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Analysing the Role of Public Services in India and the Challenges associated Therewith

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ABSTRACT

Public service refers to all those actions that are aimed for the welfare of the public at large. In India, the public services are popularly known as the civil services. It acts as an important institution for managing the governance of the country. The services have from time to time proved as to why it is known as the 'steel frame' of India. Public services play a critical role in day-to-day functioning of the nation. They are part of the 'executive' segment of the state and have been tasked with the responsibility to act as a link between the people and the government. Various schemes, programmes, policies of the government are percolated to the masses through them. It would not be an exaggeration to state that one of the reasons that the Union of India has the stood test of time and overcame plethora of challenges has been because of its efficient public services. The services have been instituted to ease out the administrative challenges that may fall upon the functioning of the nation. However, this does not make the institution immune from challenges in itself. There exist certain challenges that are faced by public services in India. These range from institutional challenges such as pertaining to nature of services to challenges associated with the federal structure in itself such as linkage between the central and state public services. This paper attempts to highlight the role of public services in functioning of India and how it helps in overall development of the nation and also simultaneously putting forward the various issues that are faced them. Further, the paper would also put forward certain possible solutions to these challenges that can assist in reducing them and make public services in India more efficient.

Keywords: *Public Services, Constitution of India, Administrative Reforms Commission, Welfare State.*

I. INTRODUCTION

Public service is an amalgamation of two words namely 'public' meaning people and 'service' meaning the act of working for someone in order to help such individual. Thus, public service refers to all those actions that are aimed for the welfare of the public at large. Public Services

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are also popularly known as the ‘civil services’. According to Merriam Webster, ‘public service’ is a service that is rendered in public interest.²

Public services can also be defined as those services which are provided to the people in order to assist in their overall development rather than to earn profit. They are thus, essential in a nation that runs on the principle of welfare of the people and not on the motives of earning maximum dividend out of human resources.

Keeping this in mind, the framers of the Indian Constitution vouched for an integrated service which shall operate in both central and state units. The members of these services are considered to be a part of executive branch of the government. The reason for including them into the executive branch is because their task is to execute the government policies and act as a link between the government and the citizenry. Political scientists often refer to them as ‘permanent executives’ as their appointment is permanent unlike their temporary counterparts who are elected for a fixed duration.

In India the public services have been classified relating to that of centre and state. There is no apparent difference between the two apart from the operative hierarchy and the subject matter of their operation. These services are henceforth grouped under one head under the head Services under Union and the State enshrined within the Constitutional framework of the Union of India. Part XIV of the Constitution of India talks about Services under Union and the States. These services are an essential aspect of governance in India. Especially in a welfare State like India, the role of these services increases manifold. Providing of welfare measures to the huge population is humongous task in itself which cannot be imagined without a systematic execution of the same. The public services of the Union of India are essential to carry out multiple functions. These multiple functions in a developing State like India range from providing of defence advises to successful execution of a canal project.

Public services act as a link between the public and the chosen representatives and their nature is that of providing of services. According to M.P. Jain, they are ‘indispensable’ to the governance of the nation in the modern administrative setup.³ Meaning thereby, that any services that are envisaged by the government are provided to the public through the mechanism of public services. Thus, public services are the channel through which the service delivery mechanism is made possible.

² PUBLIC SERVICE, <https://www.merriam-webster.com/dictionary/public%20service> (last visited Nov. 14, 2024).

³ M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* 1476, (Lexis Nexis 2014).

In a welfare state like India which is constantly developing, public services have been instrumental in shaping and executing the policies of the government. Further, their role has been significant in assisting the citizenry with meeting out the challenges of the constant development and the allied consequences that the people might face due to non-adaptability to such circumstances. Thus, in India, the role of public services is more important as they assist in providing the inputs to the future policy planning.⁴ Hence, it becomes necessary to gauge at to what is the role of the public services in India.

Needless to say, the public services are facing challenges of their own. Instrumental roadblocks and other allied hinderances pause the effective functioning of public services. Furthermore, public services are viewed from the lenses of an employment opportunity by those wishing to be a part of it which reduces the effectiveness and the virtual sanctity associated with these services. However, despite these grim areas the role of public services cannot be underestimated or overlooked in the constantly developing and welfare oriented Indian State.

II. IMPORTANCE OF PUBLIC SERVICES IN INDIA

Public services are the backbone of any nation. Every nation, whether developed or developing rests on its public services for carrying out its day-to-day functions. The idea of welfare state brings with itself multiple responsibilities on the part of the State. The State entrusts these responsibilities on the public services. Thus, in India public services are an essential cog in the wheel of development.

Formulation of Policies

In a developing nation such as ours, there is a constant need for new and upgraded services. These services are an essential component of the nation's development. In order to deliver these, the government formulates a set of established protocols through which these are to be delivered. This protocol includes formulation of an action plan, the mode of operation of such plan and the corpus or the money required for running these. These are referred to as policies.

However, one cannot expect government to have the knowledge of every possible aspect of modern-day fields of governance. One cannot expect that the government possesses the technical know-how and the intricacies of various fields. A policy on irrigation canal is in stark contrast to the policy on satellite launching. Here, the role of public services comes to the forefront.

Public services consist of the personnel who come from diverse academic and professional

⁴ I.P. MASSEY, ADMINISTRATIVE LAW 588, (Eastern Book Company 2017).

backgrounds. Consequently, the area of knowledge of public services, *in toto*, is diverse as well. They act as a 'permanent brains trust' of the government.⁵ These assist the government on formulation of policies on a specific area by providing the necessary and technical input. The gap between the generalist and specialist needs is filled by the public services.

This also ensures that the policy that is ultimately framed consists of all the technical know-how and is not defeated by the mere deficiency of key elements that could have been eliminated by inclusion of a specialist view point.

According to M.K. Mohapatra, in an under developed and largely illiterate nation like India, it is the public service that must step up for formulation of policies with the help of required knowledge and experience.⁶

Execution of Policies

Formulation of policies are an essential component of public service delivery mechanism. However, it is the execution of policies that hold larger significance in this regard. A policy, howsoever effective can be framed by the legislature or the executive. However, it is the execution of these that holds substance. An efficient execution of the formulated policies is necessary to fulfil the objectives of the public policy.

It is the public services that fulfil the task of executing these policies. Public services are entrusted with the fulfilment of the objectives of any policy. Fulfilment of these objectives are done by the execution of these policies. It is through execution that the people are able to avail the benefits of public policy.

This function of public services can be best highlighted by the statement of Warren Fisher who stated that it was the 'unquestioned business' of the civil servant to carry out that policy.⁷ However, in execution of these policies it is necessary that the member of the public services provides all the information in relation to such policy and executes such policy irrespective of the fact whether or not such officer agrees with such policy or not.

Another aspect of execution of policies by the public services is that such execution must be within the limits of law. It must not transgress any legal provision. Any act which goes outside this legal boundary would be illegal and any protection to public servant would be vitiated.

⁵ Dr. Niranjan Parida, *The Role and Importance of Civil Servants in India- A Socio Legal Study*, 1 INTERNATIONAL JOURNAL OF LAW, 22, 25-26 (2015).

⁶ M.K. Mohapatra, *The Doctrine of Civil Services Neutrality Under Democratic Socialism in India*, 26 INDIAN JOURNAL OF POLITICAL SCIENCE, 138, 141-142 (1965).

⁷ NIRANJAN, *supra* note 4 at 25.

Acting as a Link between Government and the Citizenry

The government and the citizenry are interdependent upon each other. The citizenry avail services from the government and the government owes its existence to the citizenry and its constant support. Despite this interrelationship and being in a symbiotic relationship, there exists a gap between both of them.

The reason for this gap is due to the lack of direct interaction between these ends. A miscommunication can exist between them due to being at different ends of governance mechanism. This can severely halt the administration and delivery of services. This is where public services play an essential role. The public services act as a bridge between the government and the citizenry. They carry the policies of the government through execution. Similarly, the progress of the schemes or policies are reported to the government.

Since public services such as the District Magistrates are more local and easily accessible to the people, they are in a better position to gauge the effect of any policy on the government. Also, they can carry the feedback to the government that can be important to modify the policies. In a welfare state this mechanism is significant to carry forward the ultimate aim of welfare of the people.

Maintaining Law and Order

Law and order are a universal aspect of the public services. Every nation relies on its public services to maintain law and order. India is no stranger to this aspect. In fact, the need of a specialised law and order agency is perhaps greatest in India. With pluralistic society and volatile surroundings, law & order is a constant worry for the Indian State. Public services in India are structured to fulfil the very role of maintenance of law and order.

The Indian Police Service constituted under Article 312(2) fulfils this function. The authority for recruitment to this Service is the Central government⁸ through a nation-wide examination known popularly as the Civil Services Examination. The Services undertake a two staged training which takes place at the Lal Bahadur Shastri National Academy of Administration (LBSNAA), Mussoorie and the Sardar Vallabhbhai Patel National Police Academy (SVPNPA), Hyderabad; respectively.

The training at both the level is designed specifically to incorporate amongst the officials the ability to tackle the law and order issues in the country. Public services especially the police act as a protective force and ensures that law and order situation does not gets deteriorated.

⁸ Indian Police Service (Recruitment) Rules, 1954, r. 7(1).

Continuity in Executive

Within the realm of administration, the executives are divided into two broad categories. The first category is known as the ‘temporary executives’. These are the class of executives that are subject to the change and only hold the post of an executive for a certain time. They are supposed to relinquish their position as an executive once their term expires either by way of election or any other reason. Ministers and members of parliament and Legislative assemblies fall into this category.

The other category is known as ‘permanent executives’. They hold their position of executives in a permanent manner and are not subject to change. They are not subject to relinquish their position as an executive. Since permanent executives are selected and not elected, their permanence is certain. Members of public services fall into this category. Permanent executives maintain the continuity in the public service mechanism and provide steadiness in governance. The continuity is necessary for efficient carrying of a policy.

Execution of policy requires time and hard work. If the person responsible for execution of policies are constantly changed, this can bring a disruption to such execution. Every change would lead to starting from square one which would eventually delay the projects. In a constantly developing nation, speedy execution of policies is required for effective and broad implementation. Any non-continuity can prove to have adverse consequences for the overall development of the nation.

However, this does not mean that the members of public service are given a guarantee to hold a post till the execution of a scheme. They are always subject to change and it has been observed that whenever there is a change in guard at the union, state or even constituency level, there is a change in the “permanent” executives through the modes of transfer.⁹ Transfers do not alter their position as an executive, but only changes their area of operation.

Other Functions

The functions performed by public services are correlated to the needs that arise in a State. While most of these needs accrue as a regular function, there are certain needs that arise spontaneously such as disaster. The other functions performed by the public services include

- Assisting in mitigation of calamities through agencies like NDRF
- Resolution of conflict between various heads of executive.

⁹ *U.P. govt transfers 10 IAS Officers*, HINDUSTAN TIMES (Nov. 11, 2024, 06:24 AM), <https://www.hindustantimes.com/cities/lucknow-news/up-govt-transfers-10-ias-officers-101731263815603.html>.

- Management of Public Sector Enterprises
- Management of human and economic resources

It is through skilful management and efficient preparedness that the needs of a welfare State, both in a time of crisis as well as in a time of stability is fulfilled. In modern times, where the area of governance has multiplied and includes everything under the sun, the public services and their role is bound to be diverse. The utility of public services, hence, cannot be put into a single category.

III. ISSUES FACED BY PUBLIC SERVICES IN INDIA

Despite the multiple functions performed by the public services in India, several challenges are faced by the executive wing. These challenges transgress above the day to day functions and form the part of the institutional mechanism of public services. The issues were also highlighted by the 10th Report of the Administrative Reforms Commission (ARC) titled “Refurbishing of Personal Administration- Scaling New Heights”. The report described as to the issues that are faced by the public services in India and how these issues are affecting the performance of the services.

Rigidity in Functioning

Public Services in India have a reputation of being rigid in their functioning. This rigidity in functioning leads to difficulty in administration. Often the situation demands a little flexibility. An absence of this flexibility can lead to unnecessary delays in execution of administration.

The 10th Report of the Administrative Reforms Commissions stated that often these rigidities led to several constraints and complexities in the functioning of public services.¹⁰ The observation holds merit. Due to the rigid nature of public services in India, the problems in administration are not efficiently solved.

An effective solution might exist but its implementation is rendered difficult especially if it lies beyond the jurisdictional or legal competence of the respective public service. This leads to delay in the overall public service mechanism of the nation and led to formation of a system that did not acknowledge performance.¹¹

Hierarchical System leading to a Deadlock

The Administrative Reforms Commission (ARC) in its 10th Report in 2008 made a crucial

¹⁰ Government of India, Report: *Second Administrative Commissions Report* (Department of Administrative Reforms and Public Grievances, 2008).

¹¹ *Id.* at 314.

observation regarding the hierarchical system within the public services. It stated that the hierarchical system of public services was the reason for its rigidity.¹² It stated that the public services in India worked on many subsequent levels which ultimately made functioning of each unit inflexible.

Due to several layers of public services, the decision making is delayed. Since a matter has to go through layers of bureaucratic stratus, the consequent decision making is often delayed. This hampers the timely implementation of a policy. This also leads to delay in the delivery of public services and is often termed as 'red tapism'- a trait frequently associated with Indian public services.

Another result of these hierarchies within the Indian public services is the deadlock amongst these various hierarchies. Sometimes, while formulating a policy or during its execution, two heads of the public services often reach an impasse. The deadlock arises due to difference of opinion amongst these layers.

This difference of opinion leads to lack of efficient execution of policy. In the end the policy is often not implemented or expires its period of implementation and desired targets resulting in the overall inefficiency of the public service mechanism.

Lack of Specialisation

The debate between generalists and specialists within the Indian public services has been going on since a very long time. Some advocate that members of public services must have specialisations in their area of operation. For instance, if a member of public services has been appointed as a Finance Secretary, she must be possessing necessary qualifications and experience in the financial sector such as a degree in Financial Administration.

Sarkaria Commission in its report on Centre State relations also talked about specialists in public services. Chapter 8 of the Sarkaria Commission report stated that specialisations within the services was necessary. And in order to attain this, training and career development policies must cater to this specialisation.¹³ Also, the 10th report of the Administrative Reforms Commission (ARC) also advocated specialisations in public services.¹⁴

The Indian public services lack specialisations. The appointments made in the services is through an open examination, the minimum qualification for which is a graduate degree in any subject. Hence, a science graduate and a commerce graduate are on an equal footing. While this

¹² GOVERNMENT OF INDIA, *supra* note 9 at 54.

¹³ Government of India, Report: *Sarkaria Commission Report* (Ministry of Home Affairs, 1988).

¹⁴ GOVERNMENT OF INDIA, *supra* note 9 at 197.

is significant in terms of the aspect of equality of opportunity, the system brings with itself certain issues.

Lack of specialisation often proves to be a hinderance in efficiency. This is significant at the higher levels of public services. Certain services require a specialised point of view in policy formulation and decision making. While expert opinions can always be considered by the public servants, it only adds to the delay to the formulation and execution of policies.

Due to lack of specialisation, the public service mechanism faces a reduction in its efficiency. It is due to this reason that recently, there has been a demand within the public services to include more specialists within the framework.

Lack of Coordination between Central and State Civil Services

Federalism rests on the foundation of coordination between centre and states. Without the apt coordination between the two units, the overall machinery of governance might fail. An important element of the federal structure in India is the public services. And it is equally important that there is proper coordination amongst the public services of the Union and the State.

However, there are often complaints within the services in relation to lack of coordination amongst the services. This lack of coordination emanates from the structural rigidities. Due to the existence of multiple layers of bureaucracy, the communication amongst two hierarchical units is sometimes left fruituous.

The impact of this lack of effective coordination is most strongly felt on the execution of policies. Since any policy requires communication at all the levels of public services, a lack of communication makes the execution of policies difficult. Often, due to lack of coordination the policies do not show desired result and in fact leads to a contrary outcome.

Lack of Merit Driven Placement

The 10th Report of the Administrative Reforms Commission in 2008 emphasised on the merit of the public services. It stated that merit driven recruitment and placement ensured that the public service mechanism within the nation absorbed high quality people within the Indian public services.¹⁵ Also, it stated that merit ensured that the prestige of the public services is secured and it boosts the confidence of the members of the services.

Often it has been observed that the personnel on key posts are recruited on the basis of their

¹⁵ GOVERNMENT OF INDIA, *supra* note 9 at 71.

proximity to the respective temporary executive.¹⁶ The individuals on chief posts are placed on the basis of their affiliations to a particular unit or an individual which undermines the overall objective of a merit driven public services.

The Allahabad High Court observed in *Mohsina Begum v. State of U.P.*¹⁷ that on the formation of a new government, government servants are transferred on the basis of caste, community and even monetary basis which ultimately hampers the moral of the bureaucracy and creates the caste and communal fault lines. Further, the Court observed that this led to prevalence of corruption.

The end result of this is that the deserving members of the public services that possess the capability to transform the system and bring about a change within the overall mechanism of public services are kept at bay. They seldom get an opportunity to apply their merit to transform the system. This hampers the overall efficiency of the public services and also hampers its reputation.

Lack of Minimum Tenure at a Place

Frequent transfer is a characteristic that is often associated with the public services. It has been observed that while some members of the services cement their stay at a particular post, others are frequently transferred. The reasons for short tenure range from performance matters to the conflict between the two heads of executives. The plight of the matter is so grave that some members of the public services are known for their frequent transfers.¹⁸

The voice in favour of minimum tenure at a particular place has been around for a long time. It has been argued that the lack of minimum tenure at a place hampers the effective functioning of the public services. It also acts as a constant apprehension in the minds of the members of the public services which ultimately affects their independence.

The Rajasthan High Court in *Bhanwarlal and Others v. Rajasthan State Road Transport Corporation*¹⁹ stated that a security of tenure is essential in order to ensure that the administration is efficiently carried out by the public services. Similarly, in *Gurudev v. State of Punjab*²⁰, the Court had equated security of tenure of a public servant with efficient

¹⁶ *KCR Close confidant Somesh Kumar now Telangana chief secretary*, ECONOMIC TIMES (Jan. 1, 2020, 07:14 PM), <https://government.economictimes.indiatimes.com/news/governance/kcr-close-confidant-somesh-kumar-now-telangana-chief-secretary/73059141>.

¹⁷ CMWP no. 30624 of 1998.

¹⁸ *Haryana IAS Officer Ashok Khemka transferred again, his 56th posting*, ECONOMIC TIMES (Jan. 9, 2023, 10:43 PM), <https://economictimes.indiatimes.com/news/india/haryana-ias-officer-ashok-khemka-transferred-again-his-56th-posting/articleshow/96862814.cms?from=mdr>.

¹⁹ (1984) Raj. LR 619.

²⁰ 1965-1 L.L.J. 323.

administration.

However, there have been developments in relation to security of tenure of public servants. In 2014, the Union government envisaged for formation of Civil Services Board in every state which would look into the transfers of the members of the public services. Further, the minimum tenure was envisaged to be two years unless the officer was promoted, retired or sent to deputation.²¹

However, this fixed tenure of two years could be by-passed if recommended by the Civil Services Board. While this was a welcome step, it has been observed that many states do not have not constituted a civil services board.²²

Further, there are certain legislative developments which ensure a fixed tenure but they are overlooked. For instance, Rule 7(c)(i) of the Indian Administrative Services (Cadre) Rules, 1954 states that a cadre officer shall hold a minimum tenure. However, the rule is often neglected and frequent transfers on personal and political reasons are observed within the public services.

Thus, the issues faced by the public services are multi-dimensional. From institutional deadlocks to structural anomaly, the public services face several problems. The situation is an oxymoron in itself as these services were created to extinguish the problems within the Indian landscape. The problems are grave because it hampers the overall productivity of the public services which ultimately takes its toll on the productivity of the nation.

IV. POSSIBLE SOLUTIONS

In order to find the solutions to the issues being faced by the public services, several initiatives have been taken in the past in the form of commissions. The 2nd Administrative Reforms Commission was a similar step. However, in order to find solutions to the issues, one must not look beyond the existing framework. While the public services face several problems, the solutions to them lie in plain sight. Certain structural changes can heavily improve the current plight of public services in India.

Promotion should be subject to merit

The appointment to the public services is made in accordance to the merit through a common

²¹ *Fixed 2-year tenure for IAS, IPS, IFoS officers*, THE HINDU (Nov. 17, 2021, 02:50 AM), <https://www.thehindu.com/news/national/fixed-2year-tenure-for-ias-ips-ifos-officers/article5634762.ece>.

²² Dennis S. Jesudasan, *Despite SC directive, State yet to get Civil Services Board*, THE HINDU (April 24, 2019, 01:05 AM), <https://www.thehindu.com/news/national/tamil-nadu/despite-sc-directive-state-yet-to-get-civil-services-board/article26926376.ece>.

examination. However, the promotion or appraisal is not always subject to merit. Often the promotions are made on considerations other than merit. While these promotions are often justified in the name of better coordination amongst the permanent and temporary executives, it leaves out deserving public servants.

The 10th Report of the Administrative Reforms Commission in 2008 also highlighted the issue and offered a solution. It stated that the norms that govern promotion should be strict. Further it stated that such promotion must also be based on a competitive system rather than on a “piori benchmark”.²³

Further, the report recommended that the promotions must be subject to two chief criteria. Firstly, a public servant’s performance at the lower positions must be evaluated for considering promotions. Secondly, such public servant’s preparation in relation to acquiring services at higher levels must also be put into consideration. Such preparedness can be gauged in reference to the skills and the knowledge acquired by the public servant for attaining such high posts.

Domain Competence

Domain competence means successful and efficient carrying out of work in a particular field. The 10th Report of the Administrative Reforms Commission also recommended that domain competence is required as a reform within the public service mechanism.²⁴

It added that in order to reform public services, domain competence must be encouraged. This can be done through institutional improvements. Training must be in reference to imparting domain competence to the members of the public services.²⁵ However, such training for domain competence must be started after 10 years of service.

The possible reason being that domain competence must be in relation to aptitude of the member of the public service and the consequent experience that the member of public services has gathered over the years. Further, providing such training at the start of the training period would lead to a long raining process and without any substantive experience which would ultimately end up being a rote learning.

Domain competence would also assist in bridging the gap between generalist and specialists as the public servant can be imparted training in his specialised area and can be posted accordingly. This would ensure efficient administration and effective delivery of public services as a whole.

²³ GOVERNMENT OF INDIA, *supra* note 9 at 21.

²⁴ *Id.* at 65.

²⁵ *Ibid.*

Lateral Entry

In June 2018, the Department of Personnel and Training advertised 10 posts of Joint Secretaries to be filled by “outstanding individuals” for a period of three years. The scheme was termed as lateral entry. This was against the normal course of action whereby members of the public services are recruited by the Union Public Service Commission (and not Department of Personnel and Training) through an open examination, rather than by a mere advertisement.

The move was heavily debated within the Indian public service circles. Several individuals were strongly in favour of a lateral entry mechanism. For instance, Amitabha Bhattacharya, in his article in *The Hindu* dated August 9, 2018 stated that “the lateral entry mechanism had the potential to bring fresh talents within the bureaucracy”.²⁶

Similarly, Krishnanand Tripathi in *The Financial Express* stated that this would infuse “fresh blood” into the services.²⁷ However, he stated that the new recruits would face a challenge of working in a changed work environment.

The Administrative Reforms Commission in its 10th report also validated the possibility of lateral entry. Lateral entry mechanism would ensure that the specialists are included within the government framework. Further, it would diversify the public services in India and would ensure that in certain spheres where expert opinion and guidance is required, people with requisite knowledge hold the keys to such public services.

Also, it is to be noted that the mechanism of lateral entry is not an alien concept to the Indian public services. It is used to fill up some of the most crucial posts within the public services setup.

Reduce Legal Rigidities

The Public Services in India often face difficulty in execution of their policies due to several legal rigidities in their way. While the purpose of legal provisions is to simplify administration it often creates bottlenecks within the delivery of public services. Thus, it is necessary legal rigidities are reduced. Here, the key word is ‘reduced’. The rigidities within the legal framework are to be toned down and not totally removed.

The removal of legal rigidities would mean more independence to the public servants. This

²⁶ Amitabha Bhattacharya, *Reforming the Civil Services*, THE HINDU (Aug. 9, 2018, 12:02 AM), <https://www.thehindu.com/opinion/op-ed/reforming-the-civil-services/article24636381.ece>.

²⁷ Krishnanand Tripathi, *Lateral entry in civil services will infuse new blood, fresh ideas in government*, FINANCIAL EXPRESS (April 13, 2019, 08:19 PM), <https://www.financialexpress.com/india-news/lateral-entry-in-civil-services-lateral-entry-in-upsc-9-private-professionals-appointed-joint-secretaries-in-government-of-india/1547229/>.

would also ensure that public servants are able to apply innovative solutions in case of an issue. This would particularly come handy in situations where the problems are not traditional and thus require solutions that are not found within the traditional legal framework.

Legal rigidities, despite its limitations act as a check upon the arbitrariness of the public services. Removal of such legal framework would not smooth public service mechanism but could breed anarchy. Thus, viewing legal rigidities only in an adverse light and calling for their absolute removal would not resolve the issues pertaining to public services but could give rise to new problems.

Constitution of a Civil Services Board

The Government of India in July 2004 set up a committee for finding out possibilities on reforming civil services. The 'Committee on Civil Services Reforms' under the Chairmanship of P.C. Hota made several observations regarding reforming of civil services. One such observation of civil services board.

The function of the board was to bring a transparency into the civil service mechanism especially in reference to appointments and transfers. Also, the Board would be instrumental in fixing the tenure of the members of public services.

In reference to the report, the government of India decided to set up a civil services board in every state and fixed a two-year tenure for a public servant at any position. However, some states refrained from constitution of the Board and do not have this mechanism even today.

A Civil Services Board would ensure that the members of public services are not removed maliciously and there is a general sense of independence in their functioning. Further, it would ensure that members of public services are only shifted or moved on the basis of their merit and previous record and not on the basis of their personal affiliations.

In this regard, the Supreme Court in *T.S.R. Subramanian v. Union of India & Others*²⁸ expressed that it was necessary that a civil services board be set up at both central and state levels to furnish the task of transferring, promoting, deputing and enrolling a member of a public services. The Supreme Court thus aid emphasis on creation of a Civil Services Board for effective and transparent administration by public services.

Therefore, the issues pertaining to the public services in India are multi-fold but their solutions lie in certain instrumental changes. Interestingly, all these changes emanate from the end of the legislature which works in a close tandem to public services and is often the cause of certain

²⁸ AIR 2014 SC 263.

major issues regarding civil services. The solution to their issues lies in the minor changes within the framework of public services and it is necessary that they are done in a structured manner so as to avoid any collapse of public service mechanism. Further, these solutions are to be adopted only within the legal framework and not beyond it.

V. CONCLUSION AND SUGGESTIONS

Henceforth, it can be concluded that public services form an essential component of the State. They perform multiple functions that help in carrying out day to day functions of the State. They assist in formulation of policies which are the backbone of any people-oriented measure in a welfare State like India. Also, they are tasked with the execution of these policies which is a mammoth task in itself. It is due to the execution of policies that welfare measures reach people and they can be uplifted from the status quo.

Further, they act as a chain between the State and the people. This connection is virtually impossible in such a large population but is made possible through the public services who assist in communicating the needs of the people to the government and the welfare measures of the government to the people.

Public services act as harbingers of peace in the society. They ensure that an environment of peace and stability is maintained which further leads to the stability of the political and economic situation of the nation.

In addition to these, the public services perform several other functions which are important in a welfare State. They assist in mitigating disasters by assisting in relief operations. They also perform as a mitigating agent between the heads of executives by resolving a deadlock between them.

In addition to these, they also perform managerial functions in managing public service enterprises, thus contributing to the economic development and stability of the nation. The managerial functions expand to management of human resources which, in a nation like India can prove to be of great importance.

However, despite these essential functions, the public services face multiple challenges. These chiefly emanate from the structural rigidities. These issues vary from rigid functioning to a strict hierarchical system which often creates roadblocks in smooth functioning of the public services. Other aspects such as lack amongst the various public services and an absence of merit-oriented placements further hamper the functioning of public services. There are other elements such as lack of minimum tenure which creates an unnecessary work pressure upon the members of the

public services.

The following suggestions are thus, advanced in order to address the issues that are faced by the public services in India:

1. Reducing the legal rigidities that reduce the scope of innovative measures.
2. Smoothing the hierarchical system through less executives in an organisation.
3. Creation of a Civil Services Board in every State.
4. Ensuring that the minimum tenure rule is strictly implemented.
5. Allowing the specialists into the public services through lateral entry without hampering the rights of the deserving candidates.
6. Increasing domain competence within the public services during training.
7. Ensuring a smooth coordination between central and state public services.

Therefore, it can be put that the Indian public services are an essential component of the governance mechanism of the nation. They have been the 'steel frame' which has kept the development structure of the nation in an upright manner. They often face several challenges which are mostly due to the internal rigidities and issues of public services. However, they can be resolved from within through some minute polishing and legislative initiatives so that the public services can perform in an efficient manner in the nation.
