

1. Can India afford to do away with the civil services? Share and substantiate your views.

Demand of the question:

It expects students to share their views on whether India afford to do away with the civil services or not. It also expects to give relative examples while sharing the views.

Introduction:

The Civil Services refer to the career bureaucrats who are the permanent executive branch of the Republic of India. The civil service system is the backbone of the administrative machinery of the country.

Body:

Virulent criticism has led to demands by some that civil services has outlasted its purpose and must be abolished. Over time many have felt that the service has failed to meet any of these objectives satisfactorily nor does it now draw the best talent and, therefore, appears to have become an anachronism. This debate of doing away with civil services came in to picture due to following specific reasons:

- In essence, Indian administration still functions very much the same way it functioned 165 years ago. Its resources have changed; its mind and spirit remain the same.
- The sorry state of the country in terms of its economy, public healthcare, education, research and innovation even after 73 years of independence is well known.
- The higher ranks of civil service claim a hand in formulating national policies too. This means that the blame for the many failed policies of the past 73 years must fall on the civil service too.
- There is no logic for recruiting directly at the top: All over the world, people are recruited at the bottom of the ladder and from there, they earn their promotions depending on their merit, as proved through departmental examinations.
- For instance, The DGP of Kerala is a direct-recruit IPS officer with a minimum of 30 years of service. The present New York Police Department commissioner, had joined the police as a patrolman (that is, at the bottom of the ladder) in 1991.
- The un-Indian, feudal soul of the civil service: Civil servants do not tire of referring to themselves as the 'steel frame'. But it was the British administrations concept, they constituted civil services to strengthen their control on India.
- Corruption: It is a fact that many people are attracted towards civil services due to the tales of corruption. They know some officers or they have heard about some officers who have made millions. They join the civil services to make lot of money illegally thinking that it is easy to do so.

However, there are some proponents of continuity, the value of maintaining Indian Civil Service is premised on following underlying beliefs:

- The civil service is present all over India and it thus has a strong binding character. Though Indian polity has federal character it is unitary in its spirit. Hence, a central service is essential to act as binding agent between Centre and the state.
- It plays a vital role in effective policy-making and regulation. e.g. After 73 years of independence Indian economy. e.g. India has become the fifth-largest economy in 2019, overtaking the United Kingdom and France.
- It offers non-partisan advice to the political leadership of the country, even in the midst of political instability. e.g. the period between 1985 to 1995 for Indian polity has saw a great upheaval still India maintained its growth trajectory due to the advice and formulations of policies of 'steel frame'.
- The service gives effective coordination between the various institutions of governance, and also between different departments, bodies, etc.
- It offers service delivery and leadership at different levels of administration. e.g. There are many examples of the civil servants who worked hard to provide benefits of welfare schemes up to the last person on the ladder.
- Developmental Functions: The services perform a variety of developmental functions like promoting modern techniques in agriculture, promoting industry, trade, banking functions, bridging the digital divide, etc.
- For example, Sandeep Nanduri, IAS: Launched a cafe which is run exclusively by differently-abled persons.
- Administrative Adjudication: The civil services also perform quasi-judicial services by settling disputes between the State and the citizens, in the form of tribunals, etc.
- Instruments of Social Change & Economic Development: Successful policy implementation will lead to positive changes in the lives of ordinary people. It is only when the promised goods and services reach the intended beneficiaries, a government can call any scheme successful. The task of actualising schemes and policies fall with the officers of the civil services.
- For example, IAS officer Raj Yadav the District Magistrate (DM) in sikkim, kick-started the 'District Administration's Adopted Village' or 'DAAV' initiative. A model where the district administration would adopt an underdeveloped village and take direct responsibility for its development. Such initiatives brought a positive transformation in more than 7,500 lives!

Conclusion:

Though there are some lacunas and drawbacks of civil services which resulted in exposing some of the dark realities of the civil services; it doesn't mean that the civil services have not contributed in the development of India. Altogether doing away with the civil services might result in collapse of the administration. Hence, a balanced approach of reforming civil service should be adopted so that the civil service can contribute more for the welfare of the people.

2. Why is it important for a civil servant to be technologically informed? Explain with the help of suitable examples.

Demand of the question:

It expects students to write about the importance being technologically informed for civil servants with relative examples.

Introduction:

Covid-19 pandemic has restricted the ability of the public and public institution to physically assemble and debate matters of national importance. Almost all of the government machinery and public & private institutions have been brought to halt due to lockdown and social distancing norms.

Body:

Digital Technology has become a toolkit for the civil service. The old ways of doing business were a barrier to unlock the full potential of the sector. Now digital technology within the civil service is providing a fast route to get jobs done fast and cost effective.

Working remotely is the new normal and in this scenario. Technological empowerment becomes fundamental for a successful democracy. Hence, there arises the need for a civil servant to be technologically informed:

- The advent of Information and Communication Technology (ICT) has nurtured the swift emergence of a global Information Society that is changing the way people live, learn, work and communicate.
- Efficiency: Technology has become a toolkit for the civil service. Now technology within the civil service is providing a fast route to get the job done fast and cost-effectively.
- For instance, Direct benefit Transfers main advantage is preventing any frauds. Therefore, the beneficiary receives funds directly from the government. The beneficiary's bank account will directly receive the money. With the help of the Aadhaar number, the identification of the beneficiary can be done better. It resulted in reducing corruption in the benefit transfer schemes.
- Better communication: Technology has also been a significant player in improving communication within the civil service and between the civil servant and people. e.g. During COVID-19 pandemic, mostly all of the government machinery used cloud meeting tools to take the important decisions.
- A better way to spread awareness: Since digital technology has the capacity to broadcast and reach up to billions of people, its wise use can help to spread necessary information guidelines up to the public. e.g. COVID-19 related important guidelines were broadcasted through hello tunes.
- It also ensures transparency, accountability—while assuring quick and effective responsiveness of government. e.g. GPS tagging of MGNREGS work has resulted in addressing the loopholes and discrepancies of the MGNREGS

work. It also ensured timely payment to the employed due to linking of Aadhar with bank account of beneficiary.

- With the use of technology rich heritage of art and architecture can also be preserved. e.g. Several organizations have attempted to use technology to salvage some of Syria's heritage which was destroyed in amidst middle-east war. What this goes to show is that even destroyed heritage can be returned to us in some way.
- The use of technology also helps to improve the agricultural income in the region. e.g. A research based Soil health scheme helps the farmer to understand soil health indicators and associated descriptive terms. In turn helping him to decide what kind of crop can be taken, what kind of fertilizer be applied, etc.
- Many of the e-governance initiatives ensure effective public service delivery. e.g. Bhoomi Project (Karnataka): Online Delivery of Land Records.
- e-Office: It aims at significantly improving the operational efficiency of the Government by transitioning to a "Less Paper Office". Hence, technologies use in governance also benefits the environment.

Though the civil servant needs to be technologically informed for the better delivery of services, there are some hurdles while implementing the schemes with help of technology.

- As per Digital Empowerment Foundation, In India digital literacy is almost non-existent among more than 90% of India's population. So, a scheme like Direct benefit transfer may not yield expected results due to digital illiteracy of the people.
- There are very less or no awareness about how to use the technology to avail the benefits of government promulgated schemes.

Conclusion:

Over the years technology has changed the way of work in the governance. It ensured better delivery of services and effective implementation. Though technology seems to be a panacea for the delivery of services in governance, there are some lacunas which needs to be addressed. Hence, a technologically informed civil servant can bring a magnificent change in people's lives while fulfilling his/her constitutional obligation.

3. Many a times, we have witnessed civil servants getting suspended over their remarks or criticism of the Government on social media platforms. Is it justified to stifle the right to free speech of a civil servant? Critically comment.

Demand of the question:

It expects students to present a fair judgement after considering the pros and cons on the issue of stifling the right to free speech of a civil servant.

Introduction:

In its recent judgement Honourable Supreme Court has observed that the right to freedom of speech and expression, as guaranteed to all citizens under the first section of article 19, covers the right to go online too. But when it comes to right to freedom of speech and expression for Civil servants there comes the debate of whether a civil servant is entitled to do so or not.

Body:

The right to freedom of speech and expression is restricted under Service conduct rules of Bureaucracy on Free Speech(rule 5)

- Rule 5(1) stipulates that no Government servant shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or such in any other manner, any political movement or activity.
- Rule 5(4) stipulates that no Government servant shall canvass or otherwise interfere with, or use influence in connection with or take part in, an election to any legislature or local authority.

However, due to suspension of some of the civil servants over their remarks or criticism of the Government on social media platforms puts a limelight on the debatable issue of freedom of speech for civil servants.

Reasons for restriction:

- Indian parliamentary form of government forms the government on the basis of majority of number of seats. In practical terms sometimes it might possible that one decision of the government is beneficial for one group or community and discriminatory for the other one. In this times if a civil servant speaks against the government then it might disrupt the harmony in the administration and society.
- Freedom of speech and expression, enables an individual to participate in public activities. It is the constitutional duty of a Civil servant to implement the formulated policies and schemes by the government. Hence, if civil servants goes against the policies of government the who will do the job of implementation.
- The MP's and MLA's are elected on the basis of the universal adult franchise. Whereas the civil servants are selected through exams. Hence, in a democracy like India there is prime most importance for the decisions taken by the government as it represents the will of the people.

- Basic criticism of the government is not seen as sedition unless the Government believes that it was calculated to undermine the respect for the government in such a way so as to make people cease to obey it.
- Section 124A of the Indian Penal Code defines the offence of sedition as follows: "Sedition. Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine".
- In *Kedar Nath v. State of Bihar* (AIR 1962), the court upheld the constitutional validity of the Section 124A of I.P.C and also upheld the view taken in *Niharendu's* case.

However, recent judgements by Tripura High court and Kerala High court gave a different direction to this debate.

- In its judgment, the Tripura High Court has mentioned that government servants are entitled to hold and express their political beliefs, subject to the restrictions laid under Rule 5 of the Tripura Civil Services (Conduct) Rules, 1988.
- In its judgment, the Kerala High Court has mentioned One cannot be prevented from expressing his views merely because he is an employee. In a democratic society, every institution is governed by democratic norms.
- Healthy criticism is a better way to govern a public institution. e.g. The lokdarbar's organised by the political leaders and civil servants are one such examples.
- Restrictions applied through the service rule, that come in conflict with Article 19 (1)(a), right to free speech shall override unless the rules in question are covered under Article 19 (2), the framework that provides for reasonable restrictions.
- In a nutshell, any restriction imposed even through the conduct rules will have to qualify the requirements of Article 19(2). The conduct rules are flexible enough to accommodate certain kinds of expression which may not necessarily be political in nature.

Conclusion:

The right to Freedom of Speech and Expression plays a key role in the formation of public opinion on the political, social and economic matters. It is, therefore, quintessential for the functioning of democratic processes. Hence, a fair and constructive criticism is a welcome step even if it comes from the civil servant. But, the criticism should be in consonance with the principle enshrined in the Constitution of India.