



## A PROPER TRANSFER POLICY FOR CIVIL SERVANTS :NEED OF THE HOUR

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**(Mains Examination, General Studies Paper 2&4 : Role of civil services in a democracy, Public/Civil Service Values and Ethics in Public Administration)**

### **Context:**

- Good governance and better administration of development is often offered as a plausible solution to conflict management and The Frequent transfers of public servants (public administrators) further aggravated the situation.
- No matter how dedicated, innovative and efficient Civil servants may be, this menace affect their morale and weaken better administration and Good governance, for which solution lies in stability of tenure to govern well.

### **Implications of frequent transfer of civil servants**

The issue of frequent transfers is found across India. The analysis of the SUPREMO (Single User Platform Related to Employees Online) database of the Department of Personnel and Training, Government of India, shows that the average posting spell of civil servants in India is only about 15 months

### **The Jammu & Kashmir example**

- In the case of Jammu and Kashmir, the purpose of administering the region is to ensure peace and development, and then it is unlikely to succeed till there is a proper transfer policy.

- But presently, officers are transferred too often. In Shopian district since its district status in 2007 to 2021, 13 deputy commissioners (DCs) are appointed and get transferred. The last DC was transferred within 25 days.
- This denies them the opportunity to settle down into an official role which deleteriously impact morale, leading to reduction in efficiency and effectiveness.
- The latter effect impacts development and governance and acts as a collective punishment to the population of that place. It has been a major reason for distrust, disconnect and alienation..

### **Administrative implications**

- An oft-repeated argument used for transfers is that they are “in the interest of administration.” However, they essentially **weaken administration**.
- **Transfers often reflect administrative favoritism** and create divisions among civil servants. If they are done on a political basis, this impacts the neutrality of the civil services.
- The participation of local people in governance and development is through civil servants. It is this participation that has been the worst affected due to the frequent transfers.
- **The Hota Committee**, which argued against frequent transfers, noted that “absence of a fixed tenure of officials is one of the most important reasons for tardy implementation of government policies, **for lack of accountability of officers**, for waste of public money because of inadequate supervision of programmes under implementation and for large-scale corruption.
- **The Fifth Pay Commission** had recommended that no premature transfer should be allowed and that there should be fixation of a minimum tenure for each post so that economic viability and administrative efficiency will be ensured.

### **Undermine core civil services values:**

- **Transfers often reflect administrative favoritism** and create divisions among civil servants. They are often done on a political basis which impacts the neutrality, impartiality and anonymity, the core civil services values.
- Instances of mass transfers, especially in the backdrop of political shakeups, are still routine and it cuts across parties.
- For example, when the new Congress government took charge in Rajasthan in December 2018, on its second day, it transferred 40 IAS officers. Similarly, in March 2018 in Uttar Pradesh, the Yogi Adityanath-led BJP government transferred 37 IAS officers in the immediate aftermath of losing the Gorakhpur and Phulpur Lok Sabha seats.

### **Arguments in favour of transfer:**

- Articles 310 and 311 of the Constitution make it impossible for civil servants to be dismissed or demoted by elected representatives.
- Democratically elected government exerts control over policy outcomes by reshuffling the bureaucracy across posts of varying importance.

### **Need of transparency in transfer:**

- Frequent transfers present a major problem for governance because civil servants are not allowed to stay in a position long enough to acquire adequate knowledge of and experience in their job
- A young officer cannot retain her idealism for long if, over a period, she suffers adverse consequences because of honesty and integrity.
- It is both demoralising and demotivating when civil servants are not able to see the fruits of their efforts
- Further, due to politicians' desire to control the bureaucracy, not all important posts are filled with the most skilled officers.
- This also results in underinvestment in skill by junior bureaucrats with career concerns, since investing in loyalty to specific politicians provides an alternative path to career success.

### **Various steps taken by the government as well as the judiciary to curb this menace:**

- **Supreme Court in T.S.R. Subramanian & Ors vs. Union of India (2013)** under Article 32 of the Constitution of India has been invoked by few eminent retired civil servants highlighting the necessity of various reforms for preservation of integrity, fearlessness and independence of civil servants at the Centre and State levels in the country.
- **The independent civil service boards** at the centre and the states that would make recommendations on the postings and transfers of civil servants;
- **Fixed tenures for civil servants, minimum tenure at list for two year.**
- The formal recording of instructions/orders/directions from political authorities and legislators, among others, on what they ask civil servants to do.
- The Administrative Reforms Commission and Fifth Pay Commission have also endorsed the idea of a high-powered civil services board both at the Centre and the States to look into and regulate cases of premature transfers of civil servants.
- The Central government introduced the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955 (amended in 2010), that provides for a minimum tenure for postings for civil servants in all States.

### **Way forward:**

- One of the measures of civil service reform should be to give every senior official a minimum tenure of three to five years in a post through a new Public Services Act.
- The senior officer, who would get a fixed tenure under the new Act, would be strictly accountable for performance of targets set for him in a memorandum of understanding between him and the political executive.
- The civil **service is a harried instrument** in government. Regular transfers and irregular and illegal orders have broken its back.
- Even **in states where civil service boards** have been constituted, arbitrary transfers and postings are the norm. Thus need of the hour is strong law and clear transfer policy.