



Public Services

CLASSIFICATION OF SERVICES

The public services (civil services or government services) in India are classified into three categories—all-India services, Central services and state services. Their meaning and composition are explained below:

All-India Services

All-India services are those services which are common to both Central and state governments. The members of these services occupy top positions (or key posts) under both the Centre and the states and serve them by turns.

At present, there are three all-India services. They are:

1. Indian Administrative Service (IAS)
2. Indian Police Service (IPS)
3. Indian Forest Service (IFS)

In 1947, the Indian Civil Service (ICS) was replaced by IAS, and the Indian Police (IP) was replaced by IPS and were recognised by the Constitution as all-India services. In 1966, the Indian Forest Service was established as the third all-India service¹.

The All-India Services Act of 1951 authorised the Central government to make rules in consultation with the state governments for the regulation of recruitment and service conditions of the members of all-India services. The

members of these services are recruited and trained by the Central government but are assigned to different states for work. They belong to different state cadres; the Centre having no cadre of its own in this regard. They serve the Central government on deputation and after completing their fixed tenure they go back to their respective states. The Central government obtains the services of these officers on deputation under the well-known tenure system. It must be noted here that irrespective of their division among different states, each of these all-India services form a single service with common rights and status and uniform scales of pay throughout the country. Their salaries and pensions are met by the states.

The all-India services are controlled jointly by the Central and state governments. The ultimate control lies with the Central government while the immediate control is vested in the state governments. Any disciplinary action (imposition of penalties) against these officers can only be taken by the Central government.

Sardar Vallabhbhai Patel was the chief protagonist of all-India services in the Constituent Assembly. Hence, he came to be regarded as the 'Father of all-India Services'.

Central Services

The personnel of Central services work under the exclusive jurisdiction of the Central government. They hold specialised (functional and technical) positions in various departments of the Central government.

Before Independence, the Central services were classified into class-I, class-II, subordinate and inferior services. After Independence, the nomenclature of subordinate and inferior services was replaced by class-III and class-IV services. Again in 1974, the classification of Central services into class-I, class-II, class-III and class-IV was changed to group A, group B, group C and group D, respectively².

At present, there are 60 group A Central services. Some of them are:

1. Central Engineering Service.
2. Central Health Service.
3. Central Information Service.
4. Central Legal Service.

5. Central Secretariat Service.
6. Indian Audit and Accounts Service.
7. Indian Defence Accounts Service.
8. Indian Economic Service.
9. Indian Foreign Service.
10. Indian Meteorological Service.
11. Indian Postal Service.
12. Indian Revenue Service (Customs, Excise and Income Tax)
13. Indian Statistical Service.
14. Overseas Communication Service.
15. Railway Personnel Service.

Most of the above cadres of group A Central services have also corresponding group B services. The group C Central services consists of clerical personnel while group D consists of manual personnel. Thus group A and group B comprises of gazetted officers while group C and group D are non-gazetted.

Among all, the Indian Foreign Service (IFS) is the highest central service in terms of prestige, status, pay and emoluments. In fact, it (though a central service) competes with the all-India services in position, status and pay scales. It comes next to the IAS in ranking and its pay scale is higher than the IPS.

State Services

The personnel of state services work under the exclusive jurisdiction of the state government. They hold different positions (general, functional and technical) in the departments of the state government. However, they occupy lower positions (in the administrative hierarchy of the state) than those held by the members of the all-India services (IAS, IPS and IFS).

The number of services in a state differ from state to state. The services that are common to all the states are:

1. Civil Service.
2. Police Service.
3. Forest Service.
4. Agricultural Service.

5. Medical Service.
6. Veterinary Service.
7. Fisheries Service.
8. Judicial Service.
9. Public Health Service.
10. Educational Service.
11. Co-operative Service.
12. Registration Service.
13. Sales Tax Service.
14. Jail Service.
15. Service of Engineers.

Each of these services is named after the state, that is, name of the state is added as a prefix. For example, in Andhra Pradesh (AP), they are known as AP Civil Service, AP Police Service, AP Forest Service, AP Agricultural Service, AP Medical Service, AP Veterinary Service, AP Fisheries Service, AP Judicial Service, and so on. Among all the state services, the civil service (also known as the administrative service) is the most prestigious.

Like the Central services, the state services are also classified into four categories: class I (group I or group A), class II (group II or group B), class III (group III or group C) and class IV (group IV or group D).

Further, the state services are also classified into gazetted class and non-gazetted class. Usually, Class I (Group-A) and Class-II (Group-B) Services are gazetted classes while Class-III (Group-C) and Class-IV (Group-D) services are non-gazetted classes. The names of the members of gazetted class are published in the Government Gazette for appointment, transfer, promotion and retirement, while those of the non-gazetted are not published. Further, the members of the gazetted class enjoy some privileges which are denied to the members of non-gazetted class. Also, the members of the gazetted class are called 'officers' while those of non-gazetted are called 'employees'.

The All-India Services Act of 1951 specifies that senior posts not exceeding thirty-three and one third per cent in the Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Forest Service (IFS) are required to be filled in by promotion of officers employed in the state services. Such promotions are made on the recommendation of selection

committee constituted for this purpose in each state. Such a committee is presided over by the Chairman or a member of UPSC.

CONSTITUTIONAL PROVISIONS

Articles 308 to 314 in part XIV of the Constitution contain provisions with regard to all-India services, Central services and state services. Article 308 makes it clear that these provisions do not apply to the state of Jammu and Kashmir.

1. Recruitment and Service Conditions

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 the states, respectively. Until such laws are made, the president or the governor can make rules to regulate these matters.

Recruitment includes any method provided for inducting a person in public service like appointment, selection, deputation, promotion and appointment by transfer.

The conditions of service of a public servant includes pay, allowances, periodical increments, leave, promotion, tenure or termination of service, transfer, deputation, various types of rights, disciplinary action, holidays, hours of work and retirement benefits like pension, provident fund, gratuity and so on.

Under this provision, the Parliament or the state legislature can impose 'reasonable' restrictions on the Fundamental Rights of public servants in the interests of integrity, honesty, efficiency, discipline, impartiality, secrecy, neutrality, anonymity, devotion to duty and so on. Such restrictions are mentioned in the conduct rules like Central Services (Conduct) Rules, Railway Services (Conduct) Rules and so on.

2. Tenure of Office

According to Article 310, members of the defence services, the civil services

of the Centre and the all-India services or persons holding military posts or civil posts³ under the Centre, hold office during the pleasure of the president. Similarly, members of the civil services of a state or persons holding civil posts under a state, hold office during the pleasure of the governor of the state.

However, there is an exception to this general rule of dismissal at pleasure. The president or the governor may (in order to secure the services of a person having special qualifications) provide for the payment of compensation to him in two cases: (i) if the post is abolished before the expiration of the contractual period, or (ii) if he is required to vacate that post for reasons not connected with misconduct on his part. Notably, such a contract can be made only with a new entrant, that is, a person who is not already a member of a defence service, a civil service of the Centre, an all-India service or a civil service of a state.

3. Safeguards to Civil Servants

Article 311 places two restrictions on the above ‘doctrine of pleasure’. In other words, it provides two safeguards to civil servants against any arbitrary dismissal from their posts:

- (a) A civil servant cannot be dismissed or removed⁴ by an authority subordinate to that by which he was appointed.
- (b) A civil servant cannot be dismissed or removed or reduced in rank⁵ except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

The above two safeguards are available only to the members of the civil services of the Centre, the all-India services, the civil services of a state or to persons holding civil posts under the Centre or a state and not to the members of defence services or persons holding military posts.

However, the second safeguard (holding inquiry) is not available in the following three cases:

- (a) Where a civil servant is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (b) Where the authority empowered to dismiss or remove a civil servant or to

- reduce him in rank is satisfied that for some reason (to be recorded in writing), it is not reasonably practicable to hold such inquiry; or
- (c) Where the president or the governor is satisfied that in the interest of the security of the state, it is not expedient to hold such inquiry.

Originally, the opportunity of being heard was given to a civil servant at two stages—at the inquiry stage, and at the punishment stage. But, the 42nd Amendment Act of 1976 abolished the provision for second opportunity (that is, the right of a civil servant to make representation against the punishment proposed as a result of the findings of the inquiry). Hence, the present position is that where it is proposed (after inquiry) to impose upon a civil servant the punishment of dismissal, removal or reduction in rank, it may be imposed on the basis of the evidence adduced at the inquiry without giving him any opportunity of making representation on the penalty proposed.

The Supreme Court held that the expression ‘reasonable opportunity of being heard’ envisaged to a civil servant (in the second safeguard mentioned above) includes:

- (a) an opportunity to deny his guilt and establish his innocence which he can only do if he is told what the charges levelled against him are and the allegations on which such charges are based;
- (b) an opportunity to defend himself by cross-examining the witnesses produced against him and by examining himself or any other witnesses in support of his defence; and
- (c) the disciplinary authority must supply a copy of the inquiry officer’s report to the delinquent civil servant for observations and comments before the disciplinary authority considers the report.

4. All-India Services

Article 312 makes the following provisions in respect of all-India services:

- (a) The Parliament can create new all-India services (including an all-India judicial service), if the Rajya Sabha passes a resolution declaring that it is necessary or expedient in the national interest to do so. Such a resolution in the Rajya Sabha should be supported by two-thirds of the members present and voting. This power of recommendation is given to the Rajya Sabha to protect the interests of states in the Indian federal system.

- (b) Parliament can regulate the recruitment and conditions of service of persons appointed to all-India services. Accordingly, the Parliament has enacted the All-India Services Act, 1951 for the purpose.
- (c) The services known at the commencement of the Constitution (that is, January 26, 1950) as the Indian Administrative Service and the Indian Police Service are deemed to be services created by Parliament under this provision.
- (d) The all-India judicial service should not include any post inferior to that of a district judge⁶. A law providing for the creation of this service is not to be deemed as an amendment of the Constitution for the purposes of Article 368.

Though the 42nd Amendment Act of 1976 made the provision for the creation of all-India judicial service, no such law has been made so far.

5. Other Provisions

Article 312 A (inserted by the 28th Amendment Act of 1972) confers powers on the Parliament to vary or revoke the conditions of service of persons who were appointed to a civil service of the Crown in India before 1950. Article 313 deals with transitional provisions and says that until otherwise provided, all the laws in force before 1950 and applicable to any public service would continue. Article 314 which made provision for protection of existing officers of certain services was repealed by the 28th Amendment Act of 1972.

Table 62.1 *Articles Related to Public Services at a Glance*

<i>Article No.</i>	<i>Subject-matter</i>
308.	Interpretation
309.	Recruitment and conditions of service of persons serving the Union or a state
310.	Tenure of office of persons serving the Union or a state
311.	Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a state

312.	All-India Services
312A.	Power of Parliament to vary or revoke conditions of service of officers of certain services
313.	Transitional provisions
314.	Provision for protection of existing officers of certain services (Repealed)

NOTES AND REFERENCES

1. In 1963, a provision was made for the creation of three more all-India services. They were Indian Forest Service, Indian Medical and Health Service and Indian Service of Engineers. However, out of these three, only the Indian Forest Service came into existence in 1966.
2. This was done on the recommendation of the Third Pay Commission (1970–1973) while the earlier change was done on the recommendation of the First Pay Commission (1946-1947).
3. A ‘civil post’ means an appointment or office or employment on the civil side of the administration as distinguished from the military side.
4. The difference between dismissal and removal is that the former disqualifies for future employment under the government while the latter does not disqualify for future employment under the government.
5. ‘Reduction in rank’ means reduction from a higher to a lower rank or post. It is a penalty imposed on a civil servant.
6. The expression ‘district judge’ includes judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge.