



Government of India

**Committee on
Civil Service Reforms**

REPORT

JULY 2004

P.C. Hota
Chairman
Committee on Civil Service Reforms

Sardar Patel Bhavan, Sansad Marg
New Delhi, 30 July 2004

Dear Shri Chaturvedi,

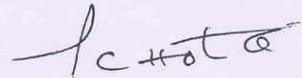
I have the privilege to submit the Report of the Committee on Civil Service Reforms appointed by the Government of India on 03 February 2004.

I take this opportunity to thank my colleagues in the Committee and officers of the Government of India and Government of the States, who gave useful assistance to enable the Committee to complete its Report within the stipulated period of six months.

I also place on record appreciation of the Committee for the efforts made by Shri P.I. Suvrathan, Additional Secretary to Government of India and Member Secretary of the Committee to ensure that the Committee got valuable assistance to make comprehensive recommendations on their rather elaborate terms of reference.

With regards,

Yours sincerely,



(P.C. Hota)

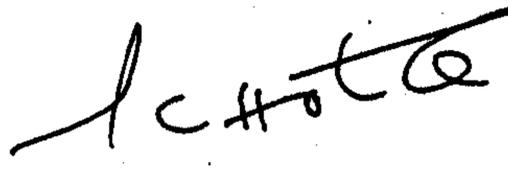
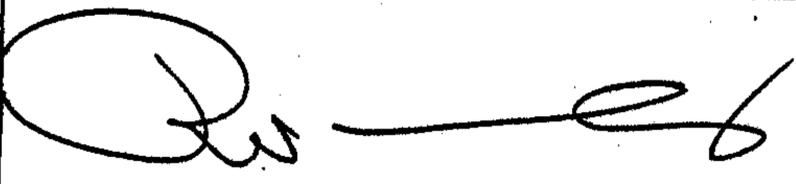
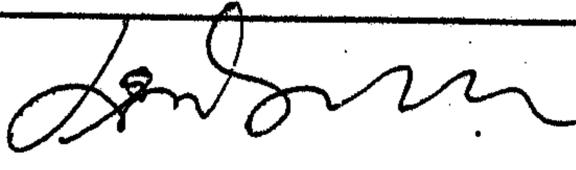
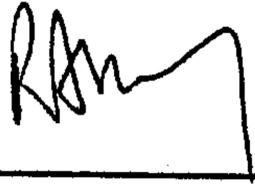
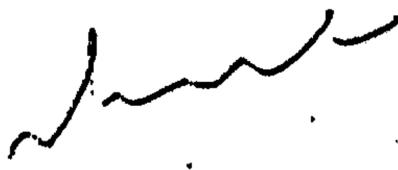
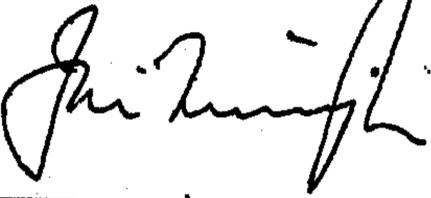
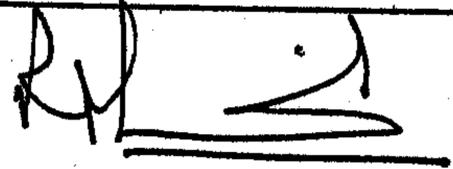
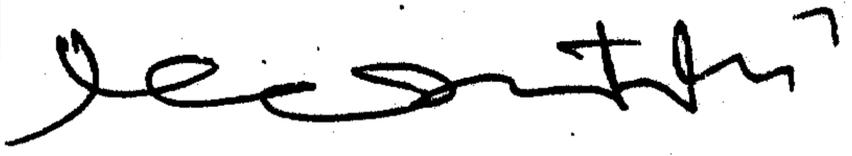
Shri B.K. Chaturvedi
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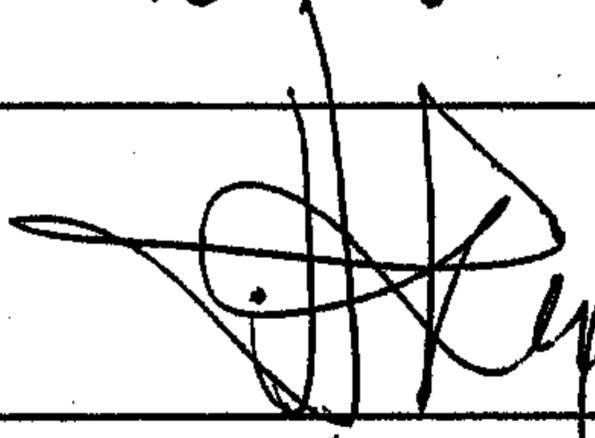
"Administration is meant to achieve something and not to exist in some kind of an ivory tower following certain rules of procedure and Narcissus-like looking on itself with complete satisfaction. The test after all, is the human being and their welfare."

– PANDIT JAWAHARLAL NEHRU

The first Prime Minister of India at the inauguration of the Indian Institute of Public Administration, New Delhi on 29 March 1954.

REPORT OF THE COMMITTEE ON CIVIL SERVICE REFORMS

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<p>Shri P.I. Suvrathan Member Secretary</p>	<p>P.I. Suvrathan</p>

subject to my
wife on the National
Police Commission
Malimath Committee

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1. INTRODUCTION

1.01 **Civil Service Reform in India is a difficult exercise** considering the great diversity of our population, language, culture, infrastructure and the institutions of governance. We are a country with an area of about 3.2 million sq. km. and over a billion people. We are also the world's largest democracy. Civil service reforms also have to take into account constitutional provisions governing the distribution of powers between the Union, the States and the institutions of local government.

1.02 There have been several studies in the past on civil service reforms. Before Independence, there were the Royal Commission on Public Service in India, popularly known as the **Islington Commission (1912-15)** and the Royal Commission on superior civil service in India, popularly known as the **Lee Commission (1923-24)**. After Independence, the important Committees on civil service reforms included the Secretariat Re-organization Committee under the chairmanship of **Sir Girijashankar Vajpayee (1947)**; the Committee on Re-organization of Government of India headed by **Shri Gopaldaswami Aiyangar**, the Report on Public Administration (1951) by **Shri A.D. Gorwala** and the reports of 1953 and 1956 by Paul Appleby. The Commission on Administrative Reforms marked an important chapter in the field of civil service reforms. Apart from these, Central Pay Commissions have also made useful recommendations, the last Pay Commission being the **Fifth Central Pay Commission (1997)**. Mention may also be made of the **Expenditure Reforms Commission (2001)** under the Chairmanship of Shri K.P. Geethakrishnan and the **National Commission to Review Working of the Constitution** headed by Justice M.N. Venkatachaliah, former Chief Justice of India. The Cabinet Secretariat has also initiated some studies in the recent years on civil service reforms and also set up committees of senior civil servants to consider reforms in governance.

1.03 The Fifth Central Pay Commission has highlighted the unique character of the higher civil service of India. In its view the Indian civil servants are able to get things done in the shortest possible time with the minimum inputs.

The Commission observed that “**it is this class of administrative entrepreneurs – clean, honest and performance oriented – who should emerge on the Indian scene to make the civil service command the respect of all sections of society**”. Its recommendations broadly cover:

- (i) integrity in public service and removal from service of corrupt officials;
- (ii) the need for public friendly administration;
- (iii) constitution of a high level panel comprising Comptroller & Auditor General, Central Vigilance Commissioner and the Cabinet Secretary to ensure clean and accountable govt.; and
- (iv) formulation of a policy of transfer for civil servants.

1.04 In 2003, **the Surinder Nath Committee** submitted a comprehensive report to Government of India on the system of performance appraisal, promotion, empanelment and placement for the All India Services and the higher civil services of the Union Government. The Committee headed by **Shri B.N. Yugandhar** has also submitted its report on building up of skills and competencies by providing training to All India Services Officers at different stages of their service careers. These two reports are currently under examination of the Government.

1.05 Against this background, we were appointed by the Government of India on 03 February 2004 with comprehensive terms of reference to examine the whole gamut of civil service reforms and to submit our Report within a period of **six months**. The terms of reference are as follows:

- (i) Making the Civil Service
 - responsive and citizen-friendly;
 - transparent;
 - accountable; and
 - ethicalin its (a) actions and (b) interface with the people.
- (ii) Making the civil service e-governance friendly.

- (iii) Putting a premium on intellectual growth of civil servants and on upgrading their domain knowledge.
- (iv) Protecting the civil service against wrongful pressure exerted by
 - (a) administrative superiors;
 - (b) political executive;
 - (c) business interests; and
 - (d) other vested interests.
- (v) Changes, if any necessary, in the various All India Services Rules and Central Civil Rules to provide a statutory cover to the proposed civil service reforms.
- (vi) Changes in rules governing the disciplinary proceedings against civil servants to decentralize the process as far as practicable, and to make the disposal of such proceedings time-bound.
- (vii) Any other matter that the Committee may consider relevant to the subject of civil service reforms.

1.06 In our Report, we have tried to identify the measures required to equip members of the permanent civil service for performance of duties and to remove the impediments in making them **honest, responsive, politically neutral and professionally sound**. We have adopted some of the recommendations made by the Committees and Commissions appointed in the past. We have formulated a few recommendations on the basis of views of the large number of participants in workshops in different locations of the country. The participants in our workshops were members of political parties, serving and retired civil servants, retired members of the higher judiciary, functionaries of non-governmental agencies, representatives of trade, commerce and business, office-bearers of trade unions, media persons, lawyers, academicians and social activists. We are grateful to them for their response and their well-considered views on reforms. Our Chairman also met some dignitaries at New Delhi and sought their valuable opinion on civil service reforms.

1.07 We have noted that apart from the three All India Services i.e. the Indian Administrative Service, the Indian Police Service and the Indian Forest Service, there are **58 Group 'A' Central services**, 15 of which are non-technical,

20 are technical, six pertain to medical and health services and 17 are in other categories. Central Services Group 'A' have an authorized strength of **70574**, which is approximately **2.18%** of the estimated Central Government civilian regular employees as on 01 March 2002. The All India Services, which are shared between the Central Government and the State Cadres, have an authorized strength of 11594, constituting a very small fraction of the total employees. Admittedly, the All India Services and the Group 'A' Central Services provide the leadership to the rest of the civil services both in the Central Government and in the State Governments. Civil service reforms which improve efficiency, impartiality and effectiveness of the higher civil services is, therefore, bound to have a multiplier effect across the entire gamut of government service both in the Central and the State Governments. By undertaking citizen-centric reforms of the higher civil services it is expected, therefore, that common people all over the country will be benefited.

1.08 We are, however, aware that **reforming the higher civil service is no substitute for reforming governmental processes and administrative structures**. When citizen interface is substantially with the junior functionaries of government, there are obvious limits to achieving citizen-centric governance through reforms of higher civil service alone. Nevertheless, it is our hope that the principles emphasized in our Report will be taken to the cutting edge level. To ensure citizen-centric governance, many of the recommendations of our Report have gone beyond the higher civil service and touched upon the basic structures of the governmental machinery.

Public Perceptions

1.09 Before we deal with each item of the terms of reference of our Committee, it would perhaps be appropriate to sum up some of the main observations of participants in our workshops. They are as follows:

- (i) By and large the **civil service** in India has **lost its neutral and anonymous character** and even though there are still some **upright civil servants**, they are **getting marginalized** in the process of governance.

- (ii) Increasingly, **corrupt practices have become prevalent in the higher civil service** and public perception of higher civil servants as a class is not edifying.
- (iii) The higher civil servants – particularly, officers of the Indian Administrative Service, Indian Police Service, and Indian Forest Service working in different States of the country **do not have a fixed tenure** in any post and hence are not able to achieve the targets fixed for them in their assignments. In the absence of any fixed tenure, these officers of the All India Services are not able to function as effective instruments of public policy and are simply wasted due to frequent transfers from one post to the other.
- (iv) **A majority of civil servants are arrogant.** They are not perceived as people-friendly and by and large they have lost touch with ground realities. There is a **sharp decline in their field visits and inspections of field programmes.** Civil servants in the States have almost given up the **earlier practice of sustained tours of remote areas and night halts** in those areas which are so essential to understand and redress problems of the poor and the weaker sections of the community.
- (v) There is **'groupism' among higher civil servants** and increasingly they have been divided along sectarian lines – an extremely unfortunate development.
- (vi) Some civil servants develop an **unhealthy nexus with power brokers** and do not hesitate to resort to questionable means to get good postings in India or abroad.
- (vii) The **vigilance** organization in States and the **Central Bureau of Investigation** in Government of India have created such a **fear psychosis** that **civil servants are afraid of taking bold decisions**

in the public interest i.e. decisions involving expenditure of big amounts of money and important commercial decisions. There is a need to enforce the '**Single Directive**' to protect honest officers who take bold decisions in the public interest even though they might be guilty of technical violations of procedure in taking such decisions.

- (viii) **After 15 years of service, a rigorous review** should be made of performance of higher civil servants to weed out the corrupt and the inefficient.
- (ix) Article 311 of the Constitution is meant to protect honest and efficient civil servants and not to shield the corrupt and the inefficient. **Article 311 of the Constitution should be amended to remove corrupt officials from service and give them an opportunity to defend themselves in a post decisional hearing only after their removal from service.** If the civil servant is exonerated in the post-decisional hearing, he may be restored his entire service benefits including arrears of pay and allowances.
- (x) The Indian Administrative Service is different from the other two All India Services viz. the Indian Police Service and the Indian Forest Service and the large number of central services, as the other services are unifunctional services whereas the IAS is a multifunctional service and members of the service hold diverse assignments in their career.
- (xi) The Indian Administrative Service should not monopolize all key posts in the Government of India. There are a large number of talented officers in other two All-India Services and the Central Services who deserve to hold key posts in Government of India under the Central Staffing Scheme or other key posts in the States.

- (xii) **Indian democracy is a very complex political system** as India has more than **1000 million people, 18 major languages, 265 dialects** spoken in different parts of the country and comprising all major ethnic, racial and religious groups. For meeting the requirements of such a large democracy, the civil service must be a highly competent and resilient instrument. In India, the civil service needs to have mental attributes and skills to evolve a consensus for governance in a plural and diverse society.
- (xiii) The task of coordination in a complex administrative system such as India's – with a federal Constitution – can be performed only by administrators with vision who have hands-on experience of administration both in the States and the Central Government for a long period. In such a system, **hiring experts from the open market as members of the higher civil service** to perform high level coordination and managerial functions may not be worthwhile except in purely scientific and technical Ministries.
- (xiv) **Far too many officers of different services are promoted quickly** and in the different States of the Indian Union there are a large number of officers of the grade of Commissioners, Principal Secretaries to Government, Additional Director Generals and Director Generals of Police. If too many top level positions in the IAS create problems of cadre management, too many senior posts in the IPS create problems of unity of command.
- (xv) Officers of different services who are some of the brightest when they enter the service do not feel motivated to excel in performance as they grow in the service. They stop reading books and journals so necessary to increase their domain knowledge. As issues in public administration are becoming increasingly complex and as some of these issues are scientific and technical in character, officers of the higher civil service, particularly officers of the IAS, as leaders of multi-disciplinary teams, must acquire **more domain**

knowledge as they go into senior positions. The Surinder Nath Committee's (July, 2003) recommendations in this regard need to be implemented without further delay.

- (xvi) **Training of officers both in the foundational course and also in professional courses** must be given adequate importance. At periodic intervals every officer of the higher civil service must spend a few months under training in Management Development or in other areas of skill formation. Compulsory visit to inaccessible rural areas and preparation of reports on the problems of such areas should be made part of training course.
- (xvii) As the **age of entry into a civil service** has risen in recent years – at present a 'general' candidate is eligible if he is 21-30 years of age with age concession of three more years for candidates of Other Backward Classes and age concessions of five more years for candidates of the Scheduled Castes and the Scheduled Tribes – most late entrants are no more amenable to be moulded through training.
- (xviii) Most of the civil servants fail to achieve results because they are not given **targets of performance** or the infrastructural support to achieve them. Most Departments/Ministries have no mission or vision statements. A reality check is essential through which performance of every Department and Ministry should be reviewed and the correctives applied. **Without performance targets, the civil service degenerates into a closed priesthood with no accountability.**
- (xix) Even though the Fifth Central Pay Commission has recommended a higher compensation package for civil servants, **there is a case for giving the higher civil servant a more liberal package of compensation which bears a fair comparison with what is available outside government for similar functionaries.** This

higher package would ensure that civil servants are free of financial worries and would not succumb to temptations while holding high public office.

- (xx) Lately, **pay and allowances of civil servants in the executive branch of administration have lagged behind pay and allowances of members of the subordinate judiciary.** To maintain parity in pay and allowances among public servants in the executive, legislative and judiciary, there is a need for enactment of a law such as the **Federal Pay Comparability Act of 1970 of USA.**
- (xxi) **Representation of women in the higher civil service** is only about 12-13% of the total strength. Suitable incentives should be offered to attract more women into the civil service.
- (xxii) Owing to a shortage of posts at the highest level, many competent civil servants are not able to reach the highest levels before they retire. Members of civil services, who retire on superannuation in the grade of Joint Secretary/Additional Secretary to Government of India, may be given the **next higher grade of pay personal to them at least a year before they retire on superannuation** so that they have the satisfaction of getting higher grade pay if not the higher post carrying such grade pay.
- (xxiii) In government offices '**Quality Circles**' can be formed to involve employees in a process of continuous improvement. A reward scheme should be instituted to encourage them.
- (xxiv) Since 1947 the higher civil service has served with equal competence governments belonging to different political parties but unfortunately this difficult role of the civil service has not received adequate appreciation. **If political masters and civil servants appreciate their respective roles, there would be synergy,**

unity of purpose and harmony in the higher echelons of government. Civil service in India can deliver the goods only if it is trusted. A civil service can become an effective instrument of public service if there is fair play in the government and the civil servant is respected by political masters. Democratic governance demands observance of canons of propriety and the civil service can grow and perform if the political masters observe canons of propriety in their dealing with civil servants.

(xxv) **Unless civil society is proactive, democracy cannot be rid of money power, and the civil service cannot be insulated from undue and unwholesome pressures.**

(xxvi) Both the **highest judiciary** and the **sovereign legislature** must appreciate the complex task of the civil service and treat the civil servants with courtesy and consideration and not subject them to humiliation and harassment.

(xxvii) A civil service should comprise honest and efficient officers who are kind and compassionate. Tools and technology – including Information Technology – may enhance the competence of the civil service but the people of India respect a civil servant only if he takes personal interest in the welfare of the poor and the downtrodden. **A civil servant can succeed in India if not only he is honest and dedicated but also if he is pro-poor and displays personal concern for the downtrodden.**

(xxviii) **There is enough scope for a civil servant to introspect whether as a member of the higher civil service his conduct is free of blemish.**

(xxix) **Secularism and the Rule of Law** are two of the basic features of the Constitution. But they will remain on paper unless they are

enforced and in this task of enforcement the civil service should play a significant role.

- (xxx) Transfers and postings of officers of the civil service should be entrusted to a **Civil Services Board/Establishment Board** comprising senior civil servants.
- (xxxi) Reforms in the higher civil service will not yield the desired result unless the lower formations of civil service at the cutting edge of administration improve their performance.
- (xxxii) Those who deviate from the core values of the civil service such as **honesty, integrity and political neutrality must be ostracized by the general body of civil servants. Service Associations/Departments of Government of India and Government of States should be encouraged to identify the corrupt and the inefficient in a secret ballot.** The list of such officials may be forwarded to the Government of India and the respective State Governments for follow up action to remove the identified officers from service if such removal is justified on facts of the case.
- (xxxiii) **Workload of the civil service has increased manifold.** Workload has increased in government because paperwork has increased and **government is trying to do too many things at the same time.** Government must re-orient itself to **perform only core functions.**
- (xxxiv) Officers of the All India Service in the States particularly District Magistrates and Collectors and Superintendents of Police are spending too much time in **protocol and security duties.** To ensure that District Magistrates and Collectors and other senior officers in field formation get time to interact with the common

people and solve their problems, protocol and security duties of these officials must be reviewed to limit their ceremonial functions.

(xxxv) Recommendations of the **National Police Commission** should be implemented forthwith so that the police act only to uphold the Rule and Law and not be subject to any political interference.

(xxxvi) Ideally, a Secretary to Government of India or officer holding an equivalent post or a Chief Secretary, Director General of Police, Principal Chief Conservator of Forests should have a tenure of **at least two years** but retire at the normal age of superannuation.

(xxxvii) The civil service should be politically neutral to inspire confidence in their functioning under different political masters, often belonging to diverse political parties. To ensure that they remain politically neutral, they should not be given any **post-retirement appointments as members/chairman of statutory commissions, quasi-judicial tribunals, or even in constitutional authorities such as the State Public Service Commission, Union Public Service Commission, Comptroller and Auditor-General of India, and Election Commission of India.**

(xxxviii) A retired civil servant/a civil servant who has resigned should not be appointed to the high constitutional office of **Governor of State** unless there is a gap of at least two years between his resignation/retirement and appointment.

(xxxix) A government servant on resignation or on retirement, should not be allowed **to join a political party** and contest **any election for a political office** on the ticket of a political party or even as an independent candidate. A period of two years must elapse before he is allowed to do so.

- (xi) Ministers and Secretaries to the Government of India should not be from the same State. This will ensure that the common people perceive the relationship between the Minister and Secretary to the Government of India as a purely professional relationship.
- (xli) **No member of the higher civil service should be appointed as Private Secretary** to a Union Minister or a Minister of State with independent charge or a Minister in the State Government. Junior officers of the higher civil service often use their contacts to get appointed to such posts and exercise extra constitutional power.
- (xlii) **It is only when the political masters in a democracy take interest in civil service reforms that the reforms will acquire meaning and substance.**

1.10 We have also noted that on the initiative of the Government of India a **Conference of Chief Ministers of States was held on May 24, 1997** on improving **performance and integrity of the public service**. The recommendations of the Chief Ministers' Conference included the following:

- (i) People friendly and effective administration depends on **cleansing of civil services at all levels**, adherence to ethical standards, commitment to basic principles of the Constitution, and **a clear understanding of the relationship** between the politicians and the civil servants. **Elimination of corruption** in the public service requires prevention, surveillance and deterrent prosecution. Nexus among politicians, civil servants and criminals should be ruthlessly dealt with. **Politicization of the civil services** should be curbed to minimize the impact not only on the morale and motivation of the civil service, but on the sustained flow of responsive services to the public and efficient execution of schemes.
- (ii) The existing rules and regulations should be amended within six months to enable exemplary prosecution and **removal of corrupt**

officials, and weeding out staff of doubtful integrity. At the same time, a suitable mechanism should be worked out to reward employees who do good work.

- (iii) The area of discretion of officials should be reduced to the minimum along with steps to prevent their arbitrary use. There should be a close networking of various agencies like Lokayukta, CBI, vigilance machinery, income tax authorities, Enforcement Directorate and the Comptroller and Auditor General of India.
- (iv) It was recognized by the Conference that frequent and **arbitrary transfers** of public servants affect the ability of the system to deliver services effectively to the people and the implementation of poverty alleviation schemes. It was agreed that **institutional arrangements** should be evolved for enabling objective and transparent decisions on postings, promotions and transfers of officials. Though some misgivings were expressed regarding the mechanism of Civil Services Board, it was clarified that the Board as envisaged in the Action Plan was to basically aid the political executive in the State governments to implement a streamlined and transparent transfer and promotion policy so as to ensure stability of tenures to the government officials and to sustain their morale.

Role of All India Services

1.11 There is no doubt that the considerations which were behind the formation of All India Services hold good even now. As the Administrative Reforms Commission (ARC) Report on Personnel Administration (August 1967) points out, the All India Services act as the cementing force and are likely to be less subject to domination by political or other local pressure groups. They constitute pools of national talent recruited, trained and developed on a uniform basis. They hold important posts in the State and Central Governments and have a variety of field experience. Their competence and experience are required for formulation of policy in our federal polity.

1.12 The Administrative Reforms Commission pointed out that for smooth functioning of the administrative machinery, officers working in States should be familiar with the processes which obtain in the Central Government. Similarly those operating the administrative machinery at the Centre must also be fully conversant with State Governments' functioning. Thus an organic administrative link is necessary between the three tiers of government – the Centre, the States and the local government, for an uninterrupted exchange of information and experience among the different tiers of Government.

1.13 We are of the view that **the higher civil service including the All India Service is still one of the most exciting opportunities available to our meritorious young men and women.** The service provides opportunities to work in different areas of administration. It provides a variety of experience of working with the people for public good. We were pleased to hear from the participants in our workshops about the large number of little known young men and women who, working in remote corners of the country under conditions which were far from ideal, have been able to change lives for the better for a large number of people.

Role of the Civil Service in our Parliamentary democracy

1.14 A permanent Civil Service is the *sine qua non* of a parliamentary democracy. In the midst of change of governments due to periodic elections, the **Civil Service** provides an element of **stability and continuity** without which orderly government would be impossible.

1.15 Our Constitution vests the **executive power of the Union** and the **State** in the **President** and the **Governor** respectively and enjoins that this executive power shall be exercised by them directly or through officers subordinate to them in accordance with the Constitution. These officers belong to our permanent civil service. In effect, it is the **Council of Ministers with the Prime Minister or the Chief Minister at their head**, who exercise the **executive power of the State** through **officers of the Civil Service.**

1.16 The relationship between the Ministers and the Civil Servants in a parliamentary democracy such as ours is **not amenable to any precise definition**. However, some of the broad parameters of the relationship could be summed up as follows:

- (i) **Formulation of policy of the Government** is the legitimate task of the Minister. At the stage of formulation of policy, the civil servant is expected to give his free and frank advice but once the Minister, after giving due consideration to advice of the civil servant, gives the policy a final shape, it is the duty of the civil servant to carry out the policy diligently and faithfully though he may be having his own views about the soundness of the policy.
- (ii) The preservation of **integrity, fearlessness and independence** of the civil servant is an essential condition of a sound parliamentary system of Government. One of the important functions of the civil service is to '**speak truth to power**', as once asserted by a head of the Canadian Public Service.
- (iii) There must be **trust and mutual respect** between the Minister and the Civil Servant as without them unity of action in the higher echelons of government will be difficult to achieve.
- (iv) Both the Minister and the Civil Servant must perform their roles in accordance with the **Constitution** and the **laws** as even a minor transgression thereof can ultimately be subversive of good governance and rule of law.

1.17 In our country, the Ministers and the Civil Servants are more than mere major players of government. "**They are the custodian of a nation's ideals, of the belief it cherishes, of its permanent hopes, of the faith which makes the nation out of a mere aggregation of individuals**".

2. TERM OF REFERENCE: MAKING THE CIVIL SERVICE RESPONSIVE AND CITIZEN-FRIENDLY; TRANSPARENT; ACCOUNTABLE; AND ETHICAL

Emphasis on Service Delivery:

2.01 There is no formal arrangement by which Departments and Ministries of Government of India validate their programmes from the point of view of the common man or the beneficiary. In our opinion, to make the civil service citizen-friendly, each office/Department/Ministry must **identify the points of citizen interface** in their programmes. In other words, services to the common people, which are expected to be delivered by the office/Department/Ministry, need to be identified in consultation with the beneficiaries. The office/Department/Ministry will also have to **benchmark the quality of services** and the period within which services can be delivered. The **grievance redressal mechanism** should be strengthened and held accountable so that a common citizen will know the officer he can contact if he has a grievance and the time required to attend to the grievance.

Public Office and the Citizen:

2.02 A common man's contact with any public office is often not a happy experience. It is rarely that a phone call by an ordinary citizen to a government office gets things done, unless he has 'contacts' in the office. We recommend that there must be **toll-free phones** in every government office and names of officers who handle the toll-free phones must be given adequate publicity. The details regarding these officers should be available on the website so that the citizen who has access to the internet can find out who he should contact in a public office for redressal of his grievance. Normally, one telephone call to a designated officer in any office should be sufficient to elicit the required information. If information is not readily available, the officer should call back the citizen as soon as it is available. Appointments to the common man to meet officials should be given over phone or as soon as he presents himself at the reception desk of the office. A government official cannot give the excuse that he does not deal with the subject on which information is sought. The designated

officer who receives the phone call in an office should be responsible for addressing the issue raised by the common man and no one should be required to contact a number of officers before he gets information or relief sought for. As mentioned earlier, each office/Department/Ministry must have adequate toll free telephone numbers with voice mail system so that a citizen can leave his message in the voice mail and get an answer from an official within a reasonable time.

2.03 We recommend that junior officers at the cutting edge level of administration be **given training in customer service, attending to phone calls and resolving public grievances**. Performance of these officers should be judged on the basis of their competence in public dealings. We recommend that from time-to-time **senior officers should check the efficacy of the Information and Facilitation Centres**, the response time in toll-free numbers of an office and the overall efficiency of citizen-centric services. We suggest that at periodic intervals, **senior officers may ring up the toll-free number of their own office** to find out how quickly the official in charge responds to the need of the common man.

Empowerment of Citizens:

2.04 In our country, public authorities still do not associate citizens or citizen's groups such as non-government organizations, consumer groups and the media with formulation or evaluation of government's policies and programmes. It is necessary that Departments/Ministries direct offices under them, who are service providers, to **build partnerships with local groups and organizations** representing the citizens not only for formulating the programmes but also for their proper implementation.

Freedom of Information Act:

2.05 The basic objective of the **Freedom of Information Act 2002** is to enable every citizen to have access to information under control of public authorities to promote openness, transparency and accountability in administration. This has sometimes been described as the Dracula principle: "throw light on problems and they tend to wither away." The Freedom of

Information Act, even though enacted two years ago, has not yet been implemented. We recommend that rules under the Act be finalized and the date of implementation of the Act notified without further delay. This is an area where application of e-governance principles can achieve simplified processes and greater citizen access to information. While formulating rules under the Act, there should be provision for putting in such information systems right at the beginning. We recommend that the efficacy of the Freedom of Information Act 2002 to enable the common people to get the requisite information from government offices be reviewed by a task force after about three to four years of commencement of the Act. **The Task Force** must have as members eminent public men, functionaries of non-governmental organizations and media persons.

The Official Secrets Act:

2.06 In the past, several Committees have recommended that the **Official Secrets Act** should be reviewed to include only the essential minimum requirements of national security, public order and individual privacy. We recommend that this be implemented at the earliest.

2.07 Other than the items included in a **negative list**, information on all other items in the government should be placed in the public domain and the burden of proving whether any information not disclosed relates to the negative list should be on the government.

Name Badges:

2.08 One of the methods by which public accountability of civil servants can be ensured is by identifying the official by name so that the citizen with a grievance can file a complaint in case of injustice meted out to him. We recommend that all officers having public dealing should wear name badges while on duty. This is already being done by the police, the para-military forces and the armed forces of the country.

Job Description:

2.09 Government functionaries take most of the decisions collectively. The duties, functions and responsibilities of most of them are neither set out in precise terms nor widely publicized for information of the general public. Consequently, it is difficult to pinpoint non-performance on the part of these functionaries and hold any one of them accountable. **Detailed job description** of every post in civil service along with the annual performance targets should, therefore, be prepared at the beginning of every financial year so that the performance of each incumbent of the post can be judged against the objectives. The job description, names and phone numbers of incumbents should be made available on the website. We are of the view that if performance of an officer in civil service is given importance, there would be a new work culture with a drive for excellence.

Action Plans:

2.10 After his appointment, Secretary of a Ministry/Department should be asked to formulate **annual performance targets** as per Action Plans. If annual targets have been already formulated by his predecessor in office, he will adopt the targets with modifications, if any, after discussion with the Minister in charge. We recommend that to achieve the annual targets, Secretaries to Government should be given full freedom – including delegated financial powers – so that they can be held strictly accountable for performance as per the targets.

Sensitizing Civil Servants to Citizens' Problems:

2.11 Immediately after retirement, civil servants are often surprised at the behaviour of those in service. It is rather strange that the retired officers realize the lack of responsiveness of government agencies only when they have to approach the government agencies as common citizens. We feel that to give the civil servant an idea of how a common man transacts business with government, it would be useful for each civil servant to be made familiar with **problems being faced by the common man** in relation to government departments. We recommend that every five to seven years in service, at least one month/two months should be spent by a civil servant with a non-governmental organization, academic institution or in the private sector. It would

be worthwhile for the government to identify such institutions to which civil servants can be attached.

ISO 9000: for Government Offices:

2.12 At present no common man would voluntarily go to any government office because of the hassles likely to be faced by him. To eliminate such hassles, a system of **ISO 9000** should be introduced for government offices and a date specified by which all government offices are made ISO compliant. This is necessary to provide the essential minimum services and convenience in each public office.

2.13 We are informed that the **Bureau of Indian Standards** (BIS) has already established procedures and systems for this purpose and can provide the necessary support for training and auditing through its national network.

Building Institutional Memory:

2.14 Our attention was drawn to the high turnover of senior officers in crucial posts leading to the erosion of institutional memory. Often there is a discontinuity in the administration with each officer having to establish new systems without regard to the past practices. Valuable experience and knowledge are lost with the departing officer which could have been useful for his successor. Though there are instructions that each officer should leave behind a handing over note to his successor, in practice, the system of a 'Note to Successor' has been virtually discontinued. We recommend that it should be mandatory for the transferred official to leave behind a '**Note to Successor**' covering the initiatives he had introduced and the support required to carry them through. It is also necessary that existing **Manuals and Instructions** are reviewed and updated so that the basics of routine administration are not neglected.

Information and Facilitation Centres:

2.15 Many government Departments have established Information and Facilitation Centres (IFCs) to serve as points of interface with the citizens. Most of them are non-functional because of lack of customer-friendly approach and

attitude of the officials in charge and also due to non-availability of the required information in these Centres. These IFCs could be used as the **channel for empowering non-governmental organizations (NGOs)** and other citizen organizations so that they are enabled to access the facilities offered by the Department and provide the required feedback. In departments with a large public interface, a full time officer not below the rank of Under Secretary should be posted in the IFC with the specific mandate of attending to citizen's queries. The functions of the nodal officer in charge of IFCs and the minimum facilities that should be made available there, have already been notified by the Department of Administrative Reforms and Public Grievances, Government of India.

Property Returns:

2.16 All public servants, including members of civil service, should make their **property returns available on the website** for the information of the general public so that any ordinary person familiar with details of property owned by a public servant can compare the reported figures with the actual situation and report to government wherever there is a major discrepancy.

Forfeiture of Benami Property:

2.17 Rules should be framed under Section 8 of the Benami Transactions (Prohibition) Act 1988 for acquiring benami property and to enact a law to provide for forfeiture of benami property of corrupt public servants. Action on the lines of the Smugglers and Foreign Exchange Manipulators, (Forfeiture of Ill-gotten Property) Act should also be extended to government employees who have been found to be in possession of assets disproportionate to their known sources of income.

Reduction of Age Limits:

2.18 We were cautioned against the teaching of ethics to civil servants. Ethics, it was argued, is instilled in the formative years in the family and not taught or enforced by rules and regulations. What is perhaps undeniable is that there is a connection between the age of entry into the civil services and the values one brings into the service. It may be futile to expect a person in his

thirties, already married and well into domesticity and coming with an accumulated mental baggage, to learn the basics of ethical behaviour during foundational course training in the Lal Bahadur Shastri National Academy of Administration at Mussoorie. It is against this background of catching the entrants into higher civil service at a malleable stage that the **Y.K. Alagh Committee (2001)** had recommended reduction of the upper age limit of eligibility from 30 to 26 years. We recommend that the **age of entry should be further reduced to 21-24 years for the general candidates with the usual age concessions to the candidates belonging to the weaker sections of the society**. The age limit of 21-24 years for general candidates was there for entry into the higher civil service for about 20 years after Independence.

Measures to Combat Corruption:

2.19 A large number of participants in workshops were of the view that in recent years, corruption has raised its ugly head in a big way among members of the higher civil service. We also took note with a heavy heart that a few months ago, a Commissioner of Police of an important metropolis and an Inspector General of Police were arrested and remanded to custody. Around the same time, a senior IAS officer was also dismissed from service for corrupt practice. In recent years, both senior and junior officers of different services have been arrested for corrupt practices/assets disproportionate to their known source of income. Thus the situation is very alarming and needs drastic remedies.

Weeding Out Unsuitable Officers:

2.20 As no competitive examination/any other mode of merit-based recruitment to the higher Civil Service will be proof against selection of a few unsuitable candidates, who are not of the right mould, Directors of Training Academies - who observe officer-trainees at close quarters and evaluate their overall competence – may take timely action to invoke the Rules to **weed out unsuitable officer-trainees**. Such weeding out, for unsatisfactory performance while under probation would be legally valid as it will not be considered as dismissal/removal from service within the meaning of **Article 311 of the Constitution** for which a regular departmental inquiry has to be held for imposition of a major penalty.

Amendment of Article 311:

2.21 At present, under Article 311(2) of the Constitution, no civil servant or person holding a civil post either under the Union or under a State Government can be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of the charges. This protection is not available to a person who has been convicted of a criminal charge or where it is not reasonably practicable to hold an inquiry and where the President or Governor is satisfied that in the interest of security of the State it is not expedient to hold an inquiry.

2.22 We recommend that Article 311 of the Constitution be amended to provide that if there are allegations against a civil servant/person holding a civil post of accepting illegal gratification or of having assets disproportionate to his known sources of income and the President or the Governor is satisfied that the civil servant/person holding a civil post be **removed from service** forthwith in the public interest, the President or the Governor may pass an order removing the civil servant/person holding the civil post from service and give him an opportunity in a **post-decisional hearing** to defend himself.

2.23 If the person removed from service is prosecuted in a court of law, the President or the Governor may also specify by order that a post-decisional hearing may be given to the person removed from service only after a judgement of the court of law acquitting him becomes final and conclusive. The person so removed shall be given a post-decisional hearing in a regular departmental inquiry to defend himself against the charge. If he is exonerated of the charge, he shall be reinstated in service with full restoration of his service conditions, including his seniority, and shall be paid the arrears of pay and allowances due to him in full.

2.24 In our view such a constitutional amendment would:

- facilitate **summary removal** from service of a corrupt officer;

- **inspire confidence** in the minds of the common people that corrupt practice by members of the civil service/persons holding civil posts will not be tolerated;
- **ensure justice** to the official so removed in a post-decisional hearing.

2.25 At present, corrupt officials – even if caught while accepting bribe or found to have in their possession high denomination currency notes, share certificates and ornaments disproportionate to their known source of income - do not get punished immediately. At worst they are arrested, detained in custody, released on bail and face a long drawn-out trial in a court of law. A few years pass before they are punished for their delinquency. During the period they face trial, they are usually under suspension from service and are entitled to subsistence allowance. Thus the drive against corruption among civil servants fails to make visible impact. Therefore the proposed amendment of Article 311 of the Constitution would be an important measure to **punish the guilty civil servant speedily**.

2.26 The proposed amendment would be constitutionally valid in view of decisions of the Supreme Court in **Maneka Gandhi's case (AIR 1978 Supreme Court 597)** that the principle of *audi alteram partem* (right to be heard) which is a part of natural justice is satisfied if a decision has to be taken urgently in the public interest and a post-decisional hearing is given to the person affected and reasonable opportunity is provided to the person to defend himself. The decision in Maneka Gandhi's case was reiterated in **Liberty Oil Mills case (AIR 1984 Supreme Court 1271)** and **Tulsiram Patel's case (AIR 1985 Supreme Court 1416)**. Corrupt practice has reached such proportions among members of the civil service of all ranks that urgent action is required to remove persons from service against whom there are charges of having been caught while accepting illegal gratification or having assets disproportionate to income. At present, a High Level Committee presided over by the Union Home Secretary makes recommendation to the President – if an officer of the Central Government is required to be removed from service without inquiry on grounds of security of the

State. Such a High Level Committee may also be set up by executive order if a corrupt official is sought to be removed by order by the President or the Governor in the public interest pending a post-decisional hearing.

Identifying the Corrupt:

2.27 Those who deviate from the core values of the civil service such as honesty, integrity and political neutrality must be ostracized by the general body of civil servants. In 1995-96, the Uttar Pradesh IAS Association voted in secret ballot naming three most corrupt officers of the IAS in the U.P. cadre. Peer perception of a civil servant is usually accurate and to use peer perception of a civil servant in the public interest, service associations should be encouraged to **identify the corrupt and the inefficient in a secret ballot**. The list of such officials may be forwarded to the Government of India and the respective State Governments who must take follow up action to remove the identified officers from service if there are grounds for removal.

Officers of Doubtful Integrity:

2.28 During our public hearings, some participants raised the issue of weeding out those civil servants who have an unsavoury reputation for lack of integrity. Such civil servants, we were informed, generally evade departmental action as evidence against them is difficult to come by. Even while taking commercial decisions, they try to manipulate their actions by taking decisions which appear within the provisions of rules and instructions. Such civil servants, who are conduits of power brokers, are careful not to invest their ill-gotten wealth either in their own names or in the names of close relatives. We are firmly of the view that such civil servants deserve to be neutralized by being put on 'compulsory wait' or being posted as Officer on Special Duty/other supernumerary posts. We have noted that some State Governments have already put these ideas into practice. We endorse such practices and would recommend that cases of such civil servants who would be put on compulsory wait be referred to the Anti-corruption/Vigilance/the CBI for detailed probe into their corrupt practice.

Commercial Decisions:

2.29 We listened to views that civil servants who take bold commercial decisions in good faith are **not protected against probes and inquiries** by the Vigilance and the CBI. Under the Prevention of Corruption Act 1988, any decision which can unduly benefit a private party can be impugned and the officer can be prosecuted in a court of law. It was submitted to us that in several cases officers who took commercial decisions on the basis of available information and in good faith were taken to task, and were either prosecuted or proceeded departmentally for imposition of major penalty.

2.30 In the banking sector, in consultation with the Central Vigilance Commissioner, committees/advisory boards have been set up with experts drawn from different disciplines, who scrutinize cases in which decisions for disbursement of loans have been taken by officials in the banks, to decide whether they were decisions taken in good faith. It is suggested that similar advisory boards be constituted in all government Departments for scrutiny of decisions taken by officers before investigation/launching prosecution against them under the Prevention of Corruption Act 1988. We are conscious that in our anxiety to protect honest officers, who take *bona fide* decisions on purchases and contracts, we are recommending constitution of Committees of Experts in different Ministries/Departments to **scrutinize a decision taken by a civil servant** before the CBI or any Vigilance Agency is permitted to submit charge sheet in a court of law under the Prevention of Corruption Act 1988 or before an officer faces a disciplinary proceeding. The Prevention of Corruption Act 1988 does not contain any such provision. We are also of the view that the 'Single Directive' which seeks to protect senior officers taking decisions in public interest from harassment needs to be enforced.

2.31 Under **Section 13 (1) (d) (iii) of the Prevention of Corruption Act 1988**, it is provided that if a decision of an officer benefits a person without public interest, the officer concerned can be prosecuted in a court of law of competent jurisdiction. Since all commercial decisions benefit one party or the other, it is often difficult for an officer even though acting in good faith, to ensure conformity with the aforesaid provision of law. In the circumstances, the easiest course for

the civil servant is to avoid taking a decision or refer it to a larger body or a committee to take a decision. We are of the view that Section 13 (1) (d) (iii) in the Prevention of Corruption Act 1988 which was not there in the earlier Prevention of Corruption Act 1947, needs to be given a second look so that civil servants are not inhibited from taking *bona fide* commercial decisions. This issue may be referred to the Law Commission before a final view is taken.

Citizen's Charters:

2.32 Already Citizen's Charters have been drawn up by several Departments/Ministries. The Citizen's Charters thus drawn up **need to be operationalized**. In recent years, some of the Charters have been drawn up without any interaction with the common citizen. We feel that each Department should be required to lay down the standards of services it will provide to the people as per the Citizen's Charter. The **remedial measures available** as well as compensation for non-adherence to the specified standards in the Charter should also be laid down. A report regarding implementation of Citizen's Charters and the number of complaints received should form part of the Annual Report of the Ministry/Department.

2.33 Public authorities/Departments who have not yet drawn up Citizen's Charters should draw them up with the active participation of citizen's groups. The citizen's groups should also be encouraged to actively monitor the implementation of these charters and suggest appropriate changes on the basis of lessons learnt during the course of implementation.

Public Consultations and Evaluation of Services:

2.34 Each Department/Ministry should have a mechanism for continuous consultations with the citizens and other stakeholders. **Every programme of government should specify the final deliverables in terms of services** to be made available to the common man. An exercise needs to be carried out to validate whether the government programmes achieve their intended purpose. There should also be a **sunset clause** by which these programmes come to an end unless, on the basis of a detailed review, it is decided that the period of implementation of the programmes be extended.

2.35 The **evaluation of service providers** should be undertaken by the citizens' groups, consumer forums, reputed non-government organizations and retired members of civil service on the basis of score card methodology or any other appropriate methodology. The suggestions made in the evaluation report shall enable the service providers to improve quality of services to the citizens. The evaluation report by an independent group outside the government system shall also be a useful indicator on the individual performance of the service providers. Such an evaluation should be mandatory for service organizations such as government hospitals and Offices/Departments with substantial public interface.

Citizen Centres:

2.36 An important reason for the non-involvement of the citizens in policy formulation and governmental programmes is the difficulties in obtaining relevant information and the inability to evaluate government's policies. It would not be feasible to expect citizens' groups on their own to come up and balance the views provided by the governmental agencies. Government itself will have to take the initiative to set up Citizen Centres which will not only **keep track of government policies but also critically analyze them** from the point of view of the citizen. As mentioned in another chapter of this Report, the **Civil Services Officers' Institute (CSOI) at New Delhi could be the nodal point for citizen-centric evaluation of government programmes** on an on-going basis. If the experiment proves successful, it could be replicated elsewhere through a network of CSOI to be set up with government support.

Holding Departments Accountable for Results:

2.37 No Department of the Government of India has any mechanism for validating its programmes from the point of view of the objectives sought to be achieved. Programmes once initiated acquire an internal dynamic of their own and continue indefinitely. Each Department should be required to institute an **evaluation mechanism of its programmes** on the basis of clearly laid down parameters. The outcomes which are expected to be achieved should be identified and the progress of programmes verified with reference to these

outcomes. The result of this exercise should form part of the Annual Administration Report of the Department to be placed before the Parliament. **Departments should be held accountable for outcomes and there should be a very sharp focus on service delivery.**

2.38 The Committee was informed that in USA the Government Performance and Results Act of 1993 was passed specifically to hold federal agencies accountable for achieving programme results and improving service delivery. Under the Act, each government agency has to prepare performance targets and the arrangements for achieving them. The reasons for not achieving targets have also to be indicated to the Congress.

Annual Performance Plans:

2.39 The **Annual Performance Plan for each Department** should have the following components:

- (a) **Performance goals** to define the level of performance to be achieved by a programme/ activity.
- (b) **Objective, quantifiable and measurable goals.**
- (c) **Operational processes**, skills, technology and other resources to meet the performance goals.
- (d) **Performance indicators** to be used in measuring or assessing the relevant output, service, service levels and outcomes of each programme activity.
- (e) A basis for comparing actual programme results with established performance goals.

2.40 Where it is felt that a particular Office/Department/Ministry may not be in a position to express the performance goals in a measurable, quantifiable form, an alternative form may be specified to set out the performance goals. The idea is to ensure that each officer in the civil service has clear and definite targets, objectives, and performance parameters on the basis of which his performance can be judged.

Making Annual Reports more Meaningful:

2.41 At present, each Department/Ministry of the Government of India is expected to submit an Annual Report of the functioning of the Department which is placed in Parliament. This has, however, degenerated into a list of the various programmes and activities and is sometimes similar to the publicity handouts prepared by the Department/Ministry. There is no critical evaluation of either performance or programmes. It should be specified that the Annual Report of each Department should not only lay down the performance goals for the fiscal year but also the success in achieving these goals for the previous fiscal year. It should **evaluate the performance plan relative to the performance achieved**. The Report should also explain and describe why a performance goal has not been met.

State of Governance Report:

2.42 Government of India should initiate a programme for bringing out a **State of Governance Report** evaluating the performance of each State on a set of parameters. A rigorous theoretical framework for this exercise should be developed and the results made available on an on-going basis. This will generate a wholesome competition among States to improve the various parameters of good governance. These reports should be drawn up by an agency selected for its objectivity and technical competence.

Weeding Out Non-Performers:

2.43 The Fifth Central Pay Commission (1997) had recommended that a *quinquennial* review of the work, conduct and integrity of every officer should be conducted by a high level board comprising retired officers as well as the Chief Secretary/Cabinet Secretary. If at the end of 15 years, **three quinquennial reviews** indicate that the officer does not have the calibre and competence to man higher posts in the civil service, it is better to give the officer an opportunity to exit the system with proportionate pension. After 15 years, those who make the grade could be continued in service till they retire on superannuation subject to their **performance being evaluated every year**.

Grading of Officers:

2.44 Grading of officers on a **10-point scale** should be introduced for the executive cadres as under the present system of grading, the finer and more subtle distinctions between different employees are not easily discernible. The rating of six and below on the 10-point scale should be treated as being below the benchmark for promotion and as adverse remarks in the Annual Confidential Report to be communicated to the concerned official.

2.45 We have noted that many independent observers have made adverse comments about low performance orientation of the higher civil service. They have also observed that there is no reward for good performance nor punishment for bad performance in the higher civil service in India. To elaborate, if one avoids punishment, there are excellent chances of reaching the highest post available to a civil servant. There is no objective measurement of performance in civil service. On the whole, it can be said that the incentive structure in the higher civil service **is designed for non-performance, status quo and risk-avoidance**. If outstanding performance in civil service is recognized – as recommended by the Fifth Central Pay Commission (1997) – and if honest and result-oriented officers are protected against investigation and prosecution on frivolous charges, conditions can be created for excellent performance by civil servants.

3. TERM OF REFERENCE: MAKING THE CIVIL SERVICE E-GOVERNANCE FRIENDLY

3.01 'e-Government' is the use of Information and Communication Technologies (ICT) to transform government by making it more accessible, effective and accountable. e-Government includes:

- (a) Providing greater **access to information** in government;
- (b) Promoting **participation in government** by enabling members of the public to interact with government officials;
- (c) Making government **more accountable** by making its operations more transparent and thus reducing opportunities for corruption; and
- (d) Providing **development opportunities**, especially benefiting rural and traditionally under-served communities.

3.02 **e-Governance** is a wider term encompassing continuous involvement of the citizen in the governance of the country through an electronic interface. This implies participation of the citizen not only in policy-making but also providing feedback on the impact of the policies through means which are now made available by information technology. e-Government or the accessibility of the information available with the government to the common man as well as **interacting with the government** to obtain convenient services electronically is often and usually a precursor of the more evolved stage of e-governance. e-Governance utilizes technology to accomplish reform by fostering transparency, eliminating distance and other divides, and empowering people to participate in the political processes that affect their lives.

Four Phases of e-Governance:

3.03 The four phases in the application of ICT to government can be described as:

- (1) Storing and making available large volumes of **information available with the government** could be useful to individuals and businesses. The internet and other advanced communication technologies can bring this information quickly and more directly to citizens. Enabling citizens and businesses to readily access government information without having to travel to government offices and standing in long queues can be a revolutionary advance for common citizens, who are harassed by official inefficiency and corruption. This is called the '**Information Stage**'.
- (2) The next phase is to enable the citizen **to interact with the government** at all levels of government in order to make requests, give suggestions, get information etc. electronically. This contributes to building public trust in government. Interactive e-government involves two-way communications starting with basic functions like e-mail contact or feedback forms that allow users to submit comments on legislative or policy proposals. This phase is called the '**Communication Stage**'. It can also lay a foundation for broader civic participation in Governance.
- (3) The third phase enables transactions making government services available on line. A transact website offers a direct link to government services available at any time. Innovations, such as citizen service kiosks, bring e-government directly to the citizens. This is called the '**Transaction Stage**'. In this stage, not only can requests for a service be made but the actual transaction can be completed and the service itself obtained electronically. Typically however, each service is still specific to a particular department or two.

- (4) The fourth and final phase is transformation or integration where the departmental, or silo structure of government is transformed into a more integrated structure, particularly at the electronic interface. Here the citizen sees and can **interact seamlessly with the government as a whole**. Though no government in the world has yet achieved this, the potential is there and it is both desirable and feasible. This is the '**Transformation Stage**'.

Revamping Procedures:

3.04 Perhaps the biggest incentive for governments utilizing and providing ICT services is the opportunity to streamline cumbersome official procedures which can save money and increase productivity in the long run. By **modernizing procedures and processes** governments can check corruption and improve revenues while increasing trust in the functioning of government. e-Governance enables complete decentralization and delegation to be combined with complete control through technology. This unique opportunity should be utilized to delegate authority wherever feasible since our procedures are widely perceived to be highly centralized.

3.05 The following **five elements** have been identified for a successful e-government transformation:

- (a) Leadership;
- (b) Process reform;
- (c) Strategic investment;
- (d) Collaboration; and
- (e) Civic engagement.

3.06 We undertook a detailed review of the e-governance initiatives taken up in the Government of India and the States. Presentations were made to us by experts on e-governance both from the government and non-governmental sectors. The World Bank, the Asian Development Bank and the DFID also provided inputs in the form of the international experience on e-governance. The

detailed reviews of the success of e-governance initiatives in various parts of the country were also considered by us. We are of the opinion that experience of e-governance in the country underscores the need for **systematic planning for the success of these projects**. Unless linked to ultimate service delivery and intensive use by the citizens, many of the e-governance initiatives have tended to peter out.

Issues in e-Governance:

3.07 e-governance has a whole gamut of inter-related issues which have to be addressed systematically. This can be broadly categorized in the following three groups:

- (1) **Service related**, such as citizen-centricity, access, affordability and user-friendliness.
- (2) **Governance related**, such as process re-engineering, change management, integration and trust.
- (3) **Technology related**, such as architecture, reliability, scalability and inter-operability.

Points of Citizen Interface:

3.08 Government should **identify and prioritize points of public interface** at which the common citizen comes into contact with the government, for focused attention and improvement. Within a period of two years it should be possible to streamline the procedures, introduce electronic service delivery through kiosks and considerably enhance citizen satisfaction. **A tentative list** of such projects would include:

- (a) Transactions relating to land;
- (b) Registration of documents;
- (c) Sales Tax / Excise / Income Tax / Service Tax;
- (d) Issue of passports and licenses;
- (e) Payment of dues for electricity and water, and House Tax and complaints relating to them;
- (f) Banking transactions and financial institutions;
- (g) Law and order; filing of complaints by citizens;

- (h) Complaints about quality/non-availability of services or mal-administration;
- (i) Grievance Redressal;
- (j) Tendering and procurement processes;
- (k) Hospital services; and
- (l) Admission in educational institutions.

3.09 It is now possible through information technology to provide a clean, transparent, efficient and hassle-free environment for the delivery of government services. This will considerably simplify the dealings of the common citizen with the government. This will require simplifying the procedures and improving the processes keeping specific service goal/targets in mind for electronic service delivery in various offices. Each of these initiatives has to be implemented in a **Mission Mode** with a **clear timeframe, resources and accountability**.

Electronic Service Delivery:

3.10 Each Department should be required to lay down the time schedule according to which it will extend service delivery through electronic means. The specific service goals also need to be spelt out clearly upfront in terms of time, accessibility, transparency and accountability. These goals also need to be validated through interaction with various stakeholders. This process can be initiated by making available all citizen related information on the website by a specified date. This includes all forms, guidelines, orders, and procedures relevant to the citizen. The next step will be to enable the citizen to interact with the Department by filing returns, submitting applications etc. As the readiness of the procedures and systems get established, the Department can move on to the final stage of enabling transactions electronically along with establishment of kiosks in the private sector through which citizens in rural areas also can access the information and services. At the end of this process, the project should be independently assessed to see whether the laid down service delivery targets have been met.

Business Process Reengineering:

3.11 It is essential to recognize that e-government is all about **discarding old procedures and transforming the process of decision-making**. Technology is merely a tool and a catalyst for such transformation. e-Governance cannot be achieved simply by drafting a law or issuing an order. It requires changing how officials think and act, how they view their jobs, how they share information between Departments, with trade, commerce and business and with common citizens. At present, most of the procedures and processes followed by the public authorities are outdated and cumbersome. In any event, they are not oriented to the needs and convenience of the citizen. With the help of information technology, the procedures and processes followed by public authorities for dealing with the problems of the citizens should be simplified and suitably modified. In most of the States, where e-governance has made meaningful progress, about 80% to 85% time of the civil servant in charge has been spent on discarding old procedures and laying down new and businesslike procedures. Only the remaining 15% to 20% time needs to be devoted to the technical issues of e-governance.

3.12 Through e-governance, it should be possible to ascertain the status of an application or petition made by a common man to any public authority through an internet kiosk without the common man personally visiting any office. The example of ascertaining status of computerized tickets of Railways on the internet shows how the life of an ordinary citizen travelling by trains has been made easier and simpler.

3.13 We considered the present practices being followed by various State Governments and the Government of India for equipping senior civil servants to take up e-governance projects. In general training programmes for IT and e-governance (largely focussed on equipping individuals to use IT themselves with a few insights into e-governance issues thrown in) are undertaken both at the Central and State levels and there are a large number of institutions who have the capability to impart such training. However, these efforts do not provide for skill gaps which are likely to be faced when middle or senior level officials are required to lead the implementation or operations of

large IT and e-governance projects. In our opinion, for the training for senior civil servants for such positions, the most effective initiative seems to be **the programme for Chief Information Officers** designed by the Andhra Pradesh Government in association with the Indian Institute of Management, Ahmedabad (IIMA). This is a programme under which talented senior officers at the middle level are identified and deputed for training in the IIMA. The programme requires the officers to work half the time in their own respective areas in the States and work on a project identified beforehand. After completion of the training, they are required to go back to their old post and implement the e-governance initiative. Each year, about 30 such officers are sent by the Government of Andhra Pradesh to the IIMA. The specific objectives of the programme are the following:

- (i) To help the participants acquire a holistic view of an IT application.
- (ii) To enable the participants understand their role in the analysis, design and implementation of an information system, effectively monitor such projects, and interact meaningfully with implementation agencies.
- (iii) Acquire a variety of skills for handling techno-commercial decisions and appreciate the role of information technology in operational and strategic decision-making.

3.14 In our view even if about 20% of the officers in the higher civil service could implement e-governance initiatives in their respective areas, it would be a significant contribution. Government of India should, in association with the IITs and IIMs, immediately launch programmes for Chief Information Officers/e-Governance Executives under which a sizable number of middle level officers of all services can be trained and posted back in the Centre and the States to take up identified e-governance initiatives. As far as general IT and e-Governance training is concerned, all officers should undergo such training (typically 1-2 weeks) with refresher courses on an optional basis every 2-3 years. In comparison with the large scale at which e-governance training is being undertaken by countries such as China, there is a **significant gap in the training infrastructure and programmes** being implemented in India. Any

large scale e-governance initiative can succeed only if there is an on-going and sustained programme for such training at the State and district levels. Further, there is also a need for training officials at IT policy level, to take policy decisions and handle issues of strategy. Such officers could be expected to lead large e-governance programmes or become IT Secretaries in States etc. The training should include domestic and international components and such officers should be given exposure to such training/conferences/workshops internationally at frequent intervals.

3.15 Very often, thinking of Information Technology in terms of short-term projects creates its own problems. IT has to fit closely with the demands of the public and the new working practices needed to produce the desired changes. Achieving integration of all aspects of change requires effective leadership and that is possible only where responsibility for the delivery of a project or programme falls to an individual. **If it is not clear who is taking charge, then it is almost impossible for an initiative to succeed.**

3.16 The various government Departments/Ministries need to enhance their skills in the procurement and management of IT at a time when global demand for these skills is escalating and widespread skill shortages are being predicted. All Departments/ Ministries will need to **retain some core skills** and consider ways to develop and acquire the skills in which they are deficient. One of the main factors responsible for failure of e-governance projects is the inability of Departments to understand the impact of a new system, either underestimating the disruption it would cause or overestimating the likely benefits. This is primarily due to insufficient skills and experience to challenge and validate supplier's proposals. The core skills should also cover management of contracts and projects effectively and take full advantage of the opportunities IT offers.

National Institute of Smart Government:

3.17 The National Institute of Smart Government (NISG) at Hyderabad set up by the Department of Administrative Reforms and Public Grievances and the Department of Information Technology, Government of India and some

private agencies is an institution for promoting public-private partnerships in the area of e-governance. The NISG has taken up a number of e-governance projects both at the Centre and the States. Though this is a good beginning, one NISG is not likely to make a significant impact on the problems facing e-governance in the country. After evaluating the performance of the NISG more such institutions should be set up in different parts of the country so that conceptualization and implementation of e-governance projects are taken up on a Mission Mode.

National Informatics Centre:

3.18 The National Informatics Centre (NIC) is the foremost agency under the Department of Information Technology which is in charge of the hardware and software aspects of e-governance in the States and Central Government. The NIC has undertaken large scale investments to link different districts in the country and push through e-governance initiatives in a number of areas. Many State Governments are struggling with the same or similar problems without being aware of the successes achieved by other States in the same area. Since NIC is present in all States of the country, it could function as a **vehicle for disseminating best practices** right across the country. This will prevent each State having to re-invent the wheel and develop solutions to problems which have already been solved/addressed elsewhere. We feel that the present structure of the NIC inhibits flexibility and commercialization. It also makes participation of the private sector in e-governance initiatives difficult. We were informed that an exercise is under way in the Department of Information Technology, Government of India to review the role and structure of the NIC. We hope that this exercise will be completed expeditiously so that the NIC is in a position to provide the required support to government agencies contemplating e-governance initiatives. The NIC needs to give special attention to the North-East as at present the connectivity in that region is far from satisfactory.

Tenure for the Chief Executive:

3.19 The review of the e-governance successes in the States clearly reveals that providing a fixed tenure to the Chief Executive is one of the essential requirements for the success of the initiative. Identification of the officer who will

be in charge of the initiative based on his background and skills is equally important. The officer posted as the Chief Executive should be **fully accountable for its success** and he should be provided the resources and the tenure to implement the project. We have separately recommended assured tenures for officers of the higher civil service so that they can produce results in implementation of programmes. This is particularly important in the e-governance area to enable such projects to be self-sustainable. If an officer feels that he is not likely to continue in the post for a reasonable tenure, we cannot expect him to apply his mind to the problems and develop solutions.

Best Practices:

3.20 The Department of Administrative Reforms and Public Grievances and the Department of Information Technology have instituted awards for exceptional e-governance initiatives. The National e-Governance Conference organized by the Department of Administrative Reforms and Public Grievances and the Department of Information Technology highlights the achievements of such initiatives in various parts of the country. These need to be institutionalized and carried further. **The best practices in the area of e-governance need to be documented** so that other States can also take up these initiatives. e-Governance projects are best implemented in the Mission Mode. At present, a Core Group under the chairmanship of the Cabinet Secretary reviews the progress of e-governance missions. 22 missions have already been identified at the Central and State level to be implemented in a time bound manner. Identifying and posting suitable mission leaders would be one of the first steps for moving these initiatives forward.

Value-addition in Services:

3.21 For success of the e-governance initiatives, it is essential that it is extensively used by the citizen who must feel that he is getting the services of the required quality and reliability. Clearly e-government by itself is of no use to the citizen unless there is a clear value-addition. The first step, therefore, would be to **simplify and modify the existing processes** to make delivery of services easier and more citizen-friendly. When there are inefficiencies in the existing system, these cannot be simply automated by the introduction of e-governance.

Rewarding Innovation:

3.22 National e-Governance Conferences are now being organized by the Department of Administrative Reforms and Public Grievances and awards are being given for excellent performance in e-governance. This should be further extended to administrative reforms also. Wherever innovative work has been done, it should be actively **identified, documented and added to the repository of good practices**. Similar awards should also be instituted for administrative innovation. It would be appropriate to recognize individuals who have contributed to improving public services through specific projects through recognized e-governance awards together with cash awards.

Commercial Decisions and Transparency:

3.23 An important factor inhibiting e-governance and administrative innovations is the problem of taking commercial decisions even in a **transparent and effective** manner under the existing governmental procedures. e-Governance initiatives in particular require selection of consultants, identification of appropriate technology, streamlining processes and introducing change management. All of them require measures which do not often fall within the purview of normal administrative practice. Decisions are required to be made by the officer in charge which can easily be questioned at a subsequent date. It is necessary that the financial procedures and the various steps involved in introducing an innovation are given a second look. The flexibility required for such innovative measures need to be identified and put in place. It should not be necessary for the officers to take up these issues with Finance and other Departments every time an innovation is to be carried out. This is particularly important when public-private partnerships have to be established and appropriate private agencies have to be selected in a transparent fashion for establishing and running such initiative on an on-going basis.

Minimum Agenda for e-Governance:

3.24 The Department of Administrative Reforms and Public Grievances has already developed a Minimum Agenda for e-Governance which lays down the threshold levels which each Ministry should try to accomplish to ensure e-

readiness. It is now necessary to move beyond this initial framework of e-governance to **specific activities which will be e-enabled in the next 12 months**. The sequence and time schedules should be decided by each Department. Initiating a website and putting therein the maximum amount of information relating to the Department which is of potential use to the consumer would be necessary first step. Subsequently each Department can move on to enabling interaction with the citizens and also carrying out transactions.

Departmental Examinations:

3.25 Departmental examinations for confirmation in service should include a practical test on the ability to use computers in day-to-day work.

Websites:

3.26 It should be mandatory for each Department to develop its own website. All the basic documents relating to the services offered by the Department and its activities should be available on the website as well as the details of officials responsible for specific services and information listed on the website. There should be an arrangement for **regularly updating the website** by specifying on the website itself the date of last updation and the officials responsible for updation. There should be a **window for accepting public grievances**. The number of public grievances received should also be indicated as well as the number still pending redressal. Websites of Departments should be evaluated regularly by the National Informatics Centre.

3.27 Wider dissemination of e-governance practices has been prevented by the absence of **appropriate financing models** on the basis of which these innovations can be launched. There is, in most cases, no institutional mechanism for funding of e-governance projects. Individual officers sometimes have to manage the funds for projects through sources such as MPLADS Scheme, Centrally Sponsored Schemes, discretionary funds etc. In very few cases have these innovations been funded out of the State Plan funds. It is necessary that the sources of funding as well as the mechanism for cost recovery is put in place at a macro or programme level so that each e-

governance project does not have to put together the various components of a financial package.

3.28 Lack of sufficient technical manpower to formulate and execute projects has prevented many departments from executing e-governance projects. Often it is necessary to outsource implementation to agencies who can be held accountable for the performance of specified tasks. Thought needs to be given to the items which can be outsourced and the monitoring of deliverables. It was found during treasury computerization in Karnataka that there is 100% difference between the rates quoted by L1 and L2. In the absence of structured competitive bidding procedures and standard technical specifications, there has been wide variations in the financial offers received, making it extremely difficult for the project authority to choose the final partner. It should be possible for the National Informatics Centre or the NISG to workout **standard bidding documents and also of appropriate financing models** or a menu of options which can be utilized by implementing agencies across the States. The Project development phase involving clear specifications of project objectives, the technical, financial and organizational aspects as well as the commercial model, needs to be recognized clearly and institutional and individual capability built to handle it. This phase would also cover bid process management. Large service delivery projects should not be implemented without adequate project development.

4. TERM OF REFERENCE: PUTTING A PREMIUM ON INTELLECTUAL GROWTH OF CIVIL SERVANTS AND ON UPGRADING THEIR DOMAIN KNOWLEDGE

Cadre Management:

4.01 During our public consultations, we were approached by several Group 'A' services including the Indian Information Service, the Indian Trade Service and the Indian Economic Service, who highlighted what they described as the less than ideal conditions under which their cadres are being managed. It was pointed out that apart from the stagnation at various levels, some of these services no longer serve the purposes for which they were set up. Their services are no longer being utilized optimally, leading many officers to leave the service or seek premature retirement. It may be true that the requirements of the Departments have changed and the service concerned is no longer in a position to meet them. If it is decided that a particular service is no longer required or requires a different set of skills, steps should be taken to either **upgrade the skills of the existing incumbents or modify the recruitment processes** to achieve the desired outcome. Continuing with a set of demoralized and demotivated group of senior civil servants is neither in the interest of the government nor that of the officers concerned.

Skill Needs Assessment:

4.02 We would recommend that a quick assessment be carried out by each Department of their skill requirements, keeping in view the challenges arising out of the changing domestic and international environment and the role government is expected to play. Even in traditional sectors, the skills now required are no longer those necessary to support a paternalistic government, but those which will proactively build new structures and partnerships, incentivise behaviour in a multitude of stakeholders and design transitional structures with the flexibility to respond to changing environments. On the basis of such an assessment, each Department should **redesign its manpower and training policies**.

4.03 Since selection to the higher civil services in the country is made from amongst the brightest graduates of different universities, we have to consider whether the perception of **a steady decline in the calibre of the entrants** into the civil service is correct. Though most of the entrants into the civil service start with high potential and expectations, most of them do not excel as they grow in their service.

Lateral Movement to NGOs:

4.04 Continuous intellectual enrichment needs to be encouraged at all levels of the civil service. After a period of 10 years, civil servants should be encouraged to go on a sabbatical to acquire additional knowledge and update their skills. They should also be encouraged to **move laterally to non-government organizations and even the private sector** and return to government without losing their seniority.

Premium on Innovation:

4.05 One of the important changes noticed in the higher civil services in India is the increasing number of candidates from the Indian Institutes of Technology, medical colleges and Indian Institutes of Management getting recruited through the Civil Service Examination conducted by the Union Public Service Commission. At present such candidates with specialized backgrounds get converted into generalist administrators, often allowing the skills which they had acquired to go waste. It should be possible to allot specific projects and programmes to officers who are skilled in these areas, provide them a clear tenure and targets to be achieved so that advantages of the technical and commercial background of officers can be utilized in administration. We found that in several States technically qualified civil servants were provided fixed tenures and posted on a **mission-mode project** to achieve outstanding results.

Recognizing Performance and Merit:

4.06 There have been innumerable instances of civil servants performing under exceptionally difficult conditions and achieving high standards of excellence in the delivery of services, establishment of new institutions and implementation of programmes. At present these instances are rarely

recognized by government through a scheme of awards/rewards. In our opinion, government should **actively support and encourage outstanding work** done by civil servants. There should be a transparent and objective mechanism for evaluating performance and selecting individual civil servants for public recognition. At present, awards for meritorious service/distinguished service are available for officers of the armed forces/para-military forces and officers of the police service including the IPS. We are recommending that such awards be given to all officers of the higher civil service who have done outstanding work.

Career Planning:

4.07 We recommend that the following may be considered for career planning of All India Service officers:

- (1) AIS officers need to spend the initial 6-7 years of service in **rural areas**.
- (2) On first promotion, they need to be posted to a **small district** or as Additional Collector/Additional Superintendent of Police / Additional Deputy Conservator of a big district.
- (3) They should also do a spell in the **Secretariat**.
- (4) AIS officers should not be posted to **metro/capital cities** unless they have done independent charge of one or two districts.
- (5) Only officers with aptitude and genuine interest in training should be posted to **Training Institutes**.

4.08 **Career planning** should be developed in all All India Services and Group 'A' Central Services so that at entry, the incumbents have a fair idea of how they can hope to move up the ladder subject to performance.

A Learning Environment:

4.09 Many officers get posted out of the State capital and major towns in the initial years. This makes it difficult for them to keep up with the advancement of knowledge or to acquire additional qualifications. We are of the view that a definite weightage should be given for the academic work carried out by an officer during his tenure. This can be achieved by introducing a programme of

distance learning based on web-based e-learning portals. Suitable modules can be developed and tests arranged to enable officers to acquire expertise in particular areas even while being posted in remote parts of the country.

Mentors for Junior Officers:

4.10 The career advice and helpful guidance, which senior officers used to provide to juniors in civil service, is in danger of fading out. Each young incumbent is then left to grow in an isolated fashion, sometimes picking up undesirable habits in the process. For junior officers a system of **extended mentoring** at least for the first five years of their career may be established by designating a willing and suitable officer, with necessary aptitude, to provide guidance and support.

4.11 **The initiative taken by the Department of Economic Affairs and the Department of Personnel and Training to provide funds to the Indian Institute of Management, Bangalore to develop a two-year course for officers of AIS and Central Services at mid-career level is a worthwhile experiment.** This programme seeks to build a group of professional administrators with skills in project management, strategic planning and management in government. Similar training programmes be devised in other training and management institutions so that larger numbers of civil servants are able to participate in these programmes.

Nomination to Courses in Foreign Universities:

4.12 The Department of Personnel and Training, Government of India has been sponsoring senior civil servants for courses in foreign universities in subjects of relevance to administration. With the curtailment of such courses available under the Colombo Plan, Ford Foundation, UNDP and fellowships offered by foreign universities, there has been considerable reduction in the number of senior civil servants who are able to avail of such courses abroad. We feel that much larger number of civil servants should be encouraged to attend such courses in foreign universities so that they can be equipped with new skills and capabilities and have a wide exposure in management. The Department of Personnel and Training, Government of India has developed an innovative

programme to support the civil servants who have secured admission to prestigious foreign universities on their own merit. An amount of up to US\$ 18,000 is provided to meet the expenses/fees for the first year after which the officer is expected to mobilize funds/get fellowships from the universities for the remaining year of the course. So far only about 30 officers have been nominated under this scheme each year. We recommend that the budget allocation for this purpose be enhanced so that each year at least 250 civil servants can be supported to attend courses relevant for administration in foreign universities.

**5. Terms of Reference: (i) Protecting the Civil Service against wrongful pressure exerted by administrative superiors; political executive; business interests; and other vested interests, AND
(ii) Changes in All India Service Rules and Central Civil Service Rules**

Ensuring Minimum Tenures:

5.01 **Article 309** of the Constitution provides that “Acts of the appropriate Legislature may **regulate the recruitment, and conditions of service of persons** appointed to public services and posts in connection with the affairs of the Union or of any State, provided that it shall be competent for the President, or such person as he may direct, in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State, or such person as he may direct, in the case of services and regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.”

5.02 The Civil Services Recruitment Rules, Pension Rules, Conduct Rules, and Discipline and Appeal Rules have the sanction of law by virtue of the proviso to Article 309 of the Constitution. Insofar as the All India Service Regulations are concerned, these have been framed under the All India Services Act 1952. The All India Services Act has been framed under Article 312 of Constitution, empowering Parliament to provide by law for the creation of one or more All India Services common to the Union and the States.

Problem of Frequent Transfer of Officers:

5.03 Despite the rules and various instructions issued from time to time, there is a genuine problem being faced by officers, especially in the case of All India Services serving in the State Governments, relating to their tenures. **It has been noticed that with every change in government there is usually a re-shuffling of officers, especially in key postings in districts, with the result**

that the average tenure in certain States for District Magistrates/Collectors and for Superintendents of Police has now come to less than a year only.

Such a rapid turnover of officers adversely affects delivery and quality of services provided to the common man. The ever-present threat of transfer also affects the morale of the officers and their capacity to stand up to undesirable local pressures. In the long run, frequent transfer of officers of the All India Services in the States delays implementation of projects and also prevents officers from picking-up meaningful experience which would enhance their value to the State Government and the Central Government when they hold higher positions at the policy making levels.

Need for a Minimum Tenure:

5.04 In **August 2003**, the **Government of Maharashtra promulgated an Ordinance for regulating transfer of officials and prevention of delay in discharge of duties by such officials.** The main provisions of the Ordinance are as follows:

- (i) It is applicable to all government servants in the State Services including the All India Service officers of the Maharashtra Cadre but it is not applicable to employees appointed on non-transferable posts in isolated cadres and employees under the administrative control of the judiciary.
- (ii) Transfer of a government servant means posting of a government servant from one post or place of work to another post or place of work and includes posting from one office to another office in the same town.
- (iii) Normal tenure of a Group `A' official/ official of All India Service in a post is **three years.**
- (iv) No government servant shall ordinarily be transferred unless he has completed his tenure.
- (v) The **Competent Authority to transfer** a government servant shall prepare, in the month of January every year, a list of government servants due for transfer and transfer shall be effected in April-May of that year. Thus, an official will have prior intimation of his

impending transfer and can take timely steps to sort out his personal and family related problems.

- (vi) For officers of the All India Services and officers of Group 'A' of State Services having pay scale of Rs. 10,650-15,850/- or more, the Competent Authority to order transfer is the Chief Minister in consultation with the Chief Secretary.
- (vii) For other officers of Group 'A' of State Service with pay scales below Rs. 10,650-15,850/- the Competent Authority is the Minister in charge in consultation with the Secretary of the Department.
- (viii) For the officers of the State Government in Group 'B', the Competent Authority for transfer is the Head of the Department.
- (ix) For employees of Group 'C' and 'D', the Competent Authority for transfer is the Regional Head of the Department.
- (x) Group 'D' officers shall not be ordinarily transferred except in special circumstances as specified.
- (xi) Stipulation of transfer after a fixed tenure of three years shall not apply if an official has only a year for his retirement on superannuation or if the official has special qualifications for the job and a suitable replacement is not readily available or if transfer of an official will cause serious dislocation in timely completion of a project.
- (xii) The Ordinance also stipulates time limits for disposal of official business and mandates disciplinary action against an official for willful and intentional delay or negligence.

5.05 The **Government of Maharashtra had to promulgate the Ordinance to give tenure of officers a statutory basis, as consolidated circular orders issued by the Government in 1997 and 1998 regarding policy of fixed tenure were not being implemented scrupulously.** In other words, the government had to bind themselves down by an Ordinance to give legal sanctity to the fixed tenure of officials to prevent frequent transfers.

5.06 We are of the opinion that **absence of a fixed tenure** of officials is **one of the most important reasons for tardy implementation of government**

policies, for lack of accountability of officers, for waste of public money because of inadequate **supervision of programmes under implementation** **and** for large-scale corruption. We feel that if an officer of the higher civil service is given a **fixed tenure of at least three years** in his post and given annual performance targets, effectiveness of the administrative machinery will register a quantum jump. In our view, there is considerable force in the oft repeated adage that **good administration is not possible without continuity and intelligent administration is not possible without local knowledge.**

5.07 We have received overwhelming evidence that at present, officials of the State Government – particularly officials of the All India Service serving in connection with affairs of the State – are quite demoralized as they are transferred frequently at the whims and caprices of local politicians and other vested interests, who successfully prevail upon the Chief Minister/Minister to order such transfers. Often Chief Ministers have to oblige powerful factions in their own party by transferring senior officers who may be honest, sincere and steadfast in carrying out government's programmes but are otherwise inconvenient as they do not oblige local politicians. We are distressed to note that owing to faction ridden party politics in some States, public interest suffers and Collectors/District Magistrates, Senior Superintendents of Police/Superintendents of Police/Deputy Inspector General of Police and Commissioners and Divisional Forest Officers, Conservators of Forests and other senior officials are asked to pack their bags at frequent intervals and ordered to move out.

5.08 Frequent transfer of officers and its harmful effect on implementation of government's programmes has also attracted adverse notice of the political executive. **The Conference of Chief Ministers on 24 May 1997 had observed that frequent and arbitrary transfer of public servants affects the ability of the system to deliver services effectively to the people.** Though the Conference had some misgivings about constitution of Civil Services Boards (i.e. Establishment Boards in different States presided over by respective Chief Secretaries on the pattern of the Establishment Board of Government of India presided over by the Cabinet Secretary), they were assured that such

Boards to be set up in States were meant to implement a streamlined transfer and promotion policy to assist the political executive, who would ultimately decide regarding such matters based on identifiable criteria.

5.09 We found that some States complied with the recommendations of the Conference of Chief Ministers and set up **Civil Services Boards/Establishment Boards** with Chief Secretary of the State as the Chairman and other senior officials of the State as Members. But the Boards set up by executive order in different States have failed to inspire confidence as more often than not, they have merely formalized the wishes of their Chief Ministers in matters of transfer of officials. We are 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 agitate 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. The Ombudsman may also pay damages to the officer so transferred to compensate him for dislocation and mental agony caused due to such transfer. We are conscious that we are recommending a **statutory barrier to frequent transfer** of senior officials but the matter has come to such a pass that it requires a statutory remedy. We also

clarify that the Chief Minister as the highest political executive has the final powers to order transfer of an officer before his tenure is over.

5.10 We are also of the opinion that postings of all Group 'B' officers must be done by the Head of the Department in a State and the same tenure rule shall be given a statutory backing. We were advised by some witnesses that only the Chief Minister's orders for transfer should be taken in case of Group 'A' officers / officers of All India Services and no Minister of a State should have any powers to order a transfer or approve a proposal for transfer of any official either of any State Service or of the All India Service. We agree with the view, as in our opinion owing to reasons of political expediency or even due to unwholesome reasons, Ministers in States often are not able to make proper use of the power vested in them for transfer of their departmental officers. If a Minister has cogent reasons to ask for transfer of an official before he completes his tenure, he will move the Civil Services Board to be set up under the new Civil Services Act and the Civil Services Board, with its views on report of inquiry by a designated officer, shall submit the case to the Chief Minister for final orders. Thus in a State Government, a Minister's proposal for transfer of any officer of Group 'A'/Group 'B' will be formally decided by the Chief Minister of the State.

5.11 In our opinion, **Civil Services Boards must be set up in all States on similar lines as at the Centre.** The Central Act should have a provision to enable the States to adopt the law and make it applicable in the States, without going through the long process of drafting a new law and getting it passed in the Legislature. The Civil Services Board in a State – chaired by the Chief Secretary and comprising senior officers – shall perform the functions relating to transfer, empanelment, promotion, and deputation of officers performed by the Establishment Board of Government of India/Special Committee of Secretaries of Government of India, both of which are chaired by the Cabinet Secretary. Under Article 309 of the Constitution, Parliament may also enact a Civil Services Act setting up a **Civil Services Board** for the Union Government which will perform the functions being performed at present by the Establishment Board presided over by the Cabinet Secretary. The Civil Services Act may also provide for a Special Committee of Secretaries to prepare panel of

names for appointment for posts of Additional Secretaries and Secretaries to Government of India. Under the new Civil Services Act, a Cabinet Minister/Minister of State with independent charge in Government of India may be given a **time limit** to accept/send back proposals for the Establishment Board regarding posting of officers with his observations. In any particular case, if the Establishment Board after giving the views of the Minister in charge its utmost consideration does not change its original recommendation, the Cabinet Secretary may send proposals of the Establishment Board with observations of the Minister in charge through the Home Minister, a Member of the ACC to the Prime Minister, who heads the ACC for a final decision.

5.12 *Inter alia*, a Civil Services Board of a State shall also perform functions of recommending officers of All India Service/Group 'A' service of the State for transfer to different posts under the State Government. It would be expedient before an officer is sought to be transferred in the public interest when he has not completed his tenure, that an administrative inquiry of a summary nature is held to ascertain if the transfer is justified as a matter of public policy. The administrative inquiry will be conducted as expeditiously as possible by a designated officer nominated by the Civil Services Board. In appropriate cases, the Civil Services Board may also direct the officer to proceed on leave on full pay and allowances till the administrative inquiry is over and a decision is taken regarding his transfer. **The designated officer to conduct the inquiry** will be ordinarily the Reporting Officer of the officer sought to be transferred. The Civil Services Board on receipt of the report of inquiry of the designated officer shall advise the Chief Minister regarding justification for transfer of the officer in the public interest before his normal tenure is over. Ordinarily the Chief Minister is expected to agree with the recommendations of the Civil Services Board as transfer of an official is a routine administrative matter on which a Civil Services Board must have a decisive role. But if the Chief Minister does not agree with the Civil Services Board and orders transfer of an official before his tenure is over, he may have to record in writing reasons for such transfer. If the official is transferred before his tenure without adequate justification, he will have the right to approach a three member Civil Service Ombudsman set up for the purpose.

5.13 We also deprecate the practice of change of Chief Secretaries and other senior officials in a State if there is a change of a Chief Minister due to elections to the State Legislatures or other reasons. In a Parliamentary democracy, a civil service has to be politically neutral and this **tradition of political neutrality** has to be nurtured at all levels. It has to be zealously guarded by the political executive and by the senior officials including the Chief Secretaries, Director Generals of Police and Principal Chief Conservators of Forests. We are aware of the magnitude of problems of management of political forces / political factions by Chief Ministers in different States. We are also aware that some senior officials in different States belonging to All India Services align completely with some functionaries of political parties in power. We only wish that healthy traditions will be built up in governance and the political executive and the permanent executive will appreciate their respective roles in our democratic polity.

Civil Services Act:

5.14 We assessed the experience of United Kingdom in introducing the Civil Services Bill which has now been passed into a law. The **Code of Ethics for the Civil Service** has been incorporated in the above Act, giving it statutory backing. As already mentioned, we are of the view that a Civil Services Act should be put in place not only to govern the conditions of service and conduct of the civil servants but also to ensure fixity of tenure and promotions on merit.

Code of Ethics:

5.15 The core values of integrity, objectivity, merit and excellence form the basic framework of the permanent civil service. These would have to be incorporated in the form of a Statute because legislation would be the best safeguard of these core values against the background of the unstable nature of politics. A new legislation incorporating core values will also provide a forward-looking framework for the continued development of the civil service. A Civil Services Act will also bring civil service more directly under the purview of the Parliament and the State Legislature. The fundamental principles of **selection and promotion on merit, the ethical principles** which constitute the Civil Services Code, a **commitment to excellence**, and determination to uphold the

provisions of the Constitution would then be incorporated in the new Statute on the civil service.

International Experience:

5.16 Many developed countries have enacted laws to bring their civil services under the purview of Parliament and recognize them as an important component of government. The Civil Service Bill passed by the **UK House of Commons** in 2002 gives legal force to civil service code of ethics and makes the civil service directly accountable to Parliament for the first time. It seeks to reinforce the core values of a permanent civil service: integrity, propriety, objectivity and appointment on merit. In **New Zealand** it was the Public Service Act of 1912 that laid the foundation of a politically neutral civil service free of patronage, thus restoring public confidence in government, while at the same time protecting them from political interference. In **Netherlands** the Action Plan for the development of a Senior Public Service was approved by Parliament in October 1996 to enhance the professionalism and integrity of the public service and guarantee the effective preparation and implementation of government policy by investing in people, in mobility and in quality.

Performance Appraisal, Promotions and Domain Knowledge:

5.17 We have noted the recommendations of the **Surinder Nath Committee** (July 2003) regarding **performance appraisal, promotions & lateral movement** in respect of the All-India Services and other Group 'A' Services. We would specifically highlight the following recommendations of the Committee for early implementation by the Government of India:

- (i) At the beginning of a year, each officer, in consultation with his reporting officer/reviewing officer to prepare a **Work Plan** for the year setting the **key tasks** and the **specific deliverables** in quantitative/qualitative terms. The officer's performance would be subjected to a mid-year review with reference to the Work Plan and his performance report for the year would be written by the Reporting/Reviewing officer in terms of his achievement as per the Work Plan.

- (ii) Introduction of **numerical grading (1-10 scale)** for assessment of attributes and achievements of an officer.
- (iii) **Association of Union Public Service Commission in empanelment of officers of the All India Service and the Central Services** under the Central Staffing Scheme/promotions to high-level posts in different services.
- (iv) Increasing **domain knowledge** of officers of the All-India Service & the Central Services and linkage of upgradation of domain knowledge of an officer with his promotional opportunities.
- (v) The introduction of a system of **Referral Board** to consider representation against *mala fide* remarks in Annual Performance Report by the Reporting and Reviewing Officer/Accepting Authority. (The Surinder Nath Committee has suggested deletion of the Accepting Authority who used to record his remarks as the final Authority after the Reporting and Reviewing Officers had recorded their remarks. We feel that the remarks of the Accepting Authority in the Annual Performance Report need not be dispensed with.)

5.18 We endorse the above recommendations as they are designed to bring in greater **professionalism** among officers of different services and ensure greater transparency in recording Annual Confidential Reports of officers. The recommendations would also make the process of empanelment of officers for promotional assignments in Government of India free of any allegation of bias and prejudice as the Union Public Service Commission – an independent constitutional authority with track record of fairness and impartiality – would have its Chairman or Members preside over the Empanelment Board comprising senior officers of the Government of India.

Deputation to Government of India and Deputation to Home State:

5.19 Systematic deputation of All India Service officers from the States to the Union Government broadens the vision of the officers and brings to the

Union experience of ground realities in States. It is often found that it is only a small group of officers who regularly go on deputation from the States to the Centre. The remaining officers prefer to remain within the State. Those who go on deputation to the Government of India sometimes seek to continue even beyond the five-year deputation period, on one pretext or the other. We are of the opinion that **reversion to parent cadre** after the deputation period should be enforced without any exception, and only in exceptional cases in the public interest can such deputation be extended for a maximum period of three months. **Cooling off** for the required period, with the parent cadre after a tenure with the Government of India, should be insisted upon without any exceptions. If the officer is allowed to go on deputation to an NGO or organizations not supported by the government, this should be possible only if the State Government/cadre controlling authority does not need his services for the period of his deputation. After the period of Central deputation, the officer should be deemed to have been relieved from the Government of India. If he does not report back to the State Government within a period of fifteen days from the date his deputation is over, this should be regarded as an act of 'major misconduct' and action taken accordingly. If on completion of deputation an officer wants leave, he can be granted leave for only two months by the State Government/Central Government on completion of his deputation.

Mandatory Deputation to Government of India:

5.20 In many States, All India Service officers do not go on deputation to the Government of India. All India Services have a central deputation reserve built into their cadre strength and if it is not utilized, it causes problems of cadre management and results in an imbalance in the structure of the cadre. The officers also miss out on the opportunities for professional growth. We recommend that **a stint with the Government of India** should be obligatory for All India Service officers and the promotions from super time scale onwards should take this factor into consideration.

Allotment of Cadres:

5.21 The allotment of State cadres should be done in a transparent manner at the time of appointment itself based on the position of probationers in

the merit list of successful candidates announced by the UPSC and the preference for different services indicated by them. We understand that at present the allotment of State cadre for All India Services is communicated by the Department of Personnel and Training, Government of India along with the offer of appointment. However, thereafter the probationer does not have the option of choosing a different service. In our view a probationer should be given **two months in the Academy to acquaint himself with the prospects of various services** and make an informed choice about his career, subject to his position in the merit list of successful candidates in the civil service examination. Today, a large number of candidates end up in different services by accident, become misfits in the particular service and remain disgruntled throughout their career.

5.22 In the past, allotment was in the ratio of 50:50 for insiders and outsiders which has now been changed in favour of a roster system. The earlier system ensured an **equitable mix of insiders and outsiders**, and helped All India Services to be pan-India in character while retaining linkages with the local soil. We understand that the Department of Personnel and Training, Government of India is engaged in a review of the existing allocation criteria, and hope that the above issues would receive their due consideration.

Inspections and Touring:

5.23 In a large number of offices, the system of inspections by senior officers has fallen into disuse or degenerated into a mere formality. **Extensive touring and night halts** in the rural areas should be an essential part of the routine of a District Officer. To this extent he may have to cut down on protocol duties. The **excessive number of meetings** required to be attended by district officials also needs to be cut down. In our opinion, even though communication has improved, Collectors and Superintendents of Police and other field-level officers should undertake sustained tour every six months. During the sustained tour, they shall stay in remote areas to understand and solve problems of the common people.

Promotion to IAS:

5.24 Today officers of State Civil Service are being appointed to the IAS on basis of their record of service which is assessed by a Selection Committee of which a Member/Chairman, Union Public Service Commission is the President and senior officers of State Government/Government of India are Members. These officers do not face an interview for their selection for appointment to the IAS. As some officers of the State Civil Service may not be suitable for appointment by promotion to the IAS, which has leadership role, it may be expedient to hold an interview of the eligible officers of the State Civil Service and select them on the basis of their record of service and their leadership qualities as assessed in the interview. It is clarified that the **interview for the officers of the State Civil Service** for appointment by promotion to the IAS will not be a test of their academic knowledge. The interview will assess qualities of the officer necessary to assume leadership roles. The recommendation will be applicable for State Service officers for promotion to the two other All India Services also, viz. the Indian Police Service and the Indian Forest Service.

Upper Limits on Empanelment:

5.25 As far as empanelment to the rank of Senior Administrative Grade in the Central Government is concerned, not more than 50% of officers in a batch should normally make it. For the Higher Administrative Grade in the Central Government not more than 30% should be considered fit. 20% of a batch of officers should be the outer limit for empanelment as Secretaries to Government of India.

Flexibility in Posting Senior Officers:

5.26 In several States, owing to the decline in intake and large number of vacant field posts, some posts of Collectors and District Magistrates are occupied by officers who are not from the Indian Administrative Service. On the other hand, in the IAS there is a glut of senior officers at the higher supervisory levels who occupy unimportant posts. **The services of senior officers of the IAS are thus not available in the field. It is recommended that in the IAS, officers up to Commissioner and even higher ranks could be considered for posting as District Collectors and Magistrates in important districts.**

This was the practice in the ICS and even in the IAS for a few years after Independence. This principle could be applied to the other two All India Service officers also to remove the log jam created by too many senior officers at the higher supervisory level.

Empanelment method:

5.27 At present, the empanelment of officers to the post of Joint Secretary and above is made on the recommendations of the Civil Services Board/Special Committee of Secretaries and then approved by the Appointments Committee of the Cabinet. The number of officers empanelled is invariably much larger than the number of posts available. This leads to pressures to create high level posts which have little or no work, just to accommodate empanelled officers. Officers also start jostling for posts in the Central Staffing Scheme which are perceived to be prestigious. With the suggested ceilings in the percentage of empanelment of each batch and reduction in the number of senior level posts, this **rationalization of empanelment of officers** for posts of Joint Secretary and above in the Government of India, under the Central Staffing Scheme should not be difficult.

5.28 Once officers are empanelled as Joint Secretaries/ Additional Secretaries/Secretaries, the Cabinet Secretary may send the proposal through the Home Minister who is a member of the Appointments Committee of the Cabinet (ACC) to the Prime Minister who heads the ACC and is in charge of the Ministry of Personnel, Public Grievances and Pensions. We received overwhelming evidence that the practice of sending such proposals to the ACC through the Minister in charge of the Ministry/Department has led to extensive lobbying for posting by empanelled officers in different Ministries and often proposals drawn up on the basis of merits of the case by the Establishment Board presided over by the Cabinet Secretary get stuck with different Ministers and pressures are brought to bear on the Board to send “appropriate” names. We recommend that posts of civil servants in different Ministries be filled up on merit and suitability of the officer to hold such posts and the Establishment Board/Special Committee of Secretaries is the best judge of such merit and suitability. Hence, in all cases of appointment of Joint Secretary and Additional

Secretary to Government of India, the proposal may go to the Minister in charge of the Ministry/Department who is a member of the ACC and if the Minister does not agree with the **recommendations of the Committee** of officials, he may send it back to the Committee with his observations within a stipulated period. If the Committee, after giving their utmost consideration to the observations of the Minister in charge are not able to agree, it may send the proposal with its comments to the Home Minister with the observations of the Minister in charge. It is then for the Home Minister as a Member of the ACC and the Prime Minister who heads the ACC to decide the matter based on the merits of the proposal.

Rationalization of Ministries:

5.29 Over the years, Ministries and Departments have proliferated, a few of them without any relation to the functions to be performed by government. Even after liberalization, and the transfer of functions to external regulatory agencies, the concerned Departments have continued to expand. Central Ministries which are dealing with subjects in the State list are in need of immediate attention in this regard. No Department has undertaken a **review of its own functions/posts** keeping in view the liberalized economic policies and the changed role of the government in various sectors. This exercise should be undertaken as part of the accountability measures suggested in subsequent paragraphs of this Report. The process, in order to carry conviction, should start at the top with the number of posts of Secretaries to Government of India being reduced.

Rationalization of Posts:

5.30 The following steps should be considered to reduce the number of officers who are in the queue to join senior posts:

- (1) Increase the period an officer can be out of the civil service system up to a period of five to seven years without losing his *inter se* seniority.
- (2) Encourage officers to join voluntary organizations of repute, educational and research institutions or the private sector during mid career.

- (3) Prohibit appointment of civil servants who retire on attaining the normal age of superannuation to post-retirement assignments in government / statutory commissions / quasi-judicial tribunals / constitutional authorities.
- (4) Throw open jobs in statutory commissions and constitutional authorities to the serving civil servants at the age of 54/55 years so that they can resign from the service and serve for the balance period of five to six years in commissions and constitutional authorities.

Posting as Secretary/Private Secretary:

5.31 At present the **personal staff of Ministers** in Government of India is invariably drawn from different organized Group 'A' services. Sometimes, the officers continue with one or more Ministers for a very long time. It is recommended that **officers from organized Group 'A' services should not be posted for more than two years in the personal staff of Ministers or Ministers of State with independent charge in Government of India. The only exception to this could be the Prime Minister and the Chief Ministers in the States.** In other words, an officer could act as Private Secretary to Minister for two years only and on completion of two years, he will go back to his substantive post. The vacancy thus caused could be filled up by posting another officer of the same Department again for a period of two years. If in a rare instance, no suitable officer could be located in the department of the Minister concerned, the Cabinet Secretary will get an officer from some other Department for two years to act as Private Secretary. Such an arrangement will ensure that no Private Secretary to a Minister or a Minister of State becomes a power centre and exercises power and authority in the name of the Minister. We received much evidence that a Private Secretary from the higher civil service, who is handpicked by a Minister, often exercises power and authority on behalf of the Minister and considers himself superior to Secretary/Additional Secretary/Joint Secretary of the Ministry/ Department. Admittedly, such a situation is subversive of the discipline of the service and is also harmful for the professional career of the officer who is posted for long periods in the personal staff of Ministers.

Tenure as Secretary:

5.32 Today an officer in the Government of India becomes Secretary to Government in general when he has only about two years of service left before superannuation. At this stage in service he occupies a crucial position in policy-making levels and should have more time to think, plan and implement. Ideally a civil servant should become an Additional Secretary to Government of India by the time he is 45/46 years of age and Secretary to Government of India when he is about 48 years of age. Only then can he do justice to the charge he holds and have the opportunity of holding charge of the post of Secretary to Government of India in more than one Ministry/Department. We hope that with an appropriate career planning/exit policy, this can be achieved in the foreseeable future.

Appointments to posts of Secretaries to Government of India/Chief Secretaries of States on Contract:

5.33 A handful of participants in our workshops suggested that we can adopt the **American System** of Civil Service where the permanent civil service does only housekeeping functions and the top officials, who advise the President and perform other important functions are handpicked by him from the open market. These participants felt that offices of Secretaries to Government of India/Chief Secretaries in States and equivalent top posts at the policy making level be **de-linked from the permanent Civil Service** and persons be appointed to these posts on the basis of their expertise in the relevant field of administration. They could be **appointed on contract for a fixed term** after a search committee has prepared a panel of suitable names and the Minister in charge/Chief Minister chooses one of the persons short-listed so that there could be perfect teamwork at the highest level resulting in better implementation of government policies and programmes.

5.34 In our country, in some scientific and technical departments, Secretaries to Government of India are appointed from among the scientists and technocrats and technical specialists. This arrangement exists in the Department of Atomic Energy, the Department of Space, the Department of Science and Technology, the Department of Bio-Technology, the Department of Ocean Development, and the Department of Agricultural Research and Development.

In these Departments scientists and technocrats who have worked in the same Department/institutions of national importance are appointed through a selection process as Secretaries to the Department. In the States, some scientists and technocrats are appointed as Secretaries to State Governments or to posts of equivalent rank. Such an arrangement is a good recognition of talent in scientific and technical fields and by and large, has worked satisfactorily. The incumbents of these posts are, however, a part of the permanent civil service as they are not changed with every change of the political executive.

5.35 But the suggestion that all posts of Secretaries to Government of India/Chief Secretaries of States be de-linked from the permanent civil service and be offered on contract for a fixed period to anyone with expertise in the subject (and the Ministers in charge in Government of India and Chief Ministers of States would have the final say in choice of the Secretary to Government of India/Chief Secretary to State Government) may be fraught with grave dangers. **We have a parliamentary democracy where the permanent civil service is meant to serve faithfully the government of the day. A permanent civil service** has some intrinsic strengths which are priceless. Its great strength is **“its integrity, its impartiality and its pervasive streak of honesty”**. It knows by its long training and tradition the difference between legitimate political orders and orders which are improper, motivated and perverse. Instances are not rare when a permanent civil servant has stood up to the political masters at great cost to his career. It needs to be reiterated that our governments – both in the Union and the States – are multi-disciplinary organizations and in the higher echelons of government, **ensuring implementation of policies in a meaningful way is the work of a generalist administrator.**

5.36 It is also relevant to remember that reform process in civil service can be counter-productive if new institutions of governance are established without being anchored to the administrative traditions of a country. Without sound traditions new institutions of governance may maintain their exterior facade but may be totally devoid of real content. Rightly, the **Royal Commission on the Superior Civil Service (1924)** had observed, “Whenever democratic institutions exist, experience has shown that to secure an efficient

civil service, it is essential to protect it as far as possible from political or personal influences and to give it that position of stability and security which is vital to its successful working. In countries where this principle has been neglected and where the “**Spoils System**” has taken its place, an inefficient and disorganized civil service has been the inevitable result and corruption has been rampant”.

5.37 Even the **United Kingdom**, the mother of parliamentary democracies, in spite of a series of civil service reforms since **1979** when **Margaret Thatcher became the Prime Minister**, has not thrown open the top posts in the White Hall to persons appointed on contract. The **Civil Service Code of UK of 1996** recognizes the constitutional and practical role of the civil service to serve duly constituted governments of whatever political complexion in formulating policies of government, carrying out decisions of government and for administering public service for which government is responsible. **The Committee on Standards of Public Life under Lord Nolan (1999)** has warned the government against appointing **Special Advisers** from the open market on contract and has recommended a statutory limit to the number of such special advisers. As recently as 2003-04, the **House of Commons Public Administration Select Committee** has recommended a comprehensive law on the permanent civil service so that the civil service including the Permanent Secretaries feel secure to perform their duties without fear or favour.

5.38 We noticed that in several Central Services (including the generalist services and technical services as the Central Health Service, Central Engineering Service) and sometimes even in All India Service, senior officers have to retire at Higher Administrative Grade (Rs. 22,400-24,500/-) and Senior Administrative Grade (Rs. 18,400-22,400/-) levels due to **non-availability of posts at higher levels**. We feel that whenever the performance of the officer is adjudged to be very good and the officer has less than one year of service left before retirement on superannuation, he should be given the next higher grade personal to him, so that he retires at a higher scale of pay with corresponding pensionary benefits. This will enable most of the officers of the Central Services – including some officers among regular recruits to the All India Services – to get the grade pay of Additional Secretary/ Secretary to Government of India even

though they may not occupy the post. Such a facility will be available only to regular recruits to Group 'A' of different services and All India Services, who are recruited through competitive examination conducted by UPSC and whose performance and integrity are of the highest order. This recommendation may be referred to the next Pay Commission for consideration.

5.39 Under the All India Services (Discipline and Appeal) Rules 1969, suspension of AIS officers is within the purview of the State Government. In several cases, this provision has been blatantly misused and officers suspended on the whims of the Ministers **without adequate justification**. In many cases, where AIS officers working in the States have been suspended, the proceedings against them have not been completed in time and no serious charge was brought against them. Under the proviso to Section 1 (b) of the above Rules, the suspension of an officer shall not be valid unless before the expiry of 90 days **disciplinary proceedings** are initiated. The State Government is also required to send a detailed report to the Government of India within 15 days. Despite these provisions, suspension of AIS officers continues to be made on flimsy grounds only to be revoked later. Suspension, therefore, has been used as an instrument to intimidate and cow down the independent officer.

5.40 We recommend that rules be amended to ensure that on the basis of the State Government's report, if the Government of India does not concur in the suspension within a period of 60 days, the suspension will be automatically invalid. The suspended officer has the right to appeal against his suspension. The State Government should be required to send their comments on the appeal within 15 days so that the Government of India can take a view on the justifiability of suspension. Rule 18 (4) may also be modified to provide that State Government will forward the comments on appeal of the officer within a period of 15 days failing which Government of India can decide the appeal based on available information. The period of 90 days may, however, remain as at present for framing of charges in a departmental inquiry.

5.41 If the State Government feels that the officer should be removed from the post he held without placing him under suspension, he may be kept on

compulsory waiting till such time as the charges against him have been inquired into and a final view taken in the matter. In all such cases, the State Government shall dispose of the departmental inquiry expeditiously.

5.42 In case of All India Service officers, control is split between Government of India and the State Government where they serve. There are many occasions when discipline is sought to be enforced, the officer is protected by the State Government. Suitable modifications should be made in the rules to ensure that in case of difference of opinion regarding the action to be taken against an officer for misconduct, **the views of the Government of India** will prevail.

Court Cases:

5.43 In several cases, officers have been taken to courts of law for decisions they have taken in the discharge of their official duties. Several State Governments have taken the view that in such cases, the officer will have to bear the cost of his defence in the court since the proceedings are against the officer in his individual capacity. In our view this is highly iniquitous since the decisions taken by the officer are solely by virtue of his official position and in exercise of powers conferred on him. Unless it is clearly proved that the officer acted wholly in a *mala fide* manner, **the cost of defending the officer** in the concerned court of law through a competent counsel should be borne by the State Government. Powers in this regard should be delegated to Heads of Departments for officers working under them; to Secretaries to Governments for Heads of Departments working under them and to the Chief Secretaries in case of Secretaries to Government working under him. In all such cases, the delegated power can be exercised by the designated authority with concurrence of the Law Department/Financial Adviser/Integrated Finance/Finance Department.

Post Retirement Jobs:

5.44 **No civil servant should be employed after his retirement on attaining the normal age of superannuation in any constitutional or statutory authority or other agency, which meets its expenditure out of the Consolidated Fund of India or Consolidated Fund of a State.** We received

overwhelming evidence that the temptation of post retirement assignments under government/statutory/constitutional authorities has made senior civil servants servile and pliable. The public perception of such appointments has also not been favourable. In our view, posts in statutory commissions/constitutional authorities to which civil servants are usually appointed, may be filled up by civil servants who are not more than 55 years of age. They should be selected for such appointment on the basis of recommendations of an independent selection committee. Selected individuals should be given the option of resigning from service at 55 years of age so that they can serve for 5/6 years in the statutory and constitutional bodies/authorities and demit office around 60/61 years of age.

5.45 We now come to the issue of **higher compensation package for civil servants**. We have noted that a large number of bright civil servants – some of whom are engineers, doctors and management experts – compare their compensation package with their counterparts in the private sector who get not only very handsome salary and allowances but also bonus and stock options. Wide difference between the compensation package of the higher civil service and similar package of private sector executives is not conducive for growth of an honest and efficient civil service. As with increasing liberalization and globalization, the private sector in India is likely to grow very fast, there is likelihood of migration of talent from government to the private sector because of the glaring disparity in executive compensation packages.

5.46 In recent years, pay and allowances of civil servants in the executive branch of administration have lagged behind pay and allowances of members of the judiciary. It may be considered whether to maintain parity in pay and allowances among public servants working in different wings of government, such as the executive, legislature and judiciary, there is a need for enactment of a law such as the **Federal Pay Comparability Act of 1970 of USA**. The Act is based on the principle that:

- there should be equal pay for substantially equal work;

- pay distinctions be maintained in keeping with work and performance distinction;
- federal pay rates be comparable with private enterprise pay rates for the same levels of work; and
- pay levels for the statutory pay systems be inter-related.

5.47 The Act proposes establishment of a Federal Employees Pay Council to advise the President and to submit a periodical report to President on pay adjustments required.

5.48 In our view, members of the higher civil service/All India Service have not got full justice in the hands of the various Central **Pay Commissions**. To illustrate, whereas since 1947 the starting monthly salary of the lowest category of Central Government employees has been increased by about 50 times, the corresponding increase in starting salary of higher civil servants/officers of All India Service has been only about 20 times. In case of Secretaries to Government of India/Chief Secretaries of States, the increase of salary since 1947 has not been very significant and has not kept pace with erosion in the value of the rupee due to inflation. To amplify, in case of Secretaries to Government of India/Chief Secretaries, the fixed salary per month of Rs. 3,500/- in 1947 has been raised to Rs. 26,000/- per month since 01.01.1996 on the basis of recommendations of the Fifth Central Pay Commission. This is only an increase of about seven times over the salary in 1947.

5.49 These issues may perhaps be referred to the next Central Pay Commission.

Civil Servants entering Politics:

5.50 Of late, there is a growing tendency on the part of some members of the AIS and Central Services **to join political parties when they are about to retire on superannuation, or immediately after superannuation/resignation from service**. We came across a few instances where serving

officers were asked by political parties to resign from service/ take voluntary retirement and offered tickets immediately thereafter to contest elections to the State Legislature or the Parliament. Such instances shake the confidence of the public in the neutrality and apolitical character of civil servants. We are of the opinion that there should be a cooling off period of **at least two years** after retirement or even resignation of a civil servant, before he can join a political party and contest elections for any political office. No civil servant can be appointed as Governor of a State unless a period of two years elapses between his resignation/ retirement and his appointment as a Governor.

Civil Services Officers' Institutes:

5.51 We agree that knowledge and expertise of members of civil service gained over a long period of service need to be better utilized even after their retirement on superannuation. With the improvement in health standards and longevity, retired officers are in a much better position to work as 'think tanks' and make valuable contribution to solution of problems faced by the society. In advanced countries civil society groups have been playing an important role in balancing the State-centric policies and bring in much needed citizen focus. In those countries, many functions in the social and educational sectors have been taken over and managed by such groups. In our country this has not happened even though there is expertise and experience available with the retired civil servants which needs to be utilized in the interest of the civil society. To meet this perceived need, institutions such as the **Civil Services Officers' Institute (CSOI)** can play a useful role. The CSOI which is at present only at New Delhi may be established at all the State capitals in the country. In the State capitals the CSOI can be developed into social, cultural, sports, educational and intellectual hubs for the community with the active support and guidance of retired officers. Initial support could be provided by the government for the establishment of such institutions. With the internet, a modern library and other essential facilities, CSOIs with the help of retired officers can turn into centers of excellence for generating more realistic and cost effective solutions for several problems faced by the civil society/local community. In fact, CSOIs can act not only as umbrella organizations for the citizen's groups, civil society, consumer

and other activists, but can also lend their voice to articulate the problems and act as bridges between the civil society and the government.

Whistle Blower's Act:

5.52 We considered the need to protect civil servants who report confidentially to designated authorities in government cases of gross misuse of government power and miscarriage of justice. It has been reported that government proposes to entrust this task to the Central Vigilance Commission so that officers who report, known as 'whistle blowers', are protected. Due to paucity of time, we could not make an in-depth examination of the success of the system of 'whistle blowers' in some foreign countries as USA and Australia and the relevance and effectiveness of a **Whistle Blower's Act** in our conditions. **We, therefore, make no recommendation in this regard.**

Recommendations relating to Police:

5.53 The police as the regulatory and law enforcing limbs of government has a very large public interface. Effectiveness of the police in protecting life and property of the common man has a significant role in good governance. Against this background, we went through the Report of the National Police Commission (NPC) some of whose important recommendations are yet to be finally accepted by the government. Though government may have their own reasons for not accepting all recommendations of the NPC, we feel that a few crucial issues relating to **autonomous functioning and effectiveness of the police forces** should be re-emphasized. These are as follows:

- (i) The manner in which control has been exercised over the police has led to gross abuses in some cases resulting in overall erosion of the rule of law and loss of credibility of the police as a professional organization. The threat of **transfer/suspension** is a weapon which has been used in some States to control the police and even force it to act in an unprofessional manner. Superintendence of the State Government over the police should be limited to ensure that police performance is in accordance with the law. While the police should be subject to overall guidance

from the government in the performance of its tasks, there should be no interference with them in regard to actual operations in the field.

Some of the recommendations made by the NPC bear repetition:

- (a) To help the State Government to discharge their superintending responsibility in an open manner under the framework of law, **independent Commissions with suitable composition** may be set up in each State which will have the following functions:
 - Lay down broad policy guidelines and directions for the performance of preventive tasks and service-oriented functions by the police.
 - Evaluate the performance of the State police every year and present a report to the State Legislature.
 - Function as a forum of appeal to dispose of representations from officers.
 - Generally review the functioning of the police in the State.
- (ii) Selection of the Chief of Police in a State should be made on the basis of **objective criteria and seniority**. UPSC could be associated with the selection.
- (iii) The Chief of Police in a State should be assured of a **statutory tenure** which will strengthen his position and enable him to stand up effectively against unhealthy pressures on the police.
- (iv) Police officers should be effectively protected against whimsical and **mala fide transfer/suspension orders**. There should be a provision in the Police Act specifying the authorities competent to issue such orders in respect of different ranks.

- (v) Presently the **powers of arrest** available to police give ample scope of harassment and humiliation of persons motivated by *mala fide* considerations. The NPC has recommended that Sections 2 (c) and 2 (1) of the Code of Criminal Procedure should be amended to remove the emphasis on arrest in the definition of cognizable and non-cognizable offences. Section 170 of the Criminal Procedure Code should also be amended to remove the impression that it is mandatory to make an arrest in non-bailable cases.

- (vi) There should be **continuous monitoring** of the performance of police forces. Police functionaries individually, as well as in groups, should be sensitized to the ideas of accountability to the people. The report of the Commission on the performance of the State Police should be placed before the State Legislature.

5.54 We are of the view that even if there is delay in the government's taking a final view on the NPC's other recommendations, the above recommendations should be accepted and acted upon as they are essential for upholding the rule of law and good governance.

Modernization of the Police:

5.55 For a service directly involved in addressing the grievances of the citizen, police services are singularly lacking in modern methods of training, handling information, and service delivery. **The Malimath Committee** has given several recommendations for removal of the existing deficiencies in the various wings of the Criminal Justice System. We are of the view that the recommendations relating to improvement of the investigating agencies, urban policing and the introduction of the police commissionerate system, and the investigative process under the Criminal Procedure Code will go a long way in delivering speedy justice and should be implemented after due examination. We would also urge that the Ministry of Home Affairs should finalize the framework for modernization and e-enabling of police operations and set a realistic time frame for such modernization.

Counselling for Junior Officers:

5.56 We are concerned that in many Ministries/Departments/offices, the camaraderie and the sense of belonging among officers of the civil service is missing resulting in disjointed action. In our opinion, it is a good practice for senior officers to interact with the juniors in the office in **informal counselling sessions** giving an opportunity for the juniors to express their views and suggestions. Such a step would go a long way to build up an effective team of officials for higher achievements in public service.

Blending Youth with Experience in Administration:

5.57 Owing to the decrease in the intake of direct recruits through the civil service examinations, there is a **shortage of young officers for manning field postings**. This not only deprives the officers of what is an essential part of their work experience but also affects governance adversely because State Governments are deprived of the dynamism, energy and freshness of approach that young officers bring to their work. It is, therefore, necessary that there is a proper mix of youth and experience in administration.

Medical Requirements of Civil Servants:

5.58 One of the most important requirements of a retired civil servant is that of attending to his medical needs. The medical support that is available to a civil servant during service would no longer be available once he demits office when his need for medical care and attention would be much more because of his advancing years. Under the present instructions, retired civil servants are required to opt for attaching themselves to private hospitals which have been recognized under the Central Government Health Scheme (CGHS). This enables civil servants, who are settled in various parts of the country, to obtain medical attention of reasonable quality and cost. It has, however, been found that **due to non-availability or shortage of specialists in the CGHS**, retired civil servants have very often to forego medical attention or meet the expenses out of their own pocket. It should be possible for the CGHS to not only recognize private hospitals for specific ailments but also monitor utilization of this facility by the retired civil servants without the latter having to pursue the services of specialists who may or may not be available with the CGHS hospitals. Since the

CGHS network in the country is still inadequate, in our view retired civil servants may be given the freedom to opt for attaching themselves to recognized private hospitals not only for specific procedures but also for general management under the overall supervision of the CGHS. The services provided by the CGHS also need to be upgraded by more budget allocation and modern administrative practices.

Women in the Civil Service:

5.59 In the initial years after Independence women officers were only a handful in the higher civil service. With spread of women's education, more women entered the service and some of them even occupied very high positions in the Merit List of successful candidates. In several years, women also stood first in the civil service examination conducted by the UPSC. At present women constitute about 12 to 13 percent of the higher civil service. In our country women are meritorious enough to come in larger number into the higher civil service but they do not feel encouraged to join the service as they have to balance their roles as wives and mothers with highly demanding roles as civil servants. Higher civil service – particularly the All India Services and some other Central Services which have field duties – makes a lot of demand on the time of officers and women officers often find it difficult to apportion time to official work at the expense of their domestic responsibilities. Women officers of the higher civil service have pointed out that they do not want either any reservation of posts for them or any other concessions to join the civil service in larger number. They only want some **extra facilities of leave with pay** so that they can bring up their children and stay with their husbands when their place of posting is different from the place of posting/work place of their husbands. At present, a woman member of the service with less than two surviving children is eligible for maternity leave as full pay for 135 days. She is also eligible for up to one year of leave of the kind due, on adoption of a child. In our opinion, this is only sufficient to cover the period of child birth and post-delivery recuperation and is not at all adequate to enable women in the higher civil service to play their roles effectively as mothers and wives.

5.60 If we want to encourage women to join the civil service in large number – and we are aiming at a target of at least 25 percent of women in the higher civil service in the next 15 years – it would be advisable for the government to grant them in their entire service career, **extra leave with pay and allowances as admissible for four more years. They can avail of this extra leave of four years either at one time or at staggered intervals to suit their requirement.** During leave, they shall be entitled to retain government accommodation on payment of usual license fee and if not enjoying government accommodation, they shall be entitled to house rent allowance as admissible.

6. TERM OF REFERENCE: PROPOSAL FOR CHANGES IN RULES GOVERNING THE DISCIPLINARY PROCEEDINGS TO MAKE THE DISPOSAL OF SUCH PROCEEDINGS TIME-BOUND

6.01 In view of legal interpretation of constitutional provisions and disciplinary rules, the procedure for disciplinary proceedings against civil servants has become a complex and long drawn process. Because of judicial decisions, more and more stages have been added to the procedure of departmental inquiries resulting in delay in completion of departmental proceedings.

Advice of CVC/UPSC:

6.02 We received a suggestion that the existing provision of taking advice of the Central Vigilance Commission (CVC) at the second stage in disciplinary cases where the Union Public Service Commission's (UPSC) advice is mandatory, may be reviewed. The suggestion of the CVC in this regard is for **doing away with the existing provision of seeking the UPSC's advice** on penalty on civil servants for any proven charge of lack of integrity as the CVC are the independent authority in regard to integrity of civil servants. With the setting up of the CVC in 1964 to deal with matters relating to integrity of public servants, the continued involvement of the UPSC in the disposal of inquiries relating to integrity of civil servants may not be strictly necessary. We were also told that in view of Manbodh Lal Srivastav's case decided by the Supreme Court as early as 1958, Article 320 (3) (c) prescribing consultation with the UPSC does not confer a right on a government servant that the UPSC be consulted in every case a government servant is penalized in a disciplinary inquiry. The CVC has suggested bringing an amendment to the UPSC (Exemption from Consultation) Regulation, 1958 to dispense with the **consultation of the UPSC on disciplinary cases** in which the advice of the CVC is required. We are in agreement with the suggestion made by the CVC and recommend that the amendment may be brought in as a means of reducing the time taken to complete disciplinary proceedings by consulting the UPSC in cases where the

integrity of a civil servant is under inquiry and the CVC has already been consulted. **The UPSC may, however, be consulted if the aggrieved civil servant prefers an appeal against the penalty imposed on him for any charge of lack of integrity regarding which the CVC has already been consulted.** For State Services, in States where independent bodies such as Lokayukta/Lokpal have been set up and no independent Vigilance Commission has been set up, consultations may be with the Lokayukta or Lokpal.

Resort to Major Penalties:

6.03 The rules provide different procedures for imposing major or minor penalty on the Charged Officer. The decision to initiate major or minor penalty procedure is taken by the administrative Department/ competent authority in consultation with the CVC in case of any allegation of malpractice/lack of integrity. In many cases, major penalty proceedings are resorted to even in cases where minor penalty proceedings would suffice. We feel that Administrative Department/Disciplinary Authority may scrutinize the allegations more carefully and resort to **minor penalty proceedings** where the circumstances involve minor infringements of rules or procedural irregularities. Minor penalty proceedings can be concluded expeditiously as the Disciplinary Authority can take a decision regarding guilt of the charged official only on receipt of his explanation to the charge-sheet whereas a major penalty proceeding requires adherence to very elaborate procedure with appointment of an Inquiring Authority, examination and cross-examination of witnesses, and scrutiny of documents produced as exhibits in the inquiry by either the Presenting Officer or the charged official.

Delay in Framing Charges:

6.04 Often there is considerable delay in framing charges after a report is received of the alleged irregularities. In accordance with the Vigilance Manual, preliminary inquiry is required before a charge-sheet could be framed against a delinquent official, but on a number of occasions such preliminary inquiry itself takes a long time. The Disciplinary Authority should be held responsible for **delay in initiating departmental action** and by end of a calendar year a statement be prepared in each Department of the stage at which a preliminary

inquiry/disciplinary inquiry is pending. The Secretary shall send a copy of such statement to the Cabinet Secretariat, who shall monitor the progress.

Appointment of an Inquiring Authority in a disciplinary proceeding:

6.05 In several instances there has been confusion on account of the decision of the Disciplinary Authority to carry out the inquiry himself against a delinquent official. The existing instructions issued by the Department of Personnel and Training, Government of India lay down that as far as possible the Disciplinary Authority himself should not conduct the inquiry. The objective is to avoid any bias in the proceedings against a delinquent official. In order to simplify the process it is suggested that a rule to the following effect may be incorporated in the relevant Disciplinary and Appeal Rules:

“If the Disciplinary Authority is not able to appoint an Inquiring Authority from among officers under his administrative control, either a retired Judge or a senior officer of another Department, who is not under the control of the Disciplinary Authority of the delinquent government servant, may be appointed as the Inquiring Authority.”

Day-to-day Hearing:

6.06 Wherever a Departmental officer is the Inquiry Officer, sufficient time is not given to him for conduct and completion of the inquiry. The officer concerned, once he is appointed as Inquiry Officer in a Departmental proceeding, should be relieved from his normal duties for two spells in a month during which he will be asked to conduct the inquiry. **He will attend to the inquiry full time and on day-to-day basis and try to submit his Report of Inquiry as expeditiously as possible. A panel of officers may be prepared in a Department to act as Inquiring Authority and the officers in the panel may be given suitable training for conducting departmental inquiries.**

6.07 The list of **approved Standing Counsels** should be made available on the website and the freedom of selecting a particular Standing Counsel should be given to the concerned Head of the Department/Disciplinary Authority. This can reduce the delay in sending the requisition to the Law

Ministry for allotting a particular Standing Counsel to conduct a case in a court of law/service tribunals.

Simultaneous Departmental and Criminal Proceedings:

6.08 In several cases where Departmental proceedings have been ordered on the same charges which are subject matter in a **criminal proceeding**, the Departmental proceedings have been kept in abeyance. The Supreme Court has already held that Departmental proceedings and criminal trial can run concurrently and a Departmental proceeding can be initiated even after acquittal in a criminal trial as the standard of proof in a criminal trial is one of 'proof beyond reasonable doubt' whereas in the case of Departmental proceeding it is one of 'preponderance of probability'. In order to obviate such instances where Departmental inquiries are delayed due to the above reasons, it is suggested that the following amendment may be made in the relevant Discipline and Appeal Rules:

“An Inquiring Authority shall not stay the inquiry at any stage of a disciplinary/Departmental proceeding after its commencement merely on the ground that a criminal case against the same government servant on the same charge is pending in a court unless directed by a court/tribunal of competent jurisdiction or the Government or the Appellate Authority or the Disciplinary Authority to stay the proceeding.”

Explanation: An inquiry in a disciplinary proceeding is deemed to have commenced with effect from the date on which the Inquiring Authority is appointed.

Database on Departmental Inquiries:

6.09 At present there is no data available regarding disposal of disciplinary cases that can be subjected to analysis to arrive at useful conclusions on the extent of delay, stage-wise, case-wise and Department-wise. The data that is available in the annual reports of the CVC reflect absolute number of cases referred to the CVC, and disposed of by them and the manner of their disposal. The **Disciplinary Cases Monitoring and Management**

Information System has been put in place by the Department of Personnel and Training to facilitate control over the progress of disciplinary cases. This should be installed in all Ministries and Departments so that a central database is created for monitoring and control of all disciplinary cases.

Rule 14 (3) of the CCS (CCA) Rules, 1965:

6.10 The standard proforma prescribed for issuing the charge sheet under Rule 14 is required to be revised. It has been observed that often slipshod charge sheets are prepared and search for the original documents starts only after the Inquiring Authority calls for them for being inspected by the Charged Officer. In such cases the Disciplinary Authority may not have seen the original documents of the case at all. The position is worse when the original documents are in custody of courts of law as exhibits in a trial. It should, therefore, be specified in the proforma of the charge sheet that **photocopies of all listed documents** on which the Presenting Officer wants to rely are enclosed with the charge sheet itself. This would help to a great extent in reducing delay in finalization of disciplinary cases.

Rule 30 of CCS (CCA) Rules, 1965:

6.11 Very often Disciplinary Authorities face genuine difficulties in communicating with the delinquent officers, especially in cases where the officers have been absconding for long periods or where they are evading service of orders. In some cases such officials have been able to obtain relief through courts of law on the ground that the charge sheets had not been properly served upon them.

Permanent Address of Government Servants:

6.12 All government servants at the time of their initial appointment and also later, whenever necessary, should be required to give intimation about the permanent address and a declaration to the effect that all government communications sent to them at that address would be deemed to be received by them and in the unlikely event of registered letters having been received back undelivered on the ground that the addressee is not available, it will be deemed

to have been delivered to the addressee. Such an amendment should be incorporated in the relevant Discipline and Appeal Rules.

Time Schedule for completion of disciplinary cases:

6.13 The Central Vigilance Commission has prescribed model time schedules for completion of various stages in the disciplinary cases. It has identified a few important stages in disciplinary proceedings and has fixed time limits for completion of each stage. Every Department should undertake an exercise every year whether disciplinary proceedings initiated by them or by their subordinate and attached offices are proceeding/have been completed as per the time limit fixed by the Central Vigilance Commission. This exercise should be completed before the end of a calendar year and before a Department/Ministry sends its annual statement on pending disciplinary cases to the Cabinet Secretariat for more effective monitoring of such cases.

7. TERM OF REFERENCE: ANY OTHER MATTER

Employees Health Insurance Scheme:

7.01 In the defence forces, Employees Health Insurance Scheme has been introduced since 01 April 2003 under which retired officers are enabled to obtain services from recognized private hospitals for all their medical requirements. The aim of **Ex-Servicemen Contributory Health Scheme (ECHS)** is to provide comprehensive, quality and timely medical care to ex-servicemen pensioners and their dependents and to widows and family pensioners through out-patient facilities at all polyclinics and in-patient treatment through service hospitals and empanelled civil hospitals. All ex-servicemen pensioners are required to make a one time contribution based on their basic monthly pension. The Scheme is fully financed by the government and will be operationalized through a network of 227 polyclinics. Civil hospitals and diagnostic centres will also be empanelled to provide in-patient treatment/consultancy. The ex-servicemen member of the ECHS does not have to clear the bills or make payment either on admission or when discharged from the empanelled hospitals who will be paid directly by the concerned station headquarters on behalf of the ECHS.

7.02 We recommend that a similar scheme may be introduced for the civil services also.

Ensuring Impartiality and Credibility of Public Service Commissions:

7.03 The Union Public Service Commission and the Public Service Commission in States are independent constitutional authorities. Chairman and Members of these Commissions have assured tenures. Chairman and Members of the Union Public Service Commission are appointed by the President and Chairmen and Members of the State Public Service Commissions are appointed by the Governors of the respective States. They can only be removed by the President on the ground of misbehaviour after the charges are established in a regular inquiry by a Judge of the Supreme Court. Chairman and Members of Public Service Commissions – both of the Union and of the States – are ineligible

for any further employment under either Government of India or Government of any State. Thus the Constitution has enough safeguards to protect **the independence and impartiality of Public Service Commissions.**

7.04 Under Article 320 of the Constitution, the Public Service Commissions perform important functions relating to competitive examinations for appointment to the services of the Union and services of the States. The Union Public Service Commission not only conducts competitive examinations for the higher civil service including the All India Services but also conducts them for the Central Health Service, the Central Engineering Service, the Indian Economic Service, the Indian Statistical Service and other organized services. It also conducts competitive examination for recruitment of officer trainees to the armed forces – the Army, the Navy and the Air Force and other para-military forces. The Public Service Commissions are also consulted by the appropriate governments in all matters relating to methods of recruitment to civil services and for appointment to civil posts and regarding disciplinary matters affecting any civil servant.

7.05 The Constitution, however, has not prescribed any **qualification for Members and Chairman of Public Service Commissions.** It is presumed that persons to be appointed to the high constitutional office of Members / Chairmen of Public Service Commissions have to be persons of eminence in their professional fields and are expected to have relevant skills and knowledge to select the best candidates for the civil service/other services for the Union of India and the States. Unfortunately, it is noticed that very often persons who are appointed as Members / Chairman of Public Service Commissions of States are appointed not out of the most eminent persons available for the purpose. Such instances have lowered the reputation of the State Commissions. There have also been some instances of gross abuse of power and corrupt practices by Chairman/Members of State Public Service Commissions. There are also instances of highly tainted persons occupying the constitutional office of Chairman and Members of Public Service Commissions in States.

7.06 To ensure that only persons of eminence such as distinguished academicians and competent civil servants with requisite skills and knowledge are appointed to State Public Service Commissions as Members/Chairman, a **High Level Selection Committee** may be constituted under the Chairman of the UPSC. The Committee shall have as Members Chief Secretary and Chairman, Public Service Commission of the concerned State. The Committee will prepare a panel of two names for such appointment. The Chief Minister may recommend one of the two names in the panel to the Governor of the State for appointment as a Member of the State Public Service Commission. For the appointment of Chairman of a State Public Service Commission, there may not be any need for a High Level Committee as the senior-most Member will ordinarily be appointed as the Chairman.

7.07 At present, for appointment of **Chairman and Members of the UPSC**, there is no High-Level Committee to recommend names of suitable persons in a panel to the Prime Minister to obtain approval of the President before such appointments are made. In our opinion, for appointment of Members of the UPSC, a High Level Selection Committee may also be constituted.

7.08 For recommending a panel of suitable names through a High Level Committee for appointment as Members of the UPSC, a constitutional amendment may not be necessary. We suggest that the Cabinet Secretary may submit a list of names of competent civil servants and distinguished academicians and other eminent persons to the Chairman, UPSC, who shall chair the High Level Committee. In this task he will be assisted by four senior-most Members of the UPSC. The High Level Committee of Chairman and Members of UPSC may select a panel of two suitable names and send the panel to the Cabinet Secretary. The Cabinet Secretary may send the panel of two names with his views to the Prime Minister, who may obtain orders of the President appointing one of the two names in the panel as a Member, UPSC. For appointing Chairman of the UPSC, no panel of names would be required as the President usually appoints the senior-most Member of the UPSC as the Chairman.

7.09 The proposed procedure of preparation of a panel of names for appointment as Chairman and Members of State Public Service Commissions and Members of Union Public Service Commission shall indubitably inspire confidence in the integrity and transparency of the selection process to the high constitutional office of Chairman and Members of Public Service Commissions. As State Public Service Commissions are responsible for recruitment to the State Civil/Administrative Service, the State Police Service, the State Forest Service and other general and technical services of the State, reputation and track record of fairness and impartiality of Members and Chairmen of the State Public Service Commissions are very crucial to inspire confidence in the selection of senior State Government officials, who in due course, get appointed under the promotion quota to the three All India Services. Similarly, the reputation and track record of fairness and impartiality of Members and Chairman of Union Public Service Commission are very important to ensure merit-based selection of candidates to the All India Services and the Central Services and a large number of high level posts under the Union Government/ Union Territories.

7.10 There are also other statutory bodies/constitutional authorities such as the Securities & Exchange Board of India (SEBI), Telecom Regulatory Authority of India (TRAI), Insurance Regulatory Authority of India (IRAI), Election Commission of India, Comptroller and Auditor General of India to which civil servants – either retired from service or on the verge of retirement from service – are appointed. These civil servants are at present selected by the Government of India for appointment without any recommendation of a High Level Committee. We suggest that to make the process of appointment to these bodies/ authorities totally transparent, there is a need to constitute High Level Committees comprising eminent persons. These High Level Committees will prepare a panel of suitable names for appointment by the Government to these statutory bodies/constitutional authorities.

An Alternative Dispute Redressal Machinery for Government Servants:

7.11 Admittedly, so far as grievances relating to recruitment/promotions/ deputation/disciplinary matters and other service conditions of government servants under the Central Government are concerned, **the Union of India is**

the biggest litigant in Service Tribunals, High Courts and the Supreme Court. The position of State Governments is somewhat similar in relation to government servants working under them. The **ever-increasing** volume of service litigations diverts attention of both the Government and the Government servants from their main task of efficient performance of public service. Moreover, litigations on service matters entail huge expenditure out of the public exchequer. Against this background, it may be expedient to provide for **an efficacious alternative dispute redressal machinery for government servants under the Union of India and the State Governments.**

7.12 It is common experience that an official superior in a government office/department or Ministry duly empowered to take a final decision on service-related grievance of a government servant, takes the decision based on the notes/reports/records furnished by lower functionaries in his office. In some cases, these notes/reports/records do not reflect the full facts/correct factual position relating to grievance of a government servant on service matters and quite often these notes/reports do not also indicate the correct legal position as contained in the relevant Acts, the Rules and judicial pronouncements or case laws.

7.13 Moreover, even if the decision of an official superior empowered to take final decision in case of Service matters of a government servant is *bona fide*, often the aggrieved government servant perceives a decision taken against him as unjust and incorrect. An aggrieved government servant also has an erroneous perception that the decision-making process in the Office/Department/Ministry has an inherent bias against his just claims. Moreover, once a government servant seeks legal remedy in a Tribunal/Court against the decision of the empowered official superior, the office/department/Ministry take it as “a prestige issue” and defends its decision, however erroneous, in the service tribunals/superior courts and the appellate forums. The inevitable consequence is avoidable litigation in a hierarchy of service tribunals/ superior courts entailing substantial cost to the litigating government servant and the public exchequer.

7.14 In order to minimize – if not altogether eliminate – litigation by a government servant against government on service matters, it would be expedient to have in each Department/Ministry a three-member **Dispute Resolution Council (DRC)**. The DRC shall consist of a senior officer of the concerned Department/Ministry, a senior officer of a sister Department/Ministry and a retired Senior Civil Servant with impeccable track record of fairness and impartiality, who shall be the Chairman. Appointment of the Chairman, DRC should be made for a maximum period of one year. The DRC shall have powers to summon witnesses and call for official records and carry out an inquiry of a summary nature into the grievance of the government servant.

7.15 **The DRC shall not permit any lawyer to appear before it** either on behalf of the aggrieved government servant or on behalf of the Department/Ministry. It shall decide every case by majority and shall in every case record reasons for its decision. Its decision in each case shall be implemented by the Department/Ministry and if in a rare case, the Department/Ministry is of the view that the decision cannot be implemented on grounds of public policy/illegality, it shall refer the matter to the Committee of Secretaries to Government under the Central Government or the State Government as the case may be, who shall finally decide the matter. For deciding the matter expeditiously, the Committee of Secretaries may have a compact **core group of Secretaries**, who after scrutiny of decision of the DRC obtain orders of the Cabinet Secretary/Chief Secretary of the State as the case may be, whether the decision shall be implemented by the government.

7.16 It is expected that the decision of the DRC would have sufficient credibility among aggrieved government servants, who might be discouraged to take recourse to legal remedies in Service Tribunals/ Superior Courts against the DRC's decision. After the DRC has passed a reasoned order in a case, the Service Tribunals/Superior Courts are also likely to give credence to the order of the DRC and not lightly entertain a petition filed by the aggrieved employee on service matters on which the DRC has passed a reasoned order.

7.17 It is clarified that the proposed DRC to resolve grievances of government officers – both in the Union of India and in the States - **shall not be a statutory body** and shall be set up by **an executive order** so that it retains sufficient flexibility to give its reasoned decision in a case **in a fair, just and equitable manner.**

7.18 The proposed DRC can meet for its hearing of a case in the Committee Room/ Conference Room of a Ministry/Department and its establishment would not entail much of extra cost as two of its Members will be senior officers whereas only the Chairman would be a retired Civil Servant, who may be granted a nominal fee for every case and no other facility/perquisite. As already stated, the beneficial effects of setting up the proposed DRC will far outweigh the cost of setting it as it is likely to provide a highly effective but inexpensive alternative dispute redressal machinery.

Empowered Sub-Committee on Governance of the National Development Council:

7.19 Issues relating to the development of an efficient, accountable and responsive civil service should be considered at the highest levels of government and polity so that a consensus is built up on the need for good governance. The National Development Council has already established an Empowered Sub-Committee on Governance. Policy issues relating to the civil services should be periodically considered by this high level body with a view to lay down an appropriate road map for the future.

8. MAIN RECOMMENDATIONS

To ensure good governance *inter alia*, civil servants be **appointed to posts** on the basis of **objective criteria**, be assured of **minimum tenures** and be held **accountable for performance**. If civil servants are given tenures and targets and the political executive respects **neutrality, integrity and hierarchy** of the service, the civil service can be expected to play its **proper role in our parliamentary democracy**.

TERM OF REFERENCE ONE: Making the Civil Service Responsive, Transparent, Accountable and Ethical:

- (1) To mould young entrants for the higher civil service through training, government may go back to the period from 1948 till 1971 when the age of eligibility was **21-24 years** for general candidates (as against 21-30 years for general candidates at present) with five years age concession for members of the Scheduled Castes/Scheduled Tribes. Age concession for candidates of the Other Backward Classes may be three years as at present. (para 2.18)
- (2) As no competitive examination will be proof against selection of a few unsuitable candidates, **Directors of Training Academies** may invoke the Probation Rules to **weed out unsuitable officer-trainees**. (para 2.20)
- (3) Officers must have **Annual Performance Plans**. Invariably an Annual Performance Plan will be a component of the Action Plan/Vision Statement of the Department/Ministry and its strategic long-term plan. Wherever possible, performance targets must be quantified. If it is not possible to quantify the targets, some other mode of target setting be done to ensure that an officer is held strictly accountable for performance. (para 2.39)

- (4) After **15 years of service, a rigorous review** be carried out of performance of civil servants based on the earlier *quinquennial* review of performance. If an officer is not honest and performance-oriented, he be weeded out of service on completion of 15 years on proportionate pension. An officer should also have the option to retire on proportionate pension after 15 years of service. A similar review be carried out subsequently at periodic intervals to determine if performance level of an officer has fallen sharply/if there are allegations against an officer's integrity. *(para 2.43)*
- (5) Each Department/Ministry should be required to identify the points of **citizen interface, benchmark the quality of services** and strengthen the existing grievance redressal mechanism. *(para 2.01)*
- (6) Officers of the higher Civil Service must supervise work of junior functionaries by **regular visits and inspections**. **All officers of the higher Civil Service must put on the website/print media their contact telephone numbers during office hours**. Every Ministry/Department/Office having large public interface must have a **few toll free telephone numbers with voice mail facility**. *(para 2.02)*
- (7) Junior officers at the cutting edge level of administration should be given training in customer service, attending to phone calls and resolving public grievances. *(para 2.03)*
- (8) **Rules under the Freedom of Information Act 2002** be notified immediately. The implementation of the Act be reviewed after three/four years by an independent Task Force. *(para 2.05)*
- (9) The **Official Secrets Act** be modified to cover only the essential minimum requirements of national security, public order and individual privacy. *(para 2.06)*

- (10) All officers having a public interface to wear **name badges** while on duty.
(para 2.08)
- (11) The duties, functions and responsibilities of all senior posts be laid down and publicized.
(para 2.09)
- (12) After every five to seven years in service, a civil servant should spend at least two months with a non-government organization, academic institution or the private sector.
(para 2.11)
- (13) **ISO 9000** be introduced for government offices.
(para 2.12)
- (14) A full time officer should be posted in the Information and Facilitation Centre and each Department should attend to public grievances.
(para 2.15)
- (15) **Annual Property Return** of all public servants be put on the **website**.
(para 2.16)
- (16) Rules be framed under the **Benami Transactions (Prohibition) Act 1988** for attachment/forefeiture of benami/ill-gotten property of corrupt public servants.
(para 2.17)
- (17) **Article 311 of the Constitution be amended to enable President/Governor to dismiss/remove public servants summarily in case of corrupt practice/having assets disproportionate to known source of income.** The officer concerned may be given post-decisional hearing to prove his innocence. To ensure natural justice, such post-decisional hearing has been held to be constitutionally valid by the Supreme Court of India.
(para 2.22)
- (18) Under the overall control of the **Central Vigilance Commission, committees of experts be set up in various Departments to scrutinize cases** of officers before initiating departmental action for corrupt

- practices/launching prosecution against them under the **Prevention of Corruption Act 1988**. Such a reform will encourage honest officers to take bold commercial decisions in the public interest without the lurking fear of a vigilance/CBI inquiry. *(para 2.30)*
- (19) Section 13 (1) (d) (iii) of the Prevention of Corruption Act 1988 be amended so that civil servants are not incriminated for taking *bona fide* commercial decisions in the public interest. *(para 2.31)*
- (20) Every programme of government should specify the **deliverables in terms of services. Functioning of government offices having large interface with the common man should be assessed once in three/four years** by independent organizations. *(para 2.34 and 2.35)*
- (21) Citizen Centres should be set up to build capability for analyzing and suggesting changes in government policies. The civil service training institutes should perform the nodal role in this behalf. *(para 2.36)*
- (22) Each Department of the Government should develop an internal evaluation mechanism on the basis of clearly laid down parameters. The result of such evaluation should be part of the Annual Administration Report. Departments should be held accountable for outcomes and there should be a sharp focus on service delivery. *(para 2.41)*
- (23) A **State of Governance Report** should be brought out evaluating the performance of each State on the basis of a set of parameters of good governance. *(para 2.42)*

TERM OF REFERENCE Two: Making the Civil Service e-Governance Friendly:

- (24) Points of public interface in government should be identified for focused attention and improvement. Within a period of two years the procedures in the areas of public interface should be simplified and electronic service

- delivery for the common people be introduced. Each Department/Ministry may lay down a time schedule to extend service delivery through electronic means. *(para 3.08)*
- (25) To provide a clean, honest and transparent government, **antiquated rules and procedures in Government must be discarded** and new simplified ones be put in place. Such an exercise is absolutely essential for **introduction of e-governance**. *(para 3.11)*
- (26) e-Governance can augment efficiency and ensure transparency in government. The Andhra Pradesh experiment of identifying officers as **Chief Information Officers** to be trained in the Indian Institute of Management, Ahmedabad, in e-Governance is a noteworthy initiative. New entrants to the Civil Service have adequate hands – on experience with computers and the internet and they could be sent periodically for further training in application of e-Governance. *(para 3.13)*
- (27) Each Department should identify skill gaps keeping in view its functions and take steps to train the required number of people. *(para 3.16)*
- (28) The National Informatics Centre (NIC) should function as a vehicle for disseminating best practices across the country. *(para 3.18)*
- (29) Officers posted as Chief Executive of e-governance projects should be given reasonable tenure and held accountable for results. *(para 3.19)*
- (30) The administrative and financial flexibility required for introducing innovative e-governance measures should be identified and operationalized. *(para 3.21)*
- (31) The Minimum Agenda for e-Governance should be carried forward and each Department is required to identify specific activities which will be e-enabled in the next 12 months. *(para 3.24)*

(32) Departmental examination should include a practical test on the ability to use and apply computers. *(para 3.25)*

(33) Each Department/Ministry should have its own website of basic information relating to the Department/Ministry and the website be available for registering public grievances. *(para 3.26)*

TERM OF REFERENCE THREE: Putting a Premium on Intellectual Growth:

(34) Each Department/Ministry should undertake a review of the particular service of which it is the Cadre Controlling Authority to ensure that officers of the service are used optimally, promotion prospects for them are adequate and skill levels of officers are upgraded periodically. Each Department/Ministry should undertake a skill needs assessment to identify required skills and upgrade skill levels. *(para 4.01 and 4.02)*

(35) Civil servants should be encouraged to move laterally to non-government organizations. *(para 4.04)*

(36) Government should actively support and encourage outstanding work done by civil servants through National/State awards and commendations. *(para 4.06)*

(37) **The initiative taken by the Department of Personnel and Training to provide funds to the Indian Institute of Management, Bangalore to develop a two-year course for officers of the IAS at mid-career level is a worthwhile experiment.** Similar training programmes be devised for the Indian Police Service, the Indian Forest Service and other Central Services. *(para 4.11)*

TERMS OF REFERENCE FOUR & FIVE: Protecting the Civil Servants Against Wrongful Pressure AND Changes in All India Service Rules & Central Civil Service Rules:

(38) In the proposed Civil Service law, the **highest political executive** shall continue to be the final authority to order transfer of any officer before his tenure is over; but he will be expected to give due consideration to Report of the Administrative Inquiry/views of the Civil Service Board/Establishment Board and record reasons on the need for premature transfer of an officer. It is reiterated that the **political executive shall have the final authority to transfer an officer at any stage in the public interest**. An officer aggrieved by order of premature transfer can agitate the matter before a **three-Member Ombudsman**, who may, where suitable, award monetary **compensation** to the aggrieved officer. The constitution of the Ombudsman will be the same as the Ombudsman proposed for the Disputes Redressal Council as at para 6.19 of this Report. The President/Governor shall receive reports from the Ombudsman and shall lay an Annual Report on such transfers on the table of the Legislature. There should be a suitable provision in the law to enable States to adopt it and make it applicable in the States without going through the long process of drafting a law and get it passed in the Legislature. (para 5.03 to 5.10)

(39) The proposed comprehensive law on the Civil Service shall incorporate, *inter alia*, a **Code of Ethics and a statutory minimum tenure** in a post to an officer. Under the proposed law, if an officer is sought to be transferred before his tenure, there would be an expeditious **administrative inquiry** by a designated senior officer to be earmarked for this purpose. This can be dispensed with if the transfer is on promotion/deputation/foreign training. In all other cases, the Report of Inquiry with the views of the Civil Service Board/Establishment Board would be put up to the Chief Minister if officers of the All India Service/other civil services work in the States, or the Appointments Committee of the Cabinet if the officers work under the Central Staffing Scheme. For the officers of the other Central Services

working in Ministries/Departments but not under the Central Staffing Scheme, the new law will prescribe a tenure with a provision for administrative inquiry before an officer is sought to be transferred except on specified grounds. *(para 5.11 and 5.15)*

- (40) The recommendation of the Surinder Nath Committee (July 2003) for increasing the **domain knowledge** of IAS officers be implemented. Similar exercise be undertaken to increase domain knowledge of officers of the other two All India Services and officers of the Central Services.

(para 5.17)

- (41) Officers of the All-India Service on **deputation to their home State** must invariably report back to their parent cadres on expiry of their periods of deputation. Only one term of deputation for an officer of the All India Service be allowed to the home State and that too to attend to urgent personal problem. The exemption at present available for officers of the North-East/Jammu & Kashmir cadres in matters of deputation may continue. Any violation of this stipulation will attract a **major penalty** proceeding and also be taken into account while considering the officer's **empanelment/promotion**. Such a stipulation would also be applicable to officers of the Central Service who go on deputation to different State governments and to officers who go on deputation to international agencies/foreign governments.

(para 5.19)

- (42) Introduction of sophisticated technology alone would not make the administration people-friendly unless higher civil servants have a **pro-active attitude** and **reach out to the common people**. They must spend much more time in **field visits, inspections, tours and night halts in remote and rural areas**.

(para 5.23)

- (43) As officers of State Services appointed to All India Services by promotion also have to play **leadership roles**, they should face an **Interview** by the Selection Board. The **Interview will not be a test of knowledge** but will be only a test of leadership qualities. The selection for promotion to All

- India Service will be made on an overall assessment of suitability of officers on basis of record of service and the Interview Test. *(para 5.24)*
- (44) Not more than 50% of the officers in a batch should make it to the Senior Administrative Grade. 30% should be the upper limit for Higher Administrative Grade and 20% for the highest grade of Secretaries to Government of India. *(para 5.25)*
- (45) As there are large number of senior officers of the All India Service in different cadres, in selected districts, **senior officers** of the rank of Commissioners/Deputy Inspector Generals of Police/Conservators of Forests **may be considered for posting as District Magistrates/Senior Superintendents of Police/ Divisional Forest Officers**. The practice of posting very senior/Commissioner level officers in districts was prevalent before Independence and even for a few years after Independence. It is still prevalent in some States. *(para 5.26)*
- (46) If the Establishment Board, after giving the views of the Minister in charge, who is a Member of the ACC, its utmost consideration, fails to change its original recommendation regarding the posting of an officer under the Central Staffing Scheme, the Cabinet Secretary may send the proposals of the Board with observations of the Minister in charge through the Home Minister, who is a Member of the ACC, to the Prime Minister, who heads the ACC for a final decision. *(para 5.28)*
- (47) Steps be taken to **reduce the number of officers** who are **empanelled** for senior **posts under the Central Staffing Scheme**. *(para 5.30)*
- (48) A member of the higher Civil Service would be **debarred from being appointed as a Private Secretary or Officer on Special Duty to a Cabinet Minister / Minister of State in Government of India or in a State subject to certain stipulations**. Ministers may have one of the officers of the civil service in their Department/Ministry to function as Private Secretary for a continuous period of **two years** only. The

- stipulation that no officer of a Civil Service can be Private Secretary of a Minister in the States or in the Central Government for more than two years may provide for an exception in case of the **Prime Minister and the Chief Ministers.** *(para 5.31)*
- (49) **Members of the All India Services and the Central Services**, who are regular recruits through competitive examinations and who are unable to get promoted to the higher levels in their respective service due to non-availability of posts, may be allowed **the next higher grade as personal to them a year before retirement on superannuation.** Such upgradation shall be available only to officers with proven record of efficiency and integrity. *(para 5.38)*
- (50) Suspension from service of All India Service officers by the State Government will be invalid if not confirmed by the Government of India within a period of 60 days. *(para 5.40)*
- (51) Under the new Civil Service law, **a member of the higher civil service should not be appointed to any statutory commission or a constitutional authority after his retirement on superannuation.** To insulate him from the temptation of post-retirement assignment, he should be appointed to such statutory bodies/Constitutional Authority only when he is not over **55 years of age** so that he can demit office from these Commissions and Authorities after serving for five to six years. *(para 5.44)*
- (52) **There is a case for better compensation package for members of the higher civil service. Such compensation must bear a reasonable comparison with compensation for executives in the private sector. Issues related to a better package of compensation to the higher Civil Services may be referred to the next Central Pay Commission.** *(para 5.45)*

- (53) There should be a cooling off period of at least **two years** after resignation/retirement before a **civil servant can join a political party and contest elections to any political office**. No civil servant can be appointed to the high constitutional office of Governor of a State unless a period of two years elapses between his resignation/ retirement and his appointment as a Governor. *(para 5.50)*
- (54) The recommendations of the **National Police Commission** relating to tenure of senior police officers, independent review of the work of police departments and streamlining the powers of arrest should be implemented. The recommendations of the **Malimath Committee** on criminal justice system be also implemented. *(para 5.53 to 5.55)*
- (55) The procedure for **reimbursement of medical expenses** of civil servants should be simplified so that quality medical services are available from recognized private hospitals without having to report to the CGHS on each occasion of ailment. The facilities available at the CGHS hospitals also need to be strengthened. *(para 5.58)*
- (56) To increase the representation of women in the civil service, it is proposed that within 15 years, at least 25 percent members of the higher civil service should be women as against 12 to 13 percent women at present. Women in the higher civil service be given **four years of leave with full pay** in their entire service career over and above the leave due to them under the normal leave rules. Such facility will enable them to balance their roles as officers with their roles as mothers/housewives. *(para 5.60)*

TERM OF REFERENCE SIX: Changes in Rules Governing the Disciplinary Proceedings:

- (57) To eliminate delay in disposal of a disciplinary inquiry, the Union Public Service Commission need not be consulted in case of a civil servant facing charges of corrupt practice and whose case has been referred to the Central Vigilance Commission for the first stage/second stage advice.

If however the officer is penalized in the inquiry and prefers an appeal, the case may be referred to the UPSC for advice on the appeal petition.

(para 6.02)

(58) Where minor disciplinary proceedings are sufficient to meet the end of justice, major penalty proceedings which are lengthy and time-consuming should not be initiated. *(para 6.03)*

(59) An Inquiry Officer should be relieved from his normal duties for a sufficient period to enable him to complete the departmental inquiry expeditiously and submit the report. *(para 6.06)*

(60) A database on disciplinary cases should be maintained to keep track of their progress. *(para 6.09)*

TERM OF REFERENCE SEVEN: Any Other Matter:

(61) An **Employees Health Insurance Scheme** on the pattern of defence forces should be introduced for the civil service. *(para 7.01)*

(62) **A high level Selection Committee having a representation of the Chairman, Union Public Service Commission be established** to prepare a **panel of two names** for appointment of one of them as a member of the State Public Service Commission by the Governor of a State. Similar High Level Selection Committee be constituted to recommend a panel of two names for appointment of one of them as a Member of the Union Public Service Commission by the President. Similar Committees be constituted to recommend panel of suitable names for other high level statutory and constitutional appointments such as Securities and Exchange Board of India, Telecom Regulatory Authority of India, Insurance Regulatory Authority, the Election Commission, the Comptroller & Auditor General to which retired civil servants are usually appointed. *(para 7.06)*

(63) To minimize litigation on service matters, in every Department/ Ministry there would be a **Dispute Resolution Council (DRC)** comprising a retired official as chairman and two serving officers as members. The decision of the DRC shall be invariably implemented. In case of disagreement, orders of Core Group of Secretaries/Cabinet Secretary be obtained before DRC's report is acted upon. Similar Dispute Redressal Councils be set up by State Governments. *(para 7.14 and 7.15)*

(64) To ensure that the issues relating to the civil service get focussed attention at the highest political level, the **Empowered Sub-Committee on Governance of the National Development Council** should go into the policy issues of the civil service and make suitable recommendations. *(para 7.19)*

National Police Commission and Malimath Committee

**(Note of dissent by Shri Ashok Kapur, Member,
Committee on Civil Service Reforms)**

Part A

1. The present Committee has recommended acceptance, though in part, of the various suggestions in the report of the National Police Commission (N.P.C.) (1977). It has been assumed therein that there may have been a “delay” on the part of the Government of India in implementing the entire report. Broadly speaking, four main suggestions by the N.P.C. have been outlined by the Committee and endorsed, supposedly to improve the functioning of the police:

- (i) Setting up of a statutory State Security Commission (S.S.C.) to oversee the functioning of the police. The S.S.C. will directly lay on the table of the legislature an annual report on its performance.
- (ii) The “Chief of Police” (C.o.P) under the State Government would be selected by a multi-member committee, comprising a majority of officials from the G.O.I.; the only representative of the State Government will be the Chief Secretary (besides the outgoing C.o.P).
- (iii) There will be a statutory tenure for the C.o.P. and his deputies (i.e. Additional Directors General of Police).
- (iv) Transfers, before the expiry of the statutory tenure, will be governed by a law to be enacted, and not by the elected Government.

2. The present Committee’s recommendations involve fundamental issues of democratic governance and should have been made, if at all, only after the N.P.C.’s said suggestions had been extensively studied and discussed in detail, if not the entire report.

3. It would be relevant to keep in mind the background to the N.P.C. report. It was finalized in the early 1980s, by which time the Supreme Court had clearly

ruled that “separation of powers” is a basic feature of the Indian Constitution. In other words, the permanent executive, of which the police is a part, should not trouble and involve the judiciary in its day-to-day functioning and the discharge of its official responsibilities. Incidentally, the said fundamental principle of “separation of powers” has been reiterated, quite emphatically by the Constitutional Review Commission (2002) headed by a distinguished former Chief Justice of India. It has simultaneously reminded the government of the concept of ‘Constitutionalism’: the “control of police” under the rule of law, is, *inter alia*, a basic postulate of democratic governance.

4. The N.P.C. report was submitted more than two decades back. It has not been explained by the present C.S.R. Committee as to the basis of its assumption that there has been “delay” on the part of the G.O.I.
5. The N.P.C. report had made some extraordinary suggestions, ostensibly for improving police functioning. No democratic government can bring about such radical changes without impinging on the basic norms of rule of law.
6. Reverting to the present Committee’s recommendations, these are discussed seriatim. First, the suggested composition of the S.S.C. by the N.P.C. was fundamentally flawed. It was to have the State Home Minister as the Chairman. Other suggested members were to be a ruling party M.P./M.L.A. and an Opposition M.P./M.L.A. There were to be members drawn from the judiciary, and academicians of “eminence”. Normally, the S.S.C. were to meet once a month. The C.o.P. was to be the member-secretary, with a full time permanent secretariat under him.
 - 6.1 The proposal to involve members of the judiciary in the routine functioning of the police, needs to be viewed in the context of “separation of powers”. It would be a violation of the spirit of the Constitution, if not the letter.
 - 6.2 The proposal to involve Opposition party members in positions of influence, along with ruling party MLAs is not in consonance with basic norms of democratic governance. It is the prerogative of the duly elected ruling party to run the government, in line with its mandate and policies. Besides, all

elected legislators are not required to take the oath of secrecy of office – this has to be kept in mind as police collect and store vital intelligence as part of their routine duties.

- 6.3 The suggestion about “eminent” social scientist or academician can be similarly faulted. “Eminence” cannot be defined in law. Besides, he is not a trained magistrate, who alone can best assess police functioning under the various laws of the land.
- 6.4 The proposal about a “Commission” is unprecedented in another sense. It seeks to cast aside the basic pattern of organizational set-up of the government, both at the Centre and in the States. It has supervisory ministries and departments, overseeing field directorates. The police is a directorate, in fact just one of the directorates under the Home ministry/department. Conceptually, in a dispensation of checks and balances so critical to the rule of law, a ministry is manned exclusively by civil servants who, it needs reminding are all trained and experienced executive magistrates. The executive magistrates in the field exercise lawful authority under twelve chapters of the basic criminal Code of the land, i.e. Cr.P.C. (after the separation of the judiciary from the executive). A trained magistrate, entrusted with the implementation of various laws and regulations and directly overseeing police functioning (under the Cr.P.C.) can best evaluate police functioning, not an “academician”.
- 6.5 In the states, the Chief Minister is sometimes also the Home Minister. In large states, the C.M. has to coordinate and oversee the working of 40 to 50 departments. Police is just one of the directorates, albeit an important one, under a single department. How much time and attention the H.M. (as Chairman, S.S.C.) will be able to devote to oversee police functioning, is not difficult to guess.
- 6.6 As already outlined, the government is basically organized as supervisory and coordinating departments and specialized directorates, both attached and subordinate. The C.o.P. being full-time member-secretary of the S.S.C., with an independent, subordinate secretariat, may well become the

'de facto' head of the ministry/department as well, accountable, in effect, to no one in particular in the day-to-day functioning of the police.

- 6.7 Under our democratic functioning, elected ministers head departments, not directorates. The C.o.P., under the present basic pattern of government organization, is the head of a directorate. Conceptually speaking, he has no direct interface with the M.I.C. of the department of home. The latter, in assessing the functioning of the police, is assisted by neutral civilians. The administering department is meant to act as a healthy buffer between the police force and the home minister who is, incidentally, a member of a political party too.

By suggesting a commission mode of functioning instead, the N.P.C. seeks, in effect, to abolish the entire supervising department, thereby bringing the C.o.P. directly in contact not only with the M.I.C. but with other elected ruling party/opposition politicians. The end result may well be the very opposite of what is claimed ostensibly - to free police from political influence and control.

- 6.8 It was suggested that the S.S.C. will send an annual report directly to the legislature about its functioning. In other words, bypassing the entire state Government. As the S.S.C. will not be a full-time body, such a report in all likelihood will only be a self-assessment by the police force, without any objective evaluation by an independent/supervisory department/body. "No department can be a judge in its own cause" – Santhanam Committee on official corruption. In other words, healthy checks and balances in the functioning of the police force will cease to exist.

- 6.9 It had been suggested by the N.P.C. that even "policy directions" or "guidelines" to be issued by the state Government will have to be "agreed to by the S.S.C", before these are passed down to the subordinate ranks. Even in an emergency, state government "guidelines" will subsequently require "ratification" by the S.S.C. The implication is obvious. A policy issue, even though it may have been formulated and approved by the State

Cabinet (which must have a presumption of legality) will be subject to the veto power of the S.S.C. as represented – substantively – by the C.o.P.

6.10 Veritably, the S.S.C. idea is a blueprint for a parallel government as far as the police force is concerned.

7. It is suggested that the C.o.P. who works under the state government, will be selected by a multi-member committee, comprising a majority who will represent the Central Government.

7.1 “Law and Order” is a state subject, specifically mentioned in the “State List” under our Constitution. It logically follows, therefore, that the state Government should have a decisive say in such matters. To ask the state Government to relinquish such a function to the representatives of the Centre, may impinge on the basic federal scheme under the Constitution, which has a clear demarcation of powers between the Union and the States. Incidentally, “federalism” is another “basic feature” of our Constitution, as ruled by the Supreme Court.

7.2 The lone representative of the state Government, in the selection committee for its police chief (besides the outgoing C.o.P.) will be the state Chief Secretary. No role whatsoever is contemplated for the state government’s home secretary, only for the Union home secretary. It needs reminding that in the existing scheme of government functioning, the C.o.P. heads a directorate under the home department. The state home secretary, as the head of the home department is the best ‘judge’, so to say, of the eligible officers to the post. He is aware of their track record and also, importantly, their general reputation State-wide. The Chief Secretary, in bigger states supervises and coordinates the work of 40 to 50 departments. He cannot be expected to supervise or keep himself informed of the functioning of a single directorate (one of many) under a single department.

7.3 A similar method of promotion of senior police officers under the administrative control of state governments, has been suggested.

Representatives of the Centre in a majority, will decide, again impinging on the federal principle.

- 7.4 There is no rational basis to eliminate the state home secretary's role, abolish the entire home department, and bring in the Chief Secretary instead.
8. It was suggested by the N.P.C. to confer "statutory status" on the C.o.P. and other senior police officers and fix their tenures of postings and transfers by law.
 - 8.1 In a democracy, under the rule of law, the final authority for all such transfers and postings is the elected political executive in the government. The latter alone is accountable to the legislature, and, ultimately, to the people at large. The permanent executive, including the police force is directly subordinate to it. Postings and transfers is the administrative prerogative of the elected government – it cannot be a legal right. Being a purely administrative issue, no democratic government can virtually surrender it as a justiciable individual right, which could be agitated at will before the courts of law.
9. The Constitutional Review Commission (2002) has recently cautioned against the "law of unintended results" in matters of governance. The N.P.C., by suggesting an unprecedented distortion in the basic pattern of government's organizational set-up, both at the Centre and in the States may create an unhealthy precedent for other Central police organizations as well, which similarly are directorate organizations under the Union Home Ministry. The possible ramifications of such a move, i.e. a commission mode of functioning on disciplined organizations like the B.S.F., C.R.P.F, I.T.B.P. etc. have to be borne in mind.
10. In any established democracy, leave alone a nascent democracy like ours, perhaps the most serious fallout of such a commission mode as suggested, could well be on the armed forces of a country. A commission mode of functioning could prove ultimately deleterious to the health of any polity if, say,

the armed forces in a democracy were to press for a similar set up directly under its Defence Minister.

11. The Reforms Committee, in its present report has not examined and discussed the entire report of the N.P.C. and various suggestions that were contained therein. By endorsing even some of the N.P.C.'s suggestions, somewhat summarily, it may be taking a step which could eventually prove to be the proverbial thin end of the wedge.

12. There were other extraordinary suggestions by the N.P.C. – it would not be irrelevant to draw attention of the Government to these. These deserve serious notice and discussion, in context. Some of these are, similarly, at variance with the established norms of democratic governance and basic criminal jurisprudence of our country.

12.1 To cite an example, it had been suggested that in cases of grave allegations against the police department: (a) death/rape in police custody, (b) deaths in police firing, the “inquiry” will be held by a designated Additional District Judge, who will be “assisted” by a senior police officer (posted in the district) nominated by the very department (police) accused of a grave offence.

Secondly, even in cases of other serious complaints that are (routinely) inquired into by the “administrative officers” (presumably meaning executive magistrates), the appeal will lie to the Additional District Judge who will “oversee” all such cases as an “independent authority” (over all the executive magistrates) in the districts.

12.2. Two fundamental issues arise. First, there is, yet again, an inter-mingling of executive and judicial functions, against the backdrop of “separation of powers”. Secondly, some of the “inquiry” functions are to be taken away from executive magistrates and entrusted to judicial magistrates, but with the rider of “assistance” by a senior police officer. Per force, a judicial magistrate is sought to be fettered by having to rely on the local police to produce and procure evidence and witnesses etc. before him. In which

case, the senior police officer could well become the de facto “inquiring authority”.

12.3 It would be pertinent to bear in mind that basic criminal law of the land, i.e. the Cr.P.C. confers only formal powers of “investigation” on the police, not any authority to hold “inquiry” in any case. Under the Code, only the (executive) magistrates and the Courts are entrusted with the authority to hold an “inquiry” in a criminal case. The suggestion by the N.P.C. would be tantamount to recasting the basic scheme of the Criminal Code, in force for over 140 years. A de facto power of “inquiry” with the police, in cases of grave charges against them, could well make the accused into a de facto investigator also.

13. The N.P.C., in the same line of reasoning, had further suggested that most of the powers of “inquiry” and disposal, as are at present vested exclusively with the executive magistrates, e.g. in urgent cases of “public nuisance”, may be vested with the police instead.

13.1 This suggestion too would be tantamount to recasting the basic scheme of the Code of Criminal Procedure. It is not widely known that the said Code is not merely procedural. It also embodies substantive law. It assigns substantive powers on the executive magistracy exclusively (even after the separation of the judiciary from the executive) to hold “inquiries” and pass conditional orders.

13.2 A conditional order (passed by an executive magistrate) can be made absolute, in certain circumstances. Such an order cannot be challenged in any Civil Court even. The Code does not confer any power of substantive nature on the police, only limiting it to formal investigation – just “collection of evidence”. Such a suggestion (by the N.P.C.) seeks to alter the basic principles of criminal jurisprudence in the country.

14. The N.P.C. had expressed a general sentiment to sensitize the police about the concept of accountability to the people. But it was completely silent on the concrete issue of how to put into place the modalities for ensuring

accountability. Incidentally, the Constitutional Review Commission has mentioned the concept of “control” of police, control is pro-active and direct. Accountability, on the other hand is indirect, and passive.

14.1 Such a bare sentiment expressed by the N.P.C. was an abstraction even to begin with. It has turned out to be a vain hope. Latest empirical data reveal that there is absolutely no accountability of the police on the ground, not to talk of control. According to the latest report of the Transparency International, a household survey carried out amongst several thousand households in India showed up that 100% respondents had experience of the police force as the most corrupt institution in the country. The Transparency International’s findings about total lack of accountability of the police, find corroboration, indirectly through the latest reports of the National Human Rights Commission of India. The latter has received the largest number of complaints against the police. Secondly, the Commission is categorically “disturbed” about deaths in police custody.

15. “The test of a vibrant democracy is the degree of success in calling its executive (the police force in context) to be accountable to the people” – Constitutional Review Commission. It has commented thus on the investigation of crimes by the police in India: “The public confidence is at the lowest ebb.....80% of the arrests being made in the districts are in respect of bailable offences.”

15.1 The N.P.C. had suggested that during the process of criminal investigation, the police force should have sole, unfettered authority to, *inter alia*, record statements of witnesses and that no “outsider” should be present. Confessions (by the accused), at present inadmissible should be recorded by senior police officers and their validity accepted, in certain situations by courts of law.

The Constitutional Review Commission which, incidentally, comprised two former distinguished Attorney Generals of India and an eminent Chairman of the Law Commission has explicitly recommended an opposite course. It has quite emphatically advocated a reverse flow, in the interest of rule of

law. It has recommended that confessions and even non-confessional statements of witnesses “in serious cases” during criminal investigation by the police should be recorded before a Magistrate.

16. In sum, it will be noticed that the N.P.C. report had raised basic issues of democratic governance. A democracy where the “rule of law” has been held to be a “basic feature” of our Constitution, can reverse the course of civilized criminal jurisprudence, only at its own peril.

Part B - “A bad law is the worst tyranny” - Burke

I now discuss the Malimath Committee Report (MCR) on the Criminal Justice System (2003).

17. The present (CSR) Committee has recommended that some of the suggestions in the MCR “should be implemented after due examination”. The present Committee has outlined, in particular the issues of judicial accountability, urban policing and the investigative processes under the Cr. P.C.

18. It would have been appropriate if the present Committee had discussed the entire MCR before recommending its part implementation. I am giving below my views on those suggestions in the MCR that have been outlined in the present Committee’s recommendations. Before I give my views on the various suggestions in the MCR, it would be fair to state that some of the suggestions by the MCR deserve to be commended. These are the statutory delineation of the rights of the accused, arrears eradication scheme, regulating handcuffing including provision for action on misuse of the powers by the police and aid to victims of crimes. Another suggestion deserving of commendation is the prohibition on jailing of women convicts who may be pregnant or with small children.

19. Having said that, the MCR has made some extra-ordinary suggestions covering the growth and evolution of criminal jurisprudence in India, especially

since Independence. Some of the suggestions, if implemented, could seriously dilute the civilized and liberal principles of criminal jurisprudence - the hallmark of a modern democracy. I am, therefore, of the view that these suggestions as listed and discussed herein below, could have far-reaching consequences on the rights of an accused or a person charged with an offence. It needs to be borne in mind that such rights are being increasingly recognized by our Courts of Law. I am outlining the suggestions of the MCR in the following paragraphs. In the corresponding sub paras, I have outlined my views on the suggestions and the reasons for non-acceptance.

20. MCR suggested that judicial accountability should be ensured in a more effective manner, and the judicial methodology be modified in criminal cases.

20.1 I would refrain from any comment on the issue of judicial accountability.

21. The Malimath Committee has suggested amendment of the Evidence Act to provide that a confession recorded by senior police officers shall be admissible as valid evidence.

21.1 This is an extraordinary suggestion, and fraught with grave consequences. It is specifically against the well-considered recommendation by the Constitutional Review Commission (CRC) (2002) headed by a distinguished former Chief Justice of India. According to the CRC, "the public confidence in the investigation of crimes by the police has reached its lowest ebb." For this reason, the CRC has recommended - explicitly - that "during investigation of serious cases" by the police, not only confessions but also non-confessional statements by witnesses and the accused should be recorded before a Magistrate. It would be relevant to place on record that the CRC, besides the former Chief Justice of India, had a distinguished jurist and a former Chairman of the Law Commission as members. The other members were two eminent Attorney Generals of India.

22. The Malimath Committee has suggested that the present position in the Criminal Code whereby the courts generally enquire from the accused the (unexplained) circumstances appearing against him, during the trial, be

reversed. The courts afford the accused a veritable last chance before convicting him. If the accused refuses to answer, the courts cannot draw any adverse inference against him. Instead, the Committee suggests that a new provision should be introduced to say that in case he does not answer (exercising his right to silence – a fundamental right), the courts may draw any adverse inference.

22.1 The suggested amendment seeks to roll back a fundamental principle of modern criminal jurisprudence in India which is in harmony with the norms of a liberal democracy. Even prior to Independence, the various courts of law had consistently held that the provision is meant to afford the accused a proper and fair opportunity to defend himself. Further, that courts cannot hold an inquisitorial proceeding in case the accused chooses to be silent or reticent. The Supreme Court has also ruled accordingly, and it is a well-settled position in law. “The provision is for the benefit of the accused” – according to both Bombay and Calcutta High Courts.

22.2 It is common knowledge that most of the accused in India are poor, or belong to the deprived sections of society who are somehow trapped in a vicious circle of want and scarcity, often leading to criminality. A large majority cannot afford the exorbitant costs of litigation, even if there be a provision for free legal advice. The courts would lose credibility if they were to be seen to be inclined to take advantage of an accused’s reticence, inarticulateness, a sense of being overawed or ignorance of his rights and the involved technicalities of law. An amendment as suggested, is likely, more often than not to jeopardize a person’s liberty and even his life.

23. The Malimath Committee has suggested that the system of Police Commissioner in the matter of crime management and control should be introduced in urban cities and towns. Police Establishment Boards should be set up to oversee (all) field-level police transfers and postings etc. The MCR has opined that the Police Commissioner system is “more efficient”.

23.1 No evidence, or supporting data has been cited by the MCR to support its claim that the Police Commissioner system is “more efficient”. Under the

Police Commissioner system, some powers of magistracy have been vested in the police but there is no evidence that it is superior to the other system wherein the police, in most cases report to magistrates (both executive and judicial) who can ensure some degree of police accountability. The suggested Police Establishment Boards will be manned exclusively by the police. This system of near - exclusive responsibility for transfers and postings of police personnel would militate against the basic norms of democracy. In matters of executive governance, the permanent executive, including the police force is directly subordinate to the elected representatives in the Government. The latter's authority will be curtailed, and it will be bound to pass a speaking order in case it chooses to differ. In other words, postings and transfers would be a quasi-judicial right as far as the police force is concerned.

24. The Malimath Committee has suggested unprecedented changes in the investigation of crimes. According to it, the time-tested scheme of the Criminal Law Code (Cr.P.C.) should be altered and the basic guiding vision of the Courts should be a "quest for truth". Every court should have inherent powers to question an accused (at any stage) in a trial, even examining the accused without previously warning him and draw an adverse inference. If the accused gives a vague or general reply to a charge, the court shall deem that the charge is not denied. In other words, the court shall deem that the charge being admitted, is thereby established.

24.1 This is again an extra-ordinary suggestion. An amendment of the Cr.P.C. to enjoin that a "quest for truth" shall be the fundamental duty of the court, would merely be to beg the question. It is an age-old wisdom that justice is truth in action. The primary duty of the courts is to do justice – enjoined to a "quest for justice." The courts in India which enjoy a very high degree of credibility amongst the common people, should not be expected to take advantage of any deficiency or omissions in defence. The courts cannot be expected to fill in the blanks left in the prosecution case, deliberately or otherwise.

25. The Malimath Committee has opined that the accused “is the best source of information in most cases.” If he refuses to answer, an adverse inference should be drawn against him.

25.1 The Committee seeks to dilute the right of silence recognized as a fundamental right under our Constitution. Incidentally, in the U.S. constitution (a model for the Constituent Assembly of independent India), such a right has been enshrined through a specific amendment. By assuming, in advance that the accused is the best source of information, is dangerous logic. The implication is obvious that there is an element of prejudging that the accused is guilty as prima facie charged. It is a fact widely known that most of the petty criminals in the country belong to poorer and vulnerable sections of society who just cannot afford the exorbitant costs of litigation. Most of them are entirely innocent of the penal and other laws, and even of their rights as accused.

25.2 To repeat, the assumption that the accused knows best, would be tantamount to undermining the rendering of impartial justice and may be even prejudging the verdict even before the trial has concluded.

26. The Malimath Committee has suggested that the standard of “proof beyond reasonable doubt” should be discarded in favour of a less exacting standard, i.e. the court should be convinced of the truth of the case. They have further suggested that the focus should be on justice to victims.

26.1 The aforesaid suggestion again seeks to alter the basic norms in a liberal democratic system. It seeks to dilute the basic concept of human rights at a time when the rest of the world is moving towards a system of liberalization and zealous protection of human rights, including the right of an accused to a fair and impartial trial. Aid to victims of crime and a right to impartial trial are not mutually exclusive.

26.2 It would indeed be ironical if the standard of proof (in criminal cases) were to be whittled down further. Prior to the promulgation of independent India’s constitution, when India was under foreign rule, there was a sizable body of

judicial opinion which was in favour of an even more exacting standard – “proof beyond a shadow of doubt.” Though the Committee discovered that opinion on the issue is divided amongst the High Courts, a majority of State Governments which oversee prosecution are not in favour of whittling down the standard even further.

27. The MCR has suggested an amendment to the Evidence Act to the effect that evidence of a previous conviction shall be relevant in case of a subsequent criminal trial of the accused person.

27.1 This suggestion is similarly fraught with grave consequences. Once a person is convicted, irrespective of the gravity of the offence, he will live under constant apprehension for the rest of his life that any offence reported in his locality could subject him to automatic suspicion, harassment, the probability of being dragged to a court of law and may be even involvement in often financially ruinous litigation, to prove his innocence. The police would thereby be gifted a readymade lawful authority to arraign all previous convicts before a Court of Law. A convict would live under a lifelong fear of being implicated in any subsequent crime, whether committed by him or not. Besides, such an approach precludes any modern reformist efforts to rehabilitate criminals in the civil society and the chance to start life afresh.

28. The MC has suggested that the public prosecutors/directors of prosecution should be drawn from amongst the ranks of the police, and virtually serve under them. They should be under the guidance of the Advocate General (and, by implication, not under the State Government). The public prosecutors should also advise the police.

28.1 The said suggestion may, paradoxically enough, retard the rate of successful prosecutions rather than improve it. Empirical data collected from various State Governments indicate that wherever the public prosecutor is independent of the police, the rate of conviction is higher.

28.2 Besides, the suggestion seeks to overturn the fundamental role of a State prosecutor as evolved over almost a century of growth of a fair principle of modern jurisprudence. Even in British India, the courts of law defined a prosecutor's role as an agent not of the police but justice. His role is "not to secure convictions ----- but to aid the court in discovering the truth."

29. The MCR after studying the working of the criminal justice systems in a number of European democracies, have suggested that some of the aspects of the system prevailing there (i.e. Inquisitorial) should be adopted in India. This includes, *inter alia*, directions to the investigating officers and the prosecution agencies by the Courts in case of any gaps in prosecution. But at the same time, the MC have themselves recognized that the rate of conviction is higher in many of these European countries where criminal investigation is supervised by magistrates.

29.1 The aforesaid suggestion is somewhat self-contradictory to the findings of the MCR only. Having acknowledged efficacious investigation by the police under the direct supervision of magistrates, the MCR then go on to contradict themselves by diluting the role of magistracy in criminal investigation in India. Under the Cr.P.C. at present, the confessions and non-confessional statements (by the accused) are recorded by metropolitan/judicial magistrates, to the strict exclusion of the police. To repeat, the MC have suggested instead that this solemn responsibility (as described by the Law Commission) should be divested from the magistrates and entrusted to senior police officers instead.

29.2 At the same time, the MCR have themselves acknowledged that almost all the State Governments which responded to its relevant questionnaire, are in favour of continuing the present "adversarial system" where the presiding judge is a neutral umpire.

No doubt, the opinion on the issue is divided amongst the High Courts. But the MCR have not been able to cite a single State Government that is in favour of the switchover. On the present issue, the views of the State Governments are worthy of special note as the investigation and

prosecution agencies function directly under the supervision of the State Governments.

30. The Committee have suggested that the Indian Police Act, 1861 should be overhauled, being “archaic.”

30.1 The entire corpus of modern criminal jurisprudence as it has evolved in India, for almost 150 years, is in consonance with the evolution and growth, of a liberal democracy. Going by the Committee’s logic, all the contemporaneous laws – IPC (1860), Cr.P.C. (1861) the fountainhead of laws of civilized governance today, can be termed “archaic.”

31. The MC have endorsed the long dormant suggestion of the National Police Commission to switch over to a ‘commission’ mode of regular Government functioning covering the police force.

31.1 I have already given my views on this vital issue (vide paras 6.1 to 6.10, Part ‘A’ of my note on the NPC).

31.2 I am, therefore, of the view that some of the MCR suggestions seek to alter the basic norms of a liberal jurisprudence as it has evolved in India. These may not be recommended for acceptance, as it may impinge on the rule of law as practised in India which, incidentally, is now a “basic feature” of the Indian Constitution as held by the Supreme Court.

**List of Annexures to the Report of the Committee
on Civil Service Reforms**

1.	Copy of orders constituting the Committee	-	ii to vii
2.	Dates of meetings held	-	viii
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No.502/2/3/2004-CA.V
CABINET SECRETARIAT
RASHTRAPATI BHAWAN

Dated the 3rd February, 2004.

**Subject:- Constitution of a Committee to examine the whole gamut of
Civil Service Reforms covering, All India Services and the
organized Group 'A' Central Services.**

It has been decided with the approval of the Prime Minister to constitute a Committee under the Chairmanship of Shri P.C.Hota, former Chairman, UPSC and former Secretary (Personnel) to examine the whole gamut of Civil Service Reforms covering the All India Services and the organized Group 'A' Central Services and make suitable recommendations for the consideration of the Government.

The composition of the Committee is as under:-

- | | | | |
|-------|-----------------------------------------------------------------------------------------|---|----------|
| i. | Shri P.C.Hota, IAS (Retd.)
former Chairman, UPSC and
former Secretary (Personnel) | - | Chairman |
| ii. | Dr.R.V.V.Iyer, IAS (Retd.)
Bangalore | - | Member |
| iii. | Shri Binod Kumar, IAS,
Director, LBSNAA. | - | Member |
| iv. | Dr.R.A.Mashelkar, Secretary
D/o Scientific & Industrial Research | - | Member |
| v. | Shri S.K.Purkayastha, IAS
Secretary (Coordn. & P.G.),
Cabinet Secretariat | - | Member |
| vi. | Shri D.Swarup, IA&AS
OSD/Secretary, D/o Expenditure | - | Member |
| vii. | Dr.Mohan Kanda, IAS
Chief Secretary, Andhra Pradesh | - | Member |
| viii. | Shri J.S.Gill, IAS
Chief Secretary, Punjab | - | Member |
| ix. | Shri R.H.Mendonca, IPS (Retd.)
Mumbai | - | Member |

-: 2 :-

- | | | | |
|-----|-------------------------------------------------------|---|------------------|
| x. | Shri M.K.Zutshi, IC&CES
former Chairman, CBE&C | - | Member |
| xi. | Shri P.I.Suvrathan, IAS
Addl. Secretary, D/o AR&PG | - | Member Secretary |

The Committee would be free to co-opt other Members, consult Central Ministries/Departments & State Governments, and engage individual/institutional consultants, as necessary.

3. The terms of reference of the Committee on Civil Service Reforms are at Annex.

4. The Committee would be serviced by the Department of Administrative Reforms & Public Grievances and would submit its report within six months.

**Sd/-
(B.B.Jain)
Under Secretary
Tel: 2301 2835**

To

All Members of the Committee.

Terms of Reference of the Committee on Civil Service Reforms

The Committee would give specific recommendations on the following:

1. Making the Civil Service

- Responsive and citizen-friendly'
- Transparent;
- Accountable; and
- Ethical

In its (a) actions and (b) interface with the people.

2. Making the Civil Service e-governance friendly.

3. Putting a premium on intellectual growth of civil servants and on upgrading their domain knowledge.

4. Protecting the Civil Service against wrongful pressure exerted by -

- (a) administrative superiors;
- (b) political executive;
- (c) business interests; and
- (d) other vested interests.

5. Changes, if any necessary, in the various All India Services Rules and Central Civil Service Rules to provide a statutory cover to the proposed civil service reforms.

6. Changes in rules governing the disciplinary proceedings against civil servants to decentralize the process as far as practicable, and to make the disposal of such proceedings time-bound.

7. Any other matter that the Committee may consider relevant to the subject of civil service reforms.

**No.502/2/3/2004-CA.V
CABINET SECRETARIAT
RASHTRAPATI BHAWAN**

Dated the 3rd March, 2004.

**Subject:- Constitution of a Committee to examine the whole gamut of
Civil Service Reforms covering, All India Services and the
organized Group 'A' Central Services.**

Reference this Secretariat OM of even no. dated 3-2-2004, on the above subject.

2. It has been decided with the approval of Prime Minister to add the following two persons as members of the Committee:

- (i) Shri S.Vardachari, IAS (Retd.)
- (ii) Shri Champak Chatterji, IAS (WB: 71)
Establishment Officer, Deptt. of Personnel & Training.

**Sd/-
(B.B.Jain)
Under Secretary
Tel: 2301 2835**

To

All Members of the Committee (as per list placed below)

-: 2 :-

- | | | | |
|-------|-----------------------------------------------------------------------------------------------------|---|------------------|
| i. | Shri P.C.Hota, IAS (Retd.)
former Chairman, UPSC and
former Secretary (Personnel), New Delhi. | - | Chairman |
| ii. | Dr.R.V.V.Iyer, IAS (Retd.)
Bangalore | - | Member |
| iii. | Shri Binod Kumar, IAS,
Director, LBSNAA, Mussoorie. | - | Member |
| iv. | Dr.R.A.Mashelkar, Secretary
D/o Scientific & Industrial Research | - | Member |
| v. | Shri S.K.Purkayastha, IAS
Secretary (Coordn. & P.G.),
Cabinet Secretariat | - | Member |
| vi. | Shri D.Swarup, IA&AS
OSD/Secretary, D/o Expenditure | - | Member |
| vii. | Dr.Mohan Kanda, IAS
Chief Secretary, Andhra Pradesh | - | Member |
| viii. | Shri J.S.Gill, IAS
Chief Secretary, Punjab | - | Member |
| ix. | Shri R.H.Mendonca, IPS (Retd.)
Mumbai | - | Member |
| x. | Shri M.K.Zutshi, IC&CES
former Chairman, CBE&C, New Delhi. | - | Member |
| xi. | Shri S.Vardachari, IAS (Retd.)
Bangalore-560076 | - | Member |
| xii. | Shri Champak Chatterji, IAS (WB 71)
Establishment Officer, DoPT. | - | Member |
| xiii. | Shri P.I.Suvrathan, IAS
Addl. Secretary, D/o AR&PG | - | Member Secretary |

No.K-11013/2/2004-RC
Government of India
Department of Administrative Reforms and Public Grievances

.....
Sardar Patel Bhavan, Sansad Marg,
New Delhi, dated 11 March, 2004

OFFICE ORDER

Subject: Constitution of a Committee to examine the whole gamut of Civil Service Reforms covering All India Services and the organized Group 'A' Central Services

.....

The Cabinet Secretariat vide their communication No.502/2/3/2004-CA-V dated 3 February, 2004 has constituted a Committee on the above subject under the chairmanship of Shri P.C. Hota, IAS (Retd.) former Chairman, UPSC and former Secretary (Personnel). It has been decided, with the approval of Chairman, to co-opt the following persons as Members of the Committee:

- (i) Shri Ashok Kapoor, IAS (Retd.)
103, Navjeevan Vihar
New Delhi – 110 017.
- (ii) Shri Harnam Singh
67, IES Apartments
Plot No. 9, Sector-4
Dwarka, Delhi.
- (iii) Shri A.B. Tripathi, IPS (Retd.)
98-A, Surya Nagar
Bhubaneswar – 751 003.

Sd/-
(K.N. Singh)
Director

Copy to:

- (i) Shri Ashok Kapoor, IAS (Retd.)
103, Navjeevan Vihar, New Delhi – 110 017.
- (ii) Shri Harnam Singh
67, IES Apartments
Plot No. 9, Sector-4, Dwarka, Delhi.
- (iii) Shri A.B. Tripathi, IPS (Retd.)
98-A, Surya Nagar, Bhubaneswar – 751 003.

Copy for information to:

- (i) Shri Anup Mukerji, Joint Secretary, Cabinet Secretariat,
Rashtrapati Bhavan, New Delhi.
- (ii) PS to AS (AR&PG)
- (iii) US (Admn.)
- (iv) Cash Section

Dates on which meetings of the Committee on Civil Service Reforms were held

- 20.2.2004 - Brainstorming session with eminent persons.
- 21.2.2004 - First meeting of the Committee to seek the views of the members about the approach to be adopted.
- 09.3.2004 - Eight presentations were made by
10.3.2004 different agencies on various subjects
11.3.2004 before the Committee on these days
- 01.6.2004 - Discussion on preliminary draft of the
02.6.2004 report of the Committee and five
03.6.2004 presentations.
- 21.6.2004 - Discussion on the revised draft of the
22.6.2004 Report of the Committee.
- 08.7.2004 - Chairman and members of the
Committee signed the Report.

Advertisement issued in 17 prominent newspapers on 16.3.2004

Committee on Civil Service Reforms

Government of India has constituted a Committee under the chairmanship of Shri P.C. Hota, former Chairman, UPSC and former Secretary, Ministry of Personnel, Public Grievances and Pensions to examine the whole gamut of civil service reforms covering the All India Services and the organized Group 'A' Central Services. The Committee consists of several Secretaries to the Government of India and senior retired civil servants.

The Committee would give specific recommendations on the following:

- Making the Civil Service
 - Responsive and citizen-friendly;
 - Transparent;
 - Accountable; and
 - Ethical
 - In its (a) actions and (b) interface with the people.
- Making the Civil Service e-governance friendly.
- Putting a premium on intellectual growth of civil servants and on upgrading their domain knowledge.
- Protecting the Civil Service against wrongful pressure exerted by –
 - Administrative superiors;
 - Political executive;
 - Business interests; and
 - Other vested interests.
- Changes, if any necessary, in the various All India Services Rules and Central Civil Service Rules to provide a statutory cover to the proposed civil service reforms.
- Changes in rules governing the disciplinary proceedings against civil servants to decentralize the process as far as practicable, and to make the disposal of such proceedings time-bound.
- Any other matter that the Committee may consider relevant to the subject of civil service reforms.

: 2 :

Members of the public and institutions are invited to send their views and suggestions in regard to the areas covered by the terms of reference to the Committee at the address given below:

Department of Administrative Reforms & Public Grievances, Room No. 514,
Sardar Patel Bhavan, Sansad Marg, New Delhi – 110 001

P.I. Suvrathan
Member Secretary & Additional Secretary to the Government of India
Department of Administrative Reforms & Public Grievances
(Phone: 2374 2133 Fax: 2374 2546 Email: suvrathan@nic.in)

Details of Regional Workshops held with a view to elicit suggestions on various terms of reference of the Committee on Civil Service Reforms

Sl.No.	Date	Venue
1.	22.3.2004	Anna Institute of Management, PS Kumarasamy Raja Salai, Chennai – 600 028
2.	31.3.2004	Dr. MCR HRD Institute, Jubilee Hills, Hyderabad – 500 034
3.	5.4.2004	Yashwantrao Chavan Academy of Development Administration, Raj Bhavan Complex, Baner Road, Ganeshkhind, Pune-411 007
4.	19.4.2004	M.G. State Institute of Public Administration, Sector 26, Chandigarh – 160 019
5.	3.5.2004	Institute of Management in Government, Vikas Bhavan P.O., Thiruvananthapuram – 695 033
6.	9.5.2004	IIPA Branch, Bhubaneswar, Orissa – 751 009
7.	17.5.2004	RCVP Noronha Academy of Administration, Bhopal – 462 016
8.	26.5.2004	UP Academy of Administration, Aliganj, Lucknow – 226 024

Details of Presentations made before the Committee

- 9.3.2004
- (i) E-governance by Shri Subash Bhatnagar, IIM, Ahmedabad
 - (ii) E-governance initiatives in Andhra Pradesh by Executive Director, Centre for Good Governance, Hyderabad
 - (iii) ISO-9000 by Confederation of Indian Industry & Bureau of Indian Standards
- 10.3.2004
- (iv) Scheme of retirement of senior officers in Defence Forces and minimum tenures by Shri Arvind Joshi, Joint Secretary (G/Air) and Shri Bimal Julka, Joint Secretary (E/PG), Ministry of Defence
 - (v) Training Policy of Group 'A' officers and Surinder Nath Committee Report by Shri O.P. Agarwal, Joint Secretary (Training), DOPT
- 11.3.2004
- (vi) Accountability and integrity in higher Civil Service as well as the options available by Shri Ashwani Kumar, Joint Director, CBI and by Shri Arun Kumar Gupta, DIG, CBI
 - (vii) 'Expediting disciplinary proceedings' by Dr. W.R. Reddy, Director (Vigilance), DOPT.
- 1.6.2004
- (viii) Presentation on civil service reforms by Mr. Michael F. Carter, Country Director, World Bank, Mr. John Barker of UK Cabinet Office, Mr. Francisco Gaetani of UNDP and Mr. Vikram K. Chand from New Delhi Office of World Bank.
- 2.6.2004
- (ix) Presentation by Shri Hasmukh Adhia, IAS, Secretary, Administrative Reforms, Govt. of Gujarat.
- 3.6.2004
- (x) Presentation by M/s Hewitt Associates.
 - (xi) Presentation by Dr.N.C. Saxena, IAS (Retd.)
 - (xii) Presentation by Indian P&T Accounts & Finance Service Group 'A' Association.

Details of consultancies availed and topics covered

1. Consumer Coordination Council, Delhi-110091
Citizens' and Consumers' perception of and expectations from the Civil Services in India.
2. Dr. N.C. Saxena, IAS (Retd.)
Preparation of a detailed paper for the consideration of the Committee covering (a) a review of the present status of the areas under consideration of the Committee; (b) the issues that need to be addressed; and (c) options available to the Committee.
3. Shri Ashok Kapur, IAS (Retd.)
Preparation of a paper on the concept of the Civil Service which should trace the historical evolution of All India Services, Central Services etc. and it should deal with legal and constitutional issues related to Civil Services.
4. Shri Harnam Singh, IAS (Retd.)
Preparation of Papers relating to the terms of reference covering (a) framing of issues (b) grievance redress machinery (c) converting CSOI into an intellectual Centre (d) setting up of permanent Reforms Commission (e) citizens perspectives (f) putting premium of intellectual growth of civil servants and (g) women in Civil Services.
5. Hewitt Associates, Gurgaon
Putting a premium on intellectual growth of civil servants and upgrading their domain knowledge
6. Indian Institute of Public Administration, New Delhi
International experience and best practices with regard to the Terms of Reference of the Committee, specifically the practices being followed by various countries to ensure minimum tenure for public servants at a particular post
7. Lal Bahadur Shastri National Academy of Administration, Mussorie
Compendium of Background Readings with regard to the Terms of Reference of the Committee
8. Dr. MCR HRD Institute, Hyderabad/Centre for Good Governance, Hyderabad
Draft agenda for Civil Service Reforms

Service Associations which submitted their suggestions on civil service reforms for consideration of the Committee :

- (i) Indian Information Service
- (ii) Indian Forest Service (suggestions received from Shri Hardeep Singh Kingra, Director(YA), Ministry of Youth Affairs & Sports)
- (iii) Central Electrical and Mechanical Engineering Service Group 'A' Direct Recruits Association
- (iv) Central Indian Police Service Association
- (v) Central Engineering Services Class I (DR) Association
- (vi) IRS Association, Andhra Pradesh Unit
- (vii) Indian P&T Accounts and Finance Service Group 'A' Association {They also made a presentation before the Committee on 3.6.2004}
- (viii) Indian Economic Service Association, New Delhi.

List of individuals/institutions who sent submissions to the Committee on Civil Service Reforms

1. Shri S.K.Basu, IAS (Retd), Delhi.
2. Shri B.D.Gupta, Delhi.
3. Dr.Reddy.
4. Shri Suraj Bhan Kalonia, Rohtak, Haryana.
5. Dr.Trinath Mishra, IPS(Retd), New Delhi.
6. Shri N.K.Srivastava, Ghaziabad, UP.
7. Shri K.R.Menon.
8. Shri P.R.Ramaswamy, New Delhi.
9. Shri V.S.Bhanot, Delhi.
10. Shri A.K.Mukherjee, IAS (Retd.)
11. Shri Sudhir Verma, Sahibabad, UP.
12. Shri Amalendu Sinha, Kharagpur, West Bengal.
13. Shri S.Gopal, New Delhi.
14. Shri Prosenjit Das Gupta, Calcutta.
15. Shri Sudhir Chopra, Shillong.
16. Dr.Pravin J.Shukla, Ahmedabad.
17. Shri Vinod Krishna Kaul, New Delhi.
18. Shri Ashok Sahdev, New Delhi.
19. Zenith Ltd. (Shri Sudhir Kumar).
20. Shri Akash Taneja.
21. Shri A.K.Das.
22. Shri Sameer Sachdeva, New Delhi.
23. Shri A.Narayanan.
24. Dr.Om Parkash Mehta, New Delhi.
25. Shri N.Patnaik, Gurgaon.
26. Shri Girvar Singh, Sagar, M.P.
27. Shri Padan Gupta, Gurgaon.
28. Shri S.D.Sharma.
29. Shri S.K.Das, Kolkata.
30. Shri D.S.Negi, New Delhi.
31. Shri Pradip Kr.Sikdar, Howrah
32. Shri Ashok Sahdev, New Delhi.
33. QUEST Society for Human Advancement, Delhi.
34. Shri Santosh Kantroliya, Rajgarh, M.P.
35. Dr.K.Thambidurai, Tawang, Arunachal Pradesh.
36. Shri B.R.Yadav, Dholchera, Assam.
37. Shri Ranjit Ghosh, Kolkata.
38. Shri Jatiya Seba Pratisthan, Deulasahi Baripada, Orissa.
39. Shri Suraj Bhan Kalonia, Hassangarh, Haryana.
40. The Madras Chamber of Commerce & Industry (MCCI), Chennai.
41. Dr.Shyambhadra Medhi, IAS(Retd), Guwahati, Assam.
42. Shri Bibek Kumar Anand, Bhagalpur, Bihar.
43. Dr.A.N.Mathur, Udaipur.
44. Shri P.H.Pandian, M.P., New Delhi.
45. Shri Shiva Prasad, Kolkata.
46. Shri N.C.Dash, Cuttack.
47. Zenith Ltd., Bhagalpur, Bihar.

48. Shri Shireesh K.Sharma, Portland, USA.
49. Vision for Youth.
50. Shri P.K.Desai, Ahmedabad.
51. Shri Radha Kant Bharati, New Delhi.
52. Dr.Shrikrishna Sinha Sanstha, Jamshedpur.
53. Shri Subbiremanian, K., New Delhi.
54. Shri K.P.Joseph, Trivandrum.
55. Shri Sanat Kumar Sharma, Delhi.
56. Orissa Consumers' Association, Cuttack.
57. Federation of Consumer Organisations, Orissa, Cuttack.
58. Shri Pramod Goel, New Delhi.
59. Jamshedpur Citizen Forum (Shri H.B.Singh Arsi), Jamshedpur.
60. Shri O.P.Gahrotra, IAS (Retd.)
61. Shri P.K.Desai, Ahmedabad.
62. Shri S.N.Shukla, IAS (Retd.), Lucknow.
63. Shri Ramahari Mishra, Bhubaneswar.
64. Shri K.P.Joseph, Trivandrum.
65. P.N.Institute of Medical Sciences, Himmat Nagar, Gujarat.
66. Dr.P.S.A.Sundaram.
67. Panchatattya of Sabyasachi, Kolkatta.
68. Dr.R.B.L.Singhal, New Delhi.
69. Shri P.K.Sivanandan, Thiruvananthapuram.
70. Shri Pranab Kumar Sarkar, Suri, West Bengal.
71. Shri J.B.Dash, Baripada, Orissa.
72. Shri S.Vaithianathan, Pondicherry.
73. Shri Prabir Kumar Basu, Kolkatta.
74. Dr.B.V.Parameswara Rao, Visakhapatnam.
75. Dr.R.K.Anand, Mumbai.
76. Mrs.S.Narendra, New Delhi.
77. Shri K.K.Pandey, Varisht Nagarik Sangatan, Betul, M.P.
78. Shri K.S.Venkataramani, Chennai.
79. Shri Sudhir Chopra, Shillong.
80. Shri Prosenjit Das Gupta, Calcutta.
81. Shri S.Gopalakrishnan, Chennai.
82. Shri Sudhir Kumar.
83. Dr.Vinay Dharmadhikari.
84. Shri Ravi Mohan Sethi, NOIDA.
85. Dr.A.G.Powar, Dapoli, M.S.
86. Shri Pratap Verma, Bhopal, M.P.
87. Shri G.S. Pandher, IPS, Chandigarh.
88. Shri J.C.Kala, IFS, Chennai.
89. Shri Pankaj Sharma, Bhopal.
90. Major (Dr.) A.B. Sharma, Bhopal.
91. Shri I.S.Baweja.
92. Shri H.V.Mahajani.
93. Shri S.S.Raghuvanshi.
94. Shri Sudhir Chopra, Shillong.
95. Prof. Dr. K.S. Dhanraj, Delhi.
96. Shri M.L.Bhalla, Lucknow.

97. Shri Manjit Singh, PCS, Chandigarh.
98. Shri T. George Joseph, IAS, Lucknow.
99. Dr. R. B. L. Singhal, New Delhi.
100. Shri Kanchan.
101. Shri B. P. Sinha, Delhi.
102. Shri S. D. Sharma, Working Chairman Emeritus, Transparency International India, New Delhi.

INFORMATION AT A GLANCE ON THE STRENGTH OF CENTRAL GOVERNMENT MANPOWER (CIVILIANS)

1. Central Government manpower in 1948
 - (i) Total workforce in 1948 - 14.40 lakhs
 - (ii) Total number of Departments in 1948 - 18
2. Total number of Ministries/Departments as on date - 82
3. (i) Estimated number of Central Government- civilian regular employees (in position) as on 1.3.2002 - 32.9 lakhs

- (ii) Group-wise estimated number (in-position) of Central Government civilian regular employees as on 1.3.2002 :

Sl.No.	Name of the Ministry	Group 'A'	Group 'B'	Group 'C'	Group 'D'	Total
1.	Railways	7751 (10.82)	6682 (4.26)	892890 (42.33)	607493 (64.66)	1514816 (46.04)
2.	MHA	9656 (13.48)	21301 (13.6)	611328 (28.98)	50528 (5.38)	692813 (21.06)
3.	Defence (Civilians)	12196 (17.02)	27570 (17.6)	185641 (8.80)	128334 (13.66)	353741 (10.75)
4.	Posts	815 (1.14)	1922 (1.2)	220448 (10.45)	49773 (5.30)	272958 (8.30)
5.	Revenue	4327 (6.04)	38411 (24.5)	46597 (2.21)	28872 (3.07)	118207 (3.59)
6.	Others	36904 (51.6)	60605 (38.7)	152442 (7.20)	87363 (9.17)	337314 (10.25)
	Total	71649 (2.18)	156491 (4.75)	2109346 (64.0)	952363 (29.00)	3289849 (100%)

- (iii) Total No. of sanctioned posts as on 1.3.2002 in respect of all the Groups - 3633006
- (iv) Total No. of vacancies as on 1.3.2002 (3633006 - 3289849) - 343157
- (v) Estimated No. of civilian employees as on 1.3.2002 in Railways, MHA, Defence (Civilians), Posts and Revenue - 29,51,935 (89.7%)
- (vi) Total expenditure - Rs.304180 million

Source: M/o Finance (D/o Expenditure)'s Brochure on Pay & Allowances of Central Government Civilian employees, 2001-2002

**AUTHORISED CADRE STRENGTH OF ALL INDIA SERVICES AND GROUP 'A'
CENTRAL SERVICES**

1. ALL INDIA SERVICES

(i) Indian Administrative Service	-	5159
(ii) Indian Police Service	-	3683
(iii) Indian Forest Service	-	2752
Total	-	11594

2. Group 'A' Central Services

A – Non-technical Services

Sl. No.	Name of the Service	No. of posts	Sl. No	Name of the Service	No. of posts
1.	Indian Foreign Service –	607	9.	Indian Def. A/c Service	645
2.	Indian Custom & Central Excise	2310	10.	Indian P&T A/c & Fin	1727
3.	Indian Revenue Service	3904	11.	Indian Postal Service	574
4	IA&AS	874	12.	Indian Def. Estates Serv.	134
5.	Indian Railway Traffic Service	1250	13.	Indian Information Serv.	489
6.	Indian Railway Accounts Service	896	14.	Indian Trade Service	185
7.	Indian Rly. Personnel Service	536	15.	Railway Protection Force	287
8.	Indian Civil Accounts Service	208		TOTAL	14626

B – Technical Services

Sl. No.	Name of the Service	No. of posts	Sl. No	Name of the Service	No. of posts
1.	Indian Rly. Service of Engineers	2196	11.	Cent. Engg. Serv. (CPWD)	850
2.	Indian Rly. Serv. of Signal & Telecommunication Engineers	992	12.	Cent. Elect. Mech. Engg. Service	242
3.	Indian Rly. Serv. of Mech. Engineers	1400	13.	Border Roads Engg. Serv.	636
4	Indian Rly. Service If Elec. Engg.	1066	14.	Central Power Engg. Serv.	550
5.	Indian Telecommunication Service	8335	15.	Indian Supply Service	154
6.	Indian Ordnance Factories Service	1760	16.	Indian Inspection Service	121
7.	Indian Rly. Stores Service	694	17.	P&T Building Works Serv.	814
8.	Central Engg. Service (Roads)	208	18.	Indian Naval Armament Serv.	105

9.	Central Water Engg. Service	761	19.	Indian Broadcasting Serv. (Engg.)	1479
10.	Indian Defence Service of Engg.	1528	20.	Central Architects Serv.(CPWD)	196
				TOTAL	24001

C – Health Services

Sl. No.	Name of the Service	No. of posts	Sl. No	Name of the Service	No. of posts
1.	Central Health Service	7320	4.	CRP Health Service	267
2.	Indian Railway Medical Service	2588	5.	BSF Health Service	359
3.	Indian Ord. Factories Health Serv.	241	6.	ITBP Health Service	115
				TOTAL	10890

D – Other Services

Sl. No.	Name of the Service	No. of posts	Sl. No	Name of the Service	No. of posts
1.	Indian Legal Service	139	10.	Cent. Industrial Security Force	988
2.	Geological Survey of India	1720	11.	Border Security Force	3025
3.	Indian Meterological Service	461	12.	Cent. Reserve Police Force	2433
4.	Indian Economic Service	508	13.	Def. Aeronautical Quality Assurance Service	271
5.	Indian Statistical Service	676	14.	Survey of India Group 'A' Service	392
6.	Indian Cost Accounts Service	162	15.	Def. Qlty. Assurance Service	539
7.	Indian Company Law Service	231	16.	Indian Broadcasting (Prog.) Service	1109
8.	Def. Research and Dev. Service	7261	17.	Central Labour Service	357
9.	Indo Tibetan Border Police	566			
				TOTAL	21057

- (i) Total number of Group 'A' Central Services - 58
(ii) Total authorized Cadre strength of Group 'A' Central Services - 70574

Source: (i) All India Services –Information provided by the concerned Ministry dealing with cadre management

(ii) Group 'A' Central - Services

Cadre Review Division, D/o Personnel and Training