

A STUDY ON POWER AND FUNCTIONS OF CIVIL SERVICE IN INDIA

AUTHOR – VARSHA.R, SCHOLAR FROM TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY (SOEL)

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ABSTRACT

The civil service in India serves as the backbone of the country. It helps in responsibility for the implementation of government policies and administration of public services. This study explains the powers and functions of the Indian civil services and it also highlights its significant role in policy formulation, public service delivery, ensuring accountability, law and order maintenance, regulatory activities and public welfare. In India the civil servants hold executives, financial, and quasi-judicial powers that allow them to effectively manage various sectors of the government. The paper explains about the constitutional provision, legislative framework, and governing institutions like IAS, IPS, IFS. Through an in-depth examination of their roles, responsibility and functions the study underscores the significance of civil servants in ensuring effective governance and development in India.

KEYWORDS

Civil servants, India, Governance, public administration, policy frameworks and public administration.

INTRODUCTION

The civil services of India serve as the backbone of the country's administrative framework, playing a crucial role in the governance and implementation of policies that affect millions of citizens. Established after India gained independence in 1947, the civil service was designed to ensure a merit-based, efficient, and accountable system of administration, capable of addressing the diverse challenges faced by a rapidly developing nation. This study aims to explore the powers and functions of civil services in India, examining their structure, responsibilities, and significance in shaping public policy and governance. The Indian Civil Service comprises various tiers, including All India Services (AIS), Central Civil Services, and State Civil Services, each with distinct roles that contribute to the effective functioning of government at both central and state levels. Understanding the powers vested in civil servants such as policy formulation, implementation, and public

administration is essential for assessing their impact on democratic governance.⁴⁴⁰

CIVIL SERVICE IN INDIA

The civil service in India is the permanent executive branch of the government. It consists of civil servants from All India Service, Central Civil Services and State Civil Services. It ensures stability and consistency of policy implementation across the fabric of India, even when administrations and ministers change. Civil servants in personal capacity are paid from the civil list. The civil service system in India is based on rank and does not follow civil service tenants based on position. Civil servants are selected through competitive examination conducted by the union public service Commission (UPSC) which is also done as rigorous selection process. Article 311 of the Constitution ensures the protection of public servants, and national security and public interest against vindictive actions or political parties. Civil servants have important powers and responsibilities in the administration of the country. They play a vital role in the

⁴⁴⁰ "Indian Economy" by Ramesh Singh

implementation of policies, laws and maintenance formulated by the legislature and the government. Civil servants operate within the framework of the Constitution, laws and various rules and regulations.

STRUCTURE OF CIVIL SERVICE IN INDIA

The civil services in India are classified into three main categories:

1. All India Services
2. Central Civil Services
3. State Civil Services

ALL INDIA SERVICES

It was first initiated in India by the British government and they are controlled by the COD of east India services. They are named as civil service in the British period. The services in India are very common to both the union and state government. The servants can be employed by both the central and state government. It is a group of Government services in which the citizens of India get a chance to be posted as a grade A officer like IAS, IPS, or else IFS. The ICS was put back by IAS in 1947, also IP was replaced by IPS and it was put into operation in 1966. It also compares the three prestigious civil services of India and they are Indian Administrative Service (IAS), Indian Police Service (IPS), and Indian Forest Service (IFS).⁴⁴¹

INDIAN ADMINISTRATIVE SERVICES (IAS)

The Indian administrative services (IAS) play a significant role in India's governance and administration. As they follow the parliamentary system of government, the IAS is part of the permanent bureaucracy of the country. The IAS officers can hold key administrative posts by both the central and state government also including district collectors, chief secretary and secretary to the government. They are also responsible for implementation of policies, managing day to day administrative affairs, overseeing the revenue collection and maintaining law and order. IAS officers are also connected with in conducting elections in India

as requested by the Election Commission of India.

RANKS OF THE INDIAN ADMINISTRATIVE SERVICE

1. Cabinet secretary
2. Chief secretary
3. Director
4. Junior /senior scale officer
5. Collector /district magistrate

JUNIOR SCALE OFFICER

1. An IAS Officer will begin his career in the state for two years as a probationary officer. It is the time when he spends two years at training schools, field officer, Secretariat or in a District Magistrate's Office.
2. She/he is designated as the Sub Divisional Magistrate and exercises powers concerning maintenance of law, order and provision of general government services in the area assigned to her/him.

SENIOR SCALE OFFICER

After the training period of 2 years as junior scale officer, she/he shifts to the senior scale where they function as the district magistrate, managing director or public employees.

1. Senior Time Scale (joint secretary)
2. junior Administrative Grade (Additional Secretary)
3. Selection Grade (Special Secretary)

SUPER TIME SCALE

The States have created only one more promotion after 16 long years of regular service for a civil servant is the Commissioner-cum-Secretary that will be entitled with the state.

Above Super Time state: In case of an IAS officer serving 24 years in regular service, he may be offered some form of termination as secretaries/Financial commissioners in some states that entitled to them.

⁴⁴¹ "Indian Polity" by M. Lakshminanth

INDIAN POLICE SERVICE (IPS)

IPS officers play significant roles and they are hugely responsible for maintaining law and order, public safety and enforcement of law in India. The Indian Police Service (IPS) is one of the All India Services responsible for internal security. In the place of Imperial Police (IP) came in 1948, the Indian Police Service supplemented by the entirely new machinery to be put into operation in each state under which zone system was recommended. The Indian police service is not an organization rather it is the cadre to which all officers up to a certain rank belong, all above this rank being members of the national Police Service. IPS The life-threatening circumstances and the situations in which an IPS officer is made to work are very miserable. The Director-Generals. Of the services, the IPS is not as equivalent to an IAS in grade or power and the speed of promotion on service within each state but has clearly better standing compared to any other All India Service. Officers hold key positions like commissioner of police and director general of police (DGP), and superintendent of police (SP).

RANKS AND DESIGNATIONS

1. Assistant Superintendent of Police (ASP)
2. Superintendent of Police (SP)
3. Deputy Inspector General (DIG)
4. Inspector General (IG)
5. Additional Director General (ADG)
6. Director General (DG)

ROLES OF IPS OFFICER

1. Crime Prevention: They actively work to prevent crimes through community engagement and proactive policing strategies.
2. Public Safety: Ensuring the safety of citizens is a primary duty, which includes managing public gatherings and events
3. Policy Implementation: Officers are tasked with enforcing various laws at the

regional level, including environmental regulations and health guidelines.

INDIAN FOREIGN SERVICE (IFS)

Indian Foreign Service is one of the “All India Services” like Indian Police Service and Indian Administrative Service. The IFS is one of the three (AIS) you will be getting into if you clear the UPSC civil service and get the essential ranking. IFS can also work even in India in the ministry of external affairs. Normally, an average of about 30-40 candidates from all the categories persuade into the Indian foreign Service. Their starting salary of an officer would be around Rs. 60,000 per month with facilities such as good accommodation, transport facilities, household helps, medical expenses, electricity, water, and security etc. As a government servant, they receive pension and other retirement benefits would be available. They also receive the 'special foreign allowance' this may leads an increase in the pay package.

FUNCTION OF IFS

1. Acting as a representative of India in embassies, high commissions, consulates and other permanent missions such as the one stationed at the UN.
2. Safeguarding the interests of India in the country of his/her posting.
3. The cordial relationship with such a country enhances the goodwill of its people including PIOs/ NRIs.
4. The accurate account of the situation in the country of posting that may have repercussions on the situation in India.
5. Arranging arrangements on matters with the officials of the country of their posting.
6. Providing consular services to the citizens residing in other countries and to foreigners in India.
7. In the Ministry of External Affairs, this officer handles comprehensive responsibility on all areas of external coordination, political and economic relations with foreign states, business,

activities within multi-lateral organizations. legal issues, sovereignty issues, protocols, subordinate bodies, visits, peace and disarmament issues, Indian embassies and the publicity department etc.

RANKS OF AN IFS OFFICER

1. Counsellor
2. Minister
3. Ambassador/High commissioner/ permanent representative
4. First/ second/ Third secretary
5. Deputy high commissioner⁴⁴²

CENTRAL CIVIL SERVICE

Central civil services in India are a vital part of the country's governance structure, consisting of various civil service positions. Central civil services are a group of civil service posts in India that are categorized into four groups: A, B, C, D. And the president of India appoints all (Group A) officers. These services are distinct from All India services, which serve both central and state government. To join the CCS, candidates can take the examination, which is conducted by the UPSC. There are 24 UPSC posts including IAS, IFS, IPS, IAAS, IRS, Indian postal Service, ICAS, IDES, IIS, DANICS, DANIPS, And PONDICS. They are divided into Group A and Group B services based on rank. Group A services are the higher-level administrative services, while Group B services involve more technical and specialized roles. Some of the key Group A services include:

- Indian Foreign Service (IFS): Manages India's diplomatic relations, represents the country abroad, and deals with international treaties and negotiations.
- Indian Revenue Service (IRS): Officers manage the country's taxation system, both direct (income tax) and indirect (GST, customs duties).

- Indian Railway Service (IRTS, IRAS, IRSE, etc.): Officers manage the Indian Railways, one of the largest rail networks in the world.

- Indian Audit and Accounts Service (IAAS): Officers work with the Comptroller and Auditor General of India to ensure the government's financial accountability.

STATE CIVIL SERVICE

Every state has its own civil services that manage state level administration. All appointments are to be made by the Governors of states. The examination are conducted by the individual states public service commission in India. The entry for civil services is through a competitive examinations process through by the (UPSC) or (SPSC). These officers works under the respective State government, in department like revenue, public health, education, and law enforcement, the recruitment is normally done by the state public commission. After working under the administration for 15 -20 + years the state civil officers could be nominated to the rank of an IAS officer,(as Deputy collector, Land acquisition, joint secretaries,...etc)and this is the option of the officers but not open to all state civil services officers. In order to be eligible for state civil services exams , you must hold a graduation degree, their minimum age is to eligible for SCS exams in 19 years and the maximum age is 40 years. this is usually followed by almost all the state so the patterns and syllabus are similar to (UPSC).

KEY POSITIONS

- State administrative services (SAS)
- State police service (SPS)
- State forest service (SFS)⁴⁴³

FUNCTIONS OF CIVIL SERVICES

Policy implementing law and polices

The officers are responsible for implementing laws and executing policies that are framed by the government. It refers to the process of putting into action the goals and

⁴⁴² <https://indiankanoon.org>

⁴⁴³ <https://sconline.com>

objectives indicated in a policy. It requires converting policy decisions into specific programs. Implementing laws and policies involves a multilayered process, beginning with draft legislation for identified needs or societal issues. The drafted legislation undergoes an approval process, comprising debates, amendments, and voting by the governing bodies, before it ultimately becomes a law. Specific regulations are sometimes implemented to guide the enforcement and compliance on certain matters. The existence of monitoring and evaluation mechanisms is necessary to gauge how the laws are impacting society. These mechanisms have been in place to understand if policies are in fact creating the outcomes that they are supposed to. On top of that, seeking feedback will also enable such adjustments and refinements as problems may arise, and the context may change. Together, these steps form the basis for laws and policies becoming translated into meaningful actions that will better society.

Public administration

They manage the day-to-day administrative tasks in both central and state government. The civil services are structured into three categories which include various departments like the IRS and state services, managed at administration. They play a vital role in translating government policies into actionable programs that benefit the populace, ensuring the provision of essential services like education, health and infrastructure. recent years, reforms aimed at increasing transparency, accountability, and citizen engagement have been introduced, including e-governance initiatives. These changes seek to modernize public administration, making it more responsive and effective in serving the diverse needs of India's population. Overall, public administration through civil services is essential for fostering good governance and promoting socio-economic development in the country. Civil servants undergo rigorous training at institutes like the Lal Bahadur Shastri

National Academy of Administration (LBSNAA) to prepare for diverse roles.

International Representation

Civil servants in the foreign services or international departments represent their countries in global forums and diplomatic missions. Their functions in this area include, they are responsible for negotiating treaties, trade agreements, and diplomatic arrangements with foreign governments, ensuring that their country's interests are safeguarded. For example, a civil servant in the Ministry of Foreign Affairs may negotiate bilateral trade agreements or participate in United Nations discussions. officers help in manage the country's foreign relations, coordinating diplomatic efforts, managing embassies, and facilitating international cooperation on issues like trade, climate change, and security. They are Administer international aid and development programs, ensuring that resources are distributed according to agreements and that aid reaches the intended recipients.

Financial Management

They are highly responsible for managing public finances, which ensures the government funds are used efficiently and tendered with budgetary provision. The civil servants help to develop budgets for their respective departments, in allocating resources based on government categories and the needs of various programs. It controls and monitors the government to take up, and ensures that funds are used correctly with rules and regulations. They examine carefully the expenditure reports, and ensure financial transparency. Civil servants in departments like taxation and customs are responsible for collecting revenue for the government. They assess tax liabilities, and take enforcement actions against defaulters. Civil servants in the customs department might monitor imports to ensure that correct duties are paid.

Public Grievances Redressal

Civil servants play a significant role in addressing public grievances and also ensuring that citizens have a mechanism to voice and their concerns. Officers receive and address complaints from the public regarding issues like poor service delivery, corruption, or administrative delays. They ensuring work to resolve disputes between citizens and government agencies, using their authority to mediate and settle grievances. For instance, a District Magistrate might resolve a dispute between landowners and the government in cases of land acquisition. It ensures that government agencies and officials are held accountable for their actions. They may initiate inquiries into complaints, recommend disciplinary actions, or ensure that corrective measures have been taken.

Enforcement of Law and Order

According to the civil servants, particularly those of general administration and police services, it is an important function to maintain law and order. As Civil servants their responsibilities as, such as District Magistrates or Police Commissioners, is the matter of maintenance of public safety in their jurisdictions. He supervises law enforcement agencies, manages police operations, and helps to ensure that public gatherings such as protests are performed in an orderly manner. In times of natural disasters, civil riots or terrorist attacks the members do a social good in coordinating relief efforts and ensuring public safety and restoring normalcy. A District Collector would be responsible, say, for leading evacuations during a flood and coordinating with rescue teams and the distribution of relief material. Public employees attempt to prevent crimes through minimal crawling by clearer forest cover, the fight behind brush piles or protection of water plant lounges. they may impose curfews, restrict public gatherings, or enforce security measures during elections, festivals, or other events.

Public Service Delivery

They are essential in delivering public services to citizens such as health care, education, sanitation, and social Security. They are highly responsible in managing hospitals, schools, public transportation, and other state-run institutions, ensuring that their functions meet the needs of the public. They also engaged in administering and delivering social welfare programs, such as pension plans, unemployment benefits and food security schemes. Civil servants work to make public services that are accessible to all the citizens, particularly marginalized and vulnerable groups. They may organize programs in rural areas or set up mobile health clinics in underserved communities.⁴⁴⁴

POWERS OF CIVIL SERVICE IN INDIA

Quasi-Judicial Powers

Quasi-judicial powers are the powers of the power of an administrative officer, or body to determine the rights of who appears before it. In India the powers are exercised by non-judicial entities and they have the authorities to adjudicate disputes. Civil servants such as district Magistrate or land revenue officers, have quasi -judicial powers, it resolves disputes related to land, property, or public order. They can issue orders for preventive detention, impose curfews, and other measures. Quasi-judicial has the authorities to be relevant based on the evidence presented at a hearing. Civil servants can forward police forces, restrict public gatherings, and take preventive measures to maintain peace. These officers can hold a hearing, issue verdicts, and enforce decisions like land disputes or complaints against government actions. These bodies are often developed to resolve disputes between individuals or organizations. The decisions of administrative tribunal are concerned with judicial review by court. Quasi - judicial bodies are established under Articles 323A allows for the creation of tribunals to maintain disputes

⁴⁴⁴ "The Civil Service in India" by S. K. Das, 2013

related to public services and 323B of the Constitution creation of taxation, land reforms, and industrial disputes. they have more flexible and processes than courts.

Administrative Powers

Civil servants are responsible for the day-to-day administration of the state and the implementation of government policies. Once policies are framed by the elected government, civil servants work to put them into action. It includes like public projects, ensuring that government services to reach citizens, and managing the operations of different departments. E.g. A District Collector might implement health or education programs in their district, ensuring the compliance with the national and regional guidelines. Senior civil servants hold significant decision-making powers within their departments or regions. a Secretary in a Ministry might make decisions on resource allocation, project prioritization, and strategic planning for national initiatives. At the local level, a District Magistrate or District Collector can make decisions regarding land acquisition, public safety, and crisis management. It often had the authority to regulate sectors like education, health, transport, and infrastructure. They can issue licenses, permits, and certifications to businesses and individuals. Civil service ensures that compliance with safety standards, labour laws, and environmental regulations, using their regulatory powers to maintain public order and safety.

Financial Power

Once the budget is approved, civil servants monitor and Authorize expenditure within their department or ministries. they analysis the financial needs of various departments and allocate funds based on needed areas and ensures the efficient use of resources. they are responsible for ensuring that public money is spent as intended in line with financial regulations. civil servants in the customs department can also regulate the import and export of goods, collecting tariffs

and prevention form smuggling. Once an Officers are overseeing a public infrastructure project would have the authority to approve payments and ensures the funds are not misused.

Executive Powers

Civil servants, especially those in higher ranks, possess significant executive powers that allow them to implement laws and policies. These powers are used to administer public welfare programs, enforce laws, and manage public resources. They are often authorized to make decisions within a framework set by the legislature, ensuring the smooth execution of government functions. For instance, under the Indian Constitution, the All India Services (IAS, IPS, and IFS) are granted executive powers to administer public affairs at the central and state levels, ensuring the execution of state policies and directives.

Legislative Powers

Civil servants are often involved in drafting bills and regulations that are then presented to the legislature. Their knowledge of law, administration, and public policy enables them to translate the government's vision into concrete legal frameworks. For instance, a civil servant in the Ministry of Law may help draft amendments to labour laws or environmental regulations. Once legislation is passed, civil servants are responsible for ensuring its implementation. They establish procedures, issue directives, and create the necessary administrative structures to ensure that new laws are effectively put into practice. For example, after a new law on environmental protection is passed, civil servants in the Environment Ministry would create guidelines for industries to comply with pollution standards.⁴⁴⁵

⁴⁴⁵ "Indian Polity" by M. Laxmikanth

CASELAWS

1. *Union of India v. Tulsiram Patel (1985)*

This corner case upheld the authority of the government to dismiss civil retainers without inquiry in certain cases, buttressing the principle that civil retainers hold their positions at the pleasure of the President, as per Composition 310 of the Constitution.

2. *Bihar State Electricity Board v. State of Bihar (2004)*

This case emphasized the responsibility of civil retainers and public officers, italicizing that arbitrary action could lead to judicial review if it contravenes the principles of natural justice.

3. *K. R. Vishwanathan v. State of Tamil Nadu (1997)*

The Supreme Court ruled that civil retainers must act within the confines of their authority, and any conduct outside their Governance can be struck down by the courts.

4. *Chandra Mohan v. State of Uttar Pradesh (1966)*

This case stressed the protection available to civil retainers under Composition 311, stating that civil retainers cannot be dismissed or removed without proper procedure, icing fairness in executive conduct.

5. *Vishaka v. State of Rajasthan (1997)*

While primarily dealing with sexual importunity, this case established that civil services must also cleave to principles of equivalency discrimination, impacting programs and procedures within civil service fabrics.

6. *State of West Bengal v. Anwar Ali Sarkar (1952)*

The Supreme Court ruled that arbitrary and unjust procedures in executive conduct could be challenged, buttressing the necessity of adherence to fair practices.

RECLAMATION AND REGULATION OF CONDITIONS OF SERVICES

Composition 309 empowers Parliament and the State Houses to regulate the

reclamation and the conditions of service of the persons appointed to public services and posts under the Union and the States, independently. Until provision in that behalf is made by an applicable council under Composition 309, the President and the Governors may make rules for regulating the reclamation and conditions of service of persons appointed to similar services and posts. The Constitution itself provides for the creation of the Public Service Commission for the Union and the States to help in the reclamation of the public services. The mode of reclamation and the order from which the reclamation to a service should be made are all matters which are simply within the sphere of the Administrative. These are the matters of policy and the Courts cannot sit in judgment over the wisdom of the superintendent in these matters. The opening words of Composition 309, "Subject to vitals of the Constitution", still, make it clear that the law- making power of Legislature and the rule making power of the Executive must not breach any provision of the Constitution similar as, papers 301, 311 and 320. similar laws and rules are also subject to other vitals of the Constitution contained in Articles 14, 15, 16, 19, 98, 146, 187, 229, 234, (1). Government menial- No right to strike- In T.R. Rangarajan v. Govt. of Tamil Nadu, a two Judges Bench of the Supreme Court has held that Government menial has no right to go on strike, neither moral nor statutory. In the time 2002 the Government of Tamil Nadu took an unknown action and terminated the services of 2 lakh workers under the Tamil Nadu Essential Services conservation Act, 2002 and the Tamil Nadu Ordinance, 2003. The Government workers had gone on strike for their demands. The Government workers had challenged the validity of the Tamil Nadu Act and the constitution.

CONSTITUTIONAL SAFEGUARDS TO CIVIL SERVANTS

Restrictions on the doctrine of Pleasure

– Article 311 provides the following safeguards to civil servants against any arbitrary dismissal from their posts:

- (1) No person holding a civil post under the Union or the States shall be dismissed, or removed by authority subordinate to that by which he was appointed.
- (2) No such person shall be “dismissed”, “removed” or “reduced” in rank except after an injury in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

CASELAW

State of U.P. vs. A. N. Singh

The Supreme Court has held that a person holds a civil post if there exist a relationship of master and servant between the state and the person holding the post.⁴⁴⁶

Jagannath Prasad vs. State of U.P.

The relationship is established if the state has right to select and appoint the holder the post, right to control the manner and method of his doing the work and the payment by it of his wages or remuneration.⁴⁴⁷

CONCLUSION

The powers and functions of civil services in India are pivotal to maintaining the country's governance framework. Civil servants play a crucial role in policy implementation, administration, and public service delivery, ensuring that government initiatives reach the grassroots. Their responsibilities, guided by principles of integrity and accountability, empower them to act as the bridge between the government and citizens. However, to effectively fulfill these roles, continuous reforms, capacity building, and adherence to ethical standards are essential. Strengthening the civil services will not only enhance administrative efficiency but also bolster public trust in governance, ultimately contributing to national development. The structure are the backbone of India's administrative framework.

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⁴⁴⁶ AIR 1965 SC 360

⁴⁴⁷ AIR 1961 SC 1254