Block 2

CIVIL SERVICES IN INDIA

ignou
THE PEOPLE'S
UNIVERSITY

UNIT 4 CIVIL SERVICE IN THE CHANGING CONTEXT*

Structure

4.0 OBJECTIVES

After reading this Unit, you should be able to:

- Know the meaning and growth of civil service;
- State the meaning of bureaucracy and its various types;
- Explain the various features of bureaucracy;
- Discuss the growing importance of bureaucracy;
- Describe the merits and demerits of bureaucracy; and
- Highlight the expanding functions of bureaucracy.

4.1 INTRODUCTION

Bureaucracy is a frequently used term in Administration. However, there is a lack of unanimity among administrative thinkers and scholars whether bureaucracy and civil services are synonymous terms or not. To some bureaucracy and civil services are synonymous. For others, bureaucracy is a group of officials to perform assigned duties. It is considered rudimentary for civil service to effectively undertake the governmental administration at various levels. Thus, the civil service is considered as the major organ for accomplishing different tasks. Bureaucracy is an essential part of an organisation.

*This Unit has been adopted from BPAE-104, Block 2

Every organisation, whether big or small, adheres to bureaucratic structure in some form or the other. Lately, the bureaucracy has come under severe criticism. Most people refer to it in a negative terminology. Yet, despite its manifest deficiencies or exposed vices, no organisation, government or private, has been able to do away with bureaucracy. On the contrary, all big institutions or organisations, for example, educational institutions, service agencies, research bodies, charitable trusts etc., have made the bureaucratic structure a vital part of their existence. Thus, it can be stated that bureaucracy has a strong staying and survival capacity. Even the critics and opponents admit that there is more to be gained by keeping or retaining bureaucracy than abandoning it.

We have to, therefore, analyse as to why bureaucracy has become absolutely indispensable. It will, thus, be useful to have a closer look at the meaning of civil service, genesis of civil service over the years, meaning and significance of bureaucracy, its growing importance, its features, functions, merits and demerits. This Unit will try to highlight civil services in the context of modern bureaucracy.

4.2 MEANING OF CIVIL SERVICE

The civil service is for all purposes an important part of the government. It is the competencies of the civil service that form the base for the efficient and effective governance. Its importance can be gauged from two parts. Firstly, for bringing and managing change in political system; and secondly, for not permitting any such kind of changes that could put the system in specific and society in general to any disadvantageous position.

Different scholars have viewed civil service in a different manner. Herman Finer has defined civil services as "a professional body of officials, permanent, paid and skilled". Highlighting its importance, Herman Finer stated that "The function of the civil service in the modern state is not merely the improvement of government; without it, indeed, government itself would be impossible". In the words of E. N. Gladden, "Civil Service is the name of an important government institution comprising the staffs of central administration of the state. It is more for it stands for a spirit essential to the success of modern democracy, an ideal of vocation in public officials who devote their lives to the service of the community". On its need and efficacy, Ramsay Muir (as quoted by Mohit Bhattacharya) mentioned that "Civil Service has become the effective and operative part of our system. The power of the bureaucracy, the permanent civil service, is to be found not only in administration but also in legislation and finance. It not only administers laws, it largely shapes them; it not only spends the proceeds of taxation, it largely decides how much is to be raised and how it is to be realised".

For a long time, the civil services, even in the developed countries, was with those who did not have professional training and were for that matter amateur. The survival of civil service was dependent on the rise and fall of the governments. Prussia was the only country, in the modern times, which had laid down mechanisms for recruitment to civil services. In some sense, even China had certain facets of permanence of civil services. For example, there was no permanent civil service in Britain till the middle of the 19th century. In USA, it remained in position like that of Britain till the end of the 19th century.

The structure of Civil Services in an organised manner gained momentum in India during the British rule. Number of initiatives to this effect was initiated in India during

the colonial period and also in post-independent India. Civil services comprise officials for undertaking administrative work of general nature at different level in the country. The appointments are made by the public service commissions both at the central and state levels.

Civil services in a democratic rule, thus, mean an important component of the governmental machinery. It comprises such non-political and non-elected officials that are engaged in performing such tasks as have been determined under the overall policy framework made by the political executive. In keeping with the 'apolitical' nature of civil services, it is expected of its members to function with all sincerity, dedication and commitment.

Civil services have gained enormous importance and significance over the years. Its major task is not only to implement the Polices and Programmes but also help the Political masters in framing the policies. It is strongly felt that a government can be made to perform without a legislative for some time, but it cannot perform without civil service.

4.3 MEANING OF BUREAUCRACY

Bureaucracy is as old as is government and administration. Though the concept of bureaucracy was developed largely by the sociologists who took a relatively detached, scholarly and descriptive point of view, yet it is a difficult term to define. It means different things to different people. There are almost as many definitions of bureaucracy as there are writers on the subject who emphasise different aspects of bureaucracy. As such, there is no terminological accuracy about the concept of bureaucracy. The term bureaucracy connotes different meaning to highlight different things.

In a more traditional sense, the term bureaucracy is derived from the Latin word 'bureau' which means 'desk' and Greek word 'cracy' which means rule. Thus, it refers to desk rule or desk government. It was a Frenchman, Vincent de Gournay, who first coined the term bureaucracy in 1745.

Bureaucracy is equated by some with efficiency and by others with inefficiency. To some, it is a term synonymous with civil service and for others it refers to a body of officials. But basically, bureaucracy is a systematic organisation of tasks and individual into a pattern which most effectively achieves the desirable ends of such collective effort. It is a regulated administrative system organised as a series of interrelated offices.

According to J.S Mill, bureaucracy denotes professional governors of the government in a society. To Laski, bureaucracy is a rule of the officials in a system of government. Herman Finer has described bureaucracy as rule by officials. Mosca has referred to bureaucracy as one class of ruling elites whose rule is absolute. Michels has expanded the concept of bureaucracy to include salaried professionals in government and non-governmental agencies such as political parties. Marshall E. Dimock identified bureaucracy with institutions and large scale organisations in society. According to him, "Bureaucracy is the state of society in which institutions overshadow individuals and simple family relationships; stage of development in which division of labour, specialisation, orgnisation, hierarchy, planning and regimentations of large groups of individuals either by voluntary or involuntary methods, are the order of the day….. Bureaucracy is simply institutionalism written large. It is not some foreign substance

which has been infused into the life-blood of an institution; it is merely the accentuation of characteristics found in all. It is a matter of degree, of the combinations of components, and of the relative emphasis given to them".

Max Weber, a German Sociologist, occupies a pivotal position with regard to explanations of the concept of bureaucracy. He referred to the formulation of bureaucracy as 'Ideal Type'. The normative model of bureaucracy emphasises the structure of organisation. While the empirical model of bureaucracy, that is, bureaucracy in the modern context emphasises the behavioural and functional patterns in organisation. If we look into structural features of bureaucracy like hierarchy, division of labour, system of rules, etc., bureaucracy is value-neutral. From behavioural angle, since it displays certain characteristics like objectivity, rationality, impersonality, rule orientation, etc., bureaucracy shows some functional, that is, positive as well as some dysfunctional, that is, negative symptoms. From the achievement point of view, it can be regarded as a pattern of organisation that maximises efficiency of administration.

4.4 TYPES OF BUREAUCRACY

Bureaucracy is influenced by social, cultural, economic and political factors. With the result, at different point of time in history, it has taken different shapes and forms. Fritz Morstein Marx has categorized bureaucracy into the following four types:

1) The Guardian bureaucracy
2) The Caste bureaucracy
3) The Patronage bureaucracy
4) The Merit bureaucracy

The Guardian bureaucracy was prevalent in China up to the advent of the Sung period (960 A.D.) and in Russia during 1640 and 1740. The bureaucracy comprised guardians who were selected on the basis of their education and were then trained in right conduct. They were considered the custodians of justice and welfare of the community. Marx defined this type as "a scholastic officialdom trained in right conduct according to the classics".

The Caste bureaucracy has a class base. According to Marx, it "arises from the class connection of those in the controlling positions". In this type, recruitment is made from one class. Such type is widely prevalent in oligarchical political systems. Under such systems only persons belonging to upper classes or higher castes can become public officials. For example, in ancient India, only Brahmins and Kshatriyas could become high officials. According to Max, another way in which such a type manifests itself is, by "linking the qualifications for the higher posts with arrangements that amount to class preference". This is what Willoughby has described as the aristocratic type existing in England till recently where aristocratic classes were preferred to the civil service positions.

Another name for the Patronage bureaucracy is the "spoils system". Its traditional home has been the U.S.A. though patronage had full sway even in the U.K., till the middle of the 19th century where public jobs were given as a personal favour or political award. It is interesting to note that this system worked differently in the U.K. and the U.S.A. In the U.K., patronage bureaucracy marched side by side with an

aristocratic social order and fulfilled its purpose. In the United States, on the contrary, the system worked quite differently and jobs were distributed as spoils to the victorious political party. This system of patronage bureaucracy was condemned as an anachronism for its lack of technical competence, careless discipline, concealed greediness, irregular ways, partisanship and for its absence of spirit of service.

The Merit bureaucracy has, at its basis, merit of the public official and it aims at efficiency of the civil service. It aims at "career open to talent". Here an attempt is made to recruit the best person for the public service, the merit being judged by objective standards. In modern times, this method is in vogue in all the countries. Appointment to public service is now no longer governed by class considerations, and it is no more a gift or a favour. The public servant is not a self-appointed guardian of the people. The civil servant in a modern democracy is really an official in the service of the people, and is recruited on the basis of prescribed qualifications tested objectively. Also he/she owes the job to no one except to one's hard work and intelligence.

4.5 FEATURES OF BUREAUCRACY

The concept of bureaucracy was fully developed by Max Weber. In the Weberian analysis, bureaucracy refers to the sociological concept of rationalism of collective activities. The concept of bureaucracy formulated by Weber is primarily based on his notion of Authority. Weber referred to 3 types of Authority. These are Traditional Authority; Charismatic Authority; and Legal-Rational Authority.

According to Weber, Bureaucracy is important for the constitution of modern complex society, irrespective of its political complexion – capitalist or socialist. It describes a form or design of organisation which assures predictability of the behaviour of employees. Certain design strategies are built into the bureaucratic form of organization:

a) All tasks necessary for the accomplishment of goals are divided into highly specialised jobs. Thus, division of labour and specialisation are ensured in the organisation;

b) Each task is performed according to a consistent system of abstract rules. This ensures uniformity and coordination;

c) Each member in the organisation is accountable to a superior for his and his subordinate's actions. The principle of hierarchy is thus emphasised;

d) Each official conducts the business of his office in an impersonal, formalistic manner;

e) Employment is based on technical qualifications and is protected against arbitrary dismissal. Promotions are based on seniority and achievement.

Weber's model of bureaucracy serves as a frame of reference for social research into bureaucratic realities. This model is considered to be an 'ideal-type' or 'classical model'. To the extent the stated characteristics are present to the maximum in an organisation, that organisation is considered to have an ideal type of bureaucracy.

From the Weberian formulation, one can deduce a set of structural features and another set of behavioural characteristics. Structurally, a bureaucratic form of organisation exhibits the following characteristics:

Division of Labour

The total task of the organisation is broken down into a number of specialised functions.

Hierarchy

The structure of bureaucracy is hierarchical. The extent of authority is determined by the levels within the hierarchy.

System of Rules

The rights and duties of the employees and the modes of doing work are governed by clearly laid down rules. Observance of rules is said to prevent arbitrariness and bring about efficiency.

Role of specificity

Every employee's role in the organisation is clearly earmarked with specific job description. The organisation's expectations of each employee are limited to his job description.

The set of behavioural characteristics of bureaucracy can be described as follows:

Rationality

Bureaucracy represents a rationale form of organisation. Decisions are taken on strict evidence. Alternatives are considered objectively to arrive at a decision.

Impersonality

A bureaucratic form of organisation does not entertain any irrational sentiments. Personal likes and dislikes are not expected to come in the way of work performance. Official business is conducted without regard for political and personal favour. It is a machine like organisation and as such it is characterised by high degree of impersonality.

Rule of Orientation

Depersonalisation of the organisation is achieved through formulation of rules and procedures which lay down the way of doing work. The employees are to strictly follow the rules in discharge of their duties.

Neutrality

As, an aspect of impersonality, this feature of bureaucracy implies unbiased thinking, that is, bureaucracy serves any kind of political regime without being aligned to it. It has commitment to work alone and not to any other value.

As against such positive behavioural characteristics of bureaucracy, there are certain negative or dysfunctional characteristics. These are (a) buck-passing (b) red-tapism (c) reluctance to delegate authority (d) extreme objectiveness (e) strict adherence to rules and regulations (f) rigidity (g) unresponsiveness to popular demands and desires (h) self aggrandizement (i) conservatism (j) precedent-addiction (k) diffusion of responsibility (l) ignoring human element in administrative behaviour (m) arrogance etc. We will be discussing in detail, the merits and demerits of bureaucracy in Section 4.8.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those answers given at the end of the Unit.

1) What do you understand by bureaucracy?

.....

.....

.....

.....

2) State the different types of bureaucracy.

.....

.....

.....

.....

4.6 ROLE OF BUREAUCRACY

Bureaucracy has a very important role in bringing and sustaining development and growth in a country. It is almost universally expected that bureaucracy be so designed and shaped as to respond willingly and effectively to policy leadership from outside its own ranks. Bureaucracy under a wide variety of political regimes displays similarities and diversities at the same time. As Ferrel Heady has said, "Bureaucracy should be basically instrumental in its operation, which it should serve as an agent and not as a master".

But we cannot assert that bureaucracy can or should pay strictly an instrumental role, uninvolved in policy making and unaffected by exposure to political process. In fact, the major cause for worry about bureaucracy is the possibility of its moving away from the instrumental role to become a primary power wielder in the political system. La Palambora felt that restricting the bureaucracy to an instrumental role is all the more difficult in developing nations "where the bureaucracy may be the most coherent power centre and where, in addition, the major decisions regarding national development are likely to involve authoritative rule-making and rule-application by governmental structure which results in the emergence of 'over-powering' bureaucracies". Benard Brown and Milton Esman acknowledge the centrality of administration in developing systems, while advocating that it be strengthened rather than downgraded.

Thus, bureaucracy essentially is an instrumentality of the government and is an aid, essential equipment, for operational purpose. Bureaucracy by its recruitment, training, style and culture is best suited for playing the role of adviser to politicians rather than playing the politician's role. In any democratic set-up, where the party with the mandate of majority of the people gets the controlling authority to govern, it is the politicians who have to fulfill people's demands and aspirations; they reflect nation's will. Therefore, any one who does not represent the people cannot speak for them. Bureaucrats thus

have no primacy, no supremacy, in determining such macro-level national policies. They can, at best, tender professional advice and render assistance, as may be needed from time to time, to the political policy makers in defining and refining the policies. They play, most certainly, the significant crucial role in implementing such policies and taking decisions within the overall framework of such policies.

In normal circumstances, the bureaucrats, since they are professionally trained in their art of "driving under direction", have perfected the technique of 'decision-making'. But otherwise, when it comes to "discontinuity" or "uncertainty", that is, at the time of emergency, they look for directives and seek dictates. Rule application, rule interpretation and rule-adjudication are some of the tasks better done by the bureaucrats. Politicians do not remain in power permanently as they come and go through time-bound electoral process. Political executives are temporary masters, but bureaucrats are permanent employees of the state. They are recruited for their superior merit, knowledge, professional competence, technical know-how, experience and expertise. Their primary concern is goal realisation. It is only after the laws regarding the social, political and economic issues have been made that the bureaucrats come in the picture. Any further requirements to implement these laws is taken over by the bureaucrats and completed. Whether it is the making of rules and regulations under the system of 'delegated legislation' or issuance of necessary directives and guidelines, the bureaucracy performs its functions rather well.

Administrative efficiency through a series of decision-making and decision-implementing activities is the handiwork of bureaucracy. If bureaucracy is often criticized for inefficiency in administration, its deficiencies, slowness, conservatism, negativism, delays etc., it has also to be appreciated for all its achievements in terms of socio-economic development and progress.

There is no doubt that the traditional 'legal-rational' concept of bureaucracy has undergone a change. As discussed earlier, the bureaucracy is not just instrumental any more, waiting for orders to execute, unmoved, unconcerned by any changes. It functions with emotional and psychological involvements in executing programmes. The old time distinction and water-tight compartmentalization between policy and execution is fast disappearing. In the present developmental administration landscape, the bureaucrat has to take the lead. In expanding arena of science and technology, the bureaucrats are everywhere, and have to administer and manage all developmental programmes. In the present times, the bureaucrat cannot afford to be a passive onlooker, and in many cases, he/she has to be pioneering, and display risk taking entrepreneurial skills.

4.7 GROWING IMPORTANCE OF BUREAUCRACY

Bureaucracy plays an instrumental role in converting the government policies into programmes, programmes into projects and projects into tasks for bringing about development. In a developing country like India, government has to act as the "regulator, mediator, underwriter, provider of services, promoter of national standards of decent living and economic and social diagnostician and repairman". State penetration in development process is vital in a country committed towards achieving full employment, satisfactory rate of growth, stable prices, healthy balance of payments, increased production and equitable distribution; this automatically calls for bureaucratic intervention.

In situations of development and change, bureaucracy provides the vast majority of necessary professional, technical and entrepreneurial resources. Without bureaucracy, government cannot function and will not be able to achieve whatever goals it has set for social and economic advancement. Bureaucracy is the agency of such accomplishment. It is involved in all major economic and social activities viz., education and literacy, health and family welfare, rural development and renewal, industrialisation and urbanisation, institutional restructuring, infrastructural modernisation and diverse nation-building programmes.

The importance of bureaucracy is fast growing. The larger the doses of development, the greater are going to be the crucial significance of bureaucracy. Now let us understand some of the reasons responsible for growing importance of bureaucracy.

Increasing Population

If one takes a look at the national scenario, it is apparent that population is increasing. This is more so particularly in developing societies where the population is increasing in geometrical proportion, outpacing the resource-generation and all other developmental endeavours. Population explosion implies more mouths to be fed, which means more food requirement and this necessitates higher production. This requires provision of all necessary ingredients like irrigation, fertilisers, seeds, storage, marketing etc. Similar is the situation in regard to industry. It is the administrative bureaucracy which is called upon to take charge and manage these tasks. The bureaucracy becomes the 'go-between' with the people on the one hand and government on the other. The importance of bureaucracy would naturally rise, with the expanding role it has to play.

Industrial Development

Industrial development of the country, economic growth through trade and commerce, setting up of steel plants, petrochemicals, fertilizer plants etc., inevitably lead to expansion of administration and reliance on bureaucracy. It is required, not only in policy-programmes but also for ground level execution activities.

Responsiveness to People's Need

In keeping with the underlying assumption of serving the masses with utmost efficiency, it is pertinent on the part of bureaucracy to be thoroughly responsive. Citizens Charters and other related measures initiated in the past make people to demand quick action by bureaucracy. Under Right to Information, the citizens can ask for the reasons for delay. Since government assumes the responsibility for efficient performance, bureaucracy has to mobilise the necessary resources.

Multifarious Activities of Modern State

The activities of the modern state have become so diverse and have multiplied so much in scale that more and more public personnel, in their manifold varieties and categories are to be recruited. The developmental, regulatory and even traditional law and order or security functions of governmental administration have grown and people's dependence on administration for more and more things has magnified the importance of bureaucracy.

Rising Expectations of People

The present times are witnessing a revolution in the rising expectations of the people.

Gone are the days when people were passive, dumb, non-questioning and non-assertive. Masses today are demanding, questioning and asserting. They have become conscious of their rights and are demanding better education, health, housing decent standard of living and better quality of life.

All these constitute the modern charter of demands of the people which would mean a long agenda of action for the government, leading, in turn, to widening the rectangle of responsibilities and importance of public bureaucracy.

Challenges of Bureaucracy in Recent Times

State, Society and Bureaucracy have assumed changed roles and responsibilities in the wake of liberalisation, privatisation and globalisation. It is time for the traditional bureaucratic models to learn to change, adapt, and relearn to lead organisationally, to meet the challenges of rapid globalisation, and to respond to citizens' demands and expectations. Bureaucracy must move "beyond Weber" and adapt to changes and transformations that challenge the administrative or bureaucratic systems. Now, the state has evolved from an administrative to a cybernetic state. Civil society has developed into an institution influencing the state policy through public discourse and public dialogue. Bureaucracy now acts as intermediary and facilitator between the state and society. So bureaucracy has become a facilitator, enabler and coordinator besides being the provider of the structures and processes responsible for the production of goods and services. The main challenge is that it must reinvent itself in the light of changing norms of neutrality and commitment, accent on New Public Management, Good Governance, and New Public Service as well as rightsizing and responsiveness. These changes are required to make the bureaucracy goal-centric, results-specific, and people centered.

4.8 MERITS AND DEMERITS OF BUREAUCRACY

Merits of Bureaucracy

We have discussed in one of the earlier sections about the structural and behavioural characteristics of bureaucracy. The merits and demerits of bureaucracy flow basically from the structural strength and behavioural weaknesses of bureaucracy respectively. The very fact that bureaucracy is continuing till date despite several criticisms from almost all quarters, proves, beyond doubt, that there is some intrinsic merit in bureaucracy; otherwise, it would have been wound up long back.

As has been stated, bureaucracy is organised on the principle of division of labour, which leads to specialisation which is a welcoming feature of organisational rationalisation and economic development. Through division of labour, bureaucracy promotes expertise and professionalism.

Similarly, bureaucracy's other structural feature of hierarchy leads to distribution of authority and makes possible better and more effective supervision of work. Hierarchy facilitates orderly arrangement of superior-subordinate relationship and integrates the various roles of the different functionaries. Apart from setting up vertical network, the horizontal work relationships lead to better consultation, pooling of experience, exchange of views and consensual decision-making after taking into account multiple points and counter points. If hierarchy sometimes induces delay, it also makes possible sound policy making.

Bureaucracy basically is an administrative system based on clear and well understood rules and regulations which would eliminate personal prejudices, nepotism and idiosyncrasies. Systematization of rules and regulations reduces the sphere of individual discretion which contains the element of corruption. Strict observance of rules in public organisation and government has, to a large extent, reduced the scope of norm-deviation and has promoted the development of ethical behaviour in the bureaucrats.

Similarly, impersonality is also one of the merits of bureaucracy. Decisions are based not, on communal or regional considerations, but generally keeping the interests of the community as a whole and other social consideration in view, that is, keeping 'public interest' in view. In fact one of the strong points of bureaucratic functioning is that much of the decision-making activity is done through files and papers where statutory or well documented rules and regulations predominate.

Another merit of the bureaucracy is its neutrality. Bureaucracy being the instrument of the governmental organisation is supposed to act in the best interests of the state policy without too much of personal commitment or sectarian bias. The traditional or classical bureaucracy, particularly of the Weberian variety, is based on the political neutrality principle under which the bureaucrats must not display, either in their action or behaviour, any inclination towards any political ideology. They are supposed to perform the instrumental role and discharge their allotted duties and perform the tasks assigned to them in a professional manner, not swayed by personal likes and dislikes.

Bureaucracy is a system where selection of officials is done by merit and the officials are subject to discipline and control in their work performance. Hence, better results are likely to flow from a valuable combination of best brains and rationalised structural functional arrangement.

The contribution of bureaucracy to governmental administration is quite significant. It has made administration more efficient, stable, objective, impartial and consistent. In fact, it is almost indispensable. Hence what is needed is to guard against those characteristics and defects which distort its functionality. Bureaucracy should be subject to a continuing review so that it can be kept on its right orbit.

Demerits of Bureaucracy

The demerits of bureaucracy also flow from those very structural features and characteristics which make for its merits. In fact, the positive behavioural traits could themselves be converted into negative dysfunctionalities, if not handled with care.

Many and varied criticisms have been leveled against bureaucracy. One of its strongest critics was Ramsay Muir, who in his book "How Britain is Governed", has stated that "under the cloak of democracy, it has thriven and grown until, like Frankenstein's Monster, it sometimes seems likely to devour its creator". Lord Hevart characterised the power and authority of bureaucracy as 'Neo-Despotism'.

Bureaucracy has been characterised as unresponsive to popular demands and desires. It is often found that people who come to the various officials for help or assistance are needlessly harassed – which gives the impression that bureaucrats derive pleasure out of such harassment of people. Often bureaucrats show utter lack of concern for public demands or popular aspirations. They become so regulated by the system that they are indifferent to public interest.

Bureaucracy has also given rise to diffusion of responsibility. No one in the official hierarchy wishes to take positive responsibility. "Passing the buck" and transferring the responsibility for either wrong action or inaction is one of the very natural characteristics of bureaucracy. Bureaucracy also suffers from the vices of excessive redtapism or excessive formalism. Redtapism, which implies 'strict observance of regulations' has become one of the symbols of bureaucracy. It is one of the peculiar phenomena of bureaucracy that it lays too much emphasis on procedure through "proper-channel" and precedents which become improper or costly from the point of view of achievement of results and accomplishment of targets.

Lack of dynamism, rigid conformity and non-conformism are other maladies of bureaucracy. It is conservative. It wants to play safe and will not like to go beyond the orbit of safety. Generally bureaucrats do not favour risk, adventurism, forward looking vision. With the result, bureaucracy only plays the game of the possible under the dictates of precedents or orders of superiors.

Empire-building is one of the built-in-tendencies of bureaucracy. The bureaucrats, particularly the ones at the higher level, believe in expanding the frontiers of power by creating and multiplying different organisations under them and justifying their actions on grounds of usefulness or essentiality. In bureaucracy, there is less accountability but more pseudo-authority, whereas authority and responsibility should go together as they are the two sides of the same coin.

Bureaucracy is obsessed with routine and trivial matters rather than a concern for substance. It has also the reputation of being needlessly rigid in outlook and different to popular aspirations, which sometimes promotes a perception that "bureaucracy is contra-democracy". Walter Bagehot comments, "It is an inevitable defect, that bureaucrats will care more for routine than for results". Similarly, Bruke states that "they will think the substance of business not to be more important than the forms of it".

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those answers given at the end of the Unit.

1) State the reason for the growing importance of bureaucracy in recent years.

.....

.....

.....

.....

2) Discuss the merits of bureaucracy.

.....

.....

.....

.....

4.9 CONCLUSION

Bureaucracy is an essential part of an organisation. In this Unit, we have made an attempt to explain civil service; meaning of bureaucracy and its various types, as identified by Morstein Marx. Viz., the Guardian, Caste, Patronage and Merit bureaucracies. We have highlighted Weber's 'ideal type' model of bureaucracy which brings out certain positive structural and behavioural characteristics.

Bureaucracy plays a very important role in bringing and sustaining growth and development in a country. Various aspects of the role of bureaucracy have been touched upon. In recent years certain factors have contributed to the growing importance of bureaucracy like rising expectations of people, multifarious activities of the modern state, Industrial development etc., these have been dealt in the Unit. Though bureaucracy has been looked at derogatively by many, we have not been able to do away with it despite its deficiencies. This establishes the fact that there is some intrinsic merit in bureaucracy. The merits and demerits of bureaucracy have been dealt with extensively in the Unit.

4.10 GLOSSARY

Anachronism : Something which seems very out of date

Buck Passing : It is an informal expression to mean passing on blame or responsibility to someone else.

Frankenstein's Monster : A fictional character who destroyed its own creator

4.11 REFERENCES

Albrow, M. (1970). B*ureaucracy.* London, UK: Macmillon.

Arora, R. K. & Goyal, R. (2013). *Indian Public Administration: Institutions and Issues*. New Delhi, India: New Age International.

Bhattacharya, M. (1984). *Bureaucracy and Development Administration.* Delhi, India: Uppal Publishing House.

Bhattacharya, M. (2013). *New Horizons of Public Administration.* New Delhi, India: Jawahar Publishers & Distributors.

Dimock, M.E. (1960). Bureaucracy Self-examined. In Albert Lepawsky, *Administration and Management.* New Delhi, India: Oxford and IBH Publishing Co.

Downs, A. (1967). *Inside Bureaucracy*. Boston, USA: Little Brown.

Finer, H. (1961). *The Theory and Practice of Modern Government*. Oxford, UK: H. Holt.

Gladden, E.N. (1948). *The Civil Service: Its problems and Future.* Michigan, USA: Staple Press: The University of Michigan.

Heady, F. (2001). *Public Administration – A Comparative Perspective.* New York, USA: Marcel Dekker.

Hooja, R. & Parnami, K.K. (Eds.). (2011). *Civil Service Training in India.* New Delhi, India: Rawat Publications.

Hyneman, C. (1960). Bureaucracy and Democratic System. In Albert Lepawsky, *Administration and Management.* New Delhi, India: Oxford and IBH Publishing Co.

IGNOU Course Material, State Society and Public Administration, MPA-011.

Marx. F.M. (1957). *Administrative State*. Chicago, USA: University of Chicago Press.

Muir, R. (1933). *How Britain is Governed*? Edinburgh, UK: Constable & Company Limited.

Sahni, P. & Medury, U. (Eds). (2003). *Governance for Development*. New Delhi, India: PHI.

Sahni, P. & Vayunanadan, E. (2010). *Administrative Theory*. New Delhi, India: PHI Learning Private Limited.

Second Administrative Reforms Commission. (2008). *Refurbishing of Personnel Administration.* New Delhi, India: Ministry of Personnel, Public Grievances & Pensions.

Sharma, M.K. (2007). *Personnel Administration.* New Delhi, India: Anmol Publisher.

Sharma, M.P., Sadana, B.L. & Kaur, H. (2013). *Public Administration in Theory and Practice.* Allahabad, India: Kitab Mahal.

4.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- There is no terminological accuracy about the concept of bureaucracy.
- Basically, it is considered as a systematic organisation of tasks and individuals into a pattern which most effectively achieves the desirable ends of such collective efforts.
- Traditionally it was referred to as desk government or rule.
- The normative model of bureaucracy emphasized the structure of organisation whereas the empirical model stressed behavioural and functional patterns in organisation.

2) Your answer should include the following points:

- Guardian bureaucracy
- Caste bureaucracy
- Patronage bureaucracy
- Merit bureaucracy

Check Your Progress 2

1) Your answer should include the following points:

   - Increasing population
   - Industrial development
   - Growing needs of welfare of people
   - Multifarious activities of modern state
   - Rising expectations of people

2) Your answer should include the following points:

   - Division of labour leads to specialisation, expertise, professionalism.
   - Distribution of authority and effective supervision of work.
   - Rules and regulations eliminate personal prejudice, nepotism; promotes the development of ethical behaviour in the bureaucrats.
   - Impersonality
   - Neutrality
   - Organisational orderliness, objectivity and stability.

UNIT 5 PERSONNEL AGENCIES/UPSC/SPSC/SSC*

Structure

5.0 OBJECTIVES

After reading this Unit, you should be able to:

- Describe the evolution, structure, role and functions of the Ministry of Personnel, Public Grievances and Pensions;
- Trace the genesis and growth of Public Service Commissions and comment upon their role and functions; and
- Explain the structure and functions of Staff Selection Commission.

5.1 INTRODUCTION

The role of 'personnel' is crucial to the effective functioning of administration and hence 'personnel administration' is the key component of public administration. If administration is the instrument at the hands of political executives who are responsible

*This Unit has been adopted from BPAE-104, Block 3

for the governance of the country in a democratic set up, the personnel constitute the pivot around which administration revolves. The broad goals of public administration, its functions and basis, policies and programmes, measures and methodologies, behaviour and action, its mission, vision and delivery system, to a large extent depend upon the personnel in the public organisations. The tone and quality of public administration to a great extent is determined by the personnel working in public institutions.

In Government of India, all the activities in relation to personnel are the responsibility of the Ministry of the Personnel, Public Grievances and Pensions. Then there is the Union Public Service Commission (UPSC), an advisory body which is assigned the task of recruitment and selection of personnel to civil services. Similarly recruitment to lower level grades in administration is done through Staff Selection Commission (SSC). In this Unit, we shall discuss the role, evolution and functions of the Ministry of Personnel, UPSC/SPSC and the Staff Selection Commission.

5.2 MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

5.2.1 Evolution of Ministry of Personnel, Public Grievances and Pensions

In a large and complex organisation such as the Government of India, the personnel functions of the Central Government used to be performed by the Ministry of Home Affairs through its Services and Establishment Officer's Wings. In the discharge of these responsibilities, the Home Ministry worked in close liaison with the Establishment Division of the Ministry of Finance which was almost a joint-management exercise. The Union Public Service Commission, a constitutional authority set up under Article 315 of the Constitution of India, played a vital advisory role in this framework of central personnel administration, besides recruitment and selection through examination and interviews for the higher civil services and posts under the Union Government. There were also some other organisations and agencies, consultation with which was required for a comprehensive and effective management of personnel in government. This arrangement which continued till August 1970 resulted in division of responsibilities and a lack of unified central direction in the matters of personnel. This emphasised the necessity of personnel functions being handled from a central direction, by a Ministry or Department which should be a focal point of direction and formulation, guidance and superintendence, evaluation and control. There was a need for making this Ministry or Department fully responsible not only for the current day to day tasks but also for prospective, developmental programmes in the context of a changing environment of national goals and democratic socialist ideologies of a welfare state.

It was the Estimates Committee of the Third Lok Sabha (1966), which for the first time advocated the creation of a single agency under the Cabinet Secretariat, responsible for regulation of the terms and conditions of civil services. It observed that "the ever expanding role of the government in a welfare state with its national concomitant of a large civil service, calls for effective personnel control through a single agency. This unified agency should be under the control of the Cabinet Secretariat and made responsible for regulating the terms and conditions in respect of services as a whole, replacing the earlier dual control of the Home Ministry and the Finance Ministry".

The First Administrative Reforms Commission (ARC) enquired into the various facets of public personnel administration in depth. The Deshmukh Study Team of the Commission which studied the machinery of the Government of India and its procedures of work had pointed out that "the fashioning of an effective central personnel agency and the allocation to it of all functions of an overall character in the field of personnel administration is one of the most important reforms required in the machinery of the Government of India". It visualisesd that the Central Personnel Agency should come into being in the form of a Department of Personnel with a full-time and wholly independent secretary as its head. On the acceptance of the recommendations of the ARC, the Department of Personnel was set up in 1970. In 1985, the Department of Personnel became a full fledged Ministry of Personnel, Training, Administrative Reforms, Public Grievances, Pensions and Pensioners' Welfare under the overall charge of the Prime Minister assisted by a Minister of State for Personnel.

5.2.2 Structure of the Ministry of Personnel, Public Grievances and Pensions

The Ministry of Personnel, Public Grievances and Pensions is the coordinating agency of the central government in personnel matters, especially on issues concerning recruitment, training, career development, staff welfare as well as the post retirement dispensation. It is also concerned with the process of evolving a responsive and people-oriented administration. The Ministry is under the overall charge of the Prime Minister assisted by two Ministers of State-one for the Department of Personnel and Training and the Department of Pensions and Pensioners' Welfare and the other for the Department of Administrative Reforms and Public Grievances. All the three Departments of the Ministry function under the charge of Secretary (Personnel).

The Ministry comprises three Departments:

1) Department of Personnel and Training (DOPT)

2) Department of Pensions and Pensioners' Welfare (DOP&PW); and

3) Department of Administrative Reforms and Public Grievances (DARPG)

i) Department of Personnel and Training (DOPT)

The Department of Personnel acts as the formulator of personnel policy and watch dog of the government in ensuring that certain accepted norms and standards as laid down in matters of recruitment, regulation of service conditions, transfers, deputation of personnel are adhered to. It is also entrusted with the task of advising all organisations of the central government on personnel management matters. It is the cadre controlling authority for the Indian Administrative Service (IAS) and the Central Secretariat Services (CSS). The Department also operates the Central Staffing Scheme under which suitable officers from All India Services and Group 'A' Central Services are selected and then placed in posts at the level of Deputy Secretary/Director and Joint Secretary on the basis of tenure deputation. The Department ensures recruitment of personnel for the government through UPSC and SPSC.

The Training Division of DOPT is responsible for conducting the induction training for recruits of the Indian Administrative Service and other All India and Central Services. It also sponsors a number of training programmes for different categories of central and state government personnel. The training division is also responsible for upgradation

of training equipment of government training institutions. The scheme of mid career training for IAS officers is also administered by the training division.

ii) Department of Pensions and Pensioners' Welfare(DOP&PW)

The Department of Pensions and Pensioners' Welfare is the nodal department for formulation of policies relating to pension and other retirement benefits of central government employees covered under CSC (Pension) Rules 1972. Apart from formulation of pension policy for the central government and family pensioners, it also seeks to promote pensioners' welfare and services as a forum for the redressal of pensioners' grievances. However, the pensioners of the Ministries of Railways and Defence are governed by their respective pension rules having their independent administrative set up.

iii) Department of Administrative Reforms and Public Grievances (DARPG)

The DARPG is a nodal agency for administrative reforms and for redressal of public grievances relating to personnel and central government agencies. It also deals with the organisation and methods activities and renders advice to the Ministries and Departments.

5.2.3 Role and Functions of the Ministry of Personnel, Public Grievances and Pensions

The Department of Personnel and Training within the Ministry of Personnel, Public Grievances and Pensions is the central agency responsible for policy formulation and coordination of all activities in the sphere of public personnel management, including administrative vigilance, training, staff welfare, machinery for joint consultation and compulsory arbitration, reservation of scheduled castes and tribes and other categories in the civil services, administrative reforms, public grievances, and pensions. The Department does the rule-making job for the various All-India and Central Services, which include the final interpretation of regulations in cases of doubt and also the overview of implementation and cadre management. It also concerns itself with developmental aspects of the civil servants through training (inside and outside the country), career management through experience-cum-productivity oriented deployment, deputation and assignments, applied and futuristic research on personnel policy and planning besides performing promotional functions by instituting objective reward and punishment systems, conflict-management mechanisms and need-based employee-welfare schemes. The Department of Personnel controls the Indian Administrative Service and Central Secretariat Service and looks after all administrative matters relating to Central Vigilance Commission (CVC), Central Bureau of Investigation (CBI), Administrative Tribunals, Union Public Service Commission (UPSC), Staff Selection Commission (SSC) and Indian Institute of Public Administration (IIPA). It also oversees the functioning of Lal Bahadur Shastri National Academy of Administration, Mussoorie and Institute of Secretariat Training and Management (ISTM), New Delhi.

The role of the Ministry, in the emerging context of modern day requirements of a democratic state should not be confined just to the maintenance of status quo but in the building of a planned system where the best in the society gets attracted towards civil services. The ambit of the Ministry of Personnel in present times is vast impinging on every aspect of bureaucrat's life like career development, cadre management &

review, staff welfare, public grievances, research in personnel policies etc. It is also true that it is not possible to bring about significant changes in all these areas at once in the system. The resource constraints, paucity of adequate and trained manpower, structural support and many other factors tend to come in the way of reforms.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of this Unit.

1) Discuss the Structure of Ministry of Personnel, Public Grievances and Pensions.

.....

.....

.....

.....

2) Explain the functions of Ministry of Personnel, Public Grievances and Pensions.

.....

.....

.....

.....

5.3 PUBLIC SERVICE COMMISSION: EVOLUTION

It was the Government of India Act, 1919, which for the first time recognised the need for the establishment of a Public Service Commission in India. It was of the view that an expert body, free from political interference should be set up, entrusted with the task of recruitment of civil servants and regulation of their service matters. In 1924, the Lee Commission again recommended that the Statutory Public Service Commission contemplated by the Government of India Act 1919, should be set up without delay with the following functions:

i. Recruitment of personnel for the public services and the establishment of proper standards of qualification for admission to these services.

ii. Quasi-judicial functions connected with the disciplinary control and protection of the service.

It was not until 1926 that the Public Service Commission was set up for the first time consisting of four members in addition to the Chairman. The functions of the Commission were advisory in nature. The first Round Table Conference held in London in 1930, the British Government in its Constitutional proposals of 1933 and the Joint Committee on Indian Constitution Reforms (1933-34) emphasised the establishment of Public Service Commission in provinces in addition to the Federal Public Service Commission. These suggestions found a concrete shape in the Government of India Act 1935 which envisaged a Public Service Commission for the Federation and a Provincial Public Service Commission for each province or group of provinces. They were entrusted

with the functions of conducting examinations for appointment to the public services and the government was under the obligation to consult the commission on major matters concerning their conditions of service.

With effect from 1st April, 1937, the then Public Service Commission at the Centre became the Federal Public Service Commission (FPSC). With the promulgation of the Constitution of India on January 26, 1950, the Federal Public Service Commission came to be known as Union Public Service Commission (UPSC). The objectives of the UPSC, in broad terms are to:

- Conduct written examination and interview for the purpose of appointment to a specified group of civil services and posts of the Government of India.
- Advise the Government in matters of framing rules in regard to methods of recruitment, principles of promotion, disciplinary aspects, certain conditions of services such as disability pension etc.

5.3.1 Constitution of the Union and State Public Service Commissions

In Part XIV - Chapter II of the Constitution of India vide Article 315, it has been provided that:

i) Subject to the provisions of this article, there shall be a Public Service Commission for the Union and a Public Service Commission for each State.

ii) The Parliament may by law provide for the appointment of Joint Public Service Commission if two or more states agree that there be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or where there are two Houses, by each House of the Legislature of each of those States.

iii) The Union Public Service Commission, if requested to do so by the Governor of a State, may with the approval of the President, agree to serve all or any of the needs of the State.

Membership

Article 316 of the Indian Constitution provides for the appointment of the Chairman and members of the UPSC. They are appointed, in the case of Union Public Service Commission or a Joint Commission by the President of India and in the case of State Public Service Commission, by the Governor of the State. It has also been provided (as nearly as may be) that one-half of the members of every Public Service Commission should be persons who have held office for at least ten years either under the Government of India or under the Government of State.

Tenure

A member of a Public Service Commission holds office for a term of six years from the date on which he/she enters upon his/her office or until he/she attains, in the case of Union Public Service Commission, the age of 65 years and in the case of State Public Service Commission or a Joint Commission, the age of 60 years whichever is earlier.

On the expiry of the term of office, a person who held office as a member of the Public Service Commission is ineligible for re-appointment to that office. The Chairman of the UPSC shall be ineligible for further employment under the Government of India or

Government of State. However, on ceasing to hold office, the Chairman of State Public Service Commission would be eligible for appointment as Chairman or as any other member of the Union Public Service Commission but not for any other employment. Similarly, a member other than the Chairman of the UPSC shall be eligible for appointment as the Chairman of UPSC or the Chairman of a State Public Service Commission but not for any other employment. The expenditure of the UPSC incurred on the salaries, allowances and pensions payable to the Chairman, members and staff are charged on the Consolidated Fund of India.

Removal

The Chairman or any other member of the Public Service Commission can be removed from their office by the order of the President on ground of proved misbehaviour, after Supreme Court's enquiry and confirmation of guilt in accordance with the procedure prescribed under Article 145.The President in the case of UPSC or Joint Commission, and the Governor in the case of State Public Service Commission, may suspend from office, the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court until the President has passed the appropriate orders of the Supreme Court's report. The President has the authority to remove by order the Chairman or any other member of a Public Service Commission, if the member is:

i) Adjudged an insolvent, or

ii) Engaged in any paid employment outside the duties of the office, or

iii) Unfit to continue in office by reason of infirmity of mind or body.

5.3.2 Public Service Commission: Functions

As stipulated in Article 320 of the Indian Constitution, the functions of the Public Service Commission are as follows:

- It shall be the duty of the Union and State Public Service Commissions to conduct examinations for appointments to the services of the Union and the State respectively.
- It shall also be the duty of the Union Public Service Commissions, if requested by any two or more States to assist those States in framing and operating schemes of recruitment for any services for which candidates possessing special qualifications are required.
- It shall be the duty of the Union Public Service Commission or the State Public Service Commission, as the case may be, to advise on the following matters (on which a Public Service Commission shall have to be consulted) namely on:

  a) all matters relating to methods of recruitment to civil services and for civil services and for civil posts;

  b) the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotion and transfers;

  c) all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or

petitions relating to such matters;

d) any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State, in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of the State;

e) any claim for the award of a pension in respect of injuries sustained by a person while in service under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, and on any question as to the amount of any such award.

A Public Service Commission shall also advise on any other matter which the President, or the case may be, the Governor of the State, may refer to them. It has further been provided that the President, in respect of the All-India services and also in respect of other services and posts in connection with the affairs of the Union (and the Governor in respect to other services and posts in connection with the affairs of states if necessary) a Public Service Commission to be consulted.

It is pertinent to note that a Public Service Commission need not be consulted in respect of appointment or posts in the services in favour of any citizen belonging to the backward class or the manner in which claims of the members of the scheduled castes or tribes will be taken into consideration for appointment under Union or a State (in terms of Art. 335).

Through an Act of the Parliament (or Legislature of a State), additional functions may also be extended to a Public Service Commission. The Public Service Commissions are required to present annually to the President (or Governor as the case may be), a report as to the work done by the Commission and such a report shall be caused to be laid before each House of Parliament (or the Legislature of the State), together with a memorandum explaining the cases of non-acceptance by the Government of the advice of the Commission and the reasons thereof.

5.4 STAFF SELECTION COMMISSION (SSC): GENESIS

It may be seen from the functions of the Union and State Public Service Commissions that they recruit persons only to a small percentage of the total number of positions in the Government of India and other States. The objective of setting up of Staff Selection Commission is to rationalise the arrangement of making lower level appointments to the non-technical grades of the Government of India. The SSC is an attached office.

The genesis of the Staff Selection Commission could be traced to the recommendations of the Estimates Committee of the Parliament. In its 47th Report (1967-68), it recommended the setting up of a SSC, taking the responsibility for conduct of examinations for recruitment to junior level posts from the Union Public Service Commission. The UPSC was overloaded with the task of holding examinations for recruitment resulting in delays in the conduct of examinations, announcement of results leading to problems in filling up vacancies in the Government of India particularly at the junior levels. Hence there arose a need for constituting a separate body entrusted with

the task of recruitment to the junior levels. As an interim measure, an examination wing was added to the Secretariat Training School which was re-named later as the Institute of Secretariat Training and Management (ISTM).

The First ARC in its Report on *Personnel Administration* drew attention to the fact that the bulk of the staff of the government at the centre and in the states belonged to the Class III and IV categories. Keeping in view the identical nature of qualifications required for entry into these posts in various offices, the Commission recommended pooling in the recruitment of the non-technical posts by different departments and selection of personnel either by joint recruitment or through a Recruitment Board. After a careful consideration of this recommendation, the Government of India decided to constitute the Subordinate Selection Commission in 1975. It was redesignated as Staff Selection Commission (SSC) which came into existence in September, 1976.

5.4.1 Structure of the Staff Selection Commission

The Staff Selection Commission (SSC) comprises a Chairman, Secretary and two members. The headquarters of the Commission are at New Delhi. It has a network of nine Regional Offices headed by Regional Directors functioning at Allahabad, Mumbai, Kolkata, Delhi, Guwahati, Bangalore and Chennai and two sub-regional offices at Raipur and Chandigarh headed by Deputy Directors.

The SSC has lately assumed a new role of advising the Ministries / Departments / Organisations to review and recast essential desirable qualifications for specific categories or groups of posts, having regard to the requirements of the job and availability of candidates. Also due to rigorous efforts made by the Commission in making its examinations popular in the areas where there is a sizeable number of scheduled castes and scheduled tribes, there has been an enormous increase in the response of those categories in taking the examination.

It has emerged as a catalytic agent and motivator in organising pre-recruitment training programmes for scheduled castes and scheduled tribes applicants through provision of centrally prepared coaching material, coaching-cum-guidance centres etc. It also undertakes special recruitment drive (special examination) for filling up vacancies reserved for physically challenged candidates. The procedures and practices adopted by the Staff Selection Commission as an examining and recruiting agency are largely based on the system adopted over the decades by the UPSC.

5.4.2 Staff Selection Commission: Role and Functions

The main functions of the staff selection commission are to conduct examinations and interviews, wherever required for recruitment to the posts within the purview. The SSC is one of the largest recruiting agencies of the Government of India. The SSC is mandated with the task of making recruitment to all Group 'B' (Non-Gazetted) and Group 'C' (Non-Technical) posts in various Ministries / Departments of the Government of India and their Attached and Subordinate Offices, except those posts which are specifically exempted from the purview of the Commission. In addition, the Commission, from the year 2016, has been assigned the additional responsibility of making recruitment to Group 'B' (Gazetted) posts of Assistant Accounts Officer and Assistant Audit Officer for the Indian Audit and Accounts Department (GOI, 2018).

The Commission follows three distinct procedures of recruitment:

1) Recruitment through written examination where personality traits are not considered important at the time of initial entry (e.g. Lower Division Clerks, Upper Division Clerks, Auditors, Stenographers etc).

2) Recruitment through written examination and interviews where personality traits are important even at the initial entry stage (e.g. Inspectors of Income Tax and Central Excise, Sub-Inspectors of Delhi Police, Central Bureau of Investigation etc).

3) Selection through interviews where an All-India examination is not warranted but a proficiency or trade test is administered if necessary.

The major responsibilities of the SSC's Regional/Sub regional offices include, inter alia, implementing the policies and programmes of the commission, supervising and overseeing its field operations, liaisoning and establishing rapport with state governments and their departments, making arrangements for impartial and smooth conduct of examinations and assisting interview boards and examination centres within their area of jurisdiction.

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of this Unit.

1) Trace the evolution of Public Service Commission in India.

.....

.....

.....

.....

2) Discuss the structure and functions of the Staff Selection Commission.

.....

.....

.....

.....

5.5 CONCLUSION

In this Unit, we have highlighted the functions of the Department of Personnel which was created in 1970 as a Central Personnel Agency, and later in 1977 became a full fledged Ministry of Personnel, Training, Administrative Reforms, Public Grievances, Pensions and Pensioners' Welfare. This Unit dealt extensively with the evolution and functions of Public Service Commissions in India which are responsible for recruitment and other service matters of civil servants. Apart from the Union and State Public Service Commissions, there is a Staff Selection Commission created in 1976 with the responsibility of recruiting personnel to middle and subordinate level non-technical categories of posts in the government. The Unit also explained the role and functions of the Staff Selection Commission.

5.6 GLOSSARY

Feeder Line of New Ideas : A channel through which ideas can be transmitted successively to the main system.

Insolvent : A person without money, goods or any estate sufficient to pay debts incurred by him/her.

Lee Commission : The Commission under the Chairmanship of Lord Lee set up in 1923 which was also known as Royal Commission on the Superior Civil Services in India.

5.7 REFERENCES

Arora, R.K. & Goyal, R. (2013). *Indian Public Administration: Institutions and Issues* (3rd Ed.). Jaipur, India: New Age Publishers.

Nigro, L.G., Nigro, F.A. & Kellough, J.E. (2013). *The New Public Personnel Administration.* Boston, USA: Cengage Learning.

Government of India (1967). *Personnel Administration - Report of the Study Team (ARC).*Delhi, India: Manager of Publications.

Government of India (1968). *Report on Machinery on the Government of India and its Procedures of Work (ARC).* Delhi, India: Manager of Publications.

Government of India. (2018). *Annual Report of 2017-18.* New Delhi, India: Staff Selection Commission.

Goel, S.L. (2002). *Public Personnel Administration, Theory and Practice.* New Delhi, India: Deep & Deep Publications.

Lok Sabha (Third). (1966). *Estimates Committee; 93rd Report - Public Services.* New Delhi, India: Lok Sabha Secretariat.

5.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

   - Department of Personnel and Training (DOPT)
   - Department of Pensions and Pensioners' Welfare (DOP&PW)
   - Department of Administrative Reforms and Public Grievances (DARPG)

2) Your answer should include the following points:

   - The Ministry is responsible for policy formulation and coordination of activities in the sphere of personnel administration including administrative vigilance, training, staff welfare, administrative reforms, public grievances and pensions.

- Exercise of control over Indian Administrative Service and Central Secretariat Service.

Check Your Progress 2

1) Your answer should include the following points:

   - Recommendation of Government of India Act 1919 which for the first time recognised the need for setting up of a Public Service Commission.
   - Recommendation of the Lee Commission regarding the setting up of Public Service Commission.
   - Creation of Public Service Commission in 1926.

2) Your answer should include the following points:

   - Staff Selection Commission (SSC) comprises a Chairman, Secretary and two members and the headquarters of the Commission are at New Delhi. It has a network of nine Regional Offices.
   - Making recruitment to all Group 'B' (Non-Gazetted) and Group 'C' (Non-Technical) posts in various Ministries / Departments of the Government of India and their Attached and Subordinate Offices.

UNIT 6 CENTRAL AND STATE TRAINING INSTITUTIONS*

Structure

6.0 OBJECTIVES

After reading this Unit, you should be able to:

- Highlight the significance of training;
- Describe the various types of training imparted by the Central Training Institutes;
- Explain the functions of State Training Institutes; and
- Discuss the various measures that can be taken for making the State Training Institute a Nodal training agency in the State.

6.1 INTRODUCTION

Training is an important input for human resource development. It can be viewed as a reciprocal process of teaching and learning, a way of acquiring knowledge and related methods of work. It lays emphasis on the critical significance of human asset, which, given the required orientation and knowledge can be more lasting than the other assets like physical, fiscal etc., which depreciate over a period of time. The inadequacies in personnel are directly related to the insufficiency of their training, which, in a comprehensive sense, is the real remedy for augmenting human resources in administration. The most practical and effective way to overcome this shortage is not

*This Unit has been adopted from BPAE-104, Block 3

by increasing the number of people in the organisation, but by instituting programmes of training to make available, as quickly as possible, the skilled and knowledgeable personnel (administrative, managerial, professional and technical).

Hence keeping in view the importance of training and to make it an organised, systematic, comprehensive activity that, many training institutions were set up in India after Independence, both at the national and state levels. These institutes impart a variety of training programmes like foundational, on-the-job, in-service etc. In this Unit, we shall study about the different roles of training, the importance of Central and State training institutes and the nature of various training programmes, conducted by the institutes. It also highlights the role of State Training Institute as a nodal agency for training in the State.

6.2 TRAINING: SIGNIFICANCE

Training is the process of inculcating in the employees, appropriate habits of thought and action and development of necessary skills, knowledge and attitudes. The ultimate objective of training is to enable employees to become effective in their present and future tasks. Training has varied roles to perform. Let us now discuss these different roles.

Training as a Basic Input for Performance

It is not enough to merely recruit a qualified person in government service. It is essential to train them towards the various goals and objectives of the organisation to which they belong and provide them technical, conceptual and human skills for performance of different activities. If training is not imparted, perhaps such skills would be acquired partially by trial and error or by the application of the rule of thumb which might prove to be detrimental to the organisation as well as the public interest.

Training as an Aid to Attitudinal Change

Training enables entrants in the government service to become familiar with the objectives of their work in the organisation. It also makes them feel that they have a certain contribution to make towards the society through their work. Therefore, training generates in them an awareness of the role and importance of their work. Training also enables a person to develop the right attitude towards time and cost and thereby imbibe a sense of urgency in the disposal of work.

Training as an Aid to Increased Productivity

Training develops proficiency in the specifics of work; this builds up confidence in the personnel and thereby increases their interest and capability in performance of tasks.

Training as an Important Tool in the Context of Implementation of Development Plans

The need for training is all the more important in the present context of complex nature of work, larger in magnitude and multi-disciplinary in character. The implementation of plans and programmes for socio-economic development of the nation, alleviation of poverty in the rural and urban areas, and generation of employment to meet the demands of rising population requires involvement of personnel working in government departments in terms of time and attention and appropriate skills. In meeting the goals

of development administration, training has a very important role of not only providing knowledge for personnel development and work skills, but also changing their attitudes and values.

Training as a learning process has to be continuous because the needs of development and modernisation cannot be met by the training of personnel at a single point of time. Training to be effective should not be treated as an adhoc exercise but as an on-going activity.

6.3 TYPES OF TRAINING

In India, each training institution is unique, as it confines itself to the specific problems and priorities of an area or field. Also it has its own clientele or target group that has to be trained and this determines the scope of operations of the institutions. Now let us discuss the various types of training programmes conducted by the different training institutions.

6.3.1 Foundational Training

The fresh recruits to the civil services, who after successfully competing in the civil services examination join the services, need to be imparted some common training. The basic objective of this type of training is that, irrespective of the educational backgrounds and the disciplines from which the civil servants come, they should be exposed to the basics of administration, fundamentals of the country's socio-economic realities, political environment, government's ideology, the overall system of inter-relationships, inter-dependencies between the different organs and agencies of the government, between citizens and administration, etc. The idea is also that they should develop 'camaraderie' and civil service comradeship, which will prove helpful in their later-careers when they work together in the various departments of the Government of India. This sort of training, is considered 'on campus training' where it is organised in one campus, under the same atmosphere, in the same surroundings, to give them an idea of common living, understanding and functioning together. Keeping these objectives in view the foundational training programme for civil servants was evolved in 1959. At present under this programme, the recruits for IAS and other non-technical services through combined competitive/ civil services examinations are sent to the Lal Bahadur Shastri National Academy of Administration, Mussoorie. Dr. M.C.R. HRD Institute, Hyderabad, RCV'P Noronha Academy of Administration, Bhopal and NADT, Nagpur. This pattern of training is being followed since 2008.

The foundational training now is extended to the recruits of higher technical services like Indian Railway Service, Central Engineering Service (Roads) etc. It is also concerned with professional aspect of personnel development, as it is concerned with the generation of skills, promotion of specific competence and improvement of particular job-centered efficiency. This type of training is conducted in professional training institutes, staff colleges etc., and also imparted on the job, or at the work place through learning by objectives. This training is also essentially of an 'on-entry' type, different from 'in-service' or 'refresher' training, the objective of which is to update the old skills or to impart new skills relevant to the functions performed. Foundational training relating to professional tasks for the new inductees emphasises, besides showing improved ways of doing things and new technical know-how of work, the socio-cultural dynamics of the particular service. This foundational training is directed towards

enhancement of policy formulation and capabilities for assuring senior positions in government.

6.3.2 On-entry Training

This training, which can also be termed 'post-entry training', may take various forms, orientation, induction, on the job etc. This on-entry training is to be distinguished from later career programmes or in-service training which is given to the employees during their mid-career or 'maturation stage' i.e., at the higher / senior career stage. This in-service training about which, we shall study later may take various forms like refresher training, retraining, managerial training (management development programmes), executive development programmes etc. On-entry training, at the entry point in service becomes very important, as it prepares fresh recruits to the new job. It is the training which is imparted after recruitment and before assignment to a job. The 'on-entry' training can be divided into the following phases:

Orientation

It provides a general introduction to public employment usually during the first few days or weeks of service. It is a sort of familiarisation exercise, which focuses on the work environment i.e. organisational set up, its aims and objectives, rights and duties of employees etc.

Induction Training

Induction training which is also a sort of post-entry training goes beyond orientation and involves instruction (at the outset of public employment) regarding the performance of tasks related to particular positions, of duties of a certain grade in a cadre or service. Induction training has a specific job-centred focus and includes usually weeks or months of formal instruction soon after the initial appointment. The primary objective of this is to accelerate the learning process of the individuals about the basics of work, its content, procedures, rules and regulations etc.

The induction training is imparted to the recruits of All-India Services, Central and Technical Services in their own departments during the remaining period of probation, before being given an independent charge. For instance, the Institute of Secretariat Management and Training at Delhi which is also a Central Training Institute conducts induction training for Section Officers of Central Secretariat Service and Indian Foreign Service (B) and orients them towards government procedures, noting, drafting etc. Also, it holds induction training programmes for directly recruited members of Indian Economic Service and Indian Statistical Service towards organisational set up of Central Secretariat and Parliament. Such courses are held regularly at various Central Training Institutes.

On-the-Job Training

This type of training is based on the premise that a person's best learning takes place on the job. This relates to 'learning while working' through 'trial and error' method or informal practical introduction to the job or under the guidance of the first-line supervisor or other senior experienced persons in the organisation. This is purely job-centred i.e., training related to the nature of work and the place of work.

The rapid advances in the socio-economic, technological, educational fields make it

imperative, on the part of personnel, to update their knowledge and acquire specialisation. Hence, the initial training and on-the-job training need to be supplemented by in-service training which has to be imparted to the employee at the various stages of his/her career. This enables one to update necessary skills and knowledge and face the increasing job responsibilities. Now we shall discuss the significance of in-service training and its various types.

6.3.3 In-service Training

In-service training is the training imparted to the employees in their mid-career or at a later stage in their service. Hence it is also known as mid (later) career training. Staff development is a continuous process and it is an important factor contributing to organisational effectiveness. The fundamental assumption behind in-service training is that since the basic or initial training imparted to the employees at the time of joining is not sufficient for their whole career, there is a need for inducing in them new knowledge, skills, better attitudinal and behavioural patterns. This would enable them to face the rapidly changing technological and administrative environment. It emphasises on the development of coherent thinking and problem solving ability, which enhances their performance levels.

In service training is imparted to the civil servants by different training institutions. Consequent to the Yugandhar Committee Report (2003) on training, compulsory in-service training has been introduced at midcareer level for members of All India Services. There are several training Institutes such as the Indian Institute of Public administration, New Delhi, National Institute of Rural Development and Panchayati Raj, Hyderabad, Administrative Staff College of India, Hyderabad involved in imparting in –service training to IAS officers.

As we discussed earlier in the Unit, in-service training takes the form of refresher courses, retraining, or management training etc.

Refresher Courses

Often employees are imparted training periodically in their own occupational jurisdiction or functional areas or professional specialities. The basic objective of such courses is to enable them to refresh their knowledge and skills which they had learnt in their early careers, or to renew/sharpen their skills or to acquaint themselves with new developments. Many a times the employees due to their pre-occupation with the routine tasks are unable to keep themselves regularly updated. This is particularly so in technical occupations like, medicine, agriculture, engineering, science or other related professional fields. Refresher programmes are conceived as 'consolidation of knowledge, skill and experience'.

In 1985, the Ministry of Personnel, Public Grievances and Pensions made it mandatory for all IAS officers of junior, middle and senior levels to attend a one week refresher course. This sort of vertical participation from junior to senior levels was necessary to facilitate interaction between those who formulate policies and those who implement them and provide for sharing of experiences in policy planning and programme implementation among participants.

Re-training

A somewhat different, though to an extent allied, concept of training is available in 're-

training', which would include instruction in a new field of specialisation or at least an extensive training in the field of specialisation. Ordinarily, re-training is imparted when an employee or a group of employees is to be assigned new tasks or expanded duties of such magnitude as to constitute almost a new work-assignment. This is necessary to offer the employee broader skills to tackle the job-challenges of a new area.

Management Training

Management Training is a relatively new and interesting development in the area of personnel management in general, and in the field of training, in particular. Though, generically it may cover all training above the supervisory level, the specific typology of this training is found in Executive Development Programmes (EDPs) and Management Development Programmes (MDPs). These programmes are meant for Group A Officers of All India/Central Services. These are aimed at enhancing the awareness of middle level officer, towards the socio-economic environment, imparting knowledge of modern concepts and practices of management, providing an understanding of some of the modern management techniques and tools, and developing sensitivity towards human element in administration. The Executive Development Programme is of 6 weeks duration and is intended for officers with 6-10 years service in Group A, while the Management Development Programme is of 4 weeks duration and is meant for All India and Central Services Group A with 11-15 years of service.

An assumption which is widely prevalent in the senior circles of bureaucracy is that the highest level of management does not need any kind of training and that there is very little for them to learn. Such assumptions are not only inaccurate, but also damaging to the public interest. It is true that their job does not basically require any particular specialisation, it mainly involves policy-formulation, and rendering of advice, but to make their outlook and approach integrated and global, they also need to be exposed at times, towards specific studies of a set of policy problems or a detailed study of the whole policy making process in some area of administrative activity. In addition, this training has to be imparted in different areas such as problem solving, leadership patterns, attitudinal changes, motivational techniques etc.

The Second Administrative Reforms Commission considered training as a critical component of human resource development. It was of the opinion that the current system of training for the civil services does not adequately reflect changes in the socio-economic scenario and the emerging new challenges. Also there is inadequate emphasis on the training needs of the cutting edge level functionaries. Hence it opined that it is necessary to expose civil service trainees to new management skills and also to concepts such as team work, public private partnership, managing networks and issues relating to tackling of corruption. According to the commission there is a need for mandatory training of all civil servants at the induction stage and prior to every promotion along with mid-career training through domain knowledge and a monitoring mechanism to oversee the training policy.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of this Unit.

1) Discuss the significance of foundational training.

.....

.....

.....

.....

2) Highlight the objectives of in-service training.

.....

.....

.....

.....

6.4 CENTRAL TRAINING INSTITUTES

In India, training for public services has been a long established practice with some training institutes, which had been in existence, during pre-independence days, at the time of East India Company. Though there were institutions such as College at Fort Williams in Calcutta (1800-1806), East India College (1809-1857) popularly known as Haileybury College, it was only after independence that training became a focal point of concern of the government. The need for training was felt to improve the quality of civil servants, and therefore it became an integral part of the personnel policies of government. Almost all the reports on administrative reforms from Gorwala Report on Public Administration (1951) to Administrative Reforms Commission (ARC) (1966-72) Reports and those in the post ARC period have emphasised the need for a systematic and coherent training and career development of public services.

The First Administrative Reforms Commission was of the view that training is an investment in human resources, and it is an important means of improving the human potential and increasing the efficiency of personnel. Training, the Commission felt, was necessary immediately on induction to the service. Also after some years of experience a person must receive training to suit the specific needs of one's particular field. It laid considerable emphasis on mid-career management training and also recommended training for middle as well as senior management.

As a result of these attempts, a number of training institutions have been set up at the Central and State levels to impart training in administration and management techniques with a view to catering to the generalised and specific needs of personnel of public services.

The Lal Bahadur Shastri National Academy of Administration (LBSNAA), the premier Central Training Institute, trains IAS personnel after entry as well as, later, in their mid-career, through refresher courses, besides conducting on-entry foundational training for probationers of different non-technical group A services and the three All India Services i.e., IAS, IPS and IFS. Since the academy cannot cater to the training needs of all categories of personnel, various training programmes have now been assigned to different institutes, to conduct training of members belonging not only to IAS, but also to other services. These are referred to as Central Training Institutions and National Training Institutions. These include institutions set up by the government to cater to the training needs of All India and Central Services like:

i) Sardar Vallabh Bhai Patel National Police Academy, Hyderabad

ii) Forest Research Institute, Dehradun

iii) National Academy of Direct Taxes, Nagpur

iv) National Academy of Indian Railways, Vadodara

v) Postal Staff College of India, Ghaziabad

vi) National Academy of Audit and Accounts, Shimla

vii) National Academy of Customs, Excise and Narcotics, Faridabad.

viii) Foreign Services Institute, New Delhi

In addition to these, the banking institutions and public sector undertakings also have their own training centres. Training institutions in the area of rural development have been set up too for instance, the National Institute of Rural Development and Panchayati Raj at Hyderabad, the Institute of Rural Management, Anand. These institutions are doing pioneering work in training for management of rural development. A number of state governments have also established their own State Training Institutes (STIs) which provide post entry and in-service training to members belonging to state civil services and other employees of government departments, about which we shall discuss in the following section.

The training institutions, besides conducting their own technical and professional programmes, organise short-duration, mid-career courses like Management Development Programmes (MDPs), Executive Development Programmes (EDPs), Management in Government Programmes (MIGPs), depending on the seniority grouping of trainees. The content of the training programmes cover areas such as Personnel Management, Human Resource Development, Behavioural Sciences, Financial Administration, Rural Development, Municipal Administration, Organisation and Methods, Industrial Relations etc. The training institutes manage these programmes partly through their own faculty and partly through guest faculty invited from outside with specialisation, expertise and experience in the specific areas of work.

6.5 STATE TRAINING INSTITUTES

The state civil services functioning at the intermediate levels constitute an important component to the civil services in India. In recent years, with significant changes in the nature and functions of the state government which include maintenance of law and order, civic services, revenue collection, development activities, there has been a considerable increase in the number of entrants to these services and other staff. The changing complexion of functions of government calls for increasing degree of specialisation, modern management skills and techniques and also understanding and commitment on the part of personnel, to perform the assigned tasks.

Training effort, by and large, in most states, has for long been a neglected aspect. The need for imparting institutional and on the job training to civil servants at various levels in the states has been emphasised by different Administrative Reforms Committees. These include Maharashtra Administrative Reorganisation Committee (1962-68), Andhra Pradesh Administrative Reforms Committee (1964-65), Mysore Pay Commission (1966-68). The need for formal and institutional training for civil servants

was also clearly recognised by the First Administrative Reforms Commission and its study team on State Level Administration (1967-69). Both recommended that each state should have a training college/institution. The study team felt that "training is a continuous process and should be imparted not only to new recruits but also to those who are already in service. In a few states the institution of the officers' training schools is not in vogue. It is desirable that each state should have officers' Training School of its own". All this led to increasing awareness of training amongst the states and paved the way for setting up of State Training Institutes (STIs) in their respective states for providing post entry and in-service training to their employees.

Some of the important STIs are:

i) Dr.Marri Chenna Reddy Human Resource Development Institute, Hyderabad

ii) Sardar Patel Institute of Public Administration, Ahmedabad

iii) Haryana Institute of Public Administration, Gurugram

iv) Himachal Pradesh Institute of Public Administration, Shimla

v) Institute of Management in Government, Thiruvananthapuram

vi) Punjab State Institute of Public Administration, Chandigarh

vii) HCM Rajasthan State Institute of Public Administration, Jaipur

viii) Administrative Training Institute, Kolkata

ix) Uttarakhand Academy of Administration, Nainital

x) Uttar Pradesh Academy of Administration and Management, Lucknow

xi) Administrative Training Institute, Mysore

xii) Yashwantrao Chavan Academy of Development Administration, Pune

xiii) RCVP Noronha Academy of Administration and Management, Bhopal

6.6 STATE TRAINING INSTITUTES: FUNCTIONS

The State Training Institute normally performs the following specific functions:

1. Providing training to officers of the All India Services allotted to the state with a view to acquainting them with the socio-economic, cultural and historical background of the state and the administrative system of the state government relevant to their functions and to sensitise them to problems peculiar to the state.

2. Conducting courses for officers of the All India Services and the state services which are sponsored by the various concerned ministries of the Government of India.

3. Organising foundation training courses for officers of the state civil services with a view to fostering a spirit of camaraderie in them and orienting them to common basic values of the administrative system of the state.

4. Holding induction courses for directly recruited officers of the State Administrative Services and such other services which do not have induction training facilities in

their concerned departments. Training is imparted, at times, in specific areas such as general management, financial management, office management, computer applications etc., in cases where the departments concerned do not have adequate infrastructure to impart training in the above areas.

5. Conducting refresher and in-service training courses for officers of the state government in specific areas of interest.

6. Organising programmes for training of trainers of the departments and other training institutions in the states.

7. Ensuring that appropriate and adequate training is imparted to officials of all the departments at all stages and at suitable intervals at departmental and other training institutions and coordinate all such activities in the state.

There are around thirty State Training Institutes in India and it is necessary to bring about some degree of uniformity in their structure and activities. This can be done, by identifying the STI as the professional training institution for the State Administrative Service, adopting the pattern of training as imparted by Lal Bahadur Shastri National Academy of Administration (for IAS), for the State Administrative Service and also making the STI responsible for conducting a common foundational course for direct entrants to class II civil services to be followed by an induction training programme.

The State Training Institution as an apex or nodal state level institution has a very important role to play in the training of personnel in the state. The main role of this institution is not only to organise induction, refresher, in-service training programmes for the main services of the state, but also to assess the training needs of officers at different levels of all the departments / organisations at the state, and provide necessary training programmes. It has to draw up master plans for training of all the civil servants in the state. If the STI has to discharge its nodal role effectively, it has to assume the responsibility of evaluating training activities from time to time with a view to upgrading the standards of training.

The State Training Institute, if it has to develop as a centre of excellence in training has to establish linkages with relevant national level institutions in the country, horizontal and vertical linkages with other STIs functioning at the same level in other states so as to strengthen each other and provide cooperation in the field of training. Also, the training activity should be decentralised, with the setting up of decentralised training centres at the Regional / Divisional / District level for staff recruited at the district levels. For instance, the Himachal Pradesh Institute of Public Administration, Shimla has been designated as the training institution for a number of other cadres and services as well. The prominent among which are:

- State Administrative Training Institute
- State Institute of Rural Development
- Training Centre for Natural Disaster Management
- Training for the Subordinate Account Services (SAS).

The Institute has also established two Regional Centres at Dharamshala and Mandi which are the two Divisional Headquarters, besides Shimla.

The Institute of Management in Government (IMG), Thiruvananthapuram (Kerala) was established as an autonomous body in 1981 under the auspices of Government of Kerala with the objective of developing managerial skills, organisational abilities, leadership qualities and decision making skills among different categories of employees of government, private and public sector. The IMG has been mandated to implement the State Training Policy 2004 of Government of Kerala. The policy aims at building competent professional and committed civil service in the state. It has two centres one each at Kochi and Kozhikode.

Another important aspect is the training of trainers of the Institute, as the quality of trainers determines the impact of the training programmes. The trainers need to be exposed to field research work where they are confronted with real life problems faced by the trainees and encouraged to develop case studies for discussion during training programmes. They are also made aware of developments in training technologies on a continuous basis. Replacing the lecture system by more sophisticated systems like syndicates, role play, case study methods etc., becomes an absolute necessity. Also if the State Training Institute has to discharge its nodal role effectively, it has to assume the responsibility of evaluating the training activities from time to time with a view to upgrading the standards of training.

The general approach to training and the crucial role that the State Training Institute has to play in the overall context of training in the state, should be exceptionable with necessary modifications to take into account the special circumstances and conditions in a particular state.

The Second Administrative Reforms Commission emphasised on the need to revitalise the national and state level training institutions to meet the training objectives. A strong network of training institutions at the union and state levels needs to be built up to cater to the training requirements of civil servants. Also a few training institutions can be identified for capacity building and upgradation. It also recommended the setting up of a National Institute of Good Governance to disseminate best practices and conduct training programmes on the broader theme of good governance.

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of this Unit.

1) Discuss the functions of State Training Institutes.

.....

.....

.....

.....

2) What measures can be taken to enhance the role of State Training Institute as a nodal agency for training in the state?

.....

.....

.....

.....

6.7 CONCLUSION

Training has a very significant role to play as a basic input for performance. It acts as an aid to attitudinal changes and increases productivity. It is an important tool in the implementation of development plans. This Unit has discussed the evolution of Central and State Training Institutes in our country. After independence, training became a focal point of concern of government and a part of personnel policies of the government. We have also discussed the different types of training imparted to the personnel which includes foundational training, on-entry and in-service training. This Unit has highlighted the functions of the State Training Institute as a nodal agency for training in the state.

6.8 GLOSSARY

Gestation Period : The effect of training can be judged over a long period of time as it involves measuring the effect on various counts such as the adoption of tools and techniques whether quantitative or behavioural; all this can be seen only over a period of time.

Rule of Thumb : A rule suggested on the basis of rough calculation by practical rather than scientific knowledge.

6.9 REFERENCES

Arora, R.K. & Goyal, R. (2013). *Indian Public Administration: Institutions and Issues* (3rd Ed.). Jaipur, India: New Age Publishers.

Chaturvedi, T.N. (Ed). (1989). T*raining in Public administration: The Changing Perspectives.* New Delhi, India: IIPA.

Maheshwari, S.R. (2001). *Indian Administration.* New Delhi, India: Orient Longman.

Mathur, H.M. (1981). *Training of Civil Servants in India*. New Delhi, India: Training Division, Department of Personnel and Administrative Reforms, Government of India.

Mathur,H.M.(Ed.). (1982). *Issues in In-Service Training*. New Delhi, India: IIPA.

Second Administrative Reforms Commission. (2008). *Refurbishing of Personnel Administration*. New Delhi, India: Ministry of Personnel, Public Grievances & Pensions.

6.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- The foundational training is significant in that it provides exposure to the recruits

regarding fundamentals of the country's socio-economic realities, political environment, ideology of the government and the system of interrelationships between different organs, agencies of the government, citizens and administration etc.

- It helps in developing 'Camaraderie' and civil service comradeship.

2) Your answer should include the following points:

- In-service training contributes towards inducting fresh knowledge, newer skills, better attitudinal and behavioural patterns in the employees.
- Develops coherent thinking, problem solving ability which enhances their performance levels.

Check Your Progress 2

1) Your answer should include the following points:

- Section 6.6

2) Your answer should include the following points:

- Developing appropriate linkages with relevant national level training institutions and also with other state level institutions.
- Decentralising training activities of the State Training Institutes with setting up of regional and district training centres.
- Incorporating new techniques of training such as case study method, syndicates, role play etc.

UNIT 7 CENTRAL AND STATE ADMINISTRATIVE TRIBUNALS*

Structure

7.0 OBJECTIVES

After reading this Unit, you should be able to:

- Discuss the evolution of the administrative tribunals;
- Explain their structure and composition;
- Describe the jurisdiction, powers and authority of the administrative tribunals;
- State the procedure for application to the tribunals; and
- Highlight the advantages and limitations of the administrative tribunals.

7.1 INTRODUCTION

The functions of the state are exercised through legislature, executive and judiciary. The legislature has the power to formulate laws, while the executive is entrusted with the task of implementation of laws. It is the judiciary that examines the various disputes in order to protect the citizens' rights. The fundamental rights guaranteed to the citizens under the Indian Constitution provide for right to constitutional remedies through adjudication or dispute settlement machinery. This machinery has judicial authorities, quasi-judicial bodies including courts and tribunals. In India, the administrative tribunals have been set up, to look into various activities such as trade, industry, taxation, service matters, etc.

The personnel employed in government organisations as individual employees may

*This Unit has been adopted from BPAE-104, Block 3

have certain grievances, and complaints regarding their service matters. These need to be looked into expeditiously and with objectivity and fair play. Hence, an appropriate institutional structure in the form of administrative tribunals was set up in our country entrusted with the responsibility of adjudication of service disputes of public service personnel.

In this Unit, we shall study about the evolution of administrative tribunals with special reference to the Central Administrative Tribunal, State and Joint Administrative Tribunals, their jurisdiction, powers and authority. The composition of the tribunal and its functioning shall also be dealt with. The Unit shall also discuss the advantages and limitations of the tribunals.

7.2 ADMINISTRATIVE TRIBUNALS: EVOLUTION

The growth of administrative tribunals both in developed and developing countries has been a significant phenomenon of the twentieth century. In India also, innumerable tribunals have been set up from time to time both at the centre and the states, covering various activities such as trade, industry, banking, taxation etc. The question of establishment of administrative tribunals to provide speedy and inexpensive relief to the government employees relating to grievances on recruitment and other conditions of service had been under the consideration of Government of India for a long time. Due to their heavy preoccupation, long pending and backlog of cases, cost and time factors, judicial courts could not offer the much needed remedy to the government employees, with regard to their disputes with the government. The dissatisfaction among the employees, irrespective of the class, category or group to which they belong, is the direct result of delay in their long pending cases or cases not attended to properly. Hence, a need arose to set up an institution, which would help in dispensing prompt relief to the aggrieved employees who perceive a sense of injustice and lack of fair play in dealing with their service grievances. This, it has been felt would motivate the employees better and raise their morale which in turn would increase their productivity.

The First Administrative Reforms Commission (1966-70) recommended the setting up of Civil Service Tribunals to function as the final appellate authority, in respect of government orders inflicting major penalties of dismissal, removal from service and reduction in rank. As early as 1969, a Committee under the chairmanship of J.C. Shah had recommended that having regard to the very large number of pending writ petitions of the employees in regard to the service matters, an independent tribunal should be set up to exclusively deal with the service matters.

The Supreme Court in 1980, while disposing of a bunch of writ petitions observed that the public servants ought not to be driven to or forced to dissipate their time and energy in the court-room battles. The Civil Service Tribunals should be constituted which should be the final arbiter in resolving controversies relating to conditions of service. The government also suggested that in the first instance, public servants might approach fact-finding administrative tribunals .

The matter came up for discussion in other forums also and a consensus emerged that setting up of Civil Service Tribunals would be desirable and necessary, in public interest, to adjudicate the complaints and grievances of the government employees. The Constitution of India was amended to enable the setting up of Civil Service Tribunals (through 42nd amendment Article 323-A). With a view to easing the congestion of

pending cases in various High Courts and other courts in the country, Parliament had enacted the Administrative Tribunals Act 1985, which came into force in July 1985.

This Act empowered the Parliament to provide for adjudication or trial by administrative tribunals, of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public service and posts in connection with the affairs of the union or of any state or local or other authority within the territory of India or under the control of the government or of any corporation owned or controlled by the government.

In pursuance of the provisions of Article 323-A of the Constitution, the Administrative Tribunals Bill was introduced in Lok Sabha on 29th January, 1985 and it received the assent of the President of India on 27th February, 1985. As per the Supreme Court Judgement dated18 March1997, the appeals against the orders of an administrative tribunal shall lie before the Division Bench of the concerned High Court.

The aggrieved person can personally appear before the tribunal. The government can present its case through its departmental officers or legal practitioners. The objective of the tribunal is to provide speedy and inexpensive justice to the litigants.

The provisions of the Administrative Tribunals Act 1985 do not however, apply to members of Paramilitary Forces, Armed Forces of the Union; Officers or Employees of the Supreme Court, or to persons appointed to the Secretariat Staff of either House of Parliament or the Secretariat Staff of State/Union Territory legislatures.

7.3 STRUCTURE OF THE ADMINISTRATIVE TRIBUNALS

The Administrative Tribunals Act 1985 provides for the establishment of one Central Administrative Tribunal, a State Administrative Tribunal for each state and a Joint Administrative Tribunal for two or more states. The Central Administrative Tribunal (CAT) with its principal bench at Delhi and other benches at Allahabad, Mumbai, Kolkata and Chennai was established on 1st November, 1985. The Act vested the Central Administrative Tribunal with jurisdiction, powers and authority of the adjudication of disputes and complaints with respect to recruitment and service matters pertaining to the members of the All-India services and also of any other civil service of the Union or those holding a civil post under the Union or a post connected with defence or in the defence services being a post filled by a civilian.

The Act provides for establishment of State Administrative Tribunals (SATs) to decide the service cases of state government employees. There is a provision for setting up of a Joint Administrative Tribunal for two or more states. On receipt of specific requests from the Governments of Orissa, Himachal Pradesh, Karnataka, Madhya Pradesh and Tamil Nadu, administrative tribunals have been set up, to look into the service matters of concerned state government employees.

7.4 COMPOSITION OF THE ADMINISTRATIVE TRIBUNALS

Each tribunal shall consist of a Chairman, and such number of Vice-chairmen and judicial and administrative members as the appropriate government (either the central

government or any particular state government singly or jointly) may deem fit. A bench shall consist of one judicial member and one administrative member. The bench at New Delhi was designated the Principal Bench of the Central Administrative Tribunal and for the State Administrative Tribunals. The places where their principal and other benches would sit are specified by the state governments by notification.

Qualifications for Appointment

In order to be appointed as Chairman, a person can be chosen only if he/she is a High Court Judge or a retired person but, a person to be selected as the Vice Chairman prior to the initiation of the Act shall be chosen to the post of Chairman, if he/she has worked as Vice Chairman for a term of at least two years.

To be an administrative member, a person should have experience as the Secretary in the central government or belonging to other services under the Government of India or under the state government and has received salary equivalent to that of Government Secretary or has worked as Additional Secretary for the term prescribed under the Act. The persons under the All India Services shall also be eligible to be appointed as administrative members according to the terms specified in the Amendment Act, 2006.

A person shall be appointed as the judicial member, if he/she is working in the legal affairs department as Secretary of the central government or has held such other post in the legislative department. A member secretary under the Central Law Commission can also be appointed as judicial member.

Appointments

The Chairman, Vice-Chairman and every other member of Central Administrative Tribunal shall be appointed by the President and, in the case of State or Joint Administrative Tribunal(s) by the President after consultation with the Governor(s) of the concerned State(s) . But no appointment can be made of a Chairman, Vice-Chairman or a judicial member except after consultation with the Chief Justice of India.

Term of Office

The Constitutional Amendment Bill 2012, approved by the central government provides that the Chairman, Vice-Chairman or other members shall hold office for a term of five years from the date on which he enters upon his office or until he/she attains the age of

a) Sixty eight, in the case of Chairman or Vice-Chairman

b) Sixty five, in the case of member, whichever is earlier Resignation or Removal

The Chairman, Vice-Chairman or any other member of the Administrative Tribunal may, by notice in writing under his hand addressed to the President, resign from his office; but shall continue to hold office until the expiry of three months from the date of receipt of notice or expiry of his term of office or the date of joining by his successor, whichever is earlier.

They cannot be removed from office except by an order made by the President on the grounds of proven misbehavior or incapacity after an inquiry has been made by a judge of the Supreme Court; and after giving them a reasonable opportunity of being heard in respect of those charges.

As per the Constitutional Amendment Bill 2006,the central government ,if it is of the opinion that the continued existence of CAT or any of its branches is not necessary, it may by notification abolish any of them.

Eligibility for Further Employment

The Chairman of the Central Administrative Tribunal shall be ineligible for further employment under either Central or State government, but Vice-Chairman of the Central Tribunal shall be eligible to be the Chairman of that or any other State Tribunal or Vice-Chairman of any other State or Joint Tribunals (s).

The Chairman of a State or Joint Tribunal(s) shall, however, be eligible for appointment as Chairman or Vice-Chairman or any other member of the Central Tribunal or Chairman of any other State or Joint Tribunals. The Vice-Chairman of the State or Joint Tribunal can be the Chairman of the State Tribunal or Chairman, Vice-Chairman of the Central Tribunal or any other State or Joint Tribunal. A member of any Tribunal shall be eligible for appointment as the Chairman or Vice-Chairman of such Tribunal or Chairman, Vice-Chairman or other member of any other Tribunal.

Other than the appointments mentioned above, the Vice-Chairman or member of a Central or State Tribunal, cannot be made eligible for any other employment under the Government of India or under the Government of a State.

The Chairman, Vice-Chairman or other member shall not appear, act or plead before any Tribunal of which he/she was the Chairman/Vice-Chairman/member.

The Chairman shall exercise (or delegate to Vice-Chairman or any other officer of the Tribunal) such financial and administrative powers over the benches, as are vested in him.

The salaries and allowances and other terms and conditions of service, including all retirement benefits in respect of Chairman, Vice-Chairman and members of the Tribunal shall be such as prescribed by the Central Government and cannot be varied to their disadvantage, after appointment.

The Administrative Tribunals (Amendment) Act 2006 was enacted on 29 December, 2006 to make alterations to the Administrative Tribunals Act 1985 and certain changes were brought about in the Act. A new provision was included according to which a person can be chosen to the post of chairman only if he/she is a High Court judge or retired person but, a person to be selected as the Vice Chairman prior to the initiation of the Act shall be chosen to the post of Chairman if he has worked as Vice Chairman for a term of two years.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of this Unit.

1) Explain the need for setting up of administrative tribunal.

.....

.....

.....

.....

2) What are the different types of administrative tribunals?

.....

.....

.....

.....

7.5 ADMINISTRATIVE TRIBUNALS: JURISDICTION, POWERS AND AUTHORITY

Chapter III of the Administrative Tribunals Act deals with the jurisdiction, powers and authority of the tribunals. Section 14(1) of the Act vests the Central Administrative Tribunal to exercise all the jurisdiction, powers and authority exercisable by all the courts except the Supreme Court of India under Article 136 of the Constitution. This relates to matters of recruitment and other service matters in respect of officers belonging to All India Services or of members of Civil Services of the Union or those holding civil posts under the Union or Defence Services. No court in the country, except the Supreme Court is entitled to exercise any jurisdiction or authority in matters of service disputes. The same authority has been vested in the State and Joint Administrative Tribunals.

One of the main features of the Indian Constitution is judicial review. There is a hierarchy of courts for the enforcement of legal and constitutional rights. One can appeal against the decision of one court to another, like from District Court to the High Court and then finally to the Supreme Court. But there is no such hierarchy of administrative tribunals and regarding adjudication of service matters, one would have a remedy only before one of the tribunals. This is in contrast to the French system of administrative courts, where there is a hierarchy of administrative courts and one can appeal from one administrative court to another. But in India, with regard to decisions of the tribunals, one cannot appeal to an Appellate Tribunal. Though Supreme Court under Article 136 has jurisdiction over the decisions of the tribunals, as a matter of right, no person can appeal to the Supreme Court. It is discretionary with the Supreme Court to grant or not to grant special leave to appeal.

The administrative tribunals have the authority to issue writs. In disposing of the cases, the tribunal observes the canons, principles and norms of 'natural justice'. The Act provides that "a tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure 1908, but shall be guided by the principles of natural justice. The tribunal shall have power to regulate its own procedure including the fixing of the place and time of its enquiry and deciding whether to sit in public or private".

A tribunal has the same jurisdiction, power and authority, as those exercised by the High Court, in respect of "contempt of itself" that is, punish for contempt, and for the purpose, the provision of the Contempt of Courts Act 1971 have been made applicable. This helps the tribunals is ensuring that they are taken seriously and their orders are not ignored.

7.6 PROCEDURE FOR APPLICATION TO THE ADMINISTRATIVE TRIBUNALS

The procedure for application to the Tribunals is laid down in the Act. A person aggrieved by any order pertaining to any matter within the jurisdiction of the tribunal may make an application to it for redressal of grievance. Such applications should be in the prescribed form and have to be accompanied by relevant documents and evidence and by such fees as may be prescribed by the central government but not exceeding one hundred rupees for filing the application. The tribunal shall not ordinarily admit an application unless it is satisfied that the applicant has availed of all the remedies available to him under the relevant service rules. This includes making of any administrative appeal or representation. Since consideration of such appeals and representations entails delay, the applicant can make an appeal before the tribunal, if a period of six months has expired after the representation was made and no order has been made. But an application to the tribunal has to be made within one year from the date of final order of rejection of the application or appeal or where no final order of rejection has been made, within one year from the date of expiry of six months period. The tribunal, may, however, admit any application even after one year, if the applicant can satisfy the tribunal that he/she had sufficient cause for not making the application within the normal stipulated time.

Every application is decided by the tribunal on examination of documents, written representation and at times depending on the case, on hearing of verbal arguments. The applicant may either appear in person or through a legal practitioner who shall present the case before the tribunal. The orders of the tribunal are binding on both the parties and should be complied within the time prescribed in the order or within six months of the receipt of the order where no time-limit has been indicated in the order. The parties can approach the Supreme Court against the orders of the tribunal by way of appeal under Article 136 of the Constitution.

The administrative tribunals are not bound by the procedure laid down in the Code of Civil Procedure 1908. They are guided by the principles of natural justice. Since these principles are flexible and adjustable according to the situation, they help the tribunals in molding their procedure keeping in view the circumstances of a situation.

7.7 ADVANTAGES AND LIMITATIONS OF THE ADMINISTRATIVE TRIBUNALS

The rendering of administrative justice through administrative tribunals serves the varied and complex needs of modern society more adequately than any other method. It has also proved useful and effective. There are certain advantages of the tribunals which are:

Appropriate and Effective Justice: The administrative tribunals are not only the most appropriate means of administrative justice, but also the effective means of providing fair justice to individuals. Now the public service employees feel assured that in case of denial of justice and fair play to them, the tribunals restore to them the benefits that rightfully belong to them.

Flexibility: There is a considerable amount of flexibility and adaptability in the functioning

of tribunals. Principles of natural justice play an important role in the operation of tribunals. They are not bound by rigid rules of procedure of previous decisions of rule of law. The rules of natural justice are adaptable to the situation. While justice by the courts tends to be highly technical, tribunals are free from technicalities of law.

Less Expensive: Justice provided by administrative tribunals is inexpensive in terms of costs involved. This is in contrast to the long and cumbersome procedures involved in judicial courts and huge costs incurred in engaging lawyers, court fees and other incidental expenses. Hence, the tribunals have now become popular judicial forums which provide easy accessibility to the government employees, who are encouraged to move the tribunal even in minor service matters.

Relief to Courts: The administrative tribunals have provided great relief to the judicial courts which are preoccupied with so many petitions relating to civil, criminal and Constitutional matters.

Despite these advantages, there are certain limitations in the functioning of tribunals. These include:

i) The administrative tribunals do not rely on uniform precedents and hence, this might lead to arbitrary and inconsistent decisions.

ii) There is no hierarchy of administrative tribunals and this has completely excluded the scope of judicial review on service matters.

iii) The tribunals consist of administrative members and technical heads who may not possess any background of law or judicial work.

iv) The administrative tribunals as discussed earlier have the power to issue writs, which till now was exercised only by Supreme Court and High Court under the Constitution.

v) One more inadequacy noticeable in the present administrative tribunals is from the structural - functional angle. This is the absence of an appellate forum within the tribunal which causes considerable inconvenience. For example, if a bench of tribunal gives a judgement, it has got applicability all over the country as there is only one Central Administrative Tribunal for whole of India and the various benches located in different parts of the country are parts of the same tribunal. If there was such an appellate mechanism within the tribunal system, wherein appeals can be filed against any unsatisfactory judgement, it would have been a desirable form of obtaining justice both for the government employees as well as the government.

Check Your Progress 2

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of this Unit.

1) Discuss the procedure for making an application to initiate the matters before the administrative tribunals for redressal of grievances.

.....

.....

.....

.....

2) What are the limitations of administrative tribunals?

.....

.....

.....

.....

7.8 CONCLUSION

The number of administrative tribunals is on the increase. This system has proved useful and effective. It not only provides relief to the ordinary court but also ensures speedy and inexpensive justice for the public functionaries in cases involving their service matters. Administrative tribunals claim a number of advantages which the ordinary court of law do not possess e.g. low costs involved in fighting the case, accessibility, freedom from technicality, greater flexibility, expeditious disposal of the cases and expert knowledge in specified field.

Despite these advantages, there are two important factors which are posing problems in their effective functioning. Firstly, usually they are not manned by trained and experienced persons from judicial field, which is important to provide an adequate review of administrative action; and secondly, it is said that the officials working in the tribunals generally do not have the impartial outlook and detachment which judicial officers would have.

Thus, it is essential to have a judicial umbrella over the tribunals to help in maintaining the 'quality of justice'. Therefore, there is a need for introducing more and more judicial elements in the administrative tribunals. Simultaneously, the law courts too should have sympathy and clear understanding of the administrative element to eliminate the unpleasant features. In this Unit, we have read about the evolution of administrative tribunals, the objective of which is adjudication of disputes relating to service matters of public service personnel. It has given us an idea about the different types of tribunals, their structure, composition, jurisdiction, powers and authority. It has also highlighted the procedure for application to the tribunals and also the advantages and limitations.

7.9 GLOSSARY

Bench/Bar : Traditionally the bench symbolically represents the judges and the bar, similarly represents the lawyers.

Writ : It is a legal document that orders a particular person to do or not to do a particular thing.

7.10 REFERENCES

Basu D.D. (2015). *Administrative Law* (7th *Ed.).* New Delhi, India: Prentice Hall of India.

Gupta, B. K. (1985). A*dministrative Tribunals and Administrative Justice (*A

review of the A*dministrative Tribunals Act, 1985).* New Delhi, India: IIPA.

Jain, P.C. (1981). A*dministrative Adjudication – A Comparative Study of France, U.K., U.S.A. and India*. New Delhi, India: Sterling Publishers Pvt. Ltd.

Maheshwari, S.R. (2001). *Indian Administration.* New Delhi, India: Orient Longman.

Nayak, R. (1989). A*dministrative Justice in India.* New Delhi, India: Sage Publications.

Saxena, H.S. (1996). *Central Administrative Tribunal (CAT) Redress against Administrative Wrongs*. New Delhi, India: Deep and Deep Publications.

7.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

   - To provide speedy and inexpensive relief to the employees in dealing with their service grievances.
   - Judicial courts because of their heavy preoccupation, long pending and backlog of cases, costs involved and time factors could not offer the much needed remedy to the government employees.

2) Your answer should include the following points:

   - Central Administrative Tribunals
   - State Administrative Tribunals
   - Joint Administrative Tribunals

Check Your Progress 2

1) Your answer should include the following points:

   - An application should be in a prescribed form, accompanied by relevant documents, evidence and prescribed fee.
   - The tribunal may admit an application on being satisfied that the applicant has availed of 'all the remedies' available to him under the relevant service rules.

2) Your answer should include the following points:

   - Arbitrary and inconsistent decisions
   - Exclusion of the scope of judicial review on service matters
   - Lack of background of law and judicial work amongst members
   - No clear cut provision regarding the sharing of authority of issuing of writs between the courts and tribunals.
   - Absence of an appellate forum within the tribunal.