

The Committee on Civil Service Reforms was constituted by the Government of India (Cabinet Secretariat) in February 2004 under the Chairmanship of P.C. Hota, former UPSC Chairman and former Union Personnel Secretary. Its mandate was to examine the whole gamut of civil service reforms covering the All India Services and the organised Group 'A' Central Services. It submitted its report in July 2004.

## TERMS OF REFERENCE OF THE COMMITTEE

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The Committee was asked to give specific recommendations on the following:

1. Making the Civil Service (i) responsive and citizen-friendly; (ii) transparent; (iii) accountable; and (iv) 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.

## RECOMMENDATIONS OF THE COMMITTEE

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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.

### **I. On 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.
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.
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.
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.
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.
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.
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.
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.
9. The Official Secrets Act be modified to cover only the essential minimum requirements of national security, public order and individual privacy.
10. All officers having a public interface to wear name badges while on duty.
11. The duties, functions and responsibilities of all senior posts be laid down and publicized.
12. After every five to seven years in service, a civil servant should spend at least two months with a non-government organisation, academic institution or the private sector.
13. ISO 9000 be introduced for government offices.
14. A full time officer should be posted in the Information and Facilitation Centre and each department should attend to public grievances.

15. Annual Property Return of all public servants be put on the website.
16. Rules be framed under the Benami Transactions (Prohibition) Act 1988 for attachment/forefeiture of benami/ill-gotten property of corrupt public servants.
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.
18. Under the overall control of the Central Vigilance Commission, committees of experts be set up in various departments to scrutinise 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.
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.
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 organisations.
21. Citizen Centres should be set up to build capability for analysing and suggesting changes in government policies. The civil service training institutes should perform the nodal role in this behalf.
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.
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.

## **II. On 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.
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.
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.

27. Each department should identify skill gaps keeping in view its functions and take steps to train the required number of people.
28. The National Informatics Centre (NIC) should function as a vehicle for disseminating best practices across the country.
29. Officers posted as Chief Executive of e-governance projects should be given reasonable tenure and held accountable for results.
30. The administrative and financial flexibility required for introducing innovative e-governance measures should be identified and operationalised.
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.
32. Departmental examination should include a practical test on the ability to use and apply computers.
33. Each Department/Ministry should have its own web site of basic information relating to the Department/Ministry and the web site be available for registering public grievances.

### **III. On Putting a Premium on Intellectual Growth and Upgrading Domain Knowledge**

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.
35. Civil servants should be encouraged to move laterally to non-government organisations.
36. Government should actively support and encourage outstanding work done by civil servants through National/State awards and commendations.
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.

### **IV. On Protecting the Civil Service against Wrongful Pressure and Changes in All India Service Rules and 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 in 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.

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.
40. The recommendations 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.
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.
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.
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.

44. Not more than 50 per cent of the officers in a batch should make it to the Senior Administrative Grade. 30 per cent should be the upper limit for Higher Administrative Grade and 20 per cent for the highest grade of Secretaries to Government of India.
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.
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.
47. Steps be taken to reduce the number of officers who are empanelled for senior posts under the Central Staffing Scheme.
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.
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.
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.
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.
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.

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.
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.
55. The procedure for reimbursement of medical expenses of civil servants should be simplified so that quality medical services are available from recognised 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.
56. To increase the representation of women in the civil service, it is proposed that within 15 years, at least 25 per cent members of the higher civil service should be women as against 12 to 13 per cent 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.

## **V. On 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.
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.
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.
60. A database on disciplinary cases should be maintained to keep track of their progress.

## **VI. On Other Matters Related to Civil Service Reforms**

61. An Employees Health Insurance Scheme on the pattern of defence forces should be introduced for the civil service.
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.

63. To minimise 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.
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.