

History of Civil Services in India

Description

A remarkable feature of the administrative system in federally governed India is the deliberate retention of the All-India Services, the personnel of which are interchangeable between the Centre and State Governments. The All-India Services constitute an administrative device peculiar to India and Pakistan, which was part of the sub-continent prior to partition. Independent India had two All-India Services in 1947- the Indian Administrative Service and the Indian Police Service. The third All-India Service – Indian Forest Service was created in the year, 1966.

Historically the All-India Services, then known as the Secretary of State's service, were framed when India had a unitary, centralized system of government. They were ideally suited to the requirements of that time as their members acquired experience in both the central government and at local and provincial levels.

It has a long history and has prospered slowly and steadily first under the rule of East India Company (1601-1858) and later under the British Crown (1858 to 1947) and finally under the Indian Republic after Independence.

The Interim Government in 1946 with Sardar Patel as the Home Minister, the 'Iron Man' was impressed by the 'steel frame' of All-India Services and he favored their continuance. In spite of opposition, the Sardar had his way and it was decided to reconstitute the Indian Civil and Imperial Police Service. These two services were constituted under the executive order in August 1947 and were later made statutory by the All-India Services Act of 1951. The net result was an agreement to create two All-India Services, namely the Indian Administrative Service and the Indian Police Service.

The Constitution empowered Parliament to create new All-India Services by law on the adoption of a resolution by the Rajya Sabha recommending their creation by a two-thirds majority of its members present and voting.

After independence

After the transfer of political power from Britain to India in 1947, the architect of administrative structure and staffing pattern Sardar Vallabhbhai Patel decided to continue with the pre-1947 British India model of bureaucracy. Thus, in pursuance of clause (1) of Article 312 of the Constitution Parliament passed the All-India Service Act, 1951 which provided for the constitution of two services, the IAS and the IPS. The Act was further amended in 1963 to provide for the constitution of three more All-India Services. Of these, only the Indian Forest Service was constituted on 1st July 1966.

The desirability of the Continuance of All-India Services

It has been shown above that there was considerable opposition to the continuance of such services after independence. The nationalist opinion in India has always demanded provincial station and the Indianisation of these services. The Muslims were particularly opposed to their retention, and their representative party, the Indian Muslim League, had always favored the provincial station of services for their own different reasons, and in 1946 the provincial governments of the Muslim majority provinces like Punjab, Bengal, and Sind opposed the move to institute such service.

The Indian National Congress, however, changed its opinion under the redoubtable leadership of Sardar Patel. Perhaps the creation of Pakistan followed by the unprecedented communal holocaust made them strong advocates of a united India with a unitary type of government in practice if not in theory. What went in favor of the retention of such services was the well-earned reputation of the Indian Civil Service for honesty, integrity, efficiency, and solicitude for the masses.

These services had an all-India outlook and the Congress was looking out for such an outlook. Besides the political opposition to the creation and retention of the All-India Services, the newly created All-India Services, particularly the IAS, developed certain traits in the course of time which antagonized the public as well as other services. Particular mention may be made of the two such traits. As pointed out by Appleby, the IAS became a new class or caste, elitist in nature, a closed group resisting entry into its fold of others, ever conscious of protecting its members anywhere and everywhere, and the tendency to grab.

The Service not only denied entry to others but was ever on the lookout for grabbing new posts and positions like those of vice-chancellors and registrars in the universities, the headship of public undertakings, and postings to plum posts abroad. Moreover, the Service, on the whole, developed Western culture and way of living. Yet this Service has been retained because it helps the cause of national integration.

The main objectives of the founding fathers in providing for the All-India Services were:

- (i) to facilitate liaison between the Centre and the States;
- (ii) to maintain a certain level of uniformity in standards of administration;
- (iii) to enable the administrative machinery at the Union level to keep in touch with the ground realities in the States;
- (iv) to help the State administrative machinery to acquire a broader outlook and exposure and provide them with the best possible talent for manning senior positions; and
- (v) to ensure that political considerations, either in recruitment or in discipline and control were reduced to the minimum, if not eliminated altogether.

ARC's Observation

Administrative Reforms Commission's Study Team on Centre-State Relationship (1968) offered comments on the functioning of the All-India Services which are as under:

- (a) All-India recruitment makes possible a minimum and uniform standard of administration throughout the country. It enables the induction of the best available talent into these services.
- (b) With personnel drawn from different States, each State gets a leavening of senior officers from outside, whose vision and outlook transcend local horizons.
- (c) Systematic deputations from the States to the Union broadens the vision of the officers so deputed and brings to the Union the experience of ground realities.
- (d) The joint control of these officers by the States and the Union Government, with the latter having ultimate authority over them, provides a measure of remote control which, being more objective, enables officers to withstand local influence and to provide independent advice.

The ARC also observed: "Not only do the original considerations for which the All-India Service was set up, in the beginning, hold good even today, but they apply with greater force today and make it necessary that a service structure like the IAS should continue for foreseeable future."

B.B. Misra felt concerned at the abolition of other All-India Services. He said, "It was the ICS and IP that remained unaffected and continued to act as a unifying force. Most of the other All-India Services were abolished. Considerations of national unity, the positive need of India's all-round development, and the attainment of a minimum uniform standard in the administration were allowed to go by default".

The ARC in its Report on Personnel Administration also observed: "The intention of having All-India Services was mainly to ensure uniformly high standards of administration in all States in key activities, to provide for interchange of experience between the States and the Centre, and to obtain, where needed, the experience of State administration at the decision-making levels at the Centre."

Views of Sarkaria Commission

The Commission on Centre-State Relations (Sarkaria Commission) in 1983 also focused on the All-India Services and stated emphatically as under:

- (i) The All-India Services are as much necessary today as they were when the Constitution was framed. The members of the All-India Services have shown themselves capable of discharging the roles that the framers of the Constitution envisaged for them.
- (ii) The AIS should be further strengthened and greater emphasis laid on the role expected to be played by them. This can be achieved through well-planned improvements in the selection, training, deployment, development, and promotion of policies and methods.
- (iii) There should be an element of compulsion in the matter of deputation of officers of AIS to the Union.
- (iv) There should be regular consultations on the management of AIS between the Union and State Governments (through the creation of an Advisory Council for Personnel Administration of AIS).

(v) As recommended by the Estimates Committee, the Union Government may persuade the State Governments to agree to the constitution of the Indian Service of Engineers, the Indian Medical and Health Service, and AIS for Education. As regards constituting AIS in other sectors, like agriculture, cooperation, industry, etc., the Commission recommended:

(a) to begin with, a pool of officers drawn from the Union and the various State Governments may be created in a sector.

(b) these officers may be made available for posting for fixed tenures and with attractive special pays in Governments other than their own; and

(c) after the pool system has worked successfully for a few years, steps may be taken to constitute an AIS in that sector.

The rationale of All-India Services

Thus, the existing system of AIS is unique in its approach to dealing with the administration of the country. Though for instance, the IAS is considered a direct descendant of the fabled ICS, there is a considerable difference both in concept and design between the two. The ICS was set up to run a revenue-oriented routine administration under the colonial decree, whereas the IAS was constituted to give a development-oriented democratic administration to the country in response to the will of the people.

Although the IAS officers have manfully toiled on, it is felt that the steel frame is losing its "steel". Being less amenable to pressures, they have now become the center of politics. A major onslaught, especially on the IAS and IPS castigates their generalist character, while their central counterparts, both in the civil services and in the central police organizations, are said to be specialists in their respective fields. The continuance and rationale of All- India Services have been justified on the grounds discussed:

Holders of Nation Unity and Integrity

In the All-India Services, the Constitution-makers had reposed much faith and confidence. Gopalaswami Ayyangar, a distinguished member of the Constituent Assembly, had envisaged "the higher services consisting of the best material available in the country" would stand up for certain basic values and standards and would not waver whatever the political climate may be.

These erudite men spearheaded by Sardar Vallabhbhai Patel had foreseen convulsions and aberrations setting in the body politic of the country in the initial decades of Independence. The IAS along with its sister service, the IPS, was expected to weather the storm and sustain the nation on an even keel. To ensure this, the founding fathers covenanted the All-India Services into the constitution, thereby giving them protection against political vicissitudes.

The Sarkaria Commission warned that any move to dilute their structure, network, or authority under any mistaken notion should be regarded as retrograde and harmful. The Fifth Central Pay Commission (January 1997) strongly felt the continuance of the All-India Services. The Commission writes: "Only

a network of AIS can insure us against disintegration?•.

The AIS promotes the unity and solidarity of the country by combating parochial attitudes of the States. Because the officers of these services are generally posted in states other than their own, they are less susceptible to local and regional influences than officers from within the state would be.

Ideal for a Federation

India has come a long way since the dawn of Independence and opted for a federal system of government. The officers of these services can be and are rotated between the Centre and States, thereby, facilitating liaison between the two. Moreover, wide and varied background from which members of these service are recruited, their training and orientation, the postings and assignments, the intimate knowledge of the people gained through exposure and experience in far-flung areas, give them a rare insight into agonies and aspirations of the people.

In a federal system, differences on many issues arise between the Union and State Governments, which can be evened out by the AIS officers as these are controlled by the Union Government.

The instrument of Change and Administrative Efficiency

Further, the officers of the AIS are supposed to have acquired adequate knowledge and experience which make them capable to deal with the diverse nature of problems. With all the stresses and strains, trials and tribulations pull and pressures, if this country is today functioning in one piece, a large measure of credit must go to the All-India Services.

If the fruits of economic and social development achieved over the last fifty years have reached almost every nook and corner of this vast and varied land of ours, at least in small measure, it is mainly due to the administrative set up manned by the members of these services. If there is one single group of men who have direct access to the problems of the common man and the policies of the government it is the members of these services.

Independence in Outlook

The members of the AIS hold key posts in the states, and they can give independent advice to the state ministers, which the officers of state services would hesitate to do. Further, the responsibility for the administration of a state, in the event of the breakdown of the constitutional machinery, is vested in the President; the existence in the state of a certain number of officers of AIS occupying key-posts in the administration will certainly be helpful to him. He can count more on the cooperation of officers, who in the last analysis are Union Government's employees, than on the officers of the State Government, proper.

Need for more AIS

The Sarkaria Commission (1983), the Administrative Reforms Commission (1966-68), the Fifth Central Pay Commission (1997), all have stressed the importance, need, expansion and strengthening of the

All-India Services with a view to meeting the growing aspirations of the people. The Fifth Central Pay Commission was recorded to have stressed: “But it is the country’s larger interests to have more AIS. To begin with, we have recommended two – Indian Medical Service and Indian Engineering Service”.

Similarly, the Constitution also envisages an All-India Judicial Service which has not been constituted so far.

Strengthening AIS Character

The Central Pay Commission (1997) also emphasized the strengthening of the all-India character of AIS. In this context, the 5th CPC recommended:

- (i) Allotment of State cadres should be done in a transparent manner at the time of appointment itself.
- (ii) When promotee officers are promoted to AIS, 50% of them should be allotted to contiguous states of the same region and the balance 50% to their own State.
- (iii) All AIS officers should be compelled to do at least one stint of deputation with the Centre during the first 15 years of their service.
- (iv) The Central Government should have the authority to change the State of allotment for any officer if there is evidence to show that he has developed a close nexus with either the politicians or other elements in a state,
- (v) There should be a minimum tenure for every post. A premature transfer should be affected only when the procedure enunciated is followed.
- (vi) No transfer should be based on the recommendations, verbal or written, of anyone except the designated authorities in the civil service.
- (vii) State Government should not have the power to place an AIS officer under suspension.
- (viii) No IAS officer should be posted as a District Collector unless he has completed nine years of service.

Conditions of Service

The following matters constitute the conditions of service of a government employee:

1. Salary or wages including subsistence allowance during suspension, and periodical increments.
2. Leave, provident fund, gratuity.
3. Promotion, seniority.
4. Superannuation pension.

-
5. Tenure or termination of service.
 6. Transfer, deputation.
 7. Disciplinary proceedings.

Since it is not possible to deal with each of these matters separately in this chapter, only provisions dealing with the method of appointment and removal of civil servants are discussed.

Article 310 provides that every civil servant of the All-India Services or of civil service under the union holds office at the pleasure of the President. The right of the government to terminate the services is however subject to the restrictions imposed by Articles 311(1) & (2). Hence the dismissal of civil servants must comply with the procedure laid down in Article 311. Article 310 cannot be invoked independently.

The rules and regulations regarding the various conditions of service are determined by the following Acts of the Parliament:

1. The Indian Administrative Service (Recruitment) Rules, 1954;
2. The Indian Administrative Service (Regulation of Seniority) Rules, 1954;
3. All-India Services (Conduct) Rules, 1954 and 1968;
4. All-India Services (Discipline and Appeal) Rules, 1954 and 1969;
5. All-India Services (Leave) Rules, 1955;
6. All-India Services (Provident Fund) Rules, 1955, and
7. All-India Services (Study Leave) Regulations, 1960.

Before discussing the recruitment process for the two premier All-India Services, viz., the Indian Administrative Service and the Indian Police Service, it would be desirable to refer to the status of the Central services as well, since the recruitment to all the services (IAS, IPS and some Central services) is through a common competitive examination.