

VIDYA BHARATHI

(Research Journal of Humanities and Social Science)

Vol. 10, No. 1, 1995

**All-India Services and the Indian Federal System :
A Critique**

Sandeep Shastri

All-India Services and the Indian Federal System : A Critique

*Sandeep Shastri

Over the years. The dynamics of the Indian federal system and the role of the All-India Services has emerged as a critical area of concern in any major discussion relating to the working of the Indian federal system. Several the key issues relating to the All-India services that have had a spin-off effect on Centre-State relations merit critical scrutiny and form the focus of this paper.

In the light of the recommendations made by the Commission on Centre-State Relations [Sarkaria Commission] with regard to the All-India Services on the one hand and the recent trends in centre-state relations on the other, the paper seeks to analyse the changing role of the All-India Services and the portends for the future.

Approaching the Theme

Any meaningful analysis of the emerging trends with regard to the All-India Services would necessarily involve an in-depth study of the logic and rationale that governed the framing of the federal scheme—as outlined in the Indian Constitution on the one hand and the operational dynamics of the federal arrangement – over the last four decades - on the other.

The federal scheme that came to be adopted by the Constituent Assembly clearly reflected the dominant mood of the Assembly on federal issues. The framers of the Constitution appeared to be firmly convinced that a fortified central authority was imperative to maintain the unity and integrity of the nation. It is often asserted, that the spotlight of attention was very specifically on evolving strategies for preserving the nation's independence. This resulted in federal issues and the question of State rights receiving only secondary importance (Austin 1979 : 190). The federal scheme, as a result clearly mirrored the concern of the Constituent Assembly for primacy to considerations of national unity.¹

*Lecturer, Dept. of Political Science, Bangalore University, Bangalore.

1 Jawaharlal Nehru, while addressing the Constituent Assembly often maintained that a strong central authority was imperative in the post-partition scenario, India. Debates. Constituent Assembly, Vol. 1, p. 793.

Dr. B. R. Ambedkar, expressed, in most succinct terms, the basic features of the federal arrangement designed for India, while introducing the Draft Constitution in the Constituent Assembly. He asserted that though India was to be a federation, the country was one integral whole, its people a single people living under a single imperium derived from a single source (Constituent Assembly Debates : 7 : 43). The country and the people were divided into different states merely for convenience of administration (*ibidem*).

The Constituent Assembly, keeping in mind the ground realities of India's political history and the need to preserve and strengthen the forces of political unity tilted the balance of power in the federal arrangement distinctly in favour of the Central Government. However, the Constitution did provide for specific areas of influence and operation for both the centre and the states. The basic premise was :

...that the Legislature and Executive authority... [was] partitioned between the Centre and the States not by any law to be made by the centre but by the Constitution itself... The States under [the] Constitution are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter.

(Constituent Assembly Debates : 11 : 973)

The attempt of the Constituent Assembly, in Ambedkar's view, was to create a federal structure that did not suffer from the limitations of either extreme rigidity or excessive legalism. Its distinguishing feature was to be its flexibility.

In the backdrop of the overriding concern for national unity an attempt was made – as part of the federal scheme – to ensure uniformity in all the basic structures (Constituent Assembly Debates : 3:37). This uniformity was sought to be realised by providing for a single integrated judicial system, uniformity in fundamental laws and a common All-India Service (*ibidem*).

Thus, a common All-India Service was considered, by the Constituent Assembly as being essential to maintain the unity of the nation. Yet, this decision of the Assembly was preceded by a prolonged debate on the shape the civil service system should take in independent India.

In the pre-independence days, Jawaharlal Nehru had expressed his reservations of retaining the civil service system that had evolved during British rule. He opined that :

... no new order can be built up in India so long as the spirit of ICS pervades our Administrative Public Service. That spirit of authoritarianism is the ally of imperialism and it cannot co-exist with freedom. It will either succeed in crushing freedom or will be swept away by

itself. Only with the type of State, it is likely to fit in and that is the fascist type. Therefore, it seems quite essential that the ICS and similar services must disappear completely, much before we can start real work on a new order. (Nehru 1945:443)

Among the strongest advocates of the case for a pre-eminent position to be accorded to the All-India Services in the administrative system of Independent India, was Vallabhai Patel. As Home Minister in the Interim Government, he was convinced of the need to ensure that the role of All-India Services was duly recognised in the administrative system. In October 1946, while participating in the Provincial Premiers' Conference – which was called to discuss among other issues, the future shape that All-India Services should take, he opined that :

...it is not only advisable, but essential, if you want to have an efficient service, to have a central administrative service, in which we fix the strength as the provinces would require them and we draw a certain number of officers at the centre. as we are doing at present. This will give experience to the personnel at the Centre leading to efficiency and administrative experience of the district, which will give them an opportunity to contact the people. They will thus keep themselves in touch with the situation in the country and their practical experience will be most useful to them. Besides their coming to the Centre will give them a different experience and wider outlook in the larger sphere. A combination of these two experiences will make the service more efficient. They will also serve as liason between provinces and the Government and introduce certain amount of freshness and vigour in the administration, both at the centre and in the provinces. Therefore, my advice is that we should have an All-India Service.

(Proceedings of Premiers' Conference October 1946)

However, in the Draft Constitution prepared by the Drafting Committee there was no mention of the All-India Services. Commenting on the non inclusion of any provision relating to the All-India Services in the Draft Constitution. Dr. Ambedkar—in a letter addressed to the President of the Constituent Assembly—clarified that :

The Committee [Drafting Committee] has refrained from inserting in the Constitution any detailed provisions relating to the services. The Committee considers that they should be regulated by Acts of the appropriate legislature rather than by the Constitution, as the Committee feels that the future legislatures in this country, as in other countries may be trusted to deal fairly with the Services.

(As quoted in Shiva Rao 1965: 89)

Well before the Constituent Assembly commenced the debate on the Draft Constitution,² Vallabhai Patel drew Nehru's attention to the fact that the Draft

² Vallabhai Patel wrote to Nehru on 27 April 1948. The Constituent Assembly began its debate on the Draft Constitution on 4 November 1948.

Constitution had made no specific provisions relating to the All-India Services and desired that suitable corrective action be taken :

The draft Constitution does not provide for an All-India Service.... we will, therefore, have to make provision of these services ... in the new Constitution.

(As quoted in Shiva Rao 1965: 332)

In November 1949, when the question of whether constitutional guarantees to the All-India Services should be provided was being debated in the Constituent Assembly, Vallabhai Patel sought to allay the apprehensions in certain quarters on the following grounds :

... no alternative to this [All-India Services] administrative system ...The Union will go—you will not have a united India, if you do not have a good All-India service, which has the independence to speak out its mind, which has a sense of security .. If you do not adopt this course, then do not follow the present Constitution.... This Constitution is meant to be worked by a ring of service, which will keep the country intact... These people [All-India Service officers] are the instruments. Remove them and I see nothing but a picture of chaos all over the country.

(Constituent Assembly Debates : 10: 51)

Ambedkar too, defended the constitutional provisions relating to the Civil Services with the following argument :

The dual polity which is inherent in a federal system ..is followed... by a dual service. In all federations there is a federal Civil Service and a State Civil Service. The Indian Federation though a Dual Polity will have a Dual Service but with one exception. It is recognised in every country there are certain posts in its administrative set up which might be called strategic . there can be no doubt that the standard of administration depends upon the calibre of the Civil Servants who are appointed to these strategic posts...The Constitution provides that without depriving the States of their right to form their own Civil Services there shall be an All-India Service recruited on an All-India basis...the members of which alone will be appointed to these strategic posts throughout the Union.

(Constituent Assembly Debates : 7 : 37)

Ultimately it was the persuasive efforts of Vallabhi Patel, Ambedkar and Gopalaswamy Ayyangar that convinced the Constituent Assembly to ensure that the All-India Services were given a constitutional status. Article 312 of the Constitution gave a constitutional status to the Indian Administrative Service and

the Indian Police Service and further provided that if the Council of States [Rajya Sabha], through a resolution – supported by not less than two-thirds, majority of members present and voting – opines that it is in the national interest necessary or expedient to create one or more All-India Services. Parliament may by Law provide for the creation of such Services. The basic objectives that were hoped to be realised by conferring such a unique status on the All-India Services could be summarised as : a) Facilitating liaison between the Union and the States; b) Ensuring a certain uniformity in the standards of administration; c) Enabling the administrative machinery at the Union level to keep in touch with realities at the field in the State; and d) Ensuring that political considerations either in recruitment and in discipline and control are reduced to the minimum, if not eliminated altogether.

The unique nature of the All-India Services – in the wider context of the federal system – could be seen in the factors mentioned below. The recruitment appointment and service conditions of the officers belonging to the All-India Services were all to be determined by the Central Government. As per the cadre system, each officer belonging to an All-India Service was allotted to a particular state cadre or joint cadre. They [officers belonging to the All-India Services] were required to work both at the Central Secretariat and the different State Secretariats, depending on whether their services have been placed at the disposal of the State Government or have been requisitioned by the Union Government.

While working in a particular State cadre, the officers belonging to the All-India Services were to be controlled by the concerned State Government but major decisions relating to disciplinary action, such as dismissal, removal or compulsory retirement could not be taken by the State Governments.

Strategic administrative posts both at the Centre and in the States, were invariably manned by officials belonging to the All-India Services.

The officers belonging to the All-India Services were initially to be posted to the districts in order to permit them to gain first hand knowledge and experience of the nuances of administration. After gaining the necessary experience and expertise these officers were to be posted to the State Secretariat. Officers were also required to be frequently shuffled between the State Secretariat and the District.

In providing for a special and unique status to the All-India Services in the federal scheme, the framers of the Constitution had fervently hoped that the delicate balancing that they had so assiduously sought to arrange, would strengthen the forces of national integration and pave the way for constructive and harmonious cooperation between the union and the states in the larger interests of national unity.

All-India Services and the Federal System : The Experience

The role that came to be assigned to the officers belonging to the All-India Services both at the central and state level has often been described as something unique and a truly 'remarkable feature' (Potter 1986 : 163) of the Indian federal system. The Study Team of the Administrative Reforms Commission on Centre-State Relationships rightly opined that in a federal system :

...an All-India service that serves the needs of the States but is controlled ultimately by the Union is an unusual feature [and] cuts across the true federal principle and it must have been inserted by the makers of the Constitution for considerations strong enough to override the classical federal set-up.

(Administrative Reforms Commission 1967 : 1 : 237-238)

While analysing the four decades of experience with regard to the All-India Services in the wider context of the working of the federal system, an attempt has been made to take into account the reactions and views expressed on this vital issue by the Union and State Governments, major political parties, experts and the three major Commissions/Committees which attempted an in depth and exhaustive study of centre-state relations : a) Administrative Reforms Commission, b) Centre-State Relations Inquiry Committee [popularly called the Rajamannar Committee] and c) Commission on Centre-State Relations [popularly called the Sarkaria Commission].

The reactions of the Union and State Governments and political parties have been more or less on predictable lines. The Congress Governments-both at the Centre and in the States-have consistently taken the stand that the All-India Services have, by and large, discharged their role-as visualised by the framers of the Constitution-in a satisfactory manner. On the other hand several non-Congress governments and political parties have expressed their serious reservations with regard to the manner in which the All-India Services have functioned and have demanded a review of their role.

The Sarkaria Commission, in the questionnaire it circulated to the State governments and political parties specifically posed the the question as to whether the All-India Services have fulfilled the expectations of the Constitution makers? (Report of the Commission on Centre State Relations [hereinafter referred to as Report] 1987:6) Of the 19 State governments that replied to this specific question, 15 endorsed the view that the All-India Services had by and large fulfilled the expectations of the Constitution makers and had played a valuable role in fostering national integration and effecting centre-state coordination. Only four states-incidentally all of them had non-Congress governments-expressed their unhappiness and reservations about the manner in which the All-

India Services had functioned.³ While the then Karnataka Government [Janata party] asserted that the suspicion and hostility that the All-India Services had evoked could make a strong case for their disbanding,⁴ the then Punjab Government [Shiromani Akali Dal] opined that after four decades, a second look at the All-India Services system had become necessary (Report 1978 : 899). While the CPM led Left Front Government in West Bengal stated that the experience had been a mixed one (ibidem:602), the then Tripura Government (C.P.M.) opined that a direct fallout of the role played by the All-India Services had been the domination of the bureaucracy in the administration (ibidem : 563). The Tamil Nadu Government (AIADMK) maintained that the All-India Services should be disbanded as the officers belonging to these services 'cannot feel the pulse of the people' (ibidem : 495).

Among the major political parties, the C.P.I.[M] (ibidem : 642), D.M.K. (ibidem : 721), Revolutionary Socialist Party (ibidem : 745). All-India Forward Bloc (ibidem : 710) and the Shiromani Akali Dal (ibidem : 858), categorically stated that the All-India Services had outlived their utility.

Political Dimensions of Centre-State Relations and its impact on the All-India Services

The demand for a second look at the All-India Services system needs to be viewed in the backdrop of the political dimensions of centre-state relations. In the political sphere, there have been increasing instances of friction between the central and state governments especially when different parties are in power at the two levels. This friction has often triggered off a negative attitude on the part of the political leadership at the state level towards the 'officers' belonging to the All-India Services.

- 3 The State Governments of Andhra Pradesh, Assam, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Orissa, Rajasthan, Sikkim, Uttar Pradesh that endorsed the view that the All-India Services had by and large fulfilled the expectations of the Constitution makers.

The State Governments of Tamil Nadu, Tripura, West Bengal and Panjab expressed their reservations with regard to the All-India Services.

- 4 While the Karnataka Government in its reply to the questionnaire circulated by the Commission did assert that the 'All-India Services have, by and large fulfilled the expectations upon which they were created', in its memorandum submitted to the Commission it spoke of the suspicion and hostility that the Services evoked and felt that if some of the original purpose can be reinfused there could be advantage in retaining these services...

[Report of the Commission on Centre-State Relations 1987 : 232, 252].

In this context, the concept of the joint control of the Union and State Governments with regard to the regulation and recruitment policies and conditions of service of the All-India services has emerged as one of the major irritants. Clause of 3 of the All-India Services Act states that :

The Central Government may, after consultation with the Government of the States concerned...make rules for the regulation of recruitment and the conditions of service of persons appointed to an All-India Service. The joint control of these officers by the States and Union Government and by the location of the ultimate authority over them in the latter provides which by its very nature is objective, and which enables the officers to fulfill their responsibilities without succumbing to stresses and strains of local influences.

By implication, the rules provide for an overriding role to the centre and require it [centre] to only consult the states while framing rules. This provision has been resented by many State Governments who have viewed it as a clear negation of state autonomy and theoretically violative of the basic federal structure (*ibidem* : 604). Such a provision, it is felt, has resulted in many All-India Services officers [working in the State administration] tending to adopt a stand that they were accountable to and under the control of the Union Government (*ibidem*).

A direct off-shoot of the nature of joint control has been the attempt to increasingly politicise the bureaucracy (Subrahmanyam 1992) and make it sensitive to the right political cues. It has rightly been commented that :

The idea of a committed civil servant was propagated and career advancement was made in favour of civil servant's committed to the rule of a leader... The behaviour pattern of the ruling party in Delhi had its impact in the states under the control of the same party as well as other parties. (*ibidem*)

Many a time State Chief Ministers (Potter 1986 : 164) were severely handicapped and frustrated by the fact that while filling up top level administrative positions, they had to fall back on officers whose recruitment was done at an All-India level [at which level they had no control or say] and who were, in the final analysis, under the control of the Centre.

Mention here must be made of the fact that till the late 1960's the nation witnessed near uni-party domination both at the Centre and the States. During this period, the Congress party occupied the centre-stage in politics both at the centre and in most of the states (Shastri 1991 : 14). The 'unprincipled authoritarianism' (Weiner 1959 : 21) that was mirrored in the power relationship in the political sphere, between the centre and the states, pushed to the background the possibility of the All-India Services officers being viewed as by state leaders as posing a threat to state autonomy.

The 1967 General Elections, saw many non-Congress governments assuming office in the States. This heralded a new chapter in centre-state relations. The new D.M.K. Chief Minister of Tamil Nadu was among the first to raise the banner of revolt by informing the Central government that it did not require any more I.A.S. Officers' (The Statesman 4 June 1967). In the changed political scenario, the relevance of the All-India Services as part of the federal framework came to be increasingly questioned by the non-Congress Chief Ministers. The All-India Services officers were often viewed by the non-Congress governments in the states as agents of the centre (Times of India 19 July 1967).

More recently the statements of two prominent non-Congress Chief Ministers - Biju Patnaik [Orissa] (Asian Recorder 37:20:21719-20) and Laloo Prasad Yadav [Bihar] (Times of India 22 November 1991) - on the need for a through review of the All-India Services system assumes added significance. Interestingly, the former Chief Minister of Gujarat, Chimanbhai Patel—who headed a Congress government—is reported to have asked the Union Minister for Personnel to keep your I.A.S. officers [and that]... the state does not want them (The Hindu 23 May 1992).

All-India Services : The pooling together of the best National Talent ?

One of the major factors that had influenced Vallabhai Patel's approach to the All-India Services was the fact that these Services would attract the best talent available at the national level and both the centre and the states would benefit in the process.

Over the past few years, it has been noticed that a significant percentage of those entering the All-India Services, have completed their University education in a few States. In 1985, of the 814 successful candidates, 222 [27%] had graduated from 6 educational institutions in New Delhi (Sardesai 1990; UPSC (26th Report: 55-58). During the years 1986, 87, 88 and 89 candidates who had studied in the six states of Bihar, Uttar Pradesh, Rajasthan, Haryana, Punjab and Madhya Pradesh and the Union Territories of Delhi and Chandigarh accounted for 67%, 69%, 65%, and 72% respectively, of the successful candidates (UPSC 37th Report : 71-77, 38th Report : 77-82, 39th Report : 80-84, 40th Report : 79-83). If the successful candidates who had completed their education in Andhra Pradesh were added to this list, the figures go up to 79% [1986], 82% [1987], 71% [1988] and 80% [1989] (ibidem). Consequently, the number of candidates recruited, who had completed their education in the other 18 states together, would be 21% [1986], 18% [1987], 29% [1988] and 20% [1989]. The figures with regard to a few individual states is equally revealing. Those who had completed their education in Bihar formed 22% of the successful candidates in 1986, 30% in 1987, 14% in 1988 and 24% in 1989. Those who had completed their studies in UP formed 28% of the successful in 1986, 27% in 1987, 28% in 1988 and 21% in 1989. Successful candidates who had studied in Delhi formed 10% of those recruited in 1986, 7% of those recruited in 1987, 13% of those recruited in 1988 and 6% of

those recruited in 1989 (Ibidem). A very insignificant number of candidates who had completed their education in the North East were selected during this period. The issue of imbalance in representation was taken up by E. K. Nayanar when he was the Chief Minister of Kerala (Economic Times, 18th November 1990). In a letter addressed to the Prime Minister and other Chief Ministers, Nayanar rejected the 'vague plea' that the selection to the All-India Services was done by the U.P.S.C., which functioned independently and recommended the list of candidates going strictly by the principle of merit. He was not willing to endorse the belief that some States are intellectually and scholastically superior to the candidates from all the other states as to justify their overwhelming preponderance among the selected candidates (ibidem). Citing the case of Kerala—which had the highest literacy rate—he was at a loss to explain as to how only 2 candidates who had completed their education from Universities in the State, emerged successful in 1986, 1987 and 1988 and one in 1989 (ibidem).

This disproportionate representation has raised doubts in several quarters, especially in the states which went under-represented, about the utility of continuing with the All-India Services.

Dissatisfaction with Cadre Allotment

Over the years, there has been increasing dissatisfaction among the selected candidates with regard to the cadre allotted. Further, a few state governments have also expressed their displeasure with regard to the calibre and attitudes of the officers allotted to their state cadres.

The allotment of the All-India Services recruits to the different State cadres is done on the basis of the preference list prepared, keeping in mind the choice of cadre as expressed by the successful candidates. Invariably, those who secured a higher place in the merit list were allotted the cadre of their choice, while those ranked lower had to often reconcile themselves to a State cadre allotted on the basis of the vacancies. An attempt is made to ensure that 50% of those allotted to a state cadre hail from outside the State, with a view to promote national integration.

As a result of the reluctance of the new recruits to opt in favour of a few state cadres—either due to security reasons or because of economic backwardness (Ray 1979: 98)—a few state cadres have invariably been allotted recruits who figured lower down in the merit list. As early as the early 1960's State governments have expressed their displeasure about the poor quality of personnel allotted to their states (India, Rajya Sabha Debates 1961: 1809-10). Chief

Ministers have also resented the fact that they have no role to play in determining the personnel allotted to their state cadre.⁵

In this context the reported protest lodged by Chief Ministers of North-Eastern States to the Prime Minister about the callous attitude of All-India Service officers posted to their states (The Telegraphic 13 December 1992 and Indian Express 22nd November 1992), gains added significance. The complaint of the Chief Ministers has been that the officers posted to the North East region lacked dedication and availed of the earliest opportunity to seek a transfer out of the region. These officers were contemptuously christened as 'suitcase officers' because of their propensity to seek easy and frequent reasons to either go to New Delhi on official work or seek a transfer (ibidem). An All-India Services officer serving in the region sought to explain this phenomenon in the following terms:

.....[the] relative isolation from the pivot of power is one of the main reasons for the unwillingness to stay here. One can feel the non-identification with the mainstream power structure (ibidem).

All-India Services and State Services

The clear differences in the pay scales, service conditions, privileges and prestige of the officers belonging to the All-India Services and State Services has caused considerable friction between the two at the state level, resulting in a superior—inferior attitude. A welcome policy decision of the government, with a view to defuse the tension between the officers of the two services is the provision for filling up 33.3% of the vacancies in the All-India Services through promotion from the State Services.

Tensions between the officers belonging to the two Services appears to have been triggered off essentially by a crisis of attitudinal maladjustment rather than any structural maladies in the administrative system. The solution logically lies in cultivating the right attitudes and not seeking any superficial structural changes.

5. In an interview given in 1969, the former Chief Minister of Kerala, E.M.S. Namboodripad is reported to have stated that the IAS officers are recruited and trained by the Congress party government at the Centre and posted to the States in many of which there are non-Congress governments'. He further added that when he was Chief Minister 'suddenly one morning I find young boys and one or two girls before me saying that they have been posted to Kerala. What shall I do with them? What do I know of them?' Statesmen [Calcutta], 23rd February 1969.

Non-Enforcement of Deputation Rules

As the officers belonging to the All-India Services were required to occupy strategic positions both in the state and union governments to better acquaint themselves with the finer nuances of administration at all levels—local, state and national—it was hoped that the guidelines drawn up for deputation of officers belonging to a state cadre to the centre would be strictly followed. The Rules provide that an officer who has completed his tenure in the Union Government return to his home state for a period of three years. The deputation period for officers belonging to the Under Secretary grade was fixed at 3 years, those of the Deputy Secretary grade 4 years, Joint Secretary grade 5 years and Additional Secretary grade 7 years (Ramachandran 1991). However, this rule has frequently been violated and officers deputed to the centre often manage to remain at New Delhi long beyond the permitted period. To ensure that they are not reverted back to the state officers have often sought to please the powers to be and this in turn has resulted in the further politicisation on the civil service.

It has rightly been pointed out that officers who are not inclined to return to the state administration and prefer to stay on at New Delhi lose touch with reality. In the process, as the Andhra Government observed, the additional advantage of more people [officers] working both in the Union Ministries in the State [having]..... the benefits of seeing both sides..... [and] having a better understanding of the functioning of the Governments at both these levels (Report 1987:51) is denied. In its reply to the questionnaire circulated by the Sarkaria Commission, the then Karnataka Government pointed out that as per the Rules, in the event of a disagreement between the state and union government on the question of the deputation of an officer belonging to the All-India Services, the decision of the Union government will have to be implemented. Such a provision lays to rest the fiction of dual control (Ibidem: 252).

The Sarkaria Commission in its Report, pointed out that as a result of the practice of allotting atleast 50% of the officers to a cadre from outside the State [for the purpose of promoting national integration], it is these 'outsiders' who generally prefer to go to the Centre on deputation and prefer not to return to the State (Report 1988:225). Consequently, among the officers holding senior posts in the State Governments, the insiders out-number the outsiders [and] this is a serious deviation from the All-India character of these services (ibidem). The Commission stressed that :

If the policy of deputing to the Union 40 percent of the officers eligible to hold senior posts is strictly followed, every one of them would have to serve at the Union for 2 to 3 spells, each of 5 years, if he is a direct recruit and for 1 to 2 such spells if he is an officer promoted from one of the State Service. (ibidem)

In this connection, it needs to be noted that Sub-Committee of the Inter State Council at its fourth meeting at New Delhi on 15 September 1992, resolved to ensure strict enforcement of the rules pertaining to deputation of officers belonging to the All-India Services, to the Centre (Times of India, 16th September 1992).

Control over the All-India Services with regard to disciplinary matters

Yet another cause for friction between the centre and the states with regard to the All-India Service is the fact that on disciplinary matters relating to an officer belonging to the All-India Services working in the State administration, the ultimate decision rests with the centre. In their response to the questionnaire circulated by the Sarkaria Commission eight states – all of them having non-Congress Governments – expressed the view that the officers belonging to the All-India Services, when they serve in a State must be under the disciplinary control of the state government.

However, the Sarkaria Commission in its Report maintained that 'no change was necessary' (Report 1988-230) in the existing disciplinary procedure relating to All-India Service officers except that the Union Government 'should invariably consult the Union Public Service Commission and accept its advice unless palpably wrong' (ibidem).

All-India Services : Portends for the Future

In the context of the debate that has been initiated in the country with regard to a second look at the Constitution in general and the federal system in particular, it is imperative that the All-India Services system is also subjected to an indepth review.

The Sarkaria Commission had expressed itself unequivocally in favour of retaining the All-India Services as they are as much necessary today as they were when the Constitution was framed (ibidem). The Commission further warned that any move to disband the All-India Services must be regarded as retrograde and harmful to the larger interests of the country (ibidem). While it can be asserted that the All-India Services have to a very large extent fulfilled the role expected of them, there are very many areas in which their achievement falls well short of the expectations. Several of these limitations are linked to the fact that some of the basic norms that were required to be followed with regard to the All-India Services have been practised more in their breach. Thus, it becomes difficult to go along with the Sarkaria Commission's blanket endorsement of the All-India Services.

6 Andhra Pradesh, Jammu and Kashmir, Karnataka, Punjab, Sikkim, Tamil Nadu, Tripura and West Bengal.

The system is today faced with two clear options *vis-a-vis* the All-India Services: a) Initiate reforms with a view to improve the effectiveness of the Services and ensure that it is able to realise the goals envisaged by the framers of the Constitution or b) disband the All-India Services and retain only Central and State Services. It needs to be stressed at this stage that if the second option were to be adopted there is no guarantee that many of the aberrations that plague the administrative system today would fade away. A more realistic alternative appears to be to remodel and refashion the All-India Services with a view to removing the misgivings and apprehensions in certain quarters with regard to their contemporary relevance.

A basic change that needs to be initiated is to reduce the over-riding powers of the Centre with regard to the All-India Services. Such a change would be in consonance with the wider demand for greater state autonomy. On matters relating to the framing and amending of rules and regulations relating to the All-India Services not only should the State Governments be consulted but their concurrence [two-thirds of the States] must be obtained.

The rules relating to the deputation of All-India Service officers to the Union need to be strictly and uniformly followed. It must be ensured that the services of the best among the All-India Services are not monopolised by the Union Government but are also readily available to the State Governments to whose cadre they belong (*ibidem* : 230)

The recommendation of the Sarkaria Commission to constitute a Advisory Council for Personnel Administration for regular consultation on the management of All-India Services between the Union and the State Governments (*ibidem*) needs to be given serious thought. If the Governments – both union and state – were to feel that the creation of such a Council will not serve any useful purpose⁷, the Inter-State Council could be made the forum for effecting centre-state coordination on matters relating to the All-India Services. At present the central government is the final authority on matters of disciplinary action and framing/modifying of rules and regulations relating to the All-India Services. This power should be conferred on a more federal body, like the Inter-State Council.

The suggestion of not allotting the home state to any new recruit could also be given serious consideration. Such a decision could reduce the risk of the officers having a personal stake in the administration. While the language factor could be cited as one of the dissuading factors, experience has shown that officers have been able to master the language of the State they are assigned to within a very short time. Rules could also be framed to ensure that those who figure high on the merit list are distributed more or less evenly in all the State cadres. Today, some state cadres are extremely popular, for various reasons, resulting in the possibility of all those who rank high in the merit list being bunched together in one state cadre.

7 The Sub Committee of the Inter-State Council, at its meeting on 15 September 1992, expressed such sentiments. *Times of India*, n.66.

Steps also need to be taken to ensure that people from all States find representation in the All-India Services. This would involve an indepth analysis of the factors that have caused the present imbalance and suitable remedial action to check the process would then have to be initiated.

In the absence of the above-mentioned changes, it would only be natural to expect that the demand for the abolition of the All-India Service, gains further momentum and support. The All-India Services system has the potential to play an effective role in the years to come. Whether it is able to play such a role would largely depend upon the initiative taken by Government to take corrective measures to stem the tide of discontent with regard to these Services.

References

- Austin, Granville. 1979. *The Indian Constitution : Cornerstone of a Nation*. Bombay. Oxford University Press.
- Government of India. 1967 Administrative Reforms Commission. Study Team. *Report on Centre State Relationships*. Delhi. Government of India Press.
- . 1987. Commission on Centre State Relations, Report. pt. 2, New Delhi. Government of India Press.
- . 1988. Commission on Centre State Relations, Report. pt. 1. New Delhi. Government of India Press.
- Nehru, Jawaharlal. 1945. *An Autobiography*. London. Bodley Head.
- Potter, David. C. 1986. *India's Political Administrators 1919: 83*. London. Oxford.
- Rao, B. Shiva. 1965. *The Framing of India's Constitution*, New Delhi, Indian Institute of Public Administration.
- Ramachandran, T. R. 1991. IAS Officers Covet Stints at the Centre. *Times of India* [Bangalore]. 10 August.
- Ray, Shyamal Kumar. 1979. *Indian Bureaucracy at the Cross roads*. New Delhi.
- Sardesai, Rajdeep. 1990. Misconceived Changes in UPSC Limit. *Times of India* [Bangalore]. 19 October.
- Shastri, Sandeep. 1991. Nehru and Centre State Relations: A Study in the Dynamics of Indian Federalism. *Detente*: 10.1:14.
- Subrahmanyam, K. 1992. Servile Stagnancy: Impact of Politicization. *Economic Times* [Bombay]. 15 December.
- Weiner, Myron. 1959. 'Some Hypothesis on the Politics of Westernization in India'. in R. L. Park [ed] *Leadership and Political Institutions in India*. Princeton. Princeton University Press.