

## RULE OF LAW AND ETHICS IN PUBLIC ADMINISTRATION

### Principles of Good Government

Central to the working of the government in a democracy is the principle of accountability and observance of the Rule of Law by all organs of the government. Efficient and ethical administration must now also be 'responsive'.

In a parliamentary democracy the government is responsible to the parliament which represents the people. Government consists of the political executive and the administrative executive. The administrators are responsible to the political executives, who in turn are answerable to the parliament.

### Vicarious and Direct Accountability to Parliament of Administrative Bureaucracy

The people through parliament are sovereign as enshrined in our Constitution. The ministers are members of parliament/legislative assembly and they, as cabinet, govern the nation/state. The medium through which the will of the people in the form of policies is carried out is through the administrative bureaucracy, which must be unbiased and objective, and must neither be seen nor heard. Both the minister and the civil servant are servants of the people. The ministers represent the parliament in administration, as well as the administration in the parliament. Hence, they must stand by their officials in the parliament, particularly as officials have no forum or opportunity to defend themselves. But officials are also directly accountable to the

parliament in a variety of ways. They have to appear before various legislature committees such as the Public Accounts Committee, Estimates Committee, Committee on Subordinate Legislation, Standing Committees, Committee on Public Undertakings, Consultative Committees of their respective departments (so as to aid their ministers), Joint Parliamentary Committees and Committees of Investigation. In Kerala there are also 'Subject' Committees. Clearly, these are intended to keep the civil servants on their toes all the time as they have to defend government policies and actions.

### **Financial Accountability**

Besides accountability in regard to administration there is accountability in regard to 'finance'. The legislature must authorise the executive before the latter can spend any money from the Consolidated Fund of India or the state, into which all collections of money go. The legislature controls the purse of the state by satisfying itself about the priorities and wisdom of expenditure, through discussion and debate on the merits of policies and programmes in the Budget, before sanctioning funds for them. Some people suggest that this has become a formality, for the length of time for the Budget debate is very little compared to the large number of items and departments to be discussed, and so often less than 20 per cent of the total demands for grants are discussed. Besides, the administration has devised several methods to simplify or postpone accountability like providing for a 'token' provision for certain items which they work out by and by. There is an inherent tendency to spend on items so 'sanctioned' even when the funds are limited. Resources are thinly spread over a number of items leading to inefficiency, delays, increase in costs and poor returns. Financial accountability is still real as regards details but non-existent as regards overall fiscal discipline and objectives.

**Responsive Administration—Accountability to the People**  
 In addition, in view of India's new goal after Independence of achieving economic growth with social justice, administrators have to keep themselves and their doors open to members of the public, members of the legislative assembly and of different political parties, so as to respond to the needs of and questions from the public about matters concerning their welfare and development (there is a visiting time in most offices today for civil servants to be within access of the public). This is where the administration must be ready and responsive—no question of anonymity here, no question of being neither seen nor heard. One must indeed be seen and heard. One must also be able to listen and to hear. A good rapport with the members of the press and the media is essential for assimilating and disseminating information. Public policy has to be transcribed and made understood, and for this the media must be utilised properly. How public interest (its meaning may change from time to time, place to place, person to person, and from government to government) is served, will constantly have to be highlighted and made clear through whatever forum is available, so that the intentions and motives of the government are made transparent. The government must be 'open' for audit from any quarter. Public participation in the administrative process, it is said, also enables administration to be accountable and responsive, as people can make officials stick to a framework and work according to plan. Ultimately, it is only unremitting vigilance on the part of the public which can bring the administration to its heels.

### **Judicial Accountability**

If a citizen is aggrieved with any action or inaction of the administration, he may seek redress through a court of law. So judicial processes are also there to make the administration accountable. But the courts are already flooded with cases, and we have to add to this the enormous increase in

work due to new and emerging subjects such as legal aid to the poor, and also due to the courts taking up cases *suo moto* on the basis of a mere petition from a citizen if it is in the public interest to do so (public interest litigation cases).

### **Conduct Rules**

Conduct and behaviour of civil servants is regulated by conduct rules for the many categories of civil servants.

### **Annual Confidential Report**

Some bureaucrats are responsible to other bureaucrats above them. Here the test of behaviour and performance is contained in the Annual Confidential Report (ACR) which can make or mar a person's career, depending on the mental outlook of the superior officer writing it. A positive-minded superior would develop an employee and bring out the best in him. If not, then apathy or ill-will on his part could damage the prospects of the employee. The subject of performance appraisal is covered in Chapter 6.

### **Vigilance System**

For civil servants who have no code of ethics—and believe it or not, there is no such code for the profession of public administration as there is for doctors or engineers—there has to be a good policing, watchdog or vigilance system and measures to create a climate to discourage corruption and unethical action, and to punish severely those indulging in it. We will come back to this subject of corruption a little later.

### **Rule of Law**

All in government—minister and civil servant—have to work by the Rule of Law. Very simply stated, it is merely that the government and those running the government are not above the law. The basis of our Constitution is indeed Rule of Law, that is every organ of the government must act in accordance with law. Every action taken by the

government must be legally tenable or justifiable. The Rule of Law as formulated by A V Dicey meant: "The absolute supremacy or predominance of regular law as opposed to the influence of arbitrariness, of prerogative, even of wide discretionary authority on the part of government."<sup>1</sup> Governments may have to take steps which would otherwise be an infringement on the Fundamental Rights of individuals, such as acquiring a person's land against his will, or refusing permission for putting up a building, but the larger public interest for which these are done must be authorised by the people (parliament). Discretionary powers to the administration can be done away with, and it is becoming more and more difficult to keep it within limits with a myriad tasks to be performed by the government. Where discretion has to be given, there must be rules and safeguards to prevent misuse of that power. For instance, each authority is given sanctioning powers up to a certain financial limit. Systems have to be devised which minimise, if not prevent, the abuse of discretionary powers. Government work must be conducted within a framework of recognised rules and principles, and decisions should be similar and predictable.

### **Executive vis-a-vis Judiciary**

Although, the government may have special powers for carrying on its work, (for instance, not granting permission for putting up a building say at the intersection of two roads), it should not enjoy unnecessary privileges or exemptions from ordinary law. So government servants are also subject to the same laws as citizens. We have to note Arts 299(2) and 300 of the Constitution. According to Art. 300 the Union government or the state government may be sued subject to legislation by the legislature. Article 299(2) states that neither the president nor the governor shall be personally liable, nor any person making or executing any contract or assurance on behalf of any of them, be personally liable in respect thereof.

How can the abuse of Rule of Law be prevented or minimised, particularly when discretionary powers have to be given in large measure. With a large government and the many tasks to be done by administration, conferring of discretionary powers is becoming inevitable. It is the judiciary, which (thanks to our British inheritance also) can be said to be strong and independent of the executive. It is the delicate balance between the legislature, the executive and the judiciary which provides the framework for good government. For our purposes, the legislature holds on to the reins of the executive in matters of administration. In case the executive acts with high-handedness and flouts either the law or the discretion vested in the executive in the course of administering, the judiciary is there to take charge of the situation.

### **Legislative Responsibilities**

The executive has some legislative responsibilities too as part of administration, and this 'rule-making power' carries with it a wide range of discretionary power. There are instances where one would wonder whether there was any legislative control and supervision over the executive in these matters.

We need to remind ourselves that the executive includes both the political bureaucracy and the civil servants. Not all cases of departure from cautioned use of discretion can be attributed to the latter. Politicians play a role in this in several instances. In many states, recently, the onus for the attempt to whittle down the powers of the local governments in Panchayati Raj legislation has probably to be shared by both, for neither the politician nor the civil servant is willing to part with the power or the scope for spoils. In some states, against the spirit of the constitutional amendment, a large amount of control is vested in the government (in the form of a commission/department) so that these units are not self-governing at all.

Though laws are there in the statute books, these are

not implemented. This is due to a variety reasons: no thought is bestowed on pre-legislation awareness-raising and education; lack of understanding on the part of those writing the law, of the real needs of people; or the involved writing of the legislation makes it incomprehensible to the people. Legal expertise is available only at great expense of time and money which is much beyond the scope of the common man. Anyway, it takes months and years to get justice. Particularly disadvantaged and the most vulnerable are women who have to go through the hazards of policemen handling them (now in many states there are police-women as well as all-women police stations). One of the judges of a Family Court states how most women who come there for divorce, maintenance or custody of child have to dodge their husbands and come to the Court secretly, where they have to pay money to the 'peon' (who is a self-appointed scribe), to write their plaint for presentation before the court. Development of legal services to the poor and weaker sections of society must also become a part of development policy and administration, as is the urgent need to simplify legislation and rule-making in response to the people's needs. It is commonly said that administration has failed in implementation of laws such as child labour. But there is also lack of political will in many cases. How does one reconcile this with the Directive Principles of State Policy which are to guide administration in establishing a welfare state?

While there are at least some established rules and systems under which the civil servant can be charged for misconduct or corruption, there is no code of conduct or method to pin down politicians to ethical behaviour. Corrupt politicians tend to form a nexus with corrupt civil servants and protect them. People have, therefore, come to believe that it is the honest citizen and the honest government servant who suffer.

OP Dwivedi in his essay on Ethics and Accountability says:

... for example several commissions of inquiry appointed to examine charges of corruption against ministers, and even when these charges were found correct, the situation did not change much because the so-charged persons were either not removed from public offices, or if forced to resign, did return to the Cabinet after re-election as if such charges were washed away because of the stamp of a general election.<sup>2</sup>

### **Relationship between Ministers and Top Administrators**

The relationship between ministers and senior civil servants has not been laid down anywhere. This is both an advantage and a disadvantage, for both sides, as can be seen from the well-known BBC television serialisation of *Yes Minister*\* Both minister and administrator have several tasks to do and several constraints under which these are done. It is said that instead of 'running' the department, the minister must see that it is run well,<sup>3</sup> for he has little time for administration, with all his work as a member of the cabinet, of the legislature, and as a party official. As a representative of the people, he has to meet people who want redress of their grievances. Ministers who ask for free, frank and fearless advice from their civil servants have become rarer now than in the days immediately after Independence. Generally, such ministers are more open and receptive to new ideas. Nowadays, many civil servants simply look for what the minister wants, and write, report or act according to it. Basic trust and camaraderie can exist when both are honest and capable. Often the relationship breaks down because of the incompetence of the official or the minister, or either or both not having qualities which command respect. Some ministers have little or no administrative experience. Some are extraordinarily perceptive, gifted and sharp, and it is difficult to match their acumen

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\* In this serial the civil servant is shown to be wily and the minister helpless. The civil servant makes the minister do what he, the former intends, while making the minister feel that he has taken the decision. Sometimes the minister also gets away with a clever move.



(such as C Rajagopalachari, who was Chief Minister of Madras Presidency between 1937 and 1939). Each must have a regard for what the other does and work towards making the most of their combined strength and complementary functions. Civil servants have to faithfully implement the minister's decision even if their own advice has been set aside. A civil servant who does not fearlessly and impartially give advice in the first instance, fails as much as he would if he were not to loyally and faithfully carry out the final decision as given by the minister. It is to be reiterated that the minister is one who is responsible and answerable to the parliament, and the administrator or civil servant is accountable to the minister/cabinet.

Focussing on the ideal relationship between a ministry and a secretary, Sardar Patel said that his secretary could write a note opposed to his (Sardar Patel's) views, for he had given that freedom to all his secretaries. Compare this with what the Administrative Reforms Commission (1968) had to say in its report relating to 'Machinery of the Government of India':

There is a disinclination among quite a number of ministers to welcome frank and impartial advice from the Secretary or his ideas and an inclination to judge him by his willingness to do what they wish him to do. Instances are not wanting of ministers preferring a convenient subordinate to a strong one, thereby making the latter not only ineffective but also sulky and unwilling. This has also bred a tendency on the part of an increasing number of civil servants to attempt to anticipate the minister's wishes and proffer their advice accordingly.<sup>4</sup>

Many politicians demand partisan action and civil servants who are straight, honest and self-respecting are becoming a rare species. Many politicians in power hold over the heads of civil servants the Damocles' Sword in the form of threats of transfer or damage to career, or by showing apathy in helping them get good positions. In fact, some civil servants in controlling those under them, adopt similar tactics. It is not unusual to find youngsters in the

service complaining that the minister is preferable to the secretary. Playing safe has become a way of life with most civil servants as the hazards of action have become manifold!

The dilemma about the jurisdiction of the civil servant and the politician is an eternal one, for it is very difficult to compartmentalise their functions and codify them. The government has become huge and unwieldy, and the political dimension of an administrator's job has vastly increased over the years. Civil servants identify political interference as one of the biggest professional problems.

On the other side of the scale, it must be stated that ministers do appreciate officers who point out the pros and cons and analyse the implications of their decisions. In self-interest they should not bypass the civil service for they can save themselves much embarrassment. Political neutrality on the part of officials is fast becoming a myth. Most of them see which side the bread is buttered: if they do not, they get isolated fast. It has now become the practice with different political parties to change top civil servants like the chief secretary and the director-general of police, as a matter of course whenever there is a change in the government. Identifying civil servants with certain political parties is openly done by ministers, even if the civil servants are straightforward upright officers who have only done their duty. In fact, when Prime Minister Indira Gandhi called for "committed officers", it generated a lot of controversy and debate on what she had meant by the term "committed".

Officers and politicians point accusing fingers at each other. Politicians do not like to be told of the disastrous consequences of fulfilling their hasty and rash promises. On the other hand, officials have to understand and realise that solutions must be found to some of these situations, since the ministers know and can feel the public pulse (sometimes better than the civil servant) and they, the politicians, are closer to the people. Uncomfortable as it may be, where plain speaking has to be done, it has to be

done skilfully by civil servants. And as the Japanese say, they must know how to disagree agreeably.

The risks for an honest and straightforward administrator are not to be belittled. There are many instances of those who have fallen by the wayside. The administrator must be prepared to be the scapegoat or to go out unsung and unhonoured, and there are innumerable examples of this.

When there is no rapport between the minister and the officials the willingness of ministers to defend the officials disappears. Many civil servants also become pawns in the games that are played by their political masters. Situations of distrust are on the increase because of a sharp decline in the values of both politicians and civil servants. Systems, which are not foolproof, help them get away and not be accountable to anyone. In the ultimate analysis, good government in a democracy depends on the commitment of political leaders to public-spiritedness and to the Rule of Law, and though it appears odd to say it—to their own announced policies. The commitment of the civil servant should also be to public service, Rule of Law and diligent performance of duty. It goes without saying that in a democracy the decision of the political executive should prevail. On his part, the latter should recognise the attendant responsibilities that come with this power.

### Generalists or Specialists?

We have seen how civil servants are expected to assist ministers to implement the will of the public as expressed through the parliament and parliamentary committees. Recruitment began in Britain for the highest civil service (Indian Civil Service) with the view that applicants should be excellent products of the University who would learn by doing. They were, indeed, expected to be all-rounders having the capacity and potential to quickly grasp new ideas and subjects rather than have a specialisation in any one. They were expected to obtain 'relevant' facts quickly

and put them up to the ministers in the most useful and strategic way. The skill of the professional administrator truly lies (or one should say, lay) in not being too specialised in any one area, so as to be able to take on any situation and handle it according to the factual and political context. It was said that:

...the capacity of a civilian's mental power should be similar to that of an elephant's trunk, which can pick up a pin, and pull down a mighty forest tree. There is nothing too great and hardly anything too small to which he may not in the course of his career be expected to apply himself.<sup>5</sup>

Many secretaries to the government and other civil servants, whether in the Centre or the states, are required to prepare answers to questions raised in the parliament or the legislative assembly. Most answers have to be thought out in such a way that the opposition's points are blunted and the government's image shines through. So 'generalist' and 'strategic' skills have been preferred for at least top civil servants until recent times. Today the nature of problems to be handled by civil servants and administration has become complex and complicated because of new and emerging issues needing expertise and specialist skills.

The Administrative Reforms Committee (1968) as mentioned elsewhere, emphatically advocated 'specialisation' in the higher civil service suggesting also that the pre-eminent position of the IAS generalists in the central secretariat be ended: "the doors of senior management should be open to all sectors of the civil service". It is probably as a consequence of this suggestion (and as a compromise) that Class I Officers of all services are inducted at middle and senior levels in the government of India. Some of the specialists and technical persons have done very well in these high positions. Eight broad areas of specialised administration specified by ARC were economic, industrial, agricultural and rural development, social and educational, personnel, financial, defence, and internal security and planning. Prime Minister Rajiv Gandhi's

government, gave opportunities to IAS Officers to excel in at least one area of their interest, which was also of great importance to the government. But governments being what they are, are sometimes unable to use officials who have 'specialised', in a particular area of work, due to 'exigencies of service'. One hears the oft-repeated lament that the official who has come back from training in a particular sphere, is being appointed in another department, where alone a vacancy exists, or that he is 'waiting' for a posting. Career planning of civil servants is perhaps too much to ask for and may even be difficult to do, but efficient use of talent and experience should be one of the primary objectives of the government.

The criticism is that officials themselves abet this state of affairs by wangling plum appointments which involve being in the limelight and going abroad and on other jaunts, and may be, even obtaining an assignment with any of the various limbs of the United Nations (UN) for a period of five years (five years assures them a UN pension). Many from the state governments are not willing to do their 'tenure' with the government of India. The impartiality, anonymity and political neutrality that top civil servants have to maintain have got muted by some of the selfish amongst them. Specialisation or lack of it is pursued according to the opportunities available, and it is a situation where only the fittest can survive, whether they are generalists or specialists.

### **Ministerial Responsibility**

While in a parliamentary democracy, policy-making is the responsibility of the minister and the cabinet, in practice, ministers and civil servants are both involved in framing policy. Civil servants are expected to advise ministers about the pros and cons and possible implications (including political fall-out) of policies, and of any decisions that might be taken. Civil servants, thus, are not mere implementors, they are part of policy-making. Politicians may come

and go, but civil servants go on forever and are permanent. As they rise in their career and go up the ladder to senior positions, they gain in expertise and experience. Their advice, therefore, is not normally set aside unless it is extremely inconvenient, in a political sense, for the minister to accept it. Good administrators often successfully persuade the minister to see their point of view and the advantage there will be for him and his party if it is followed. Again, while the minister is accountable to the people through the legislature the civil servants, in turn, are answerable to the ministers.

It is necessary that ministers are kept informed about what civil servants do even while following clearly established government policy. The principle of ministerial responsibility compels ministers to take the final responsibility for all the actions of their civil servants. We have had instances of this being followed in both England and in India (and also cases where unfortunately this valuable constitutional practice has been ignored). The most well-known case in the United Kingdom was the Crichton Down case (1954) where about 725 acres of land had been acquired from a private party by the government in 1937 for use as a bombing range. The purpose for which the land was obtained changed from 'defence' to 'farming' and a successful farm was raised on it by the ministry of agriculture. The family members, whose land it originally was, asked for the land to be sold back to them after the war, as they said that the purpose for which it was acquired was over, and the land was no longer needed by the government. This was refused by the department and the land was let out to a person who had no previous interest in it. Representations made by the original owners fell on deaf ears. Following parliamentary pressure, a public enquiry was held on the refusal. The concerned civil servants were examined in public and all relevant papers had to be produced. The report went badly against the government and the minister for agriculture resigned, although it was reported that he

knew very little about the routine decision taken in the matter by the civil servants. It showed that civil servants were answerable in a public enquiry. In India, T T Krishnamachari, minister for finance in the fifties resigned when his department was involved in what came to be known as the 'Mundhra' affair, where a lot of LIC shares were sold to one Mundhra, even though the minister had no role in the matter. Justice M C Chagla who investigated the matter stated in his report that the doctrine of ministerial responsibility had two facets:

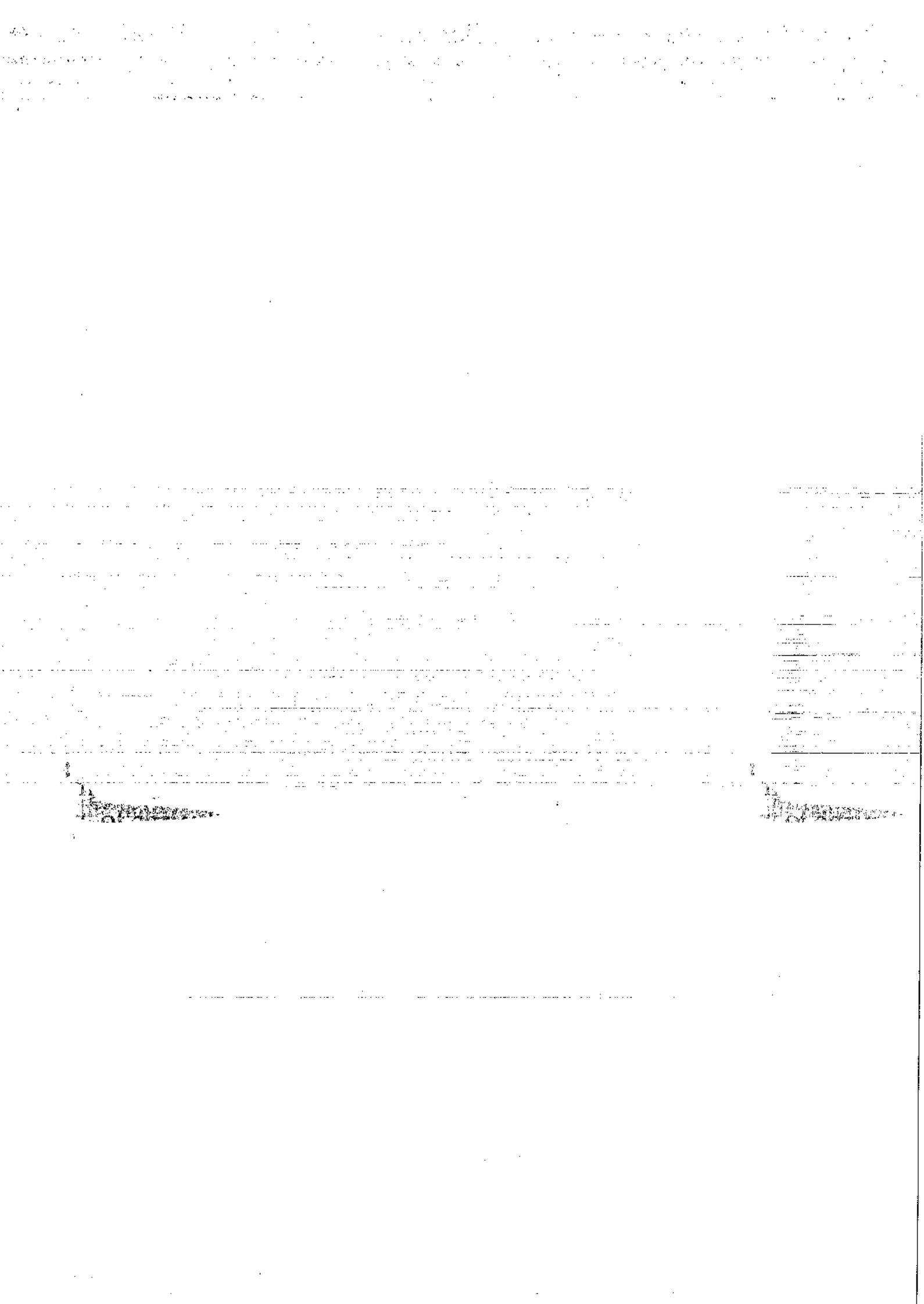
The minister has complete autonomy within his sphere of authority. As a necessary corollary he must take full responsibility for the actions of his servants.<sup>6</sup>

In 1954, Lal Bahadur Shastri, then railway minister resigned when there was a serious train disaster in Ariyalur, owing to the negligence of a railway employee. This is the extreme extent to which the principle has been carried. If ministers were to resign nowadays for the acts of negligence in the departments under them, we would need hundreds of ministers and not one would be left!

The Fulton Committee (UK) had observed that the assumption on which the doctrine of ministerial responsibility was based "is no longer tenable, and therefore the convention of anonymity of civil servants should be modified." The former seems to be followed in more and more situations but the latter has not even been considered.

### Steps and Systems Needed for Ensuring Ethics in Public Administration

Using official power for personal gain is unethical. That is why there is this great preoccupation to make the executive responsible to the people and account for its actions to the parliament/legislature and the judiciary. In countries such as UK and Canada, principles such as recruitment and promotion on merit, and anonymity and neutrality on the part of civil servants were developed. Coupled with





ministerial responsibility, a civil service tradition of ethical and efficient performance has also been developed. We hear of ministers in western countries coming to grief on their having had illicit relations with women, irrespective of whether state secrets were leaked or not. The Profumo Scandal in UK and similar others have rocked the party boat many a time.

In our country, it is usually said that we have inherited the values of a civil service which do not fit in with the ethos needed for democracy and development. The truth seems to be that we have inherited those values which do not fit in. For, in the earlier days, while the over-all system was unjust and stagnant, at the level of the ordinary people the Rule of Law was maintained. Now the over-all system has been changed but in the day-to-day life of the people the general perception is that the Rule of Law is not being maintained, forcing the citizen either to be apathetic or get alienated, or to rush to the judiciary for redress on each and every issue.

At the time of Independence, only the perseverance and will of Sardar Patel made it possible to create the IAS and the IPS. He felt that a non-political civil service was essential. The leaders of the time, including Nehru, were greatly opposed to the elitism and aloofness of the civil service. The features of free India in 1947 also went against it. We have seen how the ICS flourished in an autocratic system. It started to feel threatened when it had to serve elected bodies. The ICS tradition of administration was most unsuited as an institution to be accommodated within the three pillars of the Indian Constitution—federalism, democracy and development-orientation. In a democratic framework it was unthinkable to have anything which even remotely suggested or created a chasm between the government and the people. Relationships between the new political masters and the executives would not be easy. The federal system would not have normally permitted an All India system. In its new form where it served both states

and Centre, it gained acceptability and support from the ruling Congress party even though the colonial administrative machinery was something they hated.

Two steps taken by the government recently can help in increasing the scope for ethical conduct in administration: one, reducing the tasks handled by government; and two, decentralisation of government. Decentralisation of power and administration to local self-governing institutions will diffuse the size of governments. At a local level, where there is neither anonymity nor privacy behind which corrupt public servants can hide, the chances for unethical conduct are much less than in big governments where the right hand is not aware of what the left hand is doing.

The salaries of the civil servants also need to be looked into. Lord Cornwallis used to advocate that civil servants must be paid well so that they are above want and need.

Another area which needs attention is the example set by unscrupulous politicians, particularly during elections. Section 123 of the Representation of People's Act 1951 defines corrupt practices in relation to elections. Politicians rely for funds on business houses and industrialists during elections, as it costs a great deal of money. Naturally all this has a *quid pro quo*. We know of politicians and ministers who are personally very honest but who collect money for the party. There are many agencies which are willing to give money or goods in return for obtaining licenses, contracts, approval of works, allotment of land and scarce goods, and for being permitted to deliver inferior goods by underquoting on tenders. They do not mind manipulating accounts or undervaluing transactions in immovable property. The Santhanam Committee Report on Corruption 1964, advised that it was as important to fight unscrupulous agencies of corruption as to eliminate corruption in public services.

Society gets the politicians and civil servants it deserves. So it is sometimes said that society makes the criminal. Corruption occurs only if someone is willing to

corrupt and someone is willing to get corrupted. It takes two hands to clap. Both givers and takers make for a lack of ethics in administration. Some departments which are at the cutting edge, that is deal directly with the public, are more prone to taking a bribe such as the police, regional transport office, irrigation, revenue, sales tax, and the public works departments.

Drastic illnesses call for drastic remedies. Anyone found to be corrupt must be severely dealt with. What is ethical and not ethical, though not laid down, is determined by comparing behaviour or actions with standards or norms, which are again themselves based on a set of values. Standards or norms evolve from group consensus or agreement. But there are no clear-cut guidelines for behaviour and decision-making, and it is this which assists the wrongdoer who follows Oscar Wilde's suggestion that the best way to overcome temptation is to yield to it. If 'ethics' is fuzzy, intangible and invisible, 'public interest' is itself subject to different interpretations according to context and individual, and may well be sought to be fulfilled along with 'private interest'. So good ethics depends on the individual. Each individual's sense of values is determined by his background and upbringing and the example set by others, especially his seniors at home, in society and in service. Each one has to develop enough self-esteem and pride so that he draws, for himself, a *Lakshman rekha*\* below which he must not fall. After all, one is first and last accountable to one's own self.

What should an individual public servant do? Should he strive for a good name and reputation, or for material advancement by any means? The best discipline is self-discipline and it is necessary for each one to decide early on certain values, and to ensure that his behaviour is above

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\* *Lakshman rekha*—A line drawn by Lakshman, Lord Rama's brother in the epic *Ramayana*, when leaving Sita alone in their hut in the forest, advising her not to overstep it.

suspicion. Fair, objective and predictable would be the characteristics of such a person. When in doubt, one may ask the following or similar questions to one's self:

- Is the action I am about to take an action that a reasonably responsible person would take?
- What harm will be caused by my action and to whom? Is the action inevitable in the larger 'public interest'? If so, what steps are to be taken to minimise its bad effects on others, or to help those who are badly hurt by it?
- Would my action stand close public or legal scrutiny?
- Is it something I would advise my children or my best friend not to do?
- Am I doing to others what I would not have them do to me?
- Am I following the rules of the game namely, the Rule of Law and objectivity?

To be sure, to help individuals practise self-discipline, they must be assisted at the organisational level.

Firstly, politicians and top administrators must set the tone for honesty and purity in an organisation. The policy has to be made absolutely clear to all employees, again and again, in unmistakable terms. Employees must know exactly what is expected of them in the moral arena. This does not preclude having an 'Ombudsman' or vigilance set-up.

Secondly, in the setting of goals and objectives, there must be some realism and it should be possible to work for those goals within the accepted value-norms.

Thirdly, such a climate should be encouraged where everyone's conduct is open for others to see, and any deviation is easily noticeable.

Fourthly, when there is a case of unethical conduct, prompt and severe action should be taken which will act as a deterrent.

Professional associations and training organisations need to help by chalking out a professional code of ethics

and training people in them.

At the societal level there are of course laws, but ethical conduct should be well above that level. Employers must act not only according to the letter of the law but recognise that they have a higher ethical responsibility to the employees—much higher than what the laws lay down.

In a democracy, it is important not only to be fair but to make it seem and known that you are so. Otherwise, errors of 'judgement' might be confused in the public mind with errors of 'intent.'

There is a belief in some countries or sections of people that there is nothing wrong in using public office for private gain. There is a benevolent attitude towards the use of public office for group or personal benefit. Citizens' ignorance coupled with the conduct of high-handed persons in authority help to make it a *modus vivendi*. The demand and supply of employment and other opportunities have promoted market corruption and exploitation—forging Scheduled Caste certificates, issuing driving licences to unqualified people, inflating marks for gaining entry to professional courses, etc. All these are assisted by those who wish to beat the system for serving their own ends. History proves, and also the experience of several countries in recent years shows, that a lax attitude to all this becomes all-pervasive over the years and leads to the collapse of the system, like a termite-infested structure.

Therefore, it is the responsibility of all sections of people—family, school, service and peer groups such as professional associations—to develop a climate for ethical systems to take root.

### Steps to Check Corruption in India

Corruption has two main causes, all others being subsumed under these—need and greed. Perhaps 'need' could be taken care of to some extent by ensuring need-based salaries (easier said than done in developing countries). But the real alarming situation is where public servants are greedy

Who is more greedy, the politician or the civil servant? One cannot say for sure. There is a proverb in Tamil which says that the amount of water a frog in a well drinks can only be a matter of conjecture. Likewise, it is very difficult to have a correct estimate of how corrupt a society is or exactly what amounts of money are passed on for a consideration, and who is more corrupt than whom. We have already seen that situations where there is large exercise of discretion, and having too many government controls can provide fertile ground for public servants to wallow in corruption.

According to Kautilya:

what is collected is shown as not collected, what is collected is of one sort while what is entered is of another sort; what is realised from one sort is shown as realised from another, what is payable is not paid; what is not payable is paid."

In his *Arthashastra*, he stated that the size of the government's role, the discretion that officials have, and acceptance of hereditary offices—all these contributed to the promotion of corruption. The Santhanam Committee (1964) listed the following factors which directly increased the climate of corruption during the war and post-Independence days: war-time controls; departure of a large number of experienced officers replaced by unproven promotees; post-war flush of money and consequent cumbersome and dilatory procedures; large number of regulations, controls, licenses and permits; quest for political power at different levels; increasing delays; scope for 'speed money'; sudden expansion of economic activities; and assessment and collection of taxes. Measurement of corruption is as difficult as a rough idea through the many vigilance cases that are handled by the vigilance units in the state and central government departments and ministries. Misconduct on the part of government officials is determined according to violations of the Government Servants' Conduct Rules. Many do not come into the net at all because proof is so

difficult to come by. There is a Central Vigilance Commission (not a constitutional authority though) set up as a result of the Santhanam Committee Report of 1964.

In January 1966, a Commission for Public Grievances was appointed under the ministry of home affairs to supervise the handling of grievances of the officers and ministries of the government. But this office was abolished in 1967, when the Administrative Reforms Commission proposed the scheme of 'Ombudsman'.

Prevention of corruption in India has been attempted among other ways, by the enactment of a law called the Prevention of Corruption Act 1947 (amended in 1988). Section 167 of the Indian Penal Code (IPC) gives an elaborate definition of a corrupt public servant. Section 21 of the IPC defines a corrupt public servant as follows:

Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain any gratification whatever, other than legal remuneration as a motive or a reward for doing or for bearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, with the Central or State Government or Parliament or Legislature of any State or with any public servants as such.

Section 5 of the Prevention of Corruption Act 1947 identifies five characteristics of those indulging in corruption. These are:

- (i) habitual acceptance of gratification;
- (ii) obtaining valuable items for a consideration;
- (iii) misappropriation;
- (iv) abuse of position to obtain pecuniary advantage; and
- (v) possessing property disproportionate to one's income.

The Santhanam Committee (consisting of K Santhanam, MP, and seven other MPs) which was set up by Prime Minister Lal Bahadur Shastri in 1964 to review the problem and give suggestions to make existing measures and machinery more effective, defined corruption as the improper

or selfish exercise of power and influence attached to a public office or to a special position one occupies in public life. It suggested that there was a need to simplify institutional mechanisms, so as to reduce tax evasions, under-invoicing, hoarding and smuggling, and evasion of economic laws. The recent share market malpractices have highlighted the need to make procedures and practices simple.

The Special Police Establishment (which looked into vigilance cases) created in the forties, was absorbed in the Central Bureau of Investigation set up in 1963. The Railway Corruption Enquiry Commission was set up in 1953. There are Conduct Rules for All India Services (1954), Central Civil Services (1955), and Railway Services (1956). Even before Independence, there were Rules relating to lending and borrowing; accepting gifts; buying and selling houses, and other valuable property; entering into pecuniary arrangements for benefiting others; speculating, promoting and managing companies; private trade and employment; raising subscription; and accepting commercial employment after retirement.

These had to be updated after Independence. The general principle adopted was that secretaries to the government and heads of departments were to be primarily responsible for the purity, integrity and efficiency of the departments. Specific responsibility in the matter was, thus to be vested in the superior officer. The Santhanam Committee recommended, *inter alia* that no government official should be permitted to accept private or commercial employment for two years after retirement. Ineffective persons who having completed 50 years of age or 25 years of service (whichever was earlier) could be retired without giving a reason or without having to compensate them. At another stage, at the age of 55 (or after 30 years of service) persons could be made to retire by issuing a three months notice. The Committee recommended preventive measures such as creating a sense of responsibility at those levels



where discretionary powers were exercised or direct dealings with the public were involved. The manner of the exercise of these powers would also have to be looked into. Trade organisations and their representation in licensing and allocation bodies would discourage malpractices. Informal codes of conduct should also be adopted. Steps were essential to tackle some of the causes of corruption such as administrative delays, governments taking on more than what they could manage (resulting in too many controls and thus, reducing the scope for personal discretion), discouraging touts and intermediaries by simplifying procedures, increasing the salaries of inspecting and supervisory officers, providing housing to employees (as they do in the railways), keeping out persons of doubtful integrity, and making it easy to obtain necessary forms. Above all, it was necessary to make the government transparent and open. The Committee made specific recommendations in regard to certain departments particularly vulnerable to corruption because of their functions such as, the Directorate General of Supplies and Disposals, Directorate General of Technical Education, Import and Export Organisations, Central Public Works Department, Customs and Central Excise, Income Tax and Central Corporate Undertakings. It recommended training courses for vigilance officers.

In some states like Kerala, innovative schemes to reduce delays are being tried, such as the 'File to Field' programme, where the administrator goes by prior appointment to an area or village and hears grievances. Wherever immediate action can be taken, it is taken then and there. It is a 'populist' programme of the type of a *mela* where people gather in large numbers and several commonplace matters which get delayed in correspondence are dealt with and disposed of then and there.

One of the biggest drawbacks in the terms of reference of the Santhanam Committee was that it could not deal with corruption at political levels. But it mentioned the need for a code of conduct for ministers, and a national panel to be

constituted to go into the corruption of ministers. It advocated high standards of integrity for members of parliament/legislative assemblies. Political parties, it said, should maintain proper accounts of receipts and expenditure of the funds they collected. Not only was regular maintenance of accounts necessary but also their publication. It highlighted the role of the media, public organisations and mobilisation of public opinion in creating a climate to discourage corruption. Local self-government units could control the situation better owing to their smaller size of operation. Vigilance on the part of the people was the only way to deter corruption in public servants.

Corruption is not the monopoly of any one country. It cannot be said categorically that one nation is more corrupt than another. But one can compare the systems and machinery created for discouraging or preventing corruption. In France there are administrative courts for quick redressal of administrative grievances. Soviet Russia's Procurator General, and Regional and Area Assistants are well-known. There are laws dealing with corruption in the UK, USA, Pakistan, Canada, Myanmar, Ghana and France. There is the 'Ombudsman' in Scandinavian countries. Today we have Administrative Tribunals at the central and state levels in India dealing with the grievances of civil servants to speed up delivery of justice and relieve the courts of this work. This would also boost the morale of the officers.

### The Ombudsman

In India, the Administrative Reforms Commission 1968 had recommended a machinery for fulfilling the watchdog function. There was a move to have a *lokpal*, a kind of super Ombudsman, at the Centre with jurisdiction over ministers and secretaries in the Centre and the states. He was to be appointed by the president on the recommendation of the prime minister. Similarly, an Ombudsman called *lokayukta* was to be appointed at the state level on the advice of the chief minister, by the president. Both *lokpal* and *lokayukta*

were to be answerable only to the president and the parliament/legislative assembly, as the case may be. However, none of this came about. What did happen was that some states implemented a modified form of the *lokayukta*. In 1972, 1973, 1977 and 1981, Maharashtra, Bihar, Uttar Pradesh and Madhya Pradesh respectively, had a scheme for a state *lokayukta*. In Maharashtra's scheme, there is a *lokayukta* to look into the complaints against ministers and secretaries and an *up-lokayukta* for handling complaints against officials below the level of secretaries.

The attitude of bureaucrats who have inherited an 'elitism' and a feeling of superiority from their predecessors of colonial India, and the pressure to achieve results in development quickly and efficiently, may result in the processes not being very fair or uniform and may lead to inequities, particularly as people are illiterate and ignorant of their rights and are afraid of authority and power.

Thus, the problem of corruption and accountability are complex. Corruption's tentacles have spread far and wide and now it touches every aspect of life. In America, there was a move recently of 'going back to the basics'. Every country needs to do an introspection of the kind contemplated in this to recapture some of the old golden values and the inflexible moral fibre we had in 'those days'.

Efficiency and ethics go hand in hand and these will increase when accountability is not something that public servants can easily escape from. In an article, 'Working in Whitehall: Changes in Public Administration' John Delafons says:

Far more important than any changes in working methods has been the changing climate of opinion in which the civil servant works and attitudes towards government of which he is part. If there is one change that has altered the working environment of Whitehall over the past thirty years more than any other, I would suggest that it is the greater degree of scrutiny, exposure and questioning that now attends all its activities. I would link this with what appears to be a far greater degree of scepticism about Whitehall's competence, than existed thirty years ago, and a

degree of hostility that has grown more strident in the past ten years or so. To some extent these two trends are linked. The sceptical, hostile attitude generates a demand for more rigorous scrutiny, and any resistance—assumed or real—aggravates that suspicion and is readily translated into the assumption that there is either something to hide or perhaps worse, nothing to hide—that they don't know what they are doing.

Ultimately, it is the alertness or vigilance on the part of people which will make administrators sit up, and be clean, fair and just in delivering the goods. This will take longer in countries which have had colonial rule, because people have been trained to accept whatever is done by government or to be indifferent and apathetic to it. These very people are being 'developed' by the government at its own pace. Probably some extraordinary situation is needed to jerk people into action, to not take things lying down and demand that public servants truly serve. Perhaps, change of a generation will help.

The redeeming feature is that there are a few young political leaders and civil servants who can be expected to hold aloft the principles of a performing, efficient and ethical government without resorting to the easy way out.

## MORALE AND WORK ETHIC IN PUBLIC ADMINISTRATION

### Security and Recruitment in Civil Services

The Constituent Assembly accepted, after much debate, the view of Sardar Patel that a strong administration was required to carry on the work of independent India. Article 312 of Chapter I of Part XIV was incorporated in the Constitution to constitute the Indian Administrative Service (IAS) and the Indian Police Service (IPS), successor services to the ICS and Indian Police of pre-Independence India respectively. These services are permanent and secure as are the State Services (Art. 310). Major punishments such as dismissal, removal or reduction in rank cannot be imposed on members of these services by an authority subordinate to that which appoints them (Art. 311).

This factor of 'permanence', and the aspects of recruitment, training and performance appraisal go into determining the morale and work ethic of civil servants. The All India Services are a cementing and unifying force in a country with such diversity. Members of these services are recruited centrally but organised under state cadres. The idea is to tap the best talent from all over the country. A limited percentage of posts is reserved for being filled by promotion from state civil and police officers. The All India Services provide for each state to send a quota on deputation to the Centre to man senior posts for a tenure, with provision for reversion to the state at the end of the tenure. The quota provided for is proportionate to the strength of the state cadre. Even in British times there was the tenure

which it had a three-pronged purpose: (i) district collectors and provincial officials could get bread in the same job and so a change would do them good, (ii) fresh blood was needed at the Centre and rotation was necessary for this, and (iii) all the members of the IAS would get a fair share of what were regarded as prime appointments. An All India Services Act was passed in the parliament and by virtue of the powers vested in the central government by it, rules were framed for leave, discipline, conduct, and so on.

The method of providing authority to the Centre for creating the services (as there was an element of intrusion into state autonomy) was to secure the consent of two-thirds of the members of the Council of States (Rajya Sabha), which was set up as spokesman and custodian of state interests. In a similar way, other All India Services (AIS) were and can be created (Para 21, 269).

The All India Services, as mentioned elsewhere, have provided for both security of tenure and an assured service career so that lack of these should not stand in the way of performance. The rules for these services seek to ensure impartiality, fairness, objectivity and equity in the outlook of officers. Half of the officers allotted to each state are generally "outsiders" allowing for impartiality and integration.

At the beginning of the nineties, there existed three All India Services, and more than 30 Central Services like the Indian Audit and Accounts Service, Indian Defence Accounts Service, Indian Postal Service, Indian Revenue Service, Indian Economic Service, and so on, recruited through a common examination (called the Civil Services Examination) by the Union Public Service Commission, the list of successful candidates being ranked according to merit. The candidate is required to indicate his preferred services and date of allotment. Four attempts are allowed between the age of 21 and 28 years of age. Reservation for Scheduled Castes and Scheduled Tribes is also made. Question papers may be answered in English, Hindi or in any of the

languages included in the Eighth Schedule of the Constitution.

The State Civil Services also enjoy permanence and security of tenure on the same principle, and its members are recruited in a similar way through the State Public Service Commission.

The Constitution (Chapter II of Part XIV) provides for the Union Public Service Commission (UPSC), and for each state a State Public Service Commission (PSC) (Art. 315). To secure independence and autonomy for them to perform their work with integrity, the chairman or a member appointed to the UPSC or a state PSC is prohibited from holding office under the government of India or any state government on ceasing to be a member (Art. 319).

These recruitment bodies are to be consulted on:

- (a) all matters relating to methods of recruitment to civil services and for civil posts;
- (b) the principles to be followed in making appointments to civil services and posts, and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;
- (c) all disciplinary matters affecting a person serving under the government of India or the government of a state in a civil capacity, including memorials or petitions relating to such matters;
- (d) any claim by or in respect of a person who is serving or has served under the government of India or the government of a state or under the Crown in India or under the government of an Indian state, in a civil capacity, that any costs incurred by him in defending himself or being instituted against him in respect of any such claim should be done in the execution of public duty and should be paid out of the Consolidated Fund of India or the Consolidated Fund of the State.

awards sustained by a person while serving under the Government of India or the government of a state or under the Crown in India or under the government of an Indian state in a civil capacity, and any question as to the amount of any such award. (Wide Act 320(3))

Personnel development may be said to start with diagnosis and identification of manpower needs. Some of the within of the piece can be located at this point of diagnosis, for as mentioned earlier, the government has to accommodate objectives which though monetarily unprofitable, should be socially desirable, such as increasing the number of last grade posts so that a larger number of economically disadvantaged people are employed even if there is not sufficient work for them. Where there is a shortage of unskilled staff such as in hospitals, it may happen that no more people are being appointed there. The point of development of personnel occurs when the staff are increased in already overstuffed offices. Many are forced to take more All India Services officers than they need, and thus, is sown the seed for stagnation and consequential problems.

Since for many categories of posts job requirements are fixed, there are problems when the qualifications fixed are either too high or too low for that post. Also, where there is a high degree of educated unemployment, persons with high qualifications may apply for jobs which may require lower educational requirements. Once such a person gets the job, there is dissatisfaction and frustration due to over-qualification, and many persons spend their time while job looking for advertisements for posts which they think are their due.

Finally, a person is as long drawn-out as, indeed, is the government service. There are no hard and fast rules about FIFO (first in first out) or even LIFO (last in first out) and sometimes a vacancy is filled up on a temporary basis through the Employment Exchange, and the man



remains 'temporary' for several years. A little insecurity (coupled with challenging responsibilities) is quite essential to keep people on their toes, but productivity gets affected when the 'temporariness' is lifelong.

Recruitment to government service at most levels is done largely by the Public Service Commission which is busy throughout the year as recruitments have to be made in large numbers to a variety of posts. The Public Service Commission also holds tests for some of the posts to be filled by promotion. Care is taken to observe communal rotation, and to provide safeguards to make selections as professional as possible. However, the numbers to be recruited are so large that there is sometimes a long time-lag between the recruitment of people and their actual availability, by which time the nature of the requirement may well change. This may mean that the persons recruited have to be 'fitted in' somewhere. How can it be ensured that the right man is recruited for the right job?

Several 'inter-se-seniority' problems crop up frequently when horizontal dovetailing is to be done for example, in the integration of the services of those from Travancore (Ceylon or Madras), or from the Palace Service (in the erst while princely states) into the government.

In the government, since so much importance is attached to seniority and experience, performance appraisal which is contained in the annual confidential report (ACR) is intended to determine whether a person would actually be fit for the higher job when the time comes to promote him. Seniority alone is the basis for promotion opportunities (at least from state to state). In some states, however, the ACRs are confidential, and probably are not available to the employer, even persons who are not direct superiors of subordinates are not allowed to know that they do not have a right to promotion. In some other employees such a report is available up to certain level and below that level a lot of paper work is done.

Time spent in documenting inaccurate estimates of work performance is time wasted.

At higher levels of civil service appointments to higher posts, there is a tendency of matter and the civil servant concerned, in many cases, in the absence of the usual standard, have been eliminated from the panel for higher posts and there is hardly a satisfactory remedy or appeal. At the same time, there are examples of civil servants with a dubious past being included for promotion to the highest level in civil service.

Any body being overlooked can easily be made to believe that the post is a selection post and therefore selection cannot be expected as a matter of right. It is the privilege of the government to choose the person deemed to be best for the job. There once again comes the tension between civil service and the political system. The most usual method adopted in recent years is to promote someone to the higher level on the basis of seniority and to appoint in the matter of postings to specific jobs. This is alleged to modify the civil servants to some extent, but the increase in a vast increase in the numbers of senior posts in the administrative and supervisory ranks of the executive.

There are many how it ought to be prescriptions of various appeals, but they can be applied in an over-extended system, is overhauled thoroughly. More extensive performance evaluation is discussed later.

All officers undergo induction training of varying length, depending on the initial years in the service. This is usually departmental and language training. The Police Training, Metcalf Phase II and III are the main induction training for IPS officers. The Police Training for Indian Police Service

sometimes, but quite often because of the power and militancy of employees, is only a paper tiger. Performance appraisal must be used as a tool of development of the employee by facilitating continuing rapport, communication and learning process between the superior and the subordinate. It allows the individual aided by his higher officer to draw up what he would like to achieve and can achieve, knowing his capabilities and potential for improving on them, and to work within the framework of the organisation's goals. Opportunities are necessary for self-assessment and correction, and for increasing strengths and overcoming weaknesses. Potential is also to be assessed for handling higher responsibilities by locating critical attributes necessary for this and providing opportunities to obtain them by hard work, training and application.

Performance appraisal is only one element of the edifice of personnel management and personnel policy. If other aspects such as recruitment policies and career management are not handled properly, then performance appraisal does not fit into the jigsaw puzzle correctly.

### Affirmative Action in Personnel Policies

What is the conscious effort of affirmative action required for following a correct personnel policy? What should be the aim of the government's personnel policy? Correct personnel policies in government are necessary for (a) finding the right man for every job and setting professional standards of performance and good management practices for keeping the personnel motivated and sustaining their interest in the job, (b) helping the administration cope with fluctuations in the administrative climate and changes, and (c) helping the administration to attract and retain the best human resources for the jobs they are to perform. Personnel policies include provision of opportunities for promotion, probation after probation, appropriate work environment, selection and work environment, performance

expectations and appraisal, promotion policies, incentives, and deputation to better jobs. Planned interventions at every stage of personnel development are necessary to improve organisational effectiveness, morale and work ethic.

What is needed very urgently in the government is attention to some of the following points if we must bring out the best from our civil servants.

- (a) A job manual for each department containing details of qualifications and qualities for each job. The job description must provide valid and reliable job information to support the job evaluation system. It can be a good tool for recruiting, developing and appraising staff. The time to tell employees what they are to be appraised on is not when you appraise them. Planning in performance appraisal means sitting down at the beginning of the performance period and deciding on what will be accomplished. Mutual goal setting is of central emphasis, as employees are more committed to achieving goals that they have participated in setting.
- (b) Measures need to be worked out for judging people on team tasks wherever people work in teams. Since quite a lot of government work is becoming interdisciplinary, new tools for this must be developed.
- (c) The officer at the supervisory level must be a friend, philosopher and above all a guide to those working with him. Employee involvement should be sought for all the stages of performance appraisal: from goal setting to execution. What motivates employees to work effectively is the same in government as elsewhere—a challenging job that allows a measure of achievement, a responsibility, growth, autonomy, enjoyment of work itself and recognition. The existing system kills all these; performance appraisal, if not rethought and might well be im-

(d) Research and study are necessary on methods of judging performance appraisals and make them as objective and measurable as possible. What are the standards to be adopted in measuring service sectors where output is intangible? Training is also necessary on how to appraise oneself honestly as most self appraisals in government are either too boastful or too modest and do not reflect the correct picture. Similarly, how to appraise people in a governmental system with all its business and various needs to be met, is a topic discussed and a concrete draw out from the views obtained. Superior officers must be trained in developing their subordinates.

(e) There must be a continuous feedback to employees on how they are performing so that there is a constant correction. In government, there is a system of confidential, adverse remarks once a year. A person was once informed that his work was an excuse for an intelligence officer's visit. This kind of adverse remark is quite often visited to those who are least intelligent and many such instances are now going back to the practice of discharging of functions especially in the case of officers of this rank.

(f) Satisfactory performance need not come only with experience. Importance has to be given to training and providing opportunities for bringing out the best in people. However young people they are, some sort of guidance and training policy from the leadership level is necessary for making all the persons in the service well cared for without pampering them. It is a common saying and a reality of our life that a skill soon comes and fades when people are not challenged above them and this will be well illustrated by the failure of one of the well known institutions in the country. The assessment by the Government of India as being 'regional'

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complain. The bosses and the system will be the losers, for as long as they remain victims of the inexperience of their subordinates, but do nothing to improve this state of affairs productivity, production and healthy work ethic will be come more elusive than ever.



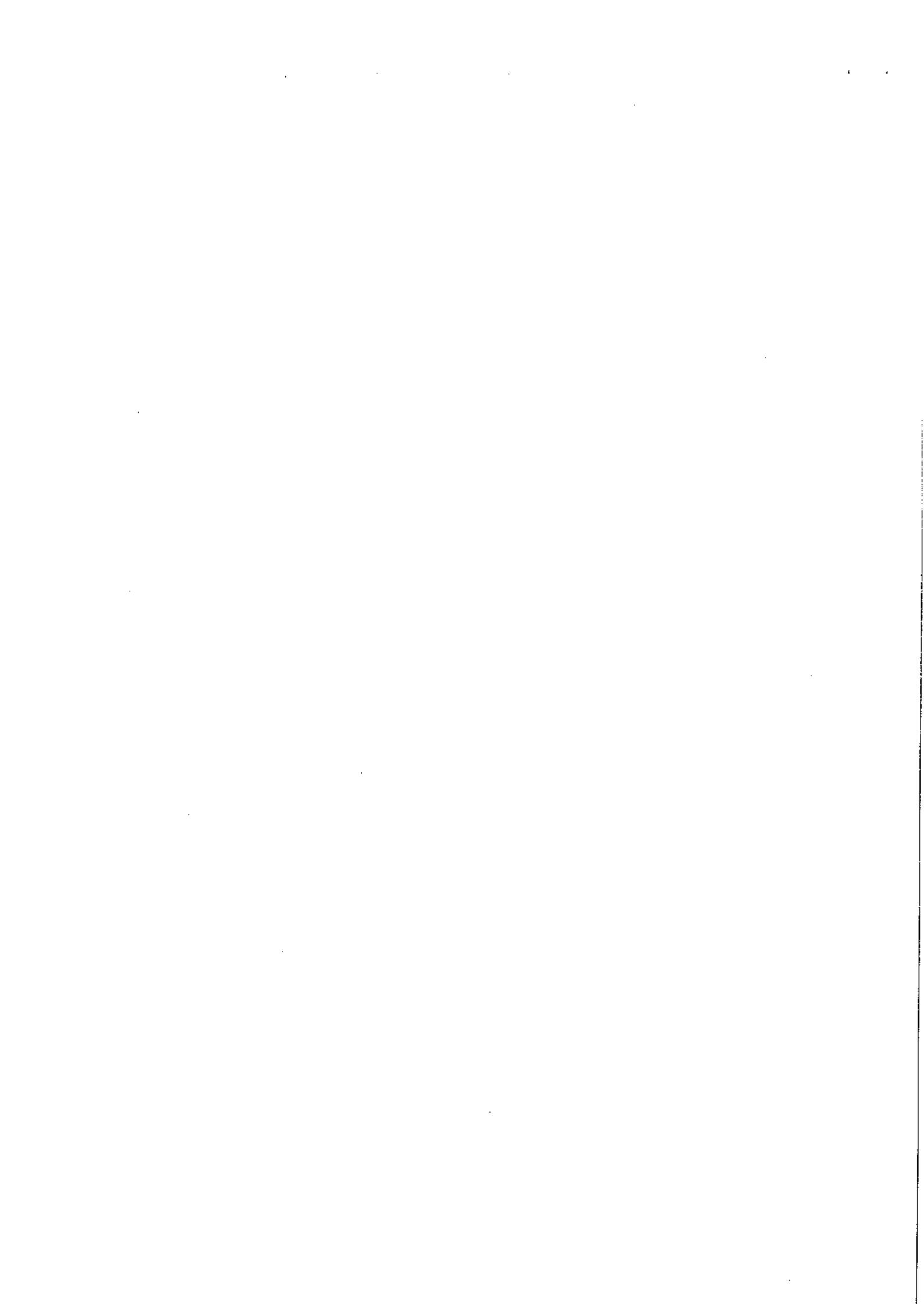


- they chalked out, broadly fell under these headings:
- Improving work conditions and office environment
- Need to enforce punctuality and discipline
- Introduction of O & M to minimise delay, assessment of staff requirements, house-keeping and staff welfare
- Decentralisation of legal advice
- Training
- Need to set up administrative tribunals
- Analysis of matters taken to court
- Problems in matters of recruitment to be taken up with the Union Public Service Commission

Action on Retirees

Following the Chief Secretaries' Conference on problems of administrative improvement and management in July 1970, Government about 30 recommendations, several states set up separate Department of Personnel and Administrative Services. There has been greater delegation of financial powers to the secretarial departments and heads of regional offices, institutions for the training of civil servants have been set up, bye-laws made and strengthened, and regulations and procedures for the recruitment of public at the cutting-edge level, that is, the field level, have been taken up, administrative coordination systems have been made better and performance appraisals introduced. There are several State Administrative Tribunals set up to deal expeditiously with disputes between employers and employees.

Administrative reforms are more the less expected in the years ahead. The government has been making efforts to improve the quality of the civil service, to reduce the number of staff, to improve the working conditions, to improve the system of recruitment, to improve the system of promotion, to improve the system of control of expenditure, and to improve the system of...



good lighting and air in offices, and ergonomics, and aesthetics in office furniture. He made higher officers coach their juniors; he streamlined the record room doing away with unnecessary records, and helped maintain the valuable ones in a systematic manner for quick retrieval (reviving public confidence in getting fast redressal); he created a congenial atmosphere in the offices where the public had to wait, minimising the waiting time, indicating when their matter would be disposed of and when to come for their paper; and he 'demystified' procedures by printing simple leaflets about programmes and how to avail of them. While his scheme of reform took more than a year to fructify, he had little or no support from above. Once results were seen, there were plans for 'replication' of his scheme. But now, no one is talking about reform of any kind.

### Reforms in UK

What about Britain, from whom we got our hand-me-down administration? How has it fared in the sphere of administrative reform if only as a matter of comparative interest?

We may allude to the Fulton Committee Report (1969-68) on the structure, recruitment and management of the civil service, and the economies suggested by Sir Derek Rayner who had eliminated much of paper use in his management of Marks and Spencers, the well-known departmental store. In studying government organisations (in the early eighties) he asked the questions: What does the organisation do, at what cost and to what purpose, that is what is the value derived from that service? It is said that as a result of the 'value for money' analysis made thus and action indicated on that basis, there was a saving of about £500 million a year, and 3000 different types of government forms were done away with. Fulton's Report lamented the generalist administrator's lack of management skills. It suggested developing specialisation within the general administrative service and encouraging civil servants with specialist skills.

The Committee directed attention to recruitment in specialist areas of administration such as economic, legal, social and financial and to training and appropriate career management with a single uniform grade structure to provide the foundation for a new promotion class. A new Civil Services Department was set up as well as a Civil Services College.

Recently there has been a move in Britain to remove permanency from the civil service, preferring contract appointments. This would, while saving expenditure, enable the choice of a good specialist where needed. But the civil service would never be the same again for the advantages of the generalist are needed for several of the tasks in administration. A jack of all trades also has his uses and place in government.

### Scope for Further Action

Administration can work towards the goal of service to the public at the right time, and with necessary courtesy, not only with the right attitudes and values on the part of the performers, but with a consciousness in them of a need for efficiency and economy. Reducing personnel and expenditure is never very popular, and therefore any proposal by the Department of Administrative Reforms in the States or at the Centre for minimizing staff and expenses is never well received. Work is inflated and shown on paper. In many cases, government work not being precisely quantifiable, has abetted the lack of action in this area of economy.

We need an administrative system that will help our parliamentary democracy survive with stability, backed and motivated to function smoothly. There is a view that the present demand for this now is for civil service, high credibility and public faith in their work. The Government must have top priority in the area of public administration reform, integrity and honesty, from having someone watch from outside, the Government or Lokpal (at the Centre) and

*lokayuktis* (in the states), but also from healthy values which must be inculcated from a very early stage of life so that politics comes from within. Checks and safeguards in the field of elections have become imperative because of erosion of what is termed as 'the national character'. Long ago, Cornwallis advocated that officers should be paid well so that they are above want and temptation, strictly, drastic punishment for those veering from the straight and narrow path, and creating a social climate where both the giver and taker will hesitate before resorting to bribing, have become urgent.

One of the most important ways by which administrative response can be improved considerably—and, unless this is the true test of administrative reform, namely, that it serves the people in accordance with their wishes, expressed through the various vehicles of a democratic polity—is to make the civil service fully professional, dynamic and equal to the task. This is possible through appropriate methods of recruitment based on selection by merit and by periodic training starting from induction, and going to the training. The on-the-job training and guidance by superiors has to be perpetual so that each person can, in turn, be a good coach and leader. Knowledge of economics, law, finance, personnel management, and social issues is becoming increasingly basic to public administration. While every civil servant needs to be sensitive to issues in these areas (they are only illustrative, not exhaustive), there must be scope for interested persons to utilise the knowledge and skills in his work. Career development is as important as care in recruitment and provision for training of all types.

There is no field of public administration where things are right for all times and all situations, and therefore the gamut of public administration needs to be under constant watch and surveillance to see whether its objectives are being met (fully). It is a never-ending task. However, the day-to-day administration and handling of crisis situations (or fire-fighting, as it is generally called) leaves little time

and inclination for government officials to think of reform. Is it a question of too much of centralisation and the need for structural reform to take decision-making at those levels closest to the people, so as to save them time, money and inconvenience, and give them the thrill of participation in self-government, bent that government is all-pervading and taking on more than it can chew, or indeed too little where it should take up and do what cannot be done by any other organisation or person, be it that something is needed to be done to the structure, climate, culture, system and procedures of administration to increase the integrity, efficiency and effectiveness of government officials and make them truly motivated and community-needs-oriented. All these fall within the realm of administrative reforms.

Administrative reform could be categorised under a few broad divisions. The first of these, in the area of structural reform is rather basic. The recent 73rd and 74th Amendments (1992) of the Constitution have heralded an era of three tiers of government from the national to the state, to the local. By the end of the year 1994, elections should have been held in all the states except Jammu & Kashmir for local bodies in the institutions of *panchayat raj* in the rural areas and *nagar palika* in semi-urban areas. It would not be an exaggeration to call this a 'people's revolution' to achieve the goal of village *gram* and *panchayat* that Mahatma Gandhi so ardently desired and recent prime ministers have worked for. This is a major transfer of power (not mere delegation of some functions) to the people at the local level and must be considered of great significance in the sphere of structural administrative reform. It will certainly change many existing realities in administration we have inherited from our past (such as the role of the district officer) and put power and responsibility in the hands of those who have not been invited so far to govern themselves. The nation was in before so-called 'free' and 'democratic' colonial rule. It will have the effect of releasing new and different

forces and voices in decision-making. One cannot learn swimming unless one gets into the water. This is the spirit in which these constitutional amendments have been passed, now empowering the people to make local self-government work even though it is state legislatures which will confer this privilege on local bodies.

The second major piece of recent reform may be considered to be the new economic liberalisation. We had envisaged a socialist pattern of society with the state playing a major role in redistributive or social justice by controlling the production and distribution of goods and services through several instruments including public enterprises which were owned and run by the government. But this dream of reducing the disparity between the haves and have-nots has now received a death-knell and a change which may better deliver social justice indirectly, by improving the economy, has in recent times been perceived as urgent and imperative by the government. Among other things (the main elements of these reforms are given in Chapter 9) schemes like the 'golden handshake', where a person is handsomely compensated for leaving public sector enterprises and a safety net for those who need to be helped to get alternative employment through retraining, have had to be thought of and implemented. The private sector is being encouraged to export more and import less. Controls and the licensing system are slowly becoming a thing of the past. Yet, it is said that the administrative reforms that must accompany the major initiatives taken in the area of economic reform have still not come about. Several strong reports and task forces have made recommendations for simplification of procedures and reduction of red tape in the implementation of several relevant acts such as the Industrial Development Regulation Act and Licensing Companies Act, MRTP Act, FEMA, in foreign collaboration, export-import policy (EXIM), direct taxation, central excise, customs, sales tax, industrial laws, power sector, financial institutions, environment laws and state-level

procedures. It is felt that the existing slow procedures and administrative hassles at the central and state levels hamper the objectives of promoting competition, eliminating bottlenecks and evolving a practical approach to stimulating domestic and foreign investments.

Because economic reform, which allows the market mechanism to determine supply and demand and regulate quality, requires much less of planning and implementation on the part of the government than before, the government will have to be leaner and save expenses on all the personnel and systems which were there for 'controlling' the economy. An assessment of how much state activity has been reduced will probably come later when one can stand back and gauge the effect of this dramatic change in economic policy. We need, not only a new set of rules for promoting and sustaining economic reforms, but also a new outlook for solving problems as they arise.

Of late, the civil services have come to be greatly politicised. How they can regain their original status of being politically neutral depends on several factors. Political neutrality is often compromised for immediate selfish gain by the administrator, and this needs to be talked about and debated and action initiated for citizens to be served properly.

Allied to this is the much-needed reform in the electoral sphere so that a good example could be set by our political masters. These would relate to transparency in raising and spending resources and meticulous accounting. In addition to measures like having an identity card for voters, there is a view that the system must allow for 'negative voting' of persons who are corrupt and exploitative. No person holding religious office should contest in elections. It is also felt that no candidate who secures less than 50 per cent of the votes polled, shall be declared elected. The idea is that in order to secure 50 per cent votes, the candidates and parties will necessarily have to seek the votes of people belonging to different communities and



castes. It will help "do away" with communalism and casteism.

Modernisation of offices, not only to utilise new technology for quick communication and disposal, but to motivate staff to provide their best, has assumed urgency. Making administrative heads responsible for keeping offices beautiful and making them pleasant places to work is also a significant aspect of administrative reform.

Lastly, in the larger area of reforms (which should be of an evolving type rather than a one-shot, one-time exercise), would come the steps needed for improving the relationship between the Centre and the states, for there are many points in this which touch the life of the ordinary citizen. Harmony can come about by smoothening relations between state and state, and Centre and states. River water disputes for making available water—a basic need to water-starved areas, if resolved in a framework of amity, can lead to greater give and take. Some states, which are quite advanced, may adopt big brother tactics and poorer states or regions may get poorer and poorer. What kind of administrative reform is needed and when, (in the matter of federalism) is to be determined and evolved as situations develop. After the linguistic integration of states in 1956, administrators did a remarkable job in integrating services on the principle of the greatest good for the greatest number.

Administrative reforms to be effective, must be built into the existing administration and should be a dimension borne in the mind of each administrator as he goes about his work. Just as a housewife becomes conscious of the improvements needed in the home she lives in, only during the course of living in it, so too each administrative head must be constantly conscious of the need for improvement of procedures and systems as he does his day-to-day work.

Being responsible for policy planning or its implementation, he must provide guidance and support to his department and officers. Inquiring and innovative, he has to be

able to anticipate problems and handle those that crop up suddenly. Every member of the organisation needs to be fully informed of its goals and objectives and what is expected of him. He needs to be given full confidence that if his actions are bonafide, he will be supported. If an employee is allowed to develop his own goals and targets in the broader framework of the goals of the department, he is likely to perform better. That is why it is said "Give a man orders—he may do the task. But let him set his own targets, give him freedom and authority and his task becomes a personal mission. The way administrative reforms in processes and procedures would be part of the worry of every administrator, and not something to relegate or assign to a separate department.

In all sectors, from the biggest to the smallest arena of public administration, reform is a continuing process and must truly be part of the administrative activity of every administrator and department.