

Annexure 3

ISSUES IN CIVIL SERVICE REFORM

Size and Composition

The process of bifurcation of cadres and staff between Bihar and Jharkhand is still on. Estimates provided by the GoB (Finance Department) of sanctioned and working manpower strength after bifurcation are shown in Table 3.1.

Group	Sanctioned 2002-03	Working 2002-03	Sanctioned 2003-04	Working 2003-04
1	4989	3855	4831	3571
2	22673	16530	22815	15737
3	427888	347529	425616	339234
4	117396	94223	116232	92602
Total	572950	462137	569504	451344

Of the state's 41 government departments, the department of secondary and primary education accounts for the highest manpower, followed by the home and health departments. The chief issues are composition, skill mix and deployment, though there is no overstaffing compared to other states.

By comparison with other states and the central government, the proportion of group 3 (C grade elsewhere) employees in Bihar is high at 75%. Another striking aspect is the large difference between sanctioned and working strength, especially for groups 3 and 4. However, these figures are based largely on unverified field reports of sanctioned posts and the government believes that the number of vacancies is inflated and unrepresentative of actual needs. For the Bihar Administrative Service alone, there is a shortfall of 633 out of 2248 sanctioned posts in different grades.

In addition to groups 1 to 4, there are also employees in public sector units (88,572 employees in 49 sick public sector units alone) and 1,56,000 in schools, colleges and religious schools, who are dependent on the government for their salaries. There are no firm estimates of work-charged staff or of the number of people retiring each year.

Vacancies and Recruitment

The Finance Department has imposed a freeze on

recruitment with exemption only for critical posts like teachers, medical personnel and policemen. New posts require approval by an Empowered Committee under the Development Commissioner (for plan posts) and a Committee under the Chief Secretary (for non-plan posts) with requests considered on the department's willingness to surrender posts with equivalent salary expenditure. A 1981 ban on recruitment of work-charged and daily wage employees continues though it is not always obeyed. The Finance Department must approve the continuation of non-plan temporary posts, vacancies beyond six months and time-bound promotions.

These approvals from the Finance Department for continuing non-plan posts sometimes lead to delays in payment of salaries to health and other staff in the districts. In addition, the lack of accurate estimates of working staff leads to an underestimation of salary requirements and subsequent shortfalls. There are reports of large arrears to employees in different government departments and public sector units.

There are some gaps in enforcing the recruitment freeze. For instance, there is no limit to compassionate appointment of legal heirs (unlike the 5% cap at the GoI). Also, departments are allowed to act on orders of the court on the appointment of staff and on lists received from the BPSC or the State Services Commission (SSC).

The Finance Department believes that the system would benefit from a database and rational estimation of staff required by departments through a zero-based functional audit. The Water Resources Department has already undertaken a reorganization of the department and surrendered 2000 posts besides committing itself to further reductions in the workforce each year. Another example is the public health engineering department, which retrenched 3600 unauthorized work-charged staff.

Promotion and Deployment

The difficulty in assessment of posts after bifurcation has also held up promotions. Other factors have been delays in: (a) departmental promotion committee meetings because of High Court orders on seniority; and (b) obtaining clearances from vigilance, Lok Ayukta and disciplinary authorities.

Service Commission

The BPSC, for group 1 and 2 posts, is capacity constrained and is functioning under an officiating chairperson and just three members instead of the full strength necessary for supervising examinations and holding interviews. The SSC, for group 3 and 4 employees, has been constituted but is not fully functional. Manual processes in the PSC and SSC, the failure to bunch examinations for candidates with common qualifications (as in the central government), court cases and insufficient staff lead to delays in the selection of candidates.

Services and Cadres

Personnel management is highly decentralized with individual ministers controlling recruitment, placement and promotion. Despite having the nodal responsibility for civil service rules, the Department of Personnel and Administrative Reforms has direct control over only a few services and plays a largely reactive role on amendments to departmental systems. The Finance Department has influence in the creation of posts and in filling positions and also directs the process of determining pay scales and allowances. As a result of the fragmented control of different departments (barring state services like the Bihar Administrative Service and the secretariat service) there has been inefficient management of the services and cadres, thereby compounding employee grievance over seniority and promotions with several petitions before the High Court.

The adoption of central pay scales and agreements with individual unions have disrupted the relativities applicable to different categories of employees, affecting some sections adversely and leading to more disputes. Some problems have also been created by isolated decisions of the judiciary. As the Fitment Appellate Committee points out, such orders upset government effort to maintain parity and relativity in pay scales.

The Government of Bihar is aware of the need to revise work norms, examine changes in the functions of departments, assess requirements of different skill mixes and evaluate the implications of information technology. This realization has led to initiatives by departments like water resources and public health engineering and, recently, personnel. A common pool is operated by the personnel department for the secretariat where the hierarchy consists of lower and upper division clerks, assistants, section officers, under secretaries, deputy secretaries, joint secretaries, additional secretaries and secretaries. A well-coordinated effort to inventorise and consolidate cadres and services, including the merger and abolition of related cadres in engineering or agriculture is one reform that could begin jointly by the personnel and finance departments for rationalizing the civil service.

Rules and Manuals

The systems of record management are in disrepair in Bihar. The rules governing the civil service also need to be updated. Access to other states' experience, for instance the Karnataka Administrative Reforms Commission, shows useful suggestions for reforming secretariat procedure and improving decision-making. Clear authority for decisions and time limits are incorporated in the rules, followed by department-specific instructions circulated widely to employees and the public. States like Andhra Pradesh and Uttar Pradesh have rationalized recruitment rules as suggested by the Fitment Committee, requiring department-specific exercises, backstopped by a professional and vetted by the law process.

Some such steps have already been taken by the Government of Bihar. The Department of Personnel is about to finalize the report of a committee on amendments to the Civil Services (Classification, Control and Appeal) Rules, and is also consolidating the provisions relating to departmental inquiries in different service rules. Besides,

the government is making a need-based assessment of the posts of section officers and above in the secretariat and redeploying surplus staff. A committee has been set up under the Development

Commissioner to rationalize the different engineering cadres in roads and construction, water resources and public health engineering and to improve promotion prospects. ■