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## ROLE OF CIVIL SERVICES IN A DEMOCRACY

Democracy, which derives from the Greek word demos, or people, is defined, basically, as government in which the supreme power is vested in the people. In some forms, democracy can be exercised directly by the people; in large societies, it is by the people through their elected agents. Or, in the memorable phrase of President Abraham Lincoln, democracy is government of the people, by the people, and for the people.

### Core Democratic Characteristics

1. In democracy power and civic responsibility are exercised by all adult citizens, directly, or through their freely elected representatives.
2. Democracy rests upon the principles of majority rule and individual rights. Democracies guard against all-powerful central governments and decentralize government to regional and local levels, understanding that all levels of government must be as accessible and responsive to the people as possible.
3. Democracies understand that one of their prime functions is to protect such basic human rights as freedom of speech and religion; the right to equal protection under law; and the opportunity to organize and participate fully in the political, economic, and cultural life of society.
4. Democracies conduct regular free and fair elections open to citizens of voting age.
5. Citizens in a democracy have not only rights, but also the responsibility to participate in the political system that, in turn, protects their rights and freedoms.
6. Democratic societies are committed to the values of tolerance, cooperation, and compromise. In the words of Mahatma Gandhi, 'Intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit'.

Whereas, Bureaucracy as defined by Max Weber is the most characteristic form of government administration.

### Core Bureaucratic Characteristics

There are ten features or characteristics of civil services in Weber's view which are as follows:

1. The administrative staff members are engaged in the discharge of only the impersonal duties of their officers, they are personally free.
2. There is a clear hierarchy of officers.
3. The function of the offices is clearly specified.
4. Officials are appointed on the basis of contract.
5. They are selected on the basis of professional qualifications, ideally substantiated by a diploma gained through competitive examination.
6. They have a monthly salary and usually pension rights. Their salary is graded according to position in the hierarchy. The official can always leave post, and under certain circumstances it may be terminated.
7. The official's post is his sole or major occupation.

8. There is a career structure, and promotion is possible either by seniority or merit or according to the judgment of superiors.
9. The officials may appropriate neither the post nor the resources that go with it.
10. He is subject of unified control and disciplinary system.

**Some advantages of having an independent, permanent and impartial civil service are as follows:**

- i. The spoils system has the propensity to degenerate into a system of patronage, nepotism and corruption. Having a credible recruitment process through an impartial agency provides a defence against such abuse.
- ii. Public policy today has become a complex exercise requiring in-depth knowledge and expertise in public affairs. A permanent civil service provides continuity and develops expertise as well as institutional memory for effective policy making.
- iii. A permanent and impartial civil service is more likely to assess the long-term social payoffs of any policy whereas the political executive may have a tendency to look for short term political gain.
- iv. A permanent civil service helps to ensure uniformity in public administration and also acts as a unifying force particularly in vast and culturally diverse nations.
- v. A permanent civil service like any other reputable profession is likely to evolve over time an ethical basis for its functioning.

## Linkage of Civil Services and Democracy

Civil services and democracy are often considered antithetical properties of political systems. There is a large scholarly and popular literature arguing that bureaucracies are major problems limiting the capacity of democratic political systems to effectively respond to their citizens.

**The linkage of civil services and democracy will be discussed under two subheads - civil services and development linkage and civil services and citizen linkage.**

### Civil Services and Development

Civil services as an organization are expected to play a pivotal role, in process of development. With their emphasis on rules and regulations, division of labour, hierarchy, role specialists, rationality, impersonally and neutrality, civil services are expected to ensure smooth process of development. In the development process civil services plays an important role in policy making and policy implementation.

It plays its role in policy making in various ways. It helps the executive in identifying the major policy areas such as preparing major policy proposals, analyzing various alternatives and solutions to societal problems requiring urgent attention, dividing the major policies into sub-policies, determining programmes of action and suggesting modification in the existing policy on the basis of its experience on the implementation front.

Further, the majority of contacts between the State and society occur through the public civil services, and these contacts are important for political inputs as well as simply for administration of programs. This importance is especially evident given the development of a range of networked forms of governing within particular policy areas. Programs such as “citizen engagement and e-government” often are largely directed at, and managed by the civil services, and provide opportunities for citizens to have more immediate and personalized redress of grievances against government in comparison to traditional forms of accountability. Further, deliberative democracy may be more possible vis-a-vis bureaucracies than with the manifestly political components of government, given

that this form of decision-making would not be seen as challenging conventional forms of representation.

Their role can be categorized into three broad activities, informative, suggestive and analytical. Let us discuss them briefly.

**Informative:** A major part of the spade work of public policy making is done by the civil services. For identifying policy issues and giving them a shape of policy proposals requires a systematic analysis of the existing problems. The bureaucracy engages itself in collection of relevant data and information in order to identify the crux of the problem. It has to be determined that what type of information is required; to what extent the information is substantive and how the information acquired can be put to the best use for framing a policy proposal. The government has to substantiate its policy proposal in order to get public support, the civil services provides the relevant data for substantiating policy proposals. For instance, if the civil services have to help in formulation of a policy proposal for agricultural development, it has to collect and titter information regarding total cultivable land available in the country, types and quality of land available, types of crops that can be gainfully sown, agricultural requirements of the country, varieties of fertilisers to be used and their availability, irrigational facilities available, conditions for marketing agricultural produce, levels of consumption within the country, possible chances of export, etc. In other words the informative role of the civil services in policy making relates to laying down of an objective base for systematic framing of policy proposals and providing the needed data for substantiating the proposals.

**Suggestive:** As the civil services is constantly engaged in the task of substantiating policy proposals and collecting relevant data, it becomes closely acquainted with various problems and issues facing the country. Civil services, especially at the secretariat level, are considered as the 'think-tank' of the government. In this context it is always thinking about the various political, social and economic problems. Due to this the civil services plays a very important suggestive role in policy making. It helps the political executive in identifying policy issues by suggesting about the nature of problems and the need for taking up a certain issue for consideration. It tries to frame its ideas in such a manner that they act as suggestions to the political executive. These suggestions are based on the administrative expertise and capability of the civil services. It is not necessary that policy initiative must always come from the political executive, at many occasions, it is the civil services which suggest the policy issues to the political executive. The suggestive role of the civil services is also related to the submission of several alternative solutions to a given problem by the political executive. It is then up to the executive to accept or reject them.

**Analytical:** As already stated, public policy making is a complex process. Civil services play a very significant analytical role in policy formulation. After the crucial issues requiring urgent attention are identified, it has to be ascertained whether such issues could make viable policies or not. The civil services engages itself in analyzing the pros and cons of the issue that is taken up for policy formulation, it frames and reframes policy proposals keeping in view its viability, future prospects, resources available, acceptability, etc. Moreover, it is the responsibility of the civil services to analyze policy proposals in relation to the provisions of the Constitution, the laws framed by the Parliament, and other existing rules and regulations. In this way the civil services helps in framing sound and effective policies.

### Citizen and Bureaucracy

At the heart of democracy lies the citizen. In the ancient state, the purpose of state was only threefold - defending the realm from external aggression, maintaining internal order, and rendering rough and ready justice. The bureaucracy was limited, and the might of the sword prevailed. In the medieval state, land relations were critical, and a somewhat larger bureaucracy was necessary in addition to the armed forces. In modern times, the state's role in creating common infrastructure and services became critical, and the bureaucracy's role expanded. In the 20th century state, helping the citizen fulfil her potential and eliminating avoidable suffering became the norm of

a civilized state. Dignity, opportunity and justice became the new watchwords, and the role of bureaucracy vastly expanded.

But despite democracy, we still have a highly centralized state. For a country of over a billion people, India has possibly the smallest number of final decision-makers in the public realm. The PM-CM-DM syndrome still dominates both our psyche and system. There is a near complete divorce between the vote and public good as a remote, centralized government has neither the will nor the capacity to address matters of real significance to the citizen - drinking water, sanitation, schooling, health care, electricity, roads, transport, agricultural productivity, market linkage, value addition, skill promotion and myriad other needs.

The district magistrate has become the embodiment of state power. As a result, the periodic change of governments has not altered the outcomes or quality of services. Politics has become a power game and power the source of private fortunes. The vote has become a purchasable commodity, or a means of transient assertion without real consequences. Democracy is reduced to electoral competition for power and elections about the fortunes of those who contest and not about the citizen and voter. The tax payer has no clue about the utilization of resources, nor any voice in demanding, and role in getting, better services. The remote-controlled bureaucracy is totally unaccountable to the local people whom it is supposed to serve.

**Core Principles for making civil services Citizen Centric are:**

1. Rule of Law - Zero Tolerance Strategy
2. Making Institutions Vibrant, Responsive and Accountable
3. Active Citizens' Participation - Decentralization and Delegation
4. Transparency
5. Civil Service Reforms
6. Ethics in Governance
7. Process Reforms
8. Periodic & Independent Evaluation of the Quality of Governance

## Evolution of Indian Administrative System Since Independence

Indian administration since independence could be best described as a confluence of the streams of continuity and change. This is mainly because of the fact that though it still rests on the steel frame of the civil services and is guided by the core philosophy of Weberian bureaucracy as it was during the British period, it has undergone an upside down change in its nature and orientation. Earlier it was basically oppressive and control oriented now it has become more regulatory and development oriented. However, how this evolution has come about, what were the forces which directed this evolution and how the various forms of administrative structures, procedures and behaviors have been transformed as a result of the interaction with these forces, in order to provide better governance in form of corruption free, efficient and more responsive administration to the citizens, is the subject matter of this article.

The process of evolution of Indian administration in independent India can be broadly divided into two phases. One starting from 1947 to about 1990 or what we can call the license-quota-control raj and the second phase starting from about 1991 to the present times which we can call the phase of globalization. There has been almost upside down change in the nature and orientation of administration between these two phases. The independence of India inaugurated a regime when India got the gift of democracy. Its political structure was transformed from

a colonial set up operated by an authoritarian bureaucracy to the elected set up operated by a subservient bureaucracy. India embraced the democratic Socialism pattern of governance under which the government was to take up the lion's share of responsibilities, be it in the area of social reform or economic development. And administration was to be the most important instrument of the government in achieving those goals. As a result, the permanent bureaucracy was to continue to occupy the centre-stage in the scheme of things, as it did during the colonial times.

India adopted a model of development based on five year plans, and the first five year plan was launched in 1951-52. The orientation of planning was directed planning rather than indicative planning. In all the five year plans the approach was to fix a goal and employ the bureaucracy to work towards achieving that goal. For accomplishing the task, the bureaucracy was ascribed sweeping powers of control and regulation. This phenomenon is primarily referred to as the license-quota-control raj. Under this arrangement, elaborate licenses, regulations and accompanying red tape were required to set up and run businesses in India between 1947 and 1990.

Then, came the economic crisis of the 1990-91. India started having balance of payment problems since 1985, and by the end of 1990, it was in a serious economic crisis. The government was close to default, its central bank had refused new credit and foreign exchange reserves had reduced to such a point that India could barely finance three weeks worth of imports. India had to airlift its gold reserves to pledge it with IMF for a loan. Crisis was caused by current account deficits and currency overvaluation. The economic crisis was primarily due to the large and growing fiscal imbalances over the 1980s. During mid eighties, India started having balance of payments problems. Precipitated by the Gulf War, India's oil import bill swelled, exports slumped, credit dried up and investors took their money out. Large fiscal deficits, over time, had a spillover effect on the trade deficit culminating in an external payments crisis. By the end of 1990, India was in serious economic trouble.

Apart from the above crisis which was one of the economic factor which helped usher in the process of change, the advent of the 1990s saw another major incident, in the field of global politics which helped the process further. This was the breakdown of the Soviet Union or the Communist bloc of countries. Since the Second World War the world had been divided on the basis of politico-economic ideologies of Communism and democratic Capitalism. Under this arrangement the Soviet Union and some other countries who were the members of the Warsaw pact, went for a closed centralized government controlled and operated system of economy while the US and the members of the NATO group went for an open, liberalized, capital oriented system of economy. These two blocks had been representations of two forms of governance and economy and any sort of economic, technological or military success by any one bloc was interpreted as the success of the ideology and the form of governance. India was more inclined towards the Soviet pattern of economy and the breakdown of the Soviet Union following reasons of economic bankruptcy, corruption and civil and political rights was an indication of the failure of the closed, controlled and heavily regulated system of economy and the failure of the regime of restricted political rights. As a result across the world Socialist regimes started collapsing and started embracing more liberal and democratic systems of economy and polity. India was also one of those countries who had no option left but to respond to the demands of time and embrace a liberalized system of economy and a more decentralized and equalitarian system of polity, in which it thought would lye the solutions of its economic and also socio-political problems.

With the new liberalized and globalized regime, the second phase of the evolution of administration started in India. In this new regime the license-quota-permit raj was to be diluted in favor of a freer, liberal, transparent, accountable regime. In this new environment the government was to step in the background and play the facilitators role in building up of the socio-political and economic institutions of the society. The State was to encourage the private sector and the voluntary sector in a more participatory, liberalized, contributory, cooperative and facilitating environment to take the initiative of building not only the social and the physical infrastructure of the society but also the institutions utilizing that infrastructure in bringing about positive change in the society. Thus the era of

a leaner government or downsizing of the government was ushered in, which is very close to what is called as the New Public Management (NPM) movement in public administration. With the advent of the NPM ideology to the fore, the values of administration as well as the role it was to play in the changing times and the expectations which it was to carry in the times to come also changed, and the government had no choice but to respond to it. This was all the more important as insensitivity this time could not be afforded because this was the last chance which the government had managed to get from the investor community, predominantly NRIs, to have faith on the potentials of India, and failure this time would mean a total disruption of the economy, which could have spilled over to the destruction of the political system as well. This time the government had to clearly deliver on the front for providing a shackle free, corruption free, transparent, efficient and an accountable administrative environment, in which capital could be invested and economic growth can be achieved.

The government responded by gradual opening up of the non strategic sector and graduated slowly to a full competition regime in it. This was accompanied by the process of privatization of some PSUs, selling of minority stake in some other PSUs to infuse managerial efficiencies from the private sector and finally selling some its stake in the capital market through IPOs primarily to raise funds. Initially the foreign players were allowed to patch up partnerships with the domestic players and thereafter they were allowed to run independently. This process was then extended to bring private sector and foreign investors even in strategic areas like defense and atomic energy. The constitution of regulators in various areas of economy was also part of this process of indicative planning and providing and encouraging the formation of a level playing field in the various sectors of the economy. The formation of regulators like IRDA, TRAI, CCI, PFRDA, SEBI, etc. have been a step in the same direction, further the idea of extending this concept to other areas is also being mooted, viz., in the infrastructure and mining sector. These reform proposals were also followed by reforms in the tax administration in the form of introduction of the VAT regime, introduction of a low and uniform tax rate regime, which is seen as the precursor to the uniform Goods and Services tax (GST). In all, these measures were received well by the industry and the markets and the numbers of economic growth started showing signs of increase and so much so that it is believed that the process of economic reform in India has been instrumental in pulling out more than 300 million out of poverty in India in a period of 20 years.

Now-a-days the bureaucracy enjoys enormous powers not because it has a greed for power but because the need of the modern technological civilization has demanded this delegation.

In recent times, there has been accelerated change globally brought about by technological advances, greater decentralization and social activism. The ramifications of these changes are being felt by government in the form of increasing expectations for better governance through effective service delivery, transparency, accountability and rule of law. But the public perception about the members of the civil services, who function at cutting edge and higher coordination and policy making levels, is that they are 'burdensome low-performers' heading a highly bloated bureaucracy which is often perceived to be corrupt and inefficient in governing the country.

### **Ailments Afflicting Indian Civil Services**

1. Lack of professionalism and poor capacity building
2. Inefficient incentive systems that do not appreciate upright and outstanding civil servants but reward the corrupt and the incompetent
3. Outmoded rules and procedures that restrict the civil servant from performing effectively
4. Systemic inconsistencies in promotion and empanelment
5. Lack of adequate transparency and accountability procedures - there is also no safety for whistle blowers

6. Arbitrary and whimsical transfers - insecurity in tenures impedes institutionalization
7. Political interference and administrative acquiescence
8. A gradual erosion in values and ethics
9. Patrimonialism

## Recommendations for Civil Service Reforms

In recent times, there has been accelerated changes globally, brought about by technological advances, liberalisation, greater decentralisation and social activism. A primary challenge before the government is to exploit the advantages of globalisation and international interdependence to foster economic growth while preserving sovereignty and remaining focused on economic development. The ramifications of global changes are being felt by the government in the form of increasing citizen expectations for better governance through effective service delivery, transparency, accountability and rule of law. The civil service, as the executive arm of government, must keep pace with the changing times in order to meet the aspirations of the people. The purpose of reform is also to raise the quality of public services delivered to the citizens and enhance the capacity to carry out core government functions, thereby, leading to suitable development.

The bureaucracy must cleanse itself, refashion its operating culture and offer convincing proof of its ability to handle situations and solve problems. Also, it has to show itself to be more sensitive, responsive and vulnerable to the changes in the socio-economic environment and to the urges and aspirations of the common masses. Instead of spending a disproportionately large part of its time in dealing with contingencies it must be alive to emerging situations and deal with unanticipated turn of events. Thus, the main components of civil service reforms include:

- **Civil Services Performance System**

The present promotion system in civil service is based on time-scale and is coupled by its security of tenure. These elements in our civil service are making the dynamic civil servants complacent and many of the promotions are based upon the patronage system. The non-inclusion of incentives or disincentives for performance is a major drawback for civil services and is making Indian civil service largely unaccountable to the state. Civil servants are not only recruited through open competitive examination, but certain officials from the state governments are also being promoted. The whole idea of All India Civil Services gets lost when other state officials are promoted to the rank of All India Services and work in the state itself. This is really a retrograde step. It should be made mandatory for the officers who are thus promoted to serve in other states to keep the idea of creating a working All India Civil Services. These promotions should be merit based and the respective authorities have to benchmark the best practices and evaluate the performance of the civil servants both qualitatively and quantitatively with a variety of parameters. The performance appraisal of civil servants has to be according to these benchmarks and the necessary placement, reward and punishments can be taken up by the authorities. The recent reform in Hong Kong Civil Services mandated that the civil servants would be recruited on a permanent basis but their continuation in the job would be subject to assessment based on performance indicators from time-to-time. This model can be replicated in India also. There may be periodic performance reviews or audits for civil servants, especially when they turn fifty or complete a certain number of years in service. The Surender Nath Committee rightly observed, "Given the rapidly evolving challenges of public management, the present objectives of performance appraisal need to be widened and deepened to respond to the emerging needs of governance. In this context, performance appraisal cannot serve only as a tool to assess suitability for vertical movement, but should be primarily used for the overall development of an officer, and for his placement in an area where his abilities and potential can be used to best advantage."

- **Performance Related Incentive Scheme**

The Sixth Pay Commission in its report has recommended introduction of a new performance based pecuniary benefit, over and above regular salary, for the government employees. The benefit will be called Performance Related Incentive Scheme (PRIS) and will be payable taking into account the performance of the employee during the period under consideration. It is based on the principle of differential reward for differential performance. The end objective of introducing PRIS in government is not just limited to improving employee motivation; obtaining higher productivity or output and delivering quality public service; but it seeks larger goals of effectiveness and systematic change for responsive governance. “PRIS provides an opportunity to shift from the classical command and control administrative approach with vertical and horizontal differentiation to more holistic, flexible, empowering and consultative styles of working leading to greater job satisfaction and productivity.” This flexible model will enable better responsiveness and performance for service delivery. The structure of PRIS allows flexibility with freedom to innovate and bring about public service delivery oriented changes in work process utilising ICT; up-scaling of best practices; with greater delegation and introduction of High Performance Work Practices (HPWP) in a budget neutral framework.

- **Recruitment**

Civil service recruitment and promotion hinge on several factors such as patronage versus merit; the relative importance of ethnic, religious, regional and caste preferences. Even where countries adopt a merit-based system, various practices militate in favour of these biases. An explicit political dimension becomes pronounced not only at the highest level of policy and programme formulation, but also at the lowest levels of regulatory and control activities. Such political pressures are most pronounced in countries with diverse ethnic, religious and cultural groups. The stress on recruitment and promotion becomes severe where economic growth has not opened up job opportunities for the employable, either educated or unskilled and the government becomes the employer of the last resort. However, where economics expand, public employment tends to shed bias restrictions and even to use private sector practices to induct qualified people into the civil service. The changes in our economy create a need for specialists at various jobs. With rapidly advancing technology and high degrees of specialisation in every field, the country can no longer afford to put generalists in positions requiring specialised skills. The entry and exit of civil servants from public service to private sector and vice versa, will make the civil servants’ jobs more attractive, thus making it a new economy job. This may create the risk of competition feeding into the civil services even more insidiously than it already has. But that will at least help enforce accountability and be beneficial in the long run. There are different opinions regarding the extent to which the civil service will benefit from the entry of outsiders. On the positive side, many maintain that lateral recruitment practices will help bring fresh ideas and skills into government, and that it will also provide incentives for current civil servants to perform better or risk being passed over for the prime postings. Yet a number of factors have to be balanced against these advantages. The response of the organised sector to the deputation of its senior management and professionals to Central and state governments is not clear. Karnataka’s Administrative Reforms Commission cautions about the need to ensure that the skills which lateral entrants are expected to bring in were not otherwise available within the civil service, which is needed to avoid the risk that the selection process becomes ad hoc and ends up demoralising existing personnel. The other sensitive issues are the offer of market related salaries and the process of selection. It is necessary to lay down an open and uniformly enforced process of eligibility criteria, selection and assessment to avoid charges of arbitrary and politically biased appointments.

The challenges confronting expanded use of lateral recruitment are important, but not decisive. The issue must be addressed carefully in a phased and systematic manner, which will allow governments to take full advantage of the benefits in terms of improved skills and motivation while mitigating against some of the costs in terms of political favouritism and demoralisation. Building a motivated and capable civil service requires merit-based and non-discriminatory recruitment, which rests on the absence of political patronage, transparent rules and procedures, open competition and selection by an independent agency. Subsequently, important elements in meritocracy and



the motivation of employees are the opportunities for promotion, recognition and reward for performance, inter-sector mobility, placement in right jobs and the scope for skill upgrading and self-improvement. It is equally important to address demotivating factors like frequent and arbitrary transfers, a poor work environment, decrepit housing and health care facilities, as well as special factors affecting women in office and field jobs. Civil service does not function in vacuum; civil service reforms require a relook at the entire management of human resources in government and the incentives and disincentives facing the public service from top to bottom.

- **Strengthening Meritocracy in Service**

Promotion – with its higher emoluments and enhanced status – remains a key element of motivation. There are differing approaches to the use of seniority and merit as criteria for promotion in countries following a similar hierarchical, ‘mandarin’ structure of civil service management. Singapore consistently promotes people entirely according to merit and it is common to see younger officers supersede more senior, but less competent, officers. Malaysia follows a system of promotion and annual salary progression based upon a new performance appraisal and remuneration system. The National Commission to Review the Working of the Constitution has recommended the creation of a statutory body: Civil Services Board (CSB) to look into issues such as transfers and promotion of civil servants. This will help in reducing political pressures on the careers of civil servants and better use of civil service resources. Sanjoy Bagchi observes, “The Commission must be invested with such functions that would increase professional competence and strengthen political neutrality of the IAS. There would be strong resistance from the politicians who would hate to lose their control over the service. The state governments are more likely to insist on the retention of their existing power for the sake of proper implementation of their programmes. These arguments are valid to some extent. But at the same time it has to be conceded that the overall performance of the service has reached such low depths that a change in controlling structure has become imperative..... The Commission must be entrusted with the total management of the service and it must have last word in all respects”.

- **Reforming the Annual Confidential Report Process**

Because of its impact on salary, career prospects and decisions on premature retirement, the framework for performance appraisal has important consequences for the motivation of employees. The Annual Confidence Report process is also meant to be used in training and human resource development, confirmation and crossing efficiency bars. The question of how employee performance should be systematically evaluated in a fair and reliable fashion, without generating unnecessary conflict, is a complicated one. Although supervisors have the right to provide continuous feedback and guidance to employees, Annual Confidence Reports (or ACRs) are the principal means of periodic formal appraisal. However, the non-transparent, subjective and unilateral character of ACRs in all states has reduced its utility for public agencies and alienated employees. Discussions between the evaluator and employee being evaluated are absent and typically take place only if an adverse remark is being entered. There are wide variations in the grading of civil servants between states and the linking of empanelment of civil servants to ACRs has led to a system of civil servants following up their ACRs to the level of the political masters. Serious efforts to reform the system of performance assessment are urgently needed. The Surender Nath Committee was very recently tasked to recommend changes in the system of performance appraisal to ensure greater transparency, so that better performance (or its lack) is fairly and accurately reflected in the appraisal; and to ensure a more clearly defined linkage between performance appraisal, experience and skills with career advancement and placements in senior positions in governments.

The Committee favours that a system of numerical grading may be introduced for evaluating the work output, the personal attributes, the functional competencies and the overall assessment. These may be done on a 1-10 scale, with one referring to the poorest grade and 10 to the highest. The Committee nevertheless considers that it would be useful to supplement the formal PAR regime with an institutionalised means of ascertaining the reputations of civil servants, consistent with our culture and ethos. Accordingly, each cadre controlling authority may, at its

option, set up “Eminent Persons Group” (EPG), i.e. persons of acknowledged character and wisdom who clearly do not have any personal stakes in the civil service career in particular. Such persons (say, 5, who may serve of three years at a time on a pro-bono basis) may be drawn from retired civil servants, public figures and academics. The EPG (names to be kept strictly confidential) may through various means, e.g. discreet personal inquiries or more structured approaches such as personal interviews or administration of questionnaires, from a range of peers, juniors and clients, ascertain the reputation (in respect of financial and moral integrity, professional competence, attitudes and personal qualities) of each civil servant of the concerned cadre once every five year, starting from the 10th year of service. It would set out their findings in a confidential report to the concerned cadre controlling authority. This information may be compiled separately from the PAR dossier, and may be useful in the following contexts, besides others.

- **Developing Specialisation / Professionalism**

Within the civil services, there has to be a conscious move away from the generalist approach to the specialist one and upgradation of knowledge and skill should be made a lifelong process. Even if officers are recruited as generalists, they should be encouraged to specialise in one sector or the other. The core competencies of the officers should be identified and consciously developed after the initial eight to ten years of service. For encouraging development of professionalism in civil services, there should be a specific career development plan for each officer involving both core competencies as well as general leadership as they move up. The officers should be periodically sent for specialised training in one of the leading professional institutions, which should include at least a three month stint abroad, for capacity building and whenever necessary, more training be provided at the best institutions in India and abroad. The specialisation can be in the social sector, viz., social welfare, housing, environment, education, health, or it can be in the field of management of natural resources like land, water, forests, or it can be science and technology, or commerce, economics and finance, or in the areas of security of disaster management. Further, once the officers have specialised in a particular sector, they must be supported to continue in that sector.

- **Stability of Tenure**

A malaise afflicting the civil service generally is the instability of tenures, leading not only to a lack of sense of involvement but also to the inability to contribute effectively to amelioration of the system. Transfers have been used as instruments of reward and punishment, there is no transparency, and in the public mind transfer after a short stay is categorised as a stigma. Officers who are victimised are not in a position to defend themselves. Internally the system does not call for any reaction to explain one’s conduct, while externally public servants are debarred from going public to defend themselves.

Frequent transfers and limited tenures are playing havoc with public organisations. With every quick change in the head of the office, a funereal air is noticeable and down the line the respect for authority is wittled away. Rapid changes erode the mandate of the Department or Organisation. There are two other consequences. The incumbent himself is not sure of how long he will stay. This affects his attention to detail, the capacity to master the situation and begin thinking, even incrementally, about how to change things and improve them. Since he is not too sure of what has to be done, the preference is to opt for whatever was tried out in the past and seemed to have sufficed. In the process, changes which may have been initiated by the predecessor are either disregarded or thought of as being disruptionist. Most public organisations do not possess the ‘memory’ which will absorb change and continue it even under adverse circumstances. Second, there are even more deleterious consequences down the line. Other staff in the organisation do not extend the commitment so necessary for change to be institutionalised. Their assessment is that everything new being temporary administrative improvement and practice, different from the ordinary way of doing things, represent the foibles or prejudices (at worst) of the incumbent, to be sent packing immediately on the departure of the officer. An attenuated hierarchy, which disorients intent and initiative, further impels the status quo.

Thus there should be a high powered and statutory Civil Services Board in the States, which should process all proposals of postings and transfers and there should be an ACC kind of procedure (followed by the Government of India whereby an officer joins a Ministry for a fixed term of 4 - 5 years) in the States also. Once a person is posted he should not be transferred except by following the same procedure once more. The ACC system does ensure stability of tenure at the Centre. If it is operated properly in the States there is no reason why it should not succeed in the States too. At least all proposals for premature transfers should be first cleared from this Board before these are implemented by the Government.

At least for higher ranks of the civil services e.g. Chief Secretaries, Secretaries of Government and DGPs, postings may be made contractual for a fixed period, and officers be monetarily compensated if removed before the period of the contract without their consent or explanation,

Though recently the Supreme Court has issued a series of path-breaking directions to insulate civil servants from political influence. The court stated that officers should have a minimum fixed tenure, they should not act on verbal orders from politicians, and civil service boards should be set up at central and state levels within three months to regulate postings, transfers and disciplinary actions. It also asked the government to pass a comprehensive law on the subject.

The Hota Committee is firmly of the view that a Civil Services Act has to be enacted to make the Civil Services Board / Establishment Board both in the states and in the Government of India statutory in character. In the proposed set up in the Government of India, the Appointments Committee of the Cabinet will be the final authority for transfer of officers under the Central Staffing Scheme. The same principle of fixed tenure should apply to senior officers, who are not under the Central Staffing Scheme, but are working under the Government of India for which the departmental minister in charge is the final authority for transfer. The Chief Minister will be the final authority for transfer of all Group 'A' officers of State Service and AIS officers serving in connection with affairs of the state. If a Chief Minister does not agree with the recommendations of the Civil Services Board/ Establishment Board, he will have to record his reasons in writing. An officer transferred before his normal tenure even under orders of the Chief Minister can present the matter before a three-member Ombudsman. The Chairperson of the Ombudsman will be a retired official of proven honesty and integrity. The other two members can be on part-time basis from among serving officers. In all such premature transfers the Ombudsman shall send a report to the Governor of the state, who shall cause it to be laid in an Annual Report before the State Legislature.

- **Improving Service Delivery**

The cutting edge point is the most important node in the entire ladder of administration. All the policies, priorities, projects, programmes and schemes get a meaningful shape in terms of implementation at this point. The government is put to acid test at the cutting edge. Therefore, it is not only imperative but inevitable that, district and local administration are made simple, effective, efficient, transparent and accountable. Improving service delivery necessitates a dynamic change in philosophy and practice from (a) administration to management, (b) excessive regulation to facilitation, (c) administrative-centric governance to citizen-centric governance, (d) centralised to decentralised governance, (e) expenditure tracking to outcome tracking, and (f) viewing citizens as customers rather than as beneficiaries. It is the district and local administration that have to play the operational role in translating the policies and programmes into credible actions by providing services to the citizens effectively, equitably and transparently. Over the time, the role and responsibilities of public administration have become increasingly complicated and convoluted. There has been a manifold growth in the number of schemes and programmes, departments and personnel operating at the state, district and local tiers. However, in view of the 73rd and 74th Amendments to the Constitution, there is a need for redefining the role of administration at all the tiers of governance. This role of civil servants in service planning and delivery at the state, district and local levels has to be discharged in the framework of decentralisation mandated by the 73rd and 74th Amendments. A key

area of action is to transform administration from a supply-driven approach to demand-based. Civil service must enable people to exercise their voice and customer power to demand better services and discharge some responsibilities such as supervision and vigilance over service delivery and monitoring service quantity, quality and performance themselves. Involving people in identifying their needs and demands, and in designing and implementing policies and programmes can go a long way to engage citizens as partners in the development process and increase development effectiveness. Citizen governance should be recognised as the foundation of representative democracy. It increases the democratic content of government and provides opportunities for citizens to take interest in public affairs. This calls for a fundamental change in the process of governance and a paradigm shift in the nature of operation of the higher civil service.

- **Selection to Senior Administrative Grade and Higher Administrative Grade**

The Sixth Central Pay Commission in its report recommends opening up of all the deputation posts under Central Staffing Scheme or outside it to all the eligible officers whether belonging to AIS or Group - A Central Civil Services. The Commission is fully aware that in theory these posts are already open to all AIS as well as Central Group A Services. However, in practice, the selection procedure for these posts has been made so non-transparent that the credibility of the entire selection procedure is now being questioned. The pressing need is to ensure a selection process that is open, transparent and gives equitable chance to all the eligible officers. To attain this end, all the posts filled by deputation in the Senior Administrative Grade and Higher Administrative Grade should be filled through an open selection process conducted by an independent agency. The function of the independent agency should be done by the UPSC by involving few outside experts in the relevant field. For selection of SAG / HAG levels posts, all group A officers who are already in the SAG / HAG levels, respectively in their own cadre including those who have been given the scale non-functionally or personal basis would be eligible.

- **Recruitment and Training**

The Indian civil service system should become more representative. 80% of the Indians living in villages have 15% of representation in the Indian civil service. The urban upper middle class has a dominance, with 75% of the positions in the various civil services. This leads to alienation of the civil service from the masses. There is a need to increase the representation of women. It is suggested that special pre-entry training schemes may be devised to remove this bottleneck.

The civil servants develop overconfidence in their career as they are assured of a permanent job for a period of 30-35 years. For all civil services, especially for the All-India civil services, lateral entry at different levels needs to be encouraged. The other incumbents should be given contract positions. The lateral entry would inspire competition among the civil servants and allow the best talents to come in the civil services. It would also give opportunities to such people who might have either missed the bus initially or might think of entering the civil service at a later stage after acquiring expertise in a particular area.

The present scheme of civil service training needs to undergo a complete change. The induction training should follow a new format. Instead of providing a wide sweep of the various subjects, modules should be designed having relevance to the skills and knowledge required for performing the various jobs during the initial years of the civil service. Some of the modules could include training in behavioural areas and environment of administration. A compulsory annual training should be introduced of a duration of at least one week. This should be an appreciative training in the general developments relating to the civil service environment taking place in India and abroad. Those who have served for a period of ten years should be given a specialised training in district administration which may emphasise training on development administration, maintenance of revenue records, and coordination between the autonomous agencies of the government. Training courses in enterprise administration should be imparted to officers of the IAS of a seniority of 10-20 years. They should be thoroughly exposed to fundamental and general management, and application of the knowledge so acquired to the administration of

public enterprises. This will also help them in dealing with subjects having a bearing on the government interface with private enterprise. For those who have put in more than 20 years of service, there is a need for exposure to policy administration. They should be familiar with the concept of policy formulation and its implementation.

There should be a component of foreign training for the officers of the Indian administrative services. This will help in integrating them with the rest of the world and redesigning their vision of strengthening the country through their work.

Opportunities should be created to provide access to training facilities for the members of the Indian civil service selected by the State Public Service Commissions. In the present form, the training given to Group B, C, and D civil servants is completely inadequate. The contents are poor and the frequency is inadequate.

Action should be taken to remove the grievance of the non-IAS personnel that most of the training opportunities abroad are cornered by the officers of the IAS.

- **Accountability**

For greater accountability, the following are some of the measures suggested:

- a) Strengthening and streamlining reporting mechanisms
- b) Streamlining and fast-tracking departmental enquiries
- c) Linking performance with incentives
- d) Overhaul of employee grievance procedures
- e) Action on audit findings
- f) Implementation of Citizens Charters' for monitoring service delivery
- g) Right to Information Act and its enforcement
- h) Code of conduct for civil servants

- **Reforms in functioning**

Each Department should lay down a detailed scheme of delegation at all levels so that the decision making takes place at the most appropriate level. It should be laid down in the Manual of Office Procedure that every Ministry should prescribe a detailed scheme of delegation for its officers. This delegation should be arrived at on the basis of an analysis of the activities and functions of the Ministry/Department and the type of decisions that these entail which should be dovetailed with the decision making units identified in that Department.

The scheme of delegation should be updated periodically and should also be 'audited' at regular intervals. The audit should ensure that the delegated authority is actually exercised by the delegatee. The scheme of delegation should be placed in the public domain.

The number of levels through which a file passes for a decision should not exceed three.

- i. In cases where the Minister's approval is required, the file should be initiated by the Deputy Secretary/Director concerned and should be moved through the Joint Secretary (or Additional Secretary/Special Secretary) and the Secretary (or Special Secretary) to the Minister.
- ii. Cases requiring approval of the Secretary should go through just two levels (e.g. either US and Director, US and JS or Director and JS).

- iii. Cases requiring approval of the JS/Director/DS should come through just one level. The exact combination of levels should be spelt out in the scheme of delegation for each Ministry/Department whereas the number of levels as suggested above should be prescribed in the Manual of Office Procedure.
- iv. The Department dealing with administrative reforms in the Union Government should be entrusted with the task of ensuring compliance with this stipulation.

For addressing cross cutting issues, the Secretary of the concerned Department should have the flexibility to create inter-disciplinary teams.

The Departments should build an electronic database of decisions that are likely to be used as precedents. Thereafter such database should be periodically reviewed and where necessary, changes in rules introduced in order to codify them. There may also be precedents that may be the result of wrong or arbitrary decision making which the Department would prefer not to rely on for the future. In such cases the Department would have to appropriately change its policy/guidelines and if required even the rules to ensure that these precedents are not wrongly used.

## Second ARC Recommendations on Improving Personnel administration

The Commission's recommendations on personnel administration can be broadly classified under following subjects (1) Recruitment; (2) Training and Capacity Building; (3) Promotion policy and placement at middle and top management level; (4) Performance appraisal; (5) Accountability and Disciplinary System ; (6) Relation between Political Executive and Civil Servant's; (7) Values and Ethics of Civil Services, etc. The important is Civil Services Code and Civil Services Law.

### Civil Services Code

Ethics is a set of principles of right conduct. It has been defined as a set of values and principles which helps guide behaviour, choice and actions. It helps to decide whether ones' actions are right or wrong. Organizations as well as individuals have ethical standards. These standards help ensure that individuals belonging to an organization have a consistent approach in carrying out their responsibilities and making decisions. They also ensure that members of an organization maintain a consistent and appropriate behaviour towards one another and towards clients and persons outside the organization.

Civil servants have special obligations because they are responsible for managing resources entrusted to them by the community, because they provide and deliver services to the community and because they take important decisions that affect all aspects of a community's life. The community has a right to expect that the civil service functions fairly, impartially and efficiently. It is essential that the community must be able to trust and have confidence in the integrity of the civil service decision-making process. Within the civil service itself, it needs to be ensured that the decisions and actions of civil servants reflect the policies of the government of the day and the standards that the community expects from them as government servants. The expectation that the civil service will maintain the same standards of professionalism, responsiveness and impartiality in serving successive political governments is a key element of the way our democratic polity functions.

In a democracy, an efficient civil service must have a set of values that distinguishes it from other professions. Integrity, dedication to public service, impartiality, political neutrality, anonymity etc are said to be the hallmarks of an efficient civil service. In some countries, these values have been embodied in laws – e.g. in Australia - and in some countries these are enshrined in the respective Constitutions.

In India, the current set of ethical norms are the Conduct Rules, contained in the Central Services (Conduct) Rules, 1964 and analogous rules applicable to members of the All India Services or employees of various State

Governments. The code of behaviour as enunciated in the Conduct Rules, while containing some general norms like 'maintaining integrity and absolute devotion to duty' and not indulging in 'conduct unbecoming of a government servant' is generally directed towards cataloguing specific activities deemed undesirable for government servants. These conduct rules do not constitute a code of ethics.

Thus the Commission suggested the inclusion of the following principles in the Code of Ethics for civil servants in India:

- **Integrity:** Civil servants, should be guided solely by public interest in their official decision making and not by any financial or other consideration either in respect of themselves, their families or their friends.
- **Impartiality:** Civil servants in carrying out their official work, including functions like procurement, recruitment, delivery of services etc, should take decisions based on merit alone.
- **Commitment to public service:** Civil servants should deliver services in a fair, effective, impartial and courteous manner.
- **Open accountability:** Civil servants are accountable for their decisions and actions and should be willing to subject themselves to appropriate scrutiny for this purpose.
- **Devotion to duty:** Civil servants maintain absolute and unstinting devotion towards their duties and responsibilities at all times.
- **Exemplary behaviour:** Civil servants shall treat all members of the public with respect and courtesy and, at all times, should behave in a manner that upholds the rich traditions of the civil services.

### The Civil Services Law

Legislative commitment has been an important factor in ensuring the success of civil service reform initiatives in several countries during the last two decades. Legislative support provides not only a legal framework for civil service reform but ensures the continuity of these reforms. Such legislation plays a pivotal role in describing and establishing the core principles which civil servants should imbibe. It also provides a clear, unified framework within which the civil servants can perform their roles and discharge their responsibilities. A new law is often needed to create and empower institutions which would ensure that the civil servants discharge their duties while upholding the principles enshrined in the Constitution.

The Commission is of the view that, in the Indian context, it is important to examine what is sought to be achieved by the contemplated legislation and what would be the salient features of the proposed Public Service Law. The Commission has recommended a slew of measures for reforming the civil services. Some of these measures would require a legislative backing which could be embodied into a new Civil Services Law. The recommendations made by the Commission could be grouped into the following:

- **Recruitment and Conditions of Service:** Recruitment and conditions of service of persons appointed to the 'Public Services' shall be governed by Rules made under this Act. The following principles of recruitment should be included for all appointments not routed through the UPSC or SSC.
  - i. Well-defined merit based procedure for recruitment.
  - ii. Wide publicity and open competition for recruitment to all posts.
  - iii. Minimisation, if not elimination, of discretion in the recruitment process.

- iv. Selection primarily on the basis of written examination or on the basis of performance in existing public/board/university examination with minimum weight-age to interview.

An independent agency should audit the recruitments made outside the UPSC and SSC systems and advise the government suitably. This audit should be conducted under the supervision of the UPSC.

- **New Conditions of Appointment:**

(1) A civil servant, not being a civil servant recruited or inducted for a short-term appointment, shall hold office for twenty years from the date of initial appointment. (2) The relationship between the Civil Servant and the Government of India during the time he/ she holds office shall also be governed by the rules made in this regard. All public servants shall be subjected to two intensive reviews on completion of 14 years and 20 years of service respectively. Their further continuance beyond 20 years will depend on the outcome of these reviews. It should be expressly provided that all new recruitments shall be for a period of 20 years and their continuance beyond 20 years would depend on the outcome of the intensive reviews.

- **Appointment to Senior Positions in Government:**

All positions in Government (including in the attached and subordinate offices) at the level of Joint Secretary and above would constitute the 'Senior Management Pool'. This would apply to all posts including those that are presently encadred with the organised Group A Services. All appointments to positions in this pool shall be made on the recommendations of the Central Civil Services Authority, which would go into the past performance and also evaluate the future potential of an officer. The Central Civil Services Authority should recommend a panel of officers suitable for a position in the Government and Government should choose an officer/person from this panel.

- **Fixation of Tenures:**

All senior posts should have a specified tenure. The task of fixing tenures for various posts may also be assigned to this independent agency - Central Civil Services Authority.

- **Widening the Pool of Candidates for Selection to Senior Positions:**

Candidates outside the government system should be allowed to compete for certain posts at senior levels (Additional Secretary and above). The task of identifying these posts should be entrusted to the Central Civil Services Authority.

- **Dismissal, Removal etc. of Civil Servants:**

After the repeal of Articles 310 and 311 (as recommended in the Report on 'Ethics in Governance'), safeguards against arbitrary action against government servants should be provided in the new law. These safeguards should include:

- No penalty of removal and dismissal should be imposed, except by an authority, which is at least three levels above the post which the government servant is holding.
  - Other penalties – apart from dismissal and removal - may be imposed by an authority which is at least two levels above the current post of the government servant.
  - No penalty may be imposed, unless an enquiry is conducted and the accused government servant has been given an opportunity of being heard.
  - The Head of an organization should have powers to lay down the details of the enquiry procedure, subject to the general guidelines which may be issued by the Government from time to time.
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- **Constitution of the Central Civil Services Authority:**

- a) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Civil Services Authority to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.
- b) The Central Civil Services Authority shall be a five-member body consisting of the Chairperson and four members (including the member-secretary). The Authority should have a full time Member Secretary of the rank of Secretary to Government of India. The Chairperson and members of the Authority should be persons of eminence in public life and professionals with acknowledged contributions to society. The Chairperson and members of the Authority shall be appointed by the President on the recommendations of a Committee consisting of the Prime Minister and the Leader of the Opposition in the Lok Sabha. (Explanation:- Where the Leader of the Opposition in the Lok Sabha has not been recognized as such, the Leader of the single largest group in the opposition in the Lok Sabha shall be deemed to be the Leader of the Opposition).

- **Functions of the Central Civil Services Authority:**

The Central Authority shall discharge the following functions:

- i. Review the adoption, adherence to and implementation of the Civil Service Values in the departments or organizations under the Central Government and send reports to the Central Government.
- ii. Assign domains to all officers of the All India Services and the Central Civil Services on completion of 13 years of service.
- iii. Formulate norms and guidelines for appointments at 'Senior Management Level' in Government of India.
- iv. Evaluate and recommend names of officers for posting at the 'Senior Management Level' in Government of India.
- v. Identify the posts at 'Senior Management Level' in Government of India which could be thrown open for recruitment from all sources.
- vi. Fix the tenure for posts at the 'Senior Management Level' in Government of India.
- vii. Submit an annual report to Parliament.

- **Creation of Executive Agencies in Government:**

Government should be authorized to create or reorganize some or all of existing Departments into 'Executive Agencies'. The role of the Ministries should primarily be on policy formulation while implementation should be left to the Executive Agencies.

## Conclusion

A well-functioning civil service may help to foster good policymaking, effective service delivery, accountability and responsibility in utilizing public resources which are the characteristics of good governance.

Reform aims at strengthening administrative capacity to perform core government functions. These reforms raise the quality of services to the citizens that are essential to the promotion of sustainable economic and social development. It can contribute to macroeconomic stabilization by restoring budgetary stability, strengthening revenue collection, managing aid effectively, and improving development performance through proper implementation of investment frameworks and the management of public expenditure plans and programmes. The reform can contribute to the design and implementation of an equitable programme of social development. Enhancing the capacity of civil servants and improving their morale are critical to all these functions.