

A Secure Minimum Tenure for District Chiefs

By G.P.Joshi*

During the daytime, the Prime Minister tells the district magistrates of the country in a meeting held on May 15, 2005 that they must have a fixed tenure of posting. By evening the same day, the news comes that the District Magistrates of Siwan and Gopalganj, who had ordered externment of the two RJD MPs Mohammad Shabuddin and Anirudh Singh out of their districts, were transferred by the Governor of Bihar, allegedly at the behest of the Railway Minister, Lalu Prasad Yadav. It, therefore, didn't come as a surprise when the PM's address to the Chief Ministers reiterating the same suggestion during the 51st session of the National Development Council on June 27 in New Delhi, fell somewhat flat. More chief ministers opposed than accepted the idea

The Prime Minister suggested to the chief ministers that officials should be entitled to a minimum security of tenure so that they could be judged whether they were equal to the tasks assigned to them. He is obviously interested in reforming the civil administration, but he knows that it is not merely the babus who have weakened the steel frame, but also the politicians. That is why in his address to the district magistrates he said that all was not well with the way the political system was functioning: "Many a time, politics becomes an instrument of self-aggrandisement and ceases to be an instrument of social change."

Unfortunately, this is happening frequently and one instrument of self-aggrandisement that the politicians have been using with impunity for long is the power of transfers and postings. The blatant and persistent abuse of this power has become what the Hon'ble justice M Katju of Allahabad High Court in his judgement in Civil Miscellaneous Writ petition No. 27123 of 1996 rightly called a "pernicious virus" that has crept into the governance. This virus has particularly affected the district administration badly. A study of postings of IPS officers in the districts of UP during the year 2004 shows that as many as 153 officers headed the police forces in 70 districts during the year at an average of about 2.2 per district. Four Superintendents of Police headed each of the district police forces in Kushinagar, Jalaun, Mainpuri, Ferozabad and Baghpat and 17 districts saw at least three officers heading each of their police forces during the year. In other words, an officer joins the district and remains there on an average for 3 or 4 months in a year before the new man comes to take over from him. Mr. Madhav Godbole, the former Union Home Secretary, calls this policy "a transfer mela" that "gets converted into a wholesale market where posts often go to the highest bidder." Justice Katju said more or less the same thing when he observed in the above-mentioned judgement: "It is regrettable that in this State (and perhaps in other states too) transfer appears to have become an industry. Government servants are often treated like shuttle cocks, to be banged and battered around frequently without any thought of the effect this is having on their morale and on the administration."

Corruption is not the only motive. It is done not only to reward but also to punish. This is one way to bend the entire district administration to your will. Sometimes caste or communal politics dictates postings. On many occasions, chief ministers feel helpless as they are forced to do it to please the powerful factions in their parties.

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During the National Development Council's meeting, some chief ministers rejected the idea of minimum secure tenure on the ground that this would prevent them to remove the wrong ones from the districts. This shows a lack of understanding of the concept. In foreign jurisdictions where this concept has been accepted and applied, there is a provision in rules to remove prematurely those who are found to be incompetent or corrupt or prone to other misconduct.

Fixing a secure minimum tenure for bureaucrats is generally recommended because it will reduce the vulnerability of officers to outside extraneous and illegitimate pressures and influences. The validity of this expectation is now being questioned as some officers start planning for their post retirement benefits too. However, one or two cases of this type can not undermine the usefulness of providing a fixed tenure to officers, as the absence of any sound transfer policy is playing havoc with the morale of officers by putting the right man at the wrong place and the wrong man at the right place.

But besides harming the morale, it is damaging the whole ethos and efficiency of the administrative system. One, frequent changes in the administrative heads of the districts result in poor and delayed implementation of government policies. It takes a fairly long time for the district chiefs to get acquainted with the personality and the problems of their districts, establish rapport with the community leaders and plan the implementation of policies to solve people's difficulties. Two, frequent transfers also make it difficult for the government to hold the district officers accountable for failure in implementing plans and policies of the state governments. Three, these are the days when not only the private but also the public enterprises in other countries are going in for modern management principles that stress the need to establish targets, prescribe performance indicators and measure officers and departments' performance against the standards. It is impossible to apply these principles when the officers' tenure of posting is 3 to 4 months in the districts. Four, it results in wastage of public funds and resources. Besides the transfer allowance given to a large number of officers every two or three months, the inadequate supervision of programmes results in unnecessary wastage. Five, in every state, there are some appointments that are considered hard, either in terms of absence of basic facilities in places of postings or on account of arduous and perilous nature of the new job. Transfer orders to such places invariably bring pressures for cancellation. Induction of good officers into such places can be ensured only when the scheme of fixed minimum tenure is accepted and implemented with sincerity. This will benefit the less developed areas.

The Hota Committee on Civil Service Reforms have rightly said in their 2004 report that: "good administration is not possible without continuity and intelligent administration is not possible without local knowledge." Both require a minimum fixed tenure to be provided to officers.