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GS-II: 20- Role of Civil Services

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Civil Service refers to the body of government employees entrusted with the duty to carry out administration and implementation of government policy. Civil Services include those branches of public service which are not legislative, judicial or military.

Constitutional Provisions Regarding Civil Services

The Constitution of India provides for the creation of **All India Services** that are common to the Union and the States. The All India Services Act, 1951 provides that the Central Government may make rules for regulating the recruitment and the conditions of service of persons appointed to the All India Services.

- Presently only the IAS, the IPS and the IFS have been constituted as All India Services.
- The recruitment to these services is made through the Union Public Service Commission on the basis of the annual Civil Services Examination.
- This is intended to insulate the civil service from political influences and prevent the development of a patronage system.
- The officers of the All India Services are recruited and trained by the Union Government and serve in the various State Governments as well as Centre.
- Please note that the **Indian Revenue Service** is called a **Central Service** instead of an All India Service as they work only in the Central Government.

Cadres

The officers of All India Services are organized into cadres, derived from the states they are allotted to work in for as long as they continue to be a member of the respective Service. Twenty-four states have their own cadre, but there are also three joint cadres: Assam-Meghalaya, Manipur-Tripura, and Arunachal Pradesh-Goa-Mizoram-Union Territories (AGMUT). Recently the North-Eastern Areas (Re-organisation) Amendment Bill, 2011 was approved by the cabinet which seeks to provide for separate Cadres of All India Services for the States of **Manipur and Tripura**.

- There are State Cadres and the Officers of All India Services (AIS) – Indian Administrative Service, Indian Police Service and Indian Forest Service – are divided into State cadres.
- When on probation the All India Service (AIS) Officers are allocated to their States. Officers of AIS working with the Central Government are posted on deputation for some years.
- The AIS officers in a State cadre may be original residents of that State but almost 2/3 of all officers are from outside the state.
- The AIS officer cannot demand his home State cadre but may put in request for being considered for the home cadre. Generally once allotted to a State, an officer for his whole service stays with that State cadre.



The All India Services Act 1951 empowers the government of India to make, *after consultation with state governments*, rules for the regulation of recruitment and conditions of service of the persons appointed to an All India Service.

Indian Administrative Service (IAS)

- Controlled by the Central Government.
- Selected candidates are appointed to different state cadres and as and when required they also move to Central Government jobs on deputation.
- IAS Officers are trained to handle government affairs. This being the main responsibility, every civil servant is assigned to a particular office which deals with policy matters pertaining to that area.
- The policy matters are framed, modified, interpreted in this office under the direct supervision of the Administrative Officer in consultation with the Minister. The implementation of policies is also done on the advice of the Officer.
- Cabinet Secretary stands at the top of the government machinery involved in Policy making followed by Secretary/Additional Secretary, Joint Secretary, Director, Under Secretary and Junior Scale Officers in that order.

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These appointments are filled by civil servants according to seniority in the Civil Services. In the process of decision making, a number of officers give their views to the Minister who weighs the matter and makes a decision considering the issue involved.

Indian Forest Service (IFoS)

India was one of the first countries in the world to introduce scientific forest management.

- 1864 → British Raj established the Imperial Forest Department.
- 1866 → Dietrich Brandis, a German forest officer, was appointed Inspector General of Forests.
- 1867→The Imperial Forestry Service was organized subordinate to the Imperial Forest Department.

The British colonial government also constituted provincial forest services and executive and subordinate services similar to the forest administrative hierarchy used today. Officers appointed from 1867 to 1885 were trained in Germany and France, and from 1885 to 1905 at Cooper's Hill, London, a noted professional colleges of forestry. From 1905 to 1926, the University of Oxford, University of Cambridge, and University of Edinburgh had undertaken the task of training Imperial Forestry Service officers.

- From 1927 to 1932, forest officers were trained at the Imperial Forest Research Institute (FRI) at Dehradun, which had been established in 1906.



- The Indian Forest College (IFC) was established in the 1938 at Dehradun, and officers recruited to the Superior Forest Service by the states and provinces were trained there.
- Forestry, which was managed by the federal government until then, was transferred to the “provincial list” by the Government of India Act 1935, and recruitment to the Imperial Forestry Service was subsequently discontinued.
- The modern Indian Forest Service was established in the year 1966, after independence, under the All India Services Act 1951.
- The first Inspector General of Forests, Hari Singh, was instrumental in the development of the IFS.

Indian Police Service

The Indian Police Service is responsible for internal security, public safety and law and order. In 1948, a year after India gained independence from Britain; the Imperial Police (IP) was replaced by the Indian Police Service.

Please note that IPS is not a law enforcement agency; rather it is the body to which all senior police officers belong regardless of the agency for whom they work.

Applicability to Jammu & Kashmir

Article 308 says that in this part, the Expression **State** does not include the State of Jammu and Kashmir. This means that provisions of Part XIV don't apply to Jammu & Kashmir. However, please note that we have a Jammu and Kashmir Cadre.

Regulation of recruitment and conditions of the public services

Article 309 empowers the **Parliament and the state legislatures** to regulate the recruitment and the conditions of service of the persons appointed to public services and posts under the Centre and States respectively. The original constitution provided that until such laws are made, the president or Governor can make rules for the regulation of such matters.

Applicability of doctrine of pleasure

Doctrine of pleasure is applicable to public services. Article 310 says that the services under Part XIV are under the pleasure of the President or Governor. This section makes it clear that a person who is a member of a defense service or of a civil service of the Union or of an all-India service or holds any post connected with defense or any civil post under the Union holds office during the pleasure of the President, and every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor of the State.

Though, these officers hold the office during the pleasure of the president and Governor, yet their dismissal is subject to a condition. This condition has been stipulated in article 310(2). Article 310(2) says that in case of dismissal of a person from these services, the president or the Governor may (in



order to secure the services of a person having special qualifications) provide for the payment to compensation. This compensation may be provided on the following grounds:

- If the post is abolished before expiration of the contractual period or
- If he / she is required to vacate that post for reasons not connected with misconduct on his / her part.

Removal and Dismissal of civil servants

Article 311 makes it clear that a person who is a member of the civil service of the Union or State can not be dismissed or removed by an authority subordinate to that by which he was appointed. The removal is possible only after an inquiry in which he / she has been informed of the charges against him / her and given a reasonable opportunity of being heard in respect of those charges. However, the above rule is not applicable in the following cases:

- If the person is convicted on a criminal charge.
- If the authority empowered to remove him / her, records in written that there are satisfactory reasons to remove him / her from service and its practically not possible to conduct such inquiries. The decision of the authority in such cases is final.

If the Governor or President is satisfied that such inquiry is not needed in the interest of the security.

Creation of new All India Services

Article 312 says that if the Rajya Sabha has declared by resolution supported by not less than two-thirds of the members present and voting (Special Majority) that it is necessary or expedient in the national interest so to do, Parliament may by law provide for the creation of one or more all India services. Please note that this also includes an All India Judicial Service. Article 312 also makes it clear that the services known at the commencement of Indian Constitution as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this article.

Proposed All India Judicial Service

Article 312 also makes it clear that the all-India judicial service shall not include any post inferior to that of a **district judge** as defined in article 236. The law providing for the creation of the all-India judicial service aforesaid may contain such provisions for the amendment of Chapter VI of Part VI as may be necessary for giving effect to the provisions of that law and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368.

Change in condition of service of Civil Servants

Article 312 A makes it clear that the Parliament by law can change/ revoke the conditions of the services with respect to the remuneration, leave and pension and the rights as respects disciplinary matters of persons who, having been appointed to serve under the Government of India or of a State



in any service or post.

The article 312 also makes it clear that dispute on such a decision shall not be questioned in any court.

State public service commissions

Article 315 makes provisions for Public Service Commissions for the Union and Each state. If two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public Service. Chairman and other members of a Public Service Commission shall be appointed as follows:

- President → for UPSC and Joint Public Service Commission
- Governor → for state public service commission

Further, around 50% of the members of every Public Service Commission shall be persons with minimum 10 years experience under Government of India or under the Government of a State. A member of a Union Public Service Commission holds the office for a term of 6 years from the date on which he enters upon his office or 65 years of age. The age for State Public Service Commission or Joint Commission is 62 years. A member of Public service commission tenders his / her resignation **to President** (in case of UPSC/JPSC) or to **Governor** in case of State Public Service Commission. A member of Public Service Commission is NOT eligible for reappointment into the same office again, once the term has expired.

Removal of chairman /member of the public service commission can be removed

Article 317 deals with the removal of the Chairman or any other member of a Public Service Commission. Please note that though the chairman and members of UPSC / JPSC are appointed by President and State PSCs by Governor, the removal of chairman or any member of even a state Public Service Commission can be done ONLY by President.

They can be removed from office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.

However, this article makes it clear that President, in the case of the Union Commission or a Joint Commission, and the Governor in the case of a State Commission, may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court. This suspension would be valid until the President has passed orders on receipt of the report of the Supreme Court on such reference.



number of members in public service commissions

Article 318 makes it clear that the numbers of members of commission, conditions of service etc. are determined by the President in case of UPSC and JPSC and Governor in case of State PSCs.

Can chairman of UPSC join any other government job after he has ceased to hold office?

No. Article 319 makes it clear that once the chairman of the UPSC has ceased to hold the office, he / she shall be ineligible for further employment, either under Government of India or Government of state.

However, the same article makes clear that Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State.

The members of the UPSC shall be eligible for appointment as the Chairman of the Union Public Service Commission, or as the Chairman of a State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State.

How examinations are conducted by Public Service Commissions?

Article 320 makes it clear that it shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.

If two or more states request the UPSC to assist the states in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required, UPSC will help them out.

Article 321 says that an act made by Parliament or Legislature of a State may provide for the exercise of additional functions by the Union Public Service Commission or the State Public Service Commission.

Article 322 makes it clear that expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the Consolidated Fund of India or Consolidated Fund of the State.

Who submits the report of public service commission's in parliament / assembly?

Article 323 makes it clear that it will be the duty of the **UPSC to present annually to the President** a report as to the work done by the Commission and on receipt of such report the **President shall cause it to be laid before each House of Parliament.**

In case of state public service commission, the same will be done by the Governor.

If the case is of a Joint Public Service Commission, then the JPSC will present a report annually to the Governor of each of the States the needs of which are served by the Joint Commission a report as



to the work done by the Commission in relation to that State.

Minister – Civil Servant Relationship

In a democracy, power vests with the people. This power is exercised through its elected representatives who have the mandate to govern them for a specific period. The civil services by virtue of its knowledge, experience and understanding of public affairs assist the elected representatives in formulating policy and are responsible for implementing these policies.

Parliamentary democracies are usually characterized by a permanent civil service which assists the political executive. Under the Presidential form of government (like in the US), the higher echelons of the civil services are, in contrast, appointed by the government of the day (*spoils system*). India has adopted the British model.

Advantages of independent, permanent and impartial civil service

Some advantages of having an independent, permanent and impartial civil service are as follows:

- The spoils system has the propensity to degenerate into a system of patronage, nepotism and corruption. Having a credible recruitment process through an impartial agency provides a defence against such abuse.
- Public policy today has become a complex exercise requiring in-depth knowledge and expertise in public affairs. A permanent civil service provides continuity and develops expertise as well as institutional memory for effective policy making
- A permanent and impartial civil service is more likely to assess the long-term social payoffs of any policy whereas the political executive may have a tendency to look for short term political gain.
- A permanent civil service helps to ensure uniformity in public administration and also acts as a unifying force particularly in vast and culturally diverse nations.
- A permanent civil service like any other reputable profession is likely to evolve over time an ethical basis for its functioning.

Minister-Civil Servant Relationship

There is a clear democratic line of accountability which runs from the electorate through MPs to the Government which commands the confidence of a majority of those MPs in Parliament. The duly constituted government – whatever its political complexion – is assisted by the Civil Service which is permanent and politically impartial. Hence, Ministers are accountable to Parliament; civil servants are accountable to Ministers. That is the system we have in this country.

A healthy working relationship between Ministers and civil servants is critical for good governance. While the principles governing the roles and responsibilities of Ministers and civil servants are well



defined in political theory, in the actual working of this relationship this division of responsibility becomes blurred with both sides often encroaching upon the other's sphere of responsibility. In any democracy, Ministers are responsible to the people through Parliament and therefore the civil servants have to be accountable to the Minister.

However, an impartial civil service is responsible not only to the government of the day but to the Constitution of the land to which they have taken an oath of loyalty. At the same time, implementing the policies of the duly elected government is a core function of civil servants. That is why the division of responsibility between the civil servants and ministers needs to be more clearly defined. A framework in which responsibility and accountability is well defined would be useful. {Source-ARC Documents}

Role of Civil Services in Democracy

The globalization of the society with the advancement in the information technologies has led to a dramatic change in the role of civil services. Their role is not restricted merely to maintenance of law and order and district administration. The problems of the 21st century are of complex nature which requires proactive participation from the bureaucracy and therefore it is necessary to view the role of civil services from an entirely different perspective. It has to play both the traditional roles which it had been playing since its inception as well as the contemporary roles which are the need of the hour.

Traditional Roles

The traditional role played by civil services includes policy formulation as well as policy implementation. The elected representatives who represent the needs & requirements of the society form the policies with technical support of the civil servants who help them to fulfill the needs of the society.

As a Collector

The civil servants perform the function of collecting the revenue and maintenance of law and order.

As a collector a civil servant performs the following functions:

1. Land assessment
2. Land acquisition
3. Collection of land revenue
4. Collections of income tax dues, excise duties, irrigation dues, etc
5. Distribution of agricultural loans

As a District Magistrate

As a district magistrate a civil servant performs the following functions:



1. Maintenance of law and order
2. Supervision of the police and jails
3. Supervision of subordinate executive magistracy
4. Hearing cases under the preventive section of the criminal procedure code
5. Supervision of jails and certification of execution of capital sentences

As a Coordinator for all the agencies in the district

A civil servant acts as the coordinating point for all the agencies at the district level. Also their office acts as the main coordinating hub between the state and the district.

As a Crisis Administrator

A civil servant may be looked upon as a savior in case any crisis happens. His strength, leadership and performance play a significant role in such a situation. It is during the crisis that the effectiveness and credibility of the district system is put to test and their energies are transformed into awakened and vibrant consciousness. As a crisis administrator he ensures his job is to ensure the disaster management during natural calamities such as floods, famines or epidemics, etc.

As a Development Officer

The development officer better known as the collector is handed over the role of development planning in the region where he is posted. In context of India, rural development was an essential precondition for the establishment of a welfare state. Several programs for the benefit of the downtrodden began with the Community Development programs in 1952.

In the task of economic development, the role of the collector is not that of an advisor or observer alone. The emphasis is on his leadership role in the extension and development activity. The collector with the assistance of the district level staff is responsible for the implementation of various development schemes. Thus, revenue collection is less important compared to development functions performed by the collector.

Contemporary Roles

More than the traditional roles, it is the contemporary role that demands greater attention of the civil services. Following are the contemporary roles the civil services need to focus on for smooth functioning of the society and the democracy in whole.

National Integration

Today maintaining the national integration and security has become a major challenge as the various extremists and separatist forces are a constant threat to it. A democracy consists of diverse and multi-culture people and this leads to the need to ensure that the unity in diversity is maintained. The civil services have to play an effective role in fostering an environment of tolerance and cooperation among the different sections of society. Cases of the suppression of minorities, voices demanding



separation and hate speeches to mobilize people for communal rights have increased and this calls for stringent measures to curb such cases.

As a change agent for the society

In this age of ever increasing globalization and decentralization, the civil servants have become the agents of change, good governance and development administration at the very base of our democratic structure. Government attention has shifted from providing physical and human infrastructure enabling individual players to compete in the global markets. The objective of welfare administration has also shifted from welfare maximization to people empowerment. At the district level, DC expected to act as a facilitator in the developmental process rather than being a director or a regulator as was during the previous regime.

For the process of globalization to be successful, it has to be inclusive. This will mean every section of society must be able to benefit from the process of reform. It requires immediate attention to issues of agriculture, rural development, health, education, infrastructure, focusing in particular, on the weaker sections and ensuring of communal harmony at all costs. Civil servants with their modern approach and attitude can reduce the influence of intermediaries between local producers and consumers and the international market through the use of computers and internet.

As a whistle blower

The civil servants need to act as the whistle blower against the malpractices and malfunctions in the administrative system which has become the accepted norms now. It is morally and ethically permissible for them to promote transparency and accountability into the system to remove corruption and all forms of malpractices.

Conclusion

Right from the ancient ages, the civil services played an important role in the Indian governance system but the modern history of Indian Civil Services starts from the British rule in India. Over the years their roles have changed drastically though they still perform the traditional roles given to them. The rate at which our economy is growing has led to a manifold increase in the quantum of work of the civil services. Performance expectations have increased in terms of both speed and quality. The Government is no longer seen merely as a law enforcer or a controller of national resources. Now people expect the government to ensure growth, development and smooth functioning of the economy. Globalisation has simply meant addition of various dimensions to the concept of governance and accordingly the civil servants have to be prepared to face the challenges arising out of globalization.

Issues with Cadre Based Organization

Once the candidatures are selected for All India Services, they are allocated cadres. By cadre we



mean the small units of a large organization. The officers of All India Services are organized into cadres, derived from the states they are allotted to work in for as long as they continue to be a member of the respective Service. Creation of Cadre is executive decision and in the past, bifurcation/ creation of All India Services had been made by the enabling provisions of relevant Acts passed by the Parliament.

Cadres in India

In India, there is one cadre in each Indian state, except for three joint cadres: Assam–Meghalaya, Manipur–Tripura, and Arunachal Pradesh–Goa–Mizoram–Union Territories (AGMUT).

Issues with Cadre based organization of Civil Services

In cadre based civil services organisation the members are allotted each state based on the merit and choice of preference. In such system, some members get their choice of cadre and some do not get their choice of cadre. Once a cadre is allotted to a civil servant, he/she have to spend a major part of his/her service period in the allocated cadre.

This permanency of cadre of civil servant is liable to result in inefficiency and ineffectiveness in the working of civil services which is exactly opposite of the purpose for which cadre based civil services was designed. This permanency created inability to think in all India character and civil servants limits themselves for the welfare of the state concerned.

Also, there are fewer avenues to share best practices along with collusion of professionals with local politicians as their career prospects are in the hand of State Government. *All of this has indeed resulted in slow change in India.*

This apart, the system of a cadre based civil services organization has limited recruitment of persons to important positions in the government to those within a particular cadre. This has made lateral entries nearly impossible, thus reducing chances for recruitment of talent suitable to the position. This issue was raised and analysed in the 2nd Administrative Reforms Commission's Report. As the government grapples with a plethora of issues that weren't traditionally faced by the state, it needs personnel capable of dealing with such challenges. Specialized knowledge of the sector concerned is an important asset that could help in performance of the task at hand. Such expertise could help in dealing with the various complexities that the task presents. However, such talent is concentrated in the private sector which cannot be accessed by the government unless lateral hiring becomes a common practice that is encouraged. A nation is just as good as the people who run it; and the bureaucracy plays a crucial role in helping run the nation, and it is important that there be flexibility in hiring and attracting the best possible talent to governmental positions so that the cause of growth and development is best served.



360 Degrees Performance Appraisal in Civil Services

Recently there has been a proposal from the Prime Minister's Office to introduce a 360-degree feedback mechanism for the empanelment of secretaries from the 1983 batch of civil servants to introduce corporate best practices to streamline government functioning and maximise efficiency. Here is a backgrounder on the same.

Important Facts

Meaning and Advantages of Performance Appraisal

In Performance Appraisal, assessment of performance of employees is undertaken periodically for determining their output and their abilities. Performance appraisal is carried out to serve many purposes such as promotion / demotion, compensation, training and so on. It also helps the higher authorities to determine the effectiveness of selection procedure of the employees.

Management Text Book meaning of 360-degree Performance Appraisal

Originated in 1940s, this system of assessment of employees is considered a best practice in the corporate and business world. Under this process feedback of the employee is received from all those who are a part of his/her professional life. It is a holistic approach for obtaining information from peers, subordinates, and internal and external customers, about the employee's performance. It is based on the assessment of an individual's management styles, competencies and behaviour by colleagues horizontally and vertically by involving his boss, peers and direct reports in the organization.

Sources of Feedback

Under this system assessment of the employees' performance is drawn from multiple sources that include:

- The manager him/herself
- Senior management
- Peer (fellow managers)
- Subordinates (employees who work for the manager)
- External sources like customers, suppliers etc.

This assessment tool is mostly used for middle and senior level management. The complexity of their roles enables the organisation to generate sufficient data from all stakeholders for a meaningful assessment.

The assessment in 360 degree system is conducted through a set of questionnaire based on different parameters involving the targeted employees.

Questions for Analysis

- What is the current method of performance appraisal of Bureaucrats in India? Is 360°



performance method suitable for bureaucracy?

- Critically examine the performance Appraisal in governance system in India.

What is the current method of performance appraisal of Bureaucrats in India? Is 360° performance method suitable for bureaucracy?

Currently the performance of civil servants is assessed through *Annual Confidential Report (ACR)* prepared by superior authority. If the 360 degree performance appraisal report supplements the ACR, it will lead to a hazy conclusion on the performance of the employees evaluated. The questionnaire meant for evaluation must be based on relevant aspects the employees are associated with. In the corporate world the system of 360 degree performance appraisal fits well assessment is done on specific metrics such as sales growth, targets, customer satisfaction etc. However, *bureaucracy in India cannot be evaluated on such metrics as it involves intricacies of public service*. Further, bureaucracy in India is said to be infatuated with unfounded apathy to the existing work culture and suffer from lack of values and ethics. The second Administrative Reform Commission highlighted this deficiency in the existing performance appraisal system. As such bureaucracy in India suffers from sense of closely-knit fraternity, where assessment of the subordinates by the superior authorities' remains always biased. Moreover, the 360 degree performance appraisal system is less an instrument to facilitate promotion than to enhance performance and efficiency. The validity of the system in bureaucratic performance evaluation in India cannot be fully assessed unless it is implemented properly.

Critically examine the performance Appraisal in governance system in India.

Performance evaluation holds a great importance in every organization i.e. corporate, business and also government organization. It is an essential medium through which the organization concerned prepares blueprint for future development and growth. The performance of every government servant is evaluated on an annual basis through his/her Annual Confidential Report (ACR). ACR is an important document providing the basic and vital inputs for assessing the performance of the Government servant and his/her suitability personal advancement, promotion, deputation, foreign or any other important assignments purported to be undertaken by him/her. The system of confidential reports about the performance of government servants is a means to an end, and not an end in itself.

It is not a fault-finding process, but a development one. The main performance measure is the amount of money spent and the success of the schemes, programmes and projects is generally evaluated in terms of the inputs consumed. Its primary objective is to realize successful utilization of government policies and programmes. As the appraisal process is solely conducted by the superior authorities, chances for biased opinions are many in the final report. If the evaluated employee is not



found in the good book of the evaluator, the report may be antithetical to the fact. If the true intent of personnel performance evaluation is meant to increase efficiency and boost morale of the employees, ACR practised in government sector does not fit the bill. A greater weightage is given to subjective factors than objective in the performance appraisal, from which promotions and postings flow. The current system assigns 60% weightage to personal attributes and functional competency (a subjective assessment) and just 40% to work output (an objective assessment).

The need of the hour is to infuse corporate blood into the bureaucracy by giving more weightage to results than to the personalities of the employees. The performance appraisal system should be tuned with the demands of changing time when competency of the employees matters a lot for improving the quality of bureaucracy. It should aim at enhancing core competencies of the civil servants in order to make them essential for carrying out good governance in India.

Other Notes

Objectives behind creation of independent, permanent and impartial All India Services (AIS)

- To preserve national unity, integrity and uniform standards of public administration. It will act as a unifying force in vast and culturally diverse country.
- To be neutral with non-political, secular and non-sectarian outlook.
- To attract the best and brightest from all parts of the country.
- The spoils system may result into patronage, nepotism and corruption in the civil services.
- A permanent civil service is likely to evolve over time an ethical basis for its functioning.
- A permanent civil service will help in providing continuity and expertise for effective policy making.
- A permanent civil service is more likely to take decisions based on the long-term social payoffs of any policy whereas the political executive is more likely to look for short term political gain.

Sardar Patel's observation on continuance of Pre-independence Civil Services Structure

Sardar Patel's observations in the Constituent Assembly to support the continuance of the pre-independence civil service structure:

"It needs hardly to be emphasized that an efficient, discipline and contended civil service assured of its prospects as a result of diligent and honest work, is a sine-qua non of sound administration under democratic regime even more than under an authoritarian rule. The service must be above party and we should ensure that political considerations, either in its recruitment or in its discipline and control, are reduced to the minimum if not eliminated altogether."

Areas of conflict between elected representatives and civil servants

Areas of conflict between the elected representatives and the civil servants are the following:



- Concept of neutrality.
- Advisory role of civil servants in policy making
- Statutory role of the civil servants.
- Appointments/Recruitment to the civil services.
- Transfers and postings of civil servants.

Desired attributes of a civil servant

- Integrity
- Competence
- Professionalism
- Empathy
- Knowledgeable with right values
- Commitment to public services
- Commitment to the ideals and philosophy embodied in the constitution.
- Willingness to take up responsibility.
- A good listener.
- Effective with people.
- Avoid using power or authority to fulfil his needs.
- A good team worker and initiator.

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Role of civil servants in policy making

- Giving policy advice to the political executive is one of the primary staff functions of the civil servants.
- The civil servants are required to provide the factual basis and analysis of all possible implications of the policies during its formulation without fear or favour. In order to do so, the civil servants are required to have conceptual clarity and requisite knowledge.
- After the approval of the policy by the elected governments, the civil servants are required to implement it whether he/she likes or not.
- If the civil servant is of the view that the policy is against public interest, he/she have the responsibility to convince the political executive about the adverse implications of the policy.
- However, if the political executive sticks to its stand then the civil servant do not have any other option other than to express his/her views clearly on record. It is for the other institutional mechanisms like Parliament, CAG, and Judiciary to take stock of the bad policies approved by the government.

Statutory Role of the Civil Servants

Civil servants are required to perform statutory functions under different legislative enactments



which may be quasi-judicial in nature. Some of the example role and functions are:

- Role of executive magistrate under the Cr. PC
- Role of Assessing Officer under the Income Tax Act
- Role of SHO under the Cr.PC and the respective police acts.

However, it has been observed that there is a trend of interference by both elected representatives and the senior functionaries of the civil service in performing statutory functions. Acquiescence in the face of such interference is primarily viewed as the fault of the officer responsible for performing the statutory functions.

Discharge of Delegated Functions

In a parliamentary democracy, the ultimate executive authority lies with the political executive who is accountable to the people through Parliament. On practical considerations, there is a necessity for the delegation of authority and responsibility to the civil servants. Such delegations are in line with *the principle of subsidiarity* and help to take the government closer to the people.

However, of late, there is an increasing tendency of centralization which may result in poor service delivery.

Issue of arbitrary and motivated transfers of civil servants

The issue of arbitrary and motivated transfers of government servants have become a matter of concern. The following steps were taken by the central government to check this practice:

- Necessary amendments have been effected in the rules governing the All India Services with respect to the fixation of tenures of posts. For example, the Indian Administrative Service (Cadre) Rules, 1955, have been amended and a new clause has been inserted for determining the tenure of all or any of the cadre posts.
- The officers can be transferred before the expiry of the tenure only on the recommendation of a Committee on Minimum Tenure.
- A cadre officer shall hold the minimum tenure as prescribed except in the event of promotion, retirement, deputation outside the State or training exceeding two months.



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