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Is the Indian Bureaucracy the Greatest Impediment to Progress in 2021? (Analysing Reforms in the Indian Bureaucracy)

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ABSTRACT

The Civil Services are one of the most important cog in the machinery of the Indian 'system'. In a country full of extreme diversity and social-cultural variations, the civil services, right from old times, have managed to maintain order within chaos. As the nature of politics and organisation of society and government changed over several years, it became imminent for the bureaucracy to reinvent itself as well. This reinvention was, in India's case, in the hands of the democratic government – the same that granted the bureaucracy protection through Constitutional provisions when India became an independent nation. This study is particularly based upon the Second Administrative Reforms Commission Reports and looks into recommendations in the area of autonomy, accountability, tenures and training for the civil services. This study will provide avenues for delving further into the politics of the reformation process, and what are the possible influencing factors.

Keywords: *Second ARC report, First ARC report, Reforms in civil services, bureaucracy*

I. INTRODUCTION

Ever since the existence of the civil services reforms in the services have been propagated. The Initial changes were proposed in the order of moving away from the British Whitehall model of civil services. The advocates for change However, had no alternative model in their minds, other than the need to move away from India's colonial past and remove all colonial legacies. Over the years the government has set up several committees to determine ways in which the service delivery to citizens can be improved through the IAS. The general understanding for restructuring the service was put forth as - The needs to foster competition- to improve service delivery, simplification of the transaction processes, restructuring all agency procedures, strengthening accountability mechanisms and lastly, building political

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support for the service or program delivery².

In 1962, in order to review existing instruments to check corruption in the civil services and to make suitable recommendations towards mitigating this problem the Santhanam committee was established. The Santhanam committee in its report, states that the major causes of why corruption existed in the service are administrative delays, excessive workload, various loopholes within established procedure which led to use of personal discretion, cumbersome procedures, etc. And clearly, even in contemporary times these continue to be issues³.

Research Problem

“A potato expert is looking after defense, a veterinary doctor is supervising engineers, and a history graduate is dictating the health policy” The Civil Services efficiency of service delivery has been put to question over the years. Officers of the civil services are generally considered to be non-empathetic to public interest, influenced by political entities, and are often accused of corruption and nepotism. Out of 176 surveyed countries in Transparency International’s Corruption Index of 2016, India shared the 79th Rank with China and Brazil. Autonomy, Accountability, and Training Public Administration are three major challenges of Indian bureaucracy.

Objective

Structural issues, political interference, being status quoist etc. are some challenges the Indian civil services have been marred with. This paper aims to suggest that the system’s focus needs to be role- rather than rule-specific.

Research Question

What action has the government taken on recommendations given by the Second Administrative Reforms Commission on the subjects of Autonomy, Accountability, and Tenure & Training?

Hypothesis

If the reforms of the 2nd ARC report are better implemented there is a possibility of improved and more efficient Civil services in India.

² Administrative Reforms commission’s 4th Report titled ‘Ethics in Governance’ Details of the Government’s decisions on the recommendations of the Administrative Reforms Commission n.d. retrieved from <http://darpg.gov.in/sites/default/files/decision4.pdf>

³ World Bank. (2006). Reforming public services in India: Drawing lessons from success (35041-IN). Retrieved from SAGE Publications website: <http://www1.worldbank.org/publicsector/anticorrupt/feb06course/esreformingpublicservicesindia.pdf>

Research Methodology

To meet and elaborate the core content and objectives of the paper, this study employs doctrinal methods. It primarily depends on the text, interpretation and detailed assessment of the 1st and 2nd ARC reports. Further observations of other sources such as research papers, news reports and columns have also formed the basis of this research and review.

II. REFORMS IN INDIAN CIVIL SERVICES

The First Administrative Reforms Commission and the Second Administrative Reforms Commission are the most notable committees in consideration for this research. These two Commissions served as the cornerstone for the purpose of looking into avenues of reforms within the civil services as well as look into the recommendations and implement those as per the government's convenience and priorities defined by policies driven by political will.⁴

(A) The First Administrative Reforms Commission

The ARC for the first time was set up in January, 1966. The 1st ARC in particular was asked to consider all aspects relating to the following subjects:

- The Government of India machinery and its work procedures;
- The planning machinery at all levels;
- Centre-State relationship;
- Financial administration;
- Personnel administration;
- Economic administration;
- Administration at the state level;
- District administration;
- Agricultural administration; and
- Problems of redress of citizens' grievances.

The 1st Administrative reforms Commission before being dismissed in the mid- 1970s submitted 9 Reports in total.

1. Problems of Redress of Citizens' Grievances (Interim) 20.10.1966
2. Public Sector Undertakings 17.10.1967
3. Finance, Accounts & Audit 13.01.1968

⁴ Saxena, N. C. (n.d.). 541 Naresh C. Saxena, Improving programme delivery. Retrieved from <http://www.india-seminar.com/2004/541/541%20naresh%20c.%20saxena.htm>

4. Machinery for Planning 14.03.1968
5. Economic Administration 20.07.1968
6. The Machinery of GOI and its procedures of work 16.09.1968
7. Life Insurance Administration 10.12.1968
8. Central Direct Taxes Administration 06.01.1969
9. Administration of UTs & NEFA 28.11.1969
10. Personnel Administration 18.04.1969
11. Delegation of Financial & Administrative Powers 12.06.1969
12. Centre-State Relationships 19.06.1969
13. State Administration 04.11.1969
14. Small Scale Sector 24.12.1969
15. Railways 30.01.1970
16. Treasuries 27.02.1970
17. Reserve Bank of India 11.03.1970
18. Posts & Telegraph 15.05.1970
19. Scientific Departments 1970

A total of 537 major recommendations were given in these 19 Reports⁵. A report indicating the implementation position based on the inputs received from various administrative Ministries was placed in Parliament in November, 1977. A summary of the recommendations made by the First ARC is given below:

a. Specialisation: The First Administrative Reforms Commission realized the need for specialisation, with the functions of the government being largely diversified. The commission also recommended that the selection of government servants and their appointment to senior managerial positions be made as per the specified method.

b. Grading: A unified grading structure based on the qualifications and the different duties/responsibilities of a civil servant was also recommended by The Commission.

c. Recruitment: The following measures on recruitment were recommended by the First ARC:

⁵ First Administrative Reforms Commission: Reports retrieved from: <https://darp.gov.in/panel/first-administrative-reforms-commission-reports>

- An increased age limit of 26 years and a unified competitive examination for all Class I services.
- Technical posts at senior levels shall allow lateral entry.
- Direct recruitment to Class II services shall be discontinued.
- A simple objective type question set for recruitment of clerical staff.
- Some Central Government posts should be opened up to State Government employees in certain sectors.

d. Recruitment agencies

- Certain changes were laid out in procedures for the appointment of UPSC members and State Public Service Commissions by The commission.
- Setting up Recruitment Boards responsible for the recruitment of clerical staff was also recommended.

e. Training: The Commission suggested that for training of civil service officers the government shall devise a national level policy.

f. Promotions: Detailed guidelines for promotions were outlined by The Commission.

g. Conduct and Discipline: The Commission also recommended provisions for Disciplinary enquiries and the setting up of a Civil Service Tribunal.

h. Service Conditions: Recommendations regarding overtime allowances, pension, exit mechanism, holidays, incentives and⁶ awards for timely completion of work, and voluntary retirement were made by the Commission.

1. Implementations of the Recommendations of the First ARC

The First Administrative reforms commission made detailed deliberations on varying aspects of public administration and made recommendations on a wide range of subjects. There were a few significant reforms among the incremental reforms introduced at that time. In order to conduct further research for increased efficiency and better overall functioning of the civil services The Indian Institute of Public Administration was set up which also provided training for civil servants. Both Centre and state established The Department of Administrative Reforms. Setting up of the Central Vigilance Commission and The establishment of the Lokayuktas in States was a notable change. The strengthening of citizens' grievance redressal machinery, drawing up of citizens' charters, focus on civil servants training and capacity

⁶ First Administrative Reforms Commission: Reports retrieved from: <https://darp.gov.in/panel/first-administrative-reforms-commission-reports>

building, restructuring of the recruitment process and modifications in performance appraisal system were some other measures taken. However, the framework, systems and the functioning methods of the civil services based on the Whitehall model of the 19th century remains largely unchanged as many recommendations involving basic changes have not been acted upon.⁷

III. THE SECOND ADMINISTRATIVE REFORMS COMMISSION

Under the Chairmanship of Mr. Veerappa Moily on August 31, 2005 The Second Administrative Reforms Commission (ARC) was constituted as a Commission of Inquiry. This Commission was tasked with suggesting reforms to revamp the system of public administration in India. The commission proposed a wide agenda of reforms, ranging from reforms relating to recruitment, training, tenure, domain competency, creation of a leadership cadre incorporating some elements of a position based Senior Executive Service, performance management, exit mechanisms, creation of executive agencies, accountability for results, a code of ethics and enactment of a civil service legislation. It was also tasked with providing guidance to ministries and relevant departments for decision implementation. The second ARC was constituted again on 21st August, 2009, under the Chairmanship of the Finance Minister. According to the government data, the GoM has considered 13 out of the 15 reports, excluding the 5th Report (Public Order) and the 10th Report (Refurbishing of Personnel Administration). The work on all reports are reported to be at various stages of implementation; however, a comprehensive report on implementation does not exist currently⁸.

For the purpose of restructuring the public administration system dozens of committees and commissions have been set up. However, the extent of implementation in case of the Second ARC Reports, is an interesting study to gauge the government's policy priorities as well as political considerations when it comes to the mammoth task of reforming an age-old institution. The need for radical reforms in administration has been emphasised by the Second ARC, the commission took note of the previous efforts but also managed to criticise efforts of the past for having only minimal incremental change. Some of the most radical and controversial reforms requiring immense stakeholder involvement for elaborate deliberation have been recommended by The Commission. The call to repeal certain constitutional

⁷ Raghavan, R. K. (2016, January 28). The stained steel frame. *The Hindu*. Retrieved from <http://www.thehindu.com/opinion/lead/corruption-in-civil-services-the-stained-steel-frame/article8159067.ece>

⁸ Sengupta, U. (2014, June 16). Shaking Up the Frame. Retrieved from <http://www.outlookindia.com/magazine/story/shaking-up-the-frame/290983>

protections given to civil servants under Article 310 and 311 of the Constitution of India is a valid illustration of this⁹.

(B) Implementation of the Recommendations

ANALYSIS OF RECOMMENDATIONS ON AUTONOMY

S.NO	GOVERNMENT DECISION	GOVERNMENT ACTION	STATUS OF IMPLEMENTATION
AUTO 1	The government decided to consider the matter after preparing a detailed paper on code of Ethics for ministers	1. No provision in Code Conduct for Ministers 2. No provision in AIS Conduct Rules	NOT IMPLEMENTED
AUTO 2		Amendment Bills of 2013 and 2015 mention “undue advantage to persons” and make them fall within the ambit of bribery corrupt practices.	NOT IMPLEMENTED
AUTO 3	NO DECISION	Procedures prescribed in the Recruitment Rules of the civil Services	IMPLEMENTED
AUT 04	ACCEPTED	No provision in government records.	NOT IMPLEMENTED
AUT 05	ACCEPTED	No change in government rules to initiate or implement this.	NOT IMPLEMENTED
AUT 06	NO DECISION	Several guidelines defined for cadre review.	PARTIALLY IMPLEMENTED
AUT 07	NO DECISION	The Commission withdrew its proposal and restricted it to a list of non-profit making	PARTIALLY IMPLEMENTED

⁹ Sharma, M. S. (2015, June 5). Mihir S Sharma: End the IAS | Business Standard Column. Retrieved from http://www.business-standard.com/article/opinion/mihir-s-sharma-end-the-ias-115060501417_1.html

		activities, while maintaining that lateral movement from private sector into government be allowed	
AUT 08	DECISION DEFERRED	Government has taken no action towards the constitution of the CCSA	NOT IMPLEMENTED
AUT 09	DECISION DEFERRED	No action taken by the Government	NOT IMPLEMENTED
AUT 10	DECISION DEFERRED	Ministries and departments have been created, currently fulfilling the purpose of this regulation. However no specific autonomy has been granted to these agencies.	PARTIALLY IMPLEMENTED

The government selected 10 recommendations on the subject of autonomy of the civil services, out of which the government has either deferred a decision, or not taken a decision at all for 8 recommendations. It Has accepted 2 recommendations. 6 of these recommendations have not yet been implemented, while 3 recommendations have been partially implemented. Surprisingly, only 1 out of the 10 recommendations has been fully implemented. The implementation of these recommendations raises several questions on the priority of the government on increasing the autonomy of the bureaucracy. What seems to be diversionary is that the government not only has not implemented recommendations, but has not even taken a decision on most matters¹⁰.

ANALYSIS OF RECOMMENDATIONS ON ACCOUNTABILITY

S NO.	GOVERNMENT DECISION	GOVERNMENT ACTION	STATUS OF IMPLEMENTATION
ACC01	AGREED	PM's award is given each year since 2008	IMPLEMENTED

¹⁰ Second Administrative Reforms Commission. (2007). Ethics in Governance. Retrieved from <http://darpg.gov.in/sites/default/files/ethics4.pdf>

ACC02	Review of performance appraisal form recommended	No Government action	NOT IMPLEMENTED
ACC03		NO GOVERNMENT ACTION	NOT IMPLEMENTED
ACC04	NOT ACCEPTED	NO GOVERNMENT ACTION	NOT IMPLEMENTED
ACC05	DoPT order of 26.09.2011 decided to retain UPSC consultation but no second stage consultation with CVC. In cases not requiring UPSC consultation, second stage consultation with CVC will be held	Civil Services Law are at drafting stage	PARTIALLY IMPLEMENTED
ACC06		Not enacted. Current Rules Require President's assent for removal/dismissal, while transfers may be carried out by higher authority	PARTIALLY IMPLEMENTED
		According to CCS (CCA) Rules 1965, two-stage consultation is maintained. Union Public Service Commission (exemption from Consultation) regulations, 1958; no clear indication for specific disciplinary cases	NOT IMPLEMENTED
ACC07			PARTIALLY IMPLEMENTED
ACC08			
ACC09	NO DECISION	Unqualified recommendation, as "strong" and "effective" internal grievance redressal mechanisms cannot be determined as such	UNQUALIFIABLE

ACC10	NO DECISION	Director of Grievances & Staff Grievance Officers exist, PGOs also present in some ministries	PARTIALLY
ACC11	NO DECISION	3 months instead of 30 days.	PARTIALLY IMPLEMENTED
ACC12	NO DECISION	The Director of Grievances has the power as an appellate authority	IMPLMENTED
ACC13	NO DECISION	. No information found	UNQUALIFIED
ACC14	NO DECISION	NO ACTION TAKEN	NOT IMPLEMENTED
ACC15	NO DECISION	Constitution of the PESB Has been made; found in guidelines	IMPLEMENTED
ACC16	ACC EPTE D	Values prescribed, however no specific provision for penalty for misconduct	PARTIALLY IMPLEMENTED
ACC17	ACCEPTED	No central government code of conduct for all employees; rules for civil services are there and some state government rules	PARTIALLY IMPLEMENTED
ACC18	Rejected by the government. Sanctions for these cases are still necessary,	Amendment in PCA proposed.	PARITALLY IMPLEMENTED

	although this sanction is required to be granted in not more than 3 months from application.		
ACC19	ACCEPTED	No such provision was provided in the amendment bills of PCA of 2013 and 2015	NOT IMPLEMENTED
ACC20	No decision required as the government claims that other forums are discussing the same.	This has been included as per standard practice	PARTIALLY IMPLEMENTED
ACC21	ACCEPTED	Parts of the amendment in PCA	PARTIALLY IMPLEMENTED
ACC22	Rejected, power to sanction remains with the competent authority, as the government claims this authority will have a holistic perspective of the actions of the civil servants.	NO CHANGES IN THE PCA	NOT IMPLEMENTED
ACC23	No decision, but this was referred to the GoM on corruption	No change in the PCA	NOT IMPLEMENTED
ACC24	ACCEPTED	NOT ENACTED	NOT IMPLEMENTED

ACC25	ACCEPTED	IMPLEMENTED IN NOV'16	IMPLEMENTED
ACC26	NOT ACCEPTED	NO ACTION TAKEN	NOT IMPLEMENTED
ACC27	NOT ACCEPTED	NO ACTION TAKEN	NOT IMPLEMENTED
ACC28	NOT ACCEPTED	NO ACTION TAKEN	NOT IMPLEMENTED
ACC29	NOT ACCEPTED	NO ACTION TAKEN	NOT IMPLEMENTED
ACC30	Rejected. Government claims that the relevant provisions already exist in the Conduct Rules.	Unqualifiable recommendation	UNQUALIFIABLE
ACC31	ACCEPTED	No change in the Conduct Rules	NOT IMPLEMENTED
ACC32	Rejected. The government feels that existing provisions in the ARC are already sufficient to address the issue of how corruption was controlled by the civil servant. There is no scope to hold the supervisory officer accountable for a crime under the PCA, committed by a junior	No change in the APR	NOT IMPLEMENTED
ACC33		No evidence found	UNQUALIFIABLE

	officer. The supervisor is able to make observations in the current ACR form about corrupt practices observed by them		
ACC34	ACCEPTED	Guidelines have been issued to this effect	IMPLEMENTED
ACC35	ACCEPTED	Preliminary inquiry is an important part of procedures for Lokpal CVC and PCA	IMPLEMENTED
ACC36	ACCEPTED	Provision is given in Lokpal Act to give powers to Lokpal to order for the destruction of evidence in preliminary enquiry.	IMPLEMENTED
ACC37	ACCEPTED	Unqualifiable recommendation. Provision for evaluation and inquiry by adequately competent authority.	UNQUALIFIABLE
ACC38	ACCEPTED	No provisions in Lokpal Act, PCA	NOT IMPLEMENTED
ACC39	ACCEPTED	Provision given in the PCA Lokpal Act to conduct formal investigation after preliminary enquiry	IMPLEMENTED
ACC40	ACCEPTED	Officers records are maintained in individual personnel files	IMPLEMENTED
ACC41	ACCEPTED	Provision is given in Section 38 of Lokpal Act 2013	IMPLEMENTED

ACC42	DECISION DEFERRED	Articles 310 and 311 not yet removed	NOT IMPLEMENTED
ACC43	DECISION DEFERRED	PMES & RFD introduced in 2009. Discontinued by Modi in 2014-15, replaced by eSamiksha.	IMPLEMENTED

A total of 43 recommendations were found to be relevant on the subject of accountability. In this category most recommendations have been accepted by the government, and some have been referred to other committees such as GoMs. However, when it comes to implementation of these recommendations it has not been very uniform. Only 13 recommendations out of the 43 recommendations have been fully implemented, 8 have been partially implemented, while 17 are not implemented. 5 of these recommendations were merely suggestive in nature and/or were not qualifiable¹¹.

**ANALYSIS OF RECOMMENDATIONS ON TENURE & TRAINING
AND MISCELLANEOUS RECOMMENDATIONS**

S.NO	GOVERNMENT DECISION	GOVERNMENT ACTION	STATUS OF IMPLEMENTATION
TTG01	Accepted. Government has specified supervision by the UPSC of the functioning of DPC through periodic review. This is for promotion of officers of up to selection grade, which is delegated to the relevant department.	UPSC presides over the DPC if it is so specified.	IMPLEMENTED

¹¹ Second Administrative Reforms Commission. (2009). Citizen Centric Administration. Retrieved from <http://darpg.gov.in/sites/default/files/ccadmin12.pdf>

TTGO2	<p>Separate GoM for corruption has been set up, which will look into this matter.</p> <p>Consultation (second stage) for CVC has been done away with. Order for the same was issued on 26.09.2011.</p>	<p>DoPT Handbook does not provide for specific cases to be referred to the UPSC, but simply mentions what to do in case a matter is referred to the UPSC</p>	<p>PARTIALLY IMPLEMENTED</p>
TTGO3	<p>Accepted. Training is mandatory for all civil servants at the induction stage as well as the mid-career stage. The National Training Policy needs to be comprehensive.</p>	<p>Mandatory training is prescribed in changes recently made, even after Ayyar committee</p>	<p>IMPLEMENTED</p>
TTGO4		<p>New National Training policy 2012 has been doled Out as well as guidelines for implementation.</p>	<p>IMPLEMENTED</p>
TTGO5	<p>Accepted. Common foundation course examinations would be mandatory for officers in order to complete their probation. Marks are however not counted to determine seniority.</p>	<p>NTP 2012 specifies the rules.</p>	<p>IMPLEMENTED</p>
TTGO6	<p>RECOMMENDATION ACCEPTED</p> <p>MID CAREER TRAINING SHOULD BE MADE</p>	<p>NTP 2021 lays down these policies. However some officers sometimes are exempted for several reasons, or given promotion without completion of mandatory training</p>	<p>PARTIALLY IMPLEMENTED</p>

TTG07	MANDATORY FOR ALL GROUP A & B SERVICES FOR PROMOTIONS	Policy contained in NTP 2012	IMPLEMENTED
TTG08		Domestic funding for Foreign Training (DFFT) system is currently in place.	IMPLEMENTED
TTG09	A Plan Scheme proposed to be designed to support training organisations at Central and State levels.	Specific government order not found, but training institutions exist	IMPLEMENTED
TTG10	Recommendation accepted. DoPT is directed to take actions towards providing institutes with greater autonomy and flexibility.	This is implemented to the extent that the organizational structures reflect domain experts along with senior civil servants	IMPLEMENTED
TTG11	Accepted. Government recommends establishing this institute on a Public-Private Partnership model. It would have the functions of a think tank and policy advisory body. A Plan Scheme proposed to be designed to support training organisations at Central and state levels. All services and cadres should open their own institutes and strengthen them.	NCGG was set up and inaugurated in 2014.	IMPLEMENTED

TTG12	<p>Conditionally accepted by the government. Domain assignment is recommended to be done after 18 years of service, since most officers are in the field for the first 10 years and therefore domain cannot be decided within the next 3 years. Services need to decide which domain requires specialisation</p>	PESB rules and regulations on appointments	IMPLEMENTED
TTG13		CCSA Not implemented	NOT IMPLEMENTED
TTG14		Domain assignment is not implemented through the CCSA	PARTIALLY IMPLEMENTED
TTG15		Civil Services Board constituted; DoPT ministries issue notifications for vacancies	IMPLEMENTED
TTG16		Not implemented as no CCSA exists	NOT IMPLEMENTED
TTG17		Nothing specified appointment and promotion regulations	NOT IMPLEMENTED
TTG18		Only contained in the Model Public Services Law	PARTIALLY IMPLEMENTED

TTG19	DECISION DEFERRED	Current system continues with empanelment	NOT IMPLEMENTED
TTG20		Suitability for the post is taken into due consideration while selecting an officer for appointment	IMPLEMENTED
TTG21		Classification is done in terms of specifying the type of job and qualifications listing domains	IMPLEMENTED
TTG22	DECISION DEFERRED	No evidence of clear presentation and implementation. Under CCS, officers of IAS and Group A are grouped separately, but job descriptions are not clear.	NOT IMPLEMENTED
TTG23		CCSA not implemented; provision included in Model Public Service Law, 2009	PARTIALLY IMPLEMENTED
TTG24			PARTIALLY IMPLEMENTED

TTG25	DECISION DEFERRED	CCSA not implemented; provision included in Model Public Service Law, 2009	PARTIALLY IMPLEMENTED
TTG26			PARTIALLY IMPLEMENTED
TTG27			PARTIALLY IMPLEMENTED
TTG28			PARTIALLY IMPLEMENTED
TTG29	Accepted in principle. DoPT is said to be working on a new PAR system for services. Referred to the GoM.	<ol style="list-style-type: none"> 1. State tracking is outside the domain of current study. 2. Performance appraisal formats have not been changed to this effect. 3. Year round performance appraisals are not happening 4. Numerical ratings are assigned, seen from the template 	PARTIALLY IMPLEMENTED

TTG30	ACCEPTED	As part of the Public Services Bill 2007, but not implemented	PARTIALLY IMPLEMENTED
TTG31	ACCEPTED	Provision in Public Services Bill 2007; not implemented	PARTIALLY IMPLEMENTED
TTG32	NOT FEASIBLE; REJECTED	No APAs; no CPSA	NOT IMPLEMENTED
TTG33	REJECTED	No CCSA exists, but current manual on foreign assignments exists	PARTIALLY IMPLEMENTED
TTG34	ACCEPTED	Unqualifiable recommendation	UNQUALIFIED
TTG35	ACCEPTED	Unqualifiable recommendation	UNQUALIFIED
TTG36	DECISION DEFERRED	<ul style="list-style-type: none"> i. well-defined procedure Exists ii. Open competition does not exist, wide publication is there iii. Discretion is minimised through system balance in the CSB, PESB, etc. iv. No written exam, just a performance appraisal and application No law is currently pending and no independent agency has been instituted. 	PARTIALLY IMPLEMENTED

TTG37	DECISION DEFERRED	Not implemented as change in law required; change in constitution required to remove protection for civil servants	NOT IMPLEMENTED
TTG38	DECISION DEFERRED	No senior management pool exists	NOT IMPLEMENTED
TTG39	DECISION DEFERRED	Tenures fixed after SC order in January 2014 to minimum 2 years only for IAS, IPS, IFS	PARTIALLY IMPLEMENTED
TTG40	DECISION DEFERRED	Provisions given in DoPT order; no CCSA as no change in law.	PARTIALLY IMPLEMENTED
TTG41	ACCEPTED	Efforts taking place in individual institutions.	UNQUALIFIED

41 recommendations which fit into the domain of tenures and training of civil servants were selected. Since postings of civil servants are recommended to happen on the basis of domain expertise, the issues of tenures and training are interlinked. Out of the 41 recommendations of the ARC, 13 recommendations were found to have been fully implemented, while 17 were partially implemented. Even in this sector, the government has accepted most recommendations of the ARC and rejected very few. 8 recommendations were found to have not been implemented, while 3 were unqualifiable recommendations. It may be inferred from these results that, from the large-scale acceptance of recommendations by the government, it is currently within the government's capacity to implement these recommendations. However, this does not reflect in the level of implementation, as a majority of recommendations are either unimplemented or only partially implemented. The government has failed to pass important legislations as well as amendments to existing legislations¹².

¹² Second Administrative Reforms Commission. (2009). Organisational Structure of Government of India. Retrieved from <http://arc.gov.in/13threport.pdf>

MISCELLANEOUS

S.NO.	GOVERNMENT DECISION	GOVERNMENT ACTION	STATUS OF IMPLEMENTATION
MISC01	DECISION DEFERRED	The Civil Services Bill is currently non-existent.	NOT IMPLEMENTED
MISC02	DECISION DEFERRED	Provisions given in amendment to conduct rules; however general practice operates with these rules in mind.	IMPLEMENTED
MISC03	DECISION DEFERRED	Amendment in Conduct Rules, but not comprehensively described or notified	PARTIALLY IMPLEMENTED

The miscellaneous category recommendations deal with the promulgation of a Civil Services Act, through which certain measures aimed at improving accountability, autonomy, ethics and integrity of civil servants have been laid out. The government has failed to introduce such a civil service bill, as is currently laid out on the floor of the Parliament. A Model Public Service Law and a Draft Bill Has been given out in 2009 and 2007 respectively, but no action has been taken in furtherance of these policies¹³.

IV. CONCLUSION AND SUGGESTIONS

India might have seen an impressive economic growth but it has failed to achieve the United Nations Millennium Development Goals (MDGs), particularly in relation to hunger, health, nutrition, gender, and sanitation. Countries poorer than India such as Bangladesh and Vietnam have better social indicators today as compared to India's social indicators. Moreover, growth has not been helpful to the most marginalised groups, such as tribals and women. Tribals

¹³ Second Administrative Reforms Commission. (n.d.). Tenth Report: Refurbishing of Personnel Administration - Scaling New Heights. Retrieved from http://arc.gov.in/10th/ARC_10th_report.htm

especially in Central India have been the worst sufferers out of all the disadvantaged groups, primarily because of anti-tribal forest policy, displacement laws, and poor governance. Tribal livelihoods have been largely affected as the production of minor forest products from Government forests has gone down in the last 70 years. Manifesting itself in poor service delivery, uncaring administrative attitude, corruption and uncoordinated and wasteful public expenditure, Unfortunately, governance in India at the state and district levels is quite weak. People of the country are interested in the outcomes that the system is responsible for, A IAS officers may be brilliant, hard-working, honest and also try to remain distant from unscrupulous politicians. But people are more interested in seeing results, rather than their personal qualities. Are we really getting quality services by teachers and doctors and are they present in their place of posting?

- Are pensions given regularly in time to widows and disabled?
- Is there timely evaluation of programmes and objectively?
- Are land records updated and reflect the ground reality without bribes?
- Are street vendors and rickshaw pullers earning their livelihoods without being harassed?
- Are outcomes being measured and reported honestly, in order to take corrective action to improve delivery?

I feel sorry for the fact that the answer to these questions is negative. Though the people at the top are world class the system does not perform well. There is an interesting explanation given by US academic Lant Pritchett on why things are going so shockingly amiss in India. He said “When the elite institutions at the national and in some cases state levels in a nation are sound and functional but this head no longer has a reliable connection to the nerves and tendons to its own limbs.” He called this the failing state syndrome. ‘Field level agents of the state, from health workers to teachers and engineers, are increasingly beyond the control of the government, at state and national level and as a result, nothing works. In nearly every routine service be it police, tax collection, education, health, water supply there is rampant defection, indifference, inadequacy, and corruption. Radical reforms cannot succeed without political support in isolation, and politicians are left with little choice but to resort to populist and sectarian strategies because of non-performing administration.

As Chidambaram put it, 'The projects and programmes are designed by the Civil servants, they are responsible for cost and time estimates, and are directly responsible for implementation; yet, many programmes yield unsatisfactory results or fail completely'. If there is a way of

streamlining administrative processes, even with average leadership routine administration should suffice to produce results. For instance, in 2017-18 the government spent Rs 12,312 on each rural poor in Kerala (the least poor state in India) under NREGA – as compared to insignificant Rs 918 in Bihar and 943 in UP. The expenditure on NREGA in Tamil Nadu in 2017-18 was three times that in Bihar while the Number of rural poor in Bihar is six times that in Tamil Nadu.

India needs to acknowledge the fact that it's grandstanding on the international stage remains meaningless as long as its deep internal instabilities persist. In order to address such challenges certain reforms such as Implementing a fixed tenure for bureaucrats. Privileges to curb corruption and Proper compensation. Furthermore, there is a need for strict vigilant mechanisms and proper implementation of anti-corruption laws. Other reforms such as communication of bureaucratic decisions to the public, Digitization in the administrative process and ensuring proper channelization of resources are also desirable. There are areas such as Lateral entry of experienced officers, strengthening accountability mechanisms by intensive reviews and comprehensive evaluation mechanisms rank officers on their functional skills, domain expertise, behavioral competence and integrity which should be given immediate attention. In order to develop specific domain expertise Officers should be assigned to different departments early in their careers. Field visits shall be given due importance to assess ground reality. The Hindrances in the functioning of bureaucracy should be adequately and urgently addressed for the bureaucracy to remain the steel frame that holds the country together.

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Appendix 1: Codification of Recommendations on Autonomy

1. AUT01 – There is a need to safeguard the political neutrality and impartiality of the civil services. The onus for this lies equally on the political executive and the civil services. This aspect should be included in the Code of Ethics for Ministers as well as the Code of Conduct for Public Servants.
2. AUT02 – The Commission would like to reiterate its recommendation made in its Report on “Ethics in Governance” while examining the definition of corruption under the Prevention of Corruption Act, 1988, wherein it has been recommended that “abuse of authority unduly favouring or harming someone” and “obstruction of justice” should be classified as an offence under the Act.
3. AUT03 – It is essential to lay down certain norms for recruitment in government to avoid complaints of favouritism, nepotism, corruption and abuse of power. These norms are:
 - i. Well-defined procedure for recruitment to all government jobs.
 - ii. Wide publicity and open competition for recruitment to all posts.
 - iii. Minimisation, if not elimination, of discretion in the recruitment process.
 - iv. Selection primarily on the basis of written examination or on the basis of performance in existing public/board/university examination with minimum weight to interview.
4. AUT04 – Risk profiling of jobs needs to be done in a more systematic and institutionalised manner in all government organizations.
5. AUT05 – Risk profiling of officers should be done by a committee of ‘eminent persons’ after the officer has completed ten years of service, and then once in every five years. The committee should use the following inputs in coming to a conclusion:
 - i. The performance evaluation of the reported officer.
 - ii. A self-assessment given by the reported officer focusing on the efforts he/she has made to prevent corruption in his/her career.
 - iii. Reports from the vigilance organization.
 - iv. A peer evaluation to be conducted confidentially by the committee through an evaluation form.
6. AUT06 – Each Department/Ministry should undertake a review of the particular service of which it is the Cadre Controlling Authority to ensure that officers of the service are used optimally, promotion prospects for them are adequate and skill levels of officers are upgraded

periodically. Each Department/Ministry should undertake a skill needs assessment to identify required skills and upgrade skill levels.

7. AUT07 – Civil servants should be encouraged to move laterally to non-government organizations.

8. AUT08 – Constitution of the Central Civil Services Authority:

i. The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Civil Services Authority to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

ii. The Central Civil Services Authority shall be a five-member body consisting of the Chairperson and four members (including the member- secretary). The Authority should have a full-time Member-Secretary of the rank of Secretary to Government of India. The Chairperson and members of the Authority should be persons of eminence in public life and professionals with acknowledged contributions to society. The Chairperson and members of the Authority shall be appointed by the President on the recommendations of a Committee consisting of the Prime Minister and the Leader of the Opposition in the Lok Sabha.

(Explanation: - Where the Leader of the Opposition in the Lok Sabha has not been recognized as such, the Leader of the single largest group in the opposition in the Lok Sabha shall be deemed to be the Leader of the Opposition).

9. AUT09 – Functions of the Central Civil Services Authority: The Central Authority shall discharge the following functions:

i. Review the adoption, adherence to and implementation of the Civil Service Values in the departments or organizations under the Central Government and send reports to the Central Government.

ii. Assign domains to all officers of the All India Services and the Central Civil Services on completion of 13 years of service.

iii. Formulate norms and guidelines for appointments at ‘Senior Management Level’ in Government of India.

iv. Evaluate and recommend names of officers for posting at the ‘Senior Management Level’ in Government of India.

v. Identify the posts at ‘Senior Management Level’ in Government of India which could be

thrown open for recruitment from all sources.

vi. Fix the tenure for posts at the 'Senior Management Level' in Government of India.

vii. Submit an annual report to Parliament."

10. AUT10 – Creation of Executive Agencies in Government: Government should be authorized to create or reorganize some or all of existing Departments into 'Executive Agencies'. The role of the Ministries should primarily be on policy formulation while implementation should be left to the Executive Agencies.

Appendix 2: Codification of Recommendations on Accountability

1. ACC01 – There is a need to recognise the outstanding work of serving civil servants including through National awards. Awards for recognizing good performance should also be instituted at the State and district levels. It must be ensured that selection for such awards is made through a prompt, objective and transparent mechanism because the value of such awards should not get compromised by either subjectivity or lack of transparency. Further, all organizations should evolve their own in-house mechanism for rewarding good performance from simple, verbal and written appreciation to more tangible rewards.

2. ACC02 – A system of two intensive reviews – one on completion of 14 years of service, and another on completion of 20 years of service - should be established for all government servants.

3. ACC03 – The first review at 14 years would primarily serve the purpose of intimidating the public servant about his/her strengths and shortcomings for his/her future advancement. The second review at 20 years would mainly serve to assess the fitness of the officer for his/her further continuation in government service. The detailed modalities of this assessment system would need to be worked out by the government.

4. ACC04 – The services of public servants, who are found to be unfit after the second review at 20 years, should be discontinued. A provision regarding this should be made in the proposed Civil Services Law. Besides, for new appointments it should be expressly provided that the period of employment shall be for 20 years. Further continuance in government service would depend upon the outcome of the intensive performance reviews.

5. ACC05 – In the proposed Civil Services law, the minimum statutory disciplinary and dismissal procedures required to satisfy the criteria of natural justice should be spelt out leaving the details of the procedure to be followed to the respective government departments. The present oral inquiry process should be converted into a disciplinary meeting or interview to be conducted by a superior officer in a summary manner without the trappings and procedures borrowed from court trials. This would require that the CCS (CCA) Rules, 1965

be repealed and substituted by appropriate regulations

6. ACC06 – No penalty of removal and dismissal should be imposed, except by an Authority, which is at least three levels above the post which the government servant is holding. Other penalties – apart from dismissal and removal – may be imposed by an Authority which is at least two levels above the current post of the government servant. No penalty may be imposed, unless an inquiry is conducted and the accused government servant has been given an

opportunity of being heard.

7. ACC07 – The two-stage consultation with the CVC in cases involving a vigilance angle should be done away with and only the second stage advice after completion of the disciplinary process, should be obtained. In addition, for cases involving a vigilance angle, no consultation with the UPSC should be required.

8. ACC08 – Consultation with the UPSC should be mandatory only in cases leading to the proposed dismissal of government servants and all other types of disciplinary cases should be exempted from the UPSC's purview.

9. ACC09 – There is a need for a strong and effective internal grievance redressal mechanism in each organization.

10. ACC10 – The Union and State Governments should issue directions asking all public authorities to designate public grievance officers on the lines of the Public Information Officers under the RTI Act. These officers should be of adequate seniority and should be delegated commensurate authority.

11. ACC11 – All grievance petitions received should be satisfactorily disposed of by these officers within thirty days. Non-adherence to the time limit should invite financial penalties.

12. ACC12 – Each organization should designate an appellate authority and devolve adequate powers upon them including the power to impose fines on the defaulting officers.

13. ACC13 – The feedback from citizens should be used to monitor the performance of government offices.

14. ACC14 – Each government office which has a public interface should have an external evaluation conducted annually in addition to those conducted by the organization itself.

15. ACC15 – There is need for greater uniformity in the terms of appointment, tenure and removal of various regulatory authorities considering these have been set up with broadly similar objectives and functions and should enjoy the same degree of autonomy. The initial process of appointment of Chairman and Board Members should be transparent, credible and fair.

16. ACC16 – 'Public Service Values' towards which all public servants should aspire, should be defined and made applicable to all tiers of Government and parastatal organizations. Any transgression of these values should be treated as misconduct, inviting punishment.

17. ACC17 – A comprehensive and enforceable Code of Conduct should be prescribed for all professions, with statutory backing.

18. ACC18 – Prior sanction should not be necessary for prosecuting a public servant who has been trapped red-handed or in cases of possessing assets disproportionate to the known sources of income.
19. ACC19 – The Prevention of Corruption Act should be amended to ensure that sanctioning authorities are not summoned and instead the documents can be obtained and produced before the courts by the appropriate authority.
20. ACC20 – The Presiding Officer of a House of Legislature should be designated as the sanctioning authority for MPs and MLAs respectively.
21. ACC21 – The requirement of prior sanction for prosecution now applicable to serving public servants should also apply to retired public servants for acts performed while in service.
22. ACC22 – In all cases where the Government of India is empowered to grant sanction for prosecution, this power should be delegated to an Empowered Committee comprising the Central Vigilance Commissioner and the Departmental Secretary to Government. In case of a difference of opinion between the two, the matter could be resolved by placing it before the full Central Vigilance Commission. In case, sanction is required against a Secretary to Government, then the Empowered Committee would comprise the Cabinet Secretary and the Central Vigilance Commissioner. Similar arrangements may also be made at the State level. In all cases the order granting sanction for prosecution or otherwise shall be issued within two months. In case of refusal, the reasons for refusal should be placed before the respective legislature annually.
23. ACC23 – In addition to the penalty in criminal cases, the law should provide that public servants who cause loss to the state or citizens by their corrupt acts should be made liable to make good the loss caused and, in addition, be liable for damages. This could be done by inserting a chapter in the Prevention of Corruption Act.
24. ACC24 – The Corrupt Public Servants (Forfeiture of Property) Bill as suggested by the Law Commission should be enacted without further delay.
25. ACC25 – Steps should be taken for immediate implementation of the Benami Transactions (Prohibition) Act, 1988.
26. ACC26 – Article 311 of the Constitution should be repealed.
27. ACC27 – Simultaneously, Article 310 of the Constitution should also be repealed.
28. ACC28 – Suitable legislation to provide for all necessary terms and conditions of services should be provided under Article 309, to protect the bona fide actions of public servants taken

in public interest; this should be made applicable to the States.

29. ACC29 – Necessary protection to public servants against arbitrary action should be provided through such legislation under Article 309.

30. ACC30 – The supervisory role of officers needs to be re-emphasised. It bears reiteration that supervisory officers are primarily responsible for curbing corruption among their subordinates, and they should take all preventive measures for this purpose.

31. ACC31 – Each supervisory officer should carefully analyse the activities in his/her organization/office, identify the activities which are vulnerable to corruption and then build up suitable preventive and vigilance measures. All major instances of loss caused to the government or to the public, by officials by their acts of omission or commission should be enquired into and responsibility fixed on the erring officer within a time-frame.

32. ACC32 – In the Annual Performance Report of each officer, there should be a column where the officer should indicate the measures he took to control corruption in his office and among subordinates. The reporting officer should then give his specific comments on this.

33. ACC33 – Supervisory officers who give ‘clean certificates’ to subordinate corrupt officers in their Annual Performance Reports should be asked to explain their position in case the officer reported upon is charged with an offence under the Prevention of Corruption Act. In addition, the fact that they have not recorded adversely about the integrity of their subordinate corrupt officers should be recorded in their reports.

34. ACC34 – Supervisory officers should ensure that all offices under them pursue a policy of suo motu disclosure of information within the ambit of the Right to Information Act.

35. ACC35 – Every allegation of corruption received through complaints or from sources cultivated by the investigating agency against a public servant must be examined in depth at the initial stage itself before initiating any enquiry. Every such allegation must be analysed to assess whether the allegation is specific, whether it is credible and whether it is verifiable. Only when an allegation meets the requirements of these criteria, should it be recommended for verification, and the verification must be taken up after obtaining approval of the competent authority. The levels of competent authorities for authorizing verifications/enquiries must be fixed in the anti- corruption agencies for different levels of suspect officers.

36. ACC36 – In matters relating to allegations of corruption, open enquiries should not be taken up straightaway on the basis of complaints/source information. When verification/secret enquiries are approved, it should be ensured that secrecy of such verifications is maintained and

the verifications are done in such a manner that neither the suspect officer nor anybody else comes to know about it. Such secrecy is essential not only to protect the reputation of innocent and honest officials but also to ensure the effectiveness of an open criminal investigation. Such secrecy of verification / enquiry will ensure that in case the allegations are found to be incorrect, the matter can be closed without anyone having come to know of it. The Inquiry / Verification Officers should be in a position to appreciate the sensitivities involved in handling allegations of corruption.

37. ACC37 – The evaluation of the results of verification/enquiries should be done in a competent and just manner. Much injustice can occur due to faulty evaluation of the facts and the evidence collected in support of such facts. Personnel handling this task should not only be competent and honest but also impartial and imbued with a sense of justice.

38. ACC38 – Whenever an Inquiry Officer requires to consult an expert to understand technical/complex issues, he can do so, but the essential requirement of proper application of mind has to take place at every stage to ensure that no injustice is caused to the honest and the innocent.

39. ACC39 – The supervisory officers in the investigating agencies should ensure that only those public servants are prosecuted against whom the evidence is strong.

40. ACC40 – There should be profiling of officers. The capabilities, professional competence, integrity and reputation of every government servant must be charted out and brought on record. Before proceeding against any government servant, reference should be made to the profile of the government servant concerned.

41. ACC41 – A special investigation unit should be attached to the proposed Lokpal (Rashtriya Lokayukta)/State Lokayuktas/Vigilance Commission), to investigate allegations of corruption against investigative agencies. This unit should be multi-disciplinary and should also investigate cases of allegations of harassment against the investigating agency. Similar units should also be set up in states.

42. ACC42 – Dismissal, Removal etc. of Civil Servants: After the repeal of Articles 310 and 311 (as recommended in the Report on ‘Ethics in Governance’), safeguards against arbitrary action against government servants should be provided in the new law. These safeguards should include:

i. No penalty of removal and dismissal should be imposed, except by an authority, which is at least three levels above the post which the government servant is holding.

ii. Other penalties – apart from dismissal and removal - may be imposed by an authority which is at least two levels above the current post of the government servant.

iii. No penalty may be imposed, unless an enquiry is conducted and the accused government servant has been given an opportunity of being heard.

iv. The Head of an organization should have powers to lay down the details of the enquiry procedure, subject to the general guidelines which may be issued by the Government from time to time.

43. ACC43 – A performance management system should be mandatory for every organization in the government.

Appendix 3: Codification of Recommendations on Tenure & Training

1. TTG01 – Promotion of officers through Departmental Promotion Committees (DPC), up to the level of Selection Grade may be delegated to the concerned Departments. The UPSC should supervise the functioning of these DPCs through periodic reviews, audits etc.
2. TTG02 – In the case of disciplinary proceedings, consultation with the UPSC should be mandatory only in cases involving likely dismissal or removal of a government servant.
3. TTG03 – Every government servant should undergo a mandatory training at the induction stage and also periodically during his/her career. Successful completion of these training should be a minimum necessary condition for confirmation in service and subsequent promotions. Mandatory induction training should be prescribed for Group D staff also before they are assigned postings.
4. TTG04 – A monitoring mechanism should be set up for overseeing the implementation of the National Training Policy (1996).
5. TTG05 – The practice of having a ‘Common Foundation Course’ for all Group ‘A’ Services – generalist, specialized and technical, should continue. For Group ‘B’ and ‘C’ Services, the Institute of Secretarial Training and Management (ISTM) may be developed as the nodal agency for design and delivery of common Foundation Courses.
6. TTG06 – All civil servants should undergo mandatory training before each promotion and each officer/official should be evaluated after each training programme. Successful completion of the training programmes should be made mandatory for promotions.
7. TTG07 – The objective of mid-career training should be to develop domain knowledge and competence required for the changing job profile of the officer. To this end, mid-career learning opportunities relevant to specific domains or specializations should be made available for officers.
8. TTG08 – Public servants should be encouraged to obtain higher academic qualifications and to write papers for reputed and authoritative journals.
9. TTG09 – A strong network of training institutions at the Union and State levels needs to be built up to cater to the training requirements of civil servants. However, instead of spreading resources over a large number of institutions, a few institutions should be identified for capacity building and upgradation.
10. TTG10 – The composition of governing bodies of the national training institutions such as the LBSNAA, SVPNPA, IGNTA and also the State Administrative Training Institutes should

be broadened by inducting eminent experts. The governing bodies should be adequately empowered to enable them to discharge their functions efficiently.

11. TTG11 – A national institute of good governance may be set up by upgrading one of the existing national/state institutes. This institute would identify, document, and disseminate best practices and also conduct training programmes.

12. TTG12 – In posting officers in the Government of India, the primary consideration should be to select the most suitable person for the post that is on offer.

13. TTG13 – Domains should be assigned by the Central Civil Services Authority to all officers of the All India Services and the Central Civil Services on completion of 13 years of service.

14. TTG14 – The Central Civil Services Authority should invite applications from all officers who have completed the minimum qualifying years of service, for assignment of domains. The applications should specify the academic background of officers, their research accomplishments (if any) and significant achievements during their career, relevant to the domain applied for. A consultative process should be put in place where the officers should be interviewed and their claims to specific domains evaluated. The Authority should thereafter assign domains to the officers on the basis of this exercise. In case some domains do not attract applicants, the Authority should assign these domains to officers with the relevant knowledge and experience.

15. TTG15 – All vacancies arising at the level of Deputy Secretary/Director during a financial year should be identified well before the beginning of that financial year, by the Department of Personnel and Training (DOPT). The Ministries concerned should also give a brief job description for these positions. All these posts and their job description should be notified to the cadre controlling authorities of the concerned All India Services and Central Services. On receipt of nominations from the cadre controlling authorities, the DOPT should try to match the requirements of various positions with the competencies of the officers in the 'offer list'. The DOPT should then seek approval for the entire list from the Competent Authority.

16. TTG16 – The Central Civil Services Authority should be charged with the responsibility of fixing tenure for all civil service positions and this decision of the Authority should be binding on the Government.

17. TTG17 – Officers from the organized services should not be given 'non-field' assignments in the first 8-10 years of their career.

18. TTG18 – State Governments should take steps to constitute State Civil Services Authorities

on the lines of the Central Civil Services Authority.

19. TTG19 – The present empanelment system for short-listing officers for posting at the SAG level and above should be replaced by a more transparent and objective placement procedure.

20. TTG20 – At higher levels in government, it is necessary to ensure that the tasks assigned to a public servant match his/her domain competence as well as aptitude and potential.

21. TTG21 – Ministries should classify all of their SAG level posts according to their relevant functional domains.

22. TTG22 – There is a need to introduce competition for senior positions in government (SAG and above) by opening these positions in Government (including attached and subordinate offices) to all Services. This principle would apply to all posts including those that are presently encadrer with the organised Group ‘A’ Services. In order to operationalise this, the government should make the continued participation of any of the organised civil services in the Central Staffing Scheme, contingent upon the implementation of this principle in those Departments/Cadres.

23. TTG23 – For the positions at the Joint Secretary/SAG level and above, the Central Civil Services Authority would invite applications from amongst all the eligible officers from the All India Services and Group ‘A’ Central Services which are participating in the scheme

24. TTG24 – For positions at the HAG level and above, the Central Public Service Authority would, in consultation with the Government, earmark positions for which outside talent would be desirable. Applications to fill up these posts would be invited from interested and eligible persons from the open market and also, from serving eligible officers.

25. TTG25 – While carrying out this exercise, the Central Civil Services Authority would stipulate the eligibility criteria, the required domain expertise as well as the requirements of qualifications, seniority and work experience. The Authority would conduct interviews to short-list suitable officers for these posts. Government would make the final selection on the basis of this shortlist.

26. TTG26 – A Central Civil Services Authority should be constituted under the proposed Civil Services Bill. The Central Civil Services Authority shall be a five-member body consisting of the Chairperson and four members (including the member-secretary). The Authority should have a full-time Member- Secretary of the rank of Secretary to Government of India. The Chairperson and members of the Authority should be persons of eminence in public life and professionals with acknowledged contributions to society. The Chairperson and members of

the Authority shall be appointed by the President on the recommendations of a Committee consisting of the Prime Minister and the Leader of the Opposition in the Lok Sabha. (Explanation: - Where the Leader of the Opposition in the Lok Sabha has not been recognized as such, the Leader of the single largest group in the Opposition in the Lok Sabha shall be deemed to be the Leader of the Opposition).

27. TTG27 – The Central Civil Services Authority should deal with matters of assignment of domains to officers, preparing panels for posting of officers at the level of Joint Secretary and above, fixing tenures for senior posts, deciding on posts which could be advertised for lateral entry and such other matters that may be referred to it by the Government.

28. TTG28 – A similar procedure should be adopted for filling up vacancies at SAG level and higher in the central police agencies. For example, in the Central Paramilitary Forces the senior positions should be opened to competition from officers of the CPMFs, IPS and the Armed Forces (including those completing their Short Service Commissions). Similarly, for the intelligence agencies officers from the armed forces as well as the CPOs with experience in the field of intelligence should be considered for postings at higher levels in the intelligence agencies.

29. TTG29 – A good employee performance appraisal system is a prerequisite for an effective performance management system. The existing performance appraisal system should be strengthened on the following lines:

a. Making appraisal more consultative and transparent – performance appraisal systems for all Services should be modified on the lines of the recently introduced PAR for the All India Services.

b. Performance appraisal formats to be made job specific - the appraisal format prescribed for civil servants should have three sections i.e. (i) a generic section that meets the requirements of a particular service to which the officer belongs, (ii) another section based on the goals and requirements of the department in which he/she is working, and (iii) a final section which captures the specific requirements and targets relating to the post that the officer is holding.

c. Performance appraisal should be year-round: provisions for detailed work-plan and a mid-year review should be introduced for all Services.

d. Guidelines need to be formulated for assigning numerical ratings.

DOPT should formulate detailed guidelines to guide the reporting and reviewing officers for assigning numerical ratings for their subordinates. Training modules for implementing

performance management systems should be designed and introduced for training programmes for civil servants.

30. TTG30 – Government should expand the scope of the present performance appraisal system of its employees to a comprehensive performance management system (PMS).

31. TTG31 – In implementing PMS in government, it must be emphasized that the PMS should be designed within the overall strategic framework appropriate to the particular ministry/department/organization. It is also necessary to link individual contributions to strategic objectives of the organization. It will therefore be necessary for each ministry/department/organization to customize its PMS relevant to them, while incorporating the general features.

32. TTG32 – Annual performance agreements should be signed between the departmental minister and the Secretary of the ministry/heads of departments, providing physical and verifiable details of the work to be done during a financial year. The actual performance should be assessed by a third party – say, the Central Public Services Authority – with reference to the annual performance agreement. The details of the annual performance agreements and the result of the assessment by the third party should be provided to the legislature as a part of the Performance Budget/Outcome Budget.

33. TTG33 – Selections for foreign assignments should be made, based on the recommendations of the Central Civil Services Authority. The Authority should follow the due process of inviting applications from eligible candidates and preparing a panel of officers who are most suitable for such assignments.

34. TTG34 – It should be the responsibility of the head of the office to examine the job content of each person working in the organization to ensure that the job content is meaningful and challenging so that the employee derives a sense of satisfaction in performing the tasks assigned to him/her. The head of the office could seek the assistance of a professional agency for this purpose.

35. TTG35 – Each head of office should ensure that a congenial work environment is created in the office. His/her success in this should be an element in evaluating his/her performance.

36. TTG36 – Recruitment and Conditions of Service: Recruitment and conditions of service of persons appointed to the ‘Public Services’ shall be governed by Rules made under this Act. The following principles of recruitment should be included for all appointments not routed through the UPSC or SSC:

- i. Well-defined merit based procedure for recruitment.
- ii. Wide publicity and open competition for recruitment to all posts.
- iii. Minimisation, if not elimination, of discretion in the recruitment process.
- iv. Selection primarily on the basis of written examination or on the basis of performance in existing public/board/university examination with minimum weight-age to interview.

An independent agency should audit the recruitments made outside the UPSC and SSC systems and advise the government suitably. This audit should be conducted under the supervision of the UPSC.

37. TTG37 – New Conditions of Appointment: (1) A civil servant, not being a civil servant recruited or inducted for a short-term appointment, shall hold office for twenty years from the date of initial appointment.

(2) The relationship between the Civil Servant and the Government of India during the time he/she holds office shall also be governed by the rules made in this regard. All public servants shall be subjected to two intensive reviews on completion of 14 years and 20 years of service respectively. Their further continuance beyond 20 years will depend on the outcome of these reviews. It should be expressly provided that all new recruitments shall be for a period of 20 years and their continuance beyond 20 years would depend on the outcome of the intensive reviews.

38. TTG38 – Appointment to Senior Positions in Government: All positions in Government (including in the attached and subordinate offices) at the level of Joint Secretary and above would constitute the ‘Senior Management Pool’. This would apply to all posts including those that are presently encadrer with the organised Group A Services. All appointments to positions in this pool shall be made on the recommendations of the Central Civil Services Authority, which would go into the past performance and also evaluate the future potential of an officer. The Central Civil Services Authority should recommend a panel of officers suitable for a position in the Government and Government should choose an officer/person from this panel.

39. TTG39 – Fixation of Tenures: All senior posts should have a specified tenure. The task of fixing tenures for various posts may also be assigned to this independent agency - Central Civil Services Authority.

40. TTG40 – Widening the Pool of Candidates for Selection to Senior Positions: Candidates outside the government system should be allowed to compete for certain posts at senior levels (Additional Secretary and above). The task of identifying these posts should be entrusted to the

Central Civil Services Authority.

41. TTG41 – Capacity building in the anti-corruption agencies should be assured through training and by associating the required experts during enquiries/investigations. Capacity building among public servants who are expected to take commercial / financial decisions should be built through suitable training programmes.

Appendix 4: Codification of Miscellaneous Recommendations

1. MISC01 – A new Civil Services Bill may be drafted. The following salient features may be included in the proposed Bill:

- i. Title of the Bill: The Bill may be called ‘The Civil Services Bill’.
- ii. Definitions: “Civil Services” shall comprise of all personnel holding civil posts under the Union.

2. MISC02 – Civil Service Values: The Civil Services and the Civil Servants shall be guided by the following values in addition to a commitment to uphold the Constitution, the discharge of their functions:

- i. Absolute integrity at all times
- ii. Impartiality and non-partisanship
- iii. Objectivity
- iv. Dedication to public service
- v. Empathy towards weaker sections

The Heads of Departments shall be responsible for promoting these values in their organizations. The Central Civil Services Authority may from time to time review the adoption, adherence to and implementation of the Civil Service Values in the departments or organizations under the Union.

3. MISC03 – Code of Ethics: The following should be included in the Code of Ethics for civil servants:

- i. Integrity: Civil servants should be guided solely by public interest in their official decision making and not by any financial or other consideration either in respect of themselves, their families or their friends.
- ii. Impartiality: Civil servants in carrying out their official work, including functions like procurement, recruitment, delivery of services etc., should take decisions based on merit and free from any partisan consideration.
- iii. Commitment to public service: civil servants should deliver services in a fair, effective, impartial and courteous manner.
- iv. Open accountability: civil servants are accountable for their decisions and actions and should be willing to subject themselves to appropriate scrutiny for this purpose.

v. Devotion to duty: civil servants should maintain absolute and unstinting devotion towards their duties and responsibilities at all times.

vi. Exemplary behaviour: civil servants should treat all members of the public with respect and courtesy and at all times should behave in a manner that upholds the rich traditions of the civil services
