

The Indian Civil Service and the nationalist movement: neutrality, politics and continuity

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How was it that the Indian Civil Service (ICS), involved as it was in various activities to secure the British Raj against the pressures of Indian nationalism, was able to survive and flourish in the new political order after independence? This article argues that part of the explanation lies in the fact that it was, and was seen to be, a ‘politically neutral’ institution. In the course of making this argument, it surveys the changing role of the ICS vis-à-vis the nationalist movement before independence, and also considers the theoretical question of what is meant by the claim that bureaucratic work is ‘apolitical’ or ‘neutral’ with respect to politics.

Keywords: Indian Civil Service; colonial bureaucracy; political neutrality

In one of his memoirs (Gundevia, 1984: 321), Y.D. Gundevia records the following encounter with Nehru, soon after Indian independence in 1947:

Sri Prakasa, an eminent Congress politician from Benares, had been two years in my jail in Mirzapur . . . four years later, at a party in Delhi Sri Prakasa dragged me across the room, to introduce me to Nehru – ‘Jawaharlal, you must meet my jailor. He is a very fine fellow.’ I was embarrassed. Sri Prakasa was not embarrassed. Nehru could have seen nothing wrong in this strange companionship.

As an Indian in the Indian Civil Service (ICS), Gundevia’s predicament was by no means unique: the memoirs of Indian ICS officers are full of such vignettes.¹ As civil servants under the Raj, these officers had played an important role in suppressing the nationalist movement which had brought India to independence. Despite this role, they were retained as administrators of independent India under the new political regime – a regime consisting of people like

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Nehru and Sri Prakasa, leaders of the very nationalist movement which the ICS had tried to suppress. Gundevis's embarrassment, and the generally defensive tone of a great many memoirs written by ICS officers after Independence, should come as no surprise.²

How was it that the ICS retained power in the new regime, and that ICS officers were not penalised for their role under the Raj? To understand what we might call the puzzle of ICS continuity, we have to take a closer look at what the ICS actually did towards securing British rule, and how this affected the relationship between the ICS and the nationalist movement which eventually came to power. One of the aims of this article is to investigate that relationship, and to trace the ways in which it changed in the decade or so before independence.

One explanation for ICS continuity that ICS officers themselves gave was that they were regarded by the nationalist leadership as civil *servants*, members of a 'politically neutral' or 'apolitical' bureaucracy, who therefore did not suffer the taint of association with colonial rule. One might well regard such an explanation as self-serving when coming from them – part of a larger project to defend their role in maintaining the Raj. Nevertheless, I will suggest that there is some truth to that claim. Although the ICS played an important role in suppressing the nationalist movement, there *was* a sense in which it was a politically neutral institution. Furthermore, this fact was recognised by influential members of the Indian nationalist leadership around the time of independence, and this recognition played a role in explaining the survival of the ICS.³

In order to make this historical point, one needs to fish in conceptual waters as well: just what *is* it for a bureaucracy to be apolitical or politically neutral in the first place? The historical investigation reveals, interestingly enough, that these conceptual questions were of great interest to the ICS and the British political establishment around this time.

The ICS role in suppressing the nationalist movement⁴

With a few exceptions – such as Noronha (1976) – Indian ICS officers are notably reticent in their memoirs about the extent to which they participated in activity directly aimed at suppressing the nationalist movement. Yet it is unquestionable that they were involved in such an activity, both at the level of policy and on the ground. Take the following letter from J. N. Gonsalves, District Magistrate of Bhagalpur, to the Chief Secretary of Bihar, providing a report of the activities undertaken in his district with respect to the Congress movement and local *dacoits* (bandits) in the years 1943–45, during and just after the Quit India agitation (Gupta, 1997: 253–257). They include the following:

- (1) Imposing collective fines on villages guilty of sabotage, or of open/secret help to political absconders and 'desperadoes'.
- (2) Passing detention orders against political offenders.
- (3) Cancelling arms licenses of 'undesirables' and those known to be helping offenders and absconders.
- (4) Proclaiming rewards for the apprehension of absconders.
- (5) Granting licenses to those who have helped the police and are in danger of reprisals.
- (6) Granting compensation to those who have suffered loss or damage at the hands of desperadoes.
- (7) Organising troop marches through affected areas, along with demonstrations of weaponry.
- (8) Imposing deterrent sentences after the speedy disposal of cases; hiring additional prosecutors and insuring (*sic*) the presence of witnesses at trials of political offenders.
- (9) Touring and camping in the affected villages.
- (10) Engaging in propaganda activities.⁵

Gonsalves' letter reveals the number of weapons a District Magistrate had at his disposal with respect to the nationalist movement – ranging from straightforward exercises of his powers to enforce law and order, to the exercise of patronage in terms of granting and withdrawing licenses, and further to propaganda activities designed to raise support for the administration.

The use of these tactics was hardly new. They were employed particularly forcefully in periods of great national agitation against British rule: the Non-Cooperation Movement of 1921–22, the Civil Disobedience Movement of 1930–32, and the Quit India Movement of 1942–43. Thus, Harcourt Butler, Governor of the United Provinces, writing to district officers during the Non-Cooperation Movement, directed them to 'rally loyalists, contradict false rumours, round up bad characters, and discourage loose talk about the British leaving India' (Ewing, 1984: 41). After an initially cautious 'wait and see' policy from the Government of India, which countenanced little direct action against the non-cooperators, more stringent powers were given to district officers: to enlist the services of government servants, commandeer stores, and use government funds to reward loyalists who helped against the movement.⁶

Ten years later, in the Civil Disobedience Movement, ICS activity included the spreading of anti-Congress propaganda through schools and in the form of pseudonymous contributions to the press. It also extended to forming *aman sabhas* (peace committees) to rally loyalist elements; *aman sabha* bulletins were explicitly anti-Gandhi and anti-Congress (Potter, 1986: 35–50). The anti-Congress aspect of this activity was so pronounced that in 1932 Haig warned of 'the dangers in a development which would link official activities

too closely with a political anti-Congress party of the future . . . If in the politics of the new constitution, officials are regarded as definitely anti-Congress, we cannot be surprised if Congress are very definitely anti-official' (Beaglehole, 1977: 254).

The ICS could not claim to have been 'just following orders' in using these tools to suppress the nationalist agitations. ICS officers had great discretionary powers: Gonsalves was not reporting on the extent to which he has *followed* orders; his report concerns what he and his colleagues have done on their own initiative to pursue certain broad government objectives. The ICS also exercised civilian control over the police, which were accused of several excesses during this period. Nor could the ICS disclaim responsibility for formulating government policy against the nationalists; in fact, it had advocated a much harsher response to the Civil Disobedience Movement than either the Viceroy or the Secretary of State.

ICS involvement in the suppression of nationalist uprisings was acknowledged quite frankly. During the Civil Disobedience Movement, Lord Willingdon, the Viceroy, wrote that 'Most of our officials have had a pretty rough time from the Congress party in the last two or three years and it may be that in some cases they are getting some of their own back' (Beaglehole, 1977: 254). As Malcolm Hailey, the Governor of the United Provinces, wrote in January 1932, 'District officers . . . seem to have forgotten the effects of the Delhi truce and rather rejoice in the present display of activity against Congress' (Beaglehole, 1977: 253). The second Civil Disobedience Movement was, in fact, an opportunity for them to take revenge against the loss of self-respect which they felt had been the result of the Gandhi–Irwin truce; even before the truce ICS officers like Andrew Hume chafed against the restrictions of his superiors wanting, to deal with agitators by methods 'unknown to the law' (Beaglehole, 1977: 252).⁷

ICS activity with respect to the nationalist movement was not confined to the periods of great nationalist agitation. Because the ICS was so thinly spread on the ground, district officers had to rely on a large network of local collaborators, in what one historian has called a 'neo-darbari' system of politics (see generally Low, 1977: 1–46). This is what gives the lie to the notion that the ICS were 'rulers': in practice their rule depended a great deal on the activities of their subordinate officers and local collaborators, over whose activity they had little control (Potter, 1986: 35–55). There were a variety of ways in which such collaboration could be secured: loyal *zamindars* and other notables could be bribed by a variety of titles, such as that of *Rai Bahadur*, and threatened or harassed by the withdrawal of patronage or privileges such as gun licenses.

English ICS officers acknowledged the role of the ICS in maintaining the Raj. Sidney Wadsworth, writing about his experiences as an Additional District Magistrate in Godavari district in 1920–21 said that much of his work 'was in

the nature of “showing the flag” – taking every opportunity to demonstrate that the government intended to govern and that those who wanted to help the authorities must come out into the open as loyalists’; another wrote ‘Our main responsibility was the maintenance of “Pax Britannica” ... we were against Congress who were trying to chuck the British out of India’ (Potter, 1986: 36).

ICS activity was sometimes also designed explicitly to punish those who were involved with the Congress or supported it in some way. In the spring of 1921, Wadsworth spent a great deal of his time planning the imposition of a new ‘tax’ in some parts of Godavari district, to take ‘offensive action’ against people who had come out in favour of the Congress: ‘Notifications were issued under the Police Act declaring that special police were necessary for the maintenance of law and order in these areas and that the cost of those special police would be recovered from those people whose misconduct had made them necessary’. Similarly, when crop irrigation areas had to be reduced because of a fall in level of the Godavari river, preference was given to villages that had not joined the Non-Cooperation Movement, ‘thereby demonstrating in the most convincing fashion that it paid to be loyal’ (Potter, 1986: 36).

ICS activity against the Congress was not confined to the districts. Around the same time that district officers like Gonsalves were combating the Quit India Movement, there was a heated debate within the Government of India, in conjunction with the provincial governments, on the policy of ‘economic warfare’ against the Congress and its supporters.⁸ The question was whether or not the government should issue directions to cancel licenses of ‘known supporters’ of the Congress.⁹

One problem concerned how precisely to define the term ‘Congress supporter’. The definition proposed was ‘any person who actively assisted in any way, whether openly or secretly, the Congress movement’, and this was illustrated by a variety of examples: people suspected of taking part in the disturbances; those who had harboured underground Congress workers; or financed the movement, or even those who had obstructed measures to tackle the movement (Gupta, 1997: 419–421).

The proposal raised many questions. Would such a characterisation be feasible to apply in practice, given, for instance, that many contractors who supplied goods for war purposes were also known to be Congress supporters? Would it be fair, given the possibility that the term might also include those who merely sympathised with Congress aims without actively supporting it? Would it be legal, given the fact that the relevant rules and acts did not authorise such exercises of discretionary authority on the part of district magistrates?

It was also unclear what kinds of licenses would be threatened by the proposed policy. Were they to be denied only when they posed a security

threat – e.g. in cases of licenses for poisons or explosives – or was the ban to apply more broadly, e.g. to those licenses whose possession allowed licensees to make a profit? Could they be applied, for instance, to licences for motor vehicles?

These questions were raised, sometimes in quite sharp terms, over the course of a little over a year. The principal proponents of the policy were Sir Richard Tottenham, the Additional Secretary in the Home Department at the Central Government, and Sir Reginald Maxwell, the Home Member in the Executive Council. Despite their spirited campaign in favour of the policy, they finally had to admit defeat in the face of sustained hostility from many provincial governments. The Chief Secretaries of Bombay, Bengal, and the Central Provinces were against the proposal, as were the Department of Munitions and the legal department; only Madras, Assam, and Bihar seem to have been in favour of it. Most of the participants in the debate were ICS officers: even if they did not have ultimate authority with respect to policies vis-à-vis the nationalist movements (which rested with the Viceroy and the Secretary of State), they had a great deal of influence on how it was shaped.

The debate is remarkable in many respects. For one thing, it illustrates Potter's own observation that the ICS did not speak with one voice: the record reveals a great deal of internal disagreement with respect to policy.¹⁰ Furthermore, ICS influence in this case was largely in the direction of *curbing* the anti-Congress tendencies of the political establishment.¹¹

Most interestingly, perhaps, opposition to the policy was not cast, as might be imagined, in exclusively pragmatic terms. For instance, in May 1943, the Governor of the United Provinces wrote that 'it would be manifestly unfair to penalise persons . . . purely on the ground of their political views' (Gupta, 1997: 377). John Sheehy, an officer in the Central Board of Revenue, wrote in January 1943 (Gupta, 1997: 309–310) that the refusal to renew licenses to 'known supporters of the Congress' would be

[T]he same thing as if in England a Tory Government refused any concession to a supporter of the Labour Socialist or Communist Parties. But this is exactly what you would expect a Nazi or a Fascist Government to do and I am sure we have not come to that. It seems to me a mistake to drag politics into this economic question. These licensees are persons who have embarked capital on long-term undertakings. Put them in Jail if you can but do not deprive them of their means of livelihood.

In contrasting the situation with that of Nazi and Fascist governments, Sheehy was making an explicitly moral argument, even at a time when the Quit India movement was at its most militant. But even more importantly for our purposes, he was clearly sensitive to the need to separate 'politics' from 'purely' economic questions.

Sheehy was also sensitive to the peculiar nature of the interaction between the Congress and government during this period (Gupta, 1997: 309–310):

Congress may now be an illegal organization but only the other day it was on friendly terms with Government and may be so again. If and when that happens, how are we to deal with these licensees who have now been supplanted by non-supporters of Congress?

This strange duality of the British establishment vis-à-vis the Congress is crucial to an understanding of the sense in which ICS activity was political, and I shall have more to say about it. On the one hand, the Congress had been engaged in constitutional discussions with the establishment on and off for several years; it had formed the government in many provinces just a few years before. On the other hand, as Tottenham wrote in an angry reply defending the policy of economic warfare, ‘the persons against whom it is intended to use this policy are known to be active sympathisers with an unlawful body which is in an open rebellion against the Government’ (Gupta, 1997: 368–369).

Tottenham’s point was that constitutional conventions did not apply to a party which threatened to overthrow the very regime whose constitution it was. But the fluctuating political status of the Congress – constitutional partner one day, extraconstitutional political opposition the next – meant that ICS officers were always unsure of their relationship with it. In order to understand the changing nature of this relationship – and hence of ICS activity itself – we need to go back slightly further in time, to the constitutional changes inaugurated by the Government of India Act, 1935.

The Government of India Act, 1935

The period between 1935 and 1939 saw a number of important changes with respect to relationship between the ICS and the nationalist movement, many of which can be traced to the Government of India Act, 1935. The Act was aimed at introducing ‘responsible government’ into the provinces in a substantial though limited way, and called for the election of provincial ministries which were to exercise legislative and executive power over a range of subjects: ICS officers were to be directed, to some extent at least, by an elected political leadership. The ICS played an important role in crafting a constitution which restricted their own power in this way; at the same time, they took great care to ensure very strong constitutional protections for themselves. These were prompted by fears of retaliation and persecution by the newly formed provincial governments, many of which would consist of leaders of the same nationalist movement that the ICS had tried to suppress in years past.

The ICS role in administering the Act was also a complicated one. On the one hand, their management of the elections was hardly neutral: they worked

with the often explicit goal of making the Congress lose. On the other hand, they seemed to work in surprising harmony with Congress ministries in those provinces where – despite the ICS efforts to ensure their defeat – the Congress did in fact manage to come to power. It is a fascinating period in which to study the relations between the ICS and the nationalist leadership: not surprisingly, these changes and contradictions occasioned a great deal of soul-searching within the ICS itself.

It will be helpful to provide a brief summary of the terms of the Act (see Keith, 1936: 319–459). The Act divided legislative powers into federal, provincial, and concurrent lists (a scheme which survived in the constitution of independent India). The federal list comprised subjects such as defence, external affairs, currency, customs, and the regulation of the railways, copyrights, explosives, and opium, while the provinces were to legislate on matters such as public order, public health, education, agriculture, excise, and certain forms of taxation. The concurrent legislative list dealt with issues such as criminal law and procedure, censorship, bankruptcy, and labour.

At the centre, the Governor-General (Viceroy) was advised by a council of ministers, chosen by him from among one of the houses of a bicameral legislature (the members of which were to be elected on the basis of a restricted franchise, to seats reserved for different communities). However, this ministerial control at the centre and in the provinces was hedged with a number of caveats. The Viceroy reserved discretionary powers over subjects such as defence and external affairs, aided by counsellors appointed directly by him. In these subjects, the Viceroy could act without even consulting his ministers. In addition, there were a number of areas for which he had a ‘special responsibility’, and in respect of which he had the right to exercise his ‘individual judgement’. Among these ‘special responsibilities’ were the prevention of ‘grave menace to the peace and tranquillity of India’, the safeguarding of legitimate minority interests, and the safeguarding of financial stability or credit.

In exercising his individual judgement the Viceroy was to be advised by his ministers, but the decision was to rest ultimately with him. In neither case would ignoring the advice of his ministers be an unconstitutional act. The Viceroy could require Secretaries (ICS officers, all) to bring to his notice any information he deemed as involving a special responsibility; even if the information related to a sphere which ministers might regard as their own. The Viceroy’s powers in these respects were also mirrored in the powers of Governors in the provinces, laid out in greater detail in supplementary ‘Instruments of Instructions’ to the Act.

The Act thus gave to Viceroys and Governors great power to overrule the advice of their ministers. In addition, it circumscribed the powers of the legislatures in terms of the subjects over which they could make laws. For instance,

the federal legislature was not allowed to vote on matters concerning federal revenues, including the salaries of the Viceroy, or on expenditure on defence and external affairs.

Nowhere were these restrictions to 'responsible government' more evident than in the issue of 'safeguards' for the services. According to British ICS officers, safeguards were needed to protect them from retribution should provincial governments assume control over the ICS: they claimed that the antagonism of the press and the politicians to the ICS justified this fear. They did not feel that sufficient protection to the services could be granted by Indian legislatures, since such acts could be repealed by 'future extremist governments'. They were not impressed by the point made by B. R. Ambedkar (echoing an earlier point made by Sir Reginald Craddock in the report of the Lee Commission) that some of the hostility to the services was due precisely to the fact that they clamoured so much for protection against legitimate criticism from public opinion.

The result was an unprecedented degree of constitutional protection for civil servants. The 'special responsibilities' of the Viceroy or Governor included – along with such important issues such as the protection of minorities and the maintenance of peace and tranquillity – the protection of the rights of members of the public services and their families, and the safeguarding of their 'legitimate interests' (Section 52(1)). This is a remarkable conflation of constitutional priorities, a result of ICS lobbying and fears from the British political establishment that ICS officers dissatisfied with their new constitutional positions would simply leave *en masse*, as they had done following the adoption of the Montagu-Chelmsford Reforms of 1919.

In addition to safeguards in the matter of privileges such as pensions and salaries, the Act enunciated a number of principles which dealt with control and authority. Civil servants were taken to hold service at the pleasure of the Crown, and dismissal forbidden by an authority inferior to the appointing authority. Since ICS officers were appointed by the Secretary of State, this meant that Indian legislatures did not have the power to dismiss them (Section 240).

Civil servants also had a right of appeal against any order of punishment or formal censure; of any interpretation of a service rule to the detriment of their career; or of premature termination from service. Since the appeal went to the head of government – i.e. the Governor or the Viceroy – this meant that even in disciplinary matters ultimate authority lay with the British establishment.

The Act also constrained legislative power with respect to the service: no rule or Act could deprive the head of government of the right to deal equitably with any case involving a person working in a civil capacity. In addition, civil or criminal proceedings against any officer with respect to official acts committed prior to 1 April 1937, required the permission of the head of government, acting in his discretionary capacity (Section 270). Remarkably, the Act

also mandated that such cases be dismissed unless the courts were satisfied that these acts were not done in good faith. Any bill which sought to vary this protection required the prior sanction of the head of government.

The extent of constitutional safeguards for civil servants indicates not only the profound suspicion with which the British establishment viewed the prospect of ceding some degree of control to Indian legislatures; but also the fears of the ICS at the prospect of working under Indian political control – a fear which perhaps reflects on their own perception of their role in the suppression of the nationalist movement. For provincial ministries, the fact that the ICS was effectively insulated from almost all forms of political control in the provinces was to be a constant source of resentment.

Nor was this resentment allayed by the conduct of the ICS in managing the 1937 elections, which they tried to engineer against the Congress (Sarkar, 1989: 350–351). In a long note on government policy vis-à-vis the Congress, Maurice Hallett (the Governor of Bihar) had pointed out that though ‘It is not of course possible for a Governor to take any direct action to form a political party . . . he should do all he can to facilitate the formation of a party consisting of those elements which are at present opposed to Congress’.¹² The Congress leadership was well aware of this attitude: in an interview with Linlithgow in March 1937, the businessman and Congress financier G. D. Birla reported that there was a great deal of bitterness because of the anti-Congress bias shown by the ICS both before and during the elections.¹³ In the end, the Congress won absolute majorities in 5 out of 11 provinces (Madras, Bihar, Orissa, Central Provinces, and UP) and a near majority in Bombay.

The situation that followed was anomalous in several respects. The Congress had to now function in a constitutional setup to which they had been vehemently opposed and through a police force and civil service which they had often excoriated as agents of colonial rule. Much of their criticism of the Act had been directed at the fact that political power in the provinces was circumscribed by the safeguards imposed by the new constitution, so that though ministers now had authority over the services, they had only limited control. This criticism had been directed particularly at the services, for lobbying so hard to put those safeguards in place; and yet it was upon these services that the success of their administration depended.

These anomalies were echoed on the other side as well. As we have seen, the ICS had played an important role in anti-Congress activities for several years, and the demands for special safeguards were an indication of the suspicion with which they regarded the nationalists. Yet they now had to function under politicians who had only recently been, at least in some sense, adversaries. As a result, there were concerns about retaliation and victimisation. Sir Harry Haig, the Governor of the United Provinces, wrote to Linlithgow in January 1937 of the difficult position of government servants, given

Congress attempts to intimidate them. In Madras, the government was forced to issue a public statement reminding public servants of the various provision of the Government of India Act designed to protect them.¹⁴ Similar concerns were voiced by civil servants in the Central Provinces following hostile speeches in the Legislative Assembly.

The most remarkable aspect of this story is that these mutual antagonisms were eventually sorted out. The relationship between Congress ministries and their civil servants seems to have been quite harmonious, at least in the secretariats. There were complaints of the new workload imposed by 'inefficient ministers' with 'no head for business', some of whom bypassed proper channels of authority; but otherwise the reports from this period mostly indicated a smooth functioning system, at least from the British perspective, with cordial relations between the ICS and their political masters (though of course there were variations between the provinces).¹⁵

In some cases, the lack of animosity between Congress and bureaucracy is explained by the fact that the Congress found itself having to undertake measures for 'law and order' which it would have formerly criticised as repressive.¹⁶ In addition, ministerial control over the services meant that ministers started to feel some degree of ownership over their actions – some criticism of the services might, in this case, be criticisms of the Congress itself. Generally, the process that some commentators have called 'the Congress *becoming* the Raj' meant that the Congress was correspondingly less willing to criticise the *agents* of the Raj.

The ICS and the Congress ministries: the view from the districts

Though the relationship between the Congress and the ICS was cordial in the secretariats, it was not in the districts. In the provincial secretariats, the Congress and the ICS were colleagues; in the districts, they were competitors: the growth of the Congress machinery posed a direct challenge to the authority of district officers. I want to discuss two instances of British government reactions to these changes, for they illuminate the great difficulties of running the new political system on the basis of the old administrative machinery.

The first case concerns a letter sent in November 1937 by Christopher Gwynne, the Chief Secretary of the United Provinces (UP), to all District Magistrates. The so-called Gwynne circular concerned the need for a new relationship between government servants and the Congress now that the Congress was in power.¹⁷

Gwynne referred to a series of complaints and counter-complaints between district officers and district-level Congress workers – the one accusing the other of 'political interference'; the other accusing the first of high-handedness

towards the public. Gwynne pointed out that the time had come for government officials to make 'determined efforts' to establish relations of mutual confidence with district-level Congress leaders. A similar circular was to be sent simultaneously to Congress workers by the UP Congress Committee.

Government officials were to realise that the Congress 'represents a large body of public opinion on the support of which the present Government rests', and that the efficiency of the administration depended on the extent to which the Congress and the government could work in harmony. The task of establishing friendly and cooperative relations with the Congress required 'tact, sympathy, accessibility and impartiality' on the part of district officers. But they were nonetheless to seek reassurance from the fact that they continued to be the agency through which government policy was to be implemented, there being no question of it being replaced by any other.

Gwynne's circular represents a major change of policy towards the Congress, and in the new roles and attitudes it recommended to district ICS officers. It had always been part of the ICS mythology that the district officer was the guardian of the people in his district, and understood their wants and needs better than 'political agitators' from the outside (indeed, one of the sticks frequently used to beat the Congress with was the charge that it represented primarily the urban educated elite, and had little following in rural India). Finally, the reduced power of the district officer during this period was reported by ICS officers as among the trends that made them most disheartened. Yet here was a senior ICS officer telling them that their duty as government servants included paying special attention to the demands made by the Congress. In addition, by singling out the Congress party as a legitimate bearer of public opinion, the Gwynne circular also departed from the general civil service ethos of staying away from party politics and party fortunes.

Predictably, the then-Viceroy Lord Linlithgow was enraged by the letter. In a letter to Haig, the Governor of the UP, he criticised the letter for failing to recognise the principle that civil servants should be detached from party organisations and policies, regarding themselves as agents of the executive authority of the province rather than as servants of the particular party in power. This principle, he wrote, was crucial to the preservation of civil service integrity, and hence to the successful working of the new constitution. Gwynne's singling out of the Congress as a body 'naturally anxious to secure the maximum benefit for the members of the public out of the public institutions and functionaries' was strongly criticised: Linlithgow strongly deprecated the implication that such concern for public benefit was not equally within the province of the district officer. The assumption was all the more dangerous because it reinforced the Congress claim to be the sole intermediaries of the people with the state apparatus. Writing off the circular as something district officers would regard

as an 'uncalled for and rather offensive' lecture, he requested Haig to see that it was withdrawn, as it subsequently was.¹⁸

Though the letter was eventually withdrawn, it is revealing for a number of reasons apart from those already mentioned. In encouraging ICS officers to pay closer heed to the complaints of Congress workers, it acknowledged, at least implicitly, that complaints of ICS high-handedness were not altogether untrue. In fact, the document reads like a statement of policy concealed in an administrative directive – 'though in the past we have encouraged anti-Congress activity in the districts, you must now call this off'. By reassuring ICS officers that their role as the sole executive agency of the state was unchallenged, it was also speaking to a major ICS concern at this time. Linlithgow's response represented nothing so much as anger at its suggestion of the decline of the power of the British Raj: a decline of which the circular was itself a clear sign.

If the UP Chief Secretary's attitude towards the Congress was largely cooperative, that of his colleague in neighbouring Bihar was not. One of the chief complaints of ICS officers under provincial governments – starting with the Montagu–Chelmsford reforms – was the fact that ministers often bypassed the usual chain of command, and issued orders directly to subordinate officers. In response to a number of private queries about what to do in such circumstances, W. B. Brett, the Chief Secretary, sent a confidential letter to all his district officers explaining government policy.¹⁹

Brett referred to the constitutional position, which was that the government was represented by the Governor, under advice from his ministers – which advice he was not bound to accept. In addition, he reminded the officers of the rules of executive business, which clearly stated that only orders signed by secretaries, additional secretaries, and deputy secretaries could be regarded as legitimate government orders: anybody acting on orders not so signed did so at their own risk.

In some cases, such as an urgent request for information, a district officer could take an order from a minister. In more important cases, the district official was to reply with a request that the orders come through a 'proper channel'; a copy of which request was to be sent to the Chief Secretary – taking care not to do anything that would prejudice the order if and when it finally became authorised.

Brett's letter might be seen as an exhortation to district officers to resist or limit the power of elected political leaders. It was leaked to the press and caused an immediate uproar, with questions being asked on the floor of the Bihar Legislative Assembly. Brett was forced to withdraw the letter after clarifying that it was unauthorised and unofficial. In a letter of apology to the Premier, Sri Krishna Sinha, Brett pointed out that his letter was never intended to be an official document, but was sent purely as a private document in response

to private requests for advice. Nor was the advice illegitimate, or specially designed to curb the powers of the political executive: even members of the Executive Council had to abide by them. Brett expressed regret that his action had embarrassed the premier, but relations between them – according to a later government report – do not seem to have been affected by the incident.²⁰

The two circulars are, in their own way, very revealing of the situation of the ICS at a time of transition. In both cases, circulars were sent by ICS chief secretaries in response to the changing circumstances of district administration – in one case, the increased presence of district Congress workers who posed a challenge to the authority of the district officer, and in the other the fact that ministers would issue orders directly to subordinate officials.

Both circulars recognised the predicament of district ICS officers at this time, as well as the compulsions of working under the new regime. Though Gwynne advocated increased cooperation with the Congress, he noted and tried to allay the worry that this would supplant the authority of the district officer. While Brett's advice had the effect of strengthening the hand of the services with respect to the ministers, he recognised the need to rein in over-enthusiastic ICS officers in following these orders.

Finally, the history of what happened to these circulars also illustrates in contrasting ways what was happening to the ICS, caught as it was by two parallel chains of command. Gwynne's letter was shown to Linlithgow by Haig as part of his reporting on political activities in the province, which were presumably kept secret from the parties concerned (since they often had quite derogatory things to say about them). Presumably the provincial government – under whom Gwynne was working – was satisfied by Gwynne's circular, since the UPCC had agreed to send a similar letter enjoining friendly relations between Congress workers and district officers. The reprimand came from the Viceroy, to whom (through the Governor), Gwynne was formally responsible. The objections were that Gwynne had granted a degree of legitimacy to the Congress which in fact it did not possess, and that the appeal conflicted with the principle of a politically aloof civil service. Yet Gwynne's circular was prompted by the recognition of the bureaucrat's dilemma, particularly at this point in time: good civil servants need to be engaged as well as aloof, and the pressures pulled in opposite directions.

Brett's circular presents the dual scenario: it was sent (officially as 'private' advice) without consulting the Premier under whom Brett was working. Indeed, the Premier became aware of it only because of the press leak and the subsequent uproar in the assembly. Though in this case, both the Viceroy and the Governor were behind Brett, Brett finally had to apologise to the Premier because of the embarrassment his letter had caused – even though he stuck to his guns in the matter of policy.

Political neutrality: a theoretical interlude

We have seen that the ICS relationship with respect to the nationalist movement in this period was a complicated and unstable one. At times, it acted in a straightforward way to suppress the nationalist movement, or to punish those who supported it; at other times, it worked on relatively cordial terms with them, under conditions which greatly diminished their own power. How was this possible? I want to suggest that part of the answer lies in the shared conception of the ICS as a 'politically neutral' institution. Let us see what to make of that suggestion, starting at a relatively abstract level before returning to the historical issue.

The most obvious sense in which a bureaucracy may be said to be politically neutral relates to the distinction between the policy and administrative functions of government. The policies of a government – say with respect to a new tax regime – are to be decided by politicians, whose authority to make such decisions is legitimised, e.g. by their being elected in a democracy. Civil servants may have an advisory role in formulating policy – by collecting data on the basis of which policy is decided, by suggesting alternative ways of achieving some policy goal (e.g. to raise money for government expenditure), and by assessing the feasibility of different courses of action. However, their primary goal is administrative: to carry out the orders given by politicians in their role as policy-makers; they are civil *servants*.

The policy/administration distinction is thus partly a doctrine of *subordination*. Though it is a branch of the government, the administrative executive cannot challenge or constrain the policy made by the political executive represented by the cabinet (contrast this with the power of judicial review over cabinet decisions with respect to constitutional matters). Civil servants must carry out orders without regard to their own personal views on the merits of the policies they implement; they can of course resign if they find these policies sufficiently unpalatable. Conversely, the fact that civil servants implement a particular policy does not imply any endorsement of the policy in question. So civil servants must be neutral with respect to the *content* of policy: they are to do what they are told to do irrespective of what they think of what they are told to do; they may also have to *represent* to the public that they agree to policies which they privately disavow.²¹ One might call this a doctrine of *representation*.

However, it is worth distinguishing this conception of neutrality with respect to the *policy* from neutrality with respect to *politics*.²² It is not just that civil servants must carry out orders without regard to their personal views on the content of those orders (within constitutional and legal limits, of course); more importantly, they must carry out orders irrespective of *who* is doing the ordering. Civil servants are expected to perform their duties regardless of which political party happens to be in power: the government they serve

tomorrow may well be composed of parties that are politically opposed to the government they serve today. When I speak of neutrality-as-subordination, I have this second sense of neutrality in mind.

In addition to these two kinds of neutrality, civil servants are expected to be neutral with respect to party political activities. To take a post-independence example, the All India Services (Conduct) Rules, 1968, state that officers are prohibited from (a) joining or being associated with political parties or organisations which take part in politics, (b) taking part, assisting, or 'subscribing in aid of' any political movement and activity, (c) taking part in, canvassing, or using influence in connection with elections to legislatures or local authorities (Government of India 2005, Sections 5(1) and 5(4)).²³ We might term this a doctrine of *aloofness*.

Thus we can distinguish two preliminary senses in which civil servants may be said to be neutral: they are to *subordinate* their personal views on policy matters to the decisions of policy-makers ('do as they are told to do', 'follow orders');²⁴ and they are to stay *aloof* from what might be termed direct party political activity – joining parties, canvassing in elections, and so forth. There is no obvious connection between these two senses. A civil servant may choose not to implement the orders of policy-makers, while remaining aloof from any political movement; conversely, a civil servant might try to assist a political movement in his private capacity while scrupulously following orders in his public capacity.²⁵

The policy/administration distinction relates of course to the familiar distinction between government and state. In a parliamentary democracy, the government consists of a configuration of political parties which happen to be in power; members of these parties are chosen to form a cabinet which is the core of government decision-making. These cabinet members hold office at the pleasure of the political parties in power, and of course the parties hold power at the pleasure of the electorate.

The *state*, however, survives changes of government, and is represented, in India, by the President functioning as head of state, in whose name laws are passed and treaties are signed. Though civil servants take orders from the particular government in power, they represent the state, and owe official allegiance to it. Thus Article 53(1) of the Indian Constitution states that 'The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution;' Article 310 states that members of the civil service hold office during the pleasure of the President.

Though the *institution* of the administrative executive is officially subordinate to the legislature, the status of civil servants as employees of the *state* constrains government power over them: civil servants are protected from what might be termed 'political interference' by a variety of constitutional

measures. Thus recruitment to the civil services is the responsibility of a separate constitutional entity known as the Union Public Service Commission (Articles 315–323), and there are constitutional safeguards for civil servants in matters relating to dismissal and disciplinary action (Article 311).²⁶ This is another aspect of the independence of the bureaucracy from the political process.

Political neutrality and the ICS

How should we employ these distinctions to the case of the ICS? First, we should note that with respect to the doctrine of *subordination*, the ICS does seem to have acted as a neutral civil service, subordinate ultimately to the British Parliament. ICS officers held strong views on policies, lobbied for them, and had a great deal of power in making them. Yet when their political masters decided on a course of action which was not to their liking – as in the case of the Montagu–Chelmsford reforms of 1921, or the Government of India Act, 1935 – they ended up doing as they were told (or resigning). Thus they administered even those policies which lead to reductions in their power, and which they vociferously opposed. The general cordiality with which they seemed to work with the Congress ministries elected in 1937 (attested to on all sides) suggests that they followed orders even from those people against whom they had just recently plotted, or put in jail.

However, so far as *aloofness* is concerned, clearly the ICS was *not* politically neutral. Policy recommendations made by the Governors or the Viceroy (acting on advice from the ICS) were made with an eye, first, to securing the foundations of the Raj, and second, to placate or undermine nationalist opinion at various times. And as I have noted at many points in this paper, much of the activity of ICS officers was directed specifically at the Congress. This activity was not confined only to the great nationalist upsurges, but also at many points in between.

The question of neutrality as aloofness is not merely of theoretical interest, but exercised the British establishment as well. In 1938, the Punjab Government drafted a letter to all commissioners and deputy commissioners concerning doubts in the minds of district officers regarding the proper attitude to be taken towards subversive movements.²⁷ The question arose because ‘in their desire not to be involved in what they regard as party politics some officers are inclined to follow a policy of *laissez-faire* in regard to such movements’.

The letter pointed out that district officers have no concern with party politics as such. As servants of the government, they were responsible to the Governor acting on the advice of his ministers; the parties to which these ministers belonged did not affect their positions and duties. However, at such a time of transition, it was inevitable that there should be some difficulty in distinguishing between non-interference in party politics and the duty which

district officers owed to the government. It was this distinction which the letter sought to clarify.

To begin with, a distinction was to be made with respect to the situation before and after elections to the provincial legislature. During elections, it was clear that officers were to be strictly impartial between different candidates and parties; in the terminology of this paper, officers were to be *aloof* from party politics. This aloofness was to extend to membership of a political party: no civil servant could join one, even in his private capacity.

Once a government was formed and had declared a policy, the position changed. The government servant's duty was to explain, promote, and carry out the policy of the government, irrespective of which parties composed that government. That is to say, government servants were to subscribe to both the doctrine of subordination and the doctrine of representation.

Given this fact, the question of what constituted party politics and what did not would rarely come up: though in carrying out the policy of the government the civil servant would be advancing the fortunes of the political parties which formed the government, his loyalties were to the government and not to the party. Thus, in my parlance, it was possible to advance the interests of a party (by following the orders of the party when it is in government), while still remaining aloof from party politics.

Such policies included the maintenance of law and order: nobody who was brought 'within the mischief of the law' while trying to subvert government could escape by screening his actions under the guise of party politics. Other government policies explicitly set down in the letter included the suppression of communism, the promotion of communal harmony, the maintenance of the loyalty of the army, and the collection of land revenue. If political parties attempted to subvert the loyalty of the army or preach non-payment of taxes, government servants had a duty to combat them.²⁸

The letter from the Punjab government was sent for approval to Linlithgow by Sir Herbert Emerson, the Governor.²⁹ Emerson explained that it was prompted by the observation that government servants were somewhat lackadaisical in their approach to subversive movements. They were to be reminded that the duty of government servants did not change merely because the form of government had changed; they were still to do their best in promoting and carrying out government policy.³⁰

Linlithgow commented that, in general, officials should conduct themselves in such a way as to be able to serve one government one day and a different one the next, where 'different' would commonly be a government composed of the political opponents of the first. However, he did not think that British practice need apply with full force in India; the paramount importance was of securing a government able to govern, and he was not 'disposed to be squeamish' about the activities of district officials in this respect.

Linlithgow's lack of 'squeamishness' clearly related to the role of district officials in suppressing the Congress movement in Punjab, using the convenient pretext that such suppression was the policy of an elected government. This is quite clear in a note to Gilbert Laithwaite, his private secretary.³¹

I don't believe that the standards expected of C.Ss. at home can be applied in India. They could not be applied at home if the Communist Party was the opposition, because no servant of government can be neutral where the constitution itself is threatened. In India – Punjab – I imagine that Congress are proceeding on the basis that the best way to attack the ministry is to vilify the British connection and the army, and to say that Sikander [Hyat Khan, leader of the Unionist Party] is the creature of the British and of the existing constitution. I do not believe – given this sort of position – that the D.O. [District Officer] can remain 'neutral'. It is not the D.O. who transgresses the rules when he checks subversive propaganda, so much as the opposition parties, by mobilising for their own purposes the forces of disorder.

This correspondence is interesting evidence of the trouble posed for the British establishment by the doctrine of aloofness. While it was accepted as a principle of civil service in Britain, it conflicted with their general anti-Congress agenda. Linlithgow hit the nail on the head when he described the key problem as that of the neutrality of the government servant when the constitution itself was threatened.

It is helpful to introduce here a distinction made by the French political scientist Maurice Duverger between conflict 'within a regime' and conflict 'about a regime'.³² The concept of neutrality with respect to politics (here construed as *aloofness*) has its natural home in a situation where the rules of political conflict are clearly set out, within a constitutional framework broadly regarded as legitimate by the parties involved in that conflict.

However, political conflict during the movement for Indian independence was not like this: what was being contested was the very legitimacy of British rule, and the constitutional apparatus with which it governed. These 'conflicts about the regime' were often expressed in ways the British regarded as illegal – though often, of course, actions were made illegal because of their role in such conflict. Sometimes, as in the case of civil disobedience, the illegality of the activity was supposed to *constitute* the objection to British rule: it was a way of questioning that rule in the first place. In such a situation, any government servant committed to upholding the constitution and maintaining 'law and order' would *ipso facto* be involved in activities directed at particular political parties. Hence it followed that government servants in such situations could not be regarded as neutral, when this neutrality was interpreted as aloofness.

The point is that the conception of civil service neutrality as aloofness from politics – opposed here to some form of political partisanship – is out of place when political conflict is 'about a regime'. If the duty of the civil servant is to

protect the constitution, and the constitution is under threat from members of a political party, then the civil servant cannot help but be partisan. Potter (1986: 35) is perfectly correct to say that, from 1919 onwards, much of ICS work was 'shot through with political considerations' – we have seen several examples of this already. My claim is that the sense in which these considerations were 'political' follows to some extent at least from the *logic* of the situation, and not merely from facts about ICS activity or attitudes. It is simply not possible, as a conceptual matter, for civil servants to be politically aloof when threats to the regime come from particular political parties.³³

Neutrality as subordination: the question of ICS loyalty

So far I have argued that there is a clear sense in which the Indian Civil Service was *not* a politically neutral bureaucracy, at least in one clear sense of the term: the ICS played an important role in the suppression of the independence movement, and much of this activity was directed explicitly against the Congress party. I have also suggested that such political neutrality – understood as aloofness from the political process – is simply not available to a civil service when it is engaged in the protection of a constitutional structure which is under attack by members of a political party.

I now want to investigate further the thought that the ICS *was* a politically neutral civil service, in the sense I described earlier as being 'subordinate' to the political executive. This is also a perfectly natural sense of political neutrality: the thought is that civil servants should 'just follow orders' (provided that they are not unconstitutional or illegal), irrespective of their personal views about the contents of these orders, or about the government which issues them. I will argue that it was *this* conception of neutrality that explains (at least in part) the survival of the ICS in post-independence India.

Let me begin by noting that this conception of neutrality-as-subordination also lay in the background of discussions about the 'loyalty' of ICS officers before independence. Could Indians in the ICS be trusted to help crush the Quit India Movement, if their political sympathies lay with the Congress?

As early as 1938, Linlithgow had asked his Governors for an estimate of service-preparedness for a war-time situation which might involve the use of emergency constitutional powers.³⁴ The responses were not entirely encouraging, though the main concerns had to do not with questions about loyalty, but rather with the paucity of Europeans in the ICS and the difficulty of further recruitment. During the Quit India Movement itself, the Viceroy reassured the Secretary of State Leopold Amery that he was 'well satisfied' with the response of the services.³⁵ The only concern, voiced by a few of his Governors, was the possibility that members of the services would be victimised by the Congress should it return to power – protection was necessary 'in the

interest of securing the fullest support for ... present activities against Congress'.³⁶

At the end of September 1942, Sir George Cunningham (Governor of the NWFP) wrote that his Indian officials were practically all 'staunch'; yet he warned that

At the same time, I feel that in the back of almost every Indian official's mind there must be some kind of reservation regarding the future, and I feel pretty sure that this must be true in every part of India. What I always impress on my British officials is that they must never ask an Indian official to do something which seems spiteful against Congress or any other particular political party; I am afraid we lost ground in this way in 1930–31. Provided they simply carry out the known orders of the Government in a fair way, I don't think they have anything to fear from a future Congress Government, and they themselves know it.³⁷

A week later, the Governor of Assam, Sir Andrew Clow, amplified Cunningham's concern, writing of a 'sail-trimming tendency', especially among Hindu officials. In the secretariat, officers 'wrote and advised with one eye on the Adviser or Governor who would act upon their notes and another on the future Ministers who might read them'. Yet he also pointed out that a variety of motives might account for this other than a fear for the future should the Congress come to power. There was the fact that 'to some extent their outlook [is] coloured by a greater responsiveness to public opinion than the average British official'; but also, importantly, their natural sympathies lay closer to the Congress than with foreign rule.³⁸ Nonetheless, all recognised that 'whatever new alignments there are in politics, those in power are never likely to regard zeal for the maintenance of the present Government as a testimonial'.³⁹

The matter then came to the attention of Sir Reginald Maxwell, the Home Member of the Viceroy's Executive Council.⁴⁰ He pointed out that no general diagnosis could be made about the situation. After all, those who sympathised with the Congress need not fear Congress domination – and if 'most Hindu officials desire self-government for India, there is no need to protect or compensate them when they get it'. He was himself inclined to be sanguine about the situation and was impressed by the degree of faithfulness that the services had shown during the 'disturbances'; by and large Indian officers had lived up to the standard of duty expected of them.⁴¹

Maxwell was inclined to underplay the importance of the fact that so many government servants had nationalist sympathies (even if they did not always approve of the Congress). He pointed out that loyalty was guaranteed not by principle or political sympathy, but by the fact that government service was regarded simply as a paid job – even nationalists would not blame anybody

for performing duties necessary to retain their jobs, no matter where their own sympathies lay. Here he echoed the views of another European ICS officer, who reported the views of Hindu officers of his acquaintance to the effect that they would not let private sympathies get in the way of official duties: there was no problem in possessing simultaneous and opposing loyalties.⁴²

If Indian government servants were merely 'doing their duty', it followed, Maxwell thought, that they had less to worry about from future governments: only those who had shown obvious ill-will or aggression would end up getting into trouble. As long as ICS officers acted fairly, 'without oppression or tyranny', Maxwell did not think it likely that they would be victimised by future Indian governments for their role in putting down the Quit India Movement.

Thus fears about loyalty were allayed by appeals to the doctrine of subordination. The British could rely on Indian officers to do their job, even if they sympathised with the Congress; and Indian officers need not fear future retaliation precisely *because* they would be seen to have merely been doing their job. As Linlithgow put it, 'reflection on the part of potentially disloyal officers would show that disloyalty to one master is not necessarily a good recommendation for employment by another, however opposed politically'.⁴³

Neutrality and continuity

The question of ICS loyalty to the British before independence has as its mirror image the question of ICS loyalty to the newly formed Indian government *after* independence. How could a civil service which actively worked to prevent independence be trusted with the administrative functions of independent India? Surely loyalty to the British was evidence of a lack of patriotism, and surely it would be foolish to entrust the functioning of the government to people who had thus clearly shown themselves to be unpatriotic? These questions were very much alive as late as 1966, when one commentator wrote

In 1947 he [Nehru] called his fellow-countrymen to help in building a new India at every level. He desired passionately to rouse the Indian spirit at home and to make the voice of India heard in the counsels of the world. And yet – this would be unbelievable were it not true – he sought to achieve these ends through the agency of those who had been the trained servants of imperialism.⁴⁴

ICS officers writing after Independence spent a great deal of time combating such criticisms: in their memoirs they almost always made it a point to establish their nationalist credentials, and to explain how they could credibly claim to be nationalists while working for the Raj (see, for instance, Gundevia, 1992; Kaul, 1995; Nehru, 1997).

The question of ICS patriotism was raised in a particularly pointed fashion during a debate in the Constituent Assembly on 10 October 1949 (*Constituent Assembly Debates*, 1999, Vol. X: 33–53; see also Potter 1986: 148–149).⁴⁵ The debate concerned a proposal to provide constitutional protections to civil servants with respect to their rights regarding pensions, pay scales, and disciplinary proceedings; a promise to provide such protections had been consecrated in the India Independence Act of July 1947.

In the course of the debate, there was a strong undercurrent of indignation at continuing the privileges of an already over-privileged – and perhaps unpatriotic – service. Thus, Mr Rohini Kumar Chaudhri wanted the services to renounce part of the guaranteed remuneration because they had not had to make sacrifices for the cause of Indian independence. M. Ananthasayanam Ayyangar said

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

The theme was echoed by Dr P. S. Deshmukh, who described the service as a ‘remnant of the days of our slavery’, and by Babu Ramnarayan Singh, who pointed out that ‘the English regime was some time ago maintained by these very services; we were maltreated, oppressed and jailed by them’.

Responding to this opposition, Sardar Vallabhbhai Patel, the Home Minister, made several points. He noted that no dissent had been expressed during the negotiations over the transfer of power, which were transparent as far as the issue of the ICS was concerned. It was also important to keep a pledge that had already been made: in discussing the possibility of reneging, he said ‘Have morals no place in the new Parliament? Is that how we are going to begin our new freedom?’ The moral theme was echoed also in an exhortation to remember Gandhi:

What did Gandhiji teach us? You are talking of Gandhian ideology and Gandhian philosophy and Gandhian way of administration. Very good. But you come out of the jail and then say, ‘These men put me in jail. Let me take revenge.’ That is not the Gandhian way.

Patel’s speech hit many different notes, one of which clearly pointed towards a recognition of neutrality-as-subordination: ‘... do not quarrel with the instruments with which you want to work. It is a bad workman who quarrels with his instruments’. Elsewhere he refers to an ICS officer who ‘served, very ably, very loyally the then Government and later the present Government. His business is to serve the Government – that he is serving’. And ultimately it is this conception of loyalty – as service to the State rather than to the cause of Indian independence, that is of interest to him:

What is the use of talking that the service people were serving while we were in jail? I myself was arrested. I have been arrested several times. But that has never made any difference in my feeling towards people in the services. I do not defend the black sheep; they may be there. But are there not many honest people amongst them? But what is the language that you are using? I wish to place it on record in this House that if, during the last two or three years, most of the members of the services had not behaved patriotically and with loyalty, the Union would have collapsed.

In this debate, both Patel and his opponents seemed to be in agreement about the role of the Services during the Raj, differing only on what conclusions should be drawn from it. For the opponents of the ICS, their role in the Raj marked them out as disloyal collaborators whose patriotism was in doubt; people who could not be trusted with administering the new state.

For Patel, the fact that the ICS was a loyal civil service to the Raj was *precisely* what made Indian ICS officers useful to the new state. Their loyalty was proof that their allegiance was to the state irrespective of its political colour; this suggested that they would be just as loyal to the new government as they were to the old. The fact that the ICS ‘just followed orders’ was not a sign of moral turpitude so much as of institutional strength. Thus, it was precisely the subordination of the ICS to the political goals of the British establishment that made it a useful tool in independent India.

There was a converse distrust of those whose commitment to the cause of Indian nationalism had in fact rendered them ‘disloyal’ to their British employers. Take the example of soldiers of the Indian National Army, who had defected from the British Indian Army and allied with the Japanese against the British during World War II. When these soldiers were tried for treason by the British in 1945, the Congress leadership – headed by Nehru – rallied to their defence, supporting their right to revolt against a colonial power. Nevertheless, when Nehru became prime minister after independence, these soldiers were not reinstated into the Indian Army: the principle of civilian control over the military was the analogue of the principle of neutrality-as-subordination; what Nehru wanted was not so much disloyalty to the British (which might also be read as Indian patriotism) as much as loyalty to the *institution*.⁴⁶ Linlithgow had been right to remark, in connection with worries about the loyalty of ICS officers, that ‘reflection on the part of potentially disloyal officers would show that disloyalty to one master is not necessarily a good recommendation for employment by another, however opposed politically’ (see note 43).

Conclusion

I have suggested that there are (at least) two ways in which a civil service might be said to be ‘neutral’ with respect to politics. The first I called the ‘doctrine of

subordination': the idea being that civil servants should follow the orders of their political leaders without regard to the content of policy or to the identity or ideological orientation of these leaders; they should be able to serve one government one day, another the next. The second, the 'doctrine of aloofness', was the idea that civil servants should stay away from participating in activity that acts directly to the benefit or detriment of any political party in a struggle for power.

The ICS was neutral with respect to politics in the sense of subordination, but that it was not neutral in the sense of aloofness: a good deal of ICS activity was actively anti-Congress. When political conflict is 'about' rather than 'within' a regime, then the ideal of aloofness may not be attainable *even in principle*. When – as in the case of civil disobedience before Independence – law-breaking is an act of political protest, then even the seemingly 'neutral' activity of maintaining law and order has a political character; as Potter points out, it was *British* law and order that was being maintained, not anyone else's (Potter, 1986: 35).

These questions about the nature of ICS activity were of great interest to ICS officers, Governors, and the Viceroy. One sees this repeatedly in the correspondence of this period – witness Linlithgow's concerns about the suppression of Congress activities in the Punjab, Sheehy's misgivings about the use of economic sanctions against Congress supporters, and the contrasting missives sent to district officers by Gwynne and Brett. The recognition of the same issues by the political establishment of newly independent India is part of the clue towards understanding why the transfer of power with respect to the administrative state turned out to be relatively smooth, despite the fact that it took place during a period of great political turmoil.

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Notes

1. Indians comprised a little over half the total strength of the ICS before Independence; following Independence, the departure of the 'European' element of the

Service meant that these Indian ICS officers were rapidly promoted to positions of seniority. The story of Indian officers in the ICS is a fascinating but relatively neglected aspect of ICS history. Some further aspects of this story are to be found in a broader (unpublished) research study by the author (Burra, 2007), 'The ICS and the Raj: 1919–50', from which the present article is excerpted.

2. See, for instance, those collected in Panjabi (1965).
3. The explanation is meant to supplement, rather than replace, some of the existing accounts, for instance by Potter (1986) and Braibanti (1966).
4. The description below is heavily influenced by the account of ICS activity presented by Potter (1986) in *India's Political Administrators* (see also Hunt & Harrison, 1980). My description does not differ from Potter's in any significant respect, though it augments his stock of examples, and is restricted to activity aimed directly at the nationalist movement.
5. In his words: 'Constant publicity more particularly by non-officials, whose views as emanating from conviction will be more readily accepted, than those of officials always open to the criticism of being paid a salary to say so, must be intensified'.
6. See Low (1966) and Ewing (1984) for more on the British response during the Non-Cooperation Movement.
7. This is a useful place to recall Potter's (1986) important observation that a description of ICS activity purely in terms of the duties and responsibilities attached to different posts is seriously incomplete, for it does not tell us *how* this activity was carried out (15). One might add: there is more to government policy than what is conveyed in abstract descriptions of such activity, and not all government policy is officially part of the 'job description'. For instance, to say that ICS officers were responsible for maintaining 'law and order' tells us nothing about the forms and limits of this enforcement, or whether it was employed selectively.
8. By this time most provinces were under Governor's rule, under the provisions of section 93 of the Government of India Act, 1935.
9. There is a fascinating correspondence on this issue, excerpted in Gupta (1997: 303–461).
10. See Potter (1986: 50–56) for another fascinating example of such disagreement, having to do with whether ministers in the Provincial Governments elected under the terms of the Government of India Act, 1935, should have access to secret records maintained by the government on their own formerly 'subversive' activities.
11. Contrast this with the situation in the Civil Disobedience Movement, in which the same political establishment – in the person of the Viceroy and his Governors – played the opposite role, trying to rein in the anti-Congress tendencies of district officers.
12. Hallet to Linlithgow, 25 May 1937 in Chopra (1985, #274).
13. Linlithgow to Zetland, reporting an interview with Birla of 12 March 1937, in Chopra (1985, Appendix III).
14. Haig to Linlithgow, 6 January 1937 in Chopra (1985, #9); *The Hindu*, 12 January 1937, in Chopra (1985, #14).
15. Linlithgow to Governors, 12 July 1937, in Chopra (1985, #354) (see also Potter, 1986: 48–49).
16. This was particularly true of B. G. Kher in Bombay, who resisted Nehru's call to repeal the Government's emergency powers with respect to labour problems in the city. So too in the Madras Presidency, whose Premier, C. Rajagopalachari, seemed to place greater trust in his British Secretaries than in his Indian colleagues (Potter, 1986: 48–49).

17. Gwynne to District Magistrates, 10 November 1937, in Chopra (1985, #543).
18. Linlithgow to Haig, 24 December 1937, in Chopra (1985, #612).
19. Reprinted by the *Amrita Bazar Patrika* of 10 December 1937, enclosed in Hallett to Linlithgow, 12 December 1937 in Chopra (1985, #590).
20. Brett to the Prime Minister of Bihar, enclosed in Hallett to Linlithgow, 12 December 1937, in Chopra (1985, #590).
21. Note that 'policy' may be a misleading term, since not all decisions taken by policy-makers are about *policy*; they might also concern one-off decisions, e.g. a particular purchase of arms for the military, or the setting up of a single public sector enterprise.
22. Thanks to André Bêteille for reminding me of the importance of this distinction.
23. More recently, this rule has been extended to prohibit the publication of articles by civil servants in journals of political parties.
24. One might further distinguish two senses of subordination: one with respect to the *content* of the policy in question, and another with respect to the particular *party* whose policy it is.
25. It is worth noting another sense in which the administrative executive is independent from party political matters: politicians in power are forbidden the use of state machinery and administration for party political ends. In theory at least, a minister visiting a district can ask the district collector to arrange a visit to inspect the local jail; but he cannot call upon the collector to help arrange a meeting with party workers. One might term this the *insulation* of the executive from party political activities.
26. Many of these protections came down from the Government of India Act, 1935. Of course, this discussion is only meant to illustrate an ideal. In practice, as the Shah Commission noted, politicians have several ways of exerting illegitimate power over civil servants, e.g. by the practice of frequent transfers.
27. Enclosed with letter of Emerson to Linlithgow, 4 January 1938, in turn enclosed with Letter from Laithwaite to Linlithgow, 10 March 1938 in Chatterji (1999, #12:2).
28. Punjab was a non-Congress Province led by the Unionist Party, loyal to the British. The reference here is clearly to Congress attempts to undermine the unionists.
29. Emerson to Linlithgow, 4 January 1938 in Chatterji (1999, #12:2).
30. There is an interesting sub-text to this letter, unrelated to its discussion of what constituted 'political activity'. District officers in the Punjab were working under a Unionist Government loyal to the British, but in the context of a rising Congress presence. Part of their reluctance to tackle the Congress must surely have been out of worries as to what would happen to them should the Congress come to power; it was thus convenient to leave the Congress alone with the excuse that it was merely engaged in party politics. As Emerson put it, 'There is more danger of officers shirking their duties under the cover of non-participation in party politics than of over-stepping the limits in support of any political party'.
31. Dated 11 March 1938, in Chatterji (1999, Vol. 2, #12:2).
32. See Duverger (1966). My thanks to Professor André Bêteille for bringing this to my attention.
33. I should emphasise that the point being made here is *conceptual* – it is not intended as either a defence or a criticism of the civil services for their role in suppressing the nationalist movement. Nor am I making empirical claims about the motivations of ICS officers who formulated or executed anti-Congress

- policies, or about the extent to which Congress activities were in fact aimed at undermining the constitution.
34. Linlithgow to Governors, 26 March 1938, in Chatterji (1999, 12.iv #3).
 35. Linlithgow to Amery, 17 August 1942 (#577); 19 August 1942 (#586); 1 September 1942 (#672) in Mansergh (1970–83, Vol. 2).
 36. Linlithgow to Amery, 1 September 1942 in Mansergh (1970–83, Vol. 2, #672).
 37. Cunningham to Linlithgow, 28 September 1942, in Mansergh (1970–83, Vol. 3, #43).
 38. He goes on to say that ‘Their heads may tell them that it is essential that we should defeat the Axis; but their hearts tend to fill them with more dislike of the foreigners who are omnipresent than of those whom they do not know; and few Hindus allow their heads to govern their hearts’.
 39. Clow to Linlithgow, 7 October 1942 in Mansergh (1970–83, Vol. 3, #81).
 40. Note to Laithwaite, 24 October 1942 in Mansergh (1970–83, Vol. 3, #118).
 41. Though he also pointed out that it was natural that officials would ‘in considering their future prospects look towards the rising rather than the setting sun’; and that it was thus not reasonable in the situation to expect them to do more than their duty actually required.
 42. British official documents of this period often mention the religious affiliation of ICS officers when discussing issues such as loyalty, but nothing I have read explains why they thought it important to distinguish Hindus from Muslims in this way: perhaps (though this is pure speculation) they thought that Muslim ICS officers were less likely to be Congress sympathisers, and hence less likely to have anti-British sympathies.
 43. Linlithgow to Amery, 21 November 1942 in Mansergh (1970–83, Vol. 3, #205).
 44. See the article by ‘Seminarist’ (1966: 13) in *Seminar*.
 45. Debate of 10 October 1949, in *Constituent Assembly Debates* (1999, Vol. X: 33–53).
 46. See Ganguly (1999). I am grateful to Captain S. Prabhala for bringing this story to my attention.

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