

Rajender

61st FOUNDATIONAL COURSE

SERVICE AND CONDUCT RULES

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LAL BAHADUR SHASTRI NATIONAL ACADEMY OF ADMINISTRATION
MUSSOORIE 248 179

ALL INDIA SERVICE RULES



IMPORTANT SERVICE RULES

- LEAVE AND STUDY LEAVE RULES
- CONDUCT RULES
- DISCIPLINE AND APPEAL RULES
- MEDICAL ATTENDANCE RULES
- PROVIDENT FUND RULES
- CONFIDENTIAL ROLLS RULES

LEAVE RULES: TYPES OF LEAVE

CASUAL LEAVE:	12 days every year
RESTRICTED HOLIDAYS:	2 days every year (Central Government)
EARNED LEAVE:	30 days per year, credited half-yearly (upto 240 days)
HALF-PAY LEAVE:	20 days per year, credited half-yearly
COMMUTED LEAVE:	No formal entitlement
LEAVE NOT DUE:	360 days in entire service (on medical certificate)
EXTRAORDINARY LEAVE:	No formal entitlement
SPECIAL DISABILITY LEAVE:	No formal entitlement
MATERNITY LEAVE:	For two surviving children
STUDY LEAVE:	2 years in entire service (after 7 years of service)

LEAVE: MAXIMUM DURATION AT A TIME

CASUAL LEAVE:	8 days (excluding holidays)
RESTRICTED HOLIDAYS:	Total eligibility (subject to Casual Leave restrictions)
EARNED LEAVE:	120 days at a time (180 days out of India)
HALF-PAY LEAVE:	Total due
COMMUTED LEAVE:	* Half of half-pay leave due * 90 days for study (entire service)
LEAVE NOT DUE:	360 days (entire service)
EXTRAORDINARY LEAVE:	Not exceeding 5 continuous years (absence from duty)
SPECIAL DISABILITY LEAVE:	2 years for any one disability
MATERNITY LEAVE:	90 days
STUDY LEAVE:	Ordinarily one year (upto 2 years)

MISCELLANEOUS PROVISIONS REGARDING LEAVE

- NOT A MATTER OF RIGHT
- COMBINATION OF LEAVES
- CONVERSION OF ONE KIND OF LEAVE INTO ANOTHER
- LEAVE SALARY
- CASH EQUIVALENT OF LEAVE SALARY
- NO EMPLOYMENT DURING LEAVE
- MEDICAL CERTIFICATE OF FITNESS
- CARRY FORWARD OF LEAVE EARNED DURING PREVIOUS (CONTINUOUS) CENTRAL GOVERNMENT EMPLOYMENT

CONDUCT RULES

■ OMNIBUS RULES (Rule 3)

- Maintain absolute integrity
- Maintain devotion to duty
- Do nothing unbecoming of a government servant
- Ensure integrity and devotion to duty of subordinates
- Act in best judgment
- Oral direction: to be confirmed in writing/ to seek confirmation

CONDUCT RULES

■ SPECIFIC RULES

- Employment of near relatives in companies and firms (R 4)
- Taking part in politics and elections (R 5)
- Connection with press or radio (R 6)
- Criticism of Government (R 7)
- Evidence before committees etc. (R 8)
- Unauthorised communication of information (R 9)
- Subscriptions (R 10)

CONDUCT RULES

■ SPECIFIC RULES (Contd...)

- Gifts (R 11)
- Giving or taking dowry (R 11A)
- Public demonstration in honour of servants (R 12)
- Private trade and employment (R 13)
- Use of government accommodation (R 13A)
- Investment, lending and borrowing (R 14)
- Insolvency and habitual indebtedness (R 15)

CONDUCT RULES

■ SPECIFIC RULES (Contd...)

- Movable, immovable and valuable property (R 16)
- Transaction in immovable property outside India (R 16A)
- Vindication of acts and character of members of service (R 17)
- Observance of cultural norms (R 17A)
- Canvassing (R 18)
- Restriction regarding marriage (R 19)
- Consumption of intoxicating drinks and drugs (R 20)

PUBLICATION, CONTRIBUTION, BROADCAST

■ PURPOSE:

- *bona fide* discharge of duties
- Literary, cultural, artistic, or scientific
- Others

PUBLICATION, CONTRIBUTION, BROADCAST

■ ABOUT GOVERNMENTS:

- Criticism; Embarrassing the relations
- Views in official capacity, in discharge of duties
- Expression of own views, not of govt.

■ REMUNERATION:

- Honorarium/Fees [Rule: 13(4)]
- If aided by official duties [SR 11 & 12]
- If transaction more than Rs. 15,000 [Rule 16(4)]
- Income Tax

CONDUCT RULES: SUMMING UP

■ UNDERLYING PRINCIPLES

- DEVOTION TO DUTY
- INTEGRITY
- IMPARTIALITY
- DIGNITY
- ANONYMITY
- TRANSPARENCY IN PERSONAL DEALINGS

CONDUCT RULES: SUMMING UP

■ QUICK RULES

- TRANSACTIONS OF MORE THAN RS. 15, 0000
- ANNUAL PROPERTY RETURN
- INFORM WITHIN ONE MONTH

■ IMPOTANT PHRASES

- PRIOR PERMISSION
- ADVANCE/POST FACTO INTIMATION
- BONA FIDE DISCHARGE OF DUTIES
- OFFICIAL DEALINGS
- AIDED BY OFFICIAL DUTIES

THANK YOU
THE END

DISCIPLINARY ACTION



DISCIPLINARY ACTION

□ BASIC PRINCIPLES

- Government's right to punish
- Modify behaviour
- Natural justice
 - 1. Reasonable opportunity to defend
 - 2. Not judge in one's own case
 - 3. Just and fair proceedings (No bias)
- Article 311
 - 311(1) Removal/Dismissal - Not by authority subordinate to appointing authority
 - 311(2) Reasonable opportunity before dismissal, removal or reduction in rank

DISCIPLINARY ACTION

□ BASIC PRINCIPLES (Contd.)

- Burden of proof on employer/prosecution
- Preponderance of probability not proof beyond reasonable doubt (quasi-judicial)
- Self-contained, speaking, reasoned orders - "Reasons to be recorded in writing"
- Sign/obtain signature on depositions - "Read over and admitted to be correct"

□ PRELIMINARY ENQUIRY

DISCIPLINARY ACTION

♦ TYPES OF PENALTIES

–(A) MINOR

- ♦ Censure
- ♦ Withholding promotion
- ♦ Recovery of pecuniary losses
- ♦ Withholding increments

DISCIPLINARY ACTION

♦ TYPES OF PENALTIES

–(B) MAJOR

- ♦ Reduction to a lower stage in time-scale of pay
- ♦ Reduction in rank
- ♦ Compulsory retirement
- ♦ Removal from service
- ♦ Dismissal from service

DISCIPLINARY ACTION

♦ DISPENSATIONS NOT AMOUNTING TO PENALTIES

- ♦ Warning
- ♦ Suspension
- ♦ Others (e.g. Transfer)

DISCIPLINARY ACTION

♦ AUTHORITIES/OFFICERS

- Appointing Authority
- Disciplinary Authority
- Inquiring Authority/Inquiring Officer
- Presenting Officer
- Defence Assistant
- Appellate Authority

THANK YOU
THE END

ACTIVITIES REQUIRING/NOT REQUIRING PERMISSION

Q. NOS.	ACTIVITY REQUIRING / NOT REQUIRING PERMISSION	ANSWER [YES/NO]	ANSWER WITH REASONS
Q.1.	Mr. A. wants to join evening Law Classes in the University so as to secure a Law Degree.	Ans.1. YES	Prior permission of the prescribed Authority is necessary to join educational institution or course of studies for University degree. [Executive Instructions]
Q.2.	Mr. B intends to learn Russian Language and for this purpose wants to join Russian Language Classes conducted by Indo-Russian Cultural Organisation.	Ans.2. YES	Prior permission of the prescribed Authority is necessary to join foreign languages classes conducted by Indo-Foreign Cultural Organisation. [Executive Instructions]
Q.3.	Mr. C, a trainer of Civil Servants, wants to publish a book on Administrative Skills through a publisher.	Ans.3. NO	To publish a book in bonafide discharge of duties, permission is not required. [vide revised R6, AIS (Conduct) Amendment Rules, 1994], subject to the stipulation in the proviso.
Q.4.	Mr. E, who himself is a Hindi Poet, wants to publish a book of his poems himself.	Ans.4. NO	No specific permission is required in view of revised Rule 6 [vide AIS (Conduct) Amendment Rules, 1994], subject to the stipulation in the proviso.
Q.5.	Wife of Mr. A, a Government servant, wants to become an insurance agent.	Ans.5. NO	The matter has only to be reported to the Government. [R13 (3)]
Q.6.	Mr. F, a D.F.O., has been invited to participate in a radio broadcast to discuss the recent developments in Economic Policy of the Government.	Ans.6. YES	Permission of the prescribed authority is necessary to participate in a radio broadcast if it may amount to criticism of any current or recent policy or action of government. [R7]
Q.7.	Mr. G, a Police Officer, has been invited to participate in a TV broadcast to discuss the arrangements made for control of Traffic on Republic Day.	Ans.7. NO	No specific permission is required as per revised Rule 6, subject to the stipulation in the proviso.
Q.8.	Mr. H, a Dy. S.P., who is a famous Urdu Poet has been invited to participate in a Mushayara to be broadcast.	Ans.8. NO	No specific permission is required as per revised Rule 6, subject to the stipulation in the proviso.
Q.9.	Mrs. I, a District Magistrate, has been invited by a private body to a function held in her honour in appreciation of the outstanding work done by her.	Ans.9. YES	Prior permission of the prescribed authority is necessary to receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in her honour or in the honour of any other Government servant. [R12]
Q.10.	Ms. J has been invited to take part in an informal farewell dinner held on the occasion of her transfer.	Ans.10. NO	The permission of the prescribed authority is <u>not</u> necessary to take part in informal farewell entertainment held on occasion like retirement or transfer. [R12 (1) proviso (i)]
Q.11.	Mr. K intends to accept a part time lecturership in an educational institution.	Ans.11. YES	Permission of the prescribed authority is necessary for acceptance of a part-time lecturership in an educational institution which is in the nature of a regular remunerative occupation. [R13 (1) (b)]
Q.12.	Mr. L has certain grievances arising out of his conditions of service and intends to seek redress in Central Administrative Tribunal.	Ans.12. NO	Permission of the prescribed authority is <u>not</u> necessary to seek redress in Courts of Law or in Central Administrative Tribunals of grievances arising out of employment or conditions of service. However, he has to exhaust other available remedies. [Executive Instructions]

13.	Advice of Vigilance Commission is binding on the Disciplinary Authority.	F
14.	Appellate Authority can enhance penalty.	T
15.	Disciplinary proceedings can be instituted after retirement of the employee.	T

Q. NOS.	ACTIVITY REQUIRING / NOT REQUIRING PERMISSION	ANSWER [YES/NO]	ANSWER WITH REASONS
Q.13.	Ms. M wants to accept membership of a Book Club run by a Foreign Agency.	Ans.13. YES	Prior permission of the prescribed authority is necessary acceptance of membership of Book Clubs run by Foreign Agencies. (R11 + Executive Instructions)
Q.14.	Mr. N, an Assistant Accountant General, wants to switch over to private sector. For this purpose, he has to do certain negotiations with a private firm to secure employment.	Ans.14. YES	Prior permission of the prescribed authority is necessary to enter into negotiation, with private firms to secure commercial employment while in service. [R13 (1) (b)]
Q.15.	Mr. O has been asked to give evidence in connection with some enquiry being conducted by an N.G.O.	Ans.15. YES	Permission of the prescribed authority is necessary to give evidence in connection with any enquiry conducted by any person, committing offence. (R8)
Q.16.	Ms. P wants to associate herself in the raising of funds for construction of school building by a private body.	Ans.16. YES	Prior permission of Government is required to ask for or accept contribution to or otherwise associate herself in the raising of any or other collections in cash or in kind in pursuance of any order whatsoever. (R10)
Q.17.	Mr. Q has been offered some remuneration for services rendered regularly by him to a co-operative Thrift Society.	Ans.17. YES	Prior permission of the prescribed authority is necessary to accept remuneration for services rendered regularly to a co-operative society. [R13 (4)]
Q.18.	Mr. R, a registered medical practitioner, wants to undertake practice in Homeopathy system of medicine during his spare time on a purely charitable basis.	Ans.18. NO	No permission of the Government is necessary to undertake medical practice during spare time on purely charitable basis, if registered practitioner in any system of medicine. [R13 (2) (a)]
Q.19.	Mr. S, who is an athlete, wants to participate in a State level competition as an amateur.	Ans.19. NO	A Government servant may, without the previous sanction of Government, participate in sports activities as an amateur. [R13 (2) (c)]
Q.20.	Mr. T wants to participate in the activities of an Indo-Japan Cultural Organisation.	Ans.20. YES	Prior permission of the prescribed authority is necessary to become member of or actively participate in the activities of any Indo-Pak Cultural Organisation. (Executive Instructions)
Q.21.	Mr. U wants to canvass in support of business for life insurance agency owned by his father.	Ans.21. YES	Prior permission of the prescribed authority is necessary to engage in any trade or business, directly or indirectly. [R13 (1) (a)]
Q.22.	Mr. V intends to buy a car from a person who is the regular supplier of stationery to his office.	Ans.22. NO	With the deletion of proviso to earlier Rule 16(4), no permission is required. The matter has to be only reported if the value of transaction is more than Rs. 15,000. [Revised R16 (4)]
Q.23.	Mr. W has prepared a Project Report for setting up some industry by a local body which has offered him a fee of Rs.1000/= for the work.	Ans.23. YES	Prior permission is necessary to accept fee for work done for private or public body or person. [R13 (4)]
Q.24.	Mr. X has participated in a broadcast of a purely literary character on All India Radio and has been paid some honorarium.	Ans.24. NO	In cases in which no sanction is required for such broadcast, permission is necessary for Government servant to receive honorarium. [R13 (2) (b); 13 (4) Explanation]
Q.25.	Mr. Y intends to take part in the promotions of a literary society.	Ans.25. NO	Permission is <u>not necessary</u> to take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or association or organisation or a co-operative society organised substantially for benefit of Government servants. [R13 (2) (d)]

DISCIPLINARY ACTION QUESTIONNAIRE

Indicate whether the following statements are true or false (T/F):-

Sl. No.	STATEMENT	T/F
1.	Anonymous/pseudonymous complaints cannot be looked into.	F
2.	Preliminary Enquiry is a pre-requisite for taking departmental action.	F
3.	Placing an employee under suspension is a penalty.	F
4.	Resignation of a suspended employee cannot be refused.	F
5.	An authority subordinate to Appointing Authority cannot issue the charge sheet.	F
6.	Officer who investigated the case can function as Presenting Officer.	F
7.	Charged employee has a right to be assisted by an employee (Defence Assistant) of his choice.	F
8.	Inquiry should be conducted at the Headquarters of the charged employee.	F
9.	In disciplinary proceedings initiated for a major penalty, a minor penalty can be imposed.	T
10.	Inquiry Officer cannot proceed with inquiry where a petition is filed in a court.	F
11.	Disciplinary Authority can conduct the inquiry himself/herself.	T
12.	Authority competent to impose a minor penalty can institute disciplinary proceedings for a major penalty.	T
13.	Advice of Vigilance Commission is binding on the Disciplinary Authority.	F
14.	Appellate Authority can enhance penalty.	T
15.	Disciplinary proceedings can be instituted after retirement of the employee.	T

A Probationer and his status under the Law*

(A case study)

- (a) Subject: Service Jurisprudence and constitutional safeguards
- (b) Reference : i) Article 311 of the Constitution of India,
 ii) IAS (Probation) Rules, 1954 and
 iii) All India Services (Discipline and Appeal) Rules, 1969

Text

1. Shri H.D. Sharma had a chequered career. He was quite bright as a student. While he was 15 or 16 year old, he qualified himself for admission to National Defence Academy. He joined that Institution on 26th July, 1968 and was there till the 7th April, 1971.
2. After having withdrawn himself from military training, he went back to his home state, namely, Bihar. He resumed his studies there and passed B.Sc. examination of Bihar University with Honours.
3. In June, 1976, he sat for the Civil Service Examination conducted by the Union Public Service Commission. He was selected for the Indian Foreign Service(B). He joined IFS(B) on 1.5.78. He had been appointed against a permanent post in that Service, though not confirmed at the relevant time.
4. While he was in IFS(B), he again appeared at the Civil Service Examination in 1980 with a view to becoming a member of Indian Administrative Service. He made it this time and was appointed to IAS in 1981 on probation.
5. He joined the Academy, known as LBSNAA, at Mussoorie, on 1.9.81 to undergo the prescribed course of training. His own impressions about the environment in the Academy, as given out by him subsequently, were as indicated in paragraph 6 below.
6. He felt that the Faculty and the probationers were divided on the basis of caste and region. He found that there were regional groups in the Academy, such as - South Indian Group and North Indian Group. He perceived that there existed a close knit South Indian faction with anti-Bihari bias.
7. Trekking the Himalayas in an important part of the training programme for the Probationers of the Foundational Course. For the purpose, the probationers of his batch (1981) were divided into several groups. Shri H.D. Sharma was allocated to Group No.2. It consisted of 40 probationers of whom 8 were

* Source : Based on the alleged facts of the case decided on 24th April, 1984 by the Hon'ble Allahabad High Court in Civil Misc. Writ Petition No. 4539 of 1982

ladies. Shri P. Rashid, an IAS probationer from South India, was made the Group Leader and Kumari Anita Srivastava an IAS Probationer from Uttar Pradesh was appointed as its Treasurer. The route assigned to that group was "Mussoorie-Hemkund-Valley of Flowers-Badrinath-Kedarnath and back"

8. This trek was organised during the period from 25.9.81 to 3.10.81 inclusive of the time taken for the journey, to-and-fro. What happened during the trek was a matter in controversy.
9. The contention of Shri H.D. Sharma was that some of the probationers including the Group Leader and the Group Treasurer repeatedly used abusive language against him calling him "*uncivilized Bihari bastard*". He alleged that some of the probationers persisted in abusing the Bihari Probationers, despite remonstrance. He also alleged that while at Rishikesh, the Group Leader made an offensive remark and thereby offended his religious sentiment. He, however, added that in any event, he ultimately expressed his regrets for what had happened and the matter appeared to have ended. His grievance was that it was not closed at that point but it was blown out of proportion and distorted in a menacing manner, with the object of destroying his career.
10. The official version, on the other hand, was that throughout the trekking mission, Shri H.D. Sharma was under the influence of liquor, and that in that state, he was getting into heated arguments and disputes with the Group Leader and the Group Treasurer. It was further alleged that in a state of inebriation, Shri H.D. Sharma threatened the lady probationer with a fire-arm and that the lady probationers got so much terror-stricken that they locked themselves in one room and had to go without food on that account. In substance, the complaint was that Shri H.D. Sharma indulged in gross misconduct on a number of occasions and behaved like a drunken bully, abusing and terrorising his fellow Probationers.
11. The official version was based on the result of an inquiry that was conducted by a Deputy Director of the Academy under order of its Director. All the probationers of the trekking Group No.2 were advised to file their respective written statements. Initially, they did not come forward to give their versions. In order to create a congenial climate for inquiry, Shri H.D. Sharma was directed to proceed on leave. He went on leave. He was also asked to give his version of the alleged incidents but he pleaded for more time. Statements of the fellow probationers were recorded in course of such inquiry and the report submitted to the Director.
12. The then Director of the Academy gave his anxious consideration to the facts and circumstances of the case, as revealed by the Inquiry. He came to the conclusion that Shri H.D. Sharma was guilty of conduct unbecoming of a member of the Indian Administrative Service. He, however, expressed himself in favour of taking a charitable view in consideration of the facts that Shri H.D. Sharma had a young wife and a small child and keeping in view that dismissal would operate as a bar to his employment under the Government in future. Hence, instead of recommending punishment in the form of dismissal, he urged the Government of India to discharge him under Rule 12(b) and Rule 12(bb) of

the IAS (Probation) Rules, 1954, on the grounds that he was unfit to be a member of the IAS and that he lacked the qualities of mind and character essential for that service. This has reference to his confidential letter dated 28th October, 1981 addressed to the Government of India.

13. The Government of India considered the contents of that letter to the Director including his recommendation for the discharge of Shri H.D. Sharma. The Govt. however, did not accept the Director's recommendation. The Government thought it appropriate to adopt a reformatory approach in preference to deterrent action. The Government accordingly decided that a strict warning be issued to Shri H.D. Sharma and that he be kept under watch for his conduct and behaviour for one year.
14. This decision of the Government of India was communicated to the Director of the Academy in February, 1982. The then Director felt greatly disturbed at the response of the Government. He thought that the action devised by the Government, namely, a mere warning, was a eye-wash and entirely inadequate. In protest, he went on long leave preparatory to retirement. After taking that step, he wrote a letter dated 3rd March, 1982 to the Prime Minister of India. He expressed grave concern at the action of the Government and sought to impress upon the Prime Minister that a case of that serious nature involving an IAS Probationer ought not to have been disposed of in what he described as a cavalier manner.
15. That letter of the Director to the Prime Minister induced the Government of India to give a fresh look at the case of Shri H.D. Sharma. The Government of India reviewed his case and ultimately came to the conclusion that the appropriate order that ought to be passed in that case was one for discharge of the Probationer concerned from the Indian Administrative Service, on the ground that he was unsuitable. The Government accordingly issued an order on 5th March, 1982 discharging Shri H.D. Sharma from IAS under clause(b) of Rule 12 of the IAS(Probation) Rules, 1954.
16. Shri H.D. Sharma challenged the order of his discharge dated 5.3.82 by filing a writ petition before the Hon'ble Allahabad High Court. It was argued on his behalf that although the order of discharge, on the face of it, was innocuous, it was really a penal order for his removal from IAS. It was contended for him that no opportunity, as contemplated in Article 311 of the Constitution of India and the relevant Rules, was afforded to him and as such, the order was bad in law on account of its being violative of Article 311 and hence, liable to be set aside. Another plea that was taken was that the Central Government's decision to issue a stern warning was tantamount to the punishment "*of censure*" and that it was not open to the Central Government to inflict another punishment.
17. The petition of Shri H.D. Sharma was resisted by the Govt. of India. The learned Counsel for the Government of India maintained that the order of discharge was passed on the ground that Shri Sharma was found unsuitable for being a member of Indian Administrative Service. He argued that the Court was not competent to decide whether or not Shri Sharma was suitable for the service. He submitted that some fact-finding inquiry had to be instituted in

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order to assess whether or not Shri Sharma was suitable for Service. He contended that the inquiry and the mere fact that Shri Sharma was discharged following such inquiry, would not, per se, lead to the inference that he was being punished. The Government's case before the court was that it was a simple order of discharge on the ground of unsuitability and that it would not fall within the purview of Art.311.

18. Upon the contentious fact and circumstances of the case and in view of the rival arguments of the parties, the points of law that come up for consideration may be formulated as follows :-

- i) What is meant by the term "Probationer" ?
- ii) Why a period of Probation is prescribed ?
- iii) How the expression "on probation" is understand in service jurisprudence ?
- iv) Has a Probationer right to hold the post to which he has been appointed on probation ?
- v) Is a Probationer entitled to the benefit of Art. 311 of the Constitution of India ?
- vi) Does an order of discharge of a Probationer simpliciter without anything more attract the operation of Art. 311 ?
- vii) Is the form of an order terminating the service of a Probationer itself decisive of its real nature ?
- viii) How to determine whether the order of termination of the service of a Probationer is penal or not ?
- ix) Is the Court entitled to look into the circumstances prior to and attendant on the passing of the order of termination, in order to assess the true nature of the order - whether it was by way of punishment or in accordance with the terms of appointment as embodied in the relevant Rules ?
- x) Is the motive of the Government behind the termination of service of a Probationer relevant for deciding on the applicability of Art. 311.
- xi) What is the distinction between an inquiry for determination of suitability of a Probationer and an inquiry for imposition of punishment upon him ?
- xii) Does specific misconduct alleged to have been committed by a Probationer make it mandatory for the Government to comply with the requirement of Art. 311 ?

- xiii) Did the warning directed to be issued against Shri H.D. Sharma constitute a penalty in the form of "censure" within the meaning of the All India Services (Discipline and Appeal) Rules, 1969?
- xiv) What was the real nature of the inquiry instituted against Shri H.D.Sharma ?
- xv) Was the order of discharge ultimately passed by the Government of India on 5.3.82 liable to be construed as a camouflage for avoiding attraction of Article 311(2) ?
- xvi) Was the order of discharge passed against Shri H.D. Sharma which purported to be one under Rule 12 of the IAS (Probation) Rules, 1954, bad for non-compliance with the requirement of Article 311 ?
- xvii) Do you find any infirmity in the procedure actually adopted by the Director of the Academy while recommending discharge of Shri H.D. Sharma ?
- xviii) Were you the Director of this Academy, what recommendation, if any, you would have made to the Government of India in respect of Shri H.D. Sharma, the IAS Probationer under training for his alleged misconduct ?

Readings in Law

- xix) How do you react to (a) the stand initially taken by the Government of India advocating a reformatory approach, (b) the protest lodged by the Director by proceeding on leave preparatory to retirement, (c) the subsequent step taken by him for moving the Prime Minister of India for reversal of the earlier stand of the Government and (d) administrative review made by the Government of India, probably on the intervention of the Prime Minister, which ultimately resulted in the order of discharge of Shri H.D. Sharma ?
- xx) What are the safeguards provided by Article 311 and how to comply with its requirements ?

REFORMS FOR THE INDIAN ADMINISTRATIVE SERVICE

LBS NATIONAL ACADEMY OF ADMINISTRATION, MUSSOORIE

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I. THE CONTEXT

1.1 An efficient and responsive civil service is one of the essential ingredients of a democratic system and one of the best guarantees for a sound and effective administration. In a developing country like ours, the IAS civil servants also function as instruments of economic growth and social change. They are incharge of all development schemes, and at a very young age they are called upon to shoulder leadership responsibilities in the districts.

1.2 A new dimension has been added to their role due to the recent shift towards liberalisation. As the Prime Minister wrote in his Foreword to the 8th Plan document, the Plan carries forward a policy of providing a *"greater comparative stimulus to the Indian Industry."* The policy of economic liberalisation seeks growth in a setting where *"development can best be ensured by freeing them (the people) of unnecessary controls and regulations and withdrawing state intervention"*.

1.3 The tasks and challenges which face the country are so gigantic, and demand such close cooperation and interaction between the people and the government that it is not enough to have merely competent and skilled administrators. Apart from relevant knowledge and skills, which need to be continuously updated, the will to work and perform is essential. In other words, if a public servant lacks integrity and is de-motivated, he cannot make an effective contribution, and will be seen as a burden on the system. In a nascent democracy like ours not all groups are equally organised, we lack peoples' organisations and consumer movements which could put pressure on us to perform. In addition, there are the marginalised people: the *Adivasis*, dalits, and women, who cannot easily influence those in power. The IAS will have to be active spokesmen for them, as their concerns are likely to be ignored by market forces.

1.4 It thus emerges that to carry out the tasks of governance and instil in the administration both vigour and vitality the members of the civil service should possess a high morale and professional competence coupled with a proper value system. The image of the entire government is judged by the values pursued by the IAS officers, and the State cannot afford lowering of standards-both of work and ethics-among its top administrators.

2. THE PRESENT

2.1 At the outset it must be stated that a number of IAS officers, despite difficult conditions, are achieving outstanding results without expectation of any reward or encouragement. There is need to give wide publicity to the excellent work being done by them, so that they could be the role models for others, especially the new entrants. Perhaps one should institute annual 'Sardar Patel or Lal Bahadur Shastri Awards' for the best three Collectors to recognise their contribution to securing justice for the downtrodden.

2.2 At the same time it must be admitted that the civil service in India is passing through a grave crisis of identity and role definition. The service is also losing its credibility today. Whatever went wrong in the four decades of planned development is attributed to it and whatever that worked was inspite of it. Civil service baiting has acquired an acrimony as never before and it is condemned not only from without but also from within. Some have even recommended its liquidation! Surely something has gone wrong seriously for a service that was known for its 'steel frame' and commitment to values of nation building.

2.3 In the Indian bureaucracy, the members of the Indian Administrative Service undoubtedly enjoy a prime and elite status. Rather they have been long perceived by the people as a distinct and different category within the bureaucratic framework. To an outsider it may be therefore a matter of surprise that the morale of middle and senior level IAS officers has been fast declining in recent years. Why should the members of the most powerful service manning senior positions in the country feel demoralised? It is tempting to explain this in terms of loss of power caused by the opening up of the economy which will slash the maze of controls operated by bureaucrats. However, the fact is that liberalisation is yet to make any significant impact on the functioning of the government at the state and district level, and therefore, cannot be the prime reason for the feeling of irrelevance which has gripped the top service. The reason cannot also be solely political interference as it has been a fact of life for the last four decades and is not of recent origin.

2.4 The public perception of bureaucracy *per se* has not been charitable. At the district, block and the cutting edge levels, the people look upon these functionaries as an organised band of exploiters. In the not so recent past, members of the IAS were not considered a part of this mafia. Rather they were looked upon by the people as saviours from the tyranny of lower level functionaries, and were never considered corrupt. But of late the distinction seems to have got blurred, if not totally eliminated. A recent survey has elicited startling response from a substantial section of the intending aspirants to the civil service. According to the respondents one of the prime motivating factors for joining the civil service is the scope and opportunity of making money! Such reactions would not have been forthcoming, if it is not ingrained in the psyche of the people at large, that civil service is a mechanism to make money. Even if this perception is incorrect or exaggerated, the very fact that it exists should be cause for worry and concern. The adage of jurisprudence, that "Justice should not only be done, but appear to have been done" should hold good for civil servants. In other words, civil servants should not only be honest and upright, but they should also appear to be so.

3. THE PROBLEM

3.1 It thus emerges that there are three critical problem areas. They are -

- (a) Demoralisation in the IAS;
- (b) Public perception that the IAS are getting corrupt, inefficient and insensitive; and
- (c) Inability of the civil servants to meet the challenge arising out of the new role envisaged for them by the state.

4. THE CAUSES

4.1 Several changes affecting the IAS in the last fifteen years are internal to the service and have little to do with the external environment. Some of these are discussed in the succeeding paras.

Vast expansion

4.2 Due to the vast and unplanned expansion throughout the 1970s and early 80s in the numbers joining the IAS, and due to the control that the IAS lobby exerts on the system, a very large number of redundant posts in the super-time and superior scales have been created to ensure quick promotions to IAS officers. Often a senior post has been split into many posts, thus diluting and diminishing the scale of responsibilities attached with the post. There are instances galore that previously where one officer was found sufficient to do a job, there are now four or more. For instance, in some states against the post of one Chief Secretary, there are many officers now in equivalent but far less important posts drawing the same salary.

4.3 This has apparently been done to avoid demoralisation due to stagnation, but the net result of this dilution has been just the opposite. First, it leads to cut-throat competition within the service to get into more important slots. The old camaraderie has given place to rat-race. Instances are not lacking when IAS officers wanting a plum job, say a foreign posting, have gone to the Press denigrating their competitors. This has also resulted in the decline of superior-subordinate relations, even when both are direct recruit IAS officers. Previously, the junior officer was always a colleague, now he appears more as a subordinate wanting favours from his superior. The *annadata* and the *maiba* culture of the bygone feudal days now pervades interaction within the IAS. Second, this no holds barred competition is then exploited by politicians in playing up one against the other leading to officers becoming more pliable. Third, for IAS officers in marginalised positions government seems remote, heartless and more unjust now than ever before. Previously, IAS officers were the government, now the individual officer considers himself alienated from government. Many have gone to the Tribunals and Courts for promotions and postings, a phenomenon which was unknown ten years ago.

Distortions in the structure of reward and punishment

4.4 In yester years civil servants had clear ideas about the type of behavior that would be rewarded or punished. As a retired Chief Secretary put it, *'control over that, judgments about it, were in the hands of the civil service itself. Now increasingly, these standards for reward and punishments can no longer be identified - lip-service is still paid to old conventions and values but they no longer provide working criteria. New values have entered from outside, and civil servants can no longer define what acceptable and unacceptable behavior is. Newer values emphasize political loyalty, flexibility, and also merit, but merit is only one amongst them. Uncertainty centres on the reward structure. Such uncertainty about service norms has been the principal reason for low IAS morale.'*

4.5 A slightly modified version of the "uncertainty" theory is the belief that the structure of reward and punishment is now decidedly and squarely in the hands of the politicians, who therefore cannot be displeased. *'The fact of the matter,'* Mr. Seshan once pointed out, *'is that the number of bureaucrats who would confront a politician is going down fast because everyone is trying to feather his own nest. Unless a man is mentally off he would not try and confront a politician.'* Bureaucrats, he said, suffered from a *'basic lack of character.'* The traditional civil service values of neutrality and integrity are no longer relevant. Another senior IAS officer from

Tamil Nadu cadre went to the extent of claiming that 'most administrators, apart from certain exceptions like Appu in Bihar, have become part of the corruption and black money culture which characterizes the current political scenario, either becoming actually involved or passively winking at such practices because they have no power to control them. To administrators as a class have become the link between politicians and the business class'.

The emerging merger of bureaucratic and political culture

4.6 There is overwhelming evidence to suggest that with the decline in camaraderie, old civil service norms, and in peer group pressure, the work-ethos and values of many members of the service are not any longer distinguishable from those practiced by the subordinate civil servants, who were always corrupt and parasitic. Also, there is greater integration now both socially and in terms of group objectives between the members of the IAS and the politicians of that state. Many civil servants are deeply involved in partisan politics: they are preoccupied with it, penetrated by it, and now participate individually and collectively in it. This is understandable, though unfortunate, because between expression of the will of the State (represented by politicians) and the execution of that will (through the administrators) there cannot be any long term dichotomy. In other words, a model in which politicians will continue to be casteist, corrupt and harbourers of criminals whereas civil servants would be efficient, responsive and behave as change-agents is not a viable model. In the long run administrative and political values have to coincide. Therefore the question to be asked is, why is politics of our country derailed and not reflecting wishes of the people?

4.7 Political pressure can be healthy if it results in greater demand on administration for efficiency and better services to the people. Pressures properly regulated and wisely tempered, improve the spirit of administration and help to keep it on an even keel. Unfortunately the main problem is that the politics of the country has itself become divorced from public welfare and is more concerned with narrow sectarian interests. An impression exists, specially at the state and district levels, that people have low expectations from political processes (except in purely caste and communal terms), as their economic problems are to be taken care of by market forces. This impression is more prevalent with the state-level politicians who can always blame GOI for price-rise, unemployment, etc. Therefore as far as they are concerned, the state machinery can be milked dry through rent-seeking behaviour without any harm to their political interests of getting re-elected. Politicians think that electoral behaviour can be manipulated through precipitating caste or other populist wave at the time of elections, which does not require sustained work in the constituency. At the same time elections require funds which have to come through the looting of the Government treasury. A vast gap exists between stated and unstated objectives of government. On paper the avowed objective of government is to give clean administration, but many posts are auctioned to the highest bidder. Corruption is rampant. People have unfortunately accepted the position as *fait accompli* and resigned themselves to their fate. They too tend to exploit the system by breaking rules or approaching mafia gangs for favours.

4.8 The IAS serves the State but the State structure is itself getting increasingly dysfunctional and diminished. In some north Indian states parallel authority structures and Mafia gangs have emerged. In such a situation it is no surprising if the bureaucracy too is in a bad shape. There is a pervasive feeling of helplessness, frustration and gloom among the remaining honest civil servants. The system never demanded a high standard of professionalism but at least there was respect for honest officers, now integrity appears to be a political liability, rather than an asset.

Growth of political populism

4.9 To be fair to the modern brand of politicians, it must be admitted that except for high integrity, neutrality towards party politics, and provision of minimal administrative services in times of emergency, the IAS even in the past had little to commend for itself. Efficiency in the IAS was always very narrowly defined; it was in terms of contempt for politics and adherence to rules, but never in terms of increased public satisfaction. Civil servants were dedicated to the public service in the abstract. That somehow failed to translate into service to the individual citizen. It seemed to be run for the convenience, first and foremost, of civil servants themselves. Gradually the civil service became too big, costly and slow, and was not even able to put its own house in order (judged by a large number of writs and cases filed by government servants on issues of seniority, promotions, etc.). Today it is not able to provide even a patchy service to the citizens. Even after three years of liberalisation and given the fact that states have to compete now with each other for attracting private and foreign capital, the general impression of industrialists is that bureaucracy is mired entirely in red tape and the bureaucrats are incapable of taking even simple decisions in an innovative fashion.

4.10 In such a scenario it is unfair to expect that the political processes would be totally free from populism or sectarianism. Because of the inability of the system to deliver, politicians do not perceive good governance as feasible or even important for getting votes. No chief minister seems to be saying to his constituents, 'within three months all canals would run on time, you would get 10 hours of electricity, rations would be available for the poor, you apply for a license today and within a month it would reach your doors, your grievances will be promptly attended to, etc.' One reason why he does not say so is the total lack of faith on the part of voters in such promises. It is here that the IAS has failed miserably. Politics is after all 'art of the possible', and if the IAS is no longer able to ensure good governance, politicians are forced to resort to populism in order to keep the faith of the voter alive in the political system.

Service professionalism

4.11 A high degree of professionalism ought to be the dominant characteristic of a modern bureaucracy. The fatal failing of the Indian bureaucracy has always been its low level of professional competence. The lack of professionalism is reflected, as Mr. Appu wrote, *'in the growing reluctance of senior civil servants to give frank and fearless advice, the inept handling of the major problems that bedevil the nation, inability to innovate and come up with imaginative solutions to the difficult questions that confront us, failure to keep abreast of modern developments and acquire new skills, slipshod approach to the preparation and implementation of projects, lack of cost-consciousness, dilatoriness, extreme reluctance to take decisions, and above all the unpardonable neglect of routine administration.'* Two-thirds of the IAS career is spent in policy formulation, which requires sound theoretical knowledge of the concerned sector which is possible only by inculcating a life-long habit of reading and writing. Unfortunately the power hungry IAS officer, soon after his recruitment, gives up studies, and sees no reason for making efforts to improve his skills. There is an exponential growth in both, his ignorance and arrogance. It is said that in the house of an IAS officer one would find only three books - the railway timetable, because he is always on the move, a film magazine because that is the only book he reads, and of course, the civil list. Stagnation in his intellectual calibre leads him to believe that the state structure has been created to pander to his ego. When the world is moving fast to a new culture,

the IAS officer is sliding back to the 18th century mentality. Perhaps the following Table illustrates the difference between the two cultures:-

Are we sliding back into 18th century administration?

Feudalism vs professionalism

18th century

Naked use of power and authority for purely selfish ends, which is perceived as exploitation by the common masses.

Market value of the officer is zero. Markets are discouraged by the system.

There is no improvement in the capability of the officer, as it is seen as bringing no new 'benefits', which depend on proximity to sources of power and seniority.

Everyone in the system develops a 'subordinate' mentality, with a high degree of feeling of insecurity about their future, seniors behave like *anndata* and *maibap*.

Power derived from position and controls, and officers vie with each other to grab positions of control.

No emphasis on specialisation.

Independent press is seen as a nuisance, and efforts are made to muzzle it.

NGOs and activists are seen as alternate power-block, and hence invite the wrath of state power.

21st century

Power and authority is used to facilitate programme achievement, and is seen as just, legitimate and necessary by the people.

Officers are conscious of their market value, free markets are encouraged, and officers take steps to improve their market value.

Constant upgradation of the officer's knowledge, skills and capabilities which is encouraged by the work environment.

Officers behave like managers, accountable for the performance of their subordinates, and assessment is on objective and well-known criteria.

Power and satisfaction derived from working in challenging positions, for which controls are redundant.

High emphasis on specialisation.

Press is seen as a 'watchdog', contributing to the efficiency of the system.

NGOs evolve new models of development, whereas activists empower people, and hence both considered in positive tones.

4.12 Another by-product of this attitude is that in this milieu proper planning is impossible. In this age of specialisation a healthy personnel policy would mean that many officers specialise in sectors where good administration is needed most, such as Welfare of Weaker Sections, Watershed Development, Administrative Reforms, Animal Husbandry etc. Unfortunately, due to unwillingness of the IAS officers to work on such "condemned" posts, the development of the state suffers. On the other hand, because of the pressure which the IAS lobby exerts on the state governments, the number of commercial corporations has increased several fold, each demanding monopoly of controls.

budgetary support from the State. Despite this, or may be because of this, several states have remained industrially backward.

Lack of concern for the poor

4.13 This is reflected in the way IAS officers grade their jobs. Although the unofficial gradation of jobs varies from state to state, certain common points can be noted. Posts in the Industrial and Commercial Departments and the corporations occupy a very high rank. These enable the IAS officer to hobnob with industrialists and businessmen with whom he has class affinity. Next in the list would be posts which carry a lot of patronage and influence like a district charge, the Departments of Home, Establishment, Finance, etc. The lowest rank goes to jobs where excellent performance would directly benefit the poorest, such as Tribal and Social Welfare, Revenue Administration, Land Reforms, Urban Slums, Rural Development, etc.

4.14 This kind of orientation has serious implications. The IAS officer is not so much worried of a transfer *per se*, as he is worried of being transferred to a job which everyone else considers to be an unimportant one. He would use all kinds of pulls and pressures - both administrative and political - to avoid it. If it does not work he proceeds on long leave; in fact, that is the only time he takes earned leave. The punishment to an officer for annoying the authorities would be a posting in the tribal districts or other backward areas. No one realises that in the process the *adivasis* and people of the backward area get punished for being saddled with an officer who has no interest in continuing there.

4.15 Over the years the bureaucracy has become completely insensitive and even hostile to the poorer sections of society. The district magistrate, in any given district, enjoys a status far out of proportion to his output. He lives in a palatial bungalow, surrounded by a horde of servants and staff who add to his inaccessibility aura. He meets politicians and the more privileged sections of society in his district, and spends most of his time in state capital and Delhi seeking a better posting. Night halts within the district, outside a few well located, inspection bungalows, are unheard of. He is supposed to be accountable to the people, especially the unorganised poor, instead he feels happy if he can "buy" the support of an important sectarian leader, which ensures a comfortable stay in the district. A journalist recently commented, *'Having covered several communal riots in U.P. one has often found the callousness of the district administration amazing. To act or not - the question is decided only after receiving the signal from the party in power. Conscience seems to have given way to political considerations'*.

Implications of declining performance

4.16 Theories of organisation distinguish between healthy and unhealthy organisations. In the former, objectives are clearly spelt out and widely shared by the members and there is a strong and consistent flow of energy towards these objectives. Problem-solving is highly pragmatic and ideas of the boss are frequently challenged. There is team work and sharing of responsibility. Judgment of junior members is respected, and minor mistakes are permitted. There is a sense of order, and yet a high rate of innovation. There is a performance yardstick and hence a challenge to perform and achieve. Mediocrity is shunned and those who choose not to grow or develop get dropped by the wayside. The sense of belongingness is inherent in the achievement of the organisation of which the individual is an integral part.

4.17 On the other hand, in government goals and objectives are seldom spelt out clearly. If and when they are, it is expressed in a language which sounds more as aspirations or platitudes. The language is purposefully vague and foggy. Therefore there is very little personal involvement of officers. Ignorance of the organisational goals or objectives exists down the line because of lack of transparency. Seeking or accepting help is considered to be a sign of weakness. Offering help is unheard of. When there is a crisis people start blaming each other. In the Navy when a ship sinks, the Captain goes down last; in contrast in the civil service the senior most jumps out first, leaving the junior most to face the wrath. Responsibility is inversely proportional to the seniority, with rare exceptions.

Lack of trust between legislature and executive

4.18 As the performance of the government declines and an impression gathers around among the legislature that civil servants are getting away with inaction, corruption, and partisan behaviour, greater will be the desire on the part of the legislature to punish at least some civil servants, so that their own credibility among the people is maintained. In this atmosphere of increasing suspicion between the two wings of government, those civil servants who take initiative and bold decisions are more likely to come under the scrutiny of the legislature, whereas those who play safe, even though dishonest, might escape unhurt. This would lead to over-centralisation, heavy emphasis on safety, and total lack of initiative. It will also demoralise those who wish to take bold decisions in public interest.

4.19 Honesty at the level of Tahsildar/ police Inspector was as rare then as it is now. The British appeared to believe that as long as the man at the top was honest corruption at lower levels would not really do much damage. But if 30% IAS officers become corrupt, politicians will think that almost every one is corrupt and then it would appear to them legitimate to charge Rs 40,000 per officer for allotting a flat to him/her in a metropolitan town, just as the politician has no qualms in collecting money from industry or business. This will force even the honest ones to become corrupt or ask one of his clients to pay the required amount for getting the house allotted. Thus one is caught in a vicious circle-perception of corruption leading to actual corruption.

4.20 The present culture promotes two kinds of officers. Some play exceedingly safe lest they get into trouble; and those who brazenly defy all controls meant to ensure probity on the part of civil servants, secure in the knowledge that their friends in high places will bail them out if they ever get into trouble. Neither type is suited to the requirements of the society.

Summing up

4.21 Several shortcomings of the system are not of recent origin. IAS officers were always short on enterprise and initiative; they were status conscious; their styles of leadership, supervision or motivation were too archaic and out of tune with the realities of the prevailing situation; they were obsessed with control and authority and most important, they had no faith in anti-poverty and asset distribution programmes. The system did not improve because there was no compulsion from either within or outside. Over the years, whatever little virtues the IAS possessed - integrity, political neutrality, courage and high morale - are showing signs of decay. Unfortunately many IAS officers are accepting a diminished role for themselves by becoming agents of exploitation in a State structure which now resembles more like the one in the medieval period - authoritarian, brutal, directionless, and callous to the needs of the poor. A few competent and ambitious civil servants would be able

to rise above all this, by joining the UN and other such organisations. Their material success will further fuel the desire of the ordinary members of the service to enrich themselves by hook or by crook. In the process they would become totally indistinguishable from other rent seeking parasites - politicians, Inspectors and Babus. Perhaps they had not imagined that they would end up like this at the time of joining the service. Stagnation in their intellectual capabilities and a decline in self-esteem will further demoralise them. If prompt steps are not taken to radically restructure the system, disillusionment and corruption will continue to coexist in the IAS.

5. SOLUTIONS

5.1 The "public choice" school believes that politicians and bureaucrats use the authority of government for their own private benefit. Politicians use government resources to increase their hold on power and officials trade access to government for personal benefits. The result is an inefficient and inequitable allocation of resources, general impoverishment and reduced freedom. Therefore according to this school, government can do nothing right and the intervention of government in the economy should be reduced to the minimum. Although this theory can be criticised on both theoretical and empirical grounds, as regards the over-all role of government it has to be remembered that in a large number of sectors dealing with livelihood issues of the poor, such as primary education, preventive health, drinking water, subsidised foodgrains etc., markets cannot be a substitute for governmental action. It is here the IAS have to continue playing the role of change agent. Any dilution in the impartiality, efficiency and performance of the IAS will be at the cost of the very legitimacy of government. If the IAS also become corrupt and partisan, the very State will get marginalised which the nation can ill afford.

5.2 Where is the solution? How do we restore the credibility of the 'steel frame'? How to make more IAS officers stand up to the illegal pressures and temptations? As stated several times in the paper, it would be unfair to lay the blame with the politicians alone. The problem is similar to what is known as 'tragedy of the commons'. It is rational for the individual politician to use the government machinery for narrow ends, creating a situation where individual rationality does not lead to group optimality. The classical solution which is advocated in such situations is to change the terms at which interaction takes place between the two groups, in this case civil servants and politicians. This change is urgently required in the field of transfer policy, as discussed below.

Stability of Tenure

5.3 A malaise afflicting the IAS and the civil service generally is the instability of tenures, leading not only to a lack of sense of involvement but also to the inability to contribute effectively to amelioration of the system. Transfers have been used as instruments of reward and punishment, there is no transparency and in the public mind transfer after a short stay is categorised as a stigma. Officers who are victimised are not in a position to defend themselves. Internally the system does not call for any reaction to explain one's conduct, while externally public servants are debarred from going public to defend themselves. It is in this context that it is crucial and critical to remove uncertainty and imbue the officers with a certain security of tenure in every post, barring cases of promotion. In order to ensure this it is proposed that

- Rule 11 of the CCS (and other similar CCA Rules) be amended to 'transfer below two years' as a minor penalty;
- At least for higher ranks of the civil services e.g. Chief Secretaries, Secretaries to Government and DGPs, postings may be made contractual for a fixed period and officers be monetarily compensated if removed before the period of contract without their consent or explanation,
- There should be a high powered and statutory Civil Services Board in the States which should process all proposals of postings and transfers and there should be an ACC kind of procedure in the States also. Once a person is posted he should not be transferred except by following the same procedure once more. The system does ensure stability of tenure at the Centre. If it is operated properly in the States there is no reason why it should not succeed in the States too. All proposals for premature transfers should be first cleared from this Board before these are implemented by the Government.
- Stability index should be calculated for important posts, such as Collectors, on a norm of at least two years be fixed, so that although government would be free to transfer an officer before two years without calling for his explanation, the average must be maintained above two years. This would mean that for a short tenure some one else must have a sufficiently long tenure to maintain the average. Just as every government order carrying financial implications must quote the authority of the Finance Department, every transfer order must indicate in arithmetical terms how the average has been affected by the transfer question,
- To begin with, the DOPT should calculate for each state the average tenure of collectors, commissioners, etc., publicise this fact, and build up consensus for the need for longer tenures. Many IAS officers have the potential of becoming Kuriens, Seshans, or RC Bhargavas, given an assurance of continued contribution on a particular assignment.

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

5.5 It is not correct to assume that there would be political resistance to the idea of stability of tenure. Many Chief Ministers would welcome this proposal, as they are often pressurised by their MLAs to resort to frequent transfers, and with a change in law, they would be able to resist the pressure in a better manner. It may also be mentioned here that many transfers are initiated at the request of the officer himself, and this tendency will also get curbed with new laws.

Transparency

5.6 The cynicism which sets in early stems from the perception that decisions affecting individuals are shrouded in secrecy and taken behind closed doors. The sharing of information and making the entire system more transparent should be the hall mark of all our actions. For instance:

- At the initial stages of a career in the IAS there is a view that the whole process of cadre allotment is mystified. Today many, who join the IAS and have alternate career options, may have preferred to remain as doctors etc. if they are unlikely to be placed in a cadre of their choice. Reform in this direction would be to allot the cadre with appointment letters so as to dispel the notion that these can be manipulated. The number of state-wise vacancies indicating the insider/outsider division and the vacancies reserved for various categories need to be announced before the final results. People should be able to make an informed choice about their career.
- Information about performance, reasons for promotion/non-promotion should be accessible and shared. Even mundane things like the fact that certain officers can 'manage' house allotment and others don't have the nature or wherewithal to do so, result in disillusionment, and the feeling that although the UPSC examination system may be a leveller, after that it is not a level playing field.
- All files, except those marked confidential for reasons of the security of state, should be accessible to everyone, especially those who are affected by that decision. At least in some offices, all information (say, relating to house allotment, or getting a new telephone) should be computerised, so that an applicant knows where exactly his paper is pending.
- Amend Conduct Rules to allow officers to write articles on current national problems, even if it means criticism of the system, without having to obtain permission from government. To begin with, Associations can be permitted to write freely on public matters, especially if it leads to minimising corruption, both political and administrative, and improving the delivery system. The Indian political system is highly resilient to public opinion. Free expression of thought will lead to building up of pressure of informed opinion, so necessary for radical reforms of the nature suggested in this paper.
- An officer seeking deputation to the GOI should be free to suggest the names of the Ministries where he would like to go, or the Ministries for which he would not like to be considered. This would avoid a great deal of hard burning and frustration which results when an officer lands up in a Ministry where he does not like to work.

Transfer policy

5.7 One should categorise posts in field/state/centre according to the nature of duties and geographical location into A, B and C posts, and chart out the kind of

mix that should dictate the average IAS officers span of career. In terms of posts, the fact that they are looked at as rewards or favour from the political masters that posts are available for the bidding needs to be changed. The very existence of unimportant posts causes an unhealthy attitude amongst officers and divides them in their service interests which is exploited by politicians. In view of the vast number and gamut of jobs it is necessary in the short term to enunciate a transfer policy, which would obviate the feeling that certain officers always get 'plum' postings and avoid difficult areas, and would reduce the arbitrary nature dictating deployment of officers presently.

5.8 Well defined national norms for career profiles should be made mandatory. In the first ten years of his service career, IAS officer should not generally be posted in the Secretariat. Initial promotions should be slower and an officer should have much longer stint as SDO in the field.

Reduction in the size of the cadre

5.9 In the long term, steps need to be taken to drastically reduce the number of meaningless posts in the IAS, so that only such posts where people can contribute meaningfully are retained. After the first fifteen years in service, an average officer spends at least 50% of his time doing useless work on posts which call for a real challenge. Indian Government must be the only organisation in the modern World where half of the top management is deliberately and consciously forced to waste time on useless posts, both at the Central and the State levels. Working much below their capability results in stagnation, and many officers ultimately become 'dead wood'. The suggestions are:

- Retire 25% to 50% of the officers at the age of 52 to 55, as it is done in the Army;
- Drastically reduce the cadre as well as ex-cadre posts, especially in the super-timings and above;
- Encourage officers to join NGOs, educational and research institutes during mid-career. The DOPT should play a more active 'placement' role by maintaining a list of officers who wish to be out of the service for a temporary period, and liaise with the desirous NGOs and other institutions;
- Increase the period an officer can be out of the system from 5 to 7 years;
- Many posts in the government should be earmarked to permit lateral entry of people from NGO/ professional institutions at various levels to bring in a fresh outlook;
- Publicise the names of those officers who have done consultancies for international organisations, and payments received by them, so as to encourage other officers to specialise, improve their skills, and become global. This will also suggest that there is a better method of making money rather than taking a cut in excise contracts or IRDP funds. At a time when Indian business is going all over the World, it will be a pity if the best brains of the country who join the IAS are allowed to operate conceptually at the level of 'mofussil' mafia gangs and become rotten eggs.

Professionalism

5.10 It will be interesting to compare the work culture of young IAS officers with those coming out of the IIMs. Both come from the same social and educational background, and both enter their respective organisations at senior positions at a young age, while their other colleagues and subordinates are much older to them. The young manager has to establish himself by proving his effectiveness and utility to the organisation by generating more sales or showing greater savings etc. With no prospects of a time bound promotion, he must strive hard to earn a name for himself in the market and keep growing. The young administrator, on the other hand, relies more on acquiring traditional and ascriptive traits which distinguish him from others; aloofness, greater use of English, calling on seniors and trying to achieve social integration with them, and at the same time enforcing symbols of subordination on others. In other words, he is trying to prove to every one that he belongs to an 'exclusive club'. He maximises his status and social prestige and not his output. The fact that he has shorter tenures in junior positions helps to hide his mediocrity.

5.11 All talk of excellent or brilliant performance is meaningless unless a bottom line of minimum acceptable standard of performance is stipulated. This has to be at two levels viz. organisational and individual. It is imperative that each Ministry/ Department of the central and state governments and all departments and agencies under the district administration, have a well defined and spelt out criteria by which performance of their functionaries can be evaluated. For example the Railways/ Airlines promise running of trains/planes as per the announced schedule. Non-adherence to this should entail adequate compensation for non-delivery of promised service. This concept could also be extended to other service sectors.

5.12 In consonance with the organisational performance standards, each individual's performance standard needs to be spelt out. Such a measure will perforce compel imbibing of professionalism and performance norms will shift from platitudes and aspirations to concrete output. This will in turn arrest the tendency of seeking 'plum' posting as the capacity and ability to take the challenge will determine the choice.

Performance appraisal

5.13 The format of the present ACR for IAS officers is based very much on assessing individual qualities and not sufficiently on qualities related to bringing about sustainable changes and building of systems. Therefore the following aspects need to be included in the ACR format:-

- Extent of job involvement
- Ability to work in a team
- Innovation and creativity
- Ability to take risks and stands
- Result orientation

5.14 The present ACR system has stipulated a column in which targets are intended to be jointly set by the senior officers with the officers reported upon, but in fact this is rarely done. This needs to be systematised so that the officer reporting

and reported upon are using the same language and the whole system is more result oriented.

5.15 The issue of having an effective appraisal system is linked to the process of selection at each stage so that only the best go up. In the states, promotion is normally automatic and assured. This must stop, so as to reduce the distortions in the organisational structure of the cadre caused by the wholesale and indiscriminate promotion of entire batches. The pattern adopted in the army of releasing the scale but not the rank may also be considered to avoid bitterness. But a better and more humane solution will be to facilitate the movement of officers to jobs outside government. Officers should be free to join on deputation organisations like Maruti or CARE.

Accountability to the people

5.16 At present the system of government is such that it is difficult for an average citizen to have access to information about schemes and programmes that affect him, and even about his rights and records. The complicated procedures not only distance government from the very people that are sought to be provided with services but also create possible sources of corruption. Therefore the stress needs to be on developing computer based information systems so that discretion and delay can be reduced. For instance, why can't in some tahsils we instal a computer where you insert a ten rupee note and get land ownership record of the entire village? Some suggestions are:

- Review the Official Secrets Act, and replace it by a Right to Information Act.
- Departments such as the DDA, Police and Revenue, which have more dealings with the people, should be assessed by an independent professional organisation, consisting of journalists, activists, NGOs, and even retired government servants, once in three years. These should look at their policies and performance, and suggest constructive steps for their improvement. UNDP can help in the building up of such evaluation organisations. At present the systems of inspection are elaborate but often preclude the possibility of a 'fresh look' as they are totally governmental and rigid. The system should be made more open so that the civil service can gain from the expertise of outsiders in the mode of donor agency evaluations of projects and there is a feeling of greater accountability. The teams should consist, in addition to government servants, of development practitioners from other fields, academicians and even members of the public. The reviews conducted should also form the basis of time bound changes and improvements which should be monitored.
- De-regulation has made almost no impact at the state level. The systems of buying and selling land, getting a ration card or your security back, and Rent Control Acts, all need a thorough revision. One can set up an industry worth billions of Rupees in India without any license today, but a farmer can neither set up a brick kiln unit, nor a rice shelling plant, nor a cold storage, and not even cut a tree standing on his own private field without bribing several officials. A simple operation of converting prosopis (a shrub occurring everywhere in states like Gujarat and Tamil Nadu, the more you cut it the more it grows) into charcoal, which can give employment to thousands of people requires four different permissions! Almost all occupations in the urban informal sector, such as hawking, small manufacturing in residential areas are illegal! It is a sad

commentary on our laws that the informal sector which provides maximum employment is mostly declared as illegal and subject to the whims of law enforcing agencies. A study of the Delhi Riots of 1984 by the eminent sociologist, Veena Das, shows that insecurity of employment and lack of transparency about laws (building laws, issue of passport etc.) was an important factor which led the people to take to streets. No wonder, opening up of the economy has not been seen as a political asset by the political parties. A Committee should be set up to identify specific laws and rules which hamper entrepreneurship. A systematic review needs to be undertaken to review the areas in which government must withdraw, albeit in a phased manner, and departments which need to be wound up should be defined.

- More emphasis needs to be placed on the a system like that of the 'Desk Officer' where the operating level concerned is responsible for the maintenance of record. This would lead to an increase in result-orientation, the possibility of flatter organisations and a reduction in dependence on lower levels. Upto Joint Secretaries to the GOI, and Special Secretaries to the State Governments, officers should be encouraged to keep the most important files in their personal cupboard, so as to reduce the chances of corruption by the lower functionaries, and increase transparency in decision making.

Recruitment

5.17 Recruitment to the IAS has always been through open, competitive examinations but the specific details of the process have undergone changes from time to time in order to reflect the general policy objectives of the state. The only major departure from the principle of merit alone being the criteria for success has been due to the acknowledged need for redressing societal imbalances through a form of affirmative action. The main thrust of such affirmative action has been two-fold: namely, reservation of a certain percentage of seats for specified sections of the population and relaxation in age limits for the same specified sections of the population.

5.18 The need for maintaining the policy of affirmative action is well recognised. However, there are other areas in the design of the recruitment process which merit serious attention for improvement. One suggestion which has been made time and again, and was also included in the recommendations of the Kothari Commission, is a reduction in the total number of attempts that a candidate should be allowed for appearing in the competitive examinations. It is statistically self evident that the average quality of entrants to the service is inversely proportional to the number of attempts allowed to each candidate. Thus, improvement of the average quality can be attempted through a simple reform of the recruitment practice by which the total number of times any candidate can take the examination is reduced to two. This number should be common to all candidates. Candidates from reserved categories compete amongst themselves and not with candidates from non-reserved categories. Thus, there is no reason to believe that this reform of the recruitment process will have differential consequences on the chances of success of individual candidates, no matter which category he or she may belong to.

5.19 The second item of reform is to lower the age of recruitment from the present 21-28 to 20-25 years for general candidates with the age relaxation presently allowed to reserved category candidates continuing *pari passu* as before. This is being suggested keeping in view the need to mould fresh entrants into the ethos of the

service. It is imperative that we start the process with young minds. A fresh entrant to the service is less likely to imbibe new qualities and values the greater is the age at entry to the service.

5.20 There is another good reason for the above two reforms. Under the present system, many candidates waste valuable years of their lives taking the examination year after year. The psychological toll on the unsuccessful candidates is enormous. At the end of the process, whether due to crossing the age limit or due to exhausting all permissible attempts, such young men and women cannot but feel a sense of rejection and suffer a loss of confidence. The civil services are only one among many careers open to such young people and lack of success in the competitive examinations of a particular candidate can even be a matter of misfortune over which no one has any control. Such candidates should be encouraged to move on to other alternative vocations and career paths for which they may be more suited. Such an exploration of alternatives is best done when the candidate is still young enough to be considered entry-level age in other professions. Given the enormous attractions that the civil services in general and the IAS in particular hold for young entrants to the job market, there is no escape from the realities of very large scale participation in the selection process. But the unsuccessful ones need to be encouraged to move on to other avenues of employment while they are still young enough rather than when they are emotionally and psychologically insecure due to their failure in the civil services examinations. The societal costs of creating a vast army of 'dropouts' is one that a developing country like India can ill afford.

5.21 The changing nature of the IAS officers job and the need for a cadre well versed in rural ground realities have important implications for the recruitment process. It is felt by a large section of society that IAS officers are often elitist in a pejorative sense and that they do not have the necessary moorings in the real India of villages and agricultural practices. The recruitment process should take care to select candidates who, even if they do not come from rural backgrounds, appreciate the dualistic nature of our socio-economic pattern. This can be done by testing through the General Studies paper as well as through the interview. In both cases, questions should specifically focus on testing the candidates appreciation of rural India.

Training

5.22 While assessing organisational performance and suggesting reforms there should be a clear definition of aspects which have training and non-training implications. Although the draft resolution on National Training Policy has already spelt out the concerns and objectives of training in great detail, and stressed the need to encompass all levels of civil servants we have to ensure that training is oriented towards solving problems of performance and result in specific outcomes. In fact training interventions need to maximise the contributions of individuals in achieving certain defined organisational goals, and to result in measurable and quantifiable indicators such as improved working and a change in attitudes. Quite often this would mean that the training should not address individuals but teams, and it should necessarily be the result of a felt need. Training for training's sake without a clear idea of the change that is sought to be effected by the process would not necessarily have an organisational impact. This would mean that training of the officers of a particular department would be the last item in a chain of interactions between the department and the training institution, as first the policies and

procedures of that department will have to be critically evaluated, as these may be greater impediments in the smooth functioning of that department than the lack of training.

5.23 When officers are posted to a new job, there should be some training time or orientation period so that the new officer may learn the job from his predecessor. This would require that for most postings, orders should be issued well in advance, so that this interaction may be fruitful. This will also give some time to the departing officer to write a charge note, a practice which has fallen into disuse.

5.24 Even though in the current ACR form there is a column for the reporting officer to indicate the areas in which the officer needs training, no system has been devised to take note of these comments in identifying and meeting training needs of the officers. Thus the concept of training should change from improving individual's skills and knowledge to improving organisational performance.

5.25 At present most training is institutional and not field based. The CAPART should organise training or long attachments of IAS officers as individuals with selected NGOs for a period of two to three months. Such officers should then be exempt from regular training. Such an attachment will not only make the officers more empathetic to the problems of the rural poor, it may also then equip the officer to seek mid-term deputations to the NGOs.

5.26 In the years to come the involvement of international agencies in development is bound to increase. They would need consultants to prepare project reports, appraise them and evaluate their implementation. IAS officers are best suited to undertake these tasks. Special training programmes should be launched in this respect.

Administrative reforms

5.27 In Britain the sweeping changes that have taken place have been possible because of the priority that has been accorded at the highest level to the implementation of change and a regular system of monitoring and evaluation. At present the status of the Department of Administrative Reforms in both the states and the centre is as an appendage to the Dept. of Personnel and the advice is considered recommendatory but not necessarily binding on other Ministries etc. If evaluations become more open, as suggested, departments would find it very difficult not to carry out the changes suggested.

5.28 There are a large number of IAS officers in Delhi who do not have more than an hour's work. On the other hand, the Department of Administrative Reforms does not have trained personnel who can carry out evaluation studies and interact with the top managers in government. Teams of IAS officers who are otherwise idle may be made to study the procedures and policies, and suggest reforms. Similar step should be taken at the state level. Rather than recruit new researchers for Administrative Reforms, the existing idle manpower should be harnessed.

Salaries and other perquisites

5.29 The IAS has always been considered a premier or an elite service. However, in the last 30 to 40 years, despite the vast expansion of government and the exercise of a great deal of power and authority, there has been a constant erosion in the

ability of members of the service to maintain minimum standards of living in accordance with expectations that come from being a member of the service - in terms of decent living, education of children, a certain amount of personal mobility within the country etc. This necessitates the pegging of salaries at a realistic level vis-a-vis not only the subordinate services but also the private sector. If many reasonable needs can be met from salaries it is likely to impact also in reduction of levels of corruption.

5.30 The hankering after posts is also linked quite often to the 'trappings' of the post - vehicles, domestic help etc. It is clear that to a large extent these are dictated by the nature of jobs and should also constitute an element in determining how to categorize posts. But the question that arises is whether minimum levels of 'perks' can be made uniform at certain levels of government?

Decentralisation and redefining the role of government

5.31 The 73rd Amendment envisages a polity where more and more powers are decentralised to the third stratum, but ironically in many of the States (barring W.B. and Maharashtra perhaps) administrative and financial powers have been heavily concentrated in the Secretariats and Directorates. This process of centralisation of authority has specially been going on in the last thirty years. At one time the Chief Secretary of U.P. used to be the junior most Commissioner, and all Secretaries used to be junior to Commissioners. Today priorities have entirely changed. Last year, a Secretary of a minor department felt humiliated, and moved heaven and earth, when he was transferred as Commissioner Lucknow! The reason is that Secretaries have become Zamindars - all power and little responsibility - and therefore everyone wishes to be there. This concentration, in addition to facilitating political corruption, results in making decisions the outcome of a long and tedious process which inconveniences the public.

5.32 Every organisation/department/Ministry needs to clearly work out a plan for reduction of its powers. This decentralisation would naturally devolve greater responsibility down the line as well, and would have to be accompanied by delegation of powers, both administrative and financial.

5.33 Specifically in the context of the I.A.S, the tendency to concentrate powers and functions which are rightfully the domain of other departments needs to be curbed. This manifests itself in various ways, for example, District Magistrates are quite often designated as Chairpersons for a plethora of meetings, not always in a coordinating role, but more as a target chaser for various departments. The DMs do not have adequate time to actually supervise or coordinate effectively, and in any case the task at hand has to be performed by functionaries of other departments. With a proper definition of objectives, and the concomitant accountability these functionaries would be responsible for their own actions

5.34 At present for each class One officer, there are about sixty class Three and thirtysix class Four employees. With the changing role of government the size and scale of the civil services no longer relate to the nature of functions that government can or should undertake. One should identify surplus staff, set up an effective redeployment plan, and a liberal system for exit. For the time being recruitment should only take place of functional posts, and vacant posts of secretarial and clerical posts should not be allowed to be filled. Generous golden hand shakes have

to be introduced. One should learn from China which in a span of three years reduced its bureaucracy by 25%.

5.35 It is clear that reducing the size of government, ensuring more goal orientation, and stability of tenure leading to specialisation is likely to be a time consuming process. But if the process is initiated immediately and in right earnest, the country should be able to enter the 21st century with a vision of the future.

6. RECOMMENDATIONS

In light of the problems identified and the analysis of the causes it is felt that if the following recommendations are implemented, they will go a long way in correcting the public perception about the civil service and would also contribute in not only arresting the trend towards demoralisation but on the contrary would bolster the morale of the civil servants:-

1. Institute annual 'Sardar Patel or Lal Bahadur Shastri Awards' for the best three Collectors.
2. Rule 11 of the CCS (CCA) Rules be amended to include "transfer below two years" as a minor penalty.
3. Some identified posts at the higher ranks e.g. Chief Secretaries, Secretaries to the Government, DGP's etc. should have fixed tenure.
4. Constitute a high powered and statutory Civil Services Board in the States, which should process all proposals of postings and transfers. At least all proposals for premature transfers should be first cleared from this Board before these are implemented by the Government.
5. Stability index should be calculated for important posts, such as Collectors, and a norm of at least two years be fixed, so that although government would be free to transfer an officer before two years without calling for his explanation, the average must be maintained above two years.
6. Each Ministry/Department should clearly spell out performance standards (including cost consciousness) in quantifiable terms.
7. Citizens should be entitled to suitable compensation if service sectors are not able to deliver the promised service.
8. Right to Information Act may be enacted.
9. Probationers joining All India Services should be given the cadre along with the offer of appointment.
10. The number of vacancies in the All India Services indicating insider/outsider and general/reserved division should be notified at the time of recruitment.
11. Policy be formulated for providing uniform housing facilities for officers in the same grade and in the same station. The system of allotment should be made transparent. Out of turn allotments must be done away with. Officers joining the Centre be asked about their preferences.
12. Posts in the IAS be reviewed and meaningless posts be reduced.
13. Retire 25% to 50% of the officers at the age of 52 to 55, as it is done in the Army;

14. Posts at the Centre/State/Field may be categorised into 'A', 'B' and 'C' according to nature of duties and geographical location.
15. Well defined national norms for career profiles should be made mandatory. In the first ten years of service career, no officer should be posted in the Secretariat. Initial promotions should be slower and an officer should have a much longer stint as SDO/SDPO/DFO in the field.
16. Wholesale promotion of entire batches or on rendering specified number of years of service should be discontinued.
17. System of rewarding teams instead of individuals may be introduced.
18. The system of deputation of officers to NGOs/Educational/Research Institutes/Private Sector Organisations be liberalised.
19. Increase the period an officer can be out of the system from 5 to 7 years,
20. A system of allowing lateral entry of personnel from the Private Sector/NGOs/Educational/Research Institutes into government be introduced.
21. Salary of the members of the IAS may be pegged at a realistic level vis-a-vis subordinate services and private sector.
22. Perks like housing, vehicle, phone, domestic help etc. may be provided to officers of a certain level. These facilities must be the same in the same grade. In addition, provision for admission to good public schools for meritorious children of civil servants be ensured. Sponsorship by government may also be considered. Priority must be given to officers serving in stations with poor schooling facilities.
23. Encourage IAS officers to do international consultancies. Special training programmes should be launched in this respect.
24. Decision making process both in administrative and financial matters be delegated down the line.
25. A review be undertaken to identify areas from which government must withdraw so that departments could be wound up in a phased manner.
26. A Committee should be set up to identify specific laws and rules which hamper entrepreneurship.
27. When officers are posted to a new job, there should be some training time or orientation period so that the new officer may learn the job from his predecessor.
28. The CAPART should organise training or long attachments of IAS officers as individuals with selected NGOs for a period of two to three months. Such officers should then be exempt from regular training.
30. Teams of IAS officers who are otherwise idle may be made to study the procedures and policies, and suggest reforms. Rather than recruit new researchers for Administrative Reforms, the existing idle manpower should be harnessed.
31. System of regular Departmental Evaluations by independent teams consisting of representatives from Government, development practitioners, academicians, members of public be introduced.
32. Training should be oriented towards problem solving of organisations.
33. Department of Administrative Reforms at the Centre and the States should be recognised as a separate entity and suitably strengthened.

34. Age limit for taking the open, competitive entrance examination should be lowered to 20-25 from the existing 21-28 with age relaxation allowed to reserved categories continuing *pari passu*.
35. The total number of attempts in the entrance examination should be reduced to two for all categories of candidates.
36. Greater stress should be given to knowledge of ground realities in rural India through questions at the written examination stage as well as through questions in the interview.

Director's Address to the Officers Trainees on 6th Sept. 1996

**62nd Foundational Course, Lal Bahadur Shastri
National Academy of Administration, Mussoorie**

Dr. Agnihotri, Professor Santhosh Mathew, Mrs Joshi, Sri Pokhriyal, Shri Chopra, members of the staff and faculty, ladies and gentlemen.

At the outset let me extend a very hearty welcome to the young officer-trainees who have assembled here this morning. I welcome you to the foundational course, to the Lal Bahadur Shastri National Academy of Administration, and also to the town of Mussoorie which is considered to be the queen of hills. A special welcome to those of you who have come from far and for the first time to the north, living in Mussoorie is going to be an exhilarating experience for you. I hope all of you have brought plenty of woollens, as Mussoorie gets pretty cold from October onwards. As Director of the Academy, it is my responsibility to ensure that your stay here is comfortable and enjoyable, that the course we give to you is both exciting and meaningful so that this course becomes a memorable event in your career.

Let me also congratulate you on your success in the competitive examinations. Cynics may say that perfecting the art of passing examinations is no proof of calibre, but let us be members of a mutual admiration society and let us compliment not only each other but also the UPSC for recognising the hidden genius in all of us. I am sure you have spent the last two months wining and dining with your friends. Your success has made you a role model for the younger generation and perhaps you have earned a lot of glory and status for yourself. If Saddam Hussain had joined the civil services in India he

A career in the civil services today is perhaps the best that the country can offer at your age. Five years from now you would be holding positions which would be comparable with those of the Vice Presidents or Managing Directors of large companies. It may sound strange that in order to say that the all-India services are good, we are comparing them with positions available in the private sector. Twenty years back no Director would have made this comparison, as our superiority over *Boxwallahs* (as they were called in the British days), over a career in management was taken for granted. But today we are not so sure, we are asking ourselves, which career is better, theirs in the private sector or ours? My short answer is for the first ten years of your service, you score over them in glamour, challenging assignments and social importance, but because you become smug and stagnate and do not grow you tend to lose the initial advantage. And therefore, my first advice to you is don't ever let complacency overtake you. You are living in a competitive world and at no time of your life you can afford to let your talents rust. It is imperative today, more than anytime in the past, that you constantly update your knowledge and skills.

A successful career in both the civil services and private sector requires hard work, intelligence, creativity, innovation but unlike the private sector managers who work to generate profits, you work to generate satisfaction among the people. This requires a great deal of compassion for the people. Those of us who have earned a name for themselves in the All India Services, had an immense desire to improve conditions of the people, to improve delivery of services to them, and it is

... was posted as Divisional Forest Officer in the Research and Silviculture division at Arabari in Midnapur, West Bengal. As the IFS OTs would realise when they work in the field, no one wants to be posted in silviculture and research. And this is true of not only the IFS, but all services. Unfortunately in government wherever thinking is required such jobs get consigned as condemned jobs. The only exception to this rule is our Academy, where we do thinking all the time and yet we are quite happy and motivated.

Mr. Banerjee was given 1600 hectares of degraded land, which he could use for research. He took people in the surrounding villages into confidence, and convinced them that look if you protect this land then all your needs would be taken care of. This relationship of trust and cooperation went on for several years and today the Arabari experiment is regarded as one of the best experiments in forestry and the entire country has adopted it. What is now called joint forest management is based on the Arabari experience. These villages were given the Paul Ghetty Right Livelihoods award of 35 lakh Rupees three - four years back.

Another big name that come to my mind is Kiran Bedi. While her predecessors as IG Prisons were trying to seek transfer, meet politicians, or just sulk and not go to the jail at all, she spent all her time trying to improve the conditions in the prison and giving the inmates a life of self-respect and dignity, and that story is very well known - I don't have to repeat it. It is rather unfortunate that she could not continue on that post, otherwise I am sure she would have done even much better work than she did in the two years of her tenure as IG Prison.

officer Ghokhale when he got posted to Nagaland he studied the conditions there, applied his mind to solve the local problems, found out what is to be done in order to prevent soil erosion, check shifting cultivation, and promote watershed development. Mr. Gokhale for his services, for his contribution to knowledge relevant to the north-east especially Nagaland, was given Padmashree some ten years back.

There are any number of such outstanding examples and many which never get publicised. You may not have heard the name of Vibhutarayan Rai. But perhaps you must have heard the name of a place called Hashimpura. Can anybody tell me what is Hashimpura famous or infamous for? Hashimpura, Maliana, Merrut? Does that ring a bell? Yes, riots. Very right. Communal riots.

Now, what happened in Hashimpura was, that in 1987 the PAC put a large number of Muslims in a truck, took them to a distant place, and shot them dead. And their corpses were thrown in the river Yamuna. It was taken for granted that they were all dead.

Vibhutarayan Rai was posted as SSP, Ghaziabad and when he heard about this, he rushed to the spot trying to find out if there were any survivors. For the next few days he gave them the best medical cover and one or two who survived were also given security because their lives were in danger. Their statement was recorded, and because of his efforts criminal cases were registered last year against those PAC officers who had indulged in this holocaust and massacre.

There is a district in Kerala, Patnamthitta, and there is a temple of which Lord Ayyappa is the deity. He is considered to be a bachelor god and therefore women in the age group of 15 to 50 are not permitted to go to this

order of the court that women cannot visit this temple. Like mortal men our Hindu gods are also highly susceptible to female charm!

Some three years back Government of Kerala posted Vatsala Kumari as District Magistrate of the district and she appealed to the court and said look I am supposed to maintain law and order and it is my duty to ensure that pilgrims who come to this temple get the best treatment and therefore you cannot prohibit my entry into the temple. The court saw reason in her logic and permitted her to visit the temple premises. In the history of many thousand years of Hinduism, she became the first lady to visit this temple. After that she got a lot of hate mail and the entire conservative male opinion turned against her. They tried to get her transferred out but she continued in that district for almost three years.

If you have the necessary strength of your convictions you would not only be doing a lot of good work in your district but wherever you are posted you would also earn the gratitude of the people. There is a fear in the minds of young officers that if you work for the people there is some thing called vested interest and they will throw you out, you would be transferred. This is an issue that we will be discussing in some detail in the Foundational Course but again from the example of Vatsala Kumari and Vibhutarayan Rai and many others that one could give, all I would like to say at this stage is that this is not a very simple one-to-one relationship; you do good work and immediately you are out. It does not happen that way. Even if you are transferred you will find that you have not lost the respect of your peer group and even of politicians, and that your long term career prospects will not suffer.

hold some kind of yagna at Ayodhya and he had the blessings of the top people of the country, including the Prime Minister. The state of UP was under President's rule and the Governor who was ruling the state issued orders in writing to the Commissioner that it has been decided that Chandraswami may be given permission to hold the yagna. Despite such written orders the Commissioner decided not to permit this, of course he was transferred but the same person was not only promoted later but he occupied one of the most important charge in the Government of India, as Special Secretary in the Ministry of Home Affairs. So the same government which did not agree with his view point in 1993 recognised the merit in the officer and was given a very important charge.

It is not polite on my part on the first day of your arrival here to start talking about my own career. In your service whenever you meet a senior he will start every sentence with, "when I was such and such, I did this & this;" and you will become sick of hearing this "when I was....." But past experience tells me that for the first few weeks in the Foundational Course your hunger for anecdotes is quite good. So you would not mind a story relating to my own career.

When I was Land Reforms Secretary in UP some 16 years back I issued an order that everyone who pays income tax should not be allowed to own agricultural land. His land should be appropriated and given to the poor. Mr. Rajiv Gandhi got very angry with this order, and of course I was a very minor guy for him. So he called my Chief Secretary and scolded him as to what the hell I meant by issuing such irreverent orders. I was therefore over-ruled and government withdrew the order. But

foothills of the Himalayas, where we have a lot of fertile land, such an encroachment would be removed forcibly and the encroached land would be restored to the tribals. This time Mr. Zail Singh got very angry, he was Home Minister in the Central Government. But despite his opposition I saw to it that a new law was passed in favour of the tribals. It is very much in the statutes of the UP government even today but unfortunately the landlords and encroachees went to the High Court and obtained a stay order. Again nothing happened to me and I still continued in my job for the next six months.

So don't have this fear that if you work for the people you would be immediately shifted out or that you would not be allowed to complete your work. Chances are that you would be rewarded for being an outstanding officer and every one would hold you in high esteem.

Now a question arises, if commitment to the people and higher ethical goals are really rewarded by the system, how is it that the number of such committed bureaucrats is not very large, or how does one explain rising corruption and parasitical behaviour on the part of a large number of civil servants? Why are Vibhutarai Rais and Kiran Bedis so few and Runu Ghoshes, Kishore Raos and Hari Bhaskars so many in our services? This requires an explanation. There are long term factors which make the all-India services indifferent to the plight of the people, and there are also proximate causes for their rent seeking behaviour. Let us look at the developments of the last 20 years first which have affected the functioning of bureaucracy.

The imposition of emergency in the country in 1975 led to Indian state being treated as a private property of those

1995. So the Housing Minister thinks that all government houses are her private property, and she can allot them to any one she liked, often for a price. The petroleum Minister thinks that he can distribute any number of petrol and kerosene depots at his discretion. An impression existed that the state of India is an open treasury which can be looted at will, that the government machinery can be milked dry through rent-seeking behaviour without any harm to their political interests of getting re-elected. From Pandit Nehru to Pandit Sukhram, we have really come a long way. A vast gap was created between stated and unstated objectives of government. On paper the avowed objective of government is to give clean administration, but politicians themselves encouraged corruption. During this period, for various reasons the effective control over our services was transferred from the peer group to politicians. Today the postings of Collectors and SPs in a district are not decided by the Chief Secretary or DG Police but by the Chief Minister or those who are close to him. The degree of politicisation may be less for Audit and Accounts, or the Foreign Service, but is quite high in the IPS and the IAS. This eroded the credibility of the government not only in the eyes of the people, but also for civil servants who think that government is not a level playing field, you cannot expect fairness from government, you have to approach the politicians with right kind of contacts for favours, whether due or undue. There emerged a new culture which can be best summarised as "lick up and kick below", and "Rules are for fools", that is, you can forget about the people but just please those who are above you, because the elite in government have absolute powers and they are beyond law. The fact that half of the politicians in some states

Over the years, whatever little virtues the civil services possessed - integrity, political neutrality, courage and high morale - are showing signs of decay. While defending the continuation of the all India Services, Sardar Patel had said, "they are as good as we are". At that time it was taken as a big compliment that the civil service was being compared with statesmen, who had won freedom for the country. I do not know how many of us will like to be told today that we are like politicians. But things have moved a full circle, and perhaps some of us have become like politicians, the English speaking politicians, with short term targets, narrow horizons, exploitative, contributing nothing to the welfare of the nation, empty promises and no action.

A question arises will this degeneration continue like in the past or are there signs of change? My reading of the situation is that judicial activism has emerged as a big corrective factor on the arbitrary use of executive power. Hopefully the recent arrests of bigwigs and the judgement against Mr. Gill of Punjab will help in demolishing the belief that "Rules are for fools", and it is one step forward to restore the rule of law in our country. Just as Bofors was a turning point in the history of our country which legitimised corruption, the arrests of Chandraswami, HKL Bhagat, Kalpanath Rai, Sanjeeva Rao, etc. has restored the faith of the common man in rule of law. Two months back when Sasikala of Tamilnadu was arrested I was reminded of a Hindi poem by Bhushan:

अंचे घोर मन्दर के अन्दर रहन बारी,
अंचे घोर मन्दर के अन्दर रहती है,

Those who were used to living in high palatial building are now living inside the high walls of prison

जगन जड़ती जो है वे जगन जड़ती है ।

Those who were laden with jewellery all the time are now crushing stones inside the prison

My next advice to you, therefore, is that however severe may be the provocation, and however great may be the temptation, always stay within law. Will you like to see your photograph being flashed all over the country being taken to the prison for selling yourself and your conscience for a few quids? I hope not. When some IAS officers were arrested in Tamilnadu recently, another IAS officer of HP wrote a middle in Indian Express, that now IAS officers should include in their career graph a stint in the jail, not as Jail Supdt. or IG Prisons, but as an inmate.

The other factor why our officers thought that they are beyond law is because of the licence permit Raj which had permeated the Indian economy for the last 20 years. Every little business activity was dependent upon the goodwill and the good wishes of the administration which gave a feeling of absolute power to the officers. I am very happy that this licence permit Raj is being demolished. Because of liberalisation, there would emerge a group of people who may be professionals, may be journalists, may be academicians who would be entirely independent of the Government. Their bread and butter would not be dependent upon your smile and they are the ones who would hound you out and they would write against you if you are not within your powers and they will ensure that you are brought to book. Zee TV comes up with a programme, Helpline, which highlights the problems of consumers. it shows bureaucrats in very poor light, be

which will apply healthy pressure on our administration.

Another very important element which is emerging in the country is NGOs. There may be NGOs just making money and doing nothing wonderful, but there are also a large number of good NGOs who are working independent of government and they would after some time be very powerful and the Civil Services would have to compete with them. If you go to Bangladesh, you will find that 80 to 90% of all development funds are spent through the NGOs. And therefore, if we don't improve our own performance we would also have to play second fiddle to the NGOs. So far, they were dependent on us but in future we would become dependent on them. Two years back Mr. Seshan was given an award of 5 lac rupees by a NGO, Sulabh Sauchalaya. Ten years ago it was unthinkable that a non government organisation would have this kind of money to give a reward of 5 lacs rupees to an individual. The coming years will see increasing importance of NGOs in policy making, in addition to importance.

So long as government controlled all the goodies of the world, so long as the civil servants looked upon government as mai-baap and defined their relation with the government as *jeena yahan marna yahan, iske siva jaana kahan*, they were prepared to do all kinds of wrong things for politicians. But today there are several escape routes, and new powerful forces are emerging in India making it a truly plural society. Just to give one example, in the 70s states wooed Government of India if they wanted projects, and this required political manouvering, now the states have to woo private capital and specially foreign capital, and these new donors will demand better

that the monopoly of capital, the monopoly of powers, the monopoly of authority which government enjoyed in the past is breaking down today. We have to operate in the open market, we have to establish our credentials and then only we would be able to build up our careers. Top jobs would be given not on the basis of pulls or manipulations but expertise. In the Finance Ministry today, which is the Mecca of all IAS officers, the three top positions are occupied by academics, Montek Ahluwalia, Jairam Ramesh, and Shankar Acharya. It is they who make all decisions, and not any pen pushing bureaucrat. So ten years from now it is your work, and your output, and your knowledge which is going to determine your future. And knowledge is going to emerge as one of the most important resource of the 21st century. Look at Bill Gates, the pioneer behind Windows 95, Microsoft etc. His father did not leave him any factories or banks or coal fields and today because of his knowledge he is the richest man in the United States. Marx talked about three resources: land, capital and labour, I think if he had been alive today, Marx would have added knowledge as the most important resource, much more important than land, labour and capital.

Talking about Marx, last year I overheard two new OTs talking to each other after hearing my speech, 'it appears our Director is a Marxist. He still talks about rural poverty'. It is said that if you are not a Marxist in your 20's you do not have a heart and if you are still a Marxist in your 50s you do not have a mind. Jokes apart, even the World Bank does not equate development with eight lane highways and five star hotels. Even the IMF recognises the need of the poor to control their own lives and live a life of dignity. So what is wrong in having a vision of a society which is free from hunger and exploitation? My grouse however is that when I was young my seniors did

young generation, the nep generation, the instant coffee generation wishes to close its eyes to the other half of India, how it lives and dies?

Some minutes back I dealt with the proximate causes of the increasing indifference in the civil services to the real problems of the people. From what I said it does not follow that the old generation of civil servants, those who worked in the fifties and sixties were idealists or were devoted to the cause of the poor. Civil servants even at that time were mostly status conscious; their styles of leadership, supervision or motivation were too archaic; they were obsessed with control and authority; and most important, they had no faith in anti-poverty and asset distribution programmes. The customer in India was always *kasht se mar*. He was harrassed so much by the maze of rigid rules that he died several deaths before his legitimate prayer was heard. Gradually the civil service became too big, costly and slow, and was not even able to put its own house in order. Today it is not able to provide even a patchy service to the citizens.

There could be deeper sociological reasons why the elite in India has been indifferent to the poor. The Indian society is based on hierarchy and stratification, and, therefore, you feel that once you have come to the top you deserve all the respect and it is the job of the poor to give this respect to the high and mighty, and you have no corresponding responsibilities towards the poor. When colonies were built for government servants in Delhi, colonies for class-I officers were called Man-nagar and Shan-nagar. The colony for class-III officers was called Vinaynagar and the colony for class-IV personnel was named Sevanagar. So you can see from this distinction how our mind works. Man means Great, Shan glorious, while Vinay and Seva imply docility and service. It is this feudal, authoritarian and undemocratic mindset which

Four years back I was working for a non-government organisation where I came across a committed grass root organisation in Jhabua, Madhya Pradesh (Khedut Mazdur Chetna Sangthan), and we decided to work together. After sometime I heard that my NGO friends were all in Jail because they were also involved in Narmada Bachao Andolan and they were against the policy of state government which was to forcibly remove people from those villages. I went to Madhya Pradesh and contacted my friends in the IAS who spoke to the Collector. I communicated to the Collector that look they are not criminals, they may be against the government policy but it does not mean that they have to be arrested and have false cases registered against them. The District Magistrate said, 'prestige of administration is involved' and they cannot be released. Now friends my question to you is, does prestige of administration mean upholding constitutional values and helping the people in rehabilitation or does it mean imposing your own personal fiefdom and resorting to third degree methods? Just because this NGO was opposing the state government, it does not give you extra powers to launch false cases against them. Well, the District Magistrate did not listen to me and my NGO friends continued to be in jail.

Four-five months later when I had joined here in the Academy and I had totally forgotten about the case, I was very thrilled to see a news item that in this particular case the Supreme Court issued warning to the entire district administration of Jhabua. Infact the court passed strictures against the DM and the SDO who were both IAS officers and also against SDPO who was an IPS officer for handcuffing these activists. The judgement

lack of commitment to human rights affects your judgement and brings you to trouble. This also lays guidelines as to what should be the objectives of our training here: judicial approach, sensitivity, and humane touch.

Last year in August I spent 15 days in Orissa, studying the impact of forest policy on the poor tribals. You will be amazed to know that in Orissa the poor tribal women are not permitted to tie brooms, they can neither store it, and nor can they sell it in the open market. These rights of processing, storage and sale have been given to a government corporation, TDCC, headed by an IAS officer. TDCC in its turn has sublet its monopoly rights to a private trader and the poor women have to sell brooms to this trader in an unprocessed form for only 4 Rs a kg, whereas they can get upto 10 Rs if they sell it in the open market. A very unfortunate case came to our notice where some women groups had stored hill brooms wanting to sell it in the open market, but the traders who were affected by the activities of the women group organised a raid with the help of the Police and Forest Department and the entire stock was siezed. Can you imagine in this era of liberalisation poor women are not free to even tie brooms and sell it in the market? If such laws continue, only you and I will move to the 21st century but adivasis and dalits will continue to be living a life of misery and slavery, as they did in the 18th century. Shame on that IAS officer who headed the TDCC, shame on that IPS officer who sent the Police force and shame on the IFS officer who organised the raid. I hope none of you would indulge in such heartless and villanious activities. Four-five years from now when you get your senior scale I would have retired, I may not

When I discussed this case with the Chief Secretary and with the Principal Secretary Forest they said, Mr. Saxena, see the Policy is very good. The policy is to eliminate other middlemen, but its implementation is not happening. I told them, Sir, the poor are not concerned with policy. You can make very good policy in Bhubaneswar, but they are concerned more with implementation. If you are creating private monopoly and you want your inspectors to ensure that the contractor pays the right price, this fellow is more likely to further add to the cost of the poor because he would also charge his commissions and his bribes. And the poor will suffer. I have heard this refrain many times that policies are good, implementation is bad. Why cant we think of such policies which can be implemented with the kind of staff that we have?

This reminds me of a story. There was a rat and this rat was being harrassed by a cat. The cat would eat his food or eat his children, so on and so forth. So the rat was very upset and very unhappy. He heard that there was a Chief Secretary who had solutions for all problems. So he went to the Chief Secretary and narrated his woes and asked for a solution. The Chief Secretary said "It is very simple you should become a cat yourself". The rat came back very happy. "Ahaha! I will become a cat and I will be totally indistinguishable from the other cats and now I will live happily. Then he thought to himself, but how does one become a cat. So he went to the Chief Secretary, "Sir how do I become a cat?". The Chief Secretary rose to his full height and declared, "I lay down the policy, implementation is not my headache."

The Orissa example shows that apart from the fact our administration is callous about conditions of the poor, the demolition of licence permit raj has happened only at the

which help the inspectors in exploiting the lives of poor people. One can set up an industry worth billions of Rupees in India without any license today, but a farmer in U.P. can neither set up a brick kiln unit, nor a rice shelling plant, nor a cold storage, and not even cut a tree standing on his own private field without bribing several officials. A simple operation of converting prosopis (a shrub occurring everywhere in states like Gujarat and Tamil Nadu, the more you cut it the more it grows) into charcoal, which can give employment to thousands of people requires four different permissions! It is a sad commentary on our administration that the informal sector which provides maximum employment is subject to the whims of law enforcing agencies.

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Ladies and gentlemen, I have tried to review the macro picture and the socio-political set up in which you will function. Charles Dickens said about the 18th century England 'It was the best of times, it was the worst of times'. This is perhaps also true of the civil services today. My only plea to you is, dont be disheartened by just one or two negative examples. External pressure from the judiciary, NGOs, independent TVs, enlightened industry, and international donors are bound to make government more transparent, more professional, more fair, and more performance oriented. You are not planning your strategy for just one or two years. You are really a *lambi daur ka ghora*, you should plan for the next thirty to 35 years of your career, try to foresee what kind of qualities will be in demand twenty years from now, and acquire those qualities.

Let me now come to training. A hundred years back the concept of training was that the black members of the ICS were huddled into a ship and sent to London so that

to learn protocol, you must learn shishtachar and you will be given a lecture or two on this, but you would agree with me that training should not end only at teaching Shishtachar. We are not after all a finishing school, if you put it that way. We don't see ourselves in the role of Professor Higgins trying to convert male versions of Eliza-dolittles into elegant human beings.

Thirtyseven years back when the Academy was shifted to this place, the concept of training was again very different. As I recall my own days as a probationer, there was no emphasis on values, no case study on how to resist political pressure, and no film on rural poverty. Training was considered to be an extension of liberal university education, but it was not to discuss practical problems of the field. At that time, the concept was to just allow the trainees to imbibe the good traditions of their seniors, and if they internalised their traditions, they would become a good member of the Civil Services. For several reasons, we cannot follow this model. Firstly, if I may say so, the younger generation has no patience for liberal education and regards it as useless knowledge and waste of time. The first Director of the Academy, Sri Aditya Nath Jha, was a genius, and in sheer wit, range of scholarship, and intellect, he was simply unbeatable. He used to give two talks to the probationers in each course, one on Ayurveda in pre - Harappan India, and the other on humour in ancient greek literature'. If I was to do this today, most of you will go off to sleep, and this hall from Sampooranananda Hall will turn into sleeping probationers hall. Secondly, in many services there is hardly any camaraderie left, the old bonhomie has been substituted by cut throat competition, and perhaps there is hardly any well defined tradition left to emulate.

Having said that, let me caution you that training in the foundational course, though quite practical, is not job

public servants need to work as agents of change, to promote people's welfare which requires training in order to sensitise you in people related issues. For instance, in 50s and 60s, when there was no emphasis on poverty or exploitation, younger officers hardly noticed such problems in the field. I know of a particular IAS officer who went to Banda in the last sixties. Banda in Bundelkhand in UP is one the poorest district in UP. He did not observe the indebtedness, he did not see exploitation, he did not see how lands of the poor have been taken possession of by the landlords. All that he saw in Banda was statues. And he used to feel very happy, that there were so many antiques which he could grab. Apart from the fact that it is illegal, what I am trying to say is that, if you have not been trained to observe a particular problem, then it is quite likely that you would be totally blind to that problem.

Another trainee went to Mirzapur, in the mid - 70s. That was the time when the talk of bonded labour was just about emerging and he was asked to make an enquiry. His report said that there is no bonded labour, there is no child labour in the carpet industry. Again, because he was not sensitised. When the same enquiry was given to the Gandhi Peace Foundation, a NGO, they came out with a very different story. So, therefore, when we emphasise these facets of Indian life, exploitation, poverty etc, it is because we, the middle class, we the urban people, have not been trained, we have not been sensitised to observe injustice and sympathise with the downtrodden. The middle class has a certain ethic and the ethic is that we believe in individual hardwork, individual mobility. But that is not the route available to a landless labourer who has to work for his landlord, that is not the route through which a child labour or a woman can seek emancipation who does not know about her

rights in the forest area of the poor. There this concept of individual mobility through hardwork does not apply. They require group mobility, they require concentration, they require awareness. And these are very different from the kind of values with which we have grown and that is an important difference that you must keep in mind. You cannot say, why can't they be like us. The fact is that they require a different medicine from us.

So friends, through lectures, discussions and films we will try to increase your knowledge about rural India. For instance, how many of you know that the total investment in the Indian Railways is much less than the total investment in bullock carts. But if you are in Audit and Accounts service, you would easily sanction research stations, for upgrading technology of railways, but when a proposal comes to you for bullock carts, you would raise all kinds of queries. The bias that we have against the rural people, against the poor is very much ingrained in our language. The Hindustani word for village is Gaon or Dehat and the person who is living in a village should therefore be called a Gawar or Dehati. From Gaon the derivative is Goward and from Dehat we get Dehati. Any one from north India knows that these words 'Gawar', 'Dehati' are used in a pejorative sense, these are not used in a complimentary sense. 'Gawar' and 'Dehati' means a fellow who is not civilised, who is uncouth, etc. On the other hand, in Urdu the word Shahari means polite and civilised. A few months back when Ramkrishna Hegde wanted to humiliate our Prime Minister, he called Mr. Gowda a dehati. So, therefore friends, we have to admit that we start with a lot of bias against the poor and the rural people which needs to be corrected through this training programme and that is going to be the most important objective of the foundational course. Without empathy for the people your action may be totally prejudiced.

course design a large number of optional courses and co-curricular activities which are designed to improve your personality and confidence. Take full advantage of these modules. You will never get such an opportunity again in your life to learn so many skills. All it requires a correct attitude of mind. For the last two years we have also started classes in conversational English. There is nothing to be ashamed of if your English is weak. After all you should feel proud of yourself, that despite your social background, you have been able to compete and come up to this level. Therefore, give up this baggage of inferiority, throw it down the hills of Mussoorie. My own grandfather was a Patwari and my Nana was an Amin; and a Patwari and Amin are the last in the hierarchy of government service. When I came to the Academy in 1964 as a probationer, being a science student from Hindi School background, and having studied in what are called *Chungi* Schools of Basti and Barabanki, my knowledge of English was confined to saying x square plus y square is equal to z square. I did not know a word of English beyond this. But I said to myself, OK with this handicap, if I have topped in the Civil Services surely I can learn other things on my own where I lack. So I made a determined effort to learn English. Although my English is still quite poor, my wife corrects me when I speak bad English, but one learns and, therefore, you must become a life time student. That is very important. There is no harm in admitting our shortcomings. Your predecessors in this Academy coined a derogatory term for those who wish to learn and be innovative and creative, KTP, keen type probationer. Just ignore if your batchmates call you KTP, they are only being jealous of you.

Now a couple of things about the Academy and then I think I will stop. Our Academy is often accused of glamourising idealism. I take it as a compliment. After all we are not training you to become Harshad Mehta or to

join Veerappan's gang. This Academy is the Gangotri of Indian Administration. Atleast here Ganga must be clean. No matter if Ganga becomes dirty when it reaches Allahabad and Patna. So therefore, we take it as a compliment if someone says that we are trying to glamourise idealism. But such an idealism should not only be confined to drawing room debates, but should be actually transformed into action. I am very proud of the last two foundational course trainees, 94 batch and 95 batch, who ensured that the age - old feudal practice of hand pulled rickshaws in Mussoorie, of man pulling man, was abolished and replaced by cycle rickshaws. This historic and revolutionary change was effected by your immediate predecessors who had no executive authority, no administrative powers, and no financial budget at their disposal. If they could do so much imagine what radical changes you could bring when you actually start wielding power in the field.

The other point is that ours is not a Military Academy. This is an Academy where we would like you to think and to come up with constructive ideas for nation building. And, therefore, we give a lot of emphasis on free exchange of views and criticism. In this Academy, you can criticise everyone right from the Prime Minister down to the Director. We give you forms every week to evaluate our performance. In administration you will find that it is only the seniors who write reports about the juniors. But in this Academy it is you who will be writing our reports every week. You tell us what you think of our lectures and in what way we can improve ourselves. So this dialectic of constructive criticism is the philosophy of this Academy. Infact, on Monday I will give you a chance to put questions to me whatever I said today because nothing should go unchallenged, and there are always two sides to an argument. But that also requires that you must study a lot. We have a very rich library that you must make full use of. Ignorance and arrogance always

go together. If you do not let others challenge your own views, then you might become a fundamentalist or a sexist. But I find it very unfortunate that many officers, after selection in the civil services say "Ahha! *Ab to kitabon se chutti ho gai, ab padhne likhne se koi matlab nahin*". It is a pity that in the house of a civil servant, you will find only three books, one a railway time table because he is always on the move, the other may be 'India Today' or Stardust because that is the only book that he reads and the third is the civil list. I hope you know what a civil list means because it shows your position in the official hierarchy, how you have been moving up every year. So please don't confine yourself only to these three books and spend a lot of time in the Academy Library.

Then friends, very soon you will discover that the Director of Academy is like the British Emperor; he reigns, but he does not rule. All powers are concentrated in your counsellors and in the course coordinators. But you are most free to come to me any time you like, I have no work in the Academy. I have all the time to listen to you because I believe in delegation. I have delegated all my authority to the course coordinators. But I have kept the responsibility. Generally, you will find in the field when people delegate they delegate the responsibility and keep the authority. I believe the other way round, keeping the responsibility to myself and delegating the authority. So if you want to discuss the unemployment situation in Somalia or climate of Iceland do come to me, but for all other mundane issues, such as seeking exemption from PT you have the course coordinators to go to.

Lastly this Academy is named after Lal Bahadur Shastri who was the epitome of nobility, simplicity, humility and these are the virtues we cherish. On the other hand, any sign of arrogance, high handedness, rude behaviour is

as far as dignity and self-respect is concerned. Right from PT and language instructors to Director we are all equals, we are your teachers, and deserve your respect. You are a big batch of about 250; there has to be some bit of discipline, there would be emphasis on punctuality because otherwise the Academy cannot run. Just now I said that in this academy thinking is free, but action is not free. Journalists have a motto, facts are sacred, opinion is free. We the civil servants have a similar ethic, comment is free, action is fettered. You are free to philosophise on the virtues of sleeping till 8 O' clock, but you jolly well report for PT at Six AM. If we do not punish those who do not obey rules, say come late to a class, then in a way we are punishing those who come on time. At least in this Academy, rules are not for fools, these are for every one.

So ladies and gentlemen, for the next three and half months your concerns are our concerns, and your problems are our problems, therefore don't ever hesitate in coming to us individually or in groups. My wife and I love entertaining, just drop in any time at our house. You will always get a cup of tea, but if you ring us up before coming you may also get a samosa or a pastry in addition to tea - and I have my wife's permission to say so! As regards coming to my office, you don't have to come through the PA etc. There is no such formality in the Academy. Just knock at my door and enter my office any time.

Lest you think that your Director has no sense of humour I must end my talk with a story. A young girl was going out on her first big date. Her mother said "be good", and then she said "enjoy yourself". The daughter got very confused. She said "mother, make up your mind. How can I do both?" Well friends, in this Academy you can do both, be good and enjoy yourself. Thank you.

MANAGEMENT OF WASTELANDS IN INDIA

- INVOLVEMENT OF NGOS AND PANCHAYATI RAJ INSTITUTIONS
- PROMOTION OF PEOPLE'S PARTICIPATION INCLUDING
- COORDINATION
- INTER-DEPARTMENTAL AND INTER-DISCIPLINARY
- TIMBER ON NON-FOREST LANDS INCLUDING WASTELANDS
- PROMOTION OF PRODUCTIVITY OF FUEL WOOD, FODDER AND
- DEVELOPMENT THROUGH WASTELANDS
- RURAL EMPLOYMENT THROUGH WASTELANDS
- COUNCIL
- NATIONAL LAND USE AND WASTELANDS DEVELOPMENT
- NATIONAL WASTELAND DEVELOPMENT BOARD

DEPARTMENT OF WASTELANDS DEVELOPMENT

CREATED IN JULY, 1992.

**THE FOLLOWING RESPONSIBILITIES WERE
ENTRUSTED TO THE DoWD :**

- **NATIONAL WASTELANDS DEVELOPMENT BOARD**
- **NATIONAL LANDUSE AND WASTELANDS DEVELOPMENT COUNCIL**
- **RURAL EMPLOYMENT THROUGH WASTELANDS DEVELOPMENT**
- **PROMOTION OF PRODUCTIVITY OF FUELWOOD, FODDER AND TIMBER ON NON-FOREST LANDS INCLUDING WASTELANDS**
- **INTER-DEPARTMENTAL AND INTER-DISCIPLINARY COORDINATION**
- **PROMOTION OF PEOPLE'S PARTICIPATION INCLUDING INVOLVEMENT OF NGOs AND PANCHAYATI RAJ INSTITUTIONS**

DEFINITION AND AREA OF WASTELANDS

THE PLANNING COMMISSION HAS DEFINED WASTELANDS AS

" Degraded land which can be brought under vegetative cover, with reasonable effort, and which is currently under-utilised and land which is deteriorating for lack of appropriate water and soil management or on account of natural causes. "

- **TOTAL LAND MASS IN THE COUNTRY** 330.00 mha
- **DEGRADED STATE FORESTS** 35.89 mha
- **NON-FOREST WASTELANDS** 93.69 mha

CATEGORIES AND CLASSIFICATION OF WASTELANDS

- » **GULLIED AND OR RAVINOUS LANDS**
- » **UPLAND WITH OR WITHOUT SCRUB**
- » **WATERLOGGED AND MARSHY LANDS**
- » **SALINE / ALKALINE OR COASTAL LANDS**
- » **DEGRADED NOTIFIED FOREST AREA LAND**
- » **SHIFTING CULTIVATION LAND**
- » **DEGRADED LAND UNDER PLANTATION CROPS**
- » **DEGRADED PASTURES / GRAZING LANDS**
- » **MINING / INDUSTRIAL WASTELANDS**
- » **SANDS / DESERTIC / COASTAL**
- » **STEEP / SLOPY AREAS**
- » **BARREN ROCKY / SHEET ROCK**
- » **SNOW COVERED / GLACIAL**

REPORTED AREA UNDER WASTELANDS IN INDIA

Organisations	Area under Wastelands in mha	% of Total Geographical Area
1. National Commission on Agriculture (1976)	175.00	53.2
2. Directorate of Econ. & Stat., GOI (1978-79)	38.40	11.7
3. Directorate of Econ. & Stat., GOI (1980-81)	36.90	11.2
4. Department of Environment, GOI (1980)	95.00	28.9
5. National Remote Sensing Agency (1985)	53.30	16.2
6. Society for Promotion of Wastelands Development (1984-85)	93.70	28.5
7. National Wasteland Development Board, MoEF (1985)	123.00	37.5

		(Area in mha)	
		1980-81	1984-85
1.	GEOGRAPHICAL AREA	329.00	329.00
2.	AREA SUBJECT TO WATER AND WIND EROSION	100.00	144.43
3.	AREA DEGRADED - SPECIAL PROBLEMS		
3.1	WATER LOGGED AREA	6.00	8.53
3.2	ALKALI SOILS	2.50	3.58
3.3	SALINE SOIL INCLUDING SANDY AREAS	5.50	5.50
3.4	RAVINES AND GULLIES	3.97	3.97
3.5	SHIFTING CULTIVATION	4.36	4.91
3.6	RIVERINE AND TORRENTS	2.73	2.73
	Total 3.1 to 3.6	25.06	29.22
4.	TOTAL PROBLEM AREA (2+3)	125.06	173.65

ASSESSMENT OF FORESTS COVER IN INDIA

Category	Area in Million hectare	% of the total Geographical Area
A. FOREST		
1. DENSE FOREST (crown density 40% and over)	37.84	11.51
2. OPEN FOREST (crown density 10% - 40%)	25.74	7.83
3. MANGROVE FOREST	0.42	0.13
TOTAL FORESTS	64.01	19.47
B. SCRUB AREA (Tree lands with <10% crown density)	6.61	2.01
C. UNINTERPRETED AREA (under clouds, shadows, etc.)	0.38	0.12
D. NON-FOREST (includes tea gardens)	257.76	78.40
TOTAL	328.77	100.00

Source : The State of Forest Report 1989, F.S.I.

QUANTIFICATION OF LOSSES DUE TO LAND DEGRADATION

	1975-76	1984-85
1. ANNUAL AVERAGE LOSS OF NUTRIENTS FROM LAND AND IS WORTH estimated @ Rs.100 per tonne of soil runoff	5.37 to 8.4 million tons Rs.6,000 cr.	5.37 to 8.4 million tons Rs.10,000cr.
2. AVERAGE ANNUAL LOSS OF PRODUCTION FOR NOT DEVELOPING RAVINES IS WORTH (Foodgrains)	3 million tons 8000 ha.	3 million tons 8000 ha.
3. AVERAGE ANNUAL RATE OF ENCROACHMENT TABLE LANDS BY RAVINES		
4. AVERAGE AREA ANNUAL SUBJECT TO DAMAGE THROUGH SHIFTING CULTIVATION	1 mha.	1 mha.

QUANTIFICATION OF LOSSES DUE TO LAND DEGRADATION(contd.)

	1975-76	1984-85
5. TOTAL FLOOD PRONE AREA	40 mha.	40 mha.
6. AREA AFFECTED BY FLOODS		
(a) ANNUAL AVERAGE	9 mha.	8 mha.
(b) MAXIMUM AREA IN WORST YEAR	17.6 mha.	18.6 mha.
7 CROPPED AREA AFFECTED BY FLOODS		
(a) ANNUAL AVERAGE	3.6 mha.	3.7 mha.
(b) MAXIMUM AREA IN WORST YEAR	10 mha.	10 mha.
8. TOTAL DROUGHT PRONE AREA	260 mha.	260 mha.
9. ADDITIONAL LAND NEEDED BY 2000 A.D.		
(a) FOR CROP PRODUCTION	10 mha	8 mha
(for each a maximum 150 net sown of area as per NCA)		
(b) FOR PRODUCTION OF FUELWOOD AND TIMBER (35/45m.ha)	40 mha	40 mha
(c) FOR PRODUCTION OF FODDER	10 mha	10 mha
TOTAL	60 mha	58 mha

STRESS ON NATURAL RESOURCES

STRESS ON NATURAL RESOURCES LEADING TO WASTELANDS.

- **INDIA HAS 2% OF THE WORLD'S LAND MASS AND SUPPORTS**

- » **15% OF THE WORLD'S POPULATION**

- » **16% OF THE WORLD'S CATTLE POPULATION**

- **BIOTIC PRESSURE HAS RESULTED IN**

- » **DIMINISHED FOREST COVER**

- » **LOSS OF TOP SOIL**

- » **REDUCED PER CAPITA ACREAGE OF LAND**

- » **REDUCED PRODUCTIVITY FROM RAINFED AREAS**

SCHEMES OF THE NATIONAL WASTELANDS DEVELOPMENT BOARD

- **INTEGRATED WASTELANDS DEVELOPMENT PROJECT SCHEME**
- **TECHNOLOGY EXTENSION SCHEME**
- **GRANT-IN-AID SCHEME**
- **INVESTMENT PROMOTION SCHEME**
- **WASTELANDS DEVELOPMENT TASK FORCE**

INTEGRATED WASTELANDS DEVELOPMENT SCHEME

● OBJECTIVES

- » DEVELOPMENT OF WASTELANDS ON MICRO-WATERSHED BASIS**
- » PREVENTION OF LAND DEGRADATION**

131 PROJECTS APPROVED FOR 23 STATES

TOTAL OUTLAY RS 324.81 CRORES

AREA TO DEVELOPED 0.50 MILLION HECTARE

**PROJECTS TO BE TAKEN UP IN DISTRICTS WITH
MORE THAN 15% WASTELAND**

INTEGRATED WASTELANDS DEVELOPMENT SCHEME

● STRATEGY

- » IN-SITU SOIL AND MOISTURE CONSERVATION**
- » NATURAL REGENERATION**
- » AFFORESTATION**
- » AGRO-FORESTRY, HORTICULTURE, SILVI-PASTURE**
- » SUPPLY OF IMPROVED CHULLAHS**
- » AWARENESS RAISING**

INTEGRATED WASTELANDS DEVELOPMENT SCHEME

- **COMMON GUIDELINES FOR WATERSHED DEVELOPEMENT**
- **HANUMANTHA RAO COMMITTEE REPORT**
- **APPLICABLE TO ALL AREA DEVELOPMENT SCHEMES**
- **DECENTRALISED DECISION-MAKING**
- **STRONG TECHNICAL & TRAINING INPUT**
- **PEOPLE'S PARTICIPATION**

GRANT-IN-AID SCHEME

- **OBJECTIVE**

**TO GIVE FINANCIAL ASSISTANCE TO
VOLUNTARY AGENCIES FOR DEVELOPMENT
OF NON-FOREST WASTELANDS**

- » **VOLUNTARY AGENCIES / NGO**
- » **REGISTERED SCHOOLS, COLLEGES, UNIVERSITIES**
- » **TRUSTS / COMPANIES / COOPERATIVES**
- » **PUBLIC SECTOR UNDERTAKINGS**

- **192 VAs ASSISTED SO FAR**
- **VAs NOT EVENLY SPREAD**
- **VAs NEED TECHNOLOGY SUPPORT AND TRAINING**

GRANT-IN-AID SCHEME

ACTIVITIES

- » **SOIL & MOISTURE CONSERVATION**
- » **PLANTATION & NURSERY RAISING**
- » **AGRO-FORESTRY / AGRO-HORTICULTURE**
- » **FODDER DEVELOPMENT**
- » **AWARENESS RAISING**

GRANT-IN-AID SCHEME

STRENGTH OF NGOS

- » **GRASSROOT SUPPORT**
- » **GOOD COMMUNICATION SKILLS**
- » **INNOVATIVE**
- » **LONG TERM PRESENCE IN THE AREA**
- » **COST EFFECTIVE**
- » **FLEXIBLE APPROACH**

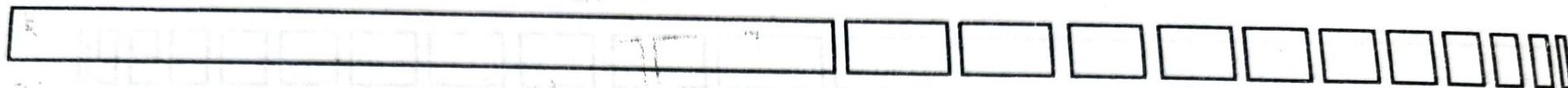
SOME UNRESOLVED ISSUES

- **EQUITY CONSIDERATIONS**
- **SHARING OF USUFRUCTS**
- **WHO ARE 'THE PEOPLE'**
- **EFFECT OF OUTPUT FROM WATERSHEDS ON LOCAL SUPPLY**
- **MARKET IMPERFECTIONS**
- **NON - AVAILABILITY OF NGOs**
- **LINKAGES WITH RESEARCH**
- **USE OF GIS / SATELLITE IMAGERY**

RECOMMENDATIONS OF THE DHARIA COMMITTEE

- **MASTERPLAN FOR DEVELOPMENT OF DEGRADED AND WASTE LANDS**
- **CENTRAL LANDUSE AUTHORITY AT CENTRAL, STATE & DISTRICT LEVELS**
- **CREATION OF A DEPARTMENT OF LAND RESOURCES**
- **INVOLVEMENT OF PEOPLE, GRAM PANCHAYATS AND NGOs**
- **NO CONSTRAINT OF FUNDS**
- **PROTECTION OF DEGRADED FORESTS AND AGRICULTURAL LAND**
- **WATERLOGGING AND SALINIZATION - SPECIAL PROBLEMS**
- **SUPPLY OF QUALITY SEEDS AND PLANTS**
- **POVERTY ALLEVIATION THROUGH LAND DEVELOPMENT**

***Thank
You***



THE ART OF CONFERENCING

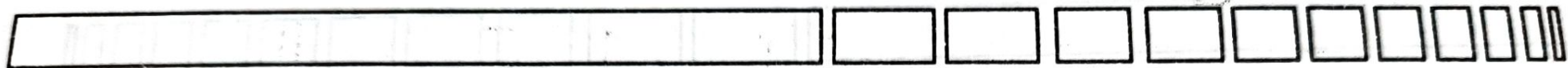
THE ART OF CONFERENCING

THROUGHOUT YOUR CAREER YOU WOULD BE CALLED ON TO ORGANISE, MANAGE, FOLLOWUP, ATTEND OR READ ABOUT EVENTS WHICH COULD BE CALLED :

- | | | |
|--------------|---|--|
| - CONFERENCE | - | AN OCCASION TO TAKE VIEWS OR COUNSEL |
| - COLLOQUIA | - | A CONFERENCE OR SEMINAR |
| - SEMINAR | - | ANY GROUP MEETING TO POOL OR DISCUSS IDEAS |
| - WORKSHOP | - | AN SEMINAR FOR SPECIFIES INTENSIVE STUDY |
| - RETREAT | - | A QUITE OR SECLUDED PLACE FOR STUDY |

- iii

PRE - CONFERENCE ACTIVITIES



- REVIEW OF MINUTES OF EARLIER MEETING
- REVIEW OF ACTION TAKEN IN THE EARLIER MEETING
- TYPE OF CONFERENCE - MONTHLY MEETING, BOARD MEETING,
- CO-ORDINATION & REVIEW MEETING.
- DATE, TIME, PLACE AND VENUE OF THE MEETING
- NOTICE FOR MEETING

- V

PREPARATION OF AGENDA ITEMS

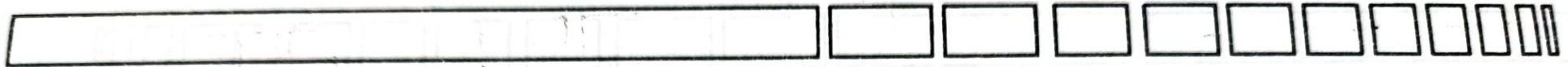
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- **STANDARD FORMAT**
 - CONFIRMATION OF MINUTES OF PREVIOUS MEETING
 - REVIEW OF ACTION TAKEN ON MINUTES
 - AGENDA ITEMS
 - LIST OF PARTICIPANTS
- **AGENDA NOTES**
- **SEND AGENDA NOTES WELL IN TIME**
- **CONFIRM RECEIPT OF AGENDA NOTES**
- **CHECK ON AVAILABILITY OF PARTICIPANTS TO ATTEND**

[illegible]

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HOLDING THE MEETING



■ PHYSICAL INFRASTRUCTURE

- ADEQUATE AND COMFORTABLE CHAIRS AND TABLES
- INDIVIDUAL PLACES SHOULD HAVE PLACARDS
- WELL LIGHTED, CLEAN / SOUNDPROOF ROOM
- STATIONARY - JOTTERS AND PENS/ PENCILS
- PROJECTION EQUIPMENT - SLIDE PROJECTOR, OHP, FLIP CHART
- WASHROOM FACILITIES
- DRINKING WATER / REFRESHMENTS

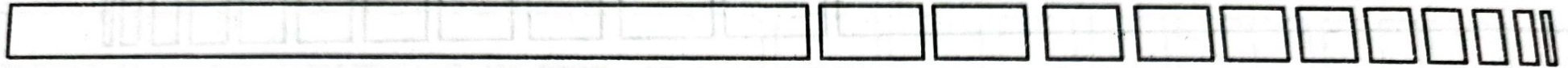
HOLDING THE MEETING (contd.)

- TRAINED PEONS
- EXTRA COPIES OF AGENDA NOTES
- FILES OR CASE HISTORIES TO BE DISCUSSED BE AVAILABLE
- PHOTOSTAT / TYPING FACILITIES ON STANDBY
- CONCERNED OFFICERS TO BE AT CALL
- OFFICER TO TAKE DOWN MINUTES TO BE DESIGNATED

ROLE OF ORGANISERS DURING MEETING

- INTRODUCE THE CONFERENCE AND CHAIRMAN
- CHAIRMAN TO TAKE A ROUND OF INTRODUCTIONS
- TAKE UP MEETING ACCORDING TO AGENDA
- ALLOW MEMBERS ADEQUATE TIME TO SPEAK
- FOCUS ON THE POINTS FOR DECISION
- SUM UP BRIEFLY THE DISCUSSIONS / DECISION ON EACH ITEM
- MAKE SURE THAT MINUTES ARE BEING RECORDED
- REFRESHMENT IS SERVED WITHOUT FUSS

ROLE OF THOSE ATTENDING



- MEETING IS MEANT TO GARNER SPECIALISED KNOWLEDGE
- IS OFTEN TO PREVENT DELAYS
- READ AGENDA ITEMS CAREFULLY BEFORE COMING
- CHECK OFFICE FOR DETAILS ABOUT EARLIER SIMILAR MEETINGS
- ALWAYS CONSULT IMMEDIATE SUPERIOR FOR COMPLEX ISSUES
- OFFICERS REPRESENT DEPARTMENTAL VIEWS RARELY PERSONAL

(contd.)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

- SPEAK SOFTLY, TOO THE POINT AND YIELD TO THE CHAIRMAN
- IF IT IS A LECTURE LISTEN, MAKE A POINT - DON'T ARGUE
- TAKE NOTES OF ALL THE DISCUSSION
- ON RETURN RECORD A NOTE FOR OFFICE USE
- INITIATE ACTION WITHOUT WAITING FOR MINUTES TO ARRIVE
- IT WOULD BE IMPOLITE TO LEAVE WHEN YOUR ITEM IS OVER

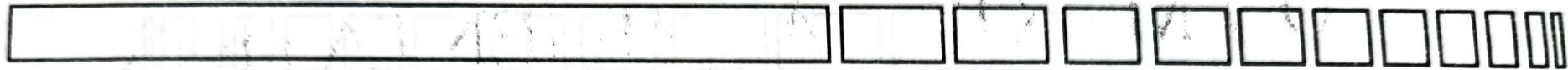
ON MAKING A PRESENTATION

IT WOULD BE USEFUL TO ASCERTAIN

- EXACT OBJECTIVE OF PRESENTATION
- LEVEL OF OFFICERS ATTENDING -
JUNIORS, PEERS, SENIORS
- TIME ALLOTTED FOR PRESENTATION &
INTERACTION
- SIZE OF HALL & PRESENTATION
INFRASTRUCTURE
- NUMBER OF OTHER PRESENTERS

ON MAKING A PRESENTATION

(contd.)



TRANSPARENCIES SHOULD BE CAREFULLY DEVELOPED

- **THEY SHOULD BE BRIEF, COVER ALL THE POINTS**
- **SHOULD BE BOLD AND VISIBLE TO ALL PARTICIPANTS**
- **SHOULD DISCUSS MACRO AND MICRO-ISSUES IF TIME PERMITS**
- **SLIDES / PHOTOGRAPHS / CHARTS WOULD HELP**
- **BUILD TALK AROUND 2 / 3 MAIN POINTS**

AT THE CONCLUSION OF THE MEETING



HOUSEKEEPING

- THANK THE CHAIRMAN AND PARTICIPANTS
- INQUIRE ABOUT RETURN JOURNEY AND ANY OTHER HELP
- THANK STAFF WHO HAVE HELPED IN THE MEETING
- RETURN HALL / OFFICE TO ORIGINAL SHAPE

AT THE CONCLUSION OF THE MEETING (contd.)



MINUTE WRITING WOULD DEPEND ON
THE LEVEL OF MEETING

- NATIONAL DEVELOPMENT COUNCIL
- DEBATE IN THE LEGISLATIVE ASSEMBLY
- BOARD MEETING
- MEETING OF PROJECT DIRECTOR'S OF DRDA
- COLLECTORS / SDO'S MONTHLY MEETING

[illegible]

- CHAIRMANS OPENING AND CLOSING STATEMENTS
- DECISIONS TAKEN AND WHO WOULD IMPLEMENT THEM
- ALL AGENDA ITEMS SHOULD FIND MENTION
- GENERAL COMMENTS CAN BE CLUBBED UNDER 'GENERAL'
- LENGTH NOT NECESSARILY A REFLECTION OF IMPORTANCE

[illegible]

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**The Conference of
Chief Secretaries of States / UTs on**

November, 1996

November, 1996

AGENDA FOR AN EFFECTIVE AND RESPONSIVE ADMINISTRATION IN INDIA

THE CONTEXT

1. The Central and State Governments have to fulfil the desire of the Indian people to give to themselves the highest standard of living and superior access to essential services through rapid economic growth and social justice. This, in the present context requires a model of governance based on cooperative federalism, decentralisation, accountability, social justice, economic reforms, respect for citizens' rights and transparency, all of which will benefit both the Nation and the individual citizen. As emphasised by the latest Human Development Report of the UNDP, progress cannot be measured only in terms of growth in the GNP or the per capita income. The attributes of human development as are reflected by the seven basic human needs as well as poverty alleviation, which were identified in the Conference of Chief Ministers held recently, have to be given due importance.
2. The unfinished course of economic reforms and the new model of participative governance will require the Government to become more caring and responsive both to the needs of a growing economy and to the concerns of the relatively unserved sections. The popular references to a non-interventionist and smaller Government cannot be taken to imply the abandonment by the Central and State Governments of the fundamental obligation of a democratic Government to provide an administration which is efficient, effective, clean, corruption-free, freely accessible to the people, and based on simple and transparent procedures.
3. Even in the context of economic liberalisation, as the experiences of the East Asian countries show, the role of the administration may not be minimal when it seeks to be facilitatory rather than directly involved in all the sectors. This is because it has to perform the important transitional role of supervising deregulation, introducing essential regulation for the liberalised regime, devising new systems, nurturing decentralisation and public participation, and intervening effectively in the cause of the poorer sections. This role is particularly critical for the State Governments and their agencies at various operational levels down to the village panchayats because of their far greater interface with different sections of the public, investors etc., and in their steering of the process of empowerment of the elected local bodies.

PERCEPTION OF ADMINISTRATION AND THE REMEDY

4. Despite this recognition of the critical role of a responsive administration for achieving the goal of growth with equity, the public administration and the civil services at all levels are passing through difficult times in terms of eroded credibility and effectiveness of the civil service, growing public perception of an unholy nexus between certain elements among politicians and civil servants and criminals (as elaborated in the Vohra Committee Report), and increasing criticism of the low level of honesty, transparency and accessibility to the political and bureaucratic elements in charge of administration.

SUGGESTIONS FOR REFORM

5. The message underlining the political consensus on reforms is that Governments at all levels must reinvent themselves and must redefine their roles and responsibilities, and that reform is needed in all areas which have an impact on the lives of the people. This would involve areas relating to:

- precise role of the Government as an enabler and facilitator;
- the reforms in the structures of ministries/departments and work organisation in Government, including the scope for the separation of policy formulation from implementation;
- delineation of the functions of the Central, State and Local Governments in the context of cooperative federalism and the 73rd and the 74th Constitutional Amendments, accompanied by steps to avoid parallel and overlapping functions, and devolve resources commensurate with the assigned functions;
- objective analysis of the functions of different departments in order to identify areas and activities which could be vacated by Government, constituted into autonomous entities, entrusted to the private sector, or shared with voluntary agencies and community organisations (as attempted successfully by a number of Commonwealth countries and China);
- introduction of consumer orientation and quality management through Citizens' Charter and training;
- harnessing information technology for improved data storage and retrieval, monitoring, support to decision-making, communication with the public.

6. Since the civil service in India, constituted into All India and State level services, is the major instrument of the Government for the implementation of policies for economic growth and the delivery of services, the restructuring of the civil service, and the re-orientation of its attitudes and value systems are essential components of a responsive administration. While there are striking examples of officials with demonstrated excellence, motivation and commitment to the cause of the under privileged, these have been perceived by the public as outnumbered by inaccessibility, indifference to the public, undue emphasis on procedures and regulations, lack of quality and promptitude, proneness to corruption, and the lack of accountability for results. The associations of civil servants, on the other hand, complain about demoralisation, political interference and lack of motivation. The assumption of an executive role by the judiciary in recent years is seen as arising from the failure of the civil service in different levels of Government in the proper and responsive performance of assigned functions, and in conforming to the code of conduct.

THE DOMINANT ISSUES

7. In the light of this analysis, the following critical issues of relevance to effective and responsive administration merit consideration:

- (1) How to ensure a responsive administration accountable to the people, and capable of effective redressal of public grievances;
- (2) How to clean up the civil services from within by various measures of internal reorganisation and amendments of Rules;
- (3) How to make the civil services more committed to the principles enshrined in the Constitution.

ACCOUNTABILITY OF THE CIVIL SERVICE

8. The question of accountability can no longer be interpreted narrowly as the responsibility for the achievement of assigned tasks within a department/agency. It is, in fact, an integral part of the broader aspect of governance and civic society, and involves the pro-active participation of different stakeholders of the society in the provision of various services and the performance of tasks. Recent judgements of the High Courts, the MRTP Commission and the consumer courts hold the officials accountable to the public and the clients for effective service delivery according to well-publicised quality and standards. More fundamentally, accountability requires consumer orientation to administration and the assessment of the obligation of public agencies to conform to principles like published standards, information and openness regarding operations, provision of choice and consultation to the consumers, courtesy and helpfulness, well-publicised and easy-to-use systems of complaints and redressal, and ensuring value for money.

9. In terms of concrete actions to ensure an accountable and open civil service, the following measures can be considered:

- introduction of greater transparency in the functioning of Government and public bodies, including procedures for various statutory approvals, allotment of land and property, systems of assessment and levy of taxation, award of work tenders, procurement of goods and services, delivery of civic services, identification of beneficiaries under various Government schemes, etc.;
- widespread and easy access of citizens to all information relating to Government operations and Government decisions, as well as the performance of the Government, except to the extent specifically excluded by law or considerations of national security. For this purpose, a legislation for Right to Information could be

introduced after suitable public consultation on the proposals of the Government;

- prescription of performance and quality standards for public services, their wide publicity, and periodic and publicised independent scrutiny of performance against these standards on the lines of U.K. and Hong Kong; the institution of Citizens' Charter on the lines proposed by consumer organisations in India for a number of service institutions and hospitals, and the organisation of inter-city competitions for excellence;

- strengthening the grievance redressal machinery at all levels, accompanied by close monitoring of delays and punishment of the delinquent officials on the one hand, and steps to remove systemic causes for grievances and delays on the other;

- involvement of citizens' groups and consumer associations in providing information to consumers on services, in the monitoring of public services, as well as the distribution of benefits under Government schemes; and the close interaction of the media, community associations and local agencies in prompt attention to various local problems, including those connected with the police;

- ensuring the effective empowerment of urban and rural Local Government bodies, with adequate resources for the delivery of services and administration of income support schemes, in response to needs articulated at the neighbourhood level, with the full involvement of community organisations, as envisaged in the Central schemes for poverty alleviation, and as practised in a number of States already;

- encouragement to the widest possible awareness and participation of citizens in decision-making, plans and delivery of schemes affecting their living standards and quality of life;

- urgent steps for judicial reform, in consultation with the Chief Justice of India, for the access of the citizens to quick and inexpensive justice, for the introduction of simple and speedy procedures for settling contractual cases in areas such as rent control, compensation for accidents, offences against women, consumer disputes etc.

The sustenance of responsive administration depends on:

- a. the devolution and delegation of responsibilities.
- b. adherence to clear ethical standards, and
- c. consultation and participation.

Civil Service ethics is one of the important checks and balances against arbitrary and politically motivated use of public power, and to wrongful exercise of discretionary authority. It is a vital factor in creating and maintaining confidence in Government and its institutions, and is, thus, a key factor in the quality of governance. There is a growing public perception that the level of corruption in all levels of Government is on the increase, as illustrated by many recent examples of corruption in high places. Recently, some major multilateral funding agencies have voiced their concern about increasing instances of corruption in the implementation of externally-aided projects and in public administration in various countries. It is also found that economic liberalisation and related procedures may not necessarily lead to lesser incentives for corruption.

The strategy to tackle corruption in civil service has been three-pronged - prevention, surveillance, and deterrent prosecution, operated through a number of rules, manuals, and codes of conduct, and institutions such as the Chief Vigilance Commissioner, the Lok Ayukta, and the proposed Lok Pal. It is realised that the measures have to address both the organisation-related factors engendering corruption and black money, as well as individual factors of attitude and character. Equally important are the external issues such as the nexus of unscrupulous and an obliging bureaucrat with unscrupulous politicians and criminals, where corruption leads to the dilution of the benefits going to the poor and the undermining of the moral fibre of officials by an aggrandising society. In the process, not only is the Government not getting value for money, its entire effort for social justice is blunted. The concept of Trusteeship of public property expounded by Mahatma Gandhi needs reiteration.

Some of the measures for immediate consideration may include:-

- the formulation of a Charter of Ethics and value system for the civil service, in consultation with citizen groups; and the commitment of various service associations to adhere to this code, as well as the inculcation of ethical values through periodic training of officers;
- exemplary and prompt prosecution of cases of corruption in civil service, especially those involving connections with unscrupulous politicians and criminals, and those affecting the interests of weaker sections.
- activating the investigative and vigilance machinery for Central and State levels, reducing present delays in the actions of prosecution, in order to weed out corrupt officers without giving them recourse to any political protection;

- fixation of time limits for conclusion of departmental proceedings and the award of final punishments, in order both to ensure swift justice for the guilty and the sparing of tension for the innocent;
- Tackling the problem of delay through the intervention of various tribunals and the courts in finalising action against corrupt officers, setting up an Independent Commission Against Corruption on the HongKong Model;
- Review of the integrity and efficiency of officers after the completion of 20 years of service or 45 years of age, whichever is earlier;
- Sanction of adequate remuneration to the civil service, like housing, vehicle, telephone, educational allowance etc. more liberally, on the lines done by some East Asian Governments;
- Addressing the root causes of low morale and motivation, and installing a credible and participative system of performance appraisal, promotions, rewards and penalties;
- The reduction of recruitment age in all services so that the new entrants can be better moulded in the code of ethics;
- The need for the senior levels of civil service to support their subordinates in resisting wrong and motivated directives involving corruption and misuse of power.

ADHERENCE TO CONSTITUTIONAL PRINCIPLES

14. The Indian Constitution is based on certain fundamental principles, of secularism, equality, fairness and impartiality, social justice, respect for women, special attention to the needs of weaker sections and vulnerable groups, equitable distribution of land and wealth and above all, adherence to the rule of law.
15. On the lines done by the Government of Thailand, it is possible to draw a Civil Service Code on how the civil servants should conduct themselves in relation to the political executive, their duty to comply with the law of the land and to uphold the administration of justice, and their obligation to give to the Parliament and the public detailed and truthful information about the policies, decisions and actions of Government, consistent with the (to be made) liberal provisions of the Official Secrets Act.
16. The other obligations may relate to the rendering of impartial and honest advice to the Ministers, responsive and sympathetic dealings with the public and the redressal of their grievances, ensuring efficient and proper use of public money etc.

It is possible to consider a similar code for the Ministers and other public servants including the Members of Legislature and the Parliament.

Responsive administration requires the existence of officials at the operational and decision-making levels whose tenures are not vulnerable to change on account of arbitrary political or other considerations. The morale of the officers would depend on the extent of transparency in the process by which decisions are taken in regard to the promotion and placement of individual officers. The present lack of transparency and the scope for manipulation of the system results in the criterion of merit being undermined by considerations of personal loyalty and complicity with unethical dealings. The absence of a well-defined structure for rewards and punishments, and the confusion regarding the desirable service norms for civil service has led to low morale and pursuit of career advancement at the expense of ethical values.

SUGGESTED MEASURES

9. Some of the immediate measures that can be considered are :-
- the adoption of a Civil Service Code and Charter of Ethics as suggested above;
 - clear understanding of the relationship regulating the civil servants and politicians at various levels, with loyalty to the Constitution and the rule of law taking precedence over wrong orders;
 - termination of the practice of appointing Members of State Legislature and the Parliament to positions of authority in public agencies, in order to eliminate the conflict between their roles as watch-dogs of executive action and office of profit;
 - constitution of a high powered Civil Services Board in each State for processing proposals of postings, promotions and transfers of senior officials. All senior appointments in the State Government including those of the Chief Secretary, Director General of Police and Chief Conservator of Forest should be done on the recommendations of this Board in order to ensure uniformity and stability of tenures;
 - modification of the existing rules regarding suspension of officers by the State Governments in order to prevent any arbitrary suspension of officers by State Governments, and to ensure early commencement of disciplinary proceedings against such officers;
 - the installation of a Civil Services Ombudsman, distinct from administrative tribunals, to deal with the grievances of civil servants;
 - encouragement to building of partnerships with other stakeholders in civil society, in order to create a universal sense of belonging to governance.

20. As mentioned earlier, sustaining ethics in Government and commitment to the rule of law is not only desirable in itself as a measure of civil service reform, but is an important means to ensure an administration which is perceived by the people as fair and responsive.

THE FUTURE ACTION

21. In view of the importance of this issue and for the success of Government policies in different sectors and public satisfaction, it is proposed that a debate be generated on the various issues outlined in this programme at the National and State levels. It is hoped that the Chief Secretaries would convey the conclusions of this Conference to their respective State Governments and arrange for seminars and discussions involving political functionaries and the widest possible representation of different interests and citizens in urban and rural areas. Service associations, leading academic institutions, voluntary agencies, consumer organisations, chambers of commerce etc. may also be encouraged to organise debates on the issues. Similar discussions could be arranged at the National level also. The cooperation of the media is vital for adequate publicity and in generating a large response from the Indian public. The Doordarshan, the All India Radio and other television channels can also be involved in this exercise.
22. It is hoped that the consolidation and crystallisation of the views of different sections of society on the issue of responsive administration and civil service reform could be reflected in a revised paper which can be placed before a Conference of Chief Ministers.