

Role of Civil Service in a Democracy

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Role of Civil Services in a democracy keeps on evolving with time and changing ideologies of State. In case of India, the institution of Civil Service derives its roles and responsibilities from the Constitution itself, especially the chapter on DPSPs. Traditionally, role of Civil Service in a democracy can be observed as:

- ❑ Basis of government
- ❑ Responsible for formulating and implementing policies and laws.
- ❑ To provide continuity and stability
- ❑ Provision of Services to the citizenry
- ❑ Adjudicatory Role

In modern times, role of Civil Service has changed drastically. These can be attributed to various factors such as:

- ❑ Increasing scope of fundamental rights especially A. 21.
- ❑ Ensure sustainable development and inclusive growth
- ❑ To undo the economic inequality caused by improper implementation of Economic reforms of 1991.
- ❑ To adapt the country and people to the renewed challenges of climate change, technological disruptions and modern security challenges like cyber security, fake news etc.
- ❑ Democratic decentralization

The ultimate role of Civil Service in a democracy can be best summarized by two principles of current Prime Minister as -> **Sabka Saath, Sabka Vikas & Minimum government and Maximum governance.**

Civil Service Neutrality and Anonymity.

Civil Service Neutrality refers to civil servants being politically impartial and they aid and advise minister without any political bias. In a way, the personal political ideology of a civil servant should not come in the way of their functioning towards political masters.

Provisions ensuring neutrality in Civil Service

The Central Civil Services Conduct Rules, 1964 and the All-India Services Conduct Rules 1968 lay down the following provisions for ensuring neutrality of public servants:

1. Public servants must not take part in politics.
2. They must not give election fund/ assistance to any political party
3. They can vote. But must not tell his preference to other people.
4. They must not display any election symbols on his person, vehicle or home.

5. They must not participate in rallies, demonstrations etc., without government permission.

Civil Service Anonymity refers to the principle that a civil servant should perform their functions behind the curtains, away from the public view and as political masters are directly responsible to the people, all the credit for success and blame for failure of any action of the government should be awarded to the political masters as against civil servant.

Issues in Minister- Civil servant relationship

1. Some civil servants appear to be closer to one political party or politician due to their political ideology, as against others in violation of neutrality principle.
2. Political functionaries' tendency to appease vote banks as against administratively and fiscally prudent decisions often against the sincere advices of civil servants becomes a source of conflict between them.
3. Ministers' tendency to concentrate power in their own hands as against adherence to principle of subsidiarity in decentralizing power to civil servants creates friction between them.
4. Postings and transfers system of civil servants are still clouded in opacity and political give and take relationship leading to development of politician-civil servant nexus and low morale for honest civil servants.
5. Declining adherence to principle of anonymity by civil servants in the wake of social media with regard to official works done by them is emerging as a new challenge in Minister- Civil Servant relationship.

Issues with Civil Service in India

There are few problems associated with the functioning of civil services. These include,

- ❑ Red Tapism and indecisiveness.
- ❑ Poor capacity building of civil servant
- ❑ 'Too busy' syndrome
- ❑ Prevalence of the 'transfer industry'
- ❑ Political interference and administrative acquiescence
- ❑ Inefficient incentive system
- ❑ Uneven utilization of talent

Lateral Entry

It pertains to age-old debate of Generalists vs Specialists i.e., who between the two should be preferred to hold official positions in administration. Lateral entry refers to direct appointment of specialists and domain experts, mainly from private sector at the middle or senior

levels in government organizations rather than only appointing civil servants through promotion.

Need of lateral entry

- Infusion of fresh perspective in administration and policy making
- Specialists and field experts
- Promote efficiency in administration: Reduce vacancies in Civil Service
- Opportunity for unsuccessful and untested candidates
- Growing complexities in governance

Concerns with Lateral Entry system

- Chances of Spoils system
- Differences in work cultures
- Resistance from Civil servants
- Issues with recruitment system
- Lack of field experience
- Issue of accountability and responsibility.
- Issue of reservation.

Way Forward

1. Lateral entry should be allowed only on the basis of objective criteria like skill sets, roles and responsibilities to be fulfilled and cost benefit analysis as regards to the post to be reserved for lateral entry.
2. It needs to be ensured that Constitutional role of UPSC of recruiting civil servants should not be diminished in case of selection through lateral entry. This would also preserve sanctity of such selection.
3. Civil servants can also be allowed on deputation to serve in private sector to gather requisite ideas and exposure.
4. Lateral entrants should be mandatorily made to work in the district for significant time of their career in government to understand the public trust and spirit behind administration.
5. Lateral entry can be allowed in public sector enterprises and mission mode projects where skills of private sector are relevant.
6. Second ARC has suggested that system of lateral entry should be institutionalized as against ad-hoc basis.

Civil Service Reforms

It refers to range of improvements and amendments in the aspects including, but not limited to recruitment, training, domain expertise, performance appraisal, accountability etc. to aid the institution of civil service fulfil the constitutionally mandated goals especially the preamble and DPSPs.

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- **2nd ARC** has suggested creation of **National Institute of Public Administration** to provide bachelor's degree courses in governance, public administration and management. Selected Central and other Universities should also be assisted in providing such courses with the purpose that it would create eligible graduates for Civil Service exams. Graduates from other streams would be eligible to appear in the exam if they complete a **Bridge Course** in the core subjects mentioned above.
- **2nd ARC** has also suggested that officers from State Civil Service should be inducted into IAS by the UPSC on the basis of a common exam.
- **YK Alagh Committee (2001)** recommended doing away with the optional subjects and civil service exam to be based on common papers.
- **Hota Committee (2004)** has recommended that probationers of Civil service should be given time period of one month after the commencement of training to decide on the choice of Services.
- **Baswan Committee (2016)** recommended appropriate assessment of the requirement of number of IAS officers in the country every year to ensure balance between Direct Recruits and through promotions.
- **NITI Aayog Three Year Action Agenda** has also suggested lateral entry for areas requiring specialized knowledge on fixed-term contracts of 3 to 5 years.

Training

- There must be mandatory training for every Civil Servant at induction stage and at periodic intervals and successful completion of these training modules should be made necessary condition for final service allocation and promotions (**2nd ARC**).
- To monitor the implementation of **National Training Policy**, a specific monitoring mechanism should be set up (**2nd ARC**).
- The objective of mid-career training should be to develop the domain knowledge and competence required (**2nd ARC**).
- Public servants should be encouraged to obtain higher academic qualifications and to write papers for reputed and authoritative journals (**2nd ARC**).
- A **National Institute of Good Governance** can be set up to identify and document best practices of training besides conducting training programmes (**2nd ARC**).
- **Yugandhar Committee (2003)** has suggested three mid-career training programmes in the 12th, 20th and 28th years of service as at these three stages there is a major shift in the nature of work.

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Domain expertise

- ❑ **2nd ARC** -> suggested assignment of domains to all the officers of All India Services and Central Civil Services on the completion of 13 years of service, by a **Central Services Authority**. Similarly, state governments should take steps for constitution of State Civil Services Authorities.
- ❑ The **Surinder Nath Committee**, 2003 -> suggested 11 domains, and officers may be assigned to a maximum of three domains out of the eleven listed.
- ❑ **Hota Committee 2004** -> domain assignment should be introduced for civil servants to encourage the acquisition of skills, professional excellence and career planning.

Accountability

- ❑ **Santhanam Committee** -> **changes in Article 311** of the Constitution for conducting disciplinary proceedings against civil servants and make sure that they are not unduly protected.
- ❑ **1st ARC** -> establishment of Lokpal and Lokayuktas to look into complaints of corruption against Ministers and Civil Servants also suggested introduction of performance budgeting in departments which were in direct charge of development programmes.
- ❑ **Hota Committee** -> recommended amendments in Prevention of Corruption Act and Criminal Procedure Code to protect honest civil servants from harassment and malicious prosecution. It also recommended drawing up of **Code of Ethics for Civil Servants** which would include values like integrity, merit and excellence in public services. It also recommended a **Model Code of Governance** to benchmark the standards of governance to be availed by citizens.

New Cadre Policy

Cadre Meaning: It is small collection of trained people forming the basic unit in Civil Service. After selection in All India Service, qualified candidates are allotted cadres based on preference, ranks and availability of positions.

Earlier Policy: The All-India Service officers were allocated a state or set of states (AGMUT) as cadre for service. Infusion of them from outside state used to help in maintaining objectivity, impartiality, and curtail nepotism and sons of soil feeling.

Concerns with earlier policy

- ❑ Permanency of cadres often leads to poor quality of service and limit the officers' view to local areas only.

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- ❑ It used to make the IAS officers an All-India service in name only.
- ❑ It used to limit the expansion and dissemination of best practices of one state in another.
- ❑ It often led to politician-civil servant nexus in order to secure favorable postings and promotions.
- ❑ As per Second ARC, cadre system used to restrict the recruitment of persons with domain expertise on important positions through lateral entry.
- ❑ Many candidates preferred same states as cadres mainly home states.

New Cadre Policy 2017

Under the new policy, with an aim of “**national integration**” as it gives opportunity to officers to serve in a state outside their domiciled state, it divides the 26 states into 5 zonal cadres. This has led to providing true essence to All-India Service as far as All India character is concerned.

What are the proposed amendments to Rule 6 (deputation of cadre officers)?

Four amendments are proposed to Rule 6 of the Indian Administrative Service (Cadre) Rules 1954:

- ❑ Presumed as approved in case of delay
- ❑ The number of deputed officers will be decided by the Centre
- ❑ The decision of the Centre will be supreme
- ❑ Mandatory deputation in case of public interest

Several state governments are opposing and criticizing the proposed amendment on the following grounds:

1. It will weaken the State's political control over the bureaucracy established by the constitutional scheme.
2. It will affect the autonomy of the states as officers might hesitate in taking any decision favoring state government over the central government.
3. Lastly, it will reduce the significance of AIS in the eyes of state government, and they might prefer their own State Civil Services over AIS.
4. As the state governments are responsible for the grassroots-level administration and implementation of central schemes, arbitrary and sudden transfers of officers from the states to the Centre can be highly disruptive, undermining governance in the state.

What can be done to facilitate the deputation of cadre officers?

- ❑ Mandatory deputation for particular ranks
- ❑ Address the real issue for shortage

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- ❑ Disincentivise states not deputing enough officers
- ❑ Proper adherence to existing rules from States.
- ❑ Provide enough time for States to respond:

Civil Service Board

It is a multi-membered panel headed by Cabinet Secretary at the national level and chief secretaries at the state level to regulate transfers and postings of higher ranked Civil Servants. States have been compulsorily mandated to form such boards in their respective states. The same has been recommended by **Hota Committee (2004)** and **Second ARC along with Supreme Court judgement in TSR Subramanian case 2013.**

Reason: As per DoPT, an IAS officer averages around 15 months in a posting as against a standard practice of 3 to 5 years in a good organization for proper management of human resource. Honest officers like Ashok Khemka, Durga Shakti Nagpal etc. faced frequent transfers because of their probity and integrity. Transfers and postings have been considered to be a political issue often driven by political considerations as against efficiency and merit.

Advantages of Civil Service Board

1. Preserves morale of Civil Servants by protecting them from political interference.
2. Security of tenure ensures Civil Servants take proactive steps to improve quality of governance.
3. It checks politician-bureaucrat nexus by checking quid pro quo transactions and promoting neutrality among civil servants.
4. It improves public perception of Civil Service and motivates good and honest young candidates to try for Civil Service exam.

Limitations of Civil Service Board

1. Advisory nature of recommendations as government by recording reasons in writing can change or reject the recommendations of Civil Service Board.
2. Many states have still not constituted the mandatory Civil Service Board.
3. There are chances of conflict of interest as members of the Board are also bureaucrats.

So, Parliament can bring in a law to ensure security of tenure to civil servants except in cases of gross misconduct and incompetence. States must be compelled to constitute Civil Service Boards. A well-functioning Civil Service can be the true steel frame of the country.