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DOWNWARD SPIRAL IN CIVIL SERVICE ANONYMITY AND NEUTRALITY: AN ANALYSIS OF INDIAN BUREAUCRACY DURING RISE OF CHAUVINISM AND RIGHT-WING NATIONALISM

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Abstract

Civil service neutrality and anonymity flows from the Whitehall model which reverberates in Westminster administrative traditions of UK, Australia, New Zealand and Canada. This model depicts that Public servants/bureaucrats should be politically neutral and work 'behind the curtains' remaining aloof from din and fury of being recognized publicly or appreciated for that matter. Permanency of bureaucracy vis-à-vis political executive makes the cardinal principles of neutrality and anonymity a sine qua non. Advent of Social media has raised a question mark over these two principles. The case of Indian civil services is no different. This article analyses the dwindling of core principles of Anonymity and Neutrality in the context of growing Right-Wing Nationalism and Chauvinism in India. Further this article analysis the social media handles of various top-level bureaucrats (including ex-ones) who are at the helm of important portfolios (both civil and police) and have used their social media handles particularly twitter to knell a death blow to two cardinal principles of Civil Service Neutrality and Anonymity.

Introduction

Civil services neutrality is one of the foundational principles of civil services all across the world. The primary role of civil servant is to implement the policies formulated by the Political Executive, the Administrative Executive cannot constrain or challenge the policy made by Political Executive, however, having institutional memory, bureaucrat supplies Political Executive with necessary information for policy making. The main goal of civil servants is to serve with utmost loyalty, whatever the government of the time may be composed of and whatever ideology they might possess, it shouldn't affect the principle of neutrality (Lall, 1985). Civil services neutrality also implies that civil servants are expected to perform their duties regardless of which political party happens to be in power, it is equally important that civil servants must carry out orders without regard to their own personal views on the content/context of that order. Masterman Committee report in 1949 highlighted the importance of neutrality in the following ways—it is required that civil service which is a permanent body of experts to remain loyal to different governments with different political orientations. Civil servants play a vital role in advising Political Executives, this requires expertise and hence continuity in service is required. If civil servants are loyal to one political party, it would be difficult to carry out their function in an impartial manner. Civil services anonymity requires that civil servants be protected from political victimization. Neutrality and anonymity also mean that civil servants shall work for the implementation of expression of will of Political executive without any fear and favour. The advice or censure has to be within the walls of opaqueness, once the decision is taken, it is binding on Permanent Executive to implement the policies with passion.

Civil servants in India have to follow a particular Code of Conduct. This code outlines their duties and responsibilities in official as well as in their personal life. Second Administrative Reform Commission (II ARC) in its 10th report (2008) suggests that, “civil servants are required to behave at all times in a way that upholds the legislated values”. In a democracy a set of values is vital for an efficient civil service, these values differentiate civil services from other professions. Honesty and integrity, commitment to public services, impartiality, neutrality and anonymity are considered as the symbols of an efficient civil service.

Methodology and Objective(s)

This paper looks at various secondary data available and works already done in order to build the conceptual Framework. The Social media handles of twitter are analyzed and used as evidence in order to understand the differential between what happens in modern day bureaucracies particularly in India where Government is in for a massive overhaul of both historical and developmental discourse. Bureaucratic machinery is rooted in British Whitehall skeleton which is working in post NPM (New Public Management) and New Public Administrative models/themes along with ideological political executive. The outcome will be analyzed within these realities and the observations shall be recorded.

Following the framework, it is pertinent to mention that this paper shall be vying to achieve following objective(s): -

- To analyze the conceptual and theoretical understanding and literature related to Civil Service Anonymity and Neutrality.

- To observe and highlight the effects of rise of Right-Wing Nationalistic ideology and chauvinism on civil service in India.

Bureaucratic tendencies within rise of Authoritarianism and Right-wing Nationalism

Rise of Authoritarianism across globe is a concerted and a definite phenomenon which has now of late become very much central to public discourse. Authoritarianism in various countries has risen on racial distinctions and in various others on economic disparities (Inglehart & Norris, 2016). The Political Executive always rises on certain ideological turf which doesn't hold sway during power. It is very difficult for a bureaucrat to remain neutral and not link to party in power. The theoretical principles often get undermined but with the rise of Authoritarianism under guise of democracy and illiberal democratic orders, bureaucratic neutrality and anonymity flouting as number of cases in various countries is witnessing a rising trend (O'Connor *et al*, 2019). With BJP government in power in India since 2014, there has been a rise in cases where many IPS and IAS officers have publicly through their social media handles expressed their willingness, likes, dislikes, taken-positions and defended ideological positions of government quite openly which is contrary to rules warranted under Civil Service (Conduct) Rules, 1968. Civil service anonymity and neutrality is facing new challenges in age of internet and humongous use of Social media accounts like Twitter and Facebook. This is true of US Administration, Indian Administration, Russian Administration, Brazilian Administration as well as Hungarian Administration. With Strongmen at the helm of affairs, it is both easy as well as difficult to preserve civil service neutrality and anonymity. For perks and Kick-backs, bureaucrats often feel it comfortable and good enough to go with tide. If they resist, they will for sure face the wrath of Political executive. Trump, Modi, Jair Bolsonaro, Victor Orban etc. have shown that within the guise of democracy, it is possible to disfigure the basic tenets of administration, without any fuss, fear and fervor. Recently in an effort to minimize the effects of political damage and hard-beating which Trump has suffered, he ordered that Department of Agriculture must include a signed letter from President in food packets/boxes so that credit shall go to the Government for its efforts (Shrango & Eversley, October, 2020. Public Seminar). Similarly growing fears of politicization of Bureaucracy in India is gaining momentum with the rise of Right Wing Nationalism and holding of power at center by RSS backed BJP government which believes in Religious Nationalism and Chauvinistic ideals. Since coming to power at center in New Delhi, BJP has used brute majority to push in ideological agenda's as part of its party manifesto commitments and other changes in Indian polity which has raised many eyebrows. When a party believes its way of doing things is perfect and the rest has to be obliterated or must fall in line that is when fissures arise. Watering down of Article 370 and bifurcation of erstwhile State into two is part of larger agenda-based politics which requires that bureaucracy is in line with the government. With the abrogation of article 370, Kashmiri bureaucracy had to defend the Government policies at various forums even though that wasn't what was required by civil service rules. This was made possible through coercion as well as luring the civil servants.

Indira/Nehruvian Phases and Subjugation in Modi Regime: What happens in Practice?

Politicians often use their power to subjugate bureaucracy for furthering their party agenda. This happens when parties enjoy brute majorities. During the Indira

Gandhi times in India, the popularity and majority enjoyed by ruling dispensation resulted in centralization of decision making and Prime Minister amassed huge power unto herself. Thakur (1977) in his book *All the Prime Minister's Men* argues that without internal help from bureaucrats, emergency under Indira Gandhi would not have been possible. There were principal men who were responsible for execution of certain policies which centralized the whole system. J. Thakur compares Cabinet Minister V C Shukla under Indira Cabinet with Joseph Goebbels! Principal Secretary P.N. Haskar was instrumental because he always roamed around Indira and Dharendra Bramhachari was "India's Rasputin". Similarly, after the election results of 2014, BJP/NDA got enough seats to take "strong decisions" which required some sort of convergence between permanent and political executives. Bureaucracies don't operate in vacuum. There is context to its working which often results in bureaucracies being dragged into political debates or vortex. In practice, both the actors fiddle with each other's sphere. Politics-administration dichotomy in practice is hard to achieve and a difficult ideal to aspire for. Neutrality when goes too far can be dangerous as one can argue that Nazi Bureaucracy was good in theory but should have given up on its 'neutrality' in order to save Germany. This also goes into the debate of Neutrality versus Commitment. As Indira and Nehru wanted a committed bureaucracy, there was a thin line which separated 'politicized' bureaucracy from commitment and 'being neutral'. Thus, we get to categorization of Aberbach *et al* (1981)—

Image 1—IInd half of 19th century

Image 2—First half of 20th Century

Image 3—Post 1950

Image 4—last quarter of 20th century

Image 1 represents a sharp distinction between Politics and Administration. This phase is represented by a clear delineation along principles of dichotomy. *Image 2* represents and shows that both politicians and bureaucrats participate in policy making. This sphere accommodated both the players. *Image 3* is the phase of post-1950's when bureaucracy was most politicized. Bureaucracy had an incentive to participate in politics and the spheres got obliterated. *Image 4* is representative of last quarter of 20th century. A new hybrid model has emerged over a period of time because there is always some degree of overlap between roles of bureaucrats and politicians. This is but an organic model which seems to be a settled phase. Evolution of Indian bureaucracy—largely vestige of British model—had to undergo through various phases before and after independence in order to reach the present form and shape. Under the British, bureaucracy in India, according to M N Buch had a simple stated objective of preserving the empire but with "justice, fair play and an eye to ensure the wellbeing of subject..." (Cited in Marina, 1977. P-5). It was Nehruvian era which changed the orientation of Bureaucracy from preserving the interests of Raj to development. Again, the Indira Era bureaucracy was 'committed' to ideas of political executive and the policy decisions were more or less partisan (Rao, 1987). The politics impacts and effects the bureaucracy profoundly. It is well documented that with the rise of Right-wing Nationalist politics at centre, bureaucracy is also divided and opinionated.

Treading a thin path: Social media and Civil Service Rules (Conduct), 1968

Shaped after the model of British civil services, the civil services in India are permanent and politically neutral. To maintain the discipline, integrity, honesty and neutrality of civil servants, the government of India came up with the All India Civil Services (Conduct) Rules, 1968 which lay down the code of conduct to be

followed by civil servants in India (Rajagopalam, 1977). Civil Services (Conduct) Rules, 1968 govern the conduct of civil servants in India particularly to ensure that the civil servants maintain “high ethical standards, integrity and honesty, political neutrality and remain impartial in the discharge of their duties”. Rule 7 of the AIS (Conduct) rules 1968 implies that no civil servant shall make any statement or give opinion on public media or through radio communication “which has an effect of an adverse criticism of any current or recent policy or action of the central government or state government” or make any public utterance “which is capable of embarrassing the relations between the central government or any state government”. In July 2016, Ministry of personnel, public grievances and pension proposed some changes in the AIS conduct rules 1968 in which the civil servants were barred from making any statements on television, social media or any other communication application. Earlier, in 1968 AIS conduct rules there was no mention of social media. Government made changes to All India Services (Conduct) Rules, 1968 which allowed civil servants to participate on social media platforms like Facebook, Twitter and others (LinkedIn). Department of Personnel and Training which is the nodal Department for All India Services issued draft rules which allowed using social media but barred civil servants from criticizing the Government programmes and policies. The proposed change in rules also mentioned that civil servants can accept invitations of some simple & less expensive/cheap entertaining events. Loosening of restrictions included also for publishing books and contributing articles for various portals and publishing houses of course with strictures that material shall not be criticizing the Government of the day

The proposed changes made it mandatory for a civil servant to be careful while performing his or her duties especially while addressing grievances on social media platforms such as twitter or Facebook. Social media reduces the anonymity of a civil servant, while addressing certain issues or giving opinions or even venting anger over various other issues, the principle of neutrality comes under threat. Shah Faesal, a 2010 batch IAS officer was supplied with a ‘show-cause notice’ for a tweet about rape culture in South Asia (Dhingra, 2019). His tweet was found in violation of AIS (Conduct) rules 1968 and he was accused of not “maintaining absolute honesty and integrity in discharge of official duty and thus acted in a manner unbecoming of a civil servant.” Similarly, in May 2016, Barwani District collector Ajay Singh was transferred by Madhya Pradesh government for liking a Facebook post which was critical of Prime Minister Narendra Modi and praised First Prime Minister of India Pt. Jawaharlal Nehru (Tikku, 2016). There are many such incidents where civil servants faced the music for their activities on social media.

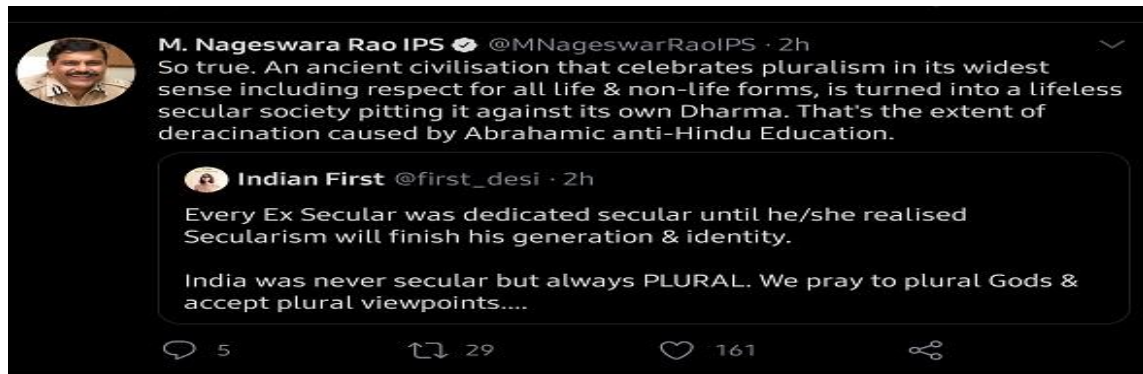
Jumping the red-lines: Instances from Twitter handles of Various Personnel

Over the recent years there has been a rising trend among various bureaucrats both at top level and lower rungs of using their social media accounts to either comment on communal lines or supporting openly the government ideology. This is not any new trend but has of late picked up to staggering levels. Our observation and analysis reveal that due to rise of Right Wing Nationalist and Chauvinist parties in various countries, particularly India, which have risen on populist frenzies, there has been a blurring of traditional lines of Anonymity and Neutrality. The problem of blurring is more evident and discouraging in multicultural societies like India and USA, both big/large democracies, with various ethnicities, languages, colors and creeds. Bureaucratic Neutrality in these societies is not just constitutional

requirement but also a value that has to be practically sniffed and implemented through letter and spirit.

Various cases where the norm has been flouted are discussed and shown below: -

1. Mannem. Nageshwar Rao, who is former IPS officer of Odisha cadre. He joined IPS (Indian Police Service) in 1986, has used his twitter handle to air partisan and communal opinions while serving as CBI chief.



<https://twitter.com/MNageswarRaoIPS/status/1333640982793912322>



<https://twitter.com/MNageswarRaoIPS/status/1333454574733017094>



<https://twitter.com/MNageswarRaoIPS/status/1333323842530336775>

2. Mr Sanjay Dixit who is an Ex-IAS officer and has many times used his twitter handle to express partisan opinions



https://twitter.com/Sanjay_Dixit/status/1333331882872688640

3. Mr. Somesh Upadhyay who is serving IAS officer and has many times found himself in controversies due to his non-neutral views. The various instances from his twitter handle are as:-



https://twitter.com/Somesh_IAS/status/1278551359847948290



https://twitter.com/Somesh_IAS/status/1333042284191830019



https://twitter.com/Somesh_IAS/status/1333712773058969600

4. Mr. Utsav Gautam (IAS) who belongs to Gujrat Cadre 2018 batch IAS officer has also aired and supported a particular party in US Presidential elections.

This goes against the neutrality and India's geopolitical commitments to USA because there is a bipartisan consensus in US Congress about India. So any party whether Republicans or Democrats come to power in USA, things are not going to change much.



https://twitter.com/utsav_ias/status/1325453479259697152

The analysis shows that either these serving or recently retired officers have used their Twitter handles to air opinions which show their intent or commitment to ideology of party in power. The main guiding force of Civil Servants must be his/her commitment to the constitution of India rather than political party in power. This is where the norms of Neutrality and Anonymity get flouted in the age of Internet and Social Media. The tweet from Mr. Soumya shows that he has fished in foreign policy aspect of the country.

Way Forward/conclusion

While anonymity and neutrality are the jewels of a civil servant, it is pertinent to mention that these things are difficult to maintain in this day and age. Ideally, a civil servant's name should come to fore in media only at the time of his death in his obituaries but in the age of social media this seems to be a behemoth task. The moral compass and the loyalty of the civil servants towards a particular Political Executive often calls into question these values. The anonymity and neutrality while at one hand show the impartiality of the civil servant and help them better implement plans and programs of government, on the other hand acts as a shield. For all those who value privacy and have a drive to help public at large without trying to score brownie points these qualities are of utmost importance. Social media usage as seen can be categorized into two usage patterns, one with a veil of anonymity wherein a civil servant while using his or her own social media still posts and writes in such a way while promoting Government Schemes and

Programs for public welfare that he or she stays anonymous while their name is present. On the other hand, while doing the same it seems as though either the civil servant is self-gloating or trying to push some covert agenda. Although both of them should ideally be avoided, however if need be former of the two should be preferred. The problem with later is that it discredits the users with former pattern. The usage of social media has become a tool in modern times for better delivery of goods and services especially when Government is pushing for a digital India. However, impartial anonymous role by civil services is most crucial in keeping permanent executive a permanent bulwark. Of late the analysis of various civil servants reveals that in din and fury of Internet age and Information overload, they more often than not get opinionated and it becomes very difficult to separate the bureaucratic interests and ideological interests of party in power. Certain bureaucrats often for plum postings and at the fag end of their careers who also have certain desire to be in politics give feelers to the political bosses. Certain bureaucrats out of sarcastic comments commit grave mistakes which fall in the category where you can call it flouting the normal course. The democracies like India which don't follow the European model of Secularism where there is clear delineation between religion and politics, it becomes very cumbersome to judge and predict the behaviour of bureaucrats while in service. The social media handles like tweets on twitter often give you an idea upon keen analysis about the behavioral orientations of serving and retired bureaucrats. The way forward calls upon serious introspection about the theoretical understandings of bureaucratic neutrality and anonymity and new models to be created which shall evoke changes in rules/laws about the two cardinal principles. The call is because the context within which various bureaucracies work is also undergoing humongous transformation. Social contract is in for an overhaul so should the tradition politics-Administration dichotomy as well. The information age which has swayed towards information overload where one has to process lot of information, it is very difficult to maintain balance in one's psychological orientations. Thus, either serving civil servants should be totally banned from using the social media accounts and brace for intellectual hypocrisy or open up the platforms and lift the rules in toto so as to lift the layers from opaqueness.

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