

Protecting the Steel Frame

In a recent survey by 1274 experts working across 12 North and South Asian nations, the Indian bureaucracy has been dubbed as the worst and the least efficient in the whole continent, behind Vietnam, China and Indonesia. While the findings are not very shocking and surprising, one has every reason to worry about. After all, the future development does depend on the strength and efficiency of this institution. There is, therefore, an urgent need to grope deeper into the reasons to fix the problem rather than just keep cursing the once famed Steel Frame of India.

Among the various reasons responsible for the present sorry state of affairs of Indian bureaucracy, the principal one relates to the constant interference with its functioning as well as the power of the political class to transfer or shunt the civil servants to inconvenient or insignificant posts. The transfers are often made for the most absurd of the reasons or sometimes for the alleged or suspected proximity to the opposing political party or faction. More often than not, if a bureaucrat decides to put his/her foot down against illegal orders or just decides to go by the rulebook, he or she often gets the boot. It is against this background that the proposed Central legislation to tackle such irregularities becomes significant.

The Centre has already passed an order pursuant to specifically framed guidelines which was supposed to not only assure the civil servants of a fixed-tenure posting, but was also likely to protect them from mundane political interference in their day-to-day functioning. Not only this, all such appointments, transfers and postings of top civil servants were likely to be subject to parliamentary scrutiny to remove the element of discretion in such orders. If the said Order is implemented in right earnest, the IAS and IPS officers in the country will no longer be at the mercy of the whimsical transfers and postings which seem to be order of the day in many parts of the country.

However, there is a rider to the legal protection against irregular transfers and postings. The government is also learnt to be planning to bring in a new Public Service Code which would lay down a strict performance evaluation regime for promotions and postings of India's bureaucrats.

All these provisions along with many other proposals were enshrined in the Civil Services Act, 2009 to reinvigorate India's famed Steel Frame to prepare it better to deal with the newer challenges of development administration and governance. The Bill was contemplated to be a spruced-up version of the Public Service Bill, 2007. Both the Bills could not see the light of the day during the previous regimes. The various provisions of the Bill were likely to be applicable, first to the IAS and IPS officers and were later to be extended to all the other Civil Services including the Indian Forest Service.

The Bill, having incorporated sundry suggestions of the Second Administrative Reforms Commission, had also envisaged setting up a new Central Public Service Authority (CPSA) at the national level. This Authority was not only to supervise the professional management of the premier civil services, but was also expected to be a watchdog to secure the interests of the civil servants and citizens through a system of checks and balances.

If the Civil Service Bill had become an Act, all the civil servants could expect to get a minimum fixed tenure of three years. And if one is to go by the provisions enshrined in the said Bill, a civil servant, being transferred prematurely, would have to be suitably compensated for the inconvenience and harassment caused due to the same. The top-level appointments including that of the Chief Secretary and the Director General of Police in the states were to be made out of a panel of candidates to be screened and drawn up by a State-level Committee comprising the Chief Minister, Leader of the Opposition as well as the Home Minister. As of now, the Chief Minister is the sole authority taking a decision on such appointments.

Usually, such transfers and postings have been the prerogatives of the government in power, with no reference to the Opposition. The said reforms could fix this anomaly with due recognition being given to the Leader of the Opposition as well in making a decision regarding such top appointments in the states and at the Centre. So, the Leader of the Opposition was likely to play a crucial role at both the levels. Like the State-level top appointments, the Leader of the Opposition was also to have a say in the appointment of the Cabinet Secretary and other top posts. Like the State level postings, the Cabinet Secretary, too, was likely to be selected from a panel to be drawn by the Central-level Committee comprising the Prime Minister, the Leader of the Opposition and the Home Minister. If the government decides to deviate from the norms laid out in the Act, it shall have to inform and explain the reasons for the same to the Parliament for doing so.

The performance evaluation of the bureaucrats was also given adequate attention in the said Bill. The performance parameters of the officers were to be given due importance before being considered for the top jobs. A more scientifically-designed objective system of performance evaluation was proposed in place of the extant practice of Annual Confidential Reports (ACR) which merely takes a panoramic view of a civil servant's work through the year. The new Performance Management System shall evaluate the bureaucrats on their job-specific achievements and the number of tasks that they perform as a Team Leader in a particular department.

The proposed system was likely to be managed by the CPSA which would supposedly be supervised by a Chairman of the rank equivalent to that of the Chief Election Commissioner.

The Chairman, CPSA was to be appointed for five years by a Committee comprising the Prime Minister, a Supreme Court Judge, the Union Home Minister and the Leader of the Opposition in the Lower House of the Parliament. With the Cabinet Secretary acting as its Convener, the CPSA would aid and advise the Central Government in all matters concerning the organisation, control, operation, regulation and management of public services and public servants.

CPSA was also to be the custodian of the Public Service Code for the civil servants. This Code, supposed to replace the current All India Services Conduct Rules, was to be framed with a view to enable the civil servants towards proper discharge of their official duties with competence, accountability, care, diligence, responsibility, honesty, objectivity, impartiality, without discrimination and in accordance with the law of the land. The CPSA, comprising three to five members, would also have the power to recommend action against the public servants who do not adhere to the Public Service Code and public service values. After the Bill becomes an Act, the CPSA would also compile and submit a report to the Central Government detailing the compliance with the various provisions of the new legislation by every Ministry and Department of the Government every year.

One hopes that the necessary spade-work for reviving and making this Bill into an Act shall soon be completed by the new Government to make it a reality sooner than later. However, one does feel the need to hammer out the various implications such a Bill is likely to have for the Centre-State relations in our federal polity.

Salient Points

- Indian bureaucracy has been dubbed as the worst and the least efficient in the whole continent, behind Vietnam, China and Indonesia.
- One principal reason relates to the constant interference with its functioning as well as the power of the political class to transfer and postings.
- The government is also learnt to be planning to bring in a new Public Service Code which would lay down a strict performance evaluation regime for promotions and postings of India's bureaucrats.
- Also Proposed is a new Central Public Service Authority (CPSA) at the national level. This Authority was not only to supervise the professional management of the premier civil services, but was also expected to be a watchdog to secure the interests of the civil servants and citizens.
- If the Civil Service Bill had become an Act, all the civil servants could expect to get a minimum fixed tenure three years.
- The new Performance Management System shall evaluate the bureaucrats on their job-specific achievement.
- Usually, transfers and postings have been the prerogatives of the government in power, with no reference to the Opposition. The said reforms could fix this anomaly with due recognition being given to the Leader of the Opposition as well.
- This Code, supposed to replace the current All India Services Conduct Rules, was to be framed with a view to enable the civil servants towards proper discharge of their official duties in accordance with the law of the land.
- If the government decides to deviate from the norms laid out in the Act, it shall have to inform and explain the reasons for the same to the Parliament
- There is a need to hammer out the various implications such a Bill is likely to have for the Centre-State relations in our federal polity.

Glossary

Grope: to feel about with the hands

Spruce: any evergreen, coniferous tree

Spade: a tool for digging