

## CHAPTER I

### IMPORTANCE OF SERVICES\*

The object and purpose of the state evolved in this country from times immemorial has been that it is the paramount duty of the state to ensure that individual enjoys wealth (*Artha*) and every kind of pleasure (*Kama*) without transgressing the law (*Dharma*). The ideal placed before the state under the Ancient Indian Constitutional Law (*Rajadharmā*) is that the state must strive for the happiness of the people.

This ideal has been forcefully expounded by Kautilya in his *Arthashastra*.<sup>1</sup>

प्रजासुखं सुखं राज्ञः प्रजानां च हिते हितम् ।  
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम् ।  
तस्मान्नित्योत्थितो राजा कुर्यादर्थानुशासनम् ।  
अर्थस्य मूलमुत्थानमनर्थस्य विपर्ययः ॥

In the happiness of his subjects lies the happiness of the ruler; in their welfare, his welfare; whatever pleases him the ruler shall not consider as good but whatever pleases his subjects, the ruler shall consider as good. This directive of *Arthashastra* enables the enforcement of law for ensuring the upliftment and welfare of the people.

For the efficient administration of the affairs of the state and implementation of the above directive, elaborate administrative set up with as many as twenty five departments were required to be created. Provisions regarding the qualification for appointment to important posts, for taking disciplinary action against civil servants who are found guilty of misconduct, including provision to punish individuals who made false complaints against civil servants, were made. The duties and responsibilities of heads of departments were laid down in precise terms.<sup>2</sup>

Despite radical discontinuities in historical contents, the Preamble to the Constitution of India reiterates these lofty principles of state policy, as the expression of the sovereign will of the people of India.

\* Revised by Jyoti Dogra Sood, Assistant Research Professor, I.I.I.

1 See, Rama Jois, *Legal and Constitutional History of India* 576-77, 607 (Vol. I, 1984)

2 *Id.* at 650-65.

The Preamble declares that the aims and objects of the Constitution are to ensure to the people of India, social, economic and political justice, liberty of thought, expression, belief, faith and worship and equality of status and opportunity and to promote fraternity among the people of India assuring the dignity of the individual and the unity of the nation. In order to achieve these objectives, the Indian Constitution has adopted a federal structure of government and has made provisions for the constitution of the union and the states. Both at the union and at the state level, the Constitution distributes the sovereign power to the legislature, to the executive and to the judiciary. Further, the Constitution provides for the setting up of democratic form of government. The power of the union and the state is vested in the representatives elected by the people on the basis of adult suffrage.

The Constitution confers enormous powers on the union and the state legislatures to pool the resources of the country and places the same at the disposal of the union and the states and also confers enormous powers on the union and states to enable them to fulfil the aims and objects of the Constitution. Part IV of the Constitution sets out the fundamental principles for the governance of the country and declares that it shall be the duty of the state to apply these principles in making the laws. The union as well as the states are entitled to constitute various local and other authorities for the purpose of running local administration or for the fulfilment of any specific public purpose; enormous resources are placed at their disposal and powers conferred on them to achieve the objects for the fulfilment of which they are constituted.

While the power is conferred on the elected representatives in the case of the union and the state governments and also in the case of local authorities, in the case of other statutory authorities constituted by law, the power of those authorities is required to be exercised either by the bodies elected in the manner provided by the statutes or by persons nominated by the central or the state government, as the case may be. The responsibility of formulating policies and programmes for the achievement of the aims and objects of the Constitution rests with the elected representatives or the persons nominated as the case may be.

But the efficient administration of the government and the successful execution of all policies, schemes or programmes or plans of the state or other authorities substantially depends upon the members of the central or the state services or those who are in the service of local or other authorities. They are the persons who are not only expected to execute the policies and programmes of the state into action but some of them holding high positions have also a great responsibility even in the matter of taking policy decisions. It is the service personnel who are appointed to discharge specific duties and responsibilities in connection with the activities relating to the different departments of state who come into contact with the people directly. The common man looks forward to these public servants through whom he seeks

the assistance to solve his day-to-day problems, which he has a right to get from the state. The success of all policies and programmes of the state substantially depends on its services. Therefore, the services of honest and sincere cadre officers is a pre-condition for achieving the aims and objects of the Constitution. Public servants are expected to exercise their powers in discharge of their duties and responsibilities, honestly and sincerely and impartially without fear or favour. With this object in view, the Constitution makers incorporated specific provisions relating to services under the state in the Constitution including in the fundamental rights chapter vide article 16 of the Constitution in addition to the fundamental rights guaranteed to the people in general by the other articles contained in part III.