

CHAPTER- 5

Existing System –Strengths and Weaknesses

5.1 Indian system of civil service including the recruitment practices has evolved from the British system. The principles of equality of opportunities and open, merit selections in civil services, flow from the written Constitution of India which is the supreme law of the Land. The process of appointment in Central Civil Services cannot be taken in isolation, divorced from other factors, both external and internal, affecting the process. A schematic diagram giving the various influences and pulls and pressures affecting the process of appointment is attempted in figure 1.

5.2 In Indian context, the process of appointment is shaped due to needs and requirements of democratic polity and strong legal basis in the form of written constitutional provisions and codified rules in the matter. A challenge before the developing countries including India is to achieve a sense of balance between rigid codified structures and the imperatives of emerging trends of reforms

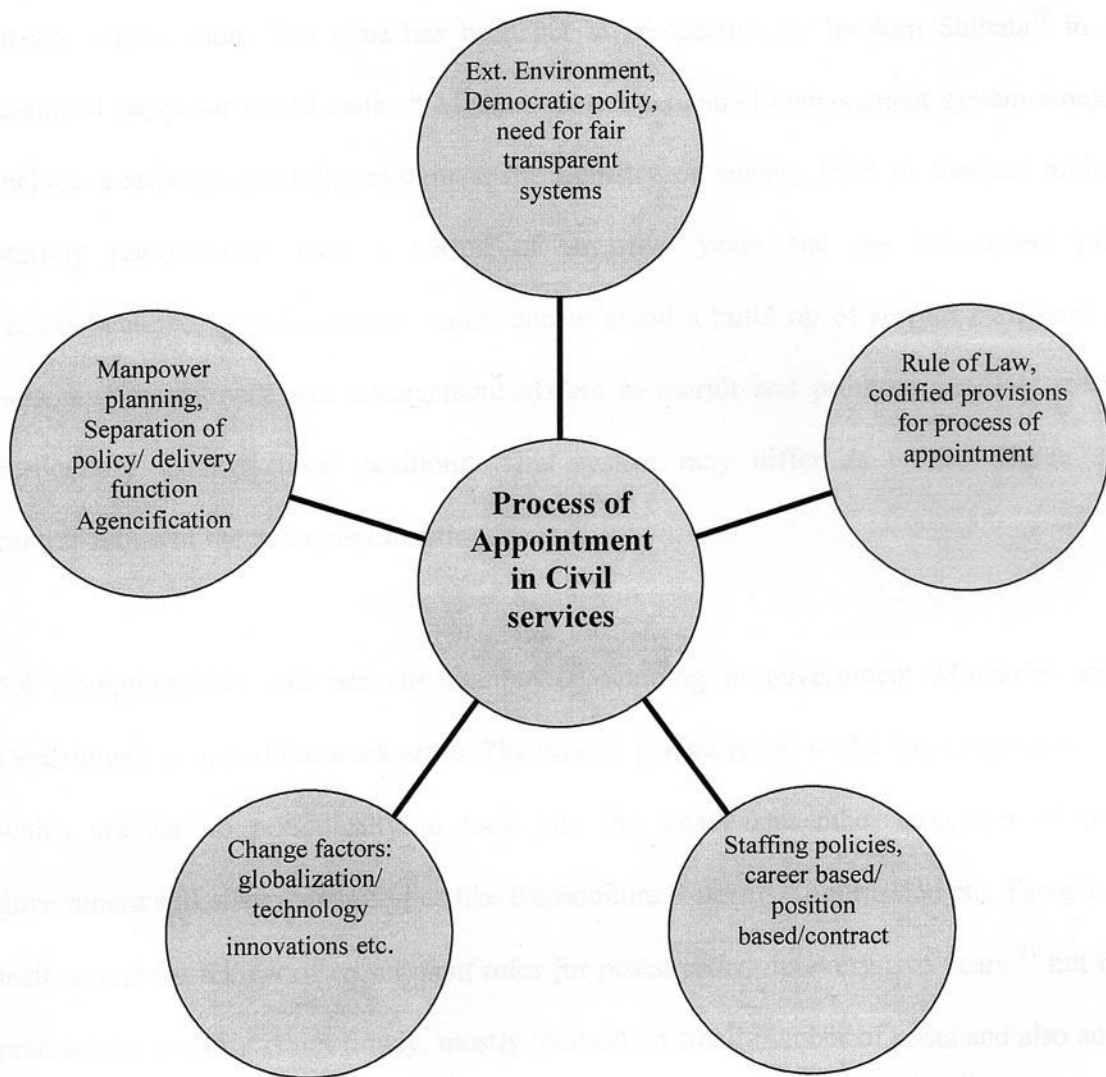


Figure-1

5.3 The other factors affecting the process of appointment are, long term manpower planning and organizational restructuring, the choice between the career systems or position systems and openness to reforms. The appointment process in any government organization is not a stand alone activity but is impacted by overall manpower planning

in any organization. The issue has been put in perspective by Ibrahim Shihata⁷⁰ in a technical paper for world bank “ Modern central personnel management system would include a strategic planning system at the ministry or agency level to forecast future staffing requirements over a period of say five years and the consequent job reclassifications, specification of inputs and to avoid a build up of surplus staff, and a personnel recruitment and management system to recruit and promote qualified staff, particularly to high level positions. This system may differ as to the degree of centralization of the personnel function.”

5.4 Comprehensive and periodic manpower planning in government Ministries and Departments is one of the weak areas. The issue is generally left to the Pay Commissions, which are set up periodically to look into the salary and other structures of the government and other expert bodies like Expenditure Reforms Commission etc. There are instructions for review of recruitment rules for posts/ cadres in every five years⁷¹ but in practice the exercise is not timely, mostly focused on small number of posts and also any initiative to restructure and reorganize the organization as a whole is missed. Based on the recommendations of Expenditure Reforms Commission, a scheme of optimization of direct recruitment posts was implemented from 2002 to 2009 in government with a view to right size the government establishment. Under the scheme only one third of direct recruitment vacancies could be filled up in a year and rest were to be abolished. It was intended that the exercise would result in review and restructuring of manpower in the organizations but actual implementation does not seem to have achieved this objective.

⁷⁰ Civil Service reforms in Latin America & the Carribean: proceedings of a Conference, edited by Shahid Amjad Choudhary, James reid & Waleed Haider Malik: World Bank Technical Paper No. 259)

⁷¹ DoP&T OM No. Ab-14017/12/87-Estt(RR) dated 18/3/88, Para 3.1.5

There has not been any study on the effectiveness of the scheme and while there would have been reduction in the number of posts but due to reduction being applied only to direct recruitment, an unintended fall out has been decreased induction of fresh blood in civil services and ageing bureaucracy. This has been commented adversely by Sixth CPC⁷² also. The scheme has also caused distorted cadre structures. It would be in fitness of things to deliberate and activate a periodic manpower planning systems in the Ministries and Departments.

5.5 World over there is a trend towards moving away from rigid civil service systems and restructuring for efficiency. Need less to mention that process of appointment in government is impacted by this. The formation of Statutory boards in Singapore, executive agencies in U.K., and corporatisation in Australia points towards demarcation in policy and delivery functions⁷³. In India also a similar trend is visible. A number of statutory and autonomous organizations have come into being under various Ministries for functions related to regulatory and advisory roles, research etc. The appointment in such organizations is governed by the provisions in the statute through which they are set up. However it would be interesting to note that these organizations also by and large follow the government procedure for appointments though the Public Service Commission is generally not involved. Though the selection by rules is open for all, in practice the appointments made are generally from within the government or retired government officers.

⁷² Sixth CPC report, Para 6.3.10

⁷³ Dr. Mohan Kaul, Civil Service Reforms: Learning from Commonwealth experience, Public Policy in Civil Service Reform in Francophone Africa, Proceedings of a workshop, Abidjan, Jan 23-26, 1996

Codified rules of appointment

5.6 The standards and procedures for induction of civil servants in the administrative system are generally codified as a set of rules, known as recruitment rules/ service rules. The relevance of Recruitment Rules (RRs) to the civil service is, therefore, neither incidental nor peripheral but basic and organic⁷⁴. The codified rules have the advantage of providing rule based, justiciable, stable framework for recruitment of civil services.

5.7 However the inherent rigidity and slowness of the system conflicts with the required dynamism of the modern fast paced and changing situations. Many a times the ad-hocism in the civil recruitment system is an end result of such inflexibilities. According to the annual report, 2008-09, of UPSC, there have been 51 Gr. A and 77 Gr. B, reported cases of ad-hoc appointments, with some cases being even more than five years old (Annexure V). It is also open to question if all cases of ad-hoc appointment are being reported by line Ministries.

5.8 The second issue relating to framing of RRs is regarding the time taken in this exercise. Though there is no data in this regard but the experience dictates that the exercise of framing and amending recruitment rules is very time consuming and exercise could take any time from a couple of months to few years. The pendency of references relating to recruitment rules in UPSC as given in its annual report 2008-09 is a pointer in this regard.(Annexure -VI)

⁷⁴ A. Bhattacharjya, Recruitment Rules and Civil Services, 1984, Prachi Prakashan, New Delhi.

5.9 Any proposal for framing or amending the recruitment rules, for a civil post, is mooted by the Ministry and is to be concurred by the Department of Personnel and the Commission for Gr. A and Gr. B posts. For Gr. C posts, the exercise of framing recruitment rules is delegated to the concerned Ministry. The contributory factors for delay in framing/ amending recruitment rules are insufficient appreciation of the exercise, back references, no proper manpower planning etc. There have been cases of withdrawing the vacancies notified to the Commission due to change in RRs at the last minute⁷⁵. Another disturbing feature is non notification of RRs even after approval. The Annual report of UPSC 2007-08 highlights 573 RRs which were not notified. Some of the pending RRs are even more than 5 years old⁷⁶. These incidents point towards no long term cohesive manpower planning and disconnect between rules and manpower requirement.

5.10 The processes for framing of recruitment rules and recruitment need to be simplified. At a time when private sector is approaching and tapping the young educated population from the institutions of repute, a lengthy time consuming process of recruitment, based on the premise of candidates applying for the posts in government, may work to the disadvantage of civil service appointments from the point of view of availability of meritorious. This is especially true for technical manpower in the government. The use of Information Technology in expediting the approvals for RRs needs to be explored. Another area which needs to be deliberated is the extent of delegation in the process of framing/ amending RRs. Many a times there are no

⁷⁵ UPSC Annual Report 2008-09

⁷⁶ UPSC Annual Report 2008-09, Chapter 9, para4

deviations from existing rules and instructions in RRs framed or amendments are insignificant. It could be more expedient to exercise control in such cases through checks and audits. It is worthwhile to mention that the recruitment rules are also test checked by the Committee for subordinate legislation of the Parliament. Delegation to Ministries for framing and amending of RRs could be further strengthened by exploring the possibility of identifying the non-negotiable features of RRs like classification of post, commensurate pay band and grade pay, minimum qualification for direct recruitment at different levels, adherence to qualifications prescribed by expert bodies like All India Council for Technical Education (AICTE), Medical Council of India etc for relevant posts and requirement of direct recruitment at prescribed levels based on the cadre structures.

5.11 Framing of templates for standard recruitment rules / service rules for different kinds of post could also go a long way in expediting recruitment rule framing exercise. However a complete decentralization may not be desirable as the lobbying and pressures from interest groups within the organization may result in closed organizational structures where recruitment is restricted to the internal sources only at the detriment of induction from open market, thereby, depriving the organizations of fresh blood and merit may also be compromised.

Union Public Service Commission and the process of appointment

5.12 During the past century, most industrialized countries have created a professional, merit-based civil service system and have consolidated the regulation and supervision of

public personnel management through formal institutional arrangements. Traditionally, this has entailed a delicate relationship between three key organizational actors: the independent commission, the central personnel office, and line agencies. Unlike the independent commission, the central personnel office is part of the executive and accountable to the government⁷⁷. The situation seems to be similar in India where the independent Union Public Service Commission, Department of Personnel and various line Ministries are involved in the dynamics of Central Civil Services management. The policies and rules are framed by the Department of Personnel, in consultation with the Commission. The recruitment from open market, for middle and senior level posts is by the UPSC, except where specifically exempted, on the requisition of line Ministries.

5.13 The role envisaged by the Constitution for UPSC is of a pivotal independent authority for impartial merit selections in the civil services of the central government. The UPSC selections through direct recruitment have over the years, acquired a reputation of being fair and impartial. As far as concept of merit in direct selection is concerned, especially for the civil service exam conducted by the UPSC for induction into All India Services and Central Civil Services, the issues regarding the format of selection procedure, weight-age to written test and interview, age for induction, relevance of psychological tests in selection have been matter of deliberation. Notwithstanding the above debate, it would not be off the mark to say that the major competencies developed by the Commission have been in the realm of direct open selection.

⁷⁷ World Bank Web site

5.14 As for the method of appointment by promotion is concerned, the role of UPSC needs a critical review. In terms of UPSC exemption rules, promotion to all post of the level of Deputy Secretary ⁷⁸ in central government requires involvement of UPSC. However the practice is varied across different services. The promotion of All India Services is governed by the All India Services Act and does not envisage involvement of UPSC. The promotions are done historically by respective cadres in Indian Foreign Service and Indian Audit & Accounts Service. In many other cadres like Indian Economic Service, Indian Statistical Services, the promotion up-to the level of Director are exempted from UPSC. Recently the promotions in Central Secretariat Services up-to the level of Director have been taken out of the purview of UPSC.⁷⁹ The second ARC⁸⁰ has recommended that promotion of officers through Departmental Committee, up-to the level of selection grade may be delegated to the respective department and UPSC should supervise the functioning of these DPCs through periodic review, audit etc. The suggestion merits consideration and role of UPSC in the case of promotions could be further deliberated for its effectiveness. As far as promotions are concerned, the basic responsibility for assessment and progression is better placed with the concerned cadre controlling authority. However, where the induction in any organized Gr. A service from subordinate cadres is concerned, the Commission's involvement would be desirable.

⁷⁸ Nomenclature is dependent on the pay band and grade pay. See Annexure II for grades and classification in Central Civil Services

⁷⁹ DOP&T Notification No.39018/09/2009-Estt (B) dated 7/10/2009.
(GSR 727 (E) dated 7th October, 2009)

⁸⁰ Tenth Report, Ch. 5

Merit Based appointments

5.15 Merit-based recruitment arrangements draw from eight key elements⁸¹ -a) a job analysis leading to a written statement of duties (the job description) and the knowledge and skills which the jobholder will need (the person specification) b) an advertisement disseminated to eligible groups, including a summary of the job analysis c) a standard application form d) a scoring scheme based on the person specification e) a short-listing procedure to reduce applications, if necessary, to a manageable number f) a final selection procedure based, again, on the person specification, and including a panel interview g) an appointment procedure based on the scoring scheme h) notification of results to both successful and unsuccessful candidates.

The system of merit appointment in Central Civil Services is more or less on similar lines and is well entrenched in rules and procedures in all methods of appointments barring promotion where the selection is from internal eligible candidates.

5.16 The problems in the selection systems lie not in any conflict with the concept of merit selections but in the practical implementation of it. One of the key challenges for the Government is to recruit suitable person for each job, to attract the brightest talent and to ensure that the best people are retained. Due to the change in the economic situation of the country, numbers of opportunities available in the private sector and type of salaries offered, the brightest people are going for these jobs in private sector. The Government selection process is still geared to the old system when the brightest people were seeking

⁸¹ World Bank Web site

government jobs. The whole process of recruitment is such that those which are very good are not attracted to the Government service because the recruitment process is not geared to cater to their needs. The process of recruitment and selection in most cases taken more than one and a half year and many of the younger students are not prepared to give so much time waiting for a government job⁸².

5.17 Besides the inherent delays in the recruitment procedure, the lackadaisical attitude towards the recruitment is also evident in following observations of the UPSC in its 59th Annual report "...There were 178 cases, as compared to last year's figure of 167 cases, where offers of appointment to the candidates recommended by the Commission on the basis of results of various examinations were delayed by the Ministries/Departments⁸³.

5.18 The procedure for selection especially for middle and senior management levels require critical evaluation for expediting the process. The second ARC has given recommendations for compressing the civil service examination for induction in Gr. A and some Gr. B posts of organized Central Services. The recommendations which centre on expediting the recruitment process by clubbing either Preliminary exam with Main exams or Mains with interview could be deliberated for pros and cons for a suitable decision, which could expedite the system. Individual processes for selection not being the focus of this dissertation; the same is not being evaluated in detail.

⁸² Theme paper on Recruitment and Training, Civil Services Day, 21st April 2008, ARPG website

⁸³ Annual report UPSC 2008-09, Appendix-XXXVIII

5.19 The concept of merit in appointments by promotions also requires introspection and is intricately linked to an objective and fair performance appraisal system. In Central Civil Services the posts are classified as selection posts and non-selection posts. While promotion to selection posts requires that a prescribed benchmark for promotion is met, in non-selection posts the satisfactory performance is sufficient for promotion. The non-selection posts are few and mostly in Gr. C category, yet, it would be worthwhile to review the need for such classification and if promotion should not be only on selection basis, especially after the Central Government has introduced an Assured Career Progression Scheme,⁸⁴ which on satisfactory performance, guarantees three up-gradations to next pay scale in standard hierarchy of scales after ten, twenty and thirty years of service.

5.20 As far as selection posts are concerned, the benchmark for promotion to the levels below that of Deputy Secretary is 'Good' and to the level of Deputy Secretary and above is 'Very Good' performance. The present annual performance appraisal has provision for grading the performance as average, good, very good and outstanding by the immediate superior. The same forms the basis for performance benchmarking for the purpose of promotion. The supercession in the Central Civil Services, based on outstanding and meritorious performance were done away with in the year 2002⁸⁵ The main issue in merit selections in promotion is the objective and impartial performance assessment parameters. Recently the government has changed the performance appraisal system for

⁸⁴ DoP&T OM No. 35034/3/2008-Est.D, dated 19/5/2009

⁸⁵ DoP&T OM No.35034/7/97-Estt(D)
08/02/2002

All India Service Officers and same after review for its efficacy can be considered for Central Services also.

Career based civil service system and issue of lateral entry

5.21 In Indian context the recruitment process is generally organized along the career path, though, recognizing the need for specialization in a diversified environment, the issue regarding lateral entry at senior management level is a recurring theme in the reports of various expert committees. It is not to say that the lateral entry does not exist in the government. There are certain posts like that of advisors in Ministry of Finance and Planning Commission etc. where recruitment from open market exists. Many posts also allow appointment on 'short term contract' basis, a term used for mobility of officers from Autonomous organizations and PSUs to central government posts on tenure basis. However, the incidence of posts with such appointments, is far and few. The recommendations of Sixth Central Pay Commission for opening up of posts, requiring expert knowledge merits consideration for developing the competencies of the civil service as a whole.

5.22 There are differing opinions regarding the extent to which the civil service will benefit from the entry of outsiders. On the positive side, many maintain that lateral recruitment practices will help to bring fresh ideas and skills into government, and that it will also provide incentives for current civil servants to perform better or risk being passed over for the prime postings. Yet a number of factors have to be balanced against these advantages. The response of the organized sector to the deputation of its senior

management and professionals to central and state governments is not clear. Karnataka's Administrative Reforms Commission cautioned about the need to ensure that the skills which lateral entrants are expected to bring in were not otherwise available within the civil service, which is needed to avoid the risk that the selection process becomes ad hoc and ends up demoralizing existing personnel. The other touchy issues are the offer of market-related salaries and the process of selection⁸⁶. It is imperative that an open and uniformly enforced process of eligibility criteria, selection and assessment is put in place to avoid charges of arbitrary and politically biased appointments.

5.23 A related issue is regarding tenure of appointment. Unlike many countries, the appointment in government is on permanent basis and tenure appointment or contractual appointment is not in vogue. Even where recruitment is from open market at sufficiently higher level, the person once recruited is in job till superannuation. It is open to question if such an arrangement would not acquire negative attributes of permanent bureaucracy? A lateral entry at senior management level would necessarily require a debate on ways and means of implementing contractual terms of appointment in the government. Sixth CPC has also recommended for contractual appointment and market driven salary for scientists and experts. The systems would need to be put in place for actualization of these recommendations.

Recruitment of technical personnel

5.24 A major area of concern in civil services is regarding recruiting and retaining technical professionals. The shortage of technical and specialized manpower in the

⁸⁶ M. Satish, Knowledge Manager (Human Development), Centre for Good Governance, Hyderabad, sourced from the net).

government services is becoming an acute problem. With the opening of the economy, many of the tasks which were hitherto performed only by the government sector have now been brought in the purview of the private sector. Functions like building of large hydro-power projects, roads, health care and higher education are being performed by the private sector. The emoluments in the private sector for these technically specialized people are far superior to the government. Moreover, the private sector is working in large metropolitan cities which provide many comforts and as such, technical people should not opt out to serve in rural areas which are a requirement of the government services. The long and lengthy procedures for recruitment especially in this field, has brought about a lot of shortages of technical staff and consequently government services are suffering. On the other hand, those technical people who have attained expertise within the government are moving towards greener pastures in the private sector. Thus, a new recruitment policy should be evolved to meet the challenge of shortage of technical staff in the government⁸⁷.

5.25 The Union Public Service Commission has also commented on the problems of recruitment of technical persons, especially for medical posts.⁸⁸ “Recommendation to Post Ratio (RPR) less than 1 indicates non-availability/poor availability of suitable candidates for the post. It is observed that RPR is low during the last two years in respect of medical posts which is indicative of the general shortage of medical specialists particularly of super specialists. In all, there were 151 posts during 2008-09 for which

⁸⁷ Theme paper on Recruitment and Training, Civil Services Day, 21st April 2008, ARPG website.

⁸⁸ Annexure-VII- Recommendation to Post Ratio for technical services for the year 2007-08 and 2008-09.

none was found suitable out of the candidates who applied, most of which required specialized medical, engineering or scientific qualifications. “

5.26 The problem of recruitment of technical persons requires comprehensive deliberations as no ready and easy solution seems to be available. The starting point could be an assessment of need for keeping medical and other technical services in the government, the development of private sector in providing these services and extent of such services which are absolutely required to be in public sector. The options for structuring the technical services, whether it should be on government department pattern or autonomous structures or with private partnership or a mix of all with strong regulatory mechanism can be explored. Lateral entries, contractual agreements, performance contracts with a flexible remuneration policy seem inevitable in future. Certain innovative practices like providing technical internships in the government for reaching out to a young population or sponsoring merit scholarships for institutions of excellence in science with inherent liability of tenure service in the government, in case of scientific posts could be deliberated and examined.

5.27 To summarize, codified rules and procedures, involvement of independent Union Public Service Commission in the process of appointment, merit based systems in civil service appointment and recruitment for career are some of the important features of civil services in India which provide stability and availability of trained manpower for discharge of various functions of public administration. The challenges lie in expediting

the process of appointment and making it more open and flexible to allow for specialization and responsiveness in the system.

The present literature attempts to explore the various facets of public sector appointments and related issues. The emphasis has been on recruitment, training, and retention of public employees in the realm of public appointments. The study is based on a survey of public employees and their supervisors in the public sector. The study is exploratory and descriptive in nature. It is hoped that the specific findings of the study will be addressed in further research in future.

The study is divided into two main parts. First, the study discusses the various issues related to public appointments. Secondly, recommendations are suggested based on the findings of the study.

The study is based on the following objectives: (i) to explore the various issues related to public appointments; (ii) to identify the various factors that influence public appointments; (iii) to suggest recommendations based on the findings of the study.