CHAPTER IV

NEW CONSTITUTION OF INDIA

Provisions in the Basic Document about Civil Services

The Constitution of India originally covered 395 Articles and 8 schedules and it is the lengthiest constitutional document in the world. This is due to many factors, the most important being the vastness of the country and the different character of the administrative units set-up with their varying systems of administration. Provisions for governments of these - divergent elements had, accordingly, to be made by dividing them into part A, Part B, Part C, and Part D states. This distinction between the different units of the Union has now been abolished as a result of the reorganization of the States as from November 1, 1956.

The Indian Constitution presents a federal type of Govt. It is a Union of States and the sphere of jurisdiction of the Central Govt. and the units is defined by the Constitution. Any change thereto necessitates a constitutional amendment as prescribed in the constitution. It means that the, powers of the state comprising the federation are origin and a gift of the Constitution. The supreme court has a constitutional existence and is empowered to interpret the constitution, decide cases of disputes between the centre and the units or between one
unit and the other, and to declare a law of the legislature or an action of the executive constitutional or otherwise.

But the structure of Govt. which the constitution sets up is highly centralised and possesses highly unitary tendencies. In fact, the framers of the Constitution deliberately did it. They were conscious of the centrifugal forces working in India since the dawn of her history and the partition of India was a rude shock to her solidarity. It is significant that the term federation has nowhere been used in the constitution. The drafting committee while submitting the Draft Constitution wrote, "Nothing much turns on the name, but the Committee has preferred to follow the language of the preamble to the British North America Act, 1867, and considered that there are advantages in describing India as a Union although its constitution may be federal in character." While elaborating this point one of the writers has rightly maintained, "Apparently the Committee felt that there should be, even in the language of the constitution, greater emphasis on the unity existing between the different parts of India than on their point of differences." The following are the special features which give it an almost unitary character.

There are three lists of subjects: (i) Union list (ii) The State list (iii) the concurrent list. The total number of subjects exclusively given to the Central Govt. are 97 as compared with 66 given to the states. The concurrent
list embraces 47 subjects. It is true that with regard to the concurrent list both the centre and the states have the power to legislate, but if both make laws and if they conflict with each other, the union law supersedes the state laws. Then Parliament of India can legislate on any matter in the state list under Article 249, if the Council of States (Rajya Sabha) passes a resolution by a two thirds majority declaring a particular subject or subjects to be of national importance or interest. The residual powers, too, rest with Parliament. The process of amendment is also simple, except for the two thirds majority of the members present and voting. There are a very large number of provisions in the Constitution which can be amended by Parliament by a simple majority.

The emergency powers of the President are really unique. By a proclamation the President can declare a state of emergency and assume extraordinary powers which may mean suspending the autonomy of the units. This gives to the union Govt. all the advantages of a unitary system of Govt. During the state of emergency parliament can legislate for the whole of India or any part thereof or any matter in the state list. Even under normal conditions the state legislatures can not make a law which is repugnant to a Union law.

Similarly, the Union Govt. has a great deal of administrative control over the units. For example, there is
a common administrative service for the union and the states, a common judiciary, and a uniform system of fundamental laws.
The key provisions of this Chapter are articles 305 and 310. The former empowers Parliament and the State legislatures to regulate the recruitment and conditions of public services of the union of the State. The latter makes it clear that all persons hold office during the pleasure of the President or the Governor as the case may be.

Part XIV may be compared with part X of the Govt. of India Act 1935. It may appear at first sight that the provisions of the latter have been reproduced in the Constitution of India. In the Govt. of India Act the control of services was vested in the Secretary of State beyond the control of the Indian legislatures.

Recruitment and conditions of service of persons serving the union or a state.

Subject to the provisions of the constitution, Acts of the appropriate legislatures may regulate the recruitment and conditions of service of persons appointed to the public services and posts in connection with the affairs of the union or of any State. The services are now under the effective control of the representatives of the people.
In all the democratic countries both the methods of recruitment i.e. through open competition as well as promotion are followed. In this respect the main provisions in the Constitution of India are - Art. 16 "There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State."

"No citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them be ineligible for or discriminated against in respect of any employment or office under the State." The latter method of recruitment is generally resorted to in the case of higher supervisory staff. In India, in Income Tax department more than 20 percent of class I posts are filled by promotion. The position as prevailing in India with regard to Central services Class I and Class II was described by the Central Pay Commission report thus: "It is necessary to explain that recruitment to class I is made primarily through a competitive examination held by the public service Commission (and occasionally by selection by them) and to a lesser extent by promotion (with the concurrence of the Public Service Commission) from Class II. Class I also is in many cases recruited through a competitive exam. held by the Public Service Commission (or by selection by them). The proportion of men promoted to Class II from lower rank is, however, larger than in the case of promotion to class I in

K. Santhanam, Constitution of India, p. 340
some departments Class II is entirely filled by promotion."

Note - (No direct recruitment of Upper Division Clerks.

The Government of India has decided that there will be no direct recruitment to the posts of Upper Division Clerks in Central Government Offices except the Audit and Accounts Department. Those posts will be filled exclusively by promotion of Lower Division Clerks).

During the British days there was partial communal representation for Muslims, Scheduled Castes and tribes as well as some limited reservation for Anglo Indians in a few minor grades of some departments. Under the Constitution of India the system of communal representation has been abolished, but there are provisions for reservation of seats for the scheduled classes and Backward tribes, etc., consistent with the maintenance of efficiency and (3) there shall be a general reservation of 10 percent of the vacancies for members of the Scheduled Castes in making appointment to services and posts. Further, a new class of political sufferers the counterpart of war service candidates has also been recognised for such favoured representation.

In every country some pre-requisite qualifications are laid down for entry into the civil service. Those who stand for equalitarianism and humanitarianism want to give every one a chance at the Civil Service Commission. According

Report by the Central Pay Commissioner 1950, pp 15-16
to then any claim of pre-requisite qualifications for public services is opposed to the principle of equality. Educational qualifications restrict the field of competition only to those who can fulfil those qualifications, every one should be given a chance to compete for any service of his liking. Those who stand for some pre-requisite - qualifications for entry into the public Service claim that every one is not suited to and competent for every job. So only those candidates should be allowed to compete for the posts who have special competence for it. Thus barriers in the form of examination pre-requisites are necessary to keep out those who are unlikely to succeed.

Some qualifications are always laid down for entry into the civil service so that only suitable persons should get a chance for a particular post. The qualifications required of the civil servants are (1) General and (2) Special. The general qualifications - required of every civil servant are that of citizenship, residence, and sex. The special qualifications revolve round the three questions of age, education, and experience. Education may be general or technical. Citizenship - civil servant should be a citizen of state.

(2) Sometimes domicile qualifications are required of the civil servants. In this case only the residents of a particular state or part of country are eligible for some public appointments. This means that less competent persons may be
reoriented because they fulfill the residence qualification
and many competent persons may not get a chance to compete
simply because they do not reside in that particular area.

Sometimes sex becomes a qualification for a particular
post and a disqualification for the other. In democratic
countries, the principle of equality of sex is followed for
most of the public appointments through sometimes married
women are debarred from high administrative jobs. It is
felt that their family responsibilities may come into clash
with their administrative duties.

Age - Some countries follow the practice of recruiting persons
of young age for civil services, while other countries
believe in recruiting mature and experienced persons of
advanced age. In England and India the practice is to
recruit young persons at the age of 16, 18, 22 or 25, just
after they have left their schools or colleges. Young persons
are recruited and they are trained while in service for
higher positions. In United States the practice is to
recruit trained, experienced, and mature persons of advanced
age. In the United States, the age limit for scientific,
and professional positions is thirty five, forty five, and
fifty three. In America the emphasis is upon 'giving
everyone a chance to compete for public service whenever he
likes.' Those who believe that civil service should be
a permanent career are of the opinion that young persons
should be recruited to it, and they should be promoted to
higher positions later on.
Writing about the problem of age, J. Donald Kingsley observes:

"The first (recruitment of young men and women) presupposes the existence of a number of career hierarchies or ladders up which the more promising officers move throughout their public lives. The second (recruitment of nature men and women upon the basis of practical tests related to their work experience) regards the civil service as a collection of more or less discrete positions to be filled chiefly on the basis of technical qualifications for the particular job. The first emphasizes promotion and results in a fluid or mobile service. The second emphasizes techniques at entry, and results in a more static service. The first favours the promising youngsters, the second mediocre maturity. The first gears the civil service to the educational system. The second gears into the ebb and flow of employment volume in private industry."

Education - Government requires not only general administrators but also technicians, scientists, doctors, engineers, and persons of other specialised professions. For technical and professional jobs, only those persons should be recruited who have received technical education in that profession. As far as other government jobs are

- K. Kingsley - 'A report submitted to civil service assembly by the Committee on recruiting for civil services. Civil Service Assembly of United States and Canada.'
The requirement of formal education is compulsory in some countries, while some others are not in its favour. Americans are opposed to the idea of recruitment of formal education for entry into government jobs of a non-technical character. In 1944 the American Congress forbade any educational recruitment except for scientific, technical, and professional positions.

Formal education is pre-requisite for entrance into government jobs in India and England. In India for clerical jobs, High School or Higher Secondary Certificate and for higher jobs degree in Arts, Science, or Commerce, or Law is requisite qualification.

Honesty, tact, presence of mind, resourcefulness, reliability, ability to direct and control, are considered important qualifications for a public employee.

The examination device is employed to determine the qualifications of candidates.

Written tests are commonly used by all countries for judging the qualifications of the candidates. In India and England, the purpose of these examinations is to know the general intelligence or superior mind of the candidates, the examination are held in the subjects which are taught in the universities and colleges. The supporters of this kind of test believe that those who have superior intellect can do every kind of job and can adopt themselves to all the
conditions. "Macaulay who was the greatest protagonist of his view observed:

"Men who have been engaged, up to one and two and twenty, in studies which have no immediate connection with the business of any profession, and the effect of which is merely to open, to invigorate, and to enrich the mind, will generally be found, in the business of every profession, superior to men who have, at eighteen or nineteen, devoted themselves to the special studies of their calling."......"

The purpose of the American Civil Service examination is to test the specific knowledge which the candidate has concerning the duties which he is supposed to perform. The purpose of the test is to know the achievement in any particular field as a result of either training or experience.

Types of written test (Essay type test) -

A candidate is asked to write a long essay on a particular problem. In India there is a compulsory 'Essay' for all India Services. The purpose of this test is to know the knowledge of the candidate about facts and his ability to reason and argue about the problem. His way of putting argument, expression, and language are also tested in this way.

2. Short objective tests - Candidates is to take a test in which one or two hundred questions are given and he has to reply just in 'yes' or 'No'. 'The true false' questions
are put, and the candidate has just to say whether the statement is correct or incorrect. Sometimes a candidate has to select one answer for one question out of many choices given to him. Sometimes he has to fill in the blanks or provide the missing words.

**O.R.A. Test** - Personality characteristics cannot be appraised through written test only. Oral interviews are resorted to measure the personal characteristics of the candidate.

The first use of the 'interview device' was made in England in 1909, to select the managers of the new labour exchanges. In England after World War I the interview became established as part of the selection process for the Administrative Class. It was extended to other class later on. In India there is a personality test of 400 marks for the Indian Administrative Service and of 300 Marks for other control services. The oral interview is to test the sharpness, alertness, intelligence, and quick-mindedness of the candidate. He may be given a problem to solve immediately, that will show his capacity to face emergencies. It's main aim is to judge the personal characteristics of the candidate. His potential qualities of leadership and his vigour and strength of character can be assessed by this system of test. Its only utility is to know the superficial aspects of the candidate's personality like speech, general mental ability and appearance etc. Prof. Diner suggests the following principles to be adopted for interview -
(1) The duration of the interview should be half an hour.

(2) It should almost entirely be devoted to a discussion ranging over the academic interests of the candidate as shown in his examination syllabus.

(3) It should be a supplementary test and not a decisive selective test.

(4) The interviewing board should include a business administrator and a University administrator.

(5) The interview should come after and not before the written examination.

(6) The University tutor's reports should not be consulted until the interview stage has been concluded and marked.

(7) Since the arbitrary will still prevail, it ought to be limited by the reduction of the interview marks from 500 to 150.

In India there is a great criticism that 400 marks of the oral interview depend solely on the whims and fancies of the members of the selection board. Their behaviour often discourages the candidate than to encourage him. If these facts are true (because I have never myself appeared before the civil service commission for any kind of interview) a radical change is called for.

Performance Test - To recruit personnel for skilled trades or crafts, the performance test device is employed. Typists or - Stenographers are recruited after they have demonstrated

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Finer - The theory and practice of Modern Government, p. 779
that they have the skill to perform the technical work for which they are to be recruited. Ability of person to perform a particular job successfully is known through his test. Personnel have to show that they can perform the work.

A candidate should also be physically fit for the job that he is required to do. It is expected that the employee shall have a minimum standard of eye and hearing capacity.

Now the question is what administrative machinery shall be employed to hold these tests of the candidates? It is recognised by all that an independent and impartial body of persons should hold these tests (and 8) select the candidates for various public services. The determination of qualifications should be by a body of persons, who might not fall a prey to political manoeuvring. The field of members of the selection board should also be experts in the judging persons and their qualifications. Indian constitution provides for a Union P.S.C. commission for this difficult job of recruiting the candidates. The following

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<th>Scheme of subjects for the various competitive examinations for All India and Central Services held by the U.P.S.C. is as follows:</th>
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<tr>
<td><strong>1. Compulsory subjects</strong> (for all services)</td>
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<tr>
<td>(i) <strong>English Essay</strong></td>
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<td>(ii) <strong>General English</strong></td>
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<td>(iii) <strong>General Knowledge</strong></td>
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<td><strong>Total:</strong></td>
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Constitutional provisions are intended to make the commission independent of any external influence.

1. Members shall be appointed for a fixed tenure of six years or until the attainment of sixty-five years of age. Art. 316

2. The conditions of service of a member cannot be varied to his disadvantage during his tenure of office. Art. 318

3. The removal of the member can take place by an order of the President on certain specific grounds. Art. 317, 1, 2, 3, 4.

Functions - The functions of C.S. Commission is to keep the rascals out and try to put the best man in.

1. To advise the government on all matters relating to the method of recruitment and principles to be followed in making appointment to civil services and civil posts, either directly or by promotion.

2. To advise on the suitability of candidates for appointment, promotion and transfer.

3. To conduct examinations for appointment to the services.

4. To advise on disciplinary matters affecting govt. servants.

5. To advise on claims for costs of legal proceedings instituted against a government servant and on the claims for pension in respect of injuries sustained by a government servant while on duty. Art. 320 (9), (2), (3), A, B, C, D, E.
(6) Any other matter specially referred to them by
the President or the Governor. Government is
at liberty to accept or reject the advice tendered
by the Commission. But there is a provision requiring
the government, while presenting the Commission's
annual report to the legislature, to explain the
reasons why in particular cases the advice of the
Commission cannot be accepted.

Under the constitution, the government is empowered
to exclude a post from the commission's purview but this
is to be done only in exceptional cases where it is of a
political or emergent nature or is required to be filled in
public interest. But the commission's report points out,
"Defects the very purpose of setting up a statutory body
for recruitment to state services which only could legitimately
be expected to inspire confidence."

In some of the States in India, service commissions
have not been given as much of importance as they deserve.
Many State Govts. have started the practice of taking away
many of the posts from the purview of the commission. Many
time they have not accepted the advice of the commission

(2) Optional 3. There are 23 optionals each carrying 200
marks, and covering practically all subjects
taught at the Universities and colleges -
Total 600 marks.

(3) Additional subjects (Two to be selected for I.A.S.).
There are 15 of these each carrying 200
marks. An advanced standard of knowledge
in respect of them is expected. Total Rs. 400
The Viva Voce marks 400 for I.A.S.
Total number of marks for I.A.S. 1550.
in matters of appointment. An interesting side-light is
thrown by a case in which the tutor of the Tikka Sahib of
the erstwhile Faridkot State was appointed Principal
of Govt. College. This is how the report describes the
episode: "This gentleman had been in the service of the
former Faridkot State since October 1, 1944, where
he served in various capacities, such as Lecturer in
Rajindra College, Faridkot, Dean of the Arts Faculty
and later as tutor to the Tikka Sahib. At the time of the
formation of PFESU, he was working as tutor to the
Tikka Sahib and as this was a civil-list appointment and
not a service under the State Govt. he was not integrated
in the Pepsu Education Department. On the merger of the
States of PFESU and Punjab, the Raja Sahib of Faridkot
represented to the Govt. to fix-up this gentleman on an
appropriate post when PFESU was formed. As for obvious
reasons, the Punjab Govt. could not reopen the integration
done with effect from Sep. 1, 1948, they decided to
provide him with a post in the PES, Class I. There is
a growing tendency to abuse the authority to cover vacancies
arising due to emergency for three months, if there is
a likelihood of the commission taking a longline. It
makes all the difference if the Govt. follows the letter or
the spirit of this provision. That the Govt. is anxious
not to give undue cause for suspicion is evident from the

C. J. Shambhi - Public Ad, p. 69
fact that it abandoned a proposal to extend this time limit to one year, (it has, however, been increased to six months). Frequent resort to this method, however, kills the real intention and does injustice to "Open Market" candidates when selection takes place for a permanent arrangement. The commission has rightly taken strong exception to this practice. "It appears that the departments have begun to abuse this provision by resorting to recruitment for three months as a normal source in almost every case and, therefore, the approval of the commission is sought for extension of the period of such irregular appointments. Such a practice certainly gives a very unfair advantage to the candidate holding that post in as much as he claims experience of having worked on the post for a certain period.

It can be said that the action of the Govt. have to be above board to inspire confidence among the people. Justice should not only be done but must also appear to be done, especially at the stage of recruitment to services. After the Civil-service Commissions have completed the tests they prepare a list of eligibles and then they recommend the names to the appointing authorities. In India, civil service commission prepares a list of candidates on the basis of Merit and the departments concerned make appointments from that list in order of merit.
When the list reaches the appointing authority, it sends its decision to the civil service commission, and issues an appointment letter to the candidate, if he accepts the offer, he joins and it means he has been appointed.

New appointee is always kept on a 'trial basis'. He has to show his abilities that he can perform the work for which he has been appointed. So every appointment is provisional i.e. on a probation for six months or a year. This period is considered to be an opportunity for the appointing authority to complete the selecting process. The candidate is critically supervised during this period.

After the appointing authority has given a written report that candidates work has been satisfactory, only then he is confirmed on his post.

Training.- A person has to be trained for the performance of the job for which he has been recruited. He has to be made familiar with the skill and the technique of the job. There cannot be efficient performance of the job without proper training of the employee. This is the reason why training has been considered as "the keynote of staff efficiency".

Training is not only essential for efficiency, but also for broadening the vision of employee. It is important for teaching him precision, for making him
self reliant and independent, and for creating a capacity in him to take decisions and make judgments. Training helps the employee to develop a broad outlook and perspective which public servants need very much. For this reason training, like education is a continuous process which should never end, because the need always exists. Training improves the person's power, skill or understanding. It also creates a capacity in an employee to adjust himself to his new situations. Training must make an employee properly understand and accept the values and the goals of the organization in which he is to work. Training must create in the employee an ability to take independent decisions because no organization can work if the employees depend on moment to moment instructions. Main aims of training are:

(1) Training should endeavour to produce a civil servant whose precision and clarity in the transaction of business can be taken for granted.

(2) In the second place, the civil servant must be attuned to the tasks which he will be called upon to perform in a changing world. The civil servant must continuously and boldly adjust its outlook and its methods to the new needs of new items.

(3) There is a need to develop resistance to the danger of the civil servant becoming mechanised by the machine.
of efficiency, our purpose is not to produce a robot-like, mechanically perfect civil service. The recruit from the first should be made aware of the relation of his work to the service rendered by his department in the community. The capacity to see what he is doing in a wider setting will make the work not only valuable to his department but more stimulating to himself. In addition, therefore, to purely vocational training directed to the proper performance of his day to day work, he should receive instruction on a broader basis as well as encouragement to persevere with his own educational development.

Even as regards vocational training, it is not sufficient to train solely for the job which lies immediately at hand. Training must be directed not only to enabling an individual to perform his current work more efficiently, but also to fitting him for other duties, where appropriate, developing his capacity for higher work and greater responsibilities.

Training plans must pay substantial regard to staff morale. Training, besides resulting in precision and clarity in the conduct of business and improvement of staff morale, must also encourage the civil servant to see his work in its widest context. These objects can be secured by the training of many kinds.
1. **Formal and Informal Training** -

An employee may be given a formal training concerning the work that he has to do, through lectures or instructions by the departmental heads. This kind of training may be given in administrative schools or academies. This formal training may consist of actual instruction in certain skills or procedures. The employee may be instructed about the procedure of the department, the nature of his duties and the code of conduct which he has to follow in the office.

But formal training remains incomplete till the employee actually works in the department. He learns much by actual day to day working. An employee gets informal training when he actually comes into contact with files, papers and officers. He learns many things about his job when he actually does it. So importance of formal training cannot be ignored. Formal training is of three kinds -

(1) **Pre-entry Training** -

It is given to the employee to prepare himself for entrance into the public service. It is training for entry into the office. He is informed of the work which he is to do in the office.

(11) **In-service Training** - It is a training for an employee who is already in service. In service training is for those who are actually in the job, they are given this training so that they may perform their work properly.
(iii) Post entry Training - The employee desires to learn new things. He wants to add his knowledge about the occupation which he is performing. Employee also want to add to the qualifications so that they may be promoted to higher jobs. All possible encouragement should be given to those who want to rise higher by their own efforts.

Types of Training -

(1) Vocational Training - The employee is to be trained in the specialized technique of skill which is essential for his vocation.

(2) Background Training - The purpose of background training is not to give particular training in any skill to the employee. Its purpose is to broaden the mind generally.

(3) Further Education - Departments should provide facilities to their members to acquire external qualifications of vocational vogue, e.g. Accountants and statisticians may be provided further education for their jobs.

(4) Centralised Training - There should be a central organization for training administrative cadets. For the rest of employees, the departments concerned should have their own training centres.

(5) Initial Training - The department concerned should be responsible for giving initial training to its
employees. A recruit should be given a general idea of the working of a government office, an insight into the duties and organization of his particular department, the new recruit should work under experienced suitable persons.

(6) **Training of Mobility** - An employee should be given training not for one job only, but also for next and a different kind of job. This mobility within a department and within the service as a whole develops the personal capacity of the individual.

(7) **Training for Supervision** - Those who are to be entrusted with a supervisory job, should be trained in the art of dealing with the subordinates.

(8) **Training for Higher Administration** - The administrative class is to perform the most important duties, so their training should attract special attention. The duties of this class are concerned with the formation of policy, with the co-ordination and improvement of government machinery and with the general administration and control of the departments of public service. They should be given training in democratic theory so that they may know that they have to work as servant of the people.

**Training of the Public Personnel**

The recruitment examination is held by the Union Public Service Commission to test the general intelligence of the candidates. The examination is held in the subjects
like History, economics, Political Science, Law, Mathematics and Chemistry. These subjects have no direct relevance to the work that the candidates are required to do on their appointment to government service. So the candidates have to be trained to enable them to acquire the necessary knowledge and skill without which they cannot do any effective work in the service.

A training school for I.A.S. probationers was established at Delhi in March, 1947. This has now been abolished and replaced by a national academy of administration. The I.A.S. probationer was sent to the training school at Delhi for a year. The courses of study included the constitution and five year plans of India, the criminal law of country i.e. the Indian Penal Code, the criminal procedure code, and the Indian Evidence Act, Indian History in its social and political aspects the general principles of economics, Public Administration and Organization of government institutions, Hindi and regional language. The candidates has to pass a test in these subjects conducted by the U.P.S.C. They were confirmed in the service if they passed this exam. During this one year period at the I.A.S. school the candidates were sent to visit all the parts of the country so that they might understand the problems of the country as a whole. But one year's training is not sufficient to make candidates fit for the job of a collector or for any such
high post. An I.A.S. Officer becomes fit to hold the Office of a Collector in the sixth year of service. He is given further 'on the job' training for a year or more. He is attached to district offices so that he may gain experience. For giving him more experience, he is transferred from district to district in the initial stages. He is also sent to the Secretariat for about eighteen months to work as an Under Secretary. All this training is given so that the I.A.S. Officer may become fit to hold some responsible job in the district or some government departments. The emphasis is 'on the job' training no doubt it is supplemented by formal instructions for a year in the I.A.S. School.

In Secretariat service the training is given at the Secretariat training school which was established in New Delhi in May 1948. The recruits are trained in organization and methods, Office procedure, financial rules and regulations etc. The Institutional training is related to the work of the officers. After completing the training, the candidates are to work as assistants for a short while before they become Section Officers. The emphasis is on the practical work which the officer is expected to do in the office.

In India training is given to the various services in central institutions. They are given formal instructions
in the laws, rules, regulations, procedures, and manuals. But practical training on the job is very essential for the new recruits.

Criticism is levelled against the present training arrangements of the Indian administrative service probationers. It is said that more emphasis is laid on the theoretical and classroom subjects. An I.A.S. Officer probationer does not get sufficient practical training at the training school. More emphasis should be laid on the study tours, and visits to courts, district, sub-divisional and Tehsil Headquarters. The training in the I.A.S. Schools should be both in the Physical and Social Science. So their area of knowledge enlarged. The training at the school should reorientate the mental outlook of the trainee.

Recent Developments in the Training Programme - The Government of India has revised the syllabus of institutional training of the Indian Civil Service probationers to place more emphasis on syndicate work and group discussions and to include instruction in subjects like crime and modus operandi; criminals, criminal gangs and criminal psychology, police and public administration etc. A new feature will be practical training in dispersing crowds, regulating traffic, combating corruption, fire service, emergency relief, civil defence, probation, and after-care of discharged prisoners.
In Assam, the State Govt. has introduced a revised scheme of in service training for officers of the I.A.S. allotted to the State and the probationers of the Assam Civil Service. An I.A.S. probationer would, on initial appointment, be attached to the headquarters of a district as an Assistant Commissioner and given practical training in a whole range of subjects, such as revenue, magisterial work, development, excise, etc. In the case of the A.C.S. probationers more emphasis would be given to training on the job than to the utilization of their services during the period of probation. Talks and discussions would also be arranged to give them background knowledge about district administration, criminal law and procedure office management, financial proprieties, public relations, code of conduct etc. It is proposed to organise a state training school to impart institutional training to the A.C.S. Officers.

In the field of trained a notable recent development has been the establishment of the National Academy of Administration at Mussoorie by the merger of the I.A.S. Staff College Simla from 31st August, 1959. The Academy would run four types of courses during a year.

1. A one year course for the I.A.S. Officers to cover the syllabus prescribed under the All India Services probationer's final examination rules.
2. A two month course for the special recruits to the I.A.S. under the emergency recruitment scheme.

3. A six week refresher course for officers of a seniority of 10-15 years. To start with, it is proposed to run this course for I.A.S. Officers and in due course, to throw it open for senior officers of the other services.

4. A combined course of five months for All India services and the class I Central (non-technical) Income Tax Services Audit and Accounts, Customs, excise, defence, etc. for training in fundamental subjects. The foundational course is designed to develop among recruits to different services a feeling of belonging to a common public service, and a broadly common outlook. The first foundational course concluded at the academy on November 12, 1951, on the experience gained during this course, it was suggested to the ministry of Home Affairs that the future courses should -

(a) Commence at the same time for all the services
(b) Last for five months, (c) include officers of the I.A.S. also who could not gain the first course. All these suggestions have since been accepted by the ministry of Home Affairs.

The academy has also started publication of a Journal by converting the annual Jatcofle House Journal (which was
meant for 'restricted circulation only) into a quarterly.
The purpose of the journal is "to serve not only merely
as a clearing house of information but also serve as a
forum for discussion for the members of various services.

The training of the All India Civil services is
being reorientated to give it a 'development bias.'

The proposal is believed to envisage the shifting
of the various training institutes to one place with a
view to facilitating proper co-ordination and frequent
contacts among the officers who will man different posts
in different sectors of the government. A five months
course has been started at the national academy of the
administration to give "Basic foundation training" to All
India and Class I Central services. The three months
course of Secretariat Officers, Superintendents, Assistants
and Clerks at the Delhi Secretariat Training School has
also been expanded so as to include regular lectures on
social administration and economic developments.

Incentives - No public personnel system can remain
efficient, if it does not provide ample opportunities to
the employees to rise higher and higher. To keep the
employees efficient, some incentives are required and the
greatest incentive to an employee is his promotion from one
post to another higher post.
The first question with regard to promotion is: On what principles a promotion system should be based? There should not be any favoritism in making promotions. Arbitrary promotions do the greatest harm to the smooth working of an organization. It leads to heart burning, friction, and conflicts among the employees. The only basis of promotion should be merit, and the tests to judge merit should be objective enough to prove that no favoritism has taken place in making promotions.

The principle of seniority - The employee have always favored the principle of seniority as the basis of promotion. This principle means that an employee should be promoted to higher grade or class because his length of service is more than that of the other candidates. The claim of seniority has been always advanced by the employees as a protection against any kind of injustice or favoritism.

Methods of testing merit for promotion - If promotion is to be by merit and ability, the question is, how to judge merit and ability. There should be some objective tests of merit.

1. The first objective method of testing candidates ability is through promotional examinations. The promotional examination may be an open competition, a limited competition, or merely a pass competition. It may be examination with interview or without interview.
2. The second method to test merit is through service records or efficiency rating.

3. The judgment of the head of the Department or promotion board is the third method of judging the merit of the candidate for promotion.

Promotional examinations are of three kinds -

(1) Open Competition - Anyone, whether in the service or not, can compete for the post of promotion. Thus outsiders can also compete for the post of promotion.

(2) Limited Competition - The second type of promotional examination is a limited competition among those who are already in the service. This is known as 'closed system' as opposed to the 'open system' where everyone can compete.

(3) Pass examination - A candidate is just to pass the examination and give a proof of his minimum attainments. In the government of India, many such promotional tests are held every year. A list of qualified candidates is prepared, and they are promoted in the basis of the list on the occurrence of a vacancy.

(4) Service records or efficiency rating - A record of the service of the employee is kept, and his capability for the performance of the job is
evaluated by his superiors on the basis of his service record. On the basis of service records, the relative merit of the employees is rated or evaluated. The major types of efficiency ratings are (1) Production Records (2) The graphic rating scale, and (3) personality inventory.

1. Production Records — On the basis of production record the efficiency of the employee is assessed. This system is applicable to the work of those employees only whose work can be quantitatively compared on the basis of output or production. The production Record can be maintained concerning the work of a typist, a stenographer, a file clerk, or a machine operator. The work of these employees is repetitive in character, and their output can be measured. The production record can be combined with other qualities of the worker, like that of punctuality, industry, and attendance. But this method is inapplicable to the officials who are performing administrative or supervisory work.

2. The Graphic Rating Scale System — In it certain service traits are mentioned, and on their basis the relative efficiency of the employee is judged. The service elements on the graphic rating scale were: (a) accuracy, (b) dependability, (c) neatness and
orderliness of work, (d) speed with which work is accomplished, (e) industry, diligence, energy and application to duties, (f) knowledge of work (g) judgment, commonsense, wish to profit by experience, (h) success in winning confidence and respect through personality, courtesy and tact, control of emotions, poise, (i) co-operativeness, readiness go five new ideas and methods a fair trial, obedience to the management, (j) initiative, resourcefulness, inventiveness, (k) execution of work, (l) ability to organize, ability to delegate authority, to plan work (m) leadership ability to get co-operation of subordinates, decisiveness, self-control tact, courage, fairness in dealing with others, (n) success in improving and developing employees by informing them, developing talent, arousing ambition, (o) quality of work (to be used only when accurate and competent output records are kept. The traits of the employees are marked, and on their basis the qualities of the employees are assessed.

3. **Personality Inventory System** - It seeks a comparative record of service by different means, or at least with a markedly different emphasis on some common means. The main features of this system are:

a) It is a very comprehensive list of human qualities relevant to employment.
b) The Rating Officers are able to pick up ten to twenty-five items from the list about a particular employee.

In spite of the fact that list is very descriptive and comprehensive, special forms have also been devised for different types of employees.

**The Personal Judgment of the Head of the Department**

The most important factor in promotion is and should be the personal opinion and judgment of the higher officials of the department concerned. An officer can know about the qualities of an employee who has worked with him for many years. The judgment based on personal association is more valuable than any other system of judging the qualities of the employee. The importance and utility of the personal judgment of the head of the department will depend on three factors i.e., the capacity to make good judgments, the freedom of action enjoyed by him in the department, and his good intention. The good intent of the higher officer is obscured by personal, political and factional considerations. The employees oppose this method of promotion (i.e., promotion based on the personal judgment of the head of the department) because they fear injustice and corruption in promotions. They feel that promotions are based on favoritism, slatterns and yemen benefit, and independent and talented persons are made to suffer.
The System of Promotions in India

With a few exceptions a proportion of posts in various services is reserved to be filled by promotions of persons already serving in a lower grade or service. This proportion, however differs, and I give below a broad picture for the civil service as a whole.

In Class I approximately 55 percent of the posts are held by those directly recruited to that class, and the rest are filled by promotion. The exact proportion of promotion posts varies from one service to another, it is lowest in Indian foreign service Branch 'A' where only 10 percent of senior duty posts are open to members of Branch 'B' and highest in Central Secretariat, and one or two other services, where there is no direct recruitment at Class I level promotion to 25 to 33-1/3 percent of posts or to vacancies arising in a year, is the common pattern.

To Class I (Gazetted) services and posts, there is relatively little direct recruitment. Approximately 65 percent of the posts in this class are reserved to be filled by class III staffs. In general, direct recruitment, in this class, is confined to the scientific, medical and to lesser extent, engineering services, and there is also 50 percent, direct recruitment to the various class II gazetted secretariat services. Recruitment to other services is mostly through promotion.
For non-gazetted posts in Class II, however there is 78 percent direct recruitment. The bulk of these posts are in the Central Secretariat (Assistants and Stenographers), and in scientific establishments.

To the Class III staffs generally promotions within the class are of greater significance than those to Class II. While there are in all only about 20,000 posts in Class II, there are about 5.53 lakhs employees in Class III, distributed in most services in two or more grades; and the posts in higher grades are, to a very large extent, filled by promotion. Leaving aside about 47,000 posts (mostly of postmen and linemen) in Class III which are on physical Class IV Scales, most of the direct recruitment to class III is in the scales Rs. 60-130, Rs.60-150 and Rs.60-170; the total number of posts on these three scales being of the order of 2.37 lakhs. Above this level the total direct recruitment is to about 70,000 posts. Of these about 29,000 are posts of Upper Division Clerk, to which there should be no direct recruitment. About 40,000 are posts in the scientific and engineering services. All the other class III posts in the higher scales are filled by promotion.

There is very little promotion from Class IV to class III. In departments other than the Railways, and posts and telegraphs, there is generally no provision for
regular promotion of Class IV employees to the next class. Those among them who are educationally and otherwise qualified, are allowed some age concession to enable them to take their chance along with outside candidates. In two departments mentioned above, however, there are regular avenues of promotion for Class IV employees. It has been estimated that approximately 40 percent of Class III posts in the posts and telegraphs departments are filled by promotion, but it may be remembered that postmen and linemen, numbering in all about 45,000, are in Class III even though their scale of pay is only Rs. 35.50.

As regards promotion prospects within Class IV, the best estimates possible indicate that about 5,24,000 employees on the lowest scale of Rs. 30-1-235 can look forward to a total of about one lakh promotion posts.

**Principles of Promotion** - The Constitution provides that the Union Public Service Commission shall be consulted on the principles to be followed in making promotions from one service to another, and on the suitability of candidates for such promotions. In actual practice, however, unless there is a specific provision to the contrary in the relevant recruitment rules, promotions from and within Class III and Class IV have been excluded.
from the purview of the Commission by regulations
made under the provision of clause (3) of Article 320
of the Constitution. The various departments have
framed promotion rules, or issued orders, for the
services under their control, and in the criteria they
lay down for promotions, they diverge considerably.
They generally provide for -

(1) Promotion by Merit, or
(2) Promotion by Merit-cum-Seniority or
Seniority-cum-Merit.
(3) Promotion on the basis of seniority,
subject to the rejection of the unfit.

For the Civil Service as a whole, the only
orders regarding the principles to be followed in
making promotions are those issued by the Ministry
of Home Affairs in May 1957; but they are in regard
to selection posts only. They require that:

(1) Appointment to selection posts and selection
grades should be made on the basis of Merit,
with regard to seniority only to the extent
indicated below.

"Selection Posts" are those which a Ministry declares to be
so. This means that the ministries may classify their
posts into selection posts and others according to their
judgment.
The departmental promotion committee or other selecting authority should first decide the field of choice, i.e., the number of eligible officers awaiting promotion who should be considered for inclusion in the 'Select List', provided, however, that an officer of outstanding merit may be included in the list of eligibles even if he is outside the normal field of choice.

NOTE: The field of choice, wherever possible, should extend to five or six times the number of vacancies expected within a year.

From among such officers those who are considered unfit for promotion should be excluded.

The remaining officers should be classified as 'outstanding' 'very good' and 'good' on the basis of merit, as determined by their respective records of service. The 'select list' should then be prepared by placing the names in the order of these three categories, without disturbing the seniority inter-se within each category.

Promotion should normally be made from the 'select list' in the order in which the names are finally arranged.

The 'selection list' should be periodically reviewed. The names of those officers who have
already been promoted (otherwise than on local or purely temporary basis) and continue to officiate should be removed from the list and the rest of the names along with orders who may now be included in the field of choice should be considered for the 'select list' for the subsequent period.

As regards other (that is not selection) posts, the departments follow their own rules, and as it has been said they diverge. But broadly speaking, the rules lay emphasis on Merit for posts at higher and middle levels, and on seniority cum fitness for those at lower levels. In some cases, the principle of merit-cum-seniority or seniority cum merit is also followed in respect of posts at the higher and middle levels. In actual application of these criteria, however, there has been no uniformity among the departments or services. A study made in ministry of Home Affairs some time back revealed that even where the criteria were identical they were not applied in the same manner. In some cases, while the prescribed formula laid all the emphasis on Merit, seniority had in practice been given greater weight than in some other cases in which the principle of merit had been expressly qualified by 'regard to seniority'. This was confirmed by an ex-Chairman of
the Union Public Service Commission, who, in the course of his oral evidence before the Pay Commission said that while the longstanding principle was that promotion should be on Merit, 'This very sound principle is honoured more in the breach than in observance.'

One or the other of the following methods are usually followed in making promotions, assessing suitability on the basis of record; making a selection on the result of a competitive examination and making use of competence tests. The last method is used mainly in the case of Industrial workers whose suitability for advancement to higher grades in judged by appropriate trade tests.

Except for filling a certain proportion of posts in Grade III of the Central Secretariat service, not much use is made of the method of competitive examination. The first method is thus the one most widely used. The assessment of suitability of an employee is, as a rule, not made by a single individual, but by a departmental promotion committee. Each department has set-up according to its requirements, one or more such committees. A member of the Union Public Service Commission presides over the meetings of each of the Committee as are concerned with promotion cases requiring consultation with the Commission.
Departmental rules mostly lay emphasis on merit for posts at higher and middle levels, and on seniority-suitability for those at lower levels. There has been no uniformity among the departments or services concerning principles of promotion. The prescribed formula lays emphasis on merit, but seniority is given great regard in India. The ex-Chairman of the Union Public Service Commission, while giving his evidence before the Central Pay Commission said that while the long standing principle was that promotion should be on merit, "This very sound principle is honoured more in the breach than in the observance.

Recommendation of the Pay Commission—concerning promotions—

The Pay Commission made valuable recommendation concerning promotion in India—

(1) Merit should continue to be the criterion in making promotions at higher levels. A lower level the principle of seniority-suitability is appropriate.

(2) For promotions to grades in which specialised knowledge is necessary qualifying examinations designed to test working (not academic) abilities may be useful, but with this exception examination need not be adopted as a general method of selection for promotion.

(3) There should be a system of promotion by a special limited competitive examination to provide young officers in Class II and Class III services an additional opportunity to enter any of the Class I or Class II services to which there is direct recruitment by a competitive examination.

(4) The form in which confidential reports are drawn up should be related to the nature of the work of the particular class of employees; but should otherwise be as uniform as possible, and so designed as to provide for assessment under a number of specified headings, including potentialities of the employees for assuming higher responsibilities as well as a general summing up.

(5) A general grading of employees by the first reporting officer should not be obligatory; such grading should be done at a higher level, preferably at the level at which a whole cadre is dealt with for the purpose of promotion etc.

(6) Confidential reports should be scrutinised at each higher level as soon as they are received to make sure that they had been prepared in accordance with the relevant instructions, and should be returned for rectification where necessary.
(7) Unless it is proposed not to enter it in an employee's character roll an irremediable as well as remediable defect should invariably be communicated to him.

(e) The present arrangement of the immediate superior writing a confidential report may continue, but the next higher officer should be required to exercise a positive and independent judgment on the remarks of the reporting officer, and should clearly express his agreement or disagreement with the remarks particularly if they are adverse.

Leave Rules -

There are two main systems of retirement benefits admissible to Central Government employees viz. Pension and Contributory Provident Fund. An employee governed by the current pension system gets a recurring monthly payment for life and a lump-sum gratuity, both determined with reference to the length of his service. In the event of his death his family gets, under certain conditions, a monthly payment for a limited period. Under the Provident Fund system an employee gets a lump sum representing his own and the government's contribution to the fund with interest thereon. There is no legal right to pension, it does not accrue to
and individual automatically on the date on which he retires. It has to be applied for, and it is sanctioned only if the appropriate authority is satisfied that certain conditions are fulfilled. This does not, however, mean that a pension is not recognised, or treated as part of the normal benefit accruing from pensionable employment. It is a factor taken into account in determining rates of pay; and it is regarded as a part of the normal expectation of an employee something, in fact, on which an employee can count with virtual certainty. Indeed even on behalf of the employees no complaint has been made of frequent, or unfair refusal, reduction or forfeiture of pensions. Thus, it is not the practice, but the principle that is in issue a principle, however, which according to some of the employees witnesses, has practical implication. It is alleged that the condition regarding satisfactory service, and even more so - that regarding future good conduct, hangs on an ex-employee's head like "Sword of Damocles" and often deters him political and trade Union activities of his choice.

General Conditions -

(1) Future good conduct of the pensioner is an implied condition of every grant of pension and its continuance.
(2) Central Government may withhold or withdraw any pension or any part of it, for a specified period or indefinitely on a reference from the State Government concerned, if after retirement a pensioner is convicted of a serious crime or be guilty of grave misconduct.

(3) The decision of the central government in any question of withholding or withdrawing the whole or any part of the pension under sub rule (2) shall be final.

Limitation.- A member of the service cannot earn two pensions in the same office at the same time, or by the same continuous service.

Removal, Dismissal or resignation from service.-

(1) No retirement benefits may be granted to a person who has been dismissed or removed from the service or who has resigned from the service.

Provided that, if the circumstances of the case so warrant, the State Govt. may grant to a person who has been dismissed or removed from the service a compassionate allowance not exceeding two thirds of the retirement benefits which would have been admissible to him if he had been invalid and not dismissed or removed from the service.
(2) Where a member of the service is required to retire or resign from the service as a condition of his appointment under a statutory or other body, he shall be granted the retirement benefits to which he would have been entitled if he had been invalid from the service and not resigned or retired.

**Recovery from Pension** - The Central Government reserves to itself the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period, and the right of ordering the recovery from pension of the whole or part of any pecuniary loss caused to the Central or State Government, if the pensioner is found in departmental or judicial proceedings to have been guilty of grave misconduct, or to have caused pecuniary loss to the Central or a State Government by misconduct or negligence, during his service, including service rendered on re-employment after retirement.

**Retirement Pension** -

(1) A member of the service who has completed 30 years of qualifying service may retire from the service after giving at least three months previous notice in writing to the State Govt.
(2) The State Government may, with the approval of the Central Government and after giving him at least three months previous notice in writing, require a member of service who has completed 30 years of qualifying service to retire from service.

(3) A retirement and death-cum-retirement gratuity, shall be granted to a member of the service who retires under sub-rule (1) or who is retired under sub-rule (2).

Conditions for grant of retirement benefits:

1. The full retirement benefits admissible under these rules shall not be given as a matter of course or unless the service has been thoroughly satisfactory.

2. If the service has not been thoroughly satisfactory, a reduction in the amount of retirement benefits otherwise admissible under these rules may be made by the Central Government on the recommendation of the State Government to such extent as the Central Government may deem appropriate.

Provide the retirement benefits once granted shall not be reduced on the ground that proof of the service not having been thoroughly satisfactory became available after the sanction.
3. Any case in which retirement benefits or compassionate allowance has been sanctioned shall not unless there are special grounds for doing so be reopened on the ground that the amount sanctioned is less than the maximum admissible under these rules.

Family Pension -

A family pension not exceeding the amount specified in sub-rule (3) may be granted to the family of a member of the service in the event of his death after he had completed 20 years qualifying service.

Provided that, in exceptional circumstances, the Central Government may also grant a family pension to the family of a member of the service who may die after completing less than 20 years qualifying service but not less than 10 years qualifying service.

The total period for which a family pension may be paid shall be 10 years.

Following retirement benefits were recommended by the pay commission -

1. The right to withdraw the whole or a part of a pension should be restricted to certain very exceptional, specified, contingencies, and even then the power should be exercised, and where the
original order is passed by a subordinate authority the appeal against it decided, only in consultation with the Union Public Service Commission.

2. The rate of gratuity should be changed so as to make the maximum amount available on completion of thirty years qualifying service.

3. Temporary service when followed by permanency, whether in the same or any other post, should count in full for pension. Extraordinary service of certain employees in defence establishments should count as half and not as one quarter as at present.

4. Leave taken out of India should count for pension to the same extent as leave taken in India.

5. When the total period of qualifying service exceeds completed years by more than six months, an additional benefit of half a year's pension may be allowed for the purpose of determining the quantum of pension.

6. Officiating special and personal pay may continue to count in full in cases in which it so counts.
at present, but in other cases such pay drawn during
the last three years of service should be taken into
account in full or in half according to specified
circumstances.

7. Non practising allowance of doctors should
count for pension.

8. Government may consider the question of granting
some relief to persons whose pension does not
exceed Rs. 200 per mensem, when there is increase
in the cost of living.

9. The minimum gratuity admissible to the family
of a permanent employee who die before completing
five years qualifying service should be equal to
six months, emoluments, except in cases in which
death occurs in the first year of service when
the minimum may be two months emoluments.

10. The family of an employee who is a subscriber
to a contributory Provident Fund should be
granted gratuity equal to the difference between
the amount that would have been admissible had
he been on pensionable establishment and the
government's contribution to his provident fund
with accumulated interest. If such an employee
dies before becoming eligible for admission
to a contributory provident fund, the gratuity
should be the same as for purely temporary employees.
11. A Widow's and Children's pension benefit scheme, on a contributory basis, should replace the existing family pension scheme.

12. Scientific employees of semi-government institutions, financed from cess or government grants, when appointed to permanent government service, should be permitted to count in full their service in those institutions as qualifying service for pension, provided their previous employers are willing, in lieu of their contribution to the contributory provident fund, to pay to the government pension contribution for the period of service with them.

13. The facilitate freer inter-change of scientists and technologists between the government and the universities, the pensionary contribution which the latter have to pay when they borrow the service of a government servant should be restricted to the rate at which the university contributes towards the provident fund of its other employees.