



Issue of central deputation

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(Mains GS 2: Functions and Responsibilities of the Union and the States, Issues and Challenges Pertaining to the Federal Structure)

Context:

The Centre has proposed amendments to the IAS (Cadre) Rules in order to exercise greater control in central deputation of IAS officials, which has often been at the centre of tussles between the Centre and the states.

Deputation rule:

- According to Rule-6 (1) of the IAS (Cadre) Rules-1954, a cadre officer may be deputed to the Central Government (or to another State or a PSU) only with the concurrence of the State Government concerned.
- However, rules further provide that in case of a disagreement between the Centre and the states that "the matter shall be decided by the Central Government and the State Government or State Governments concerned shall give effect to the decision" of the Centre.
- The Central Government has recently proposed amendments to Rule 6(1) of the IAS (Cadre) Rules, 1954 dealing with deputation, and has sought the views of State governments before January 25, 2022.

Disconcerting amendments:

- The new provision makes it mandatory for the State government to provide a certain fixed number of IAS officers for central deputation every year.

- The proposed amendment more or less compels a State government to offer IAS officers for central deputation even when these officers themselves may not wish to go on central deputation.
- The other is a provision that requires the State government to release such officers whose services may be sought by the Central Government *in specific situations*.
- Based on experiences of the recent past, State governments have a justified apprehension that this proviso may be misused for political considerations.

Defending amendments:

- The Indian Administrative Service (IAS) officers cannot always remain posted in the States as it does not work well either for the service or the officers.
- Working with both the Centre and State governments not just broadens the perspective of officers but also serves the purpose of the all India services.
- Working with the government of India gives a very broad perspective thus serving in States and coming back to the Government of India (departments/ministries) is essential for officers for their personal development.
- IAS officers remaining in a State might develop a provincial mindset which brings no difference between the State service officers and the IAS officer.

Healthy conventions:

- Earlier, AIS officers are made available for central deputation through a consultative process involving the Centre, the States and the officers concerned and no officer was sent on central deputation against his/her own will.
- Every year, the States would prepare an “offer list” of officers who had opted for central deputation without arbitrarily withholding any names.
- The Centre would choose officers only from among those “on offer” from the States and the States would relieve the officers picked up by the Centre at the earliest.

Political intrusion:

- Unfortunately, both the Centre and the States have at times flouted healthy conventions for their political considerations.
- For example, In July 2001, the Centre unilaterally “placed at its disposal” the services of three IPS officers of Tamil Nadu cadre and recently in May 2021, the Centre unilaterally issued orders for the central deputation of the Chief Secretary of West Bengal just before his last day in service.
- Some States used to vindictively withhold the names of some of the officers who had opted for central deputation or delay their relief after they were picked up by the Centre.

- An egregious example was that of a senior IPS officer who was not allowed to join the Central Bureau of Investigation despite earlier clearance and was suspended by the Government of Tamil Nadu in May 2014 when she relieved herself from the State pursuant to the Centre's direction.

Infringement of rights:

- States are perceiving the proposed amendments as a serious infringement of their rights to deploy IAS officers as they deem best, especially when the cutting edge of policy implementation is mostly at the State level.
- The contemplated changes might have grave implications for the independence, security and morale of IAS officers.
- If States begin to doubt the loyalty of IAS officers, they are likely to reduce the number of IAS cadre posts and also their annual intake of IAS officers.
- They may prefer officers of the State Civil Services to handle as many posts as possible and in course of time, the IAS will lose its sheen, and the best and the brightest candidates will no longer opt for the IAS as a career.

Address real issues:

In *S.R. Bommai vs Union of India* (1994), the Supreme Court held that "States have an independent constitutional existence and they have as important a role to play in the political, social, educational and cultural life of the people as the Union.

- Poor working conditions in junior-level posts, an opaque and arbitrary system of empanelment for senior-level posts, and lack of security of tenure at all levels are the real reasons for the shortage of IAS officers, which the Centre should address.
- With the Government of India itself enthusiastically promoting lateral entry to posts in the Centre and providing an increased share of central deputation posts to the central services, there is no need to push unwilling IAS officers on central deputation.

Conclusion:

In a federal setup, it is inevitable that differences and disputes would arise between the Centre and the States but all such quarrels should be resolved in the spirit of cooperative federalism and keeping the larger national interest in mind.