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Why Civil Services are Important in India: An Analysis of Role of Civil Service under Administrative Law

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ABSTRACT

Civil services play a pivotal role in the administration and governance of India, acting as the backbone of the country's bureaucratic framework. This research paper examines the significance of civil services within the broader context of administrative law and governance in India. Through a critical analysis, the study explores how civil servants contribute to the formulation and implementation of public policies, ensure the delivery of essential services, and uphold the rule of law. The paper begins by outlining the research problem, hypothesis, and methodology, followed by a detailed analysis of the civil services' roles in governance, their constitutional foundations, and their evolving relevance in the modern era. The study also addresses the challenges faced by the civil service system and proposes recommendations to enhance its efficiency and accountability. By analyzing constitutional provisions and current administrative practices, the research highlights the indispensable role of civil services in sustaining democratic governance and promoting public welfare in India.

Keywords: Civil Services, Administrative Law, Governance, Constitution of India, Public Administration

I. INTRODUCTION

In the recent times we have seen the role played by civil servants are remarkable and acts a strong bond between people and the government. Moreover, in the efficient process of governance which involves effective service delivery to people, civil servant plays an important role in formulation and shaping of the policies that ultimately reflect people's need.

But in recent times the role of civil servants has been curtailed due to interference of external factors like politics in working of civil services in India. And most important the problem of lack of minimum tenure fixed for civil servants which ultimately lead to hampering efficient service delivery to people. There is also need of the hour to make changes in the civil services rules and rectify the faults highlighted by various law commission report and expert

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committees. So, as to effectively delivery the services to the people.

This paper aims to see the role of civil services plays in India and its importance our administrative law.

II. ROLE OF CIVIL SERVICES IN GOVERNANCE

In the Administrative law the function of the Government is divided into three different arms knows as Legislative, Executive and judiciary. But if we divide executive branch future the public services become the arm of the executive. Its role is to convert the imagined policies by executive into reality. As we know the executive whose major function is to implementation of the policies and law formulated by legislature through process of delegated legislation. So, they need help of an organization which is called civil services or public administration to formulate and implement the laws and policies at grassroot level. Public services or civil services forms a basic and important part of public administration and also helps as an instrument of change and development in the society. So, we can say that civil services is an important part of administrative system in any nation.²

It is important to know the meaning of public services i.e., the civil services constituted by Government of India to convert all its plans and programmes into real action for development of the country. In common understanding we can say that civil services is those branches of governmental machinery that not only formulate polices or assist in law making but also plays a role in implementation of the law. Under executive there are two types of bodies 1. Ministers 2. Civil services.

The role of civil services to implement orders of the ministers and advise them in policy formulation by way of feedback from general public or looking at the needs of the society. So, a civil service in any country has the following roles to perform:³

A. Basis of Government

Civil services form the basis of the any democratic governments around the world. There is no government which can exist without administrative machinery all countries around the world needs some sort of administrative machinery for implementation of the polices made by the executive. For e.g. countries like India and China has their own kinds of civil services.

B. Policy Making & its Implementation

The role of civil servants in policy making and its implementation is very crucial in the

² Role Of Governance Civil Servants". S3-US-West-2.Amazonaws.Com, 2022, https://s3-us-west-2.amazonaws.com/visionresources/value_added_material/ba4b4-role_of_civil_services_in_a_democracy.pdf.

³ <https://egyankosh.ac.in/bitstream/123456789/19261/1/Unit-3.pdf>

development process of any nation. They assist the executive in various major areas like preparing a policy proposals, analysing various solutions to the societal problems which are need of the Hour. To determine the actions or proposal suggesting modification in the existing policy on the basis of feedback received from general public and current problems arising in society with changing times.

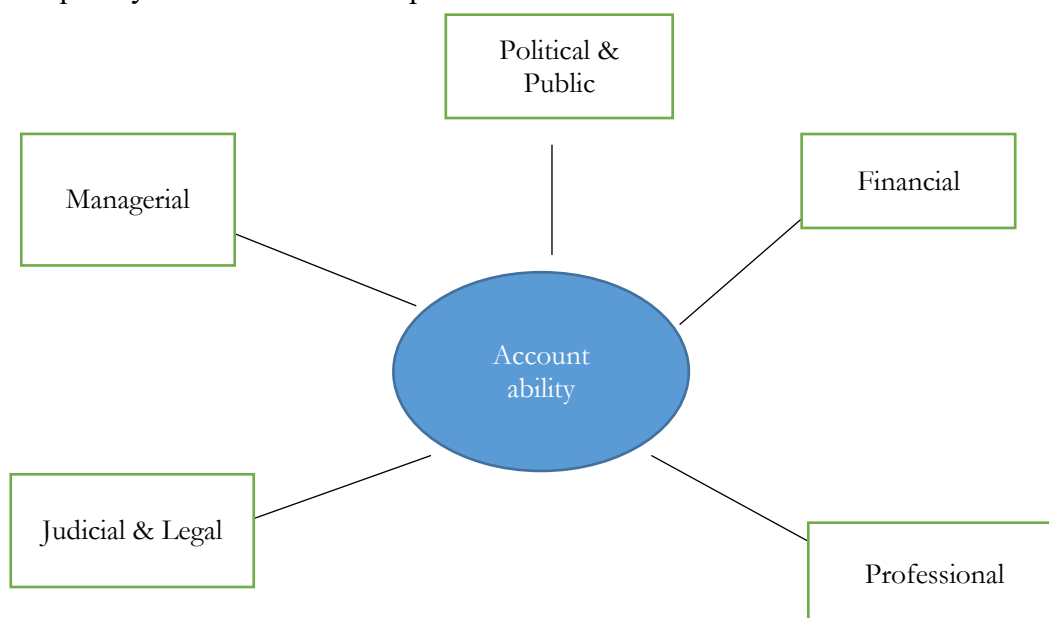
1. Collection of relevant Data: The civil servants play an important role in collection of relevant data and information for identification of core areas and issues.
2. Policy Formulation: In the modern democracy the role played by civil servants is of chief architect of government policy. They on the basis of facts, experience, solution to existing problem, and feedback received advises the executive and helps them effective policy formulation. The responsibility of civil servants is policy formulation its implementation and event laying the rules and laws for execution of the policy formulated. The aim of civil servants is to benefit the last person in the society with the policy benefits. Moreover, they play an important role in policy formulation by advising the minister and by providing them with necessary information.⁴
3. Policy Implementation: Civil servants after formulation of policy also have responsibility to effective implementation of policy formulated. By laying the laws and rules the behaviour of the society is controlled and by implementing public policies they ensure that the intended goods and service which was promised to be delivered to intended beneficiary. The government may have big goals to develop the country and project it as developed nation at global level but reality is that without civil servants the goals of govt and development of any country are impossible to be fulfil. An efficient civil servant can avoid wastage of govt resources by timely correction of errors or faults in policy and helps in maintaining law and order in society.⁵
4. Administrative Adjudication: It can happen that any dispute can arise between Govt and its employee or citizen and the state. Then role of civil servants to adjudicate like they are responsible for adjudication of administrative issues and disputes through

⁴ *Functions of Civil Services* (2021) *INSIGHTS IAS - Simplifying UPSC IAS Exam Preparation*. Available at: <https://www.insightsonindia.com/governance/role-of-civil-service-in-a-democracy/functions-of-civil-service-in-21st-century-india/> (Accessed: 12 June 2025).

⁵ (No date) *Role of civil services in a democracy, civil services responsibilities, Civil Service accountability*. Available at: <https://www.civilserviceindia.com/subject/General-Studies/notes/role-of-civil-services-in-a-democracy.html> (Accessed: 12 June 2025).

their Quasi-Judicial Power. For this purpose, civil servants act as judges in Administrative Tribunals which are established e.g. Tribunals.

5. Management of Resources: They are responsible for management of land water, forests, wetland, waste lands etc. they are also responsible for human resource management as well as financial resources management.
6. Provide Continuity: When Govt change due to election the civil servants provide continuity in Administration. Ramsay Main said “Govt may come and Go Minister rise and fall the administration of country goes on forever”.⁶
7. Crisis Management: Civil Servants are responsible for Natural disaster Management to act quickly and to take rescue operation.



III. CONSTITUTIONAL PROVISIONS

According to Article 53 and 154, the executive power of the centre and the state power vests in President or Governor directly or by delegating their power through officers appointed. These officers become the part of permanent civil service and are governed by part XIV of the constitution (Art 308-323). The government of India rules are framed for civil servants to help president or governor to exercise his executive power by these rules.

Article 309⁷: According to the provisions of the constitution of India the legislature has the power to regulate the recruitment and conditions of service of the civil servants appointed by

⁶ *The responsibility of the Civil Service officials in the progress of administration: Legal Service India - law articles - legal resources* (no date) *Legal Service India - Law, Lawyers and Legal Resources*. Available at: <https://www.legalserviceindia.com/legal/article-5005-the-responsibility-of-the-civil-service-officials-in-the-progress-of-administration-.html> (Accessed: 12 June 2025).

⁷ <https://ccsuniversity.ac.in/bridge-library/pdf/BA-LLB-VIII-SEM-ADMINISTRATIVE-LAW-BL-801-Lecture->

the centre in regulations of the state and regulates them. The power is given to the president or any such person authorized by him like Governor of the state to control and appoint and regulate the service condition of the such civil servant appointed to regulate the affairs of the state.

Article 310: This provision talks about doctrine of Pleasure which says that every person who is a member of the defence or civil or all India services will hold the office during the pleasure of the President of India. And every civil servant of the state service holds the post under the Governor of the state.

It can simply mean that doctrine of pleasure states the civil servant holds the office during the pleasure of the President or Governor in case of state service and he/she can be dismissed from the service at the pleasure of Governor or President.

But therefore, this provision cannot be generally used as expressly provided by our constitution. This clearly shows that there is certain restriction or constitutional limitation which grants some office post exception under Art 310 i.e., doesn't hold office due of pleasure of president are:

1. Judges of the Supreme Court of India (under Art 124)
2. Controller & Auditor General of India (under Art 148)
3. Judges of the Supreme Court of India (under Art 217 & 218)
4. Member of Public Service Commission (under Art 317)
5. Chief Election Commissioner of India.

Article 311: Certain restriction is put on the absolute powers of the President or Governor for dismissal, removal or reduction in rank of a civil servant officer. It lays down certain provisions like:

1. No subordinate authority has right to dismissal.
2. There should be audi alteram partem i.e. reasonable change be given to hear the other side.
3. Before removal or dismissal from service should be after:
4. Holding an proper investigation or inquiry for the allegation levied against civil servant. Known as departmental inquiry.
5. Giving the full information of what charges levelled against civil servant.

6. Giving the person fair and equal chance to be heard in the case.

It was held in *West Bengal Electricity Board v. Desh Bandhu Gosh*⁸ that giving termination of service notice within three months and not hearing the other party lead to violation of art 14 and is arbitrary.

In another case of *Moti Ram v. N.E. Frontier Railways*⁹ held by the court that termination of service of permanent employee by just serving him notice under Rule 148(3) and 149(3) is violation on Art 311.

In *State of Bihar vs. Abdul Majid*¹⁰ the court held that power given under Art 311 to president or governor is not his personal right or discretionary right i.e., the power must be exercised with aid and advice of the council of ministers.¹¹

Bureaucracy & Democracy

Propounded by German political scientist defines bureaucracy as a “highly structured and formalized organization”. His thought was there must be a proper hierarchical organization which should be clear and in governed by authority.

Characteristics of Weber model of bureaucracy system:

1. It is based on the system of competitive selections i.e., based on merit and technical qualification.
2. System of promotion based on seniority.
3. Fixed Remuneration and right to Pension.
4. Organized hierarchical system which is clearly defined
5. Adherence to strict rules

There is no more Steel frame after Independence now they are called Agents of development.

Democracy – simply means of the people by the people and for the people.

1. The govt which is elected by the people should work for benefit of the people.
2. There should be freedom of speech and expression and not concentration of powers in the hands of few people.
3. It should respond to new proposal as per the need of the people.

⁸ (1985) 3 SCC 116

⁹ AIR 1964 SC 600

¹⁰ AIR 1954 SC 425

¹¹ <https://ccsuniversity.ac.in/bridge-library/pdf/BA-LLB-VIII-SEM-ADMINISTRATIVE-LAW-BL-801-Lecture-on-protection-of-civil-servant.pdf>

Conflict between Bureaucracy & Democracy-

1. Strict organization structure in bureaucracy
2. Combust of region
3. The Elitist outlook of bureaucrats i.e., one showing more power & not approachable.
4. The requirement of consistency and regulatory limits the capacity of bureaucracy to adopt to changes.
5. Centralization of power.

Contemporary issues:

1. In providing predictability and impartiality the bureaucratic system should balance with responsiveness of democratic governance. The rules shall be followed with empathy and proactiveness for e.g. Allocation of House for old lady with No records.
2. When system is working is working towards efficiency and delivery of service.
3. When Bureaucracy works as communication channel between people and the elected representative.¹²

IV. IMPORTANCE OF CIVIL SERVICES IN MODERN ERA

There are number of factors which have led to increase in the role of civil service in modern day democracy:¹³

1. Scientific and technological development: the role played by them has led to the change in transportation and communication system. The telephone, railways and airways has made the good governance and minimum government a reality.
2. Industrial Revolution: Brought massive change in the society led to massive establishment of industries and factories but result was overcrowded cities, poor slums and large migration of migrant labour. Which ultimately led to large scale capitalism, unemployment and detreated conditions of labour. So, in the save the interest of the society government through civil servants assumed roles and responsibility to cure evils in the society through formulation and implementation of the effective Govt policies.¹⁴

¹² (No date a) *Civil Services in India: Administrative law notes - prolawctor*. Available at: <https://prolawctor.com/civil-services-in-india-administrative-law-notes/> (Accessed: 12 June 2025).

¹³ Role Of Governance Civil Servants". S3-Us-West-2.Amazonaws.Com, 2022, https://s3-us-west-2.amazonaws.com/visionresources/value_added_material/ba4b4-role_of_civil_services_in_a_democracy.pdf.

¹⁴ Role Of Governance Civil Servants". S3-Us-West-2.Amazonaws.Com, 2022, https://s3-us-west-2.amazonaws.com/visionresources/value_added_material/ba4b4-role_of_civil_services_in_a_democracy.pdf.

3. Economic Planning: Modern Government has played an important role in development and welfare of the society. Which brings new roles for the civil servants to play like making plans for development, implementation of those plans and role played by civil servants in this process has ultimately led to widen the area of civil servants.
4. Natural Calamities & Disaster: The role played by civil servants as crisis management like earthquakes, floods, droughts or cyclones have also led to growth of civil servants. They play an important role by acting quickly and to undertake rescue operations in order to prevent loss of life and property. So, crisis management plays an important role is played by civil servants in public administration.
5. Problems related to population in metropolitan cities: The sudden rise in population level in almost every country specifically in developing country have led to major problem of food, water, shelter, crisis and lack of proper education and health facilities etc. in lives of people. Moreover, the problem of lack of proper housing, rise in slums, and increase in crime etc. in the metropolitan cities have led to civil servants to play an important role in solving these problems.¹⁵
6. Rise of Welfare State: As growing society the role of government has also changed from commanding to welfare state i.e., providing welfare services to its citizens like food, good sanitation, health, and giving essential commodities of life etc.¹⁶

ALL INDIA SERVICES

Includes IAS, IFS, & IPS.

Purpose:

1. Control of centre over state
2. Coordination between centre and state
3. To avoid regional bias

All India Services includes IAS, IFS, & IPS the Union Govt in consultation with states make rules for regulation of services of persons appointed to all India Services.

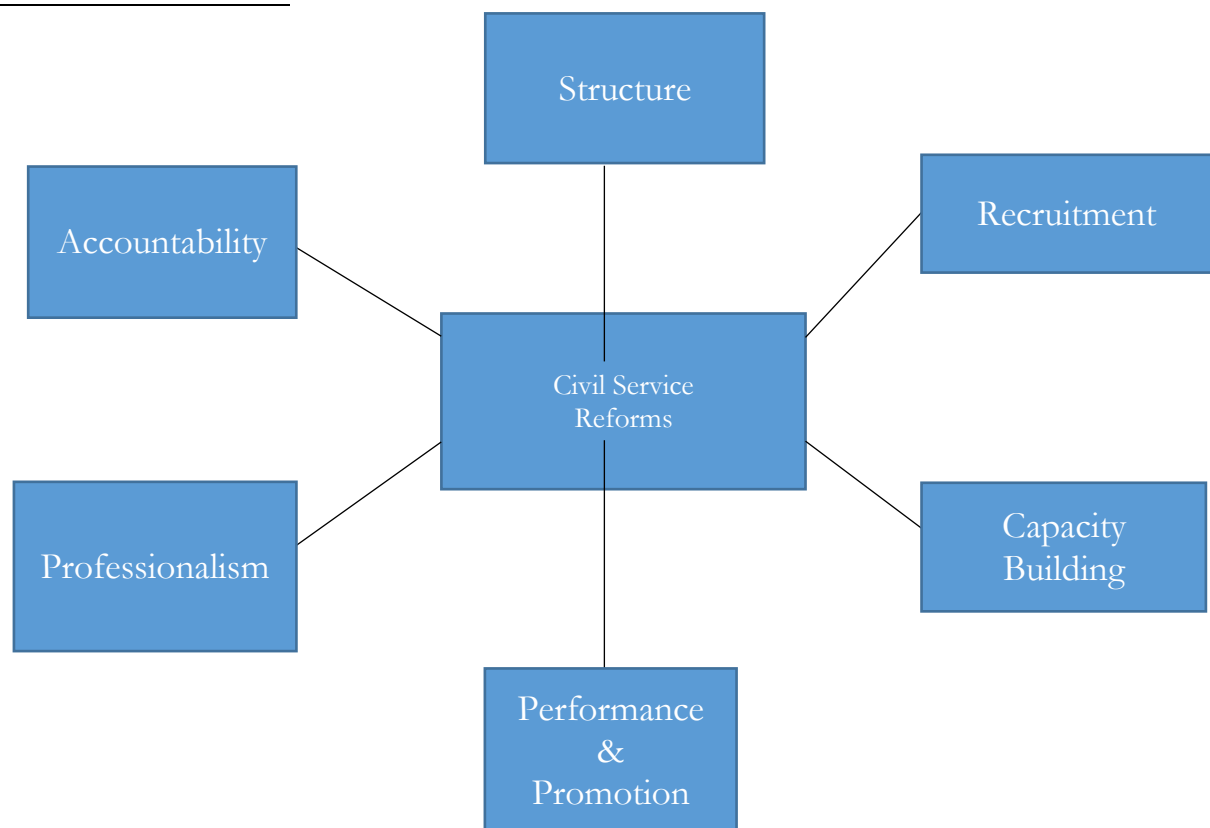
2.amazonaws.com/visionresources/value_added_material/ba4b4-role_of_civil_services_in_a_democracy.pdf.

¹⁵ *The responsibility of the Civil Service officials in the progress of administration: Legal Service India - law articles - legal resources* (no date) Legal Service India - Law, Lawyers and Legal Resources. Available at: <https://www.legalserviceindia.com/legal/article-5005-the-responsibility-of-the-civil-service-officials-in-the-progress-of-administration-.html> (Accessed: 12 June 2025).

¹⁶ Admin (2023) *Role of civil services in a democracy - Indian polity*, BYJUS. Available at: <https://byjus.com/free-ias-prep/role-of-civil-services-in-a-democracy/> (Accessed: 12 June 2025).

ISSUES:¹⁷

1. May Go against Federalism its relevance after so many years of independence currently this principle of federalism and decentralization.
2. There is Issue of Accountability as they are disciplinary controlled by centre.
3. This service comes under union list so responsibility shared by centre and state both.
4. Issue related to Indian Police Services only IPS comes from centre rest of police member all officers come from state at lower hierarchy all officer comes from state but at higher level officers are from centre.
5. All India Services people come from outside state but it can be disadvantage like language, culture difference.
6. The officers of All India Services may not understand the needs of local people or local situation as they are outsiders.

V. CONCLUSION & SUGGESTIONS**Civil Service Reforms¹⁸**

¹⁷ <https://ccsuniversity.ac.in/bridge-library/pdf/BA-LLB-VIII-SEM-ADMINISTRATIVE-LAW-BL-801-Lecture-on-protection-of-civil-servant.pdf>

¹⁸ (No date) *Role of civil services in a democracy, civil services responsibilities, Civil Service accountability.* Available at: <https://www.civilserviceindia.com/subject/General-Studies/notes/role-of-civil-services-in-a-democracy.html> (Accessed: 12 June 2025).

2nd ARC Report Suggestions:

1. Bringing Accountability in civil services and state services

Review System – After 14 years of service so after 20 years 2nd review in short carrier for 20 years after then see on based on outcome or output. A system of two intensive reviews on completion of 14 years and 20 years. After 14-year 1st review to intimate the strength and short coming for future advancement then after 20 years 2nd review to access fitness of the officer for future continuation. Every new appointment should be for period of 20 years and future appointment based on outcome.¹⁹

2. Performance: The recommendations are promotion based on merit and performance related intensive to implement this 2nd ARC recommended making performance Appraisal System more consultative and transparent. It should also be year around with comprehensive performance management.
3. Competition & specialized knowledge for senior appointment: The policy maker in Govt is complex and need specialized knowledge of the subject and IAS officer are set to be Generalist. In this context 2nd ARC recommended following:

12 Domain or area with special knowledge have been identified by 2nd ARC for e.g. Security, Urban- Development, Agriculture etc.²⁰

The posting for these domain should be done after 13 years of service and after matching the domain competence and should be made open to both all India services and centre services.

4. Effective Disciplinary Regime:²¹ A new civil services law with minimum statutory disciplinary and dismissal procedure. Oral Inquiry process should be converted into disciplinary meetings or interviews. The current two stage consultation with CVC should be replaced with only one stage consultation. Consultation with UPSC should be made mandatory only in cases of dismissal.
5. De-Politization of civil services: Norms of Recruitment suggested by 2nd ARC
 - Well define procedure for recruitment to all govt jobs.
 - Wide publicity and open competition for recruitment

¹⁹ *Functions of Civil Services* (2021) *INSIGHTS IAS - Simplifying UPSC IAS Exam Preparation*. Available at: <https://www.insightsonindia.com/governance/role-of-civil-service-in-a-democracy/functions-of-civil-service-in-21st-century-india/> (Accessed: 12 June 2025).

²⁰ (No date a) *Civil Services in India: Administrative law notes - prolawctor*. Available at: <https://prolawctor.com/civil-services-in-india-administrative-law-notes/> (Accessed: 12 June 2025).

²¹ Role Of Governance Civil Servants". S3-Us-West-2.Amazonaws.Com, 2022, https://s3-us-west-2.amazonaws.com/visionresources/value_added_material/ba4b4-role_of_civil_services_in_a_democracy.pdf.

- Minimization of discretion in recruitment process
- Minimum vantage to be given to Interview

T.S.R Subramaniam vs. UOI²² 2013 SC provided recommendations:²³

1. Security of tenure
2. establishment of civil services Board headed by chief secretary for transfer and posting of IAS, IPS, & IFS only in exceptional cases political interference in board only with recorded reason.
3. Civil servants are not allowed to take oral order only work on written order to act.
4. Group B officers will be transferred by the head of the department.

²² WRIT PETITION (CIVIL) NO.82 OF 2011

²³ <https://indiankanoon.org/doc/183945465/>

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