



Comparative Analysis of Global Administrative Law: Legislative Intent and Trends of Civil Services / Personnel Management in Executive Agencies

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Abstract

An Administrative Law describes and establishes the core principles, values, and characteristics which create the distinctive culture and ethos of the civil service. Drafted properly it can provide a clear and unified framework within which the civil service can carry out its distinctive roles and responsibilities. It also provides a legal basis for the legislature to express the important values and culture it wants in the civil service. It becomes an unambiguous statement to those within the civil service and to the people of India of what is expected of the civil servants. In addition, the legal framework makes Administrative Law not just one initiative of the government in power, but a lasting initiative towards better performance and accountability. The experience of these activities most of the countries suggests that with the adoption of the executive agency model the capacity of the civil service has been strengthened to deliver effective public services. Substantial benefits have accrued from the implementation of the model but there have been costs too. Discussed below is an assessment of the benefits and costs. The greatest benefit is that the civil servants working in the agencies have been given autonomy flexibility and incentives to achieve results by relaxing the traditional centralized control over the use of financial and human resources. This is a real benefit because centralized controls emphasize inputs rather than results and often get in the way of performance. In exchange for greater flexibility and autonomy the executive agency model has introduced stringent performance requirements and enhanced accountability.

Keywords: Civil Service, Legislative Framework, Accountability, Transparency, Good Governance, Executive Service, Constitutional Law. Ministries/ Departments

Introduction

Legislative commitment has been an important factor in ensuring the success of civil service reform initiatives in several countries during the last seven decades. Legislative support provides not only a legal framework for civil service reform but ensures the continuity of these reforms. Such legislation plays a pivotal role in describing and establishing the core principles which civil servants should imbibe. It also provides a clear unified framework within which the civil servants can perform their roles and discharge their responsibilities. A new law is often needed to create and empower institutions which would ensure that the civil servants discharge their duties while upholding the principles enshrined in the Constitution. A civil service law can also provide the basis for bringing about necessary reform in the civil service. In this context, an Administrative Law serves three important purposes. First, it provides the necessary explanations for the proposed reform initiatives. When the Bill is introduced in the legislature, there is extensive debate as a result of which issues are clarified and doubts are set at rest. Second, when the reforms are given legislative cover, there is political support and the political parties become committed to the changes. Third, civil servants normally take notice of legislation and in this case the civil service legislation sends down the important message to the civil servants that the reforms are permanent in nature.

Objectives of study

- To study on practical implication of the judicial decisions explaining the extent and scope of judicial

control in Government's relation to civil service matters.

- To study on the role of administrative system for promoting transparency and people's participation.
- To study on the decision making, implementation and evaluation of projects programmes and public policies for good governance.
- To identify the strategy that could be formulated for maintaining balance between the interest of the civil servants and that of the fundamental interest of the society that conflict with each other.

Research Methodology

The methodology adopted in this study is doctrinal and empirical one. Case study method and statistical data analysis are the basis of Empirical of this research. Data collected from both primary and secondary sources which are based on Constitution of India, official reports of Law Commissions, Reports of the findings of various committees, All India Reporter on service matters etc. and leading legal bulletins. Besides a detailed survey and analysis of plethora of judicial decisions rendered in this regard by the Supreme Court and a number of High Court are to be made. Reports as available in the form of Books, Journals, Manuals Periodicals Articles and public opinion on instances of corruption constitute the pool of Secondary Sources used.

Review of the literature

A brief review of the literature relating to the present study has been detailed as follows. Harold Laski's valuable treatise entitled "Parliamentary Govt. in England" & "The Growth of Administrative Discretion" gives a wonderful account of the Home Civil Service of England. Similarly Herman Finer's "The British Civil Service" is also a classic source of "The Role of the Civil Service in the Modern World". We also find good research in Herman Finer's classic treatise on "The Theory and Practice of Modern Government", where he has attempted in-depth analysis with comprehension, original research & first hand observation highlighting the crucial problems of the Civil Service mainly aimed to get, keep, manage, and inspire in the service of the state enough of the best minds and characters of the living generation. Constitutional and Administrative Law by John Alder and Constitutional Law by E.C.S. Wade & Godfrey Philips has tremendous impact on Civil Service & Civil Servant. Other books on Indian Constitutional Law like Durgadas Basu's shorter Constitution of India and the Introduction to Constitution of India have a chapter each on the services under the Union and the State, Dr. Basu gives importance to Civil Service and interpretation, recruitment and conditions of Service to be regulated by legislation subject to the provisions of the Constitution. The most respectable book on Constitutional Law of India by H.M. Seervai has given a wonderful account of what the role of Civil Services citing quotations from Sir Warren Fisher, Permanent Head of the British Treasury, Sardar Vallabhbhai Patel and from Shah Commission's Report. Seervai's treatise gives an excellent account of Article - 309 to 311, 313 and other articles in Part - XIV of the Constitution. Another important book that is found to be very close to the subject of the research study is "The Civil Servant under the Law and the Constitution" by Dr. N. Narayan Nair, The roles governing the conduct of the Civil Servant and legislations that control Civil service, aimed at enhancing disciplined efficiency and fair service conditions. It also examines the position of the Civil Servant and the significant features of the problem pertaining to the Civil Servants under the Law and the Constitution. Other books close to my topical area of research study is Prof. Narendra Kumar's "Law Relating to Government Servants and Management of Disciplinary Proceedings".

Prof. Kumar has in a very simple language highlighted Service law pertaining to certain controls like 'the *pleasure doctrine* under Article 310 system of Confidential Reports, disciplinary proceedings such as suspension, removal and dismissal from service and reduction in ranks etc. In order that these control mechanisms are not arbitrary constitutional and other provisions are enacted for the protection of the Civil Servants which they can enforce through the Courts. Report of the Law Commission of India on various topical legal issues concerning my research has also been studied and their significant findings have been integrated into my research. Research findings of Indian Bar Review have also been studied to integrate important research concerns. Internet Depository on my research area is a significant source of legal research and various inputs would necessarily be used in my topical research area. Justice Rama M. Jois in his work "Service under the State" influences most simple level as a source of overall understanding of civil services law and civil services

jurisprudence. It is an authoritative exposition of adjudicative law as well as a critique of it helping context its future renovation. The discourse on the rights of Civil Servants is anchored in the text and of article 311 of the Indian Constitution. This provision is unique in World Constitutionalism. Every act of affirmation of the rights of the Civil Servant is also an act of State Power, strengthening it all the way. Adjudicative law empowers the individual at the same time substantially disempowering the State. It is this inversion which possesses the basic enigma of the Indian judicial process. Similarly Ejaz Ahmed's The All India Services Manual, published by Ashoka Law House New Delhi, is a best source of relevant case laws & notes on Government of India resolutions.

Senior executive service in U.K

The senior civil service was created on 1st April 1996. It is a group of senior managers and advisers who while employed and managed by their own departments have a broader identity as part of a cohesive group at the top of the service and are covered by a common framework. The framework has a number of important features.

1. A central framework of nine overlapping pay grades
2. A common job evaluation system
3. A personal formal written contract and
4. A senior common appraisal system

While filling up the vacancies in the senior civil service wide and open competition is the norm. In recent years more than 30 per cent of vacancies at top three levels of the service have been openly advertised outside the service ^[1].

Senior executive service in USA

The SES in the US was created in 1979. It is administered by the Office of the Personnel Management. Unlike other countries which have established the SES the US service includes both professionals (90 per cent) and political appointees (10 per cent) ^[2] The US SES was created to:

1. improve the pay and status of senior officials
2. Create a service wide senior personnel system with increased opportunities for mobility management training and career development.
3. reduce tensions between political appointees and career officials and
4. trade off enhanced remuneration packages linked to performance evaluation criteria against secure civil service status foregone upon entering the programme ^[3].

The concept of the SES in the US differs from the traditional civil service models in that it is possible to rise through the civil service ranks to attain SES status or to enter laterally from outside the government ^[4].

Senior executive service in Australia

The Australian SES was created in 1984. It was given legislative cover in 1999 with the enactment of the Australian Public Service Act. Section 35 (2) of the Public Service Act provides.

The function of the SES is to provide a group of APS

1 Commonwealth Secretariat, 1996

2 US Office of Personnel Management (2004)

3 Ibid

4 Nunberg (1994) p. 28

(Australian Public Service) employees each of whom, within his or her Agency.

- a. provides one or more of the following at a high level
 - i. professional expertise
 - ii. policy advice
 - iii. management
- b. promotes cooperation with other Agencies and
- c. By personal example and other appropriate means promotes the APS Values and compliance with the Code of Conduct.

Adoption of the SES in Australia was based in part on the model of the SES in the US which had been set up six years earlier. The premise underlying the introduction of SES in Australia was that there should be no significant difference between executives in the public and private sectors and hence the public sectors executives should be managed similarly. Based on this premise it was felt that public sector performance could be improved by linking it with pecuniary rewards and sanctions in the context of a formal performance appraisal system and that in following the principle of management autonomy the best managers needed should be recruited for the public sector. As a result all SES vacancies became open to applicants outside the APS as well as to serving officials. Arrangements for staff selection development mobility promotion and tenure were designed specifically to meet common requirement at senior levels^[5].

Senior Executive Service in New Zealand

With the introduction of public sector reforms the departments and agencies started hiring senior staff from the open market on fixed contracts at market competitive salaries with the result that conforming to private sector norms the loyalty of the newly recruited staff came to lie with the individual departments and agencies rather than with the public service as a whole. In order to combat the threat of departmental atomism and the potential erosion of public service ethos the SES was created. It is a select cross-departmental corps appointed by the individual chief executives of the executive agencies but with the approval of the state services commission. The members of the SES are retained on fixed term contracts with centrally determined salaries for a period up to five years^[6].

Civil Service in Sweden

As noted earlier separation of policy and operational functions into ministries and agencies has been a hallmark of Swedish government for over 200 years. There are about 300 agencies for public services delivery and approximately 99 per cent of government employees work in the agencies while the remaining 1 per cent work in the ministries^[7]. A director general heads the agency and is appointed on a fixed term of seven years. Majority of the director generals have public sector background although there are quite a few from the private sector.

The agencies in Sweden are totally autonomous free from any control and regulation by the central government. As Blondal observes the managers in the agencies enjoy great flexibility with a focus on what they do not how they do it

the focus is now on outcomes and outputs^[8]. the director general is held accountable for results. Accountability is achieved through the ministries specifying desired results in a Letter of Instruction which includes a review of how the agency's work contributes to the government's desired outcomes a specification of objectives and targets and how the agency should report back on the results achieved and specification of any special assignment that the agency is commissioned to carry out^[9] The agencies report their results in the annual report that includes a report on performance. As the Ministry of Finance guidelines stipulate, "The agency shall comment on its work performance in relation to the objectives and in accordance with the reporting back requirements specified in the Letters of Instruction. The agency shall in particular comment on the performance reported in relation to the objectives of its work that the government has specified in the Letter of Instruction or some other decision. The particulars in the performance accounts shall be based on documented data and measuring methods^[10]. Policy is prepared and released to the public to explain the objectives of the new policy. In cases where the policy blueprint has been deliberated in the council the Diet approves the policy proposal almost automatically. According to a survey undertaken by Nikkei Business^[11] there are 215 deliberation councils involving some 4700 persons serving on these councils. Some of the important ones are the Economic Reconstruction Planning Council the Industrial Rationalization Deliberation Council the Economic Council and the Administrative Reform Council. Almost all the ministries have deliberation councils. What is important to note is that the functioning of these deliberation councils has led to the creation of nodes of policy network in the civil society that is institutions connecting the civil service and civil society^[12] and these nodes are embedded in the policy network in transparent consultative processes.

Civil Service Management in Japan

In Japan, it is the national personnel authority that determines pay scales tenure and promotion policies of civil servants administers examinations and makes appointments. As a World Bank report states Japans Prime Minister names only his ministers, and except in a few cases one of his two Vice-Ministers in each ministry the National Personnel Authority is responsible for the rest^[13]. It is in fact the existence and effective functioning of the national personnel authority that has insulated the civil servants from political pressure in Japan^[14].

Delivering Public Service in Japan

Japan started implementing the executive agency model in April 2001^[15]. Although separation of policymaking from operational responsibilities and public service delivery had long been on the agenda of the Liberal Democratic Party (LDP) it was difficult to implement the separation because of resistance from powerful civil servants in the ministries.

5 Nethercote (2003) P. 78

6 Review de Ecole Nationale d Administration (Paris, May 1946) p. 55.

7 Blondal (2001), pp.27-58.

8 Ibid p.49

9 Das (2001) P. 187

10 Blondal (2001), p.53.

11 Ibid.

12 Ibid.

13 World Bank (19993a) p 170

14 Das (1998) p.77

15 Yamamoto (2006) pp. 35-44.

In fact, since its formation in 1955 until its splintering in 1993 the LDP was committed to high growth policies. In this the LDP and the Japanese civil service shared a common concern. The LDP granted substantial autonomy to the civil service to shape and carry out comprehensive and long term pro-growth policies^[16]. But within the civil service those working in the ministries were not prepared to give any kind of autonomy to public service delivery organizations. However, when a survey reported that less than 20 per cent of the population rated the activities of the government reflecting the needs of the people the LDP made the adoption of the executive model an election issue in 1996.^[17] Once it came to power the LDP enacted a law creating executive agencies calling them Independent Administration Institutes (IAIs) By 2004, 105 IAIs had been set up and 224,000 civil servants were working in these agencies^[18]. The chief executive of the IAIs is appointed by the departmental minister. The chief executive is free to appoint staff on contract and pay them performance related remuneration. The government gives an operating grant and a subsidy for capital expenditure to each agency and the agency is allowed to spend the grant without any restriction by the ministries.

The Existing Legal Framework for Civil Services in India

Part XIV of the Constitution of India Article 308 onwards - makes provisions for dealing with the civil services. In terms of Article 309, the appropriate Legislature (Parliament or the State Legislature) is empowered to legislate to regulate the recruitment and conditions of service of persons appointed to the public services and post them in connection with the affairs of the Union or of any State. The proviso to Article 309 states that it shall be competent for the President or the Governor as the case may be to make rules relating to the recruitment and conditions of service of persons appointed to the services and posts in connection with the affairs of the Union and the State respectively until provisions in that behalf are made by or under an Act of the appropriate Legislature.

The proviso reads: "Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union and for the Governor of a State or such person as may direct in the case of services and posts in connection with the affairs of the State to make rules regulating the recruitment and the conditions of service of persons appointed to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article and any rules so made shall have effect subject to the provisions of any such Act."

In terms of the above proviso a number of Rules have been made from time to time by the Union and State Government and these essentially govern and regulate the public services in India. Articles 310 of the Constitution provides that all members of the civil services of the Union and the All India Service hold any civil post at the pleasure of the President and all members of the civil services of a State do so at the pleasure of the Governor of the State. Article 311 provides certain safeguards regarding dismissal, removal or reduction

in rank of persons employed in civil capacities. Article 312 provides for constitution of the All India Services. Article 318 to 323 deal with the Union Public Service Commission and State Public Service Commission. Article 320 stipulated that it shall be the duty of the Union and the State Public Service Commission to conduct the examinations for appointment to the services of the Union and the services of the States respectively. It further stipulates that the UPSC or the State PSCs shall be consulted on all matters relating to methods of recruitment to the civil services and on the principles to be followed in making appointments to the civil services and posts in making promotions and transfers from one service to another. Article 323 lays down that it shall be the duty of the Union Public Service Commission to present annually to the President a report of the work done by the Commission and on receipt of such reports the President shall cause a copy thereof together with the Memorandum explaining as respects the cases if any where the advice of the Commission was not accepted the reasons for such non-acceptance to be laid before each house of Parliament. Similar provision also exists for the State Public Service Commissions. Article 323 (a) authorizes the Parliament to set up administrative tribunals regarding disputes with respect to recruitment and conditions of service of persons appointed to public services. Parliament in exercise of its power under Article 309 of the Constitution has enacted the All India Services Act, 1951. This law authorizes the Union Government in consultation with the State Governments to make rules for the regulation of conditions of service of persons appointed to an All India Service. Exercising the powers conferred by the All India Services Act, 1951 the Union Government after consultation with the Governments of the States have notified several rules like All India Services (Provident Fund) Rules, 1955 All India Services (Conduct) Rules, 1958. All India Services (Discipline and Appeal) Rules, 1969 etc. Similarly Rules have been notified governing different aspects of all the Central Services. From the above it is clear that the relationship between a civil servant and Government is defined by Statutes/ Rules. Different aspects governing the conditions of service of civil servants are provided by different rules promulgated under Article 309 of the Constitution. The Second Administrative Reforms Commission is of the view that in the Indian context it is important to examine what is sought to be achieved by the contemplated legislation and what would be the salient features of the proposed Public Service Law. The Commission has recommended a slew of measures for reforming the civil services. Some of these measures would require a legislative backing which could be embodied into a new Civil Services Law. The recommendations made by the Commission could be grouped into the following^[19]:

Senior Executive Service

An SES should be set up as the leadership cadre in the government for higher level policy advice managerial and professional responsibilities. It has also suggested that the appointments to the SES should be open to applicants from outside the civil service as well as serving civil servants. It is suggested that the Authority should be charged with the responsibility of advertising the vacancies in the SES invite applications from eligible persons both in open market and

16 Yamamura (1995) p. 111

17 Yamamoto (2006)

18 Ibid.

19 Second Administrative Reform Commission, Chapter -17, P.298.

servicing civil servants conduct interviews and select the best person for the job. The Authority could then process the cases for the approval of the appointment committee of the cabinet. While submitting its Annual Report to the legislature the Authority should invite the attention of the legislature to cases in which its recommendation has not been accepted.

Senior Executive Service in Indian government in the form of the Indian Administrative Service (IAS) but it is a career based SES. It is like a closed club Selected very early in their careers the members of the IAS are trained and nurtured to become an elite administrative cadre and positioned on an assured and accelerated career path. However the assurance of a secure career path has turned out to be its Achilles Heel. Since appointment to all the top positions are made from the IAS it has discouraged initiative by reducing competition. This has made the IAS as closed as a caste structure. In fact, the IAS has made it difficult not only for highly qualified persons outside the government but also for high performers from other services to get selected for top positions. Why did India opt for a career-based SES. The choice in favour of the system was made at the time of Independence when there was scarce managerial capacity in the country. At that time there was need to identify a few potential managers with high academic achievements and to train and nurture them. The idea was that high academic achievers can acquire soft skills and knowledge of the government via training and career management. In addition, it was believed that a managed system of rotation among important posts in the government would have created a group of generalist administrators who can quickly grasp the ropes of the organisation they are posted to. These and the sophisticated political judgement they acquire through working closely with the political executive were intended to create successful government managers at the top level.

We need to recognize that these assumptions were made at a time when the tasks the civil service was called upon to perform were simple and repetitive and did not call for any particular expertise. The civil service functioned in a slower paced ambience where change if at all took place with weary reluctance and users of the government services had similar wants and needs. Things have changed now. We need to recognize the complex challenges of modern administration and the specialized requirements of emerging sphere of activities. Policymaking and implementation at the highest level involve intricate issues which need domain expertise long experience in the sector and deep insights. The members of the IAS are not able to provide these. They are also handicapped by the fact that they are rotated so often and so frequently between posts that they are not able to acquire even a passing familiarity with the subject they deal with. On the other hand with rapid expansion of knowledge increasing complexities in certain fields rapid expansion of the private sector a large amount of expertise has developed outside government. As if to compound the problem the empanelment system which is in operation in Government of India to choose civil servants from the IAS and other services to man positions at the top is fundamentally flawed. In this system only those officers who have superior career records are put on a panel of names and only persons on the panel are selected for top civil service assignments at the level of joint secretary additional secretary and secretary to government.

At the level of joint secretary and equivalent the Civil Services Board finalizes the panel for submission to the Appointments Committee of the Cabinet. In this work the Civil Service Board is assisted by a Screening Committee of Secretaries. For preparing the panel for additional secretary and secretary a Special Committee of Secretaries (SCOS) is constituted to assess the service records of the officers on a grade of 10 and gets the approval of the Appointments Committee of the Cabinet. The empanelment process suffers from several serious defects. It is based only on an assessment of the Annual Confidential Report (ACR) of the officer. The process is completely non-transparent. It is made without either interviewing the candidates or testing them formally. Candidates are officially never informed about their empanelment or otherwise. The candidates who are not empanelled are not given any reason and have no right of appeal. ^[20] The Surinder Nath Committee constituted to review the system of performance appraisal promotion empanelment and placement in respect of the All India Services had this to say ^[21]: The weakness of the empanelment system are similar to those of the promotion system although a significantly higher proportion of officers fail to be selected for the panel. Here again the sole dependence on the ACR from which owing to pervasive grade inflation it is difficult to distinguish between the performance levels of officers is the principal source of the problems. The result, once again, is that many officers in the panel are ill-equipped for the programme and policy formulation positions that they come to occupy. Yet another problem arises from the fact that the members of the Screening Committee, being all serving civil servants are not perceived to be sufficiently independent. Accordingly, unstructured influences are believed to prevail in the empanelment of otherwise undeserving officers. The empanelment process is also not seen as transparent in that the criteria for inclusion is not revealed leading to speculation on the extent to which pressures have been brought to bear on the Screening Committee. The empanelment process and criteria do not take into account the capacities of an officer to undertake policy-making and programme formulation roles and only evaluates officers on how they performed at lower levels (which in practice may mean how few mistakes they committed instead of what they actually achieved at the lower level. A final consideration is that the practice of promotion without competition i.e. automatic promotion in order of seniority subject to meeting (typically modest) a priori benchmarks of performance which has led to complacency among officers must be firmly eschewed.

Personnel Management in Executive Agencies

Personnel management of staff in the executive agencies should be left completely to the agency itself. While the chief executive of the agency should be selected by the Civil Services Authority and appointed by the appointments committee of the cabinet all other staff in the agency should be appointed by the chief executive. For the initial entry positions the chief executive / ministry may get civil service candidates out of the list prepared by the UPSC. Matters relating to promotion and disciplinary procedures should be

20 Krishnan and Somanathan (2005) pp. 297-298

21 Surinder Nath Committee Report (2003) paragraph 8.2.1. 8.2.2 8.2.3 and 9.6

left to the chief executive. The chief executives of all executive agencies should belong to the SES ^[22].

Personnel Management in the Ministries/ Departments

The secretary in charge of a ministry and the heads of the departments should be selected by the Civil Services Authority and appointed by the appointments committee of the cabinet. They will be members of the senior executive service. All the entry level positions in the officer’s grade should be filled up out of the list prepared by the UPSC. Matters relating to promotion and disciplinary procedures in the ministries should be left to the secretaries while for the departments they should be left to the head of the department. On the whole, the guiding principle in civil service management should be that the line departments and organizations should be given adequate freedom and autonomy to perform. We need to enhance the decisional autonomy of civil servants in the line organizations leaving only broad policy to be determined at the central level. This would enable civil servants in line positions to match resources and quality of staffing to the requirements of their organizations ^[23].

Executive Agency Model and Civil Service Reform in India

Adoption of the executive agency model would call for several civil service reform initiatives. Some of these initiatives would have to be undertaken as a prerequisite for implementing the model. In addition, when the executive agencies start functioning successfully it would spark wider civil service reform. It is therefore necessary to map the links between the implementation of executive agency model in India and the wider challenge of reforming the civil service. The links are ^[24];

1. Policy functions need to be separated from service delivery functions. In terms of concrete reform measures it would mean that policy functions should be carried out in the ministries while the executive agencies deliver services.
2. The excessive degree of central control exercised by ministries over operational matters should be eliminated. This requires the emphasis on system wide conformity to be replaced with a combination of guidelines and minimum standards. The abolition of central control will lead to a focus on results and performance.
3. There should be devolution of managerial authority to executive agencies. This calls for granting flexibility to the agencies using budgetary allocations to produce results in accordance with performance targets. The agencies need to be given staffing autonomy as well.
4. An SES should be set up. Because the SES would be open and competitive it would be possible for the government to induct competent professionals from the public and private corporate sector civil society and existing pool of career civil servants. The establishment of SES would also enable payment of compensation linked to performance. If the executive agency model is implemented successfully there would be further consequential reforms.

5. Successful implementation of the executive agency model would prove that government operations should be seen as a collection of interrelated but separately functioning business and managed accordingly This would, indeed be a positive development because the government is too large and unwidely to be managed as one organisation.
6. This in turn would logically suggest a challenge to the concept of a unified civil service. The concept was derived from the practices of Whitehall in the mid-nineteenth century developed on the basis of a career service with tenure until retiring age subject to satisfactory conduct. It is characterized by uniformity of employment and a unified pay structure. Successful functioning of executive agencies with staff appointed on contract with differential terms of employment and levels of remuneration would spark off similar practices across the government. This would be beneficial in the longer term because it will make the government sensitive to the costs of a unified civil service based on the idea of lifetime employment in contract to the benefit it offers.
7. Successful implementation of the model will validate the usefulness of measuring performance through mechanisms that highlight results by focusing on benefits derived from use of public money. In that case the government would like to extend the principle of results orientation to its core activities.
8. With successful promotion of the model the framework of enhancing accountability through stringent performance requirements should find acceptance across the
9. Government spectrum. This would mean using performance agreements throughout the government including in its core activities.
10. Successful use of accrual accounting in the agencies would suggest its extension to core departments of the government. This would give core departments the capacity to generate information on how to enhance decision-making reflect accountability and ensure control over the long term consequences of government policies.

Ministerial Responsibility

It is necessary that the basis of ministerial accountability should remain unchanged even after executive agencies start functioning. The departmental minister should be responsible for deciding the policy framework within which the agency operates for determining its strategic objectives for setting its annual key financial and performance targets for approving corporate and business plans and for monitoring performance against the agency’s targets. Those working in the agencies - including the chief executive should be civil servants reporting to ministers who are accountable to the legislature.

Suggestion.

The legislation in these countries have provided in general for the following:

- A legal basis for the legislature to express the important values and culture it wants in the civil service.
- A mechanism by which government decisions can be implemented.
- A framework for setting out the role and powers of the heads of the agencies and departments and their

22 Ibid. P. 220.

23 Ibid. P. 220.

24 Ibid. P. 73.

relationship to the ministers in a clear and public way.

- An unambiguous statement to those within the civil service and to the people what is expected of civil servants.
- Public service standards and ethical values and how they should be applied
- A framework of public accountability
- Employment principles covering such areas as merit selection and equity in employment
- The basis upon which employment powers are vested in the heads of departments and agencies.

Conclusion

Particularly transformative are the changes brought about in Commonwealth countries such as the United Kingdom Australia and New Zealand with whom we have shared a common ancestry of civil service traditions more and structure the changes in these countries have been brought about in response to the demand that the Civil Service should be fully accountable to the community they serve reflect the hopes and aspirations of the citizens who pay for its upkeep and be responsive to democratic ethos. Civil Service is the instrument created for achieving the ends of public service. It is sad but true that wedded to their permanent privileges and prospects. This instrument in India has become an end in itself. As a result change and reform essential for efficient public service which is citizen oriented is resisted and to that extent the concept sovereignty of the people is jeopardized. The 2nd Administrative Reform Commission has advocated a total change a radical transformation. It has proposed a wide ranging agenda of reforms that includes reforms relating to recruitment training tenure domain competency creation of a leadership cadre incorporating some elements of a position based Senior Executive Service, performance management exit mechanism creation of executive agencies accountability for results a code of ethics and enactment of a Civil Service legislation with the implementation of the slew of reform initiatives proposed in this Report India will have a best practitioner world class Civil Service.

1. That is valued by ministers and is a social of expert objective policy advice.
2. That delivers world class customer focused services day in and day out frequently in partnership.
3. That attracts the best talents from every area of the society.
4. In which the Civil Servants are honest objective impartial and act with integrity.
5. In which the Civil Servants are accountable result-oriented and transparent in their dealings.

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