

Reforming the Indian Administrative Service

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Summary

It has become necessary to right-size the Indian Administrative Service (IAS) and declutter the top, which has too many senior officers with very little to do. The present process of promotions in the service and empanelment for central deputation must be merged. As in the armed forces, a certain percentage of officers must be allowed to leave with full benefits after 20 years of service. The screening should be so devised that an officer becomes secretary at around 50 years so as to have two tenures of five years each. There is a need for a separate examination for the IAS so that a candidate is assessed for an analytical mind and a universal and cosmopolitan outlook to be able to take on the role of a policy planner. The recently introduced component of posting officers as assistant secretaries in the central ministries after completing their two-year institutional training is counterproductive as it exposes them to the complexities and often frustrating procedures, making them cynical of government operations. The political executive must recognise the seriousness of the problems in the civil services and objectively undertake a paradigm shift in administrative reforms.

Introduction

The Indian Administrative Service (IAS), the successor to the Imperial Civil Service (ICS), is perhaps the only one of its kind in the world for the sheer breadth of its jurisdiction and the audacious sweep of its mandate. Conceived as the All India Services, even during the British Raj, the IAS is uniquely structured to serve two masters with equal loyalty and dedication – the Union government and state governments. The IAS officers are recruited through a national competitive examination by the Union Public Service Commission, a national-level constitutional body, commissioned by the President of India and assigned to different states and Union territories for their entire service period, but serve both the central and the state governments through a very complex but finely balanced division of supervisory and disciplining powers. It must also be noted that the structure of the IAS, through its predecessor, the ICS, has evolved over 200 years and has withstood the test of time. However, at this juncture, when the world is moving into high technology such as Web 3 and artificial intelligence, the relevance of a service, which is prided in being “generalist”, is coming increasingly into question. Recently, the central government has also recruited persons with specialisation in certain administration areas through a system of lateral entry at the joint secretary level. This is being seen as a clear signal that the IAS as a service is not stepping up to the plate in dealing with the emerging areas of concern in public policy. However, before we address that question at length, to understand how the IAS should be reframed in the new context, it would be wise to briefly recap how and why this service was conceived of, how it has evolved into its unique character and what extent it has lost its relevance in the present form.

Evolution of the Services

On 8 September 1949, the Constituent Assembly of India met to debate Article 282 C, which subsequently became Article 312 in the Indian Constitution. There were extended debates on the issue of the power given to the Upper Chamber (Rajya Sabha) and giving the Lower House (Lok Sabha) no power with respect to the formation of the All India Services. Responding to various members of the constituent assembly, Dr B R Ambedkar said:

“Article 282 proceeds by laying down the proposition that the centre will have the authority to recruit for services which are under the centre and each state shall be free to make recruitment and lay down conditions of service for persons who are to be under the state service. We have, therefore, by Article 282, provided complete jurisdiction. Article 282 C, to some extent, takes away the autonomy given to the states by Article 282. Obviously, if this autonomy is subsequently to be invaded, there must be some authority conferred upon the centre to do so. The only method of providing authority to the centre to run into, so to say, article 282 is to secure the consent of two-thirds of the members of the upper chamber. The upper chamber is the only body mentioned in Article 282. *Ex-hypothesi*, the upper chamber represents the states, and therefore their resolution would be tantamount to an authority given by the states. That is the reason why these words are introduced in Article 282 C.”¹

In the Indian Constitution, Article 312 states that:

“(1) Notwithstanding anything in Chapter VI of Part VI or Part XI, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do, [the] Parliament may by law, provide for the creation of one or more All India Services...”²

The All India Services Act 1951 reflects this constitutional arrangement. Section 3 of the Act lays down that:

“(1) The Central Government may *after consultation with the Government of the States* concerned...make rules for the recruitment, and the conditions of service...” The All India Services (Conduct) Rules, 1968, in the preamble, acknowledge that “In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951, the Central Government *after consultation with the Governments of the states*, hereby makes the following rules...”³

¹ Arvind Mayaram, “Govt’s New IAS Rules Put India’s Federal Structure Under Threat”, *The Quint World*, 24 January 2022, <https://www.thequint.com/opinion/govts-new-ias-rules-put-indias-federal-structure-under-threat#read-more>.

² “312. All-India services”, Constitution of India, <http://constitutionofindia.etal.in/>.

³ Arvind Mayaram, “Govt’s New IAS Rules Put India’s Federal Structure Under Threat”, op. cit.

To maintain an all-India character of these services, it was prescribed that two-thirds of the persons recruited for a state should not be from within that state. This has ensured that the majority of those in the top bureaucracy and the police do not belong to their respective home states, with the presumption that because of this arrangement, the administrative system will be more fair, impartial and broad.

The structure and functions of the IAS have evolved over more than 150 years. From being purely an agency for revenue collection and maintaining law and order to administering all aspects of government activities and playing an active role in the developmental process, the IAS has been transformed and has become an instrument for socio-economic transformation. It has also been a major actor in establishing and deepening democracy in the country by effectively maintaining civilian control over the armed forces, something very few post-colonial states can boast of, and ensuring free and fair elections. It has played an exemplary role in managing emergencies like floods and famines, pandemics and pestilence as leaders of multi-disciplinary teams. However, the structure has remained more or less the same while coming in for severe stress in the past few years.

Foundational Parameters

So, what are the foundational parameters of this structure? It continues to remain an “All India Services” in character. The Union Public Service Commission recruits the officers after vacancy notification by the Indian government. The selected candidates are appointed to the IAS by the President of India. They are then assigned to different states.⁴ The principle that the majority of those selected in any given year and assigned to respective states should be from a different state continues to be adhered to. Once assigned to a state, the officers would remain in that state throughout their service, except for short-duration home cadre deputations, which also remains a norm. The Indian government would periodically ask the state governments for a list of officers willing to serve the central government on deputation. Out of the willing officers, the Indian government “empanels” those it deems suitable for its needs. Empanelment is expected to be based on merits, which are past performance and relevant experience. Still, it has increasingly become subjective and opaque, more so with the introduction of 360-degree appraisal. Recently, the central government had mooted the proposal to change the central deputation rules by giving the central government the right to call officers from the states to serve the central government without “consent” or “consultation” with the state governments.⁵ Several state governments objected to this proposed amendment, and it appears that wise counsel has prevailed, and the proposal has since been withdrawn.

Whereas the IAS is expected to provide senior bureaucratic leadership in both the states and the centre, the number of ministries/departments and parastatal organisations has increased exponentially over the years. In the last 30 years, a large number of autonomous

⁴ All India Services Act, 1951 (61 of 1951), Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training)), NOTIFICATION, New Delhi, 28 January 2014 G.S.R. 67(E), https://dopt.gov.in/sites/default/files/11033_1_A_2014-AIS-II-28012014.pdf.

⁵ Vijaita Singh, “States weigh options on IAS cadre rule changes”, *The Hindu*, 19 July 2022, <https://www.thehindu.com/news/national/states-weigh-options-on-ias-cadre-rule-changes/article38293886.ece>.

regulatory bodies have also been created. In part, this growth has been a consequence of the continuously expanding welfare role of the government as well as greater differentiation in its activities. For instance, to provide special focus to the needs of the specially bodied persons or women and children, departments of social justice and that of women and child development, respectively, have been created. Ministries and departments have also been bifurcated because of political considerations to accommodate political allies, with very little substantive work. Unfortunately, the IAS has also become a party to the proliferation of posts and intrusion into subject matter specialists' areas to further their interests. Therefore, they have entered into lower-priority responsibilities. For instance, whereas positions such as heads of departments like horticulture, animal husbandry, fisheries and social welfare, along with others, were earlier with the technical officers, in most of the states, the IAS officers now occupy these positions. The IAS officers also spend a considerable amount of time in turf wars and jurisdictional squabbles, adversely impacting the cohesion required in the government for coordinated action. As a result, vested interest groups within the service block efforts at reforms and rationalisation. It is virtually impossible to abolish an agency or department once it has been created, even if it has outlived its usefulness.

Right Sizing the Services

It is, therefore, necessary to right size the IAS. This also means decluttering the top, which has too many senior officers with very little to do. The system of promotions in the service and empanelment for central deputation must be merged. As in the armed forces, a certain percentage of officers must be allowed to leave with full benefits after 20 years of service. In other words, promotions up to the level of director or equivalent, both in the states and central government, should be based on merit and seniority, as it is at present. For the position of joint secretary and its equivalent and above, screening based on objective criteria should be put in place. Those who are considered fit should pick up the rank of joint secretary and its equivalent in the states. Those who do not pass muster should be allowed to retire with full benefits. In other words, there should only be one list of those who have been found fit for promotion/empanelment for the central and the state governments in place of the empanelling process followed by the central government at present. Similar screening should be held for the positions of additional secretary/secretary and equivalent both at the centre and the states. This will reduce the number of senior officers at the top, making the pyramid sharper. This will also make the government more cohesive. At present, secretaries to the government of India have an average tenure of one year to two years.⁶ This is too short a period for them to be able to make any impact on the departments they head. Ideally, an officer should become secretary to the government of India at 50 years of age. This way, he/she would get on an average of two five-year stints as a secretary in two departments, which would give him/her ample scope to contribute meaningfully to governance. However, it is imperative that the screening process has an arm's length relationship with the government. In the recent past, the central government has introduced the system of 360-degree appraisal for the central empanelment of officers. This

⁶ Sanya Dhingra, Modi govt is very 'unstable' for top IAS secretaries, transfers them too often and abruptly, *The Print*, 19 July 2018, <https://theprint.in/india/governance/modi-govt-is-very-unstable-for-top-ias-secretaries-transfers-them-too-often-and-abruptly/84161/>.

has made the system opaquer and more subjective leaving out many deserving officers while including those politically connected. This has eroded the credibility of the system.

Shrinking Spaces and Need for Institutionalisation

While this is one part of the story, the other part is the increasingly shrinking space for the IAS officers to exercise their judgement and their right to express their opinion (“advise”), which may be contrarian to the views of the political executive. There is a two-way erosion of the space. First, within the state government or central government, the power of transfer has been effectively weaponised to make the officers fall in line. In the states, it has been used for quite a while now. Officers who exercise their right to “advise” are transferred repeatedly, subjecting them to mental and financial stress, including harassment for their families. There have been cases of officers being moved around the state every one or two months, like a pawn on the chess board, while their families struggle to seek some kind of stability by hiring private homes at a considerable cost to themselves. This often breaks the morale of the officers, and they begin to compromise by acquiescing to unreasonable or, many times, illegal demands of the political masters or even their superiors, who are complicit. Such frequent transfers were very rare in the Indian government but, in recent years, even at the level of the secretaries to the government, officers are routinely and frequently moved around. Recently, a senior central minister has been quoted as saying that “I always tell the officers (bureaucrats) that the government will not work according to what you say, you only have to say, ‘Yes Sir’. You have to implement whatever we (ministers) are saying, the government will work according to us.”⁷ Under the constitutional arrangement, the officer’s job is to advise the minister on different matters on the basis of extant laws, rules and policies. If the minister’s orders are contrary to these, the concerned officer should refer the matter through an established channel to a higher authority. Unfortunately, the distinction between the rule of law and the rule of the ministers is getting increasingly blurred. Those officers who do not fall in line suffer adverse consequences. Senior officers have become complicit in furthering this culture to protect their interests.

Secondly, the IAS officers are also becoming a football between the central and the state governments, especially those in which the ruling political party is different to the party in power at the centre.⁸ The central and the state political leadership often use the officers to settle their scores. In one of the most publicised incidents in recent times, the chief secretary of the state faced the brunt of the tussle between the central government and the West Bengal government. The chief secretary, who was reportedly accompanying the chief minister for her aerial surveys of flood-affected areas in the state, did not receive the prime minister at the airbase on his arrival. In the review meeting, the chief minister and, under her instructions, the chief secretary did not participate, stating their preoccupation with flood-related work. Reacting to this perceived ‘snub’, the central government ordered the transfer of the chief secretary to the central government without the concurrence of the

⁷ Union Minister Nitin Gadkari, Nagpur, Asian News International (ANI), *Twitter Web App*, 10 August 2022, <https://twitter.com/ANI/status/1557159935632642048/>.

⁸ “DoPT issues order recalling West Bengal Chief Secretary Alapan Bandyopadhyay to Centre, New Delhi”, *The Tribune*, 28 May 2021, <https://www.tribuneindia.com/news/nation/dopt-issues-order-recalling-west-bengal-chief-secretary-alapan-bandyopadhyay-to-centre-259914>.

state government, triggering a constitutional crisis. While the responsibility for this sorry incident lay with both the state and the central political leadership, the hapless chief secretary had to bear the brunt.

It is important to institutionalise the politician-civil-servant relationship through the proper structural arrangement. The rules must clearly define the role of the civil servant as the one who advises the political executive on policy issues based on the extant laws, rules, policies and her work experience. The final decision shall be that of the former. However, if, in his/her opinion, the decision taken by the political executive (minister) is contrarian to the “rule of law”, there should be a legal requirement for the civil servant to refer the matter to the prime minister/chief minister with his/her reasons. Should the prime minister/chief minister also wish to support such an order, the civil servant should be legally absolved of any responsibility in judicial proceedings or in any enquiry, disciplinary or criminal in nature.

Recruitment and Assessment

The process of recruitment must also undergo drastic change. The present system of one exam for all services results in those getting the top positions opting for the IAS and the Indian Foreign Service, while those lower in merit get various other services. This results in a lot of heartburn and inter-service rivalries. This author has routinely heard those from the other services complain that just a few more marks which pushes one into the IAS, is no proof of higher intelligence, and, therefore, there is no reason for the IAS to be given greater “importance”. It is time that each of the services is treated as a specialist service, the IAS being a specialist service in “policy making”, and their recruitment process should be accordingly designed. For instance, for revenue services like Income Tax and Customs, a background in law and accountancy, along with others, may be more relevant, and the examination must reflect this requirement. Similarly, for the IAS, assessment of an analytical mind and a universal and cosmopolitan outlook may be the bedrock of examining eligibility. It would, therefore, be most productive if examinations for each of the services were differently designed with different eligibility qualifications. Those who appear for the examination should opt for the service out of choice and not get it as an accident of fate. This is likely to greatly reduce inter-service rivalries and delineate inter se roles more clearly.

The present system of recruitment, apart from following the dictum ‘one shoe fits all’, is also skewed in several other aspects. Apart from a very complex reservation system which sequesters close to 50 per cent of seats based on caste specifications, the differential in maximum age and the number of times a candidate can appear for examinations has also become a matter of politicking and patronage over the years, clearly diluting the quality of persons entering the service. Whereas reservations as affirmative action may be necessary, the differential in the maximum age for entering the service is unwarranted. It is important to provide a one-time reservation at the entry-level in terms of qualifying marks, but for all other purposes, all IAS entrants should be kept on the same footing. It has been universally observed that, as a rule, those entering the civil services at a relatively younger age tend to have a greater degree of idealism and commitment to public service than those entering at a later age. Till a few years ago, the maximum age for taking the civil services examinations was 26 years. Later, the age limit was relaxed for the Scheduled Castes and Schedule Tribes candidates and also for women. This is counterproductive. Therefore, the age limit should

be brought back to 26 years for all. The number of attempts at passing the examination should also be reduced to three. This would ensure that only those who really make the grade in the first three attempts get through. This would also open up greater possibilities for the younger aspirants that keep getting added to the ranks of those taking the examinations each year.

The recruitment for the IAS is one of the most rigorous examinations in the world, but there is a need for instituting a more sophisticated examination system. Whereas the IAS must continue to induct candidates from various streams of education, there's a need for testing more than the knowledge of the candidate in the field of her education. At present, the candidates select the subject papers, and their knowledge and understanding are tested in that field. There is a preponderance of persons from technological fields such as engineering and even medical sciences. In the changing technology-driven scenario, on the face of it, these candidates fit well with the emerging needs of the administration. However, as pointed out earlier, once we delve deeper into the capacities and capabilities needed to administer, purely technology or science orientation is grossly inadequate. The examination system must test aptitude, attitude, understanding of human behaviour, cultural imperatives in designing public projects and programmes, forces of real politick and social groups in public service delivery, among others.

Even though a bit radical, the government could also consider setting up an institution such as the National Defense Academy, which is given the status of a deemed university and allowed to award bachelor's and master's degrees to successful candidates. It should admit post-school (Class XII) students through an open competitive examination to a five-year professional course. The first screening could be after the graduation examination, in which only the total number of vacancies in the IAS for the given year should, in the order of merit, qualify for entrance into the master's course. The others should get a bachelor's degree (Bachelor of Public Policy) and be allowed to seek admission to other institutions to pursue other careers. The government should earmark 60-70 per cent of the seats in the IAS for those qualifying for the master's course with a prescribed percentage of marks. Those who do not cross the merit hurdle would get a degree as the Master of Public Policy and be allowed to pursue other careers. The policy of reservation could be equally applied in the entrance to such an institution and subsequently in the admission to the master's programme and induction into the service. This would produce highly trained and motivated officers who would improve the quality and accountability of public servants considerably.

As the world is becoming increasingly driven by technology, and the advent of artificial intelligence, the Internet of Things and other technologies are ushering in rapid changes in society as well as the economy. Civil servants are increasingly being called upon to move towards evidence-based decision-making, using data (rapid, real-time), for dealing with very complex social problems. Whereas technology is making public service delivery in every field, including justice, easier, the need for a greater understanding of the sociological and psychological impact of these technologies on human behaviour is becoming even more crucial. We are going through the phase in which technology is being seen as an end in itself and a panacea for all human problems. However, technology is also creating newer and more complex sets of problems (data privacy, for instance) and also social anomie of pandemic proportions. Therefore, a more comprehensive training programme, which equips

the IAS officers with the tools for complex data analysis and, at the same time, imparts a deeper understanding of political processes, social frameworks and unique economic models and their interplay in specific cultural contexts, is necessary. It would be ideal if the programme for master's in public policy, being run by different universities, is designed more specifically to provide the education outlined above. This would also help in aligning examinations to the education system and providing greater clarity of requirements to the aspirants. The Indian government has launched mission *Karmayogi*, the national programme for civil services capacity building.⁹ The mission aims to build capacity throughout the service period. Under the mission, online training digital platform will be launched which will draw upon best practices from all over the globe, modify it to suitably to the Indian conditions, and develop content for capacity building programmes. Civil servants will be evaluated based on their performances in each course they take over different phases of their services. It is too early to evaluate how the mission is performing, but it is in the right direction, though the evaluation system must be designed to be transparent and objective at all times.

In-service Training

Two-dimensional changes are required in the in-service training of the IAS officers. First, it must incorporate a stronger input of subjects like sociology, anthropology, political science, economics, constitutional law and even aesthetics. As persons entering the service are drawn from very diverse educational backgrounds like engineering, medicine, architecture, languages and literature, it is important for them to get a clear understanding of human behaviour and the cultural context in which they would have to operate. There should also be strong input to create a strong capacity to analyse data and evidence-based decision-making. Subjects such as the use of technology in improving service delivery, the theory of auctions and public procurement, and the role of competition in open economies, along with others, should be part of this aspect of training. It has been observed that the quality of written (“drafting”) and verbal communication, which also is a test for clarity of thought and quality of analysis, has steadily deteriorated over the years because of a lesser emphasis on essay writing. There should be a greater emphasis on developing these faculties. To make this part of the training more meaningful, internal examinations must be conducted regularly during the training period. The marks must be added to those received during the entrance exam to determine the final merit list.

The second aspect relates to field training. The existing practice of field training is divided into what is attached to different institutions all over the country like the Forest Institute of India, non-governmental organisations doing stellar work or with a tribal village, and the district training in the state assigned to the officer. The first part is quite carefully organised, and this must continue in the same manner. However, the district training must be made more structured. At present, much depends on the interest the district collectors take in the training programme. This is not completely satisfactory. There is a need for a more detailed and well-thought-out structure for district training. The recently added component under which IAS officers are posted as assistant secretaries in the central government immediately after completing their two-year institutional training is counterproductive. This exposes

⁹ Capacity Building Commission, Mission Karmayogi, Vision, <https://cbc.gov.in/mission-karmayogi.html>.

them to the complexities and often frustrating processes at the government level, making them cynical at the very outset of their careers. The initial few years should be spent in the field posting, which is the cutting edge of administration and keeps the civil servants closest to the people they are expected to serve throughout their service period.

Conclusion

On the whole, the IAS officers have played a pivotal role in furthering the goal of national integration and ensuring continuity and change in the country. The need for the civil services has not diminished with time. It has only been enhanced. It is necessary for the political executive to understand the seriousness of the crisis within the civil services and the conflict it is coming into with the people of the country. Without a paradigm shift in the thinking about administrative reforms while strengthening the relevant aspects of continuity, the crisis would only deepen. The task is not easy but must be undertaken without delay.

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