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The civil services are considered to be the steel-frame of administration. Being the focal point of administration, they are destined to play a pivotal role and have therefore, been afforded with constitutional status. The performance of a civil servant depends, to a large extent, on the nature of his conditions of service. He has to be afforded protection in the bona fide discharge of his constitutional duties. It is, therefore, essential to afford to civil servants, judicious, rationalised and adequate protection against arbitrary administrative and punitive action.

Article 311(2) of the Constitution provides for the mandatory procedural safeguards as a condition precedent for imposition of major penalties, subject to certain exceptions as incorporated in the provisos to Article 311(2). But, the denial of the rights of the civil servants have brought forth a whole corpus of decisional law - the Civil service law - based on importing the rights, justice and according fairness to the civil servants.
The constitutional amendments effected so far, and interpretations, given by the Supreme Court, have evolved certain principles of decisional laws of far reaching importance. Consequently, the Government under certain circumstances, can dispense with the services of a civil servant, without holding any enquiry against him in the event of any allegation made against him, on the ground of public policy and public good. This has resulted in a lot of confusion and feeling of uncertainty in the mind-set of civil servants. While delinquent civil servants should be dealt with, honest and dedicated civil servants should not be made to suffer unnecessarily.

This critical and in-depth investigation was undertaken in the light of the decisional laws in depth to consider the adequacy of existing constitutional safeguards. For the purpose, the investigator examined the following hypothesis:

The existing safeguards, provided for the security of tenure of civil servants have to be strengthened, as they constitute the steelframe of the Government and accountable administration.
The investigator has adopted the doctrinal method, as the study was based on an analysis of the decisional laws. An endeavour was made through legal reasoning and rational deduction, while keeping in view the social value and utility of laws, enshrined in "service jurisprudence". Besides delving into decisional laws, previous investigations that have been undertaken in the relevant field, have also been profitably utilised. Law journals and reports, including AIR, SCC, SLR, research publications in the area, the major Acts, Government publications, besides Constituent Assembly Debates, were consulted in depth. The additional sources include authentic books, relevant publications, articles, features and unpublished thesis, and many others.

Security of tenure, as provided in the constitutional provisions was analysed, by focusing upon the recruitment procedures and conditions of service of the civil servant. Emphasis was placed on the 'Doctrine of Pleasure' by tracing the modern developments, right from the Government of India Act, 1919 up to the legal and constitutional provisions of present times. For a proper appreciation of the extent of constitutional safeguards, the investigator has proceeded upon a critical analysis of the procedural safeguards, in light of the exceptions, as laid down under the provisions to

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Article 311(2) of the Constitution.

Certain growth, pitfalls and trends, as found in "service jurisprudence" has emerged during the course of investigation. This has led to a re-affirmation of the hypothesis, which highlights the need for strengthening the existing constitutional safeguards, as they are available to the civil servants. In the light of the critical investigations, certain suggestions made by way of recommendations have been made. Some of the important suggestions by way of conclusions include:

1. The need for bringing about uniformities and consistency in service rules by enacting statutory rules;

2. The restoring of the second opportunity of showing cause by way of amending Article 311(2) of the Constitution, while providing for a reasonable time limit within which the second opportunity should be made available;

3. The necessity for making it incumbent on departmental authorities so as to entrust enquiries to officials possessing a legal background in order to ensure adherence to appropriate and judicious procedures;

4. The necessity for making it mandatory for the Government to consult with the Public Service Commission on all disciplinary matters including compulsory
retirement, entailing major penalties. This would provide a sense of confidence as to the fairness to the aggrieved officials;

5. The need to provide for an opportunity to an aggrieved civil servant to raise an issue of the proposed punishment, before the disciplinary authority itself;

6. The desirability for bringing about constitutional amendment in respect of proviso (a) to Article 311(2), so that its ambit of application may be confined to matters of morale turpitude;

7. The urgency of effecting amendment in respect of proviso (c) to Article 311(2) of the Constitution confining its application to matters endangering the 'Security of the State'. Further, such an act should be made subject to limited 'judicial review', in order to thwart and to check possible misuse;

8. The desirability of deletion of clause (3) of Article 311 of the Constitution while doing away with the existing provisions of finality of 'administrative action', in order to make the safeguards real and effective;

9. The need for amending the Administrative Tribunals Act, 1985 in order to make it an equally effective
substitute of the High Court; and

10. The necessity of extending identical safeguards to employees of Statutory Corporations and employees of Public Sector Undertakings is also felt, as many of these Corporations and Undertakings perform developmental activities, akin to that, performed by Civil Servants of the State.

In order to make the existing constitutional safeguards purposeful, it is essential to provide for the recommendations as suggested above. Only then, can the constitutional safeguards presently available to civil servants be followed in letter and spirit and be made meaningful and effective. Such provisions would ensure the fearless discharge of duties, by civil servants and will help in bringing about efficiency in the civil service.