

Civil Services Day – Valedictory Session

(New Delhi - April 21, 2009)

Address by Hon'ble Sh. K.G. Balakrishnan, Chief Justice of India

Ladies and Gentlemen,

Thank you very much for inviting me to attend this Valedictory Session of the 4th Civil Services Day. The Department of Administrative Reforms and Public Grievances suggested that initiative should be taken to organize this annual Civil Services Day. Members of the All India Services may be working at various places in this vast country and it is likely that one member may not have any acquaintance with other members working elsewhere. It is a golden opportunity to meet at a common forum to share their thoughts and practices and learn from each other. State service is said to be one of the best contributions made by our colonial rulers. Every year many talented individuals who join the ranks of various civil services are required to work in different parts of the country where they themselves may be unfamiliar with the language and the local customs. However, with their resourcefulness and adaptability they

begin their engagement with governance and developmental activities. Despite so many difficulties, the members of civil services have maintained their high tradition and good standard.

It is through the members of civil services the programmes and policies of the Government are implemented. The development has its own dynamics and problems. India is a developing country. It is the duty of the State under the Constitution to secure to the people of India living standards ensuring social security through public assistance and labour welfare in accordance with the standards set up by the international conventions. The Preamble to our Constitution envisages goals of social and economic justice and the scheme of the Constitution is enshrined in the concept of social justice. Article 31(1) of the Constitution reads thus: *“The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.”* We contemplate the “Welfare State” to give health and safety and to promote welfare of individuals and families of a community and that is the major concern of the Government. Development signifies

modernization, industrialisation and urbanization. It imports a process of improvement, a betterment from the present. These are familiar fields which are known to all of you and, therefore, I do not want to carry coal to New Castle.

Good governance often refers to the task of running the Government in an effective manner. It is qualitatively and conceptually superior to a mere good Government. The right to a legitimate and accountable government, promotion of a society where the Rule of Law and fundamental human rights are respected, ensuring a socially and economically equitable society that is inclusive in nature are all inherent to the concept of good governance. Good governance depends on various factors. A Government, in discharge of its sovereign functions, has to discharge many constitutional obligations and in discharge of these obligations it should be capable of enabling, enhancing and deploying the power of the State for sustainable human development. It is essentially a package to strengthen the institutions of Government and civil society with the objective of making governments more accountable, open and transparent as well as democratic and participatory.

For good governance, there should be a government which is stable and truly representative of the majority of the people and which accelerates the economic growth and development and ensures the welfare of all sections of the society. In this, the fact that transparency is also an important attribute of good governance must not be forgotten. Openness and opportunity for public participation have emerged as a universal principle of good governance. The interested group should be provided with opportunities to observe and contribute in the policy making of the State where availability of relevant information would give them a chance to advance their ideas in the policy making process. However, at the same time there is always the risk that the special vested interest groups could take advantage of open decision making process to distort the policy. What is essential is not that everyone shall speak but that everything worth saying shall be effectively said and heard. Common men are not aware of the true facts of many things as their source of information is very limited.

The traditional concept of governance simply implied an exercise of control by a body of persons elected or brought into power by force, to rule and to reign over their subjects in whatever

way they liked, in total disregard of their own obligations. However, with the passage of time and the consciousness and growth of democratic atmosphere throughout the world, it began to be realized that people are not merely the subjects but they have their legal rights and their sovereigns have corresponding obligations towards them for securing and promoting their welfare, social, economic and political. The perception came to be realized that the people have their own rights, sometimes called as inalienable natural rights, and that they were entitled to be governed consistent with these rights.

Under our Constitution, Part IV gives sufficient indication as to how the good governance shall be maintained by the State. All governments have been given sufficient constitutional backing by these provisions to ensure good governance for the people. Under Article 31-A of the Constitution, the State is given wide powers for acquisition of any rights or taking over of the management of any property for the public interest in order to secure the proper management of the property and such action shall not be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by Article 14 or Article 19. The State can interfere with the private rights under Article 31-A, 31-C clause (a) to (e). Of

course, these powers have to be exercised very carefully and under extraordinary circumstances. Under Article 39, the State should direct its policy towards securing that the citizens, men and women equally have the right to tackle means of livelihood and that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; that there is equal pay for equal work for both men and women; that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. Children are to be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that the childhood and youth are protected against exploitation. The State shall make provision for securing just and humane conditions of work for maternity relief. The State shall take steps to organize village panchayats. It is the duty of the State to raise level of nutrition and standard of living and the State shall take care of people who are economically backward. The State shall also endeavour to

make suitable legislation to provide to all workers living wage, conditions of work ensuring decent standard of life and full enjoyment of leisure and also ensure social and cultural opportunities. By 42nd amendment, we also added the fundamental duties. These are some of the constitutional provisions, which envisage good governance for India.

With the enactment of the Right to Information (RTI) Act there is already a systemic shift taking place towards more diligence and scrutiny in administrative decision-making processes. We all need to rank accountability as the first principle behind all governmental activities. We need to strive for a high degree of accountability - between the government agencies and citizens, as well as between the various levels in the governmental agencies themselves. Such an objective not only needs strategic thinking but also a cultural change in the way ordinary citizens interact with public officials.

The role of a civil servant is indeed a difficult one – it combines an emphasis on excellence with the objective of equity in delivery of public-services in addition to a high degree of transparency and

accountability. The ongoing economic recession has also reminded us of the vital importance of public sector institutions for maintaining the fundamentals of the economy. It is no co-incidence that our public sector enterprises also play a leading role in vital sectors that shape the financial health of the country as well as the development of its infrastructure.

Lastly I would like to refer to some observations made by Sir John Donaldson,¹ where the nature of public administration was described in the following words:

“We have to approach our duties with a proper awareness of the needs of public administration. I cannot catalogue them all but, in the present context, would draw attention to a few which are relevant.

Good public administration is concerned with substance rather than form.

...Good public administration is concerned with the speed of decision, particularly in the financial field.

¹ Excerpts from judgment in *R. v. Monopolies & Mergers Commission, ex p. Argyll Group Plc*, quoted by Mohan, J. in *Tata Cellular Ltd. v. Union of India*, (1994) 6 SCC 651, at Para 87

...Good public administration requires a proper consideration of the public interest ...

...Good public administration requires a proper consideration of the legitimate interests of individual citizens, however rich and powerful they may be and whether they are natural or juridical persons. But in judging the relevance of an interest, however legitimate, regard has to be had to the purpose of the administrative process concerned.

...Lastly, good public administration requires decisiveness and finality, unless there are compelling reasons to the contrary.”

With these words, I would like to thank all of you for being such a patient audience.
