



DECENTRALISATION OF AUTHORITY OR DILUTION OF ACCOUNTABILITY: AN ANALYSIS OF KERALA'S ADMINISTRATIVE AMENDMENT GRANTING GOVERNMENT POWERS TO NON-IAS OFFICERS

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ABSTRACT

This article examines the recent amendment by the Kerala Government to its Rules of Business, which authorises non-IAS officers to function as ex-officio secretaries, with the power to issue government orders. The amendment, made under Article 166(3) of the Indian Constitution, aims to decentralise control, reduce bureaucratic delays and utilise domain expertise in governance. However, the amendment has sparked intense debate. Proponents argue that the amendment democratises bureaucracy and enhances administrative efficiency. On the other hand, critics raise concerns about the creation of a parallel administrative structure that bypasses the traditional bureaucratic system. They warn that this may weaken institutional checks and balances, increase executive overreach and undermine democratic values. The article explores both perspectives and recommends a balanced approach that includes enacting a statutory framework, defining clear eligibility criteria and establishing oversight mechanisms. The article concludes that while integrating domain expertise into governance is essential, such reforms must be grounded in constitutional principles, transparency and accountability to uphold the integrity of public administration.

Keywords: Amendment, Ex-Officio Secretaries, Bureaucratic System.

INTRODUCTION

The Kerala Government has passed a significant amendment which authorises non-IAS officers to function as ex-officio secretaries with the power to issue government orders.¹ This

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¹ 'Kerala Empowers Non-IAS Officers to Issue Government Orders, Sparks Bureaucratic Concerns' (Indian Masterminds, 20 June 2025) <https://indianmasterminds.com/news/kerala-grants-authority-to-empower-non-ias-officers-to-issue-government-orders-123584/> accessed 26 July 2025

amendment, made under Article 166(3) of the Indian Constitution,² is a step by the Kerala Government towards administrative decentralisation. It aims to align state government procedures with those followed by the central government. However, the amendment has raised concerns. Senior bureaucrats and experts have raised concerns that the amendment could erode the integrity of the civil service by disrupting the bureaucratic hierarchy and increasing the risk of political interference. They warn that it may lead to the creation of a parallel administrative structure that bypasses the traditional bureaucratic system, thereby compromising institutional integrity and political neutrality of the civil services.

LEGAL IMPLICATIONS OF THE CONSTITUTIONAL AMENDMENT

The amendment modified two important provisions of the Kerala Rules of Business:

Under Rule 2, the term “Ex-officio Secretary” was added in the definition of “Secretary,” thereby granting non-IAS officers the same official status as Indian Administrative Service (IAS) officers.³

Under Rule 12, the ex-officio secretaries were authorised to sign and authenticate government orders, a power that was traditionally reserved only for IAS officers or those promoted through formal bureaucratic channels.⁴

The Kerala Government made these changes under Article 166(3) of the Indian Constitution, which empowers the Governor to make rules for the smoother functioning of the business of the state government. The official justification given by the Kerala Government for the amendment was to align the state government procedures with those followed by the central government. Critics view this as an unnecessary measure, arguing that the objective could have been achieved by issuing a government order or updating the Kerala Secretariat Manual, rather than amending core constitutional provisions.

The amendment comes at a time when there is growing tension between Kerala’s political leadership and the civil service. Several IAS officers have raised concerns alleging political interference in administrative matters. The amendment is widely perceived as a strategic move

² Constitution of India 1950, art 166(3)

³ Rules of Business of the Government of Kerala, r. 2 as amended by the Rules of Business of the Government of Kerala (Second Amendment) Rules, 2025

⁴ Rules of Business of the Government of Kerala, r. 12 as amended by the Rules of Business of the Government of Kerala (Second Amendment) Rules, 2025

to weaken the influence of the IAS cadre and sideline a resistant bureaucracy. By invoking constitutional powers, the government appears to be establishing a framework to place preferred individuals in key administrative positions, thereby altering the traditional balance of power within the state's administrative structure.

ARGUMENTS SUPPORTING DECENTRALISATION OF AUTHORITY

Administrative Efficiency: One of the main arguments supporting the amendment is the need to enhance administrative efficiency. Kerala currently has only 154 IAS officers against a sanctioned strength of 231, resulting in a shortage of 77 officers.⁵ This shortage of IAS officers often leads to delays in administrative processes. To address this issue, the amendment allows experienced senior Kerala Administrative Service (KAS) officers to issue government orders. This step is expected to reduce bureaucratic delays.

Recognition of Experience and Domain Expertise in Governance: Modern governance requires specialised knowledge and expertise in areas such as technology, finance and infrastructure. Critics argue that IAS officers may lack the ground-level knowledge required in these areas. By allowing experienced professionals with expertise in the respective domains to serve as ex-officio secretaries, this amendment aims to promote informed and effective decision-making. This approach is similar to the central government's lateral entry policy, which brings subject experts from outside the traditional bureaucratic system into the IAS framework.

KAS officers have years of valuable experience in the administration and policy-making of the state. The dedicated and long-standing service of the KAS officers in Kerala makes them well-versed and acquainted with the specific needs and challenges of the state government. They would be more efficient in identifying, evaluating and implementing various frameworks. This will help in better administration and policy-making, which is essential for effective governance.

Reducing IAS Monopoly and Promoting Bureaucratic Equity: The amendment is seen as a step towards reducing the long-standing dominance of the IAS officers in state-level decision-making. The IAS has often been criticised for its rigid hierarchical structure and resistance to

⁵ 'Shortage of 79 IAS officers in Kerala cadre' (Whispers In The Corridors, 4 January 2025)
<https://www.whispersinthecorridors.com/detail/130870-Shortage+of+79+IAS+officers+in+Kerala+cadre.html>
accessed 26 July 2025

administrative reforms. Allowing non-IAS officers and professionals from diverse backgrounds to hold key administrative positions will help to democratise the bureaucracy. It will promote a more inclusive administrative structure, which is knowledge and expertise-based. This will help in breaking down hierarchical barriers and fostering a more equitable governing system.

ARGUMENTS AGAINST DILUTION OF ACCOUNTABILITY

Creation of a Parallel Administrative Structure: Critics argue that the amendment will lead to the creation of a parallel administrative structure that bypasses the traditional bureaucratic system. By allowing non-IAS officers to serve as ex-officio secretaries, key decisions may bypass traditional scrutiny mechanisms and weaken checks and balances. This could lead to unchecked executive actions. For example, a decision made by the CEO of the Kerala Infrastructure Investment Fund Board (KIIFB), acting as an ex-officio secretary, may no longer require review by the Finance Department of the Kerala Government.⁶

Risk of Political Patronage: Critics have raised concerns over the absence of a transparent process and clear eligibility criteria for the appointment of ex-officio secretaries. These loopholes can lead to political interference and weakening of the existing state bureaucratic system. Such ambiguity creates a risk of appointments being made as per the whims and fancies of politicians in power. This will lead to policies which are politically driven but without any relevance. The bureaucracy may no longer remain unbiased and merit-driven. This will help in undermining the principles of neutrality and fairness in public service.

Weakening of Institutional Safeguards: The power to issue government orders was regulated by specific provisions such as Rule 2 and Rule 12 of the Kerala Rules of Business, along with IAS cadre strength regulations. These provisions ensured that only qualified and accountable individuals could exercise such authority. However, the amendment has removed two of these key protections, making it easier for executive powers to influence bureaucratic decisions.

Another important issue is the lack of accountability in the proposed bureaucratic system. Unlike IAS officers, who work within a well-defined constitutional framework, ex-officio

⁶ 'Rules amended, non-IAS officer gets power to issue government orders' (Times of India, 19 June 2025) <https://timesofindia.indiatimes.com/city/thiruvananthapuram/rules-amended-non-ias-officer-gets-power-to-issue-govt-order/articleshow/121956381.cms> accessed 26 July 2025

secretaries are not bound by such standards. This could lead to arbitrary decision-making and reduced oversight without proper accountability.

Undermining Constitutional Norms: Legal experts and senior bureaucrats have expressed serious concerns about the constitutional validity of the recent amendment. They argue that changing the Rules of Business under Article 166(3) of the Indian Constitution, without any consultation or discussion in the state legislature, goes against democratic governance. Such executive actions raise questions about transparency and accountability. Critics point out that the move potentially undermines fundamental constitutional principles like the separation of legislative powers from bureaucracy. It also threatens administrative neutrality by allowing politically-affiliated officials to exercise powers traditionally held by civil servants.

WAY FORWARD: ENSURING REFORM WITH ACCOUNTABILITY

The purpose of this amendment is to reduce over-reliance on the IAS system and promote professionals with domain expertise in administrative roles. Such reforms must be based on the principles of transparency, fairness and constitutional integrity. The following measures will ensure that the reform is both effective and accountable:

A comprehensive legal framework should be introduced to regulate the appointment and functioning of ex-officio secretaries. It is important to ensure that only qualified individuals are appointed for such roles. To prevent arbitrary appointments, the government must clearly state who is eligible to serve as ex-officio secretaries. It may include a minimum number of years in service, domain-specific experience and relevant educational qualifications. Providing statutory backing to these provisions will prevent misuse of the system, promote uniformity across governments and protect against undue political influence. This will help in maintaining the integrity of the system.

The Kerala Government should amend these provisions through proper legal procedures to ensure constitutional validity. These changes must be discussed openly in the legislature to ensure transparency and accountability. This will also prevent allegations of executive overreach and uphold the principle of separation of powers. To further build public confidence, an independent body such as the Kerala Public Service Commission or a specially constituted

statutory panel should be entrusted to oversee the appointment process.⁷ This will help in reducing the risk of political patronage and enhance credibility.

There must be clear and well-defined rules for monitoring and evaluating the performance of ex-officio secretaries. Their work should be regularly audited, and they should be held accountable with the same standards as other public servants. Introducing systems for public feedback, regular performance reviews and a strict code of conduct will help in ensuring responsible governance. A well-defined and formal code of conduct, along with institutional mechanisms like periodic appraisals and citizen feedback systems, will ensure accountability and adherence to public service standards.

It is also important to ensure that all major decisions made by ex-officio secretaries, especially those involving finances, procurement and regulations, should be mandatorily reviewed by the respective departments. This will ensure compliance with institutional standards and reduce the risk of misgovernance. Regular assessments of the performance of ex-officio secretaries using measurable indicators like policy implementation, administrative efficiency, financial discipline, and public grievance redressal will help us to identify areas for improvement and ensure appointments are based on merit.

Most importantly, the reform should not merely be a shift of power from one group of officials to another group of officials. It should promote transparency and openness in governance. The focus should be on enhancing participatory governance through public disclosure of appointments, clear documentation of decision-making processes and mechanisms for public engagement in assessing governance outcomes and policy evaluations. Public participation and feedback systems should be encouraged to create a more responsive and inclusive administrative system.

By implementing these measures, the Kerala Government can strengthen governance by integrating domain expertise through a transparent, accountable and constitutionally sound approach. Instead of replacing the existing civil service structure, such a framework would complement it, while still upholding institutional discipline and accountability in public administration.

⁷ Ibid

CONCLUSION

The Kerala Government's amendment to its Rules of Business, authorising non-IAS officers to function as ex-officio secretaries, marks a significant shift in the traditional administrative system. This move has received mixed reactions. On one hand, the reform is seen as a step to reduce overreliance on IAS officers, address the shortage of bureaucrats and make better use of professionals with domain knowledge. It is also seen as a step to make the administrative process more inclusive and efficient by recognising expertise outside the traditional IAS structure.

On the other hand, the amendment has raised serious concerns about weakening the established bureaucratic system. Critics warn that if appointments are made without a clear eligibility criterion and a proper selection process, then the system could become vulnerable to political interference. The absence of legislative oversight and well-defined guidelines raises questions about whether these changes align with constitutional principles, especially the principles of separation of powers and administrative neutrality.

While the amendment may provide an opportunity for reform in governance, it must be implemented cautiously. The success of such a reform depends on a strong legal and institutional framework. This includes setting transparent eligibility criteria, ensuring merit-based appointments and establishing an independent oversight mechanism for periodic review and accountability.

Ultimately, the reform should not replace the existing administrative structure but rather complement it. By upholding constitutional principles and ensuring clarity, transparency and fairness, the Kerala Government can strike a balance between decentralisation and accountability.