servants been removed, the country would have faced a void in administrative machinery, leading to the danger of chaos and breakdown which would have been dangerous for the future of the country. Imbibed with the spirit of national integrity and solidarity, Sardar decided to retain the old and experienced Civil Servants in the administration of the country. By talking to the Civil Servants in friendly terms, by bringing confidence in their mind by guaranteeing them certain privileges, Sardar could take them with him, who acted dedicatedly and fearlessly with determination to bring law and order and stability in the country.
Sardar in his activities for nation building, did not stop only by retaining the old Civil Servants. He realised that it was only a temporary step to fight back the evils of partition. He knew that in future also, the administrative machinery should have a team of able bureaucrats in the same line as Civil Servants, who could be trained for taking the administrative burden of the country.

In order to augment the growing demand of administration, the country had to look forward in the form of a long term planning. The Civil Servants who stayed back in India after partition, were only limited in number and had with them a number of years of service experience. In order to make a permanent strong base for the administration, young people had to be inducted into administrative service and got trained so that they could shoulder the responsibility in the coming years. The old Civil Servants worked in an environment of British bureaucracy whereas the country with the set up of a democratic government, needed dedicated young administrators who could fit into the new political environment of the country. The old bureaucrats rendered an excellent service at the time of partition when an emergency arose due to riots, integration of states, rehabilitation of refugees, shortage of food and possibility of external threat; but when the normalcy restored, the changed environment needed another type of administrators who could
shoulder the responsibility of smooth running of the government. Sardar, thus, introduced the new pattern of administrative service known as Indian Administrative Service. With the introduction of Indian Administrative Service in the same line as Civil Service, Sardar took another step towards nation building. The I.A.S. officers were trained to cater for the changed circumstances resulting from the development of the country towards political and economical solidarity.

With such steps, both short term and long term, required for the administrative reform of the country, Sardar could lead the destiny of the country to prosperity and building up a united Indian nation. His contribution in this regard is of great importance, especially when viewed in the context of the demands and needs of a young and developing nation. With his efforts, the administration of the country could project towards future development and meet the challenge of the day, arising due to the changed socio-economic and political environment of the country. He could synchronise the administration of the country with the rapid change that took place from the prepartition period to the establishment of a democratic government in the country. His nation building activity is still prominent in today's context, when we look towards the steady growth the country has achieved in spite of turmoil and socio-economic difficulties in the post partition period.
The beginning of Civil Service in India can be traced back to the earliest stages of Indian History. During the time of Ashoka, for instance, there were the Rajukas who were entrusted with the task of administration. In the subsequent period, the Guptas and Mughals also employed Civil Servants for administrative purpose, though the duties and responsibilities were not exactly identical in each case. When the country was under East India Company, there was no systematic approach to the administration, but the term 'Civil Servants' was used for administrators as early as 1853. After the takeover of the country by His Majesty, the King, from East India Company, the entire administrative machinery of the country was reshuffled. The British government started deputing officers experienced in various fields of administration. The recruitment was done in England through competitive examination known as Indian Civil Service in which originally no Indian was recruited. With the freedom struggle gaining momentum, the administration became a highly complex affair and great skill was required of the I.C.S. officers in managing the affairs of the country. Graduate Indians were also taken as I.C.S. officers and those officers proved to be of invaluable help to the country at a later date, that is after the partition. The Civil Servants had to bear the stress and strain of communal riots.

refugees, integration of states and settling of the wide-scale confusion occurred due to transfer of power. There were number of challenges like five year plan, elections, census, framing of statutes and Civil Servants accepted the challenge with great courage and success.

SARDAR'S EXPERIENCE WITH CIVIL SERVANTS:

Sardar's acquaintance with Indian Civil Servants had begun long before he became the Home Member in the interim government. Through his long association with the administration of the country he had acquired a clear picture regarding our Civil Servants. The beginning of Sardar's experience in the administrative system of the country dates back to the early twenties when he was the President of the Ahmedabad Municipality. During the period he had to deal with the highly experienced British officers, ensure their cooperation and co-ordinate their functions. In the subsequent years, through the various stages of freedom struggle, he came more and more in contact with the British Civil Servants and had thus the opportunity to gain enough experience about the modus operandi of the I.C.S. It can be said that at early stage of his career, Sardar became well acquainted with the functioning of the I.C.S. officers. Thus as early as in 1939, he took an active part in solving the dispute between the minister of C.P. and Berar regarding expenditure. Mr. C.D. Deshmukh, a Civil Servant who was closely connected with this matter refers it in the following words:
"The highlight of my career was the assistance I gave to Sardar Vallabhbhai Patel and Pattabhai Sitaramaya at Wardha in 1939, in exploring a formula to settle a long standing dispute between Ministers from C.P. and Ministers from Berar in regard to division of new expenditure. I drafted the report which the Congress leaders gave out as their award at Sardar Vallabhbhai’s instance . . . 3.

Sardar’s vast experience in administration enabled him to realise the true importance of the Indian Civil Servants who had worked with great loyalty under the British rulers. He understood that after partition when the British officers would leave the country, there was going to be an administrative gap as we did not have enough experienced and efficient Civil Servants to run the administration of a vast country like India. And if those experienced Civil Servants were not taken into confidence and retained in the service, there would be practically no good administrator left. Sardar was aware that the leaders of Indian National Congress were mainly engaged in freedom struggle and did not have sufficient knowledge to run the administration except a few; as such they would definitely be in need of able and sincere administrators at their back and call, to ensure stability and prosperity for the nation. Moreover, during the partition period there were a lot of internal disturbances in the country. Hindu-Muslim hostility was at the highest, posing serious threat to the unity of the nation. Such and similar other circumstances called for high efficiency and skill on the part of those entrusted with the

task of governing the country. Sardar, with his vast experience in administration right from the days when he was the president of Ahmedabad Municipality up to the time of interim government, in which he was the Home Member, was fully convinced of the need of having experienced administrator in the government. He, therefore, did not spare any effort to build up a team of efficient and able officers who would be the pillars of the country's administrative machinery when the British would leave India, handing over the entire responsibility of governing the nation to Indian hand. This effort of Sardar was a step towards the building up of a strong Indian Nation.

Speaking of the important role which the Civil Servants would have to play in free India, Sardar said in his speech on October 15, 1949:

"You can realise what a year old government has to do to maintain peace and to bring about prosperity. The steel frame on which India relied so far is now broken... 50% of which was foreign went across the seas. Partition further weakened it... We have only a small number of Civil Servants left... outsiders cannot appreciate their work. Many of them loyal workers and patriots are working with us night and day. All we have been able to achieve whether it be in the sphere of states or in Kashmir or in any other theatre, have been possible only because of their loyalty and wholehearted support."

In prepartition days there was a total absence of understanding between the Civil Servants and the politicians. The Civil Servants were unaware of the political atmosphere of the

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country and the politicians in their time were more strangers in relation to the complex structures, procedures and norms of the administrative system of the country established by the British Raj. As regards the British members of the Civil Service, they lived in a world of their own and did not generally have any contact with the Indian politicians. They were content with their own clubs and social circles and were not affected by the political development that took place in the country. Their Indian counterparts, on the other hand, were living in an altogether different atmosphere; but they had also no direct contact with Indian political leaders. They were directed not to have any contact with the politicians and were mere instruments in the hands of the British rulers who used them for protecting their authority against attack on it by Indian politicians. Under such circumstances, they knew nothing of what was going on in the political life of the country. They considered Indian politics as sedition, against the crown etc. and the politicians were, in their view, only agitators and disturbers of peace. Politics was considered as a dirty word in their official circles. The British people, naturally, could not appreciate the increasing tide of Indian nationalism, freedom struggle and demand for autonomy. And the Indian Civil Servants, placed as they were in such a strange situation, were left with no alternative but to follow suit. Sardar was fully conversant with the conditions of the Indian Civil Servants and the frustration created in their minds due to

the peculiar situation they were facing. He knew about their efficiency and sincerity and was convinced that if properly utilised, these officers would be a great asset to the administration of independent India. In dealing with them, he, therefore, did his best to be kind and friendly towards them. There were occasions when several secretaries were facing serious problems such as, problems regarding relations between various states. But with the intervention of Sardar all these problems were easily solved. About Sardar's attitude to the Indian Civil Servants K.L. Punjabi observed:

"Sardar's heart was big enough to appreciate merit and he wanted the services to be steadfast to their traditions of efficiency, impartiality and equality of their fidelity he was fully convinced. He has tested them in the turbulent days of 1946-47 and had no doubts about their loyalty . . . Sardar was one of the politicians who realised the important contribution the services had made to the stability of the country".

Sardar himself was very much informed about the contribution of the Civil Servants in Indian administration. On 20th April, 1947 Sardar addressing the probationers at All India Administrative Service Training School, said:

"You are the pioneers in the Indian Service and the future of this service will depend much upon the foundations that will be laid down by you, by your character and abilities and by your spirit of service."7.

7. The Hindu, dt. 21-4-47.
INTERIM GOVERNMENT AND CIVIL SERVANTS:

During the period of Interim Government, Sardar took active interest to see that the various provincial governments could work satisfactorily. Often there used to be differences among the members of the provincial native governments and the British Civil Servants working in the provincial administration. When such problems arose and the matter was brought to Sardar's notice, he tried to solve them, taking an impartial attitude. Though he liked the Civil Servants and supported their cause he never tolerated any unlawful or unjust action.

Gradually when partition seemed imminent, and the Congress joined the interim government, Sardar tried to consolidate his position and authority over the entire administration. As the Home Member, he had to deal with a number of officers connected with administration. He had to take decisions, keeping in mind the future political conditions of the country. Knowing fully well that the British and the Muslim members of the services would soon go away to England or Pakistan, he considered it important from the administrative point of view, to put Indian Civil Servants in key positions in the interim government. Thus, for instance in March, 1947, the appointment of the Director of Intelligence Bureau was a vital issue before Lord Wavell, the viceroy who had to take into consideration.

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8. During the viceroyalty of Lord Wavell there arose some disputes between U.P. Government headed by G.B. Pant and Inspector General of Police Sir P. Measures. The ministry took a serious view of the activity of this and demanded that I.G.P. should apologise. When Sardar came to know the details he supported the ministry's action ultimately Sir P. Measures had to resign.
the opinion of the cabinet, Sardar preferred to have an I.C.S. officer for the post and he told the viceroy to see to it that the same was done. Lord Wavell's Journal has recorded the incidence with the remark that even an efficient Muslim I.C.S. officer was available, Sardar did not accept him and made his decision through.

The administrative machinery which existed at the time of independence was the result of an evaluation through years of British rule. It was working satisfactorily under the control of experienced and talented Civil Servants mostly from England and partly from India. They constituted a complex system of service cadres, some central and some provincial. They constituted the staff for the collection of revenue, public works, education, railways, agriculture and police force to maintain law and order.

The transfer of power was by no means a peaceful affair. There were outbreak of communal riots and numerous other disturbances, such as, attack on, Kashmir by Pakistan, unrest among a large number of princely states, revolt by Hyderabad and Junagarh and so on. Normally a highly efficient administration was a must at that crucial juncture. The void created by the departure of British officers from services had to be filled through a reorganisation of the administrative system.

10. Misra B.B. Op. Cit. The author has dealt with the position of India's Civil Servants during the British period and as it stood at the time of independence.
except for minor changes here and there). With the departure of the British Civil Servants to England and the division of Indian Civil Servants between India and Pakistan there was a big shortage of able persons to run the administration. And if the existing Civil Servants were not retained in service, the entire administrative system would have collapsed. It was under such circumstances that Sardar decided in favour of retaining the experienced and well trained Civil Servants.

Mr. H.M. Patel has clearly mentioned that it was Sardar who organised the Civil Servants for the administration of the country by which he contributed towards building a nation. Sardar on 10th October, 1949 said in the Parliament:

"I wish this to be recorded in this house that during the last two or three years if most of the members of the services had not been serving the country efficiently, practically the union would have collapsed". 11

Sardar's decision to retain the old I.C.S. officers, however, met with strong opposition from many members. They argued that those officers had pledged their loyalty to the British government, had arrested and harassed the freedom fighters and would certainly not be able to be loyal to free India. 12 In their views those officers could not be regarded as trustworthy. Those who held this view included members of

Parliament and even some of the Central ministers; Pandit Nehru himself was opposed to Sardar's view in this matter.13

In the Constituent Assembly debate, there were heated arguments for and against the retention of old Civil Servants. Finally Sardar's view prevailed and he succeeded in retaining the old Civil Servants.14

SARDAR'S HANDLING OF THE SERVICES:

The consolidation of various services and the formation of All India Services as the effective administrative machinery of free India, were the magnificent work of Sardar. To quote Jairamdas Daulatram;

"The manner in which he won over for India the loyalty of the services so as to consolidate to the new born freedom was a marvellous piece of statesmanship".15

13. When interviewed Sri Debes Das, a retired I.C.S. officer of Home Dept., under Sardar Patel, said, 'I had the occasion to overhear a conversation between Sardar and Nehru about the future of Civil Servants and the powers to be given to them. I would not listen talk of Nehru on the other side, but I could guess that Sardar was trying to convince him about retention of old Civil Servants. At one point Sardar said: So far I meet the civilians, I can meet them. You don't worry'.

14. Constituent Assembly Debate Vol. X., Govt. of India Publications. Also Note: Lord Mountbatten in his letter dt. 19.3.79 to the writer has confirmed that Sardar Patel was always in favour of retaining the Civil Servants.

The Cabinet Mission plan had envisaged the transfer of power from British Government to Indian hands. Accordingly, the Secretary of States' services were to be dissolved. As a result, there was a lot of anxiety among the members of services. The Secretary of State tried to convince the Government of India that it would be better to leave it to the choice of the Civil Servants whether to continue in service or not, after the transfer of power. The Home Department in its letter dated 10th Oct., 1946 arranged for a conference of the Prime Ministers of all provinces in New Delhi to discuss the details regarding the formation of administrative machinery to be deployed after the transfer of power. The conference met in Delhi on 21st October, 1946 under the Presidentship of Sardar, and had detailed discussion regarding the position of the I.C.S. officers. The members felt that a new all India

16. Govt. of India, Home (Est.) File No. 30/12/46(R), p. 13. National Archives of India, New Delhi. Note: H.M. Patel in his lecture in Ahmedabad on 29.5.82 has indicated that the British Government wanted that the I.C.S. officers on transfer of power would retire and get compensation. But Sardar saw the trick in it and indicated that retaining I.C.S. officers would be the discretion of the Government of India and their services would be guided by their service conditions. - Mirikshak (Gujarati Weekly) Publisher: Anupam Trust, Ahmedabad dt. 2.6.82.

17. Sri Debes Das ex. deputy secretary in the Home Dept. said, 'when Sardar joined as Home Minister, he took initiative to decide about the future of Civil Servants. He telegraphed to various states informing that the Civil Service had to be renovated and that he would meet the premiers. The telegram contained the word 'forthwith' which might mean that the Civil Service would be abolished and people would be confused. Sardar could realise the implication and changed the word forthwith by a substitute. So Sardar was mentally prepared to retain I.C.S.' - Interview with Sri Debes Das. Also Note: Srivastava G.P. - The Indian Civil Service S. Chand and Company, Delhi 1955 - p. 9.
service was absolutely necessary for free India, in place of
the old I.C.S. Each member present agreed with Sardar that
as a popular government for the country was in the offing, it
was time to wind up the Indian Civil Service along with the
control of Secretary of State.  

Sri Debes Das in an interview also confirmed:

"Yes, a conference of the premiers of various states
was held on 21st October, 1946 in which I was also
present. It was decided that the I.C.S. Service would
be introduced. This change was made by Sardar himself
considering certain aspects. The consideration of
Sardar was that the old I.C.S. cadre if changed to a
new cadre like I.A.S. and I.P.S., there would be
psychological effect on the Indian people. They would
welcome the new thinking and outlook. To avoid
constitutional and political complications, he intro­
duced the new services. This proves that Sardar's
power of judgement and power of thinking was very
practical",  

Although there was unanimity regarding the necessity of
an effective administrative machinery, to replace the I.C.S.,
opinions differed as regards the method of recruitment and
disciplinary control suggested by the Home Ministry. The main
question was whether a Central or provincial service should
replace the I.C.S.

No doubt Sardar was fully aware of the importance of
provincial autonomy. Particularly in view of the various

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18. Home Dept. File No. 32/46 Ests. (R) Para 2 of the
Ministers' conference. National Archives of India,
New Delhi.

diversities that characterized the Indian society, the question of provincial autonomy acquired an added significance. This, however, did not lead Sardar to prefer the idea of provincial services to Central Services. On the contrary, he believed that precisely in view of such diversities, a centrally controlled system of services would be more suitable for India.

As observed by a critic:

"He recognised the necessity of adequate allowance for provincial susceptibilities, especially in a country inhabited by multicultural communities. But, it was precisely for the protection of these susceptibilities that centrally controlled all-India service was considered all the more important,"

In his opening speech, at the Premiers' conference, Sardar pressed the need for a clean administration free from politics which could be achieved only through a centrally controlled administrative service. Such a service would work hand in hand with provinces, by distributing the advantages between the centre and the provinces on a reciprocal basis. The new system would, in his opinion, act as a link between the centre and the states and would ensure the application of administrative norms uniformly throughout the country. It would act as a liason between the centre and the states, by solving

various problems that might arise in connection with centre-state relationship.

There was a lot of controversy over the issue of control and recruitment of officers for provinces. G.B. Pant of U.P. did not like the idea of central service replacing the Secretary of the States Services, whereas T. Prakasam of Madras wanted that officers posted in the provinces should be fully under the control of the provincial government and that the final authority for recruitment and dismissal should be vested in the provincial government only. A similar opinion was expressed by the Primier of Assam. But Sardar could foresee the difficulties that might result from such changes and stood firm in his decision. He argued that the centre should have full control over the services for the purpose of the security and also for the integrity of the country. He also stressed that to ensure an efficient administration it was,

"Desirable that an officer should not be exposed to the serious penalty of removal or dismissal from service before his case is examined by an independent and impartial authority not under the control of provincial government".21

Thus the structure of the new services in free India, after the departure of the Secretary of States services, was

very clear in Sardar's mind. The new setup provided for organising an all-India administrative services in line with the previous I.C.S. and a provincial service under the control of provincial government. It was suggested that the officers of the provincial services would be promoted to central services on quota and seniority basis. The I.A.S. was suggested to be controlled by the Federal Public Service Commission of the Central Government though the officers might be posted in various provinces. Thus Sardar opted for an administrative system in which the Central Government would have control over the provinces. This was, of course quite necessary, from the point of view of the integrity of the country. Sardar was very firm in his decisions and inspite of strong oppositions, he stuck to his point. As regards the method of recruitment, it was argued that a combined examination for the Indian Foreign Service and Indian Administrative Service would be held as suggested by Pandit Pant.

From the above, we can find the wit of Sardar in building up a strong Indian Nation. He could realise that control by Central Government over the states was absolutely necessary to have a united country and only through central administrative machinery posted at various parts of the country, the government would be able to build a strong Indian Nation. He realised that a well knit administration was a prerequisite
for the progress of the country and thus he did not accept any compromise to avoid any possibility of segmentation.

The premiers' conference considered the related question of whether appointment to listed posts in the I.C.S. and I.P.S. should continue. It was agreed that permanent appointments to the listed posts should not be made. Listed posts as they become vacant should be held in abeyance and officers from provincial services should be promoted to corresponding posts created in the new administrative and police services. As for appointment to higher judicial posts, the conference put an end to the old practice of civilians being allowed to function as judges. Such a decision helped in developing the administrators from provincial level also.

Sardar added a new horizon to the service by making a clear demarcation between administrative and judicial functions of the government. Such as clear demarcation did not exist in British India, and in the sense, it was a turning point in the administrative history of India. Sardar could realise that to have a healthy government, the judiciary should be delinked from executive and this should be considered as necessary for building up a strong Indian Nation. Such an important step taken by Sardar had gone unnoticed; but it was definitely a turning point in nation building.
Judging by the experience of the last three decades, it must be said to the credit of Sardar that the system, which he opted for, was indeed the right type. It has shown good results which are there for everyone to see. As per the new scheme, strict standard has been maintained in the selection of I.A.S., I.P.S. and other services. The new system created a cadre of officers, independent of the political apparatus of the government. The government may come and go, but the services will continue for ever with their norms and standards. The credit for establishing such an efficient system of administration goes to Sardar. He as the Home Member had to use such firmness and determination to persuade provincial leaders to accept his proposal for an all India Administrative Service on the pattern of the I.C.S. It was because of Sardar that the Federal Public Service Commission and the government of India remained vested with the recruitment and disciplinary control of both I.A.S. and I.P.S.\textsuperscript{22}

In the report of Home Ministry of 1948, it clearly stated:

"Several months before the transfer of power the government of India had reached a decision in agreement with provincial governments that the Indian Administrative Service should be organised as an all India service to take the place of Indian Civil Service".\textsuperscript{23}

In line with above, proper planning was done regarding method of recruitment, training, salaries, posting etc. of

\textsuperscript{22} Misra B.B. - Opp. Cit. pp 391-392.

\textsuperscript{23} Review of the activities of the Ministry of Home Affairs, Govt. of India, Delhi, 1948, p. 1
those officers. In the same fashion arrangement was made for creating a service for Indian Police and other secretarial officers. Due to the shortfall of number of officers, other methods like promotion, transfer from provincial service, recruiting war service personnel were adopted in a systematic manner to fill in the void. Thus with proper foresight and well planned administrative structure, Sardar could build up an efficient control over progress of the country even during the disturbance and uncertainty in the period from 1947 to 1950.

CONSTITUTIONAL GUARANTEE TO CIVIL SERVANTS

Through his understanding and consideration for the I.C.S. officers, Sardar succeeded in winning them over to the side of India. After partition the Indian I.C.S. officers had rendered valuable service in maintaining peace and security of the country. At the time the Secretary of States Service was abolished, the British officers were attractive compensation. But the positions of the native I.C.S. officers was uncertain, and they appealed to the Indian Government for certain safeguards. Sardar considered their demand as quite reasonable and strongly supported their cause. But several leaders, including Pandit Nehru, had their reservation on the issue.

To quote S.S. Khera:

"... While Patel, outstanding administrator amongst the central leadership, was in favour of safeguards, Jawaharlal Nehru, who had no great liking for Civil Servants as such, and also perhaps because of more historical view was opposed to it"25.

Some of the leaders even directly attacked Sardar on the floor of the Parliament. But Sardar fully convinced of the need of certain guarantees and no amount of opposition could shake his conviction. He argued,

"... that safeguards should be provided in some measure, partly as a recognition of the good work done by the services during the early troubled days, partly perhaps as an incentive, a sort of inducement for a concentrated civil service"26.

In his speech in the Parliament on October 10, 1949 he said,

"I wish to assure you that I have worked with them during the difficult period. I am speaking with a sense of heavy responsibility and I must confess that in the point of patriotism, in point of loyalty, in point of sincerity and in point of ability you cannot have a substitute"27.


26. The Statesman dt. 11.10.49 - Press report - During the depute in the Parliament on 10.10.49 regarding constitutional guarantee to the services Sardar was criticised by leaders like P.S. Desmukh, H.V. Kamath. Note: Sardar, however, stressed that had the services not been patriotic and loyal to the Government the Union of India would have collapsed. - The Hindustan Times (Press report) dt. 11.10.49.

Sardar also argued that on moral as well as legal grounds, it was the duty of the new Government to provide constitutional safeguards to the Civil Servants. In his letter to Nehru on 27th April, 1948 he said,

"... In regard to existing services, there is both moral and legal obligation on our part to ensure that their conditions are not prejudicially affected by any future legislation." 28

On another occasion he referred to the same point and said that since the leaders have taken the responsibility by giving certain assurances to Civil Servants the only way to keep the same was to grant constitutional guarantee to them. 29

While Sardar's attempt to protect the interest of the Civil Servants met with strong opposition from many members, there were others who lent full support to him. H. V. Kamath an ex I.C.S. officer criticised Sardar regarding constitutional guarantee to Civil Servants but he appreciated the efficient work done by those Civil Servants, when in the constituent Assembly he said:

"With independence of our country, the responsibilities of the services have become onerous. They may make or mar the efficiency of the machinery of administration, a machinery so vital for the peace and progress of the country. A country without an efficient Civil Service cannot make progress in spite of the earnestness of the people at the helm of affairs of the country."30

Another member supporting Sardar said:

"Without an efficient Civil Service it will be impossible for the government to carry on the continuity of polity. The importance of Governmental administration has been in fact that there is a continuity and unless there is continuity there is chaos. In the contentment of the Civil Service lies safety of the country."31

As noted earlier there was also bitter opposition to Sardar's point of view. Some members remarked that Sardar was blindly supporting the cause of the Civil Servants, who were the agents of the British Government and had acted as instruments for suppression of the freedom movement. In their view the I.C.S. officers were traitors and black sheep and it was no use retaining them in the Service. Thus Ananthasayanam Ayengar, one of the bitterest critics of the idea of Constitutional safeguards for Civil Servant, said:

"This guarantee means that they were the rulers under the old regime and that they will continue to be so in this new regime. This guarantee asks us to forget that these persons were all still in service - 400 of them - committed excesses thinking that this was not their country."32

32. Constituent Assembly Debates - Vol. - X, National Archives of India, New Delhi, p. 42.
Nehru's attitude towards the Civil Servants was different. He was no supporter of the cause of the services and was opposed to Sardar's idea of providing constitutional safeguards to them. This point is clearly brought out in the following words by Allen Campbell Johnson while recording Nehru's interview with Mountbatten on 24th March, 1947:

"The vexed question of compensation for the Indian Civil Service on the transfer of power was raised at this interview. Nehru thought we were crazy to want to compensate Civil Servants to whom offer of remaining on in their job was open. The new government would pledge itself to offer them the same conditions of contract as they had previously enjoyed, .... Why compensate them on such a lavish scale? .... And what about the Indians? Here it was a question of their continuing in service of their own countrymen. The proposals really were crazy as they stood."33

In spite of having such an opinion about Civil Servants, Nehru, however did not dare to denounce publicly the services and he understood that immediate removal of Civil Servants would create a gap in administration and he did not like to take risk of overturning the structure of administration.34

But Sardar held on to his view and defended his stand vigorously. In his remarkable speech in the Constituent Assembly, he said:

Note: Even Sri Subimal Dutt in his book 'With Nehru in Foreign Service' said, 'Nehru had every reason to be prejudiced against the member of Indian Civil Services,' p. 285.

34. Bansal Pramila - Administrative Development in India, Sterling Publishers Pvt. Ltd., Delhi, 1979, p. 11
"I tell you, do not quarrel with the instruments with which you want to work. If you have done with it and decide not to have them at all, even in spite of my pledged word, I will take the services with me and go." 35

And on another occasion, recalling the great services of the Civil Servants, he said:

"All we have been able to achieve whether it had been in the sphere of states or in Kashmir or in other theatres has been possible because of their loyalty and wholehearted support." 36

Sardar's critics failed to understand the sentiments of the I.C.S. officers and the conditions under which they were compelled to work. They forgot the valuable help rendered by those officers during the troubled days of the country and refused to consider their case even on humanitarian grounds. During the debates in the Constituent Assembly arguments for and against various clauses relating to the services were put forward by members, written comments were also received from eminent personalities in the country. Sardar fought to the very end for special safeguards for the services and he succeeded in getting certain provisions included in the Constitution, ensuring protection of the interests of the Civil Servants. The Constitution of India in its part XIV, Chapter I and II has

clearly defined the provisions relating to the services and Public Service Commission. The provisions are contained in Articles 308 to 323 and there is a clear statement regarding protection of services and items and objectives of Public Service Commission.

In the draft constitution prepared by the constitutional Adviser B.N. Rao, there was a clause on Public Service Commissi­ssion in Part IC Chapter VII which stated:

"There shall be a Public Service Commission for the Union whose composition and functions shall follow the line of the corresponding provisions in the Government of India Act, 1935."37

This was quite natural in line with the agreed principles of Congress leaders.38 But there was no mention about the protection of I.C.S. Officers. The Union Constitution Committee headed by Pandit Nehru in it reports expanded the term further when in Chapter VI, Part IV it had stated that the Chairman and members of the commission shall be appointed by the President and that recruitment and conditions of service would be regulated by the Federal Law.39

37. Rao B. Shiva - Framing of India's Constitution Vol - II, Opp. Cit. p 487. Note : This relates the Article 31 of the draft Constitution.

38. Sardar in his speech on Oct. 10, 1949 in Parliament has referred to the agreement by the Congress leaders like Mahatma Gandhi, Congress President regarding the various Clauses of Indian Independence Act - The Statement - October 11, 1949, Press report.

All that time the Committee, even the Chairman Nehru might not have thought about the fate of Indian Civil Servants, who were working under British regime. It is interesting that the Committee was satisfied only with the provision of creating an All India Service (I.A.S.) in line with the then I.C.S. for the free India. Side by side, Sardar much earlier realised the essentiality of the experienced I.C.S. officers and tried to retain them by providing Constitutional guaranties.

The memorandum of the model provincial constitution prepared by the Constitutional Adviser, also did not include any Chapter on Public Service Commission for the provinces. But, the members of Provincial Constitution Committee, headed by Sardar Patel suggested that there should be a Public Service Commission for the provinces also, in line with that suggested for the Union of India. The argument in this regard was put forward by Rajkumari Amrit Kaur, B.G. Kher and Dr. K.N. Katju, in reply to the questionaire issued to them in May, 1947. The Provincial Constitution Committee in its meeting held on June 11, 1947 decided that the Public Service Commission should be implemented in the Provinces and that the appointments should be made by the Governor. Thus the Provincial Constitution Committee in its report of June-July, 1947 to the Constituent Assembly, through its letter dated June 27, 1947 sent by Sardar Patel, submitted a memorandum which contains a Chapter (Part III)

41. Ibid, p 680.
on Provincial Public Services Commission and Provincial Auditor General, Sardar thus did not stop only by making provisions in the Central Services. His idea on services was broad based. He knew that for a perfect and well organised administration for a developing nation, the same pattern of set up should be followed in the provinces also.

In his speech moving the report of Union Constitution Committee for consideration by the Constituent Assembly on July 15, 1947 Sardar said in clear terms:

"..... the appointment of the Chairman and members of Provincial Public Service Commission is generally made on the recommendation of the Cabinet or Ministry. ... The Committee gives special attention to the appointment of judges of the High Court. This is considered to be very important by the Committee as Judiciary should be above suspicion and should be above party influence."42

Though there were some amendments suggested by Khurshed Lal, Gopinath Srivastava, S.L. Saxena, Pandit Pant and K. Santhanam the motion regarding the provision as stated above was adopted by the assembly. This proves how Sardar could convince the members of Constituent Assembly with his clear and forceful speech on the necessity of Provincial Public Service Commission. In fact, the broad structure of the administration even at provincial level, was decided at that instance. On the basis of discussions and principles outlined by Union Constitutional Committee and Provincial Constitutional Committee and

as per decision taken after various discussions, the Constitutional Adviser while drafting the Constitution elaborated the various clauses related to services and contained the same in Part X designated as Services. This part was divided into Chapter I related to Defence Services, Chapter-II Civil Services and Chapter III Public Service Commission, contained in articles 215 to 223. The drafting committee between August, 47 - February, 48 studied the various clauses of Constitution especially those related to Services and made certain minor changes in Part X and this was presented to Constituent Assembly for final approval. Sardar was fully aware that in order to build up strong Indian Nation, administrative machinery should be clearly defined and the country's defence would also have to be properly organised. Afterwards, when the various clauses of draft Constitution were discussed, the Home Ministry on October 15, 1948 sent a letter to the Constituent Assembly Secretariat enclosing a revised draft on the clauses related to Services. In that letter it was expressed that a revision of the Clauses was necessary and even the Home Minister would move an amendment on the floor of the house if necessary.

43. Home Ministry letter No. 20/21/48 - G.S. dated 15-10-48 states, "I am directed to invite your attention to Chapter -I - Services of Part XII relating to the services under Union and States of the draft Constitution of India and to say that the provision of the Chapter have been examined by the Govt. of India and it has been decided that steps should be taken to secure substitution for that Chapter, a revised chapter in accordance with draft (enclosed)..." National Archives of India, New Delhi.
The Home Ministry intended that two additional Clauses under Article 282 in line with Section 240 (1) and 240 (2) of Government of India Act, 1935 should be included. This was very important since the provision stipulated that Civil Servants would be appointed by the President and hold office during his pleasure and could not be dismissed by an authority below than the authority appointing them. The new clause in Art 282 (2) refer only to Civil Services, the draft also included provision for creating new services by the Parliament defined as Indian Administrative Service and Indian Police Service and are included in Article 282 (4). The most important point in the draft was the inclusion of a new Article 283 (2) in line with section 10 (2) of Indian independence Act, which stipulated that Civil Servants retained in service under the new constitution would receive same conditions regarding salary, leave, pension and rights regarding disciplinary action and tenure of Service. Sardar in his explanatory note argued that those provisions were more in accordance with stipulation in Government of India Act, 1935 and Indian Independence Act, 1947; it was obligatory for Assembly to honour those terms and conditions. Sardar's argument was so convincing that the drafting committee accepted the same. Even after final discus­sions in Constituent Assembly, Sardar's suggestions were

accepted and contained in Indian Constitution Articles 310, 311, 312 and 314. Sardar's suggestion that defence services should also be considered as appointed by the President was accepted and finally included in the Constitution. Regarding Public Service Commission, the provisions as contained in the draft Constitution Articles 284-288 and finally numbered as Articles 315-323, Sardar's view was that the Chairman of the Federal Public Service Commission should be eligible for reappointment (Article 283 (3) (a) - Draft Constitution). Though there was objection against it, the Ministry of Home Affairs in its letter No. 51/282-48, Home Public dated 15th October 1948 strongly pleaded that the original draft should be maintained. Sardar's recommendation created confidence in the I.C.S. Officers who extended all out help to him with his systematic utilisation of I.C.S. Officers and defence services, he could easily thwart any external threat and by establishing law and order in the country he could accelerate the process of nation building.

**RELATION WITH CIVIL SERVANTS**

It was the realisation that made Sardar determined for special privileges for the Civil Servants. He considered them as the real pillars of administration and did all in his powers

45. Govt. of India, Home Dept, file No. 30/12/48(R), National Archives of India, New Delhi.
to ensure their welfare. During his tenure of office after independence, he had with him a number of I.C.S. officers who worked tirelessly towards building up a strong and prosperous India. He placed great faith in them, in running the affairs of administration and was successful in getting the maximum service possible out of them. In dealing with them he behaved more like a friend than like a master, thus providing an atmosphere in which they could work freely and fearlessly. We have his own words in support of the point.

"Today my secretary can write a note opposed to my views. I have given that freedom to all my secretaries. I have told them if you do not give your honest opinion for fear that it will displease your ministers, please then you better go. I will bring another secretary ..."46

Sardar had a very clear idea about the relationship between the ministers and permanent Civil Servants. When he selected an officer, he trusted him entirely and in case of any discussions, he did not consider the relationship as minister and secretary rather than as personal friend.47

Sardar wanted that those who worked with him should have confidence in him, just as he had shown confidence in them. And it was this confidence that made him favour the idea of delegating authority to lower and lower levels of administration. He did not have any faith in a system where all powers would be

47. Menon V.P. - The Story of Integration of the Indian States, Orient Longmans, Delhi, 1961, p 108.
concentrated in a few hands. H.M. Patel, a retired I.C.S. Officer notes in this connection:

"Sardar Patel was a great administrator and a great leader of men. The two in fact go together. He had confidence in those around him. Because of his self-confidence he found no difficulty, once he delegated responsibility to anyone, he reposed full confidence in him until he proved himself unworthy of it."48

Sardar wanted that Civil Servants should be above political allegiances, and that political influences should in no way affect their manners of conducting the affairs of administration. In his letter to Nehru on 27th April, 1948 he clearly refers to this point.

"I need hardly emphasise that an efficient, disciplined and contented service assured of its prospects as a result of diligent and honest work is a sine qua non of sound administration under democratic regime, even more than under authoritarian rule. The service must be above party and we should ensure that political considerations either in its recruitment or in its discipline and control, are reduced to the minimum if not eliminated altogether..."49

C.S. Vankatachari also observes in this regard:

"Sardar had an uncanny instinct as to the units within which the politicians acted in taking a decision and the area in which Civil Servant had to carry it out. In the matter, he allowed latitude to the officials in the abnormal period following independence and partition."50

Sardar was certainly right in taking such a stand regarding the relationship between Civil Service and politics. Experience has shown again and again how dangerous political influence over Civil Service can be. There are many reasons why this happens to

be so. In a democratic system, it is normal that politicians who are least acquainted with the affairs of administration, happen to occupy high offices and positions. As their knowledge in various matters is utterly insufficient, they must have these matters managed by experts in the respective fields. Instead of this, if they start doing things according to their whims and fancies, the obvious results would be chaos. Further, most of the politicians are generally guided by considerations of political advantages, while very few think in terms of the welfare of the country. This is particularly true in the present context. This being so, if politicians exercise influence over Civil Servants, the stability and prosperity of the nation will be in danger. Under such circumstances, the idea of building up a welfare State would be meaningless. It will ever remain as an unattainable goal. Sardar's efficient handling of the problems of Civil Service, enabled him to win the admiration and affection of Services. All the old Civil Servants, who served under him, have spoken highly of him and have expressed their great indebtedness to him. Though, these officers had served under the British Government before partition, they did not have any difficulty to work with loyalty to the new Government. The problems that confronted the new Government, such as communal riots, unrest in the State, influx of refugees, food shortage, were successfully handled by those officers, working under Sardar's guidance. With the death of Sardar, Indian Civil Servants lost a benevolent master and a friend. They were so much closely associated with him that they felt extremely bereaved at his demise. Renowned Civil Servants
have expressed the greatness of Sardar through the tributes they paid to the great leader. The resolution by I.C.S. (Central) Association, New Delhi, dt. 21st December, 1950, observed that his sympathy, support and confidence in them were an unfailing source of inspiration and encouragement to the Indian Civil Service and the services identified him as a genuine friend and well wisher. N.M. Such a Civil Servant paid his tribute to Sardar, when he said, "As a Civil Servant, I could observe some more than others. He was not entirely a chief from whom one had to take orders. He treated the Civil Servants also in the context of human relationships."

Sardar did not live long to see the position of the Civil Servants in free India. His ideas were based on the honesty of the officers, and that Civil Servants, as far as possible, would be free from political control. But in the subsequent years the situation changed to a great extent. Gradually the Civil Servants wanted extra benefits by virtue of their administrative powers. The old officers could not get rid of their previous habits, inherited from the Britishers. As Basudev Panda says:

"The top Civil Servant, technical, industrial and commercial personnel wanted to derive benefit for them ... worst of it was that the Swadeshi rulers thought them (Civil Servants) indispensable and entrusted them to great responsibility of execution of plans, project to change the fate of the country.""53

Although Sardar was quite right in pleading for constitutional safeguards to Civil Servants, he overlooked the possibility

of several problems that might crop up at a later date. Due to the constitutional guarantee, there was a difference between I.C.S. and I.A.S. officers who were basically of the same cadre. This difficulty, Sardar might have thought, was a temporary one, as the members of I.C.S. officers were small and many of them would retire in the course of one or two decades. But the difficulty prevailed even long after Sardar's death and the Government had to amend the Constitution twenty years later when Article 314 was rescinded by the Parliament without any regret. Sardar's efforts to make the Civil Services free from political Control started failing and in course of time it assumed alarming proportions. Particularly during emergency period (1975-77), the Civil Servants became more tools in the hands of the politicians and committed a lot of atrocities. No doubt, many of the things that happened in later years must have belied the expectations of Sardar.

SUMMING UP

Sardar's approach to the problem of Civil Servants was completely different from any conventional approach as he looked into the problem from a long term basis and he considered those Civil Servants on humanitarian ground also; but his main objective behind this was to push the country forwards towards growth and stability. In the background of political instability, riots, mass killing non cooperation by princely states, and breakdown of administration, the experienced Civil Servants were of extreme
help and Sardar took them into confidence to fight against all the odds prevailing at that time. In his attempt, he achieved a great success as those Civil Servants worked untiringly and brought the complete administration under control. He could thus, with his farsightedness, lead the country to greater promise and growth. As a follow up action, the creation of two distinct services named as Indian Administrative Service and Indian Police Service with distinct function in administration and maintenance of law and order, shows what a tremendous planning he did in streamlining the administration. The period through which the country passed was a critical one, since there was possibility of the country being subdivided into small territories or invaded by a foreign power. At that juncture, the handling of the complete administration and bringing back normalcy and stability was a great task and Sardar undoubtedly being in the keypoint of administration deserves appreciation.

Sardar's support for constitutional guarantee for the Civil Servants was a necessity at that time to revive confidence in the minds of these experienced officers so that they could be judiciously utilised for the administration of the country at a critical juncture. Such guarantees were also pleaded from moral and legal point of view. With the safeguard, the uncertainty and discontent could be removed and the services of Civil Servants were utilised for the efficient administration necessary for the national integrity and subsequent growth and development.
The progressive ideas on which I.A.S. and I.P.S. cadres were framed in the independent India would amply prove the farsightedness and progressive ideas on which Sardar planned his strategies about new India. The new cadres were to be befitting with the need of advancement of the country and should tune up with the dynamism of country's progress. Sardar not only saved the country from fragmentation, but established a system of united entity and homogenous administration with speed and mobility for future growth. In the context of quick tempo of progress in undeveloped countries public administration is of fundamental importance and Sardar was fully aware of it. 54.

Indian bureaucracy, today, has not been able to keep pace with the changed circumstances of the developing social and economical atmosphere. Developing countries, now-a-days, are confronted with multiplicity of challenges in the fast-changing environment of international politics. The stability of such societies is crucially dependent on the framework of a cohesive national bureaucrats. The Civil Servants could not keep themselves free from the influence of political leaders. In spite of various adversities, the model of administrative structure set up by Sardar Patel has worked successfully and led the country through a series of eventualities to the present stage of development. The country is now passing through a period of transition and is set for greater promises for the citizens in the

coming years. The Civil Servants are also contributing towards country's growth and advancement will not be halted if Sardar's model is followed in the coming years. In the present day administration, government control over the Civil Servants has assumed a greater dimension which would in turn deter the progress, whereas Sardar gave free hand, to the extent possible, to the administrators to function efficiently.

In the present day's changed conditions of the international politics, India has become a pivotal point between the super powers. Power struggle has become the order of the day. Arms sales have attained greater dimension and become a crucial factor in world politics. In such a condition, India will have to manoeuvre with the help of disciplined Civil Servants, experienced in various fields, the seed of which was planted by Sardar.

55. Iyengar H.V.R. - Administration in India - a historical review - Bharatiya Vidya Bhawan - Bombay 1967 p. 44.