

The Indian Civil Services – Shortcoming and the Course for Reforms

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Executive Summary

It is widely believed that the original ‘steel frame’ of the Indian civil services is now cracking and the service is not able to deliver up to expectations. Various models and reforms are being considered for its improvement. Whilst anything being considered for its ‘recast’ has been felt and talked about much earlier, it is the implementation of the reform measures that needs to be strengthened. The maladies are the usual and fairly well known: short tenures, political interference, age at entrance, monetary compensation and attraction for political alignment. These maladies have been addressed in the first and second administrative commissions and remedial action was suggested. However, implementation of these suggestions has been lacking. There is a need for ensuring recruitment of officers at a maximum age of about 25 years, providing professional training at higher level, ensuring fixity of tenures, weeding out officers perceived as deadwood and enhanced compensation at the higher echelons.

Going forward, a mere tinkering will not be sufficient, as the government will have to show sufficient political will to overcome the problems. In the modern world, the civil service has to play the role of a facilitator and not merely perform the role of a regulator. It is important to free the bureaucracy from political pressures to ensure that it delivers with objectivity and transparency. This will improve the capability of the government to ensure sustained economic development as well as deliver welfare programmes to the targeted population. An attempt is made in this paper to analyse the shortcomings and then suggest a course for reforms.

Introduction

With the passage of time, cracks have been observed in the quality of the ‘steel frame’. Critics of the civil service feel it has become insensitive and unresponsive to the needs of citizens for whose welfare the administration functions. The officers are also seen to be functioning from ivory towers without really appreciating ground level issues. In fact, some even feel that the bureaucracy has become the single dominating factor resisting change in bringing about a flexible and people oriented administration.

The role of the bureaucracy is coming up for scrutiny worldwide. A major factor contributing to this is globalisation which is pitting the facilitating capacity of each government with the other. Capital, investments and manufacturing capacities have no boundaries and gravitate towards geographies which offer maximum support and convenience. Thus, the capability of a government to be responsive, adaptive and facilitative, determines cross border flow of information, technology, specialised professionals and capital. The role of the bureaucracy

today has metamorphosed from one of being a regulator to that of functioning as a facilitator for efforts towards sustained economic growth.

Reasons for the Decline

Short Tenures

It has to be recognised that with the increasing advent of regional parties and coalition governments taking office in the last three decades, the political narrative has become focussed towards narrow political and regional considerations. Local political leaders prefer to have officers who perform to their dictates more than the objective demands of the situation. An increasingly intransigent political executive has thus attempted to select officers who do their bidding. Those who do not conform to the bidding are side-lined and placed in inconsequential assignments. The punishment or threat of constant transfers and short tenures is often utilised to pressure officers into submission.

This 'technique' of harassing officers by constantly keeping them on the move has been very effectively deployed by state governments. The most common example of frequent transfers to ensure acquiescence by officers, has been that of Ashok Khemka. It is reported that Khemka, an officer of the 1991 batch of the Haryana cadre, has been transferred 40 times in his career of about 27 years ostensibly because he exposed endemic corruption in various state departments.¹ While this is indeed an extreme case, politically motivated transfers are done in the garb of public interest.

Increasing Political Interference

Increasing political interference has been a phenomenon which has been observed across all states and cadres. Ostensibly on the argument of participation of the elected representatives in ensuring responsive administration, small-time politicians have begun to interfere in the administration. It is most unfortunate that electoral politics has now come to be associated with the spending of large sums of money. This has spawned a cosy business-politician nexus where the 'business' is often of the illegal variety. Any strong and objective action taken by the administration attracts the wrath of the local, small-time politician, who is often in cahoots with illegal business interests.

An example of the malady which manifests in practically all states is an episode which played out in the Noida district of Uttar Pradesh (UP) where an intrepid junior lady officer took on the illegal sand mining mafia.² Durga Shakti Nagpal, a 2009 batch UP cadre officer, was posted as the Sub-Divisional Magistrate in Noida. She received information of the large-scale, illegal removal of sand from the bed of the river after nightfall. She enforced police patrolling and registered 66 first information report and arrested 104 persons associated with the crime besides confiscating 81 vehicles. This attracted the attention of local politicians who provided 'protection' to the illegal business operations. They could not get her transferred as she had acquired immense public support by her actions. They were,

¹ 'Haryana Transfers Ashok Khemka again', NewsX, 7 April 2016. <https://www.newsx.com/national/24985-haryana-transfers-senior-ias-officer-ashok-khemka-again>.

² The officer who dared. Jayant Sriram, 9 August 2013. India Today.

thus, forced to devise other insidious means to create a situation under which they could seek her transfer from that place. Opportunity presented itself when the officer ordered the demolition of a wall which had been illegally constructed near a mosque. A situation of communal unrest was created (this is not so difficult these days) and at the behest of the local functionaries of the Samajwadi Party (the party then in power in UP), the officer was suspended ostensibly because her order of demolition had led to the communal tension. The then-young Chief Minister, often seen as a beacon of hope to provide good governance in the state, demonstrated his vulnerability to the business-politician nexus. He bowed to the pressure to “teach the officer a lesson” and, thereby, sent a signal to other such intrepid officers who would dare to take on politicians.

This is a typical case of political interference often designed to further local political interests which are nefarious in their objective and are carried out ostensibly in ‘public interest’ and to which, often even well-meaning higher ups, fall a prey.

Declining Quality of Incumbents

Much has been said about the declining quality of human capital that the civil services attract. Earlier, aspirants were required to be in the age group of 21-24 to take the Civil Services examination. Now the upper limit has been relaxed up to 32 years for general candidates and 37 for reserved candidates. The number of attempts at the entrance examination is limited to six for general candidates, nine for other backward classes (OBCs) and unlimited attempts for scheduled castes and scheduled tribes (SC/ST) candidates. The following are very compelling arguments for lowering the age for recruitment:

- At the time of recruitment, it is expected that officers will be moulded and trained to a service ideology, to a culture of integrity, dedication and to be apolitical in their conduct. It will be appreciated that at an age of 22/23 years, moulding would be feasible. At 33 or 38 years of age, when new entrants join the training establishment, opinions, political ideologies and attitudes to life have already crystallised. Hence, attempting to train or mould them at that ripe age would be futile.
- Irrespective of the age of entry, retirement for all has to be upon attaining the age of 60 years. In a government set up, where promotions are premised on seniority, a short career span of 27 or 22 years would not enable officers to reach the pinnacle of the service as would be the normal career expectation. As a consequence, service aspirations would take a back seat, thereby derailing motivation to perform in the best traditions of the service and hence making the officer vulnerable to enticement of different kinds.

Inadequate Monetary Compensation

The compensation receivable by government servants has always been an issue which attracts a great deal of attention. The pay package of a Secretary to the government compares very adversely with any corporate executive exercising even a minuscule of the responsibility that the former bears. The Secretary to the government draws a salary of ₹3 million (S\$60,000) per annum. The chairman of the largest public sector bank draws a

similar amount. On the other hand, the median salary of a chief executive officer (CEO) in a mid-sized corporate would be about ₹30 million (\$600,000) and the CEO of a mid-sized private bank would draw a salary of about ₹50 million (\$1 million).

Lack of Professionalism

The decline in terms of professionalism in an increasingly competitive environment is also an issue that needs to be addressed. An adequately equipped service in terms of professionalism and specialisation would improve the quality of governance it provides. In a complex administrative environment, the capability of a generalist service to deliver has come up for adverse observation. Domain knowledge has not only become increasingly necessary, but the lack of the same is rendering officers unable to add any quality to governance. Frequent rotation in postings among diverse sectors leaves them bereft of any in-depth domain knowledge. Modern day administration has necessitated the need for a certain degree of specialisation among civil servants. Thus, there is need for bureaucrats to specialise in financial management, public health, town and city planning, sports administration, and the education sector. The government would also be better advised to utilise the services of these 'generalist turned specialist bureaucrats' in their respective areas of specialisation.

Attraction for Political Alignment

The Indian Administrative Service (IAS) officer has huge public and political exposure. Officers interact with the political executives and local political elements in their day to day functioning. The attraction for 'if you cannot resist them, join them' syndrome has done irreparable harm to the professional integrity of the officers. There have also been many instances where politicians have very successfully divided the bureaucracy along caste and regional lines. The most illustrative cases of breaking the back of upright officers emerge from Bihar. In the words of Manish K Jha and Pushpendra, in *Governing Caste and Managing Conflicts, Bihar, 1990-2011*:

*"To make the bureaucracy defunct, ineffective and vulnerable to demands and whims of the elected leaders of backward castes, it was necessary to centralise power, humiliate the bureaucracy in public gaze, punish it by frequent transfer and postings, and frequently overrule its decisions. For the first time, in post-Independence Bihar, the fear of the administration and police started waning from the minds of the lower-caste people. All sorts of symbolism were used. One powerful symbol used to be pictures of Lalu Prasad often in newspapers where he would keep his feet on the centre table on the lawn of his residence and bureaucrats would either stand or sit in front facing his feet. The 15 years of Lalu-Rabri regime witnessed the lowest number of police firings and lathi-charges on the masses. He would prevail over rules as well as rationality to ensure support to his caste members and other OBCs even when they acted against the law. **Ultimately, the administration lost the power to resist and bowed to the will of politicians.** (emphasis added)."*

Such predilections among politicians in recent times have caused untold harm to the apolitical nature and professional integrity of the civil services.

Opaque System of Performance Appraisal

IAS officers are maintained on the cadre strength of state governments. The central government does not have an IAS officer cadre of its own. As per convention, 25 per cent of the officers borne on each cadre are required to be on deputation to the central government. Usually officers who have displayed outstanding performance in the state are chosen to serve in the union government. A major feature determining the upward mobility of officers is the process of empanelment. An officer has to undergo scrutiny for being empanelled, at each level, to be appointed as a joint secretary, additional secretary, or secretary to the government of India. This empanelment process is obviously undertaken as per certain well-conceived parameters. The unfortunate part is that no officer is aware of these parameters. Thus, the incentive for advancement via the empanelment process has lost its credibility as at times it works to the detriment of officers who have had the courage to stand up to politicians and hence get targeted.

Much Needed Overhaul

The aforementioned issues that plague the civil services indicate that piecemeal and peripheral attempts at tinkering will not bring about any perceptible reform. Across all geographies and regimes in the world today, civilian administration has had to keep pace with the changed models of governance. In India, the citizen having been appropriately empowered with the Right to Information seeks a far more responsive bureaucracy than the legacy of the Raj.

Recognising the need for a total overhaul of our bureaucratic practices, two Administrative Reforms Commissions have been appointed in 1969 and 2005. They have given very far reaching recommendations which have addressed every aspect of the malady that afflicts the bureaucracy and provided recommendations for the overhaul. However, their recommendations have been largely left untouched, or if implemented, then flouted more than adhered. The most glaring example has been the recommendation that certain key appointments must have a fixed tenure. This has been merrily flouted by 'under adherence' as well as 'over adherence'. We had the remarkable case of the then cabinet secretary being shown the door when United Progressive Alliance I came into power in 2004 and a new cabinet secretary was appointed midway through the incumbent's tenure. (The cabinet secretary post is one which has a fixed tenure of two years). The fact that no explanation was even remotely attempted to have been offered is beside the point. On the other hand, as against the prescribed two-year tenure for a cabinet secretary, the replacement was given four years.

Need for Professionalism

The administration at the state level has become very distinct from that at the union government level. At both levels, the professional skills and capabilities are varied. Whilst at the state level, the requirement is the timely delivery of quality services such as education, health, rural development and municipal administration, the need at the Union government level is more of conceptualising and developing schemes which are innovative, better targeted and seek to empower the people. In a study conducted by professors John-Paul

Ferguson and Sharique Hasan of Stanford University, utilising the records of 3,000 IAS officers to examine the impact of specialisation, it was seen that there was a positive and statistically significant relationship between accumulated experience and post empanelment job offers. Officers with an above average level of specialisation were 43 per cent more likely to be empanelled as joint secretaries.³

The unique feature of an IAS officer's career is that he functions at the district, state and union government levels where the job requirements at each level are very distinct. There is also substantial variation between regions. The skill sets and sensitivities required in the north eastern states are very different from the southern states or in Jammu and Kashmir. In the states, it is often their skill and capability to deliver in the health, education, rural development and poverty alleviation areas. Whilst their initial skills and academic discipline may serve them well in the early years, there are demonstrated successes among officers who have acquired expertise later in their careers for sectors for which they display aptitude or inclination. It would certainly enhance the human capital value of an officer, if his initial academic qualification is in the medical sciences, for him to attempt higher specialisation in medical administration or health sectors. Similarly, with the large numbers of engineering graduates that qualify for the service each year, it would again be useful to permit them higher administrative training in sectors such as power, roads, ports, airports or urban planning. Professional training after adequate grassroots experience, would bring immense benefit to the administrative skills of officers.

It has been highlighted that administrative complexities require professional skills which equip an officer to function more effectively in that area of administration. While it is not expected that the IAS officer will have to be an IT expert, replace a structural engineer or a medical specialist, yet certain basic specialisation in his field of choice/aptitude after about 15 years of service, should be mandated as a necessary condition for upward mobility. Officers are routinely deputed for phase IV and phase V training which is roughly at the joint secretary or additional secretary levels. At this stage, training of the officer's field of specialisation/interest such as medical administration, physical infrastructure development, education, public finance etc. should be insisted upon. It would not only be adequate for officers to be skilled in these areas, but it should be made imperative for the administration to post only such skilled officers in departments to overcome the 'square peg in a round hole' syndrome.

It needs to be recognised that irrespective of the agency that devises the schemes, the implementation is at the state level. Hence, it is essential to orient the training of the state level bureaucracy more towards timely implementation, leakage free execution and transparent administration. Their approach will have to be more aligned to the efficacy of the scheme's objectives being realised and output being achieved. They will have to be attuned towards field orientation so that they oversee implementation. They will have to be moulded in the frame of 'field level officers' and not 'ivory tower' policy planners. On the other hand, the officials at the central level have to be more oriented towards conceptualising schemes, studying efficiently devised projects in other parts of the world and customising them to Indian requirements. Prime Minister Narendra Modi has been

³ John-Paul Ferguson and Sharique Hasan, 'Specialization and career dynamics: Evidence from the IAS', *Administrative Science Quarterly* 58(2):233-256, June 2013.

exhorting officers to think 'out of the box' and 'think innovatively.' However, the existing bureaucracy, accustomed to thinking in a particular mould throughout their career, may not be able to change gear overnight and start scripting innovative projects. It would be more advisable to attract experienced technocrats who have conceived similar projects in other countries and involve them in innovating projects. There are numerous professionals in the power, roads, ports, airports, petroleum and renewable forms of energy sectors who, if given the opportunity, would be willing to set apart three to five years of their professional careers to benefit the country. Such lateral and technocratic expertise can be attached to major infrastructure ministries. A group of experts could be engaged in the power ministry, the petroleum ministry, the national highways, the energy department, etc.

Age of Recruitment

As discussed earlier, a major contributor to a lack of motivation is the high age at which certain aspirants join the service due to the prevailing upper age of recruitment. The second administrative Reforms Commission had recommended that the eligibility age be set between 21-25 years for the general category. For OBCs, the recommended ages were 21 and 28 years and between 21-29 years for the SC/ST categories. There is also a limitation recommended on the number of attempts that each aspirant can take at the examination. There is a very strong case to reduce the maximum age of recruitment to 25 years for general candidates, with consequential relaxations for reserved candidates. Since the attempt is to choose the best among the different categories of candidates through the examination process, a restriction in the number of chances permitted for taking the exam needs to be enforced. Permitting persons to appear any number of times smacks of choosing second if not the third best as a reserved candidate can commence to take the exam at the age of 21 and continue to do so till he attains the maximum prescribed for his category – which is presently 37 (SC/ST category).

Uncertain Tenure

There is also the factor of uncertain tenures, which despite a landmark decision of the Supreme Court, is flouted regularly by the central and state governments without providing any explanation for not adhering to the guidelines. In 2013, the Supreme Court directed the central and state governments to establish civil service boards to manage the tenure, transfer and posting of All India Service Officers. Unfortunately, the order has been ignored at both levels, thereby leaving the officers at the vagaries of the party in power. The growth of regional parties and their disproportionately high weightage in coalition politics has raised the stake, and hence importance, of politicians. To perpetuate and strengthen their hold on the administrative process, politicians seek to subvert the formal administrative machinery. The politician attempts to ensure that even routine decisions are pushed up to his level and not taken at the bureaucratic level. A politician will invariably take politically motivated decisions which may not strictly conform to the law of the land. Unless this is resisted and effectively pointed out by the bureaucracy, good governance will become a casualty. The Supreme Court verdict to set up a high-level advisory board to make recommendations concerning the transfer and tenure of IAS officers needs to be institutionalised. The reasons for transfer must be recorded. This will serve as a defence mechanism against politicians using transfer as a tool to harass officers who act

independently and hence are inconvenient. There should be some certainty of tenure for officers in such key positions as district magistrate, commissioner or secretary to government. In case a transfer does become essential prior to the officer completing his tenure, the advisory board must record the compelling reasons.

Weeding out Non-performing Officers

A basic malady afflicting the service is that, all officers, irrespective of their track record in administration, necessarily rise to the highest grade of pay before they retire. This does not give any incentive to perform better. There is also no compulsory weeding out of proven non-performers at any intermediate level of service. The government needs to institute a transparent system of review, maybe at about 45 and 55 years of age, for officers to be compulsorily retired if deemed unfit for further service. There has been some initiative by the present government for removing 'non-performing' officers, but no attempt has been made to institutionalise an objective mechanism for the same. In fact, in a study which was done by Business Standard of about 1,000 IAS officers, only two officers have been declared to be unfit and, hence, being processed for removal from service.⁴

The government needs to introduce a well-structured, transparent and objective system for such weeding out to ensure that 'dead wood' does not get to the highest echelons of government administration. This needs to be introduced as an annual exercise.

Lateral Entry

As the economy grows, there is every requirement for the government to ensure the improvement in its ease of doing business. For creating a progressively supportive culture to incubate, nurture and establish a sustainable business, it would be very educative for bureaucrats to personally experience the difficulties and complications that a company faces in the setting up and conduct of its business. There is a strong case for bureaucrats to be permitted at least a five year sabbatical to join any private company. This will be educative in terms of helping them imbibe a commercial culture and discovering the adverse consequences of time and cost over runs due to bureaucratic delays. Such lateral exchanges will be of particular benefit to infrastructure companies where early completion of projects is of huge national priority. There is an equally strong case for lateral entry of professionals from private entities into government. In fact in a significant move to secure the services of professionals from the private sector the government, has sought applications for ten posts of joint secretaries in different ministries under its "lateral entry scheme". These professionals are to be appointed for an initial period of three years extendable to five, for policy formulation in departments such as financial sector, economic affairs agriculture, shipping, road transport, etc.

This experiment to permit the recruitment of a limited number of professionals needs to be pursued as long as the inductees are selected through a transparent process undertaken by the Union Public Service Commission (UPSC).

⁴ http://www.business-standard.com/article/economy-policy/only-2-of-1-089-ias-officers-inept-dopt-116042200066_1.html: subhamoybhattacharya.

Compensation

The author does not propose to delve deeply into the issue of compensation as government scales cannot be compared with private corporate salaries. Nevertheless, there is a strong case to revisit the principle determining government salaries at higher echelons of the service as the responsibilities and capabilities at that level have acquired a very different and demanding paradigm.

Conclusion

It cannot be said that the IAS or the Indian bureaucracy is totally inept and inefficient and has been unable to provide good governance for sustained economic development. Where permitted to function independently and with adequate autonomy, it has delivered admirably. An example of its capability is its repeated delivery of elections, with a zero-error tolerance. The Election Commission supervises the very same bureaucracy to deliver immaculate elections without a glitch from year to year. Indian general elections have been variously described as the greatest show on earth, a jumbo exercise where it provides for roughly 15 per cent of the global populace to cast its ballot. This massive exercise has won world- wide acclaim for its exemplary performance. It is the very same officials in the Information Commission who could pass a verdict directing all political parties to declare their sources of funding. It is the very same bureaucracy, in the UPSC, which conducts examinations involving millions of candidates every year to select persons to higher government services and again without a single glitch. The dominant factor in its capacity to deliver is that it be granted the independence to function on its own merit and capability, without extraneous influences on its functioning. For economic development to be sustained over long-term, it must be supported with a good governance system.

There is, thus, a need to make the bureaucracy much more effective, independent and efficient. A thorough overhaul of the recruitment norms, training and re-skilling and indemnification from political interference to ensure objectivity, is an architecture which will have to be contemplated urgently for administration to encourage and support rapid, inclusive and equitable economic growth. There is no time for tinkering at the periphery. As the economy grows, administration must reinvent itself to meet the needs of the times and hence an entire new look is called for. There is no requirement to set up another reforms commission or some such similar committee. The issues are well known. The solutions are also equally well known. It is only a question of recognising the elephant in the room and addressing it, with a decisive hand.

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