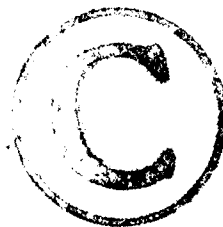


GOVERNMENT
SERVICE

S.M.S. PRAKASAM.

1960



1211, 8

N60

1715

GOVERNMENT SERVICE

BY

S. M. S. PRAKASAM.

Dedicated to the author's late beloved father
Sri S. Savarimuthu Pillai, B.A. of Samaya-
nallur, Madurai district, who, after a short
but saintly life in this world, departed for the
life eternal, early in his thirties, when he was
a Revenue Inspector in Tanjore district.

Published by  12

THE AUTHOR

1, EAST CIRCULAR ROAD

MANDAVELIPAKKAM

MADRAS - 28.

(Rights Reserved)

Price: Rs. 3/-

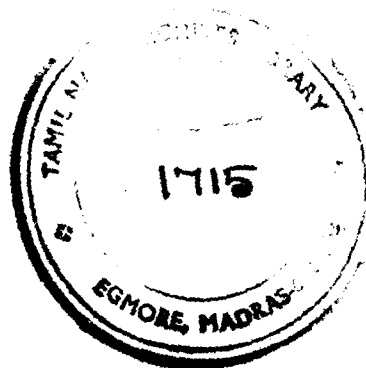
Acc. No 1215

Dt. 26.12.29

351

Pra - 3

V211,8
N60



CONTENTS

CHAPTER	PAGE
Introduction	vii
I. First Appointment to the Lowest Clerical Posts	1
II. Direct Appointments to Higher Posts	19
III. Admission to Professional Colleges and Schools	44
IV. Employment Exchanges	50
V. Unnecessary Intermediaries	63
VI. The Trite Warning	76
VII. Temporary Appointments	83
VIII. Transfers	85
IX. Leave	90
X. Promotions	92
XI. Personal Files	105
XII. Punishments	117
XIII. Petitions against Government Servants	122
XIV. Corruption	134
XV. Conclusion	186

INTRODUCTION

Herein, the author presents a memoir on matters relating to government service, which many could not have had the occasion or the bent to think seriously of.

The author is one who has spent 37 years of his life in government service. While still in service, he decided to write and publish a book like this soon after his retirement. But immediately after his retirement, he had to divert his attention to other more important and urgent private duties, which kept him fully engaged for about three years. Thereafter, when he commenced this work, he lacked inclination, time, having, by then, accomplished its proverbial effect of cooling down his verve for it, and he almost gave up the attempt after doing a part of the work. But the impulse that caused his original decision kept repeating itself and reminding him that it was for the benefit of others that he decided to do this work, and not merely as a purposeless pastime, eventually suscitating a feeling that it would be wrong to shirk an opportunity to serve others, which prevailed on him to resume the work in earnest.

Here is an account in brief of the author's career in government service, which, if not given, some readers may miss. The author entered government service in the revenue department in 1917 and from the lowest clerical post in the department, rose to the gazetted rank and retired in the fall of 1954 as a fairly senior deputy collector of the Madras State with an unsullied and bright record of service. He is

one of those who rose up purely on merits of good, honest and conscientious work, without any other kind of extraneous help, which he naturally detested. He always strove to please his superior officers by his work and conduct, and at times did even a good portion of their own official work to their satisfaction; but he never stooped to win any one's favour in obsequious or toadyish ways, which, he saw, to his surprise and scorn, some of his colleagues at every stage impudently indulging in. Those of his superiors who either naturally or unwittingly relished sycophancy, did not like the author's apparent stand-offishness, and some of them even developed, what can be called, a contempt for him on that account. But, none could, however, make up his mind to do anything seriously to mar his prospects in service, as they could not help liking him on the official side. There was an officer who, when the author was a clerk in his office, wrote one of his periodical confidential reports about the author more or less as follows: "He awfully delays papers and I had occasions to suspect his fair dealings on account of the delay. But, when he puts up a delayed file, it is so complete that it amply compensates the delay." This would show that the officer, who could not inhibit his bias when he commenced writing his report, had to conclude the report in a contrary strain. There was, anyhow, one adverse effect of this inevitable melange of likes and dislikes, and it was that the author's promotions were retarded with the ultimate result that he could rise up only to the post of a deputy collector before his retirement, while otherwise he could and should have, perhaps, gone far higher.

The author was determined from the very beginning to fight out his way up in service and he did so against odds and ends, leaving behind many of his seniors, of whom some were even better qualified than he. Whenever his promotions were delayed long, as they really were almost at every stage, he appealed to the higher authorities and got the promotions reverting, on some occasions, some others who were unduly promoted before him. Appealing to higher authorities against the orders of the local superiors or appointing officers was, in those days, and is even now, considered by men in service as inadvisable and detrimental to future prospects, in that it is likely to prejudice the local officers, in whom lie the primary powers of promotion. Somehow, the author never harboured any such fear in his mind. He never sought any kind of exemption from any rule. He made his representations in his petitions in plain and clinching language without any reservation, demanding, so to say, acceptance of his claims or reasons for their rejection. His friends who happened to read his petitions used to caution him about the tone of the petitions, saying that it might displease the officers addressed and make them condemn the author for ever. But the author only used to thank these friends with a snicker, reassuring himself that an employment, wherein free representation of grievances and earnest seeking for justice would not be tolerated, was not worth clinging to, and if, as a result of his petitions, he should be condemned, it would only mean that Providence had designed some other avocation for him.

The author has learnt from his experience that a man in government service, who does his work sincerely and efficiently, can always boldly fight for his rights with encouraging results and rise up honourably and independently in the midst of others, who, perhaps, even without real merits, may manage by other means to prosper in service. Real merits will never fail to get recognition in the long run, whatever be the party or policy of the government if, and so long as, democracy prevails, provided the men concerned unflinchingly put forth and press their claims. One can easily imagine how many kinds of government the author must have served from 1917 to 1954. Though, as usual, every government had its own ways, good or bad, with regard to the general administration, none was so rude or imprudent as to refuse appreciation of real merits of government servants, though, certainly, there was always the difference that men who had some pull above, got the appreciation and meed even for faggot merits pre-punctually, while those who had to stand on their own legs, had to wait long for consideration and acceptance of even real and outstanding merits. It has to be noted that though, for a longer portion of this period, India was under the domination of the British, the governments of India were, even then, democratic in form and principle and not totalitarian.

Wherever there is a reference in this work to governments or ministers or other officers, no particular governments or groups or persons are meant. The author has only expounded in this work in plain language, according to his wont, how and why the methods adopted by governments in matters affecting govern-

ment services are, in his opinion, unsound in some aspects, and, lest he should be accused of empty criticism, has also given his suggestions of fair and proper ways which, he thinks, must be the best. The suggestions given follow simple thinking of the fair-minded and are accordingly naive and straight, unlike the rules and schemes of governments, which are generally circumventive and susceptible of manipulations.

It cannot be news to any one that government appointments are most coveted and that it is easy for men in power to make gifts of them at their pleasure without manifestly altering the semblance of regular selection and appointment. It is the government appointments that form the bulk of the boodle of the "Spoils System" disclosed and deprecated by leading men of all parties including the congress, and the additional establishments and posts, especially of the higher categories, that are created now and then, help to augment the spoils for distribution.

Though in trend and tenor, this work may sound, in some parts of it, as vituperative in character, shrewd readers can easily discern the ulterior object of the author to ennoble the governments of our country in the eyes of the governed. Those who, either on account of their party connections or otherwise, have the facility and privilege of getting the best of everything the government can give, cannot easily imagine the feelings of privation and despair of the millions of their fellow citizens who are not fortunate like them. This class of persons may not relish a work of this kind. But the author has no intention to discomfit them or others.

GOVERNMENT SERVICE

CHAPTER I

FIRST APPOINTMENTS TO THE LOWEST CLERICAL POSTS

Till about three decades ago, it was not so onerous as it is now, to apply for a post in government and know the result, apart from securing an appointment. The difference is not due to the present enormous number of unemployed persons. Even in those days there was unemployment, though it was not so grave then as it is now, and there were a good many applicants for any post in government or private service. If the number of unemployed persons is much larger now, this can only increase competition for posts. The present difficulty is not caused by competition. There are many unnecessary hurdles placed now in the way of candidates seeking employment in government. There was no public service commission nor any employment exchange in those days. Candidates' merits were judged from the certificates of the high school or the college education they had received. The applicants had only to produce the certificates of their educational qualifications and nothing else, to the appointing officer on some date fixed. The appointing officer would select the required number of men with reference to the marks etc. in the certificates and appoint them immediately and inform the others on the spot either they were not eligible for government service on their

qualifications or there were no more vacancies then to take them in. If the applicants had sent their original certificates with their applications, it was needless for them even to appear personally on the date fixed. They would either get an order of appointment or a reply on their application by post. Now, every candidate for government appointment, whatever his attainments in the school or college, has to write an examination conducted by the service commission. The object of this additional examination after so many examinations which the candidates have gone through in the school and college is inconceivable. It cannot certainly be the idea that the results of the government and university examinations already passed by the candidates are not reliable. The service commission does not examine the candidates in anything connected with the work of any particular department of government nor in general office routine and it would certainly be anomalous to examine them in such things at the outset. The service commission allots candidates to different departments or services after their examination with reference to the results, on some principle which is not known to the public.

As all educated men cannot be absorbed in government service, there has, of course, to be a selection from among them for government service, as the government would naturally wish to have the best men in their service. The school and college certificates do certainly show who were academically found best. They cannot, of course, show who are best-fitted for government service; but it cannot be said either that the results of the service commission examination evince this.

Fitness for government service can be tested only in practice. Allotment of selected candidates to different departments or offices can also be based on the marks secured by the candidates in the examinations passed by them. The fact that there are men with varying educational qualifications among the applicants need not necessitate an examination for judging their comparative merits. The union service commission does not usually hold any examination for selection of men for the lowest clerical posts. A short time ago, the railway and postal departments called for applications for several clerks' posts and selected and appointed many of the applicants with reference to the marks obtained by them in the examinations passed by them without any further examination. There were in fact S.S.L.Cs., intermediates and graduates of all kinds among the applicants. It seems the postal department had the S.S.L.C. marks of all the applicants as the basis, as the minimum qualification required was S.S.L.C., and in the case of intermediates and graduates, they added 20 and 30 marks respectively to the total number of marks secured by the candidates in the S.S.L.C. examination for the purpose of preference. This is indeed a very reasonable and laudable method of selecting men for first appointments to the lowest clerical posts and it is also one which effectively shuts out all chances of favouritism, communalism, nepotism and frauds. Also the accounts and audit departments of the central government select and appoint men for the lowest clerical posts without any examination.

At the beginning, the service commission examinations consisted of only one or two papers in general

knowledge and precis writing etc. But now, even for a lower division clerk's post in the secretariat and some other offices, it consists of several question papers on the very same school and college subjects in which the candidates have already passed examinations. It might be said that in English and other languages, the service commission questions are general, while those in the school and university examinations are based on text books which the candidates might have studied by heart. But there are papers in the school and university examinations also by which the candidates' ken of the languages and their power of expression are tested outside of text books.

Apart from languages, the service commission re-examines the candidates in all other subjects also like algebra, geometry, trigonometry, physics, chemistry, botany, history and all, for even the lowest clerical posts in some offices. This unnecessary tousing of men who have finished their studies successfully and seek entry into government service only by the lowest post is meaningless. It can serve no other purpose than justifying and necessitating the existence and continuance of the service commissions. It cannot be denied that some men in spite of their having passed the S.S.L.C. examination or even the B.A. degree examination, are unable to write or speak English or any other language well. But such poor specimens are not absent even among the men passed by the service commissions as fit for appointment after their examinations.

As regards general knowledge, it is obviously unnecessary for an inexperienced youth desiring to

enter government service, only by the lowest clerical post, to know how the railway engine is steered, or which is the capital of Denmark, or even who is the President or the Prime Minister of India. Candidates who happen to boggle at such questions, might, in many cases, after about a couple of years of service in government, emerge as men eminently fit for government service. There would be nothing to be wondered at if many of the experienced and able officers of the government now in service should fumble or blunder at many of the general questions put to candidates in a service commission examination.

More than these examinations themselves, the ordeal which the poor candidates have to undergo for getting admission to them is pitifully great. In addition to the conduct certificate given by the head master or the principal of the school or college, each candidate has to submit two other certificates of conduct obtained from two different gazetted officers or magistrates etc. The pathetic scene of young men of poor backward families having none in high posts in government or in any other influential positions, going about in search of men who would give them, or help them to get, the certificates, has become common. I have seen such men cringing to peons and clerks of officers and waiting for their help to get certificates from their officers, and peons and clerks producing such men before their officers as related or known to them for getting certificates for them. Even if any officer deigns to give a certificate, he cannot unhesitatingly give one, because the rule requires, or required, I remember, that the officer granting the certificate must have known the

man at least for two years and the certificate would not be accepted unless it contained a specific statement that the certifying officer had known him for two years or more. It seems, of late, the service commission has added "any responsible person" to the list of persons whose certificates alone would be accepted. But who are the other responsible persons in the eyes of the service commission is not clarified. Again, if a man succeeds in getting such certificates, they remain valid only for a short time, perhaps two or three months. If, after three months, the same man wants to sit for another examination of the service commission, he must begin his begging tour anew for fresh certificates.

It is rather puzzling why the service commission should not be satisfied with the certificate given by the head master or the principal for the conduct of the candidate and should demand two more certificates for it and why they would not accept certificates which are more than three months old. There is no conceivable need for the service commission to be so over-solicitous about the conduct of the candidates. If any man misbehaves after appointment in government, there are so many rules and orders under which he can be punished or removed. Any number of certificates cannot insure the perpetual good conduct of a person. One who is good today may become bad tomorrow, and even a bad person can get the certificates required.

The candidates have to submit all certificates in original. If any one sends only copies, he has to go again in search of some gazetted officer, or magistrate or responsible person to get the copies attested. Candidates must know, and they can also be warned by a

note in the form of the application they fill up and send, that any one who sends a false or incorrect certificate will be criminally prosecuted. The original certificates of the candidates can be examined and compared with the copies sent by them, when they join duty after appointment. The identity of the men can also be checked at that time with reference to the marks of identification given in their S.S.L. Certificates. (The university can also be requested to note the marks of identification of the candidates in the certificates issued by them.) This duty of checking the identity and examining the certificates can and should properly be cast on the appointing authority to be done before admitting the candidate to the post to which he is appointed. If the appointing officer detects or suspects any kind of fraud, he can refuse to admit the candidate to duty and take suitable action against him immediately. Now, no appointing officer worries himself about these things and simply admits the man who offers himself as the person allotted by the service commission. So, though the service commission is supposed to take care to prevent frauds and personations, (which cannot be prevented by merely getting the copies of certificates attested by a gazetted officer etc.) there are chances of frauds till the candidates join the posts to which they are appointed. The identification marks of the candidates do not appear to be checked at the time of the examination or earlier or later. This, of course, is not quite necessary, if other methods to prevent personations at the examinations are adopted. Applications for the service commission examinations are usually directed to be written in the hand of the

applicants. Even if the hand in the answer papers is checked with that in the applications, (very probably this is not done) it is still possible that the man who appears before the appointing authority with the order of selection of the service commission is not the same as the one who filled up the application form for the examination and wrote the examination itself.

Again, every candidate for the service commission examination has to remit a fee ranging from Rs. 10/- to 25/-. There are many poor boys whose parents have more than exhausted all their pecuniary resources for educating them and have still not recovered from the effects of the strain they had for finding money for remitting the last government or university examination fee for the boy in the pleasant hope that that was the last item of expenditure for the education of the boy and the boy would soon begin to earn to repay all debts incurred and redeem all valuables pledged. In the case of such families, the fee for the service commission examination would prove to be the last straw to break the camel's back.

There are also some other autocratic ways, which some service commissions still adopt. For instance, they rule that any enquiry from any candidate as to why he was not selected will not be considered. This sounds more or less like the term in a crossword puzzle coupon that no disputes will be entertained about the answers to the clues. There at least, persons who have sent correct entries are invited to report if their names are not found in the winners' list. The service commissions do not usually communicate the marks in their examinations to any one. Every candidate who applies for a

post and is not selected has a moral right to know why he was not selected. If one, who feels he has written the examinations well, wants to know why he was not selected, he has to be told his marks and the reason for not selecting him. When doing this, some responsible officer of the commission can also check the records again to make sure that no mistake has occurred in the office in totalling the marks or in copying them from list to list. As a rule, the candidates at a service commission examination must be informed of the marks secured by them in the examination whether they are selected or not. The union service commission did this after their recent examination for the posts of central secretariat assistants.

Previously, the service commission used to instruct the candidates to enclose a self-addressed post card with their applications if they wished to have an acknowledgment of their applications and to return the post cards to the applicants with the date stamp of the service commission in acknowledgment of the applications. But now they are refusing to give such acknowledgments and are directing the candidates to send their applications by registered post, and those who wish to have an acknowledgment, to pay also for a postal acknowledgment. What made the commission to abandon the previous good practice is not known. Previously, candidates could send their applications by ordinary post enclosing a post card and get an acknowledgment at a cost of only 2 annas 9 pies. According to the new rule, every candidate has to spend about 10 annas or more to send his application and get an acknowledgment.

With all these unnecessary examinations and handicaps to young men seeking employment in government, the service commissions do not always supply all the men required for first appointments in all departments. They hold their examinations once in one or two years and the lists of men supplied by them to each department after the examinations, are exhausted within two or three months and thereafter all vacancies are filled up temporarily with men sent by the employment exchanges. (These employment exchanges, in the way in which they function, only provide another unnecessary stumbling-block in the way of men seeking employment in government. Please see chapter IV) The service commissions might say they only select and supply men with reference to the lists of requirements furnished by the appointing authorities. Wherever the fault may lie, the number of men supplied by the commission is never enough.

Many poor young men living in remote or backward villages, which newspapers scarcely reach, do not come to know about the service commission examinations in time and miss the chance of sitting for them for years. As a matter of fact, a poor boy of my ancestral village near Madurai wrote to me after passing his S.S.L.C. examination asking me to get some clerk's post for him in any office. I instructed him to sit for the next service commission examination and in the meantime to get his name registered in the nearest employment exchange for temporary posts. Some months thereafter, a service commission examination for clerks' posts was announced. When there were only a few days more for the last date for the application for that examina-

tion, I got a suspicion that the boy might not have known about the examination and obtained a set of forms for his application from the service commission office and sent them to the boy with a conduct certificate in a letter head of mine, instructing him to send up his application in time with the other required enclosures. In fact, the boy did not know about the examination till he received the forms and my letter and he did not eventually apply for the examination as his father was unable to find money immediately for the examination fee and the boy could not think of any other gazetted officer or other responsible person for getting one more conduct certificate and attestation of the copies of his certificates.

Even in cases where the boys in the mofussil are able to know about the examinations in time, they are unable to get the forms etc. in time for the application. A boy of Dindigul applied twice to the service commission in June and July 1954 for application forms for the examination for the Madras ministerial service that was to be held in October that year, but he did not get them. His father wrote to me a few days before the last date for the application and I got the forms from the service commission office and sent them to him by registered post. The service commission secretary to whom I spoke over the phone before sending for the forms, said that forms had been sent to all candidates who applied for them and he could not understand why this boy did not get them.

For the same examination, another boy of Madras who had applied in time to the service commission, with

all the required enclosures, received an order of the service commission a few days before the date fixed for the examination telling him that he should obtain and send a conduct certificate from the principal of the Loyola College within ten days, failing which his application would be rejected. Though the order was dated 22-9-54, the cover containing it was posted at 12 noon on 16-10-54 and was received by the candidate at 5 P.M. the same day. A certificate of the principal of the Loyola College was not necessary at all in this case as the candidate had sent with his application a certificate of the principal of the Salem College from which he passed his B.A. degree examination. He was having only a post-graduate course of study in the Loyola College which he had not completed when he applied for the service commission examination.

Such instances of delay and mistakes occur, of course, in all public offices and not only in the service commission office. But delays and mistakes in the service commission office which affect young men fretfully waiting for their chance of entry into life have to be specially guarded against. The educated unemployed men are in a peculiarly pitiable plight. Men already employed have their unions and associations through which they represent their grievances and agitate for redress. Among the unemployed, the uneducated men get leadership from political parties, who exploit their ignorance and distress for their own political ends, through whom they make some noise, whether with or without result. The educated unemployed men get no sort of help from any side and are unable to help themselves. They cannot easily

organise themselves in any way as they are scattered and every one of them is always obsessed with thoughts of the prospects of his employment, expecting every day some chance or other of getting some employment. And those who have a desire to enter government service have also to abstain from organising or joining any association for agitation, lest, they should, for doing so, be declared disqualified for government service. So, this helpless set of people deserve the special sympathy of all.

Even for appointment as a lower division clerk in the secretariat and some other offices, for which the prescribed minimum educational qualification is a university degree, the service commissions have their own examination in all subjects. Recently the government of Madras appointed a committee headed by Sir A. Ramaswami Mudaliar to examine the question whether a university degree should be insisted on for any post when the selection for such posts too is made on competitive examinations. The committee sent a report, with a dissenting note, saying that a university degree need not be insisted on except for the higher level of services, and giving suggestions about the nature of the examination to be held. This does not mean that the committee found a competitive examination by the service commission indispensable even for the lowest clerical posts. The reference to the committee predetermined that there should be a competitive examination, and one of the points given to the committee was "to consider the type of test which should be instituted to assess the relative merits of the candidates in an objective manner etc." When speaking about the

competitive examination, the committee probably had in their immediate view only direct appointments to higher posts (for which some kind of test is unavoidable) though their report, as a whole, appeared to cover all posts in general. If, instead of asking if a university degree should be insisted on, when the selection is made on competitive examinations, the committee had been asked to consider whether a competitive examination is necessary for selecting men for the lowest clerical posts in any office, or if the comparative merits of candidates for such posts could be assessed with reference to their school and college certificates, as is done by the central government, the reply of the committee might have been different. Before the competitive examinations were introduced, the government fixed a university degree as the minimum qualification necessary for even the lowest clerical posts in the secretariat and some other top offices, evidently because they thought that men employed in such offices should have a better educational basis than those in the lower offices. The same rule can as well be continued, dispensing with the competitive examination. No change of circumstances or functions has taken place to necessitate a change of this rule.

A fresh written examination of any kind for the purpose of selecting men for the lowest clerical posts in any department or office is quite unnecessary, especially in the face of the fast-spreading view that examinations are not the sure or safe means of testing the innate capacity or intelligence of persons. Instances are not rare of students, who showed only an average capacity according to the results of the several exami-

ALL INDIA 1/10
 DT 26.12.29
 15

nations in the school or college, but passed the government or university examinations with distinction, and of students who were very bright in the school or college but met with a miserable failure in the government or university examinations. Even among the service commission examinations themselves, it would be nothing strange if a candidate, who failed in an examination of the S.S.L.C. standard, passed a subsequent examination of the B.A. standard or even an examination for an All-India service post. It is, presumably, to fend such anomalies that service commissions provide columns in their form of application for admission to their examinations for mentioning the service commission examinations for which the candidates had already appeared and the results of such examinations.

The system and principles adopted by the service commissions in connection with their examinations are, so to say, subversive of the constitutional policy of the government of affording equal opportunities to all, in that, as explained above, poor men living in villages do not have equal opportunities with men of means living in towns. Without any examination, selection of men for the lowest clerical posts in any office can be made in a very laudable and impartial way as explained in Chapter V.

If, however, it is thought the service commission examinations for the lowest clerical posts cannot be dispensed with for the only apparent reason that conducting examinations for appointments to the services is the primary duty cast on the commissions by the

Constitution in Art. 320 (1), and without it there can be no justification for maintaining the service commissions with their unwieldy establishments, the present method and rules can, at least, be altered as suggested below, with a view to mitigate the hardship of the educated young men aspiring for employment in government and to help them to know quickly and easily if they can get into it or not, so that, if they cannot, they may try for employment elsewhere without wasting time.

1. There should be an examination every year or half year on days fixed once for all, such as the first, second, third or fourth Monday or Tuesday or any other day of some month in the year or half year at the usual centres. There cannot be any year or half year in which new men would not be required for the lowest clerical posts in the several departments of governments. The dates and centres fixed should be published once in every quarter in the official gazette and in important English and vernacular newspapers. The building selected for the examination, which cannot be the same every time, and the time of the examination can be mentioned in the hall tickets that will be sent to the candidates.

2. There should be no time or period fixed for the receipt of applications for admission to the examinations. Applications must be accepted at any time throughout the year and considered for the next examination for which they are in time. It should be mentioned in the gazette and newspaper publications that candidates can apply at any time for admission to the examination and that applications received up to

such and such a date would be considered for the examination to be held on such and such a date.

3. Application forms should be distributed to all schools and colleges in the state and it should be mentioned in the publications that candidates can get the forms either from the service commission office personally or by post or from any school or college.

4. Receipt of applications should be acknowledged by the commission on addressed post cards sent by the candidates with their applications and it should be left to the candidates' option to send their applications by registered post or otherwise.

5. Conduct certificates given by the Head Master or the Principal should be accepted as sufficient and no additional certificates for conduct should be insisted on.

6. When copies of certificates are sent, the candidates' attestation of them as true copies should be accepted. There may be a warning note in the application form that the selected candidates who had not sent originals, will have to show them to the appointing authority when they take up their appointments and that any one, whether selected or not, found to have sent false copies will be criminally prosecuted.

7. There should be only one or two papers for the examination so that the examination may be finished in one day to help the candidates going to the examination centres from distant places to return home the same day without any night stay at the centre which will mean much of expenditure to them. It should be

borne in mind that even a few annas is something big for an unemployed person of a poor family.

8. There should be no fee for the examination. It can be ordered that the fee usually payable or even a little higher amount should be paid by those selected for appointment, immediately after the selection and if they fail to do so, it will be recovered from their pay at the rate of a few rupees per month, after their appointment.

9. The marks obtained by each candidate should be communicated to him whether he is selected or not and if any candidate wants to know the marks secured by any other candidate or candidates, he must be given them also.

10. The columns in the form of application for admission to examinations for mentioning the service commission examinations for which the applicant had already appeared and the results in them, should be removed.

If the departments fail to give the commission their requirements of men for clerks' posts in time, the commission who must, by this time, have figures of the average requirement of each department or office, can select such average numbers and furnish lists.

CHAPTER II

DIRECT APPOINTMENTS TO HIGHER POSTS

We see frequently men being selected for appointment directly to posts higher than the lowest clerical posts in all departments. With regard to such direct appointments, the first question that arises is "Are such direct appointments to higher posts necessary or desirable at all?" If this question is put to men already in service, they (except, perhaps, those who got into the All-India Cadres by direct recruitment) will immediately and with one voice cry it down as unfair and unjust, as every one of them loses as many chances of promotion as the number of men directly appointed to posts higher than that held by each. Such appointments naturally rouse a feeling in the ranks similar to that of persons who have been waiting long in a queue, when late-comers, by virtue of their influence or might, break the queue and occupy forward positions in the queue. It is true that all men in government service cannot get promotions in the order of their entry into service, like persons in a queue for boarding a bus or getting a railway ticket. But, there are certainly always many in service who, purely on merits, can reach higher posts much quicker in the absence of such direct appointments to higher posts.

During the British regime, the ruling race had the I.C.S. scheme for the purpose of having their own men as district heads and in other key posts. For a long time, no Indian was admitted to the I.C.S. Then, a few Indians carefully selected from confirmed loyal families

were selected and admitted to the course. Even thereafter, only Europeans were posted as district collectors and other high administrative officers, and Indian I.C.S. men, who were even senior enough to be given such posts, were posted as district judges. After some more time, some Indians were appointed as district collectors of some small and industrially and commercially unimportant districts as Nellore, Kistna etc., and still later, of some other districts. Even till India got independence, only Europeans were, as a rule, appointed as collectors in some important districts. The Britishers were naturally wary about placing Indians in important administrative posts and there is nothing to cause surprise in this behaviour of theirs. Perhaps, we Indians would have also adopted similar methods in England if we had colonised in England as they did in India.

They were also selecting and appointing Indians directly to other posts, such as deputy tahsildars, revenue inspectors etc. and later as deputy collectors too, and, if I remember right, they openly prescribed relationship to high officers and persons of high social status as an additional, and virtually the main, qualification for selection to such posts for the obvious purpose of keeping their Indian officers cajoled, and the non-official social leaders of India placated, by opening such ways of securing high posts for their sons and other relatives.

After India attained independence, such reasons for direct appointments to higher posts ceased to exist. But still we see such direct appointments here, and that still almost on the same lines and principles as during

the British regime. The reason is not difficult to understand. Even the qualification of relationship to men in high posts or position does not seem to have been removed. The high rates of fees for the application for such selections, especially for the I.A.S. etc., for which a candidate has to spend about Rs. 100|- in all, practically keeps such direct appointments open only to well-to-do people. They allow, of course, some concession in the rates of fees to men of the scheduled or backward classes. But, poverty and embarrassment are not restricted to such classes alone in India.

(The only possible and plausible justification for direct appointment to higher posts is that really precocious and extraordinarily perspicacious men who can make good officers of the government without much experience or training, should not be made to waste their time in the lower ranks. But, to be sure, such type of men can be only one in some thousands and cannot be secured in such large numbers as they select now. What is being done now is nothing like an attempt to pick out such rare type of men, if any. A good percentage of all higher posts is reserved for direct filling up (on what ground or criterion, God alone knows,) and men are selected for filling them up. No such reserved post is ever left unfilled for want of deserving men. Can any one say or believe that men selected nowadays for direct appointment to higher posts, are, all of them, such precocious types, or that there are none among the men already in service, who are equal to, if not better than, many of them in every respect? There are always at least some men with years of experience in government service, who are, in

in all respects, far superior to many of those selected directly for higher posts. The worst humiliation a government servant has, at times, to bear is to have to serve under officers whom he is unable to consider in any way superior to himself except by the rank, which they managed to secure or was thrust on them. And if such officers, in spite of their inferior capacity, which they themselves cannot but perceive, happen to be induly domineering and vitriolic, like a bull in a china shop, as many of the parvenues usually are, the unfortunate subordinate who has to run the gantlet or no fault of his, helplessly suffers the ordeal tyrannically imposed on him by the government by their selection of such men directly to higher posts. Such predicaments might be common and perhaps unavoidable in private service. But it should not be so in government service, where all round merits are supposed to be the prime consideration for high posts. A private employer cannot be questioned about his nepotism or avouritism in his selection of men for his service, as it is his own money or his father's or grandfather's that is spent for paying the servants. But in government service, it is people's money that is spent and the men whom the people have entrusted with the proper use of their money, have no right to squander it to satisfy their own wishes or fancies. When an undeserving person gets a government appointment or promotion in service on the influence of some one, it practically means that the person whose influence is used, misappropriates people's money in thousands and arranges for its payment in monthly instalments to the favourite.

Even for employment under some private firm or employer, if a person in authority in government re-

commends some one, the employers, in most cases, honour the recommendation, because they need the favour of the men in power for the proper running of their business. When persons in power do this, chances of the helpless but well educated men getting private employment too are curtailed.

It cannot, however, be denied that there are also really talented and deserving men among those selected for direct appointments. But they usually form a small percentage of the total number selected, and these are obviously the only possible few deserving men of the lot, who are rightly selected on merits. It is the selection of the remaining majority that is deprecable. Quite possibly, the undeniable fact that none of the really talented few is left unselected, screens, as it were, the unmerited selection of the rest and misleads the public to think that all those who are selected are really precocious. After the selection and appointment there is no question of reduction of any to lower posts even if any one is found incapable or inefficient thereafter in practice. Even if any one of them bungles or gets into trouble, there is some one to save him. The only difference after the selection is that the few really talented men among them quickly rise up to higher posts, while the undeserving favourites, who need an extraneous push to every higher stage, are slow to rise up or do not rise up at all. But the high places to which the latter were directly appointed are practically insured for them. Demotion or removal of officers for incapacity or inefficiency is unheard of in service, though among those directly appointed to high posts, there are always men who are not up to the mark in capacity or effici-

ency (though, perhaps, vainly pedantic) if not addled or dull. Governments do not generally realise the anomaly of keeping such men as officers with really smart and capable men under them; because, they are themselves, in a way, collectively, if not individually, responsible for such men getting in.

Direct appointments to higher posts need not be stopped altogether and it will be quite proper to continue it for the only purpose mentioned above. But the method and principles of selection must be completely changed, if the government sincerely wish to continue it for that one reason only and nothing else.

The present age limit for competing for such direct appointments seems to be 24. This can be kept on or even reduced, if thought fit, to 21 to 23 and 19 to 21 as proposed by the recent Ramaswami Mudaliar Committee of Madras. But, any such restriction in age must be made applicable only to men not already in service of the government, and men in service, having the requisite educational qualifications, must be allowed at least five chances to compete for such selections up to the age of 50. For various reasons, many of the men already in service could have been unable, or reluctant to compete for such selections before they passed the age limit and some might have even competed and failed. They have entered service in the hope and plan of rising up to higher posts on merits and they should not be denied the chances of jumps to higher posts which they may prove themselves fit for, in competition with outsiders. A man with some experience in government service must

certainly be preferable for higher appointments, if he is found fit, to one without any such experience. It is wrong and unjust to treat the whole lot of men already in service as unfit for posts higher than those held by them and still worse to install undeserving newcomers in higher posts, thus rendering the chances of promotion of efficient men in service even in the ordinary course unduly less and remote. The recent anxious and sympathetic observation of our Prime Minister, when laying the foundation stone of the new extension of the Indian Institute of Social Welfare and Business Management at Calcutta, has to be mentioned here. He cited the example of Ramanujam, who started his career as a clerk and rose to eminence and said "I do not know how many clerks there are in our country who, given opportunity to their talents, could make for progress. By giving opportunities to men and women, I am sure, we can pick up talents."

If the governments do not feel inclined to allow chances to men in service up to 50 years of age as suggested, it would behove on them in fairness to stop direct appointment of outsiders to higher posts. Even if and after direct appointments are stopped, it would still be possible for really precocious men to rise up to higher posts very quickly from the lowest posts. Direct recruits to the I.A.S. and other All-India cadres are at present given regular appointments to the lowest gazetted rank after a training for two years after their selection. If direct appointments are stopped, the number of chances of promotion will vastly increase and a man who is extraordinarily capable can, after entering service by the lowest post, easily reach the lowest

gazetted rank in about 5 years (as promotions are to be given only on merits, seniority being considered only when merits are equal) with a valuable practical experience which will prove a great asset to him as an officer, while the government can save the money wasted on the training given to direct recruits for two years each. Those who have served in government can know about the sort of training the direct recruits get at present for two years. They are attached for short periods to different officials, from the lowest to the highest, to learn work from them. Practically, none of the officials to whom they are attached has the time or the patience to teach them anything useful. The trainees have to learn things for themselves and at the end of the two years, none of them, except, perhaps, the really precocious few, could have possibly learnt anything to justify the expenses of the government for their training. Now there seems to be a school for training men selected for the All-India services at New Delhi. It is not known what kind of training the men get in this school. It is, at any rate, only a school for mere training and not for any test and so, even there, it must be only the precocious few who can really benefit by the training.

If direct appointment to higher posts should continue, a service commission alone with a few fixed members will be useless for the purpose of selecting men, nor will even other *ad hoc* committees be fit or desirable. The undesirable practice of holding different examinations at different times separately in each state and the centre for direct recruitment to posts in different grades should be stopped. There should be only one

test in a year either separately in each state or only in the centre for direct recruitment to all cadres and grades of posts of all the state governments and the central government. If the recruitment is made by the states, the centre should accept the men selected by the states for the All-India services such as I.A.S., I.F.S., I.P.S., I.A. & A.S. etc. If this is not agreed on, the selection for the direct appointment to other provincial or other posts of the states also should be based on the results of the test held by the centre for the all-India services, and for this purpose, men wishing to compete for direct appointment to posts of the states also should be directed to appear for the test of the centre for all-India services.

There can first be a written test of high standard. There will be no need for a number of papers in this test in all college subjects. Algebra and geometry and other various subjects do not materially help a government officer in the discharge of his daily duties. A knowledge of such subjects can, no doubt, embellish the basic educational domain of the man, though it is not essential for service; but his school and college records are there to prove that he has studied them with success and so it is unnecessary to examine him again in them. With regard to services other than the general administrative, e.g. I.A. & A.S., I.F.S., I.P.S., etc., it can be ruled that the candidates must have studied particular subjects for each particular service in one of the degree examinations passed by them, such as mathematics for I.A. & A.S., botany and zoology for I.F.S. etc. and distinction in physical training and sports with chest measurement and height for I.P.S. With such

conditions with regard to qualifications, the general test for all the services can be the same. Perspicacity and ability to speak and write clearly, forcefully and convincingly, combined with tact, are all that are necessary for one to be a successful and efficient officer in any department. It must be made compulsory for all men selected and directly appointed to higher posts, to pass out within the period of probation i.e. two years, all the prescribed departmental special tests, which they should have passed according to rules to qualify themselves for promotion in the usual course from the lowest post to the posts to which they are directly appointed, if they have not passed them already. Their having succeeded in the test for direct appointment, cannot exempt them from passing any of these tests, as the former test as suggested, is only a general one without any bearing on the work of the department concerned.

Three papers will do in the test for selection for direct appointment to higher posts viz., one for translation from English to the regional language and vice versa, with a passage for precis-writing, one for a treatise on one of five or six given themes, and a third with about 18 intelligent questions, with choice to answer only a dozen of them, to test the common-sense (not the general knowledge) and the general power of discretion and discernment of the candidate. (It has to be mentioned here with pleasure that after the author wrote this, the Union Service Commission adopted practically this method in an examination for the selection of men for the I.A.S., departing from the previous meaningless practice of examining the candidates in all the school and college subjects.). In

the paper for the treatise, the candidate's knowledge about the details of the theme, or the correctness or incorrectness of the views expressed need not be minded much. More weight must be given to the correctness, force and style of language and the candidate's perspicacity. It is gratifying to note that the recent Ramaswami Mudaliar Committee has also given more or less the same suggestion in other words about the nature of the examination to be held. The committee's suggestion is that the examination should aim to test the mental qualities rather than merely the memory or the fund of information of the candidates.

It is important that the examination should be conducted with all seriousness, sincerity and strictness, with the only aim of spotting out extraordinarily talented men, if any. The practice of reserving a fixed percentage of posts in each grade and cadre for directly recruited men and selecting men for filling up such reserved posts should cease. The principle should be to give direct appointments to higher posts only to extraordinarily talented men, if any are found, and even that only up to 10 or 15% of the expected vacancies every year in each grade or cadre, and to avoid any such direct appointment if no deserving men are found. If the test be conducted with this only aim and in the way suggested below, it is very likely to be found difficult to get deserving men even for 5% of the expected vacancies in any category. Whatever be the result of this or any other kind of test, selection of men for direct appointments must be limited to a maximum of only 15% of the expected vacancies in each category.

The remaining vacancies should be filled up only by promotion of deserving men in service, as men, whose capacity and efficiency have been tested in practical work in different situations, are unquestionably preferable to new-comers who happened to get through some general written examination having no bearing on government work or some random oral test lasting a few minutes. Reserving 50% and 75% of the vacancies for direct recruitment and filling up all of them with new men, ignoring, and virtually abasing, deserving, proficient and promising men in service, is atrocious.

As this test is a momentous one holding out, unlike other tests and examinations, an immediate chance of a rare and enviable start or hit in life to those who succeed, many of the candidates or their parents, friends or benefactors would naturally find it charmingly worthwhile to embark on an all-out attempt to gain success in it by hook or by crook, leaving no stone unturned in the effort. So, special and additional precautions, which are not usually taken in respect of other examinations, become necessary in this to eliminate chances of favouritism and frauds. The appointment of examiners must be made only a fortnight before the date fixed for the examination and those appointed should be given only a week's time to prepare and send their question papers. About a dozen men of different places with long experience as examiners in government and university examinations should be appointed as examiners for each paper and for each language. If the examination is to be conducted by the states, the capital of the respective state must be the only centre for the examination. The examination can be held in different

buildings at the same time if the candidates are too many for a single hall. Similarly, if the examination is to be conducted by the centre, New Delhi must be the only centre for the examination. On the morning of the day fixed for the examination, the covers containing the question papers should be opened and one of the papers for each subject and language should be selected by lots. The examiners who set the questions thus selected will become the examiners for the respective papers. After selecting the question papers, as many copies of the papers in each subject as the number of places of the examination, with a fixed number of spares if necessary, should be got typed or stencilled and a copy of each paper should be sent through special messengers in sealed covers addressed by name to the chief hall superintendent of each place of examination, each cover superscribed with the name of the subject to which the paper in it relates. The superintendent should acknowledge the covers after checking the seals, a specimen of which should have been sent to him previously. He should open the covers in the examination hall at the hour fixed for the examination to commence and read out the questions to the candidates who should be asked to take them down. He should note down the time at which the reading of the question paper is finished and the time allowed for the examination must commence from it. It is desirable that the work of selecting the question papers by lots and preparing and sending copies of them to the hall superintendents should be done by a single officer, preferably the chief secretary of the government concerned (if it is considered not big or important enough to be entrusted to the concerned Governor).

or the President) unaided, except by a typist clerk and a peon who should be specially called by surprise for the work. The officer doing it should personally see that only the required number of copies are typed or stencilled and the carbon sheets etc. used are destroyed at once in his presence.

The answer papers should be examined to see if any candidate has written his name or made any other notable indication to reveal his identity. The register numbers noted by the candidates must then be removed and fresh numbers given, (this seems to be done now in some other examinations too) before forwarding the papers for correction. This revision of numbers must be done personally by the service commission members themselves or the government secretaries and no subordinate should be allowed to have anything to do with it. The stubs or lists containing the old numbers and the corresponding new numbers must be kept under lock and key in some safe which should not be opened for any reason till the answer papers are all received back after valuation. The valuation of answer papers, which must be expeditiously finished, must be done only by one person, the examiner. There can be a separate valuer for each language of the translation if necessary. The examiner and valuers can have assistants on approval if they want, but the entire responsibility for correct valuation must rest solely on the examiner or the valuer concerned. The work should be done within some public office building or apartment to which no one except the examiners or the valuers should have access. The answer papers should never, on any

account, be allowed to be taken to the private residences of the examiners or valuers or their assistants.

There must be a special law for punishing examiners for deliberate dishonesty or fraud in relation to their examinership. If there is any information about any delict of any examiner, it should be immediately verified and the result published if the information is found true. The same law and practice can be made applicable to all other government and university examinations also, in connection with which scandalous stories of frauds in different stages and in various ways, ranging up to clandestine substitution of answer papers, frequently get adrift. Though official publication of such occurrences are rare, it cannot be said that all such stories are false.

After the examiners finish their valuation, the answer papers which have secured 50% and more of marks, must be got scrutinised by a Board of three to five examiners (other than those who valued them) who should be selected in the manner described infra for the personal test, from among experienced examiners. Though each paper must be seen by each member of this Board, their scrutiny need not be detailed. A cursory check must be sufficient for experienced examiners to test the correctness of the valuation. If the members of the Board differ in the valuation of any paper, each should give his own marks for the paper, and the average of the marks so given, must be taken as the final marks for the paper.

Those who fail to score more than 50% of the marks on the total in this test should be rejected as

unfit for direct appointment to any post. The present oral test of personality which is made after the written test, the members of the service commission sitting together or separately and putting various questions to the candidates is no good at all and it should be given up. The capacity, especially the *savoir-faire*, of the candidates, can be tested only in practice. To say that a person's capacity, tact or wit, can be judged in a few minutes interview, is rather preposterous. That there are experts who can do this, is all bosh and bluff.

Leaving aside possible favouritism to particular candidates in the present method of viva-voce tests, misconceptions and misinferences are also likely to occur, as the examiners have no time to think seriously in the course of the work. To give an instance, in a recent interview for selection of men for the I.A.S. or some other high post, a candidate who had given some place as his place of birth and some other place as his native place in his application, was asked by the examiner how he showed himself as a native of some place other than that where he was born. The candidate immediately answered "If one was born in a moving railway train, he cannot become a native of the place where the train was at the time of his birth." The examiner who was thrilled by this answer gave him the highest mark and the candidate was selected. The answer was, no doubt, a witty one. But did it unmistakably disclose extraordinary *ready wit* as the examiner evidently felt? Unfortunately no. The candidate must have filled up his application form at least three months before the viva-voce test. When doing this, applicants are usually keenly alert, lest their applications should be rejected

for some incorrect filling up, and even a person of average sense must have perceived the inconsistency between the places which he had to mention against the columns "Place of birth" and "Native place". So, the question which the examiner put to the candidate, must have suggested itself to him even when he filled up the form of his application, and perhaps after hours or days of thought, he arrived at the answer to satisfy himself before sending up his application. Or, he might have even consulted others about his difficulty and got the satisfying answer from some one else. So, when the same question was put to him, *pat* came the thrilling repartee. Who can say this could not have been the fact in that case?

Pandit G. B. Pant, while speaking at an annual general meeting of the Indian Institute of Public Administration at New Delhi in 1957, expressed himself against the system of interview and personality tests held by the public service commissions and advised that the time had come when they should consider whether the system of testing by interview should continue to be an integral part of recruitment regulations, or as the dominating part of the test. He held that the disqualification of candidates because of their failure to secure the required number of marks in the interview was hard on them. "Out of every five who wrote the I.A.S. examination", he said, "Only one was called for the interview, and every two out of three appearing for the interview were disqualified." "Young men who had been rejected in the course of an interview in the first year", he added "and got only 15 marks out of 100, get through next year. How their personality has

developed in the course of a year remains a secret to me. It is also somewhat of a mystery". His conclusion was "The least they could do is to admit a man and then see how he behaves in the administrative school in his period of training". My view of the present viva-voce test given above was written by me before the Pandit spoke thus. This makes it presumable that this and other views expressed by me in this booklet have been agitating the minds of at least the equanimous and justice-loving leaders, apart from those of many commoners like me, and the leaders blurt out after waiting long in vain to see if the minds of those concerned and their methods would change in course of time.

The recent Ramaswami Mudaliar Committee of Madras has also, so to say, disapproved of the viva-voce test. It has suggested instead that the first three months of the probation of the candidates should be used for forming a correct idea about their personality. This is a good suggestion. But, if during these three months, the probationer is to be watched only by one officer whose judgment is to be final, it would be worse than the present method of viva-voce test. The programme for the first three months should be so drawn up as to enable at least four experienced officers of different communities to watch him, each for six weeks. The probationer can work with one officer in the forenoon and with another in the afternoon. If at the end of this period, the opinions expressed are not quite satisfactory or vary greatly, this period should be extended by another three months and the probationer should be attached to four other still higher officers and at the end of this period, the government should pass a final order

either accepting the probationer for completing his training according to rules or terminating his probation with reference to the opinions expressed by all officers, giving full reasons for the decision in either case. Some gradgrinds and other feigning progressists may glibly observe that it is unnecessary to mind the communities of the testing officers. This is but prating. Though we are aiming at a classless society, as Russia has been for the past 42 years still not having a glimpse or shadow of it, we are still unavoidably recognising, if not encouraging, communities and classes by dividing the people as backward and forward communities and scheduled classes. Till we reach that hazy, if not utopian, goal of a classless society, we cannot ignore the existence of classes and communities and their innate mutual bias. When we claim and fight for proportionate representation of Indians in the establishments of the United Nations Organisation on the basis of population, it would not be completely wrong even to follow a rule of communal rotation in the matter of first appointments to government service within the country on a similar basis, allowing, if necessary, a few extra places for backward classes and scheduled castes. Such representation should, of course, be considered only at the time of the final selection of men and not before the examinations or tests.

It seems the union service commission has recently decided that there will be no separate percentage of marks for the personality test or interview, but the marks secured by the candidates in this test will be added to the marks received by them in the written test and the total will be taken for deciding passes and

failures. This looks, no doubt, a sane change. But to many, this will appear only as a subterfuge so long as the service commission members themselves or members of some preformed *ad hoc* committees sit as judges for the interview, as this test naturally comes only after the results of the written test are finalised and even supposing the members sitting for the interview will not be officially given the marks of the candidates in the written test (it is not said so), it will not be impossible for them to get those marks if they want.

Though the viva-voce test, as it is conducted now, is implausible and unnecessary as explained above, it cannot be said that it is absolutely unnecessary in any case for the selecting authority to see the candidates for direct appointment to higher posts. It is desirable and even indispensable to see personally, men for administrative and foreign service posts for the purpose of assessing their physical bearing, gait and manner of talk, as some debonairness is practically *sine-qua-non* for such posts. To judge these things, any one experienced in life and public service will be a competent connoisseur. No oral test of intelligence will be necessary after the written test which is intended for that purpose, and it is this part of the present viva-voce test which is undesirable.

With regard to the general appearance of the candidates, a very seemly or commanding mien is not essential. Only patently ungainly figures, if any, will have to be eliminated. The gait of the candidates can be judged even when they come in for the test. Only knock-kneed men and awkward hobblers, if any, will have to be discarded on the score of gait. No conversa-

tion is necessary for judging the candidates' manner of talk. As the oratory ability of the candidates for such services has also to be tested, each candidate can be simply asked to read declamatorily a passage of about 20 or 30 lines of some speech of some big person of any country, and the candidates' manner of talk and ability in it can be judged by the tone, tenor, accenting and pronunciation of words, and gesticulation. For this purpose, printed excerpts of past speeches of leaders and other big men of various countries can be kept and each candidate can be given two or three different excerpts selected at random 15 or 20 minutes before the test, during which time he can select one for his declamation and prepare himself for it.

Those who have applied for I.A.S. and posts of other administrative and foreign services and have secured more than 50% of the marks in the written test should be subjected to this personal test. Those who fail in this test can be admitted to posts in other services if they have the basic educational and other special qualifications necessary for them. No such personal test is necessary for the other services and selection for them can be made from the results of the written test alone.

The personal test mentioned above can be conducted in the manner described below if there is a sincere desire to make it unmistakably and openly fair and acceptable to all sections of the people, especially to the commoners and others who unfeigningly advocate or yearn for naked fairness. Others of the high classes, and the politically privileged people, may not naturally like the present suggestion, which is likely to bring

about an abrupt end of their putatively long-enjoyed prerogatives in the present method.

The test should be conducted by a member of the service commission or the head of a department of government assisted by a special committee formed afresh for each sitting out of a panel of honorary men listed for the purpose. All retired district collectors and judges and other higher officers who were not found wanting in smartness or power of judgment while in office and are not aged more than 75 should constitute this panel. Each special committee should consist of four or five honorary members in addition to the paid member and there will be no need for any chairman or president. The members will act as judges independent of one another. For selecting four or five honorary members, 40 or 50 men in the panel belonging to different communities and different parts of the country or the state, should be summoned to be present at the place and time fixed for the test. Five minutes before the time fixed for the test, the number of members required should be selected by drawing lots from among those present, as is done, according to law, for the selection of jurors and assessors to sit and assist the judge in grave criminal cases. Every committee so formed should finish its business in a single sitting and on no account should a committee be allowed to continue its work after an interval. On occasions when the work on hand is found too much for a single sitting of a committee, two or three committees can be formed to sit and do the work in different places or apartments simultaneously. Or a fresh committee can be formed for every sitting one after another till the work is over.

Five minutes before commencing the test, the numbers already given to the candidates should be revised again for a second time on the list by a member of the service commission or other high government officer who is not to take part in the test, unaided by any clerk or other subordinate and the candidates should be called by the new numbers so given, and not by names nor by old numbers, one after another for the test. The members selected should be told beforehand that as men of honour, they must abstain from the judgment work in respect of any of the candidates appearing for the test who happens to be related or personally known to them and that in respect of such candidates, they should avoid giving any marks and only mark as "Related" or "Known" against the numbers of the candidates in the list.

Each member should have only a list of the numbers given to the candidates just before this test as suggested above and each should enter his marks for each candidate, separately for the mien, including gait (Part I) and the declamation (Part II). The average of the marks given by the members for each candidate in each part must be taken as the marks secured by each in each part.

Those who have secured below 30% in either part in the personal test should be left out as unsuitable for direct appointment to any post. Those, if any, who have secured more than 75% in the written test and more than 50% in each of the two parts of the personal test can be selected for the highest posts of the administrative and foreign services in the order of their total

number of marks in both the tests. Those left in the first group, if any, for want of places in the I.A.S. etc. cadres and those who have secured between 65% and 75% in the written test and 45% or more in each of the two parts of the personal test can be selected for deputy collector's posts and other posts of equal grade of other administrative and foreign service departments in the order of their total number of marks in both tests. Those who are left in the first and second groups and those who have secured between 55% and 65% in the written test and 40% or more in each of the two parts of the personal test can be selected for deputy tahsildar's posts and other posts of equal grade in other administrative and foreign service departments. Those who are still left, if any, and those who have secured between 50% and 55% in the written test and 30% or more in each of the two parts of the personal test can be selected for upper division revenue inspector's or clerk's posts in the revenue and other administrative and foreign service departments.

If none has secured more than 75% and 50% in the written and personal tests respectively, there should be no selection for the I.A.S. or foreign service cadres. Similarly, if none has secured more than 65% and 45%, there should be no selection for deputy collector's grades and so on. Failure of a person in service to secure selection for direct appointment to a higher post in this test should not be a bar to his future promotions in the usual course. If a man who is a clerk or an inspector appears for the test and secures the required high marks, he can have a direct jump even to the I.A.S. cadre or to a deputy collector's grade. On

the other hand, if a man who is already a deputy collector fails to get more than 75% and 50%, he will benefit in no way. Outsiders too can get direct recruitment to I.A.S. etc. cadres and also to other lower posts mentioned above according to the number of marks they secure.

For posts in the other services and departments, for which no personal test will be necessary as stated above, selections can be based on the results of the written test alone, fixing a minimum number of marks for the different services and posts, as 75% and more for I.A. & A.S., I.F.S., etc., between 65% and 75% for superintendents of the accounts and audit department and posts of the same grade of the other non-administrative and non-foreign service departments and between 50% & 65% for upper division clerks of all non-administrative and non-foreign service departments.

Applicants called for the personal test should be paid in advance in all cases the actual III class expenses of their journey to the place of test and back. At present, in some cases men called to Delhi or other places for interview for high posts, are given II class (and now perhaps I class) railway fares or passes to and fro. This is an unnecessary waste of government money. If III class fares alone are paid, those who are rich enough, or wish, to travel by a higher class will certainly do so paying the excess fare, while others will travel III class heartily blessing the government for the help rendered.

CHAPTER III

ADMISSION TO PROFESSIONAL COLLEGES
AND SCHOOLS

Selection for admission to government professional colleges and schools which, in a sense, is another indirect method of direct lift to higher posts, or recognition of merits for special studies, also needs regularisation. Pure merits as evidenced by the certificates of school and college education, and these alone and nothing else should be the consideration for this selection. If this view is acquiesced in, as it cannot but be, appointing committees for such selections is not only unnecessary and meaningless, but seemingly a farce to camouflage and facilitate favouritism. The heads of the institutions themselves can easily make the selection on some fixed principle based on the marks and remarks in the school and college certificates of the applicants under open instructions of the government, following the procedure suggested in Chapter V for the selection of men for the lowest posts, and publish the principle adopted along with the names of the selected applicants and their marks and other particulars which justified their selection. Full copies of this final order of selection should be sent to all applicants not selected, though to the selected men a mere intimation of their selection will do with other instructions for joining the institution.

Personality is completely out of the question for this selection, as these institutions prepare men only for technical or medical posts or profession and not for

administrative posts. Physical fitness and normal eyesight and hearing are certainly necessary and for ensuring these conditions, there are the medical certificates of competent doctors in the prescribed form which the selected candidates are asked to produce. Regarding the personality test, the remarks of Sri M. Anantasaynam Ayyangar, present speaker of the Lok Sabha, in 1954 when the Madras government increased the marks for the personality test for admission to professional colleges from 50 to 100, are worth citing here. He did not favour a personality test for candidates for admission to professional colleges. To increase the marks for it was, in his view, opposed to the provisions of the Indian Constitution. He felt that in the viva-voce examination, able students had been unsuccessful, and there was no method of testing the fairness of marks allotted. He was of the view that the viva-voce examination might be done away with, as in practice it would lead to dilution of intelligence.

Even if the government think that personality is necessary for medical or technical posts also of the government they cannot apply this view to selection for admission to professional institutions, as all who come out successful in these courses are not to be and cannot be employed under government. Many may take up employment in the private sector, where usually, for technical posts, proficiency in the trade is the prime and practically the only consideration. Some may also employ themselves independently and earn. Though most of the men admitted to professional courses get a pass, men with better educational basis, as disclosed by the school and college certificates, must certainly

benefit more by the courses and turn out to be better skilled in the profession.

There are, of course, private professional institutions wherein government rules for the selection of men cannot prevail. But this cannot be a ground for government institutions adopting unsound methods of selection. To compel private institutions to stick to any rule in regard to selection of candidates will certainly be wrong and to revoke government recognition of, or aid, if any, to such institutions or to take over all such institutions under government management will be worse and undesirable from various points of view, which it will be too long and out of place to enunciate and discuss in this work. The public have a right in respect of government institutions alone to demand that admissions should be conformed to social justice as these institutions are national and are maintained and run with public money. Even if any such government institution is run with foreign aid, it is still national as foreign aid, in any case, is given to the nation as a whole without strings. It would not be improper for the government to prescribe that the private institutions receiving government aid, if any, should follow the government rules of admission in respect of a moiety of the total number of seats in the institutions, in proportion to the aid rendered by government. But any kind of interference with the discretion of the private institutions is undesirable. Private institutions can be instructed without any coercion to follow any principle, and when the government begin to adopt sound principles in an ingenuous method, the private institutions also will feel forced to adopt the

same, lest the comparative merit and standard of the skilled men they produce, which they usually care much for, should fall.

Some time ago, it was even openly made known that in admitting candidates to a professional college, twelve seats of the college were to be kept in the gift of the minister concerned. It is surprising that the men at the top do not sense the palpable abuse of the power vested in them and the flagrant violation of the confidence reposed in them by the public, by such appropriations. During the British administration, it used to be heard commonly that some appointments or selections were in the gift of some high officers. But the Britishers had their own justifications for such reservations, and, though the government was, even then, run on democratic lines, it was a democracy under an imperialistic control. India is now a republic following a democratic method of government and boasting to evolve a novel socialistic democracy, in which it must amount to a gross transgression for any government authority, elected or appointed, to have admissions to public institutions, or appointments to public offices or any other public benefaction in his gift. Since even in the absence of such reservation of seats, no facility is provided for the candidates or the public to test, or satisfy themselves about, the fairness of the selection, it makes no difference if seats are openly reserved for gift allotment or not.

It was said that some top men claimed that it was necessary for them to have some such favours at their disposal to make themselves popular so as to facilitate their administration of government. This is but a

glaring travesty of truth. It is perfect honesty and strict impartiality that can give one the strength and public support to enable him to do his duties fearlessly and not any out-of-the-way dispensation of favours. Such doling of favours can only help the donors to reward those who worked for their election or selection for power and to muster support for their re-election and reinstatement or continuance in power.

After the author had finished writing this chapter, a new scheme of the government of Madras for the selection of candidates for the engineering colleges of the state for 1958 appeared in the press. According to this, there was to be a single committee of three members for selection of candidates for all the engineering colleges of the state including the private ones. 20 per cent of the seats in the private colleges were to be left to be allotted at the discretion of the managements of the respective colleges. The remaining seats in them and all the seats in the government colleges were to be filled up by selection by the committee on the basis of merit after interviewing the applicants at Madras subject to reservation for backward and scheduled classes (which are unavoidable according to the Constitution) and the additional precept that seats should be allotted on the district population basis.

Selection *on merit* observing all such reservations and principles can be quite easily made by the heads of the respective institutions themselves under open instructions from government, with reference to the copies of the certificates and the applications of the candidates. Originals of certificates and marks of

identification can be checked after selection and before actual admission to the college. There will be no need for a committee for the selection, whether common for all the colleges or one for each, nor any interview of the candidates if the unnecessary question of personality is left out. There is personality test in the said new scheme too though the word "personality" is not used. It is said that marks will be awarded on the basis of aptitude, general ability, sports or N.C.C. activities etc. and general physical condition and endurance. Sports or N.C.C. activities etc. can be verified with reference to certificates, and general physical condition (if the doctor is not to be bothered about it) can be judged from appearance. How the members can judge the aptitude, general ability, and endurance of the candidates in an interview of a few minutes is what surpasses common human understanding and these are the supple points that facilitate favouritism and foul play.

After the selection was made in the new scheme, they published a list of the selected candidates. This serves no useful purpose and helps none. To convince every one of the fairness of the selection, the published results of the selection should show clearly why one was selected and another was not, as explained in Chapter V.

CHAPTER IV

EMPLOYMENT EXCHANGES

This vast organisation set up by the government for the purpose of helping the unemployed persons in getting employment and the employers in getting employees without difficulty, practically increases the difficulty of young men in getting employment, especially in government, and serves more as an unsympathetic, indifferent and imposing intermediary than as a helping concern. Periodically, they publish bombastic figures of persons who got employment through them. The figures may not be false, but can any one believe that but for the employment exchanges, these hundreds and thousands of people catalogued by them would not have secured employment? If any one honestly thinks so, it should only be taken that he is ignorant of facts. The men employed in these exchanges are not doing missionary work anxiously going about or taking efforts to secure employment for the unemployed. They simply register those who go to them seeking assistance for getting employment and when any demand for men comes from any quarter they send them up to take their chances of employment. Many get some private employment on their own efforts long after their registry in the employment exchanges and it is not known if these also go into the figures of employments secured through the exchanges. This privilege of getting employment directly is denied to those who desire to get into government service. Even after taking in all men selected by the service commission, who are usually not enough for

all vacancies in government service as already stated above, the government appointing authorities cannot recruit the additional hands required by them from the open field. They have to look to the employment exchanges for supply of hands though quite easily they can get the best men possible directly. This is because the employment organisation has succeeded in getting an order of the government that no appointing authority in government should appoint any one not sent up by the employment exchange. The government must have, no doubt, had some, at least seeming, good reasons for giving such directions to the appointing authorities, the chief being, perhaps, that if the government themselves do not utilise and patronise the employment exchanges opened by them, private employers may not make use of them and the unemployed may not benefit by them. But they have not evidently examined the actual working methods of the employment exchanges to see if, even with such backing, they can be really beneficial to the unemployed multitude. Even now, after so many years after the opening of the employment exchanges, an open-minded scrutiny of the work done so long by the exchanges will, it is hoped, disclose that the main work, if not the only work, they have been doing all along is registering applicants for government posts and sending them up to the appointing officers when required. It is high time for the government to think seriously if such a vast organisation at such a huge cost to government is necessary for this purpose alone, when, on an advertisement calling for applications for any vacancy, hundreds and thousands of qualified men can be easily got from among whom the appointing authorities can pick out the best. It is

not apparent that the employment exchanges, as they work at present, serve any purpose useful either to the government or the public. If it is claimed (it is presumably not,) that they serve to prevent favouritism, communalism, nepotism etc. in the matter of selection of men for government appointments, it would only amount to a futile attempt to defend or rationalise a step taken, as the employment exchanges or any other intermediary like them can never answer that purpose. There are other genuine, simple, easy, prudent, effective and inexpensive ways of achieving that end, if that be the earnest aim. (See end of chapter V).

For getting his name registered in the employment exchange, one has to go personally to an exchange, however distant it might be, with all his original certificates and stand, in some places, in long queues. If one has sent his certificates with some other application for employment, he cannot get himself registered until he receives them back. After registration, he has to be applying to the exchange once in every two months or so for renewing his registration. If any one forgets to do this, he loses all chances of employment till he gets a fresh registry made, for which purpose he must go again to the exchange with all his certificates in original. Any one who gets such a fresh registry, will not get any benefit by his previous registry and he will get priority for employment only from the date of his second registry. If he fails to get his second registry renewed again once in every two months, he must go again for a third registry and so on. There are many who say that they have got their names registered years ago and have also maintained the registry by getting it renewed

repeatedly in time, but have got no chance of employment still. There are others who complain that persons who got registered recently have got employments through the employment exchanges, while they have not been helped by their exchange, though they have got their names registered long ago. Many might have got their names registered and never thought of it again, ignorantly presuming that that was enough to get their turn for employment.

It is quite easy to say that all should get their names registered, but it is not so for all to do. Men living in towns where there are employment exchanges, may, perhaps, find it not very difficult, but poor men living far away will surely find it difficult to get money for their expenses to go to the exchange and return, and after registry, even to spend a few annas once in every two months to get their registry renewed by post, if this is allowed.

It cannot be said that no employment exchange is necessary. It is necessary, but only for keeping ready and up to date lists of unemployed persons with full particulars about each, for the use and information of the government and the private employers, and to help the unemployed with any information or advice sought, and to assist them in all possible ways to secure employment without causing unnecessary expense, trouble or hardship to them. It should be the duty of the employment exchange officials to gather information and particulars of the unemployed through some machinery to be set up, instead of sitting in an office and doing perfunctory exchange work in respect of only those who

take the trouble of getting themselves registered, following their unsympathetic rules for maintaining the registry, and never concerning themselves about those who either do not get themselves registered or, after registry, do not maintain it according to their rules.

Reliable and up to date statistics of unemployed persons are essentially necessary for the government not only for employment purposes but also for so many other administrative ends. The present employment exchanges, in spite of the vast establishments maintained for running them, can hardly have such statistics in their present way of working. Our leader Sri. Nehru himself had occasions to deplore the want of such statistics. Quite recently, he expressed wonderingly that while the country lacks engineers for employment everywhere, he sees a large number of qualified engineers unemployed and remarked that something was wrong somewhere. He made a similar observation once before, about a year or two ago, and even expressed, I remember, that the employment exchange had failed in its object. His recent repetition of the same complaint shows that the same state still continues in spite of his previous poignant remark. It is the employment exchange men who have to answer this remark. In the absence of any statistics worth the name, it is understandably difficult for them, if not impossible, to answer it. If pressed for an answer, they may arbitrarily say that if there are qualified men unemployed, they would be either overaged or otherwise unfit, forgetting our leader's sane advice on many occasions that in the case of technical men, age or other restrictions need not be rigidly applied. Recently it was denied in the Lok Sabha, on

behalf of government that there was any large unemployment among engineers, but it was added that if any engineering graduates were still unemployed, the only assumption could be that they were not able to find the type of job they wanted to take up. Anyone can make such vague assumptions. No assertion is possible in the absence of reliable statistics.

Unemployed persons can be invited and induced to get themselves registered in some employment exchange. But it should not be compulsory for them to go personally to the exchanges for this purpose. It is unnecessary for the exchange officers to see the unemployed persons or their certificates in original as they are not the employers and they need not take any responsibility about the qualifications or fitness for employment of the men they introduce or propose for employment. Usually, they send five or six unemployed men for each vacancy notified to them, leaving it to the employers to select any one they like with reference to their qualifications, fitness etc.

Printed forms with columns for all required particulars of an unemployed person for registration for employment can be supplied to all who apply for them personally or by post. In the column for mentioning the educational and other qualifications of the unemployed person in this form, there should be a direction to the applicant to give full particulars of the marks secured by him in each subject in every government or university examination passed by him and the class of pass etc. on a separate sheet of paper to be attached to the application and to attach also true copies

of other certificates, all attested by the applicant himself. These forms must also be available for supply with village munsifs in villages and at municipal ward offices or in other convenient centres in towns. A single clerk can be stationed in each such centre in towns. In addition to supplying the forms, the village munsifs and the clerks in the centres in towns can ascertain by enquiries in their areas if there are unemployed men who have not applied for registration and if any of those already registered have got employment. They can supply forms of application to those who have not applied for registration and advise them to apply. For those who do not like to apply, the village munsifs and the centre clerks themselves can fill up the forms with particulars got from them, for statistical purposes. The village munsifs and centre clerks can send all applications received by them every month to their respective exchanges with a statement showing those who have or have not applied and those, among registered men, who have secured employment.

The village munsifs and centre clerks can also receive filled up forms presented to them, if any, whether they relate or not to their villages or areas and send them to the exchange with their monthly statements. While supplying forms and receiving filled up forms, the exchange officials, the village munsifs and centre clerks should tell the unemployed persons that the employment exchanges cannot guarantee any employment to them, that they will only do their best to get them employment and give them any information or advice sought regarding employment, and that they (the unemployed men) should not abandon their own efforts to secure employ-

ment, lest after waiting for a long time in vain for some employment through the exchange they should lose confidence in the exchange and avoid recourse to it.

The exchanges can compile classified alphabetical lists or registers of unemployed men from the applications received by them direct and those, and the monthly statements, received from the village munsifs and centre clerks carefully avoiding repetitions. Additions and alterations can be made every month so as to keep the list always up to date. The names of those who have secured permanent employment can be removed. Names of those who have secured only some temporary employment should be kept on with a note of particulars about their temporary employment as far as known. Extracts from these lists can be supplied to government officers and private employers who may require them.

Many who see crowds of men in the employment exchanges are, as a matter of fact, misled into the belief that the exchanges are biskly doing very useful work. Let the government drop the present system of getting men for their service only through the employment exchanges and then see how many go to the exchanges. It is almost certain that, if this is done, there will be few to trouble the exchange officers or their staff. It is because the government officers refuse to appoint any one except those sent by the exchange, that there is the rush in the exchanges. A close scrutiny of the grandiose figures periodically published as those of persons who secured employment through the employment exchanges will, perhaps, disclose that most of the

persons, or at least a large majority of them got employment only in government offices, factories or other government institutions. Will any one imagine that all the posts for which men were supplied by the exchanges, or even a single one of them would have had to remain vacant in the absence of such help by the employment exchange? On the contrary, much better men could have been secured for all the posts in the absence of the restriction of choice caused by the employment exchanges.

Even in advertisements calling for applications for government posts, some appointing authorities state that only the candidates who are sent up by the employment exchanges would be considered. It is incomprehensible why then they advertise for applications at all. If it is said that the employment exchanges help the unemployed men to get employment in the order in which they become qualified or old enough to get appointments and to prevent the appointment of new men ignoring those who have been waiting long for employment, it is, in the first place, even factually not correct, because the lists in the exchanges are not complete and the entries in them are not in the order of the persons' becoming fit for employment. Many have not come into the list at all or after having once come in, have not continued in it as explained above. Even in the case of those who have continued in the list from the date of their registration, the names would be entered only in the order of their registration and it cannot be that each of them became qualified or fit for employment only on the date of his registration. Many might have waited long in the expectation of some

employment or other either through the service commission or otherwise before they went in for registration in the employment exchange. Even granting that the exchange list is complete and the order of names in it follows that in which the candidates became qualified or fit for employment, there is no rhyme or reason in the view that men should get employment only in the order in which they came out of school or college qualified for an appointment. There might be many among those registered late, who are better qualified or more suitable or preferable for many reasons, than those registered earlier, and it would be ridiculous morology to say that the former should wait for their turns in the registers of the employment exchanges.

In many cases recruitment of men for government posts both in the city and the mofussil is made in Madras and all appointing authorities at Madras call on the Madras exchange alone for men for such selections. They ignore applications from mofussil candidates even though their names might have been registered in the mofussil exchanges. The Madras exchange too does not seem to get names from mofussil exchanges and it registers only candidates living in Madras. Even if the Madras exchange itself has sufficient number of men on its rolls for all these calls, which does not appear probable, unless some knowing men of the mofussil also have secured registry in Madras giving the address of some relatives of theirs in Madras, getting men only from the Madras exchange and ignoring those of the mofussil for appointments, not only in Madras but also places outside, is quite unfair. In this way, men in the mofussil can have no chance of getting good appoint-

ments though they might be more deserving than men registered in the Madras exchange. Recruiting and appointing authorities should always consider all available men for every vacancy. A consolidated list of all men registered in all exchanges in the State with full particulars of each will be useful. If additions or corrections to this list are too many, a revised list can be prepared once in a quarter. Even if such a consolidated list is prepared, to restrict the choice of the appointing authorities to the men in this list only, will not be desirable for many reasons. The usual old method of the appointing authorities themselves directly calling for applications through the newspapers and the official gazette and considering all applicants is the best of all.

All employers including the government can furnish the employment exchanges, sufficiently in advance, with full particulars of men they require for appointment in their establishments, so that the latter can have useful information to help the unemployed with. On receipt of such communications the employment exchanges can provide the employers in return with relevant extracts or copies of the statistics they have.

Help of the employment staff is quite unnecessary for those who can get employment in government, except by way of information about the existence and whereabouts of vacancies. The employment staff should concern themselves mainly about those (educated and uneducated) who cannot get employment in government either due to their age, or for want of necessary qualifications or places. It is such people who form the bulk of the unemployed and many of

them have not got themselves registered in the employment exchanges. Taking statistics of such people and trying to secure private employment for them must be the prime function of the employment staff.

The employment officers should spend most of their time in going about and gathering first hand knowledge about employment situation and prospects, and the way of living of the unemployed, for the purpose of devising and propounding to the government the best possible ways and means of tackling the unemployment problem. If they are already doing this, they have to concentrate more on this kind of work. They should not burn daylight in interviewing applicants for government posts and examining their certificates. It is for the appointing authorities to do this and they will surely do this even after the employment officers have done it. It is uncharitable to tease the uncomplaining unemployed persons by subjecting them to superfluous ordeals.

Though it is a well known fact that however much any one may try, employment cannot be found for all the unemployed in the present situation, the employment staff can do much to help those who have some chance of getting private employments, and this is the work they have to do heart and soul. When educated unemployed men go to them for help, the employment staff have only to tell them where vacancies are available and direct them to apply to the officers concerned. Their introducing unemployed men to the government appointing officers is another tut in which the employment staff waste their time. They usually introduce five or six unemployed persons for every vacancy notified

to them. So, only one in five or six introduced by them gets employment and the rest have to go disappointed. If an unemployed person meets with such disappointments more than twice or thrice, leaving aside the question of the expenses and trouble he would have incurred, he will naturally get dejected and eventually desperate. It is causing such needless troubles, expenses and disappointments to the unemployed persons which has to be scrupulously avoided.

The university employment information bureau at Madras is unostentatiously doing useful work.

It is said that there are also private employment exchanges in America. Private exchanges are bound to be really and substantially useful to the unemployed as their success and income would depend entirely on the results of their work and their bosses would sincerely take pains to help those who resort to them. If the government should recognise and encourage private exchanges by giving them prompt official intimation of vacancies and requirements of men in government offices and institutions, the service of the private exchanges to the unemployed can never be equalled by government exchanges.

CHAPTER V

UNNECESSARY INTERMEDIARIES

It is desirable that there is no intermediary between the appointing authority and the candidate.

The service commission is an intermediary imposed on the states and the centre by the Constitution under Art. 315. The Madras state, and perhaps the other states also, (the centre not excluded) seem to be having the commissions with obvious reluctance, only to satisfy the statutory obligation, as, in spite of the existence of the commissions, the governments themselves directly make several appointments, promotions and transfers from one service to another for some assumed reason or other. In cases in which they allow the commission to make the selection, they make some departmental authority to sit with the commission during the selection for some specious reasons. In some cases, after selecting and appointing men for all the posts of a new cadre, they allow the service commission to make the selection for further vacancies in the cadre. There are also cases in which the governments disregard and reject the commissions' recommendations regarding replacement or promotion of particular officers. This is, however, not worse than balking the commission altogether when there is one statutorily formed.

The framers of the Constitution who have made the provision regarding a service commission for each state and the centre in the Constitution peremptory, must have certainly had some good reasons for doing so. (I

could not secure a copy of the deliberations of the Constituent Assembly on this subject for perusal). If the chief or the only ground for their finding service commissions indispensable, was that by having a separate agency for selection of men for government appointments, room for nepotism, favouritism, communalism etc. can be eliminated, they must be considered to have been not perfectly right. The service commission members are also men like the government authorities and not super-human beings. Even granting they are exceptionally and perfectly good, they do not themselves do the whole work of selection personally. They personally attend only to the viva-voce tests. For the written tests, which they hold for almost all selections, they are helped by hundreds of other men of various types such as examiners and assistant examiners and their own staff secretaries, assistant secretaries, superintendents, and a host of clerks and others. Even if all of this lot should be accepted as individually good and honest, it has to be remembered that they and also the members of the commission live in the same world as the government authorities and, like the latter, have also wives and children and other relatives, servants, and friends of both sexes, some of whom are far ben with them, through any one of whom, many can move or influence them, apart from others whom they (the members and staff) cannot easily disoblige on account of some lurking feeling of gratitude or indebtedness. In the neologism of modern society, it is only getting money for doing something that is dishonest or corrupt and not doing anything, right or wrong, to oblige a relative, friend or benefactor. So,

having a separate fixed body for the selection of men for government service, (which is consulted or made use of only at pleasure), can help only to widen the scope of the evil isms rather than defeating them.

The only way to shut out the evil isms and other dishonest practices in the matter of first appointments to the lowest clerical posts and to widen the scope for securing the best men as far as possible, is to lay down a fixed procedure as suggested below to be strictly observed in all selections for such appointments and to allow the selections and appointments to be made directly by the respective appointing authorities themselves without recourse to the service commission or the employment exchange. The service commission can be there with a much reduced staff for conducting the special test and other indispensable examinations. If the conduct of these examinations too can be given over to the secretary to government for government examinations as in the old, and if the suggestions in this booklet for selections for appointments and promotions are adopted, there will be no need for any service commission at all except, perhaps, for occasional general advice to governments on service matters.

Even if it is considered that the service commission itself should do the selection, the service commission too can adopt the procedure suggested below which will preclude all chances and suspicion of any ism. It is the method adopted, which the unemployed and the public are anxious and watchful about, and so long as they are satisfied that there is strict fairness in the selection, they will not mind who make the selection.

In some departments, they do not resort to the service commission or the employment exchange for getting men for their staff. They appoint a committee of two or three officers of the same department to select men, not only for the lowest clerical posts but even directly for the posts of upper division clerks. This system also is bad. The obvious idea of this method is that when more than one man are charged with such work, there would be absolute fairness. It might have been so in some distant past, but in the present day, any such proposition or presumption has to be spelt backward. It may be all right for the making of laws and the like. In the matter of selection of men for government appointments, this method is worse than one-man selection, as each of the members of the committee may have one or more among the candidates in whom he is, either personally or through his relatives or friends, interested, and as a result of a convention which usually springs up among the members, the evil of favouritism practically distends itself by so many times as the number of members in the committee. If the head of the department is not in the committee (he is usually not), the members have to rope in his favourites too.

As regards the employment exchanges, for reasons explained above, they should not in any way restrict the choice of the appointing authorities and the appointing authorities should not have any obligation to consider only the men registered by the employment exchanges or introduced by them. The employment exchanges have to be continued only for the purpose of collecting and maintaining statistics of unemployed men for helping employers, both government and private, and for

guiding the unemployed with information and instructions. Collection of employment market information, publishing of guides to careers for the benefit of students and other unemployed men, and the like are the most appropriate and useful pieces of work which the employment staff have to engage and interest themselves in. For all these purposes, one or two gazetted officers for a whole state with non-gazetted assistants and clerks in several centres must do. Posing the employment exchange as an intermediate authority between the candidate and the appointing officers in respect of government appointments is what is undesirable.

Continuance of unnecessary and avoidable hurdles on their way is only likely to make the educated unemployed desperate and pave the way to deplorable consequences. It is said that it is the desperation of this set of people, who recklessly decided to have a new government at any cost, that was the main cause or at least one of the main causes of the communist success in Kerala. If this is true, these men of Kerala had certainly blundered as they must have realised later. As educated men, they could not have but known that by this hasty exploit, they would allow the ground to be cut from under their feet. This catastrophe has only proved the byword that the spite of the desperate is blind to consequences. If the governments wish to evince to the public that their oft-vaunted offer of "equal opportunities to all" is not a mere stunt, they have to remove the unnecessary clogs in the way of men who wish to try their chances of getting into government services, and to introduce a quite simple, plain and pellucid method of selecting men.

There is much difference between dealing with educated men and the uncultured masses. Educated men can easily understand that all of them cannot be possibly absorbed in government service though most of them naturally have government service first in their order of preference for employment. If they are convinced from the methods adopted by governments for selection of men for their services, that the governments are strictly fair and impartial in their selection, those who are not selected, will surely have no grievance at all and they will gladly seek some other employment. This conviction for the educated unemployed is what unfortunately deplorably lacks now.

The recent public disclosure of Sri C. Achutha Menon, Finance Minister of the defunct communist government of Kerala at Trichur, of the reason for his becoming a communist, affords a concrete proof of how the present equivocal methods of selection of men for government appointments and for admission to professional colleges and schools cause desperate reactions in the minds of the educated unemployed. After passing his intermediate examination, he wanted to become an engineer and tried to secure a scholarship for that purpose from the Cochin government for the engineering course as his financial position was not good. But the scholarship was awarded to another applicant who had secured lower marks than his. He said that it was this event in his life which turned him into an agitator and communist and assured his hearers that but for this, he would not have become a communist. If there was any reasonable ground in that case to prefer the man with a lesser qualification and if Sri Achutha Menon was

given the opportunity to know it, as an educated and sensible man, he might have been appeased. In the absence of any convincing reason openly given for discarding him, he had naturally to suspect partiality and his suspicion was fully justifiable. It cannot be dismissed as impossible that, in that case, if there was an obligation cast on the selecting authority to record and publish their reasons for not selecting Sri Achutha Menon and others if any, Sri Achutha Menon could have been selected. Quite possibly, a good many of the educated men in the communist camp, not only in Kerala but in other parts of the country too, had similar reasons for their embracing communism.

As explained above, neither a fixed intermediary of any kind nor any *ad hoc* committee formed in advance, can help to vanquish the evil isms. Knowing the humanity of man, methods by which the foibles of those engaged in the selection, can be effectively, or at least to the humanly possible extent, checkmated, should be employed, if ensuring perfect fairness be the earnest aim. The procedure given below will, it is hoped, serve this purpose in the matter of selection of men for the lowest clerical posts.

Advertisements of vacancies calling for applications should be published in the official gazette and all important newspapers. Copies of the advertisement should be sent to all employment exchanges. The form to be adopted for the application should be given in the advertisement. In the column for educational qualifications, there should be a note to the applicants to furnish the marks secured by them in each subject in every

government and university examination passed by them with particulars of the class of pass etc. on a separate sheet of paper attached to the application, and to attach also true copies of all other certificates, of which one should be a certificate of conduct, all attested by the candidates themselves. The applicants can also be instructed to superscribe the covers of their applications.

Opening of covers containing applications and the numbering and registering of applications should be done in the immediate presence of the appointing authority. The applications should be carefully filed after acknowledging the receipt of those with which addressed post cards for acknowledgment are enclosed. There should be no examination nor any interview nor personal test. After the last date fixed for the receipt of applications, the applications should be examined and those of the applicants, who do not possess the minimum qualifications prescribed, should be rejected immediately and the applicants informed then and there individually by post of the rejection of their applications and the reason. All the remaining applications should then be taken up for consideration. The selection must be made on some fixed principle or criterion based on the qualifications, class of pass, marks in the total, or in some particular subject or subjects, and other entries in the educational certificates, bearing in mind the number of vacancies to be filled up and the orders regarding communal representation if any. After selecting the men required, the appointing officer should pass a single common order explaining at the outset in detail the principle or criterion adopted by

him for the selection and mentioning below, the names and addresses of the applicants selected giving against each, his qualifications, class of pass, marks etc.

If for any reason, the principle adopted was relaxed or ignored in the case of any one selected, such cases should be specifically mentioned in the order explaining the reason for the deviation from the principle in each such case.

The orders of selection must be subject to approval by the district or departmental heads if the selecting authorities are subordinate to them and by the government if the selecting authorities are departmental heads. The higher authorities should examine the orders carefully and see if the principle adopted is sound and the deviations, if any, proper. They can order a revision of the orders if necessary, but if they order any revision, the order should give clearly the reasons therefor and it should be quite open and on no account confidential. A copy of the order should be exhibited on the notice board of the office of the appointing authority. If the higher officers find no reason for any revision, they should communicate their order of approval within a week to the selecting authority.

Copies of the orders of selection should be sent not only to those selected but also to those not selected. Orders to those selected should be sent by registered post, acknowledgment due. They should be directed to appear before the appointing authority on some date with all their certificates in original. When they appear, the appointing authority should check the particulars of

marks and copies of certificates appended to the applications with the originals produced. He should also satisfy himself that the person who appears is the actual awardee of the certificates by verifying the marks of identification given in the certificates. If any fraud is detected, the person who appears should be handed over to the police with a complaint. If everything is in order and if the order of selection has been approved by the higher authority, the applicant should be given an order of appointment subject to the production of the usual medical certificate of physical fitness.

The same procedure should be adopted irrespective of the number of vacancies to be filled up. But, if it is thought that it would cause unnecessary waste of time to follow this procedure for filling up every one or two casual vacancies in every office, every departmental head can select in this way at the beginning of every year an estimated number of persons likely to be required for appointment during the year in his department and keep a list of such selected men. Even then, copies of the common order of selection should be sent both to those selected and not selected. The men selected should be informed that appointments will depend on the arising of vacancies and that all cannot be assured of appointment. Those selected will have to be called upon to produce the originals of the certificates only when their turns of appointment come up and not immediately after the selection. In this system, some candidates may happen to be selected by more than one departments. Each department can instruct the men selected by it to report if they get employed by any other department.

If it is thought that the service commission itself should be allowed to select the men required for all departments, it can be done, and the service commission can make the selection in the same method as given above. In that case, each man selected will have chance of appointment only in one department as the service commission will allot each to one department only. This will not, however, matter, as usually all candidates selected by the service commission get employed soon after the selection and till now no selected candidate appears to have failed to get an appointment within a few months after selection. The service commission need not call for the originals of the certificates of the selected candidates. They can simply send the applications of the selected candidates with all their enclosures to the departments or offices to which the candidates are allotted, telling the authorities concerned that the verification of the certificates and the marks of identification should be done by the appointing authorities before appointing each candidate.

As a rule, final orders of selection must be passed within 30 days of the last date fixed for the receipt of applications. It should be within the discretion of the appointing authority to accept or reject any application received after the last date fixed, subject to the condition that if he admits any received late, he must admit all applications received with it or before it. It must be open to any applicant who has not received any order appointing him or rejecting his application within 30 days from the last date for applications, to ask the appointing authority what had happened to his applica-

tion. It should be mentioned in the advertisements themselves that any applicant who does not get orders on his application within 30 days of the last date for applications should apply to the appointing authority for orders.

Though no regular appeal need be provided for applicants not selected, any representation by them to the government should be considered and a reply given. The government themselves should never make any appointment except to posts for which they are, according to rules, the appointing authority, in which case, they should also adopt the same procedure as explained above.

This procedure, if strictly, observed, will leave no room for any kind of ism. On the other hand, it will afford applicants not selected, a chance of appeasement as they can know from the order the reason for their not being selected. And furthermore, it will fortify the position of the appointing authority and raise him above any criticism or accusation of any bias or ism. If any of the rejected applicants finds from the order that some mistake has occurred, it becomes open to him to point it out to the appointing authority and ask for a revision of the order.

Selection and appointment directly to higher posts can be made in the manner described in chapter II.

For medical certificates of physical fitness, which the men appointed have to produce before joining their posts, each has to pay a fee ranging from Rs. 5/- to 16/- or 20/- to the doctor. The rates of this fee are fixed

by the government. This is another burden which poor men have to bear before employment. At least in the cases of those who plead inability or difficulty in finding money for this, the government should advance the amount to the doctor and deduct it from the pay of the appointees in easy instalments.

If there has been no representation of such difficulties of unemployed men as described above, the governments should not presume that no such difficulties exist. As already stated, the educated unemployed are, as a class, unorganised, uncared for and in a majority indigent, and none of them would dare complain of any difficulty.

CHAPTER VI

THE TRITE WARNING

In the rules or instructions relating to any selection or appointment to government posts issued by the service commissions or other selecting or appointing authorities, one can invariably see a warning similar to "Any candidate who attempts to canvass help or influence to get selection or appointment will be disqualified." This prohibits only canvassing for help or influence and not help or influence itself. It is added in some cases that the same penalty would be imposed if any relative, friend, patron or other person attempted to use influence on behalf of a candidate, purporting to prohibit help or influence coming up even without any canvassing by the candidates. But, where is the need for any warning at all to any one if those who sound the warnings are determined to ignore or reject any attempted help or influence as they ought to, and if over and above such determination, they find some such warning indispensable, for the purpose of shutting out unnecessary disturbance or embarrassment to themselves, who are those who have to be warned and how, are questions that would naturally surge in the minds of those who begin to probe the possible causes and effect of such warnings. According to the warnings, it is only the candidate who is threatened with punishment in any case and none else. Suppose A is entrusted with a treasure and charged with the duty of honestly finding out the rightful claimant to it and delivering it to him; B, one of those who jointly commissioned A with the errand, or C, a relative or

friend of A, urges A to hand the treasure to D, and A, knowing that E is the rightful claimant and not D, deliberately ignores the claims of E and gives over the treasure to D in order to gratify or oblige either B or C. Evidently, it is this kind of happenings which are supposedly intended to be foreclosed by the warnings. If so, who are the sinners in this illustration, and to whom is any deterrent warning called for, even granting that D moved B or C for help? No doubt, it is only the candidate whom the service commission or other appointing or selecting authority can punish on their own authority and the only punishment that they can mete out to him, is disqualifying him. But what is surprising is why no service commission or other appointing or selecting authority has hitherto found it necessary to threaten those who may attempt to persuade or influence them on behalf of any candidate on the motion of the candidate or otherwise, with some sort of punishment. If it is because there is no provision in any law for punishing them, it was always open to them to move the government for passing a special law for the purpose, if only they ever seriously wished to shut out such intrusions on their discretion. Governments too, despite their oft proclaimed desire of being impartial and just in the matter of selection of men for government appointments, have not felt the need to supply this salient want. Sec. 165(A) I.P.C. can be applied only in cases where there is an offer of some "gratification" by the intruders. But such cases will be rare. It cannot be anything difficult for our present governments to get a special law passed for the purpose if they want, when, in these days, laws, even revolutionary ones, are being passed

with uncommon ease and speed. Though, of course, it is understandable that any law for the purpose of punishing intruders will not be quite useful, the very existence of such a law on the statute books of the governments, even as a practical dead letter — as already some other laws are, such as the law against untouchability and that against early marriages — will have the effect of enabling and emboldening aggrieved men to bring to light, offences known to them.

But, why any law at all for the purpose? There are social and conventional ways in which the intruders can be punished even more effectively than under any law. Mere mention of their names in the statutory annual reports of the service commissions which have to be placed on the tables of legislatures, and in open reports to government by other selecting and appointing authorities, will be quite a condign punishment to them. But, no service commission or appointing or selecting authority has hitherto thought of adding a warning that the names of those who attempt to influence them on behalf of any candidate would be published. It is quite another question whether any service commission member or other selecting or appointing authority, however upright and conscientious he may be, will be able to make up his mind to expose men in power, or other bigwigs or their own friends or relatives who attempt to influence them. Notwithstanding the answer to this question, which is self evident, an additional warning in general to intruders as given above will at least make the present usual warning to candidates appear well-meant. To argue that disqualifying the candidates concerned is itself a punishment to the person who attempts

to influence the selecting or appointing authority, is to beg the question. It cannot be so in many cases. Even granting it is invariably so, there is no need for the government (not a private concern) with all powers of making laws and regulations to adopt a cowardly or sneaky method of administering a warning indirectly, if they have no fear that if and when a law is enacted for punishing intruders, some among themselves may emerge as the first offenders to be brought to book.

Candidates who go about in search of help or influence in connection with their applications for some selection or appointment are usually those like E in the illustration given above, who possess all necessary qualifications but have none of their relations or friends in influential positions and have, rightly or wrongly, conceived a fear that some other candidates with even lesser qualifications or merits, have brighter chances of selection than themselves due to the help or influence which they are known to have. In such a plight, these candidates, naturally feeling forsaken by God and man may try to secure help — not any devious help to themselves but only — to counter or foreclose some apprehended clandestine help or influence in favour of others and to ensure strict fairness and justice in the selection. The present usual warnings, virtually, if not designedly restrain only such hapless candidates from approaching any one for help, leaving A, B and C of the illustration quite unhampered in any way, and rewarding, (instead of punishing according to the warning) persons like I of the illustration who, with or without their own efforts, get the required help or influence.

The present method, wherein the man who tries to influence the authorities, is free of any kind of liability and the candidate alone, on whose behalf such attempt is made, is to be disqualified, evidently without any enquiry whatever, allows scope for mischief-making too. For instance, the father of a candidate for some appointment, who finds that there is one among the other candidates who has a better qualification than his son, in the absence of whom, his son has a better chance of success, has only to send a letter or to arrange for some one else to send one to the selecting authority, recommending the other candidate and he achieves his object of eliminating the other candidate from the field without any trouble to himself or his son. It is fitting to mention here that the Mysore Government also, probably emulating the other governments for the first time, or reiterating their own previous orders, quite recently published an order declaring that if any person attempted to influence any selecting or appointing authority on behalf of any candidate, it would be presumed that the attempt was made on the motion of the candidate concerned.

All that has been said above in this chapter is only an expatiation in an attempt to bring home the futility and the apparent fallaciousness of the present trite warning. As a matter of fact, no kind of warning to any one can serve to eliminate help or influence in connection with appointments or promotions. No warning to any one will be necessary, nor any penal law for the purpose, if the rules and methods of selection for appointments are made quite simple and stark so as to

allow no room for any kind of foul play by any one at any stage, as suggested in Chapters II and V.

After this Chapter was written up, an order of the Government of Madras was found in the newspapers promulgating a warning to men in government service that drastic action would be taken against any government servant who brings political or other influence to bear on any superior authority to further his own or any other person's interest. There was, I remember, a similar order of the same government in 1953 or 1954. It is added now that an amendment has been made to the Government Servants Conduct Rules in these lines. It is very difficult to believe that the government do not realise the palpable hollowness of such orders. Ministers and other elected authorities and the members of the legislatures do not come within the definition of "Government Servants". Furtherance of a government servant's interest certainly means some promotion or some other help in service. This order postulates first that political or other influence is never brought to bear on any promoting or selecting authority except at the instance of the concerned government servant or some other government servant related to or interested in him, and secondly that promoting and selecting authorities succumb to such pressure or influence. The second presumption is right. If the Government do not admit that selecting or promoting authorities, called as "superior officers" in their order, yield to pressure or influence and if they are sure that none of them will ever in future so yield, there would have been no obvious need for such a serious warning as they have found necessary to give. But the first presump-

tion is wrong. Men who succeed in securing pressure or influence by canvassing are but few. In most of the cases in which there is pressure or influence, it is voluntarily exerted by men, within government or without, who are, for some reason or other, interested in the official concerned, without any initiative of the latter and, in many cases, even without his knowledge. In any case, who are those who eventually exert the pressure or influence on the "superior officers" especially if it is political? Unless the pressure or influence comes from or through those who are higher in rank and authority to the "superior officers", the latter will not easily nor boldly yield to it. It is therefore easy to infer the ultimate source of any pressure or influence which the government profess to ban. If the real intention is to preclude unfairness and injustice in the matter of selection of government servants for promotion or any other benefit in service on account of any kind of pressure or influence, such fabulous warnings as are, now and then, issued by governments are useless for the purpose. The warning, if any, should rightly be that those whose pressure or influence comes, or is brought, into play will be drastically punished. If the government find it inconvenient or delicate to issue such a warning, they should publicly warn the selecting or promoting authorities (styled as "superior officers" in their order) that they will be drastically punished if they yielded to any pressure or influence. Other kinds of warnings are all but rotes or bunks. But as already stated above, no warning to any one in these matters can be of any avail. No warning at all will be necessary to any one if the government should prescribe and adopt some procedure as suggested in Chapter X *infra* in regard to promotions.

CHAPTER VII

TEMPORARY APPOINTMENTS

At present, men appointed directly by the appointing authorities from among those sent by the employment exchanges in the absence of men in the list supplied by the service commission, are treated as temporary and even after long periods of service, are sent out to give room for men sent later by the service commission. This is very unfair. If all appointments are to be made by the appointing authorities themselves without recourse to the service commission or the employment exchange, there will be no need to treat any appointment temporary. Even at present, if the selection and appointments made by the appointing authorities, after exhausting the service commission list, are made in accordance with the procedure outlined in Chapter V, without restricting the choice to men sent by the employment exchange, the appointments can be regularised from the date of appointment as if the men were selected by the service commission. If the system of selection by the service commission by an examination, and the practice of treating appointments made directly by the appointing authorities in the absence of service commission men as temporary, are to be continued, the men appointed temporarily must be given at least three chances to pass the service commission examination before they are sent out for giving room to newcomers sent later by the service commission. Even when men are taken for short term appointments, say for 3 months, 6 months, etc. they can be

selected and appointed in the method suggested in Chapter V. When appointments have to be made urgently, they can be made without any formality, but such appointments should never last for more than a month or at the most six weeks, and the men so appointed must be, as far as possible, those possessing the minimum qualification likely to be fixed for the regular appointment, so that such men also may compete for the regular appointment later, without any claim for preference on account of their temporary appointment. If, on the date on which any such emergency temporary appointment is made or even earlier, the notification calling for applications be published, the final order of the regular appointment can be passed within six weeks at the latest.

CHAPTER VIII

TRANSFERS

According to orders in the Madras State, no government servant can be allowed to be at the same station for more than three years whether in the same post or different posts. In the Central Government, the period fixed for this purpose seems to be four years. But occasions for bringing this rule into play are usually rare as, in consequence of promotions, men going on leave, creation of new posts and offices, suspensions, dismissals, deaths, etc., frequent changes become unavoidable with the result that hardly any one is left at a station for more than a year or two. The only thing that has to be said on the question of transfers is that the government should see that no government servant is transferred simply because a legislator or some influential person moves for it for his own private reasons or convenience or simply because there are petitions against him (Please see Chapter XIII about petitions against government servants). Analogous to the rule that no one should be allowed to stay at a place for more than three or four years, there should be a rule that no one should be transferred within a year of his going to a place, except on promotion or for want of vacancy or for the reason referred to in Chapter XI. If, in any case, it becomes necessary to transfer an official within a year without any promotion and in the absence of any of the reasons given above, the official should be paid extra allowances to compensate the difficulties and expenses that may be caused by such frequent transfers.

There is a highly contemptible practice in government offices which has to be mentioned in this Chapter. When once a person is appointed to a government post, he practically loses all freedom to seek any other post under the same or other governments of the country. There are many who, after trying in vain to secure a job suitable to their qualifications or taste, reluctantly sit for a service commission examination for clerks' posts and get allotted to some department in the esoteric way in which the commission distributes men to the various departments. If, after thus taking up an appointment as a clerk in some department, one finds an advertisement for another government post, higher or equal in grade, in some other department of the same State or the Centre, for which he has the necessary qualifications and aptitude and wants to try his chance for that appointment, he cannot easily do so. The department calling for applications usually directs that men already in service should apply through their officers or departments and the officer under whom this person serves refuses to forward his application. Even if the man promises to resign his present post if he succeeds in getting the other, it is seldom paid heed to. If the man concerned is very anxious to apply for the other post, the only course open to him is to resign his post and then apply directly thus losing a bird in the hand for getting one in the bush. Even if he takes this risk and resigns his post, he has to depend helplessly on the mercy of his officer to accept his resignation and relieve him in time to enable him to apply for the other post. This is nothing short of making a slave of a person once appointed to a post. Article 19(g) of the Constitution confers on all citizens the right to practice any profes-

sion or to carry on any occupation, trade or business. If it be capriciously claimed, that government service as a whole is a single profession, occupation, trade or business and service in different departments or States or the Centre does not constitute different professions, occupations or trade, there is the unequivocal declaration in Article 16(i) of the Constitution, of equality of opportunity for all citizens in matters relating to appointment to any office, which is denied by this imperious practice. Government servants are also citizens for such constitutional rights according to a recent Supreme Court decision. There must always be perfect liberty to any one to apply for any post, in government service or private. Even those who have put in a long service in a post should have this freedom.

Sri C. D. Deshmukh, Chairman of the University Grants Commission, said recently at Madras "If it was a fact that a science student got lost in some kind of a clerical job, it should be regarded as a national waste." If statistics are taken, it will be seen that there are a large number of science graduates in clerical jobs, and many of them joined as clerks to avoid their becoming overaged for government appointments or just to keep themselves engaged and earning while waiting for a suitable post, and thereafter were prevented as explained above from trying to secure other posts, in which their knowledge of science could have had some use. Few are the officers who care for the proper utilisation of the qualifications of men or for the prospects of their subordinates. There are cases in which an officer, who finds a clerk or other subordinate of his very useful to him, goes even to the heinous extent of

impeding by any means the selection of the latter for some training or for a better post even in the same department. Any officer who thinks or says that any one of his staff is indispensable or that work will suffer without him, is imbecile and selfish and the weakness of such officers should not be allowed to interfere in any way with the freedom of any one to apply for any appointment of his choice at any time. That work will suffer in an office, even if it be true, cannot be a sufficient cause for denying a legitimate freedom to any one. Even if any training had been given at government cost to one who wants to try for some other post, it should not be a ground for preventing him from applying for the other post though, if and after he gets the new post, he can be ordered to reimburse the cost of his training before he is relieved or in easy instalments after his relief.

It must be enjoined that departments or officers calling for applications for posts should not direct that applications of men in service should come through their officers or departments, though if and after any one already in service is selected for a new appointment, the new officer may call for a report, if necessary, from the previous officer of the candidate about his work and conduct. It should also be made clear by an order of the government that when any one in service applies for any other post, the officer under whom he serves or any other superior has no authority to refuse to forward the application. When any one in service is selected for a new post in another department or government, his service from the date of his entry into government service should be taken into

account for all purposes, after the necessary book adjustments or recoveries to satisfy the relevant rules. The rules too should be suitably amended if necessary.

According to rules, government servants who are transferred from one place to another, have to be paid the travelling allowance for the transfer journey and a month's pay in advance if applied for. But in spite of applications, these advances are not paid immediately in many cases. In some cases they are paid after the transferred officials have joined their new posts. Delay in this matter puts government servants to much difficulty and drives them to the necessity of getting loans on exorbitant rates of interest. It should be made a rule that if the transferred official applies for the advances before his relief from his post, he should be paid the advances before he is relieved, failing which his preparation time and joining time allowed by the rules should commence only from the date on which he is paid these advances and not from the date of his relief.

There are cases in which the transferred official is directed in the order of transfer to join his new post without availing himself of the full joining time allowed by the rules. Though no officer has the authority to give such a direction, such directions are, in many cases, followed to avoid the displeasure of the officer giving the direction, sacrificing personal and family conveniences. When such directions are obeyed, the transferred official should be given a right of taking compensatory or extraordinary leave of as many days as he forwent in his joining time, after he joins the new post.

CHAPTER IX

LEAVE

Previously there were orders of the government themselves that government servants should be advised and induced to go on leave every year so that they may maintain good health to serve the government efficiently. But now leave is not granted easily in some cases even when it is applied for. As a matter of policy and principle, leave should never be refused when applied for, if the applicant is eligible under the rules for the leave. Want of suitable substitutes or heavy work in the seat or section and the like should not be a reason for refusing the leave. If the seat is in arrears of work and if the arrears can be cleared by a little hard work within about a week or 10 days, the applicant can be directed to clear the arrears before granting the leave. But this should not be done if the arrears cannot be possibly cleared easily, though after granting the leave, the official can be called on to explain why he left arrears, if it is found that the arrears accumulated on account of his lethargy or carelessness.

If a government servant applies for leave when he is transferred to another place, it is usually immediately taken to mean that he wants to evade the transfer. Whatever it may mean, it will be wrong to refuse the leave if the official is eligible for it. It might be that he was already feeling the need for leave but was only waiting for an occasion to take it and found the time when he had to change his place, the proper occasion for it, so that he may take the much needed rest in the

place where he had been for some time, before going to the new one. Or, if the transfer came in the middle of a school term he found it necessary, in the interest of the education of his children, to avoid the change for some time. Or, there was, perhaps, some other domestic circumstance which necessitated his continuance at the same place for some time. If the official represents any such difficulty he should not be compelled to go to the new place at once unless the government are prepared to give him some special pecuniary aid to meet the additional expenses that may be caused to him if he has to go alone to the new place, leaving his family at the old place. If the transfer is one on promotion, no such aid will be necessary as the official will go willingly to the new place either alone or with his family without minding the difficulties.

CHAPTER X

PROMOTIONS

All evil isms, party feelings and electioneering motives affect also promotions of men in service as much as first appointments, if not more. The general rule is that among those possessing the requisite qualifications for the promotion, the best in merits, i.e. in efficiency and aptitude as borne out by the record of the past service, should be promoted, seniority being considered only when merits are equal. This is quite a sane and sound principle and there can be no reasonable grouse on any side if all promotions are strictly governed by this principle. But very frequently this principle is coolly and deliberately baulked and the action of the authorities in the matter of promotion is practically unimpugnable, as the personal files of officials, which are supposed to be the basis for judging the merits for promotions, are kept confidential. Probably knowing that the said rule for promotion is often thwarted, or perhaps, not knowing that there is such a rule already, our Prime Minister recently suggested to government departments and Chief Ministers of States that promotion to higher grades should be by merit. Creation of new cadres or departments for new schemes like those of the five year plans, affords a favourable season for a spate of undue promotions following no rule or reason on the specious plea of taking "picked men". Selections for such promotions are usually made without recourse to the service com-

mission. How the picking is done and on what principle, if any, the pickers alone know and none else. If the selection is to be made with reference to the entries in the personal files without any other extraneous considerations, the work can as well be left to the service commission or to the respective appointing authorities themselves with open instructions about the principles and procedure to be adopted. It is usually forgotten that not only the government servants but also those of the public, who are pryingly watchful of the tactics of governments, especially in regard to appointments and promotions in government service, are too shrewd to be fooled or hoodwinked.

The personal file system was started long ago by the Britishers. A personal file is confidentially maintained for every one in government service, whether an officer or a subordinate. Every one who is in charge or control of an office or a staff keeps in his personal custody a file for each one of his subordinates, in which he records periodically his opinion about the capacity, work, intelligence and conduct of the respective subordinates. When an official is transferred from one post to another, his file is sent confidentially by his old boss to the new. No one can know what any one has written about him in his personal file. There were repeated suggestions and demands after India attained independence that these files should be kept open and all remarks made in them communicated to the persons concerned, but in vain. Some years before India got independence, when there were serious representations that it was unfair to judge the merits of a person on remarks made about him behind his back, the then

government, apparently as a tactful eye-wash gesture, ordered that all adverse remarks made in a personal file should be communicated to the person concerned, if the defect mentioned was rectifiable. The qualifying clause in this order is significant. What is a rectifiable defect and what is not, the officer passing the remark is the sole judge to decide and none can question his decision. Excepting the natural difference in men's intellectual capacity, even which, in many cases, improves with age and experience, any defect in a person's method of work, character or conduct is rectifiable. So, in pursuance of the said order, most of the adverse remarks in every personal file must be communicated to the persons concerned. But such communications are usually very rare though instances of overlooking the claims of qualified and reputedly deserving seniors for promotions are not infrequent. Some times, such communications are made very long after the remarks are passed. In some cases when adverse remarks are communicated, the persons concerned manage to get orders from the government to expunge the remarks from the personal files, though in other cases the government reject the protests made against such remarks. Whatever be the principle, if any, adopted by the government in this matter, the fact, that at least in some cases the remarks passed are ordered to be expunged, only confirms the patent possibility that the personal files which are used as the sole guide for judging a government servant's merits for promotions can and do contain also incorrect, irresponsible, unfounded or malicious remarks and, to be sure, undue good remarks too. So, to arrive at a correct finding about the merits of a government servant

on the basis of these files, avoiding mistakes, is rather difficult unless the officer who examines the files is shrewd and very experienced with at least 15 years of service to his credit and is searching and circumspective in the work with—most important of all—an open mind, which is often what lacks. Even with an open mind, few of the officers have the time or the patience, which a conscientious performance of this work demands. What probably happens is, especially in the case of promotions to high posts, after the proposals of the district or departmental heads for the promotion or for listing of persons fit for promotion are received, the managing officer of the higher office is allowed to examine the personal files and put up a note, which is practically taken as the basis by the higher-ups, up to the final authority, who has to order the promotion or the listing. The higher officers may examine the files only if any one whom they had personally in view for the promotion or listing is not mentioned for it. Even then, they may examine only the files of those whom they had in their mind and not those of all others. If the files of the men they wish to help are not bad, they would naturally be satisfied and add their names for promotion or listing without caring, or having no time or convenience, to see the files of others for comparison. Usually, as a matter of principle, the nominees of higher officers are preferred to others, without any serious comparison of merits, with the result that some of the names proposed are omitted and new names added. If and when there is a question as to why one was selected in preference to another, the usual gagging answer is that it was done on due consideration of merits.

It cannot be said that all promotions are unjust nor that all are quite equitable. As the government servants are kept in the dark about what is written in their own personal files or in those of others and as none outside government service has ever any chance or opportunity of scrutinising or evaluating comparatively the entries in these files, the unceasing complaints of partiality and injustice in promotions are not easy to spurn as wholly unfounded or mistaken. If the governments wish to avoid such complaints and keep themselves above board, it is necessary that in addition to the appeals against promotions allowed by the rules, a final appeal to a special *ad hoc* committee of retired officers of or above the grade of district collectors should be provided for those who feel that their claims to promotion have been overlooked or that their juniors with no better merits have been unfairly promoted. Appeals to higher officers alone are practically useless as undeserved or unjust promotions are usually caused by influence and the same influence is, in most cases, sure to weigh with the higher officers also. There is also an aristocratic convention in the higher circles of government under which higher authorities abstain from interfering with promotions ordered by subordinate officers even when they are convinced that they (the promotions) are definitely irregular. For an instance, during the British regime, a lower division clerk of the revenue department in the mofussil appealed to the Board of revenue, Madras, against the promotion of a junior of his to the upper division ordered by the collector of the district. The Board, after examining the case, found that the promotion of the junior was not right and without cancelling the

order of the collector, probably because the collector was an I.C.S. officer (European), instructed the collector to reconsider the order, telling him definitely that the Board did not consider the promotion right. But the collector, who was, by then, a different person, but another European I.C.S. officer, quite unhesitatingly ordered that on reconsideration he promoted the same clerk who was already promoted. This he certainly did on the principle referred to above and there was none to question him further as the men above, who were all of the I.C.S., had to bow to the principle reticently. Principles of this kind may, perhaps, be expedient and at times even laudable in diplomatic or like affairs. But it is grossly wrong to apply them to matters of appointments and promotions in service in the home government. This principle still prevails in our governments and there is no perceptible sign of such old improper practice of subordinating fairness and justice to such undemocratic principles, wearing off. It is for such reasons that an appeal to a committee of retired officers becomes indispensable. Members of this committee need not be drawn by lots as for the selection of men for appointments, as the work here is only to examine records already existing, to judge the comparative merits as disclosed by them. The members need not know whose records they are judging. When the personal files are handed over to the committee, the names on them should be removed and the files should be given serial numbers for identification and these numbers alone without names should be used in the reference to the committee. The whole proceeding can be kept con-

Confidential if the personal files continue to be kept confidential and there will be no need for the committee to hear the appellant. But the committee members should be apprised of the rules regarding communication of adverse remarks to the officials concerned and told that they can refuse to judge any file if they find that a remark which should have been communicated, had not been. They should also be told that they can call for the personal file of any officer who has recorded his remarks in any of the files to be judged, if they want. This committee should not be made permanent like the service commission. A fresh committee should be formed for each occasion, but the committee can have more than one sitting if necessary for completing the work entrusted to it. The committee should do its work only within some public office building and the records or personal files should never be taken or sent to the private residence of any of the members. The majority opinion of the committee should prevail. The appellant should be informed of the committee's opinion and the final orders passed on the appeal. If the governments feel that adding this final appeal to the special committee, will make the number of appeals unnecessarily too many, all the other appeals allowed by the rules can be dispensed with and an only appeal directly to such a special committee allowed.

If the governments do not like such *ad hoc* committees of retired officers, they can as well utilise the service of the public service commissions themselves for the purpose, subject to the following conditions. The names or other marks in the personal files, which can reveal the identity of the persons concerned, should be

removed before the files are sent to the commission. The personal files must be kept in the personal custody of the chairman of the commission and should never be given to any one in the service commission office. They should, on no account, be sent or taken to the residence of any member or chairman of the commission, and the examination of the files should be made only jointly by all the members and the chairman of the commission at a meeting in the office of the commission and never by circulation to the members for their opinion. It should also be a rule that the commission should attend to such references expeditiously and send their replies within a week in each case.

If the governments do not like either of the suggestions given above, they should agree to send the relevant personal files to a judicial court and get its opinion without any expense to the appellant.

But, no reference to any committee or the service commission or a court will be necessary if the promotions are given after previous consultation with the service commission and if the conditions mentioned above had been observed in the consultation. In such cases, a further reference to the commission will be necessary only if the personal files of the appellants had not been already examined comparatively by them. Otherwise, the appeals allowed by the existing rules will do. In cases in which the promotions given are not in accordance with the recommendations of the service commission, the recommendation of the commission and the reasons for not accepting it, should be given in the order on the appeal petition.

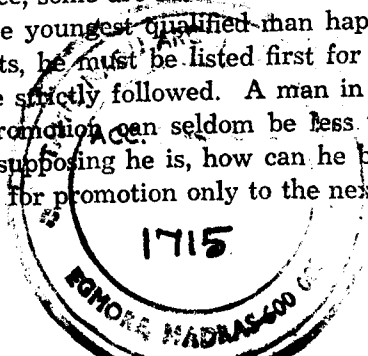
Such rules should be made applicable not only to usual promotions within the same office, service or department, but also to all other promotions of any kind whatever, whether on transfer or deputation or lending of service, and also to selections for any training necessary for promotions. "Promotion" must be taken to mean any rise in grade or increase in pay or allowances.

There are cases in which, when an officer is transferred to a higher office, he arranges to take some man or men of his previous office to his new office often on a higher grade or scale of pay. Unless it is to the lowest posts in the higher office, such transfers should not be allowed except where it is found after careful consideration that the men to be so transferred possess exceptionally better merits than other men in the same office, service or department who should normally be promoted to the grade. When new offices or departments are created, it should be notified sufficiently in advance from which offices or departments men will be selected for the new establishments and applications invited. All applications received should be duly considered and the orders of selection should give the principles adopted, if any, apart from general merits as evidenced by the personal files. Promotions should always be to the next step or grade. Phenomenal lifts should be eschewed except for extraordinary talent disclosed in the test suggested in chapter II, if direct recruitment to higher posts is to stay.

There is a practice in the revenue department and presumably in the other departments also, of preparing

lists once a year, of government servants fit for promotion to each higher stage in service. This is obviously done with a view to avoid waste of time in examining the personal files of all men qualified for promotion every time a vacancy occurs in the course of the year and there can be no objection to it. But if one who was not qualified for the promotion when the list was prepared, becomes qualified before the list is exhausted and wants that his claims for inclusion in the list should be considered, it should be done. The whole correspondence relating to the preparation of the list, and the list itself when prepared, are kept confidential. In the present system of keeping the personal files confidential, the correspondence relating to the preparation of the list has necessarily to be kept confidential. But there is no apparent need to keep the lists themselves confidential when they are finalised. They should be published both to avoid anxious persons going about and adopting objectionable methods of finding out if their names have been included in the lists or not, and to enable those not listed, to appeal for their inclusion, if they feel that some other person or persons included in the list, whether junior or senior to them, could not have better merits than themselves. At times, men with better merits are not put in the lists for whimsical reasons. For instance, some are marked off as too young for promotion. If the youngest qualified man happens to be the best in merits, he must be listed first for promotion if the rules are strictly followed. A man in service and qualified for promotion can seldom be less than 24 years of age. Even supposing he is, how can he be overlooked as too young for promotion only to the next stage,

8
V 211, 8
N 60



when men less than 24 years of age are directly recruited for the top ranks such as I.A.S. etc. ? Such unsustainable reasons are usually given as a ruse to eliminate better men for the purpose of favouring less deserving men.

About the question as to who all should be considered for promotion to the next higher step, there seems to be no definite rule except perhaps in the case of a few posts. Different criteria are adopted on different occasions. Sometimes they take up men who have put in a service of five years or more in the lower grade or category, sometimes, those who have put in three years or more, or seven years or more and so on. This practice of changing the principle for every occasion, facilitates deliberate inclusion of favourites and the exclusion of more deserving men for favouring others. Wherever there is no definite rule prescribing a fixed length of service in a lower grade as a qualification necessary for promotion to a higher post or grade, all those who have completed the prescribed period of probation or a period of two years, where no probation is prescribed, in the next lower grade or category should be considered for the promotion and the best of them, even though they may be far below in seniority, should be promoted.

There are at present age restrictions for promotion at some stages. For instance, a man of the revenue department, who is more than 40 years old cannot be appointed as a deputy tahsildar. Not only those who passed the qualifying tests after their 40th year of age, but even those who passed them before that age but

could not get into the list before completing that age, are barred. This is an unnecessary and unfair rule. It is said to be necessary for avoiding stagnation in the higher grades by persons becoming too old for further promotions after going to the first or second higher step, thus reducing the chances for younger men to rise up. A serious thinking will show that in fact it is the age restriction at every step that is more likely to cause such stagnation. If all age restrictions are removed, there can be no great stagnation anywhere. Stagnation due to failure of persons to qualify themselves for further promotions can and does happen in spite of the age restrictions and it cannot be helped. But, stagnation caused by older men, cannot last long as they will have to retire earlier, unlike that caused on the way by younger men. Age restriction for first entry into government service is not bad ; because men who have passed the age fixed for it must still be young and can seek some other employment. But if the prospects of a man who has entered service and put in some years of service, be blocked simply because he has passed a certain age, his plight must be pitiful as he cannot think of taking up any other line of life at that stage. If in the competition of merits, he cannot rise up, it is quite another thing and it cannot be helped. But age alone should not be a bar to his rising and all age restrictions for promotions in service should, in fairness, be removed.

There are now and then some cases in which exemptions are granted by government against age restrictions, while in other cases in which it is applied for and even recommended by concerned officers, it is refused. When a rule is in force, granting exemptions

against it under any circumstance is bad. If there is any unusual or extraordinary case deserving exemption, the exemption must rightly have the sanction of the legislature specifically for each such case. When the government place any case for exemption before the legislature for sanction, they should cite for the information of the legislature, also cases in which such exemption was refused already explaining the reasons for the refusal in each case.

CHAPTER XI

PERSONAL FILES

With regard to maintenance of personal files, the reasons for avoiding communication of the remarks in them, good or bad, to the persons concerned are not clear and no responsible officer or member of the government has explained till now why they should be kept confidential. It was only said in answer to questions on this point that the present system of personal files is good and useful. There is no doubt that the maintenance of personal files is good and useful. The question is "Why should they be kept confidential?" If it is meant that keeping them secret is also good and useful, how and to whom it is so, is left to be surmised and in the absence of any convincing explanation of its usefulness, the natural presumption that can arise in the minds of those, who have heard or known about whimsical promotions, is that it is useful in that it helps the authorities to promote men as they like irrespective of merits, avoiding scope for others to know or question, their partiality or injustice.

If the idea is that officers cannot be free in recording their opinions in the personal files if the files are to be open, it has only to be said that any officer who has not the guts to tell a subordinate of his to his face that he is not satisfied with his work or does not like his conduct must be considered unfit to be an officer.

There are occasions, though infrequent, of officers having big establishments misremembering names and recording their opinion about Govindaswami in the

personal file of Ramaswami. If the remarks so mis-written happen to be adverse and if, by chance, are communicated to the subordinate in whose file it is recorded, the mistake may have a chance of coming to light. If, on the other hand, they happen to be good, the person in whose file they are recorded by mistake carries off the unearned benefit. When adverse remarks of some kind can be communicated, it is not understandable why all adverse remarks, and good remarks too, should not be communicated to the persons concerned.

Whether the governments continue to keep the personal files confidential or decide to maintain them openly, they have to exercise great caution and concern in judging the merits of officials with reference to the remarks in these files to ensure that these secret records, which even if kept open, can be open only individually to the persons concerned and not to others, are not made use of for helping undeserving men or unjustly condemning men of real merits. It must be borne in mind that whenever a man gets promoted on influence or on any other consideration than merits, another one with comparatively better merits, who must have in fairness, got that promotion, is virtually condemned.

There are heartless men among officers who flinch to write well about really capable men due to communal or other bias, though they enjoy the convenience, relief and credit due to the good work and conduct of such subordinates, and even dissemblingly express their pleasure and satisfaction when talking to them, but freely rant in high-flying terms when writing about men of their own community or others on whose behalf they have

been influenced, regardless of their real merits or ability. This is how mediocre and below-the-average men happen to rise up to high positions.

The remarks in the personal files should never be taken on their face value. They must be weighed with reference to the experience, judging capacity, intelligence and integrity of the officers who have recorded the remarks as evidenced by the remarks in their (officers') own personal files. For this purpose, whenever a person's personal file is examined for judging his merits for promotion, the examining officer must have with him also the personal files of the officers who have recorded their opinion in the personal file that is being examined during the previous few years or at least those of the officers whose remarks are either very good or very bad or in contrast with previous remarks, and the examining officer should have to certify in the relevant office file that he had seen also the personal files of the remarking officers mentioning their names.

As a rule, it must be seen that government servants are made to serve under at least four or five officers of different communities, preferably other than their own, within about two years of their first appointment to service or promotion to a higher stage, so that when a chance of promotion from one stage to another comes up, the personal files of those who have to be considered for the promotion may contain sufficient data for judging their merits.

This may, in many cases, be brought about by transfers in the usual course of administration, of officers and subordinates. In the few cases, if any, in which this does not happen, transfers must be effected for this

purpose alone, informing the officials concerned of the purpose. It must be made the duty of officers maintaining the personal files to arrange for such transfers in time so as not to allow any one to serve under the same officer for more than six months during the first two years of the first appointment in government or promotion to a higher post. Even those who have not yet qualified themselves for promotion to the next step must be subjected to such change so that if, within two years, they qualify themselves and a chance of promotion comes up, they may not lack the data for their merits to be judged.

A period of six months, some may say, is not quite sufficient for an officer to form an opinion about the capacity or conduct of a subordinate. For a shrewd officer, it must be quite sufficient, and even for others, it cannot be too short if only they are constantly conscious of their duty to arrive at a correct opinion about their subordinates' capabilities and acumen. Promotions within two years at any stage are, indeed rare at present, and men have ordinarily to wait much longer and serve under many officers before they get a chance of promotion. The suggestion to arrange for every one to come under a different officer after every six months during the first two years at every stage is meant more to foreclose schemes for the building up of records for favourites, and machinations for keeping down better men in the meantime, which are not uncommon. When promoting authorities are interested in any one either personally or on some influence, they keep such persons for long periods directly under themselves or under some weak subordinates of

theirs, who would do anything to please them, and trump up good records for them earlier, irrespective of their merits or ability, while really efficient men are allowed to toil thanklessly under inefficient officers devoid of capacity to appreciate or utilise merits or under ultra-martinets to whom merit is unessential or only secondary. Some cleverer officers adopt the method of keeping both the favourites and the known efficient or more efficient men directly under themselves so that when writing the confidential remarks or reports, they may make the remarks or reports about favourites stronger than those about the efficient or more efficient men. It is such techniques of favouritism which the above suggestion aims to choke off. Anyhow, favouritism in respect of men, in whom highly placed persons are personally and keenly interested is not easy to foil in any way. Such cases, if they are not many, have only to be passed over perforce, as the devil's due which cannot be possibly denied.

Continued good remarks or bad remarks of one and the same officer or of officers of one and the same community only should not be relied on as a matter of course for deciding the merits of an official.

In the case of officials who spend long periods on leave, their personal files may not contain the remarks of different officers to enable their superiors to judge their merits, but in such cases the fault is that of the subordinates concerned and they cannot complain if they lose chances of promotion. But in the case of others, if the personal files contain only a single officer's remarks, or remarks of officers of one community only, some plan or plot must be suspected and the filling up of

any vacancy in a higher grade for which any one of such subordinates is one to be considered, should be deferred till such subordinate is made to serve under other officers. The officers who maintained the personal files in such cases, should be taken to task for not having arranged for the subordinates to work under different officers.

Notwithstanding the rule of confidence in respect of the personal files, there are always some unbiased and broad-minded officers who do not hesitate to make their opinions known to the subordinates concerned either directly or indirectly, in some cases to encourage, and in others to correct, the men concerned. If all officers were to be so, it would be immaterial whether the personal files are kept confidential or open.

While utmost care and circumspection should be exercised as explained above in weighing the remarks in the personal files, it is also essential to see that the officers enjoy complete freedom in recording their considered opinions in the files of their subordinates. Officers should never, for any reason, be questioned about, or asked to explain, their remarks in the personal files. They should be frequently impressed by open circulars that this will never be done. This repeated assurance is necessary as there are officers, who are so apprehensive that before recording their opinion in the personal file of a subordinate, they begin to think whether and how their remarks might affect themselves, especially when they know or are told, even falsely, that the subordinate is one, in whom some minister or one of their own superiors, or some bigwig is either interested or prejudiced.

At present, whenever there is a representation from an official against some adverse remark in his file, the officer who passed the remark is asked to comment on it. This is an unbecoming practice which should be stopped. There should be no reference in such cases to the remarking officer except when the representation is, or there is room for suspecting, that the remark had been made by mistake of names. The representation should be considered and disposed of on the lines suggested above for evaluating the remarks with special reference to the remarks in the personal files of the remarking officers themselves.

Many officers maintaining personal files, are themselves so much on the make or self-involved that they have little time or convenience to think of the prospects of their subordinates, and when the time comes for the periodical recording of their opinions in the personal files of their subordinates, they write something perfunctorily in them. Occasionally, the government do remind and impress the officers by circulars of the grave responsibility imposed on them to record correctly and conscientiously their opinions about the work, abilities and conduct of their subordinates. But these occasional circulars are practically ineffectual because they are issued more or less as a routine periodical from the office of the government and few at the top are personally serious or strict about the observance of the instructions in the circulars. When some officer higher up hints to a subordinate officer about his personal interest in some one working under the latter, naturally the circular instructions are farcified. It is important that officers at the top should evince seriousness and

sincerity about the instructions they give the officers below.

Officers maintaining personal files should also be directed to quote instances wherever possible in support or proof of their remarks in the personal files, especially when the remarks refer to the nature or character of the officials and are extraordinarily or singularly good or bad or in glaring contrast with previous remarks in the file. It cannot be impossible or difficult to note down and quote instances if the officers are keen to make their remarks really useful and convincing. Remarks which apparently could and should have been instanced should not be relied on in the absence of instances. For example, an officer remarking in a personal file of a subordinate as "He is hasty in his judgment" must, of necessity, quote at least one instance, which made him arrive at that opinion. As a matter of fact, an officer (called hereinafter as A) who was himself well known for his hastiness from the beginning of his service in government, passed a remark as above in the personal file of his chief assistant (called hereinafter as B) who was also a gazetted officer. In his heart of hearts, A had no liking for B for reasons well known to himself and B. They both entered government service in the same district and knew each other from the beginning. A did not quote any instance for his remark lest the silliness of the remark should be betrayed. He did not communicate the remark to B though there was the rule that such adverse remarks should be communicated to the official concerned. About three years after this remark was recorded, when B was in some other post elsewhere, another officer who happened to see it, finding no entry

in the file to the effect that it was communicated to the official concerned according to rules, communicated it to B. But ere then, the remark had, it appeared, played the mischief which, A obviously intended, namely the embarrassing of B's name being listed for promotion to the next higher step; because B who had reliable information previously that his name was being listed for promotion, learnt later, i.e. sometime before the communication of the said remark to him, that it was not included in the final list. A was then as assistant in the office of the officer who had the authority to list B for promotion. B, against whom the said remark was passed was one whose judgments in criminal cases as a magistrate were openly held in praise by appellate courts. He had held and exercised for a long time all ordinary and special magisterial powers, both original and appellate, of a magistrate of the I class and at the time the said remark against him was recorded, he was in possession of the powers of a District Magistrate which are the highest magisterial powers which the government can invest an executive officer with. A's remark was, of course, not about B's judgments in cases. But it certainly meant that B was generally not considerate or discreet. If this was correct, B must have been a sad failure as a magistrate. But in fact he came off with flying colours as a magistrate as his records must show. To convince the readers of the naked absurdity of the remark in this case, it becomes necessary here to give some solid proof of B's judging capacity. Here are a few interesting incidents personally known to the author, which will serve the purpose.

When B was a II class Magistrate somewhere, an experienced and respected lawyer, who was the leader

of the local bar, filed an appeal against a conviction given by B in a certain case. On the day to which the appeal was posted for hearing and when the lawyer stood up to argue his appeal, the appellate magistrate, (an I.C.S. officer) asked him whose judgment it was that was appealed against. When the lawyer mentioned the name of B, the appellate magistrate said in open court "If it is *his* judgment, you have little chance of success." The lawyer was naturally bewildered by this unexpected quip and left the court saying "I leave it to your honour." He rushed straight to the court of B, which was also at the same station, and interrupting the court, which was engaged in another case, approached the dais and whispered to B in a flurried state of surprise and disappointment what transpired in the appellate court. Such blurting out of personal opinions in court is unusual and objectionable too. But in this case, the appellate magistrate and the lawyer had good understanding of each other and were friends outside court. Both of them were of the same community but not of the community of B.

Just about the same time, in another case of a revision petition against an order of discharge passed by B in a sensational case of defamation against a forest officer, the Additional District Magistrate, who had to hear the petition, observed that the order of discharge left no room for any kind of interference, before the petitioner's advocate began to argue.

Later as a Sub-divisional I Class Magistrate, in a keenly contested case in which the accused was defended by two experienced advocates, B gave a conviction with a heavy sentence of imprisonment. The case was

taken on appeal to the Sessions Court and on the day of hearing there, when the senior of the two advocates rose up to argue, the Sessions Judge asked him "Have you read the judgment appealed against?" "Yes, your honour," replied the lawyer. "Do you press the appeal?" the Judge asked. The astounded lawyer, simply sank back into his seat saying "I leave it to your honour".

On another occasion as a I Class Magistrate, B dismissed *in limine* under section 203 Cr.P.C., a complaint of an offence of defamation filed by an influential zamindar through a prominent lawyer. It was taken on appeal and the appeal was dismissed. Then the case was taken to the High Court where, on the admission side itself it was dismissed with a curt remark as "Taking this case on file would amount to an abuse of criminal process."

These are only a few instances. B had always clear and independent views and ideas both on the judicial and the executive sides before and after the separation of the judiciary from the executive, and his judgments, orders or actions on either side were never questioned or criticised. He never felt the supposed handicaps of the same person having both judicial and executive functions. Even in a murder case filed by the police, he, as a sub-magistrate making the preliminary enquiry, discharged the accused under section 209 Cr.P.C. and the police did not dare complain or move the higher courts about it.

To give an instance on the executive side, a brief order passed by B rejecting a nomination, as the Returning Officer of a Parliamentary Constituency, in a general

election, stood upheld by all courts including the Supreme Court, while orders of such rejection passed by other officers of even higher ranks than B were reversed by the Election Tribunals themselves. After the Supreme Court order in the case was published, the gentleman whose nomination was rejected by B, met B and told him that an eminent lawyer, to whom he first showed B's order of rejection, said that that was the first unshakable order of a judicial nature passed by an executive officer that he saw, and predicted that it was useless to try to get the order quashed.

Many of the superior magistrates and judges who happened to see B's judgments had expressed their appreciation personally to B himself and told him that they had written highly of his judgments.

It was against such a person that A remarked as "Hasty in his judgment", and in the present haphazard way in which the remarks in the personal files are judged, this hasty, silly and malicious remark at the end of B's file had, it appeared, the deplorable effect of drowning all the other considered remarks of so many higher unbiased authorities above. If any one of the officers who had to judge the remarks in B's personal file had only made a thorough and careful study of all the remarks and if any one had compared the remarks in the personal file of A with those in that of B, he must have perforce discarded A's remark as inane. This is a typical instance of how a crabbed officer, especially one who rose otherwise than on real merits can, in the present way of maintenance and use of the personal files, wreck the prospects of a capable and deserving official by a malicious stroke of his pen.

CHAPTER XII

PUNISHMENTS

With regard to punishment of government servants, there is not much to be said by way of criticism or praise. The procedure laid down for observance in punishing government servants is a bit too elaborate and long drawn, but it has, however, to be admitted as not bad, in the judicial view that even if a culprit escapes punishment, an innocent person should never get punished. But there are certain methods adopted in practice which are subversive of discipline essential in government service. For instance, if a government servant charged with some faults wants, during the enquiry on the charges against him or on his appeal after he is punished, the officer who framed the charges against him, or the one who punished him, to be summoned and permitted to be cross-examined by him, this is, at times, allowed. This should never be done even by a tribunal charged with the enquiry on the charges or the hearing of an appeal. The officers concerned can only be asked, if necessary, to comment on the representation made by the persons charged or punished. Summoning them to court and subjecting them to cross-examination like rival parties in legal proceedings, is likely to create a tendency in officers to avoid bringing offenders to book. If government servants deserving punishment are let free, no discipline can be maintained in the service and want of discipline in service will, in the result, deprive the public of the benefits of government administration.

It is often only the lower officials who are charged with faults and punished, and the most common faults are, delay in attending to work or dishonesty. Any one at fault has certainly to be punished. But it has also to be examined at the same time if and how far the negligence or want of vigilance on the part of the superior officers contributed to the faults of the lower officials. This is seldom done. The officer charging the delinquent is usually his immediate superior and he cannot frame charges against himself or his superiors, nor can the delinquent plead that he committed the fault because he was not pulled up in time. The result is that when a lower official is punished for some fault, the entire burden of the fault is buried under that punishment, and the higher officials whose failure or remissness in their own duties or supervisory responsibility, might have, so to say, occasioned or facilitated the commission of the fault, go scot free. Just when I was writing this, I saw in the news a speech of Pandit G. B. Pant in which he had said that when a subordinate is punished for corruption, his superior officers also should be punished. He referred to the punishment for corruption only as he was speaking about corruption. But the same view holds good even with greater force to punishments for other faults also.

When subordinate offices are inspected by higher officers, it is a custom in the revenue department, and perhaps in the other departments also, for the inspecting officer to call for a list of punishments inflicted by the head of the office under inspection, on his subordinates during the period to which the inspection relates. This list is supposed to be a guide to the

inspecting officer in assessing the driving capacity of the head of the office. It obviously follows that the principle adopted is that the greater the number of punishments, the stronger the driving capacity of the officer concerned, and this is the crude and wrong view taken by the British government run by the I.C.S. men and still blindly adopted. Some heads of offices used to record some pre-dated censures for some of their staffs just before the inspection of their offices for some petty delays or mistakes which deserved no notice at all, telling the men concerned plainly that they were doing this only to avoid giving a blank list of punishments at the time of the inspection of their offices. The head of an office who runs his office well without inflicting any punishment on his subordinates, or with a few unavoidable punishments only, is certainly cleverer and more tactful than one who indulges in punishing his subordinates at random. He also wields a nobler and more praiseworthy control and driving power over his staff than that which the government expect. This kind of driving power can be exercised only by officers who are inclined to help their weak subordinates whenever necessary in all possible ways to do their work properly and avoid faults of any kind. While I was writing this part, I happened to see in the newspaper a statement of an I.C.S. Officer that in the preceding 22 months during which he was a secretary to the Madras government, it was not necessary for him to impose even a single punishment on his subordinates. It is not known if this I.C.S. officer changed his ways after independence or was from the beginning of his career adopting such wholesome ways of getting work done

without the need for punishment. It cannot be denied that even among I.C.S. officers there were some who were affable and sympathetic and did much themselves to facilitate the work of their subordinates, and kept them honest both in work and conduct, unlike others who were gallios exacting work by a relentless punitive drive, adopting happy-go-lucky methods, and never bothering themselves about honesty or dishonesty of their subordinates nor about any inconvenience or hardship caused to the public. There are still some remnants of this latter type of officers in service, both I.C.S. and I.C.S.-fostered men, feeling like fish out of water after the cessation of the British rule, on account of the change of principles and policy. No compliment is, however, implied here to our country's governments after independence as compared with the British government. In spite of its imperialistic character, and the presence of some inhuman and insouciant bosses as described above, the British government was, on the whole, undoubtedly far better than our present governments in respect of the method of administration, and it is doubtful if our governments will ever achieve that height of efficiency and order. Neither is it meant that the men who became officers after independence either by direct recruitment or by promotion are all up to the mark. On the contrary, though the I.C.S. men were generally easy-going, domineering and severe in punishments, they were, with stray exceptions, men of high calibre and tact, while the officers appointed after independence are, with stray exceptions, poor all round.

Now, turning to the point, the list of punishments obtained by an officer inspecting a subordinate office,

instead of being used indiscreetly as a guide to assess the driving capacity of the head of the office, can be used primarily to check whether the punishments awarded were really necessary and unavoidable and if so whether the higher officers, including also the inspecting officer, failed to do anything which should or could have been done by them to prevent the commission of the faults for which the subordinates were punished. It can also be used for seeing whether punishments were avoided in cases where they were called for. For instance, if the inspecting officer found during his inspection that the work of some subordinate was consistently bad or not satisfactory and that he had had no punishment, the officer concerned can be asked why the subordinate was not punished. The result of this kind of check with the list of punishments will certainly help the inspecting officer also to assess correctly the driving capacity of the head of the office inspected.

CHAPTER XIII

PETITIONS AGAINST GOVERNMENT SERVANTS

Petitions against government servants, including also anonymous and pseudonymous ones, are usually made much of and dealt with with unnecessary secrecy. The reason is that every petition is wrongly presumed to reveal some fraud or dishonest action of the government servant mentioned. It was said some time ago that some chief minister of Madras, who ordered that all anonymous and pseudonymous petitions also should be enquired into, used to quote often the proverb that there would be no smoke without fire. The idea conveyed by the proverb is, no doubt, indisputably correct. But apart from the fact that fire can be caused in any way by any one for the purpose of creating smoke, it is wrong to presume that every petition conveys real smoke from real fire. It should be understood that petitions are sent up not only against bad or dishonest government servants but also, and perhaps more, against conscientious and honest workers for various reasons. To give a concrete instance, a gazetted officer in a district detected in the course of his duties that a small group of persons in a remote place of the district had been enjoying for a pretty long time an undue privilege under some order obtained fraudulently, and obviously by dishonest means, from the office of the concerned head of the department itself at Madras and with the connivance of the local subordinate officials, and stopped the privilege finding it to be against the rules. This group of men, who had, by that time, amassed

wealth by means of the said privilege, naturally got exasperated against the officer. They tried in vain to make him continue the privilege, first by wheedling measures through his friends and then by threats, by means of anonymous and pseudonymous letters, of getting him transferred and bringing him to trouble by influencing higher officers and of even chopping off his head. Meanwhile, they somehow managed, to the surprise of the officer, to get an order from the Madras office of the concerned department directing that the privilege should be continued. This order was given by the Madras office without even asking the district head why the privilege was stopped. Within about a week of this order, when a reply to it was being considered and in strange disregard of the common rules and principles of sending reminders, the Madras office sent a telegraphic reminder to restore the privilege, evidently on the direct representation of the men concerned that the privilege was still withheld. It looked as if the Madras office was even more cut up by the stoppage of the privilege than the parties themselves. The men concerned who knew that the officer who stopped the privilege would not easily resume it even after the order from Madras, naturally wished that the officer should be transferred. With this end in view, they sent up several petitions on different dates, presumably in different names and hands, to the government and the officer's departmental head office at Madras, with all sorts of false allegations of corruption and other things, against the officer. All petitions were sent, perhaps, in the course of about a week or a month. The first petition received by the officer's departmental head office at

Madras was sent to the district head of the officer for confidential enquiry and report. But, before the district head could send his report, probably because the other petitions also were received at Madras by that time, the officer's departmental head directed the district head to return the petition sent to him for report without any report. Shortly thereafter, the officer came to know that some new police officers had come to the district from Madras and were making enquiries about him in the district. This revealed that all the petitions against the officer had been sent to the X Branch police for enquiry and report. Meanwhile, the officer was also transferred from the station. Though it cannot be definitely said whether the transfer was the outcome of the petitions or it came in the ordinary course, because it came when the police officers of Madras were busily and secretly enquiring on the petitions against the officer in several places of the district, the people and, to be sure, the authors of the petitions, took it to be a result of the petitions. If the petitions were the cause of the transfer, the government must have felt their hasty mistake later when, as could be inferred from the fact that nothing more was heard about the petitions, they found all the allegations in the petitions false.

The transfer of the officer was only to a more important post in another place with an additional pay, though on the same grade, to which usually only men considered fit for further promotions were selected and so, even if the transfer was a result of the petitions, if that was all their result, the officer would have only taken it as a blessing in disguise. But the petitions—the mere receipt of them—had, as the officer could infer

by putting two and two together, another calamitous sequence concerning his prospects in service as explained below.

A short time before the petitions were sent, when the officer had an opportunity to meet the head of his department officially, he represented to him that he believed he would have a chance of promotion to the next higher rank if his case was taken up for consideration for it. The departmental head, who was a conscientious and sympathetic person, promised to examine his case. This chance interview was known only to the officer and the departmental head and to none else. A short time after this, the officer got unexpected letters of congratulation telling him that he was soon to be promoted. One of these letters was from a former boss of his and another from an acquaintance of his, who was one known to get first hand information of secret official tidings. A colleague of his who was then expecting the next chance of promotion, told another colleague of his that the situation had suddenly changed and it was this officer who was to get the next chance and not he. There were other circumstances also which made it unmistakably clear that the officer's departmental head had considered this officer's case for promotion as promised by him, and found not only that this officer was fit for the promotion but that he also eminently merited it in preference to others who were already marked for it and either wrote so in some office file, or expressed such opinion either to his secretary or to some one else in his office. It was just at this juncture that the petitions against the officer were received at Madras and sent to the

police. Thereafter there was no further sign of any chance of this officer's promotion. When, after some time, this officer met his departmental head at Madras with a view to remind him of his promise to consider his case for promotion, thereby to expiscate, if possible, why the bruit about his promotion fizzled, the first question the departmental head put to him was "What is the trouble with you?", evidently obsessed with the thought of the petitions against him, which were then still in the hands of the police. The officer explained briefly that there was no real trouble and the trouble he meant was maliciously created by some disgruntled men, but the departmental head did not appear convinced. All these factors clearly revealed that the government or the departmental head got unnecessarily prejudiced by the mere sight of the false petitions and deprived the officer of a good chance of his well-deserved promotion to the highest post which he could aspire for at that stage. This is only an example. There must have been many more cases, wherein mere receipt of petitions marred the prospects of deserving men in service.

It must first be understood that petitions against government servants, which are mostly anonymous or pseudonymous, are seldom sent by persons really harassed or aggrieved by any dishonest action of any government servant. Really harassed or aggrieved persons, if they are knowing and bold, usually resort to constitutional methods of getting their grievances redressed, straightforwardly showing up the concerned government servants for their suspected dishonest or irregular actions; and if they are ignorant

or timid, simply keep quiet, lamenting their fate and resolving that that is the way the world must go and they cannot seek exception. They do not generally adopt the sneaky means of anonymous and pseudonymous petitions. Such means are usually adopted by persons who fail in their dishonest attempts to get undue favours, or are deprived of undue privileges enjoyed by them, or by touts, who find their profession at stake on account of a government officer's strictness and direct and plain dealings with the people, and in many cases, by government servants themselves, who are jealous of their compeers in service or spiteful against their superiors. Formerly, only lower servants of the government used to indulge in such mean ways. Nowadays, even higher officials stoop to such despicable ways to ventilate their jealousy or spite. It is almost a common occurrence that especially when a government servant is about to get a chance of promotion, there are petitions against him. Petitions engineered by men in service may, at first sight, seem to reveal specific serious faults or dishonest acts of the official complained against, as they may even quote numbers and dates of official files, references or orders. But in most cases, the allegations would be distorted versions of some normal and straight actions. The chief aim of such petitions, if they are malicious and vexatious, is to bring the officials concerned to disgrace in the public eye and this object is gained as soon as the petitions are sent to the police for enquiry, irrespective of the final outcome of the petitions.

It cannot, however, be asserted that the petitions never contain truths. They may, at times, disclose dis-

honest actions of officials. But the mere sight of the petitions should not drive the government or the superior officers to the presumption that the government servants mentioned must be really bad or that the allegations must be true.

During the British regime, there was an order that no action should be taken on anonymous or pseudonymous petitions and that they should be simply destroyed or lodged and this is, perhaps still there unnoticed in the standing orders of the Board of Revenue. There is no harm, anyhow, if such petitions too are enquired into as is now done, provided they are dealt with with some magnanimity and regard for the prestige of the government servants concerned at the outset. Petitions against government servants should be received with a perfectly open mind and the government servants mentioned in them should be considered innocent and guiltless until, after due enquiry, good reason is found to change such idea.

If the officer by whom the petition is received is not the immediate superior of the official complained against, it must be sent at once to the immediate superior in a name cover for verification and report if necessary. The immediate superior should, after reading the petition carefully, secure the records relating to the allegations in the petition without delay, keeping the petition with him, and examine them to see if the allegations in the petition are correct, and if anything had been done against rules or laws or against any normal moral principles. If the records reveal any such thing, he should frame definite charges at once against the officials res-

ponsible and take further action according to rules. If the records show that the allegations are false or misrepresentation of facts or based on mere presumption, he should forward the petition or copies of it openly to the official or officials mentioned in the petition for their comment and meanwhile summon the petitioner if any address is given. The petition will have to be dealt with confidentially only till the allegations therein are verified with the connected records, lest the records should be burked. Thereafter, whatever be the result of the verification, there need be no secrecy about further action on it, whoever may be the government servant concerned and whatever his rank. If any one appears on the summons, and admits having sent the petition, he should be asked to substantiate the allegations in the petition. If he denies having sent the petition and the explanation of the official shows, as it must, that the petition is vexatious, the petition should be treated as false and pseudonymous and lodged. (Please see also next chapter). At all stages, petitions against government servants must receive the most urgent attention and any officer who delays action at any stage unduly, should be seriously taken to task. There are cases in which some petition or petitions are deliberately kept pending long by unnecessarily protracted enquiries for the purpose of depriving the government servants concerned of promotions normally becoming due to them on merits and promoting favourites earlier. Pendency of petitions or charges should never be a ground for withholding promotions even if the official concerned is under suspension pending disposal of charges. That petitions have been

received or are being received or are under enquiry should never be mentioned in a government servant's personal file. Only the result of enquiries on petitions can and should be noted in them.

The government or government officers should never get agitated or ungeared by petitions against a government servant, even when there are several of them against the same man. It should not be forgotten that a single person or group of persons can send or arrange to send several petitions from several places under different names and in different hands. Sending the petitions to the police for enquiry is a most indiscreet and rash action unbecoming of a responsible and considerate government who realise that their servants are also men like themselves valuing their own self-respect and prestige.

The police, special or ordinary, should never be brought into the picture until it is decided by the government to prosecute the official concerned criminally. Till then, all kinds of enquiries and investigations should be made by the concerned departmental authorities, who are not directly or indirectly involved in the complaint. If the complaint appears to involve the head of the department himself, some high officer of another department can be deputed to make the enquiry. In other cases, if the enquiry in any case or cases is likely to give too much of work to the concerned superior officers, special officers should be appointed for the purpose.

All the views and suggestions given in this chapter should be taken as applicable not only to petitions

against subordinate officers and servants but also to those against the top men of the government including the ministers. The rule in the Constitution that the ministers are to hold office only during the pleasure of the concerned Governor or the President, makes it appear that the ministers are under the control of, and so virtually subordinate to, the concerned Governor or the President, though the convention is that the pleasure of the Governor or the President cannot change or cease in regard to any minister unless and until the latter voluntarily resigns or the entire cabinet has to vacate in pursuance of a "no-confidence" motion passed against it. Anyhow, apropos of petitions against ministers, the Governors and the President have to act as authorities superior to the ministers.

Mr. Gorwala said in his report to the Planning Commission on Public Administration "It should be ensured that no one, however highly placed,—minister, legislator or important official—is immune from enquiry if allegations of corruption etc. are made against him by responsible persons and a prima-facie case is shown to exist." It is not clear why he presumed that a minister or an important official could be immune from enquiry. He obviously meant not any legal immunity but the practical immunity which they enjoy on account of their position which makes saying or doing anything against them something like belling the cat. For, though in respect of the legislators, their legal liability to be proceeded against on complaints of corruption is not quite clear, ministers and other important officials are "public servants" under the definition of this term in Sec. 21 (clause ninth) of the Indian Penal Code as they are officers in the service and pay of the government,

each for the performance of some public duty, and as such, they are liable not only for an enquiry but even for trial on regular prosecution under Sec. 161 I.P.C. on any complaint of corruption. The term "government" means the President or the Governor or Rajpramukh under Sec. 3 (8) (b) and 3 (60) (b) of the General Clauses Act. The ministers are not elected as ministers but are appointed as such either by the President or by the Governor or the Rajpramukh under Articles 75 (1) and 164 (1) of the Constitution. At least one High Court has held a minister of a Rajpramukh as a "Public Servant" within the meaning of Sec. 21 I.P.C. When even the judicial officers up to the Judges of the Supreme Court, and all commissioned military officers including the Commander-in-chief, the Admiral and the Air Force Chief, are included within the definition in Sec. 21 I.P.C., it is anomalous to think that ministers are not public servants for the purpose of Sec. 161 I.P.C. As a matter of fact, they are the only persons who can be rightly called "public servants" in the literal sense of the term, as they alone serve the public directly while the other government officials who are executives, serve only the government directly and the public only indirectly, and the judicial officers serve neither the government nor the public directly, but serve God and conscience, for the public welfare. In the British principle even their Governor-Generals were not exempt from enquiry, and even public trial if necessary, as the case of Warren Hastings, which we read in history, would show. Petitions about the dishonesty of any minister should be dealt with by the President, or the Governor or Rajpramukh just like other similar petitions against other government servants. There can be, if necessary, a separate tribunal

or tribunals, not within any party, for enquiry on petitions against the ministers as suggested by Mr. Gorwala.

Mr. Gorwala has suggested an enquiry when there is a complaint by "responsible persons" and a prima-facie case is shown to exist. What he meant by "responsible persons" is not clear. If he meant that no enquiry should be made if the person who makes a complaint against a minister is not one who can be called responsible, there can hardly be any case for enquiry. There is, no doubt, the difficulty that if an enquiry should be instituted on every complaint of Tom, Dick and Harry against a minister, there may be no end to such enquiries as the anarchists and the anti-government parties may flood the President and the Governors with all sorts of false and frivolous petitions just to disrupt order and smooth administration of government for their own ends. Anyhow, as it is not easy to distinguish false or frivolous petitions from bona-fide ones and as it would be improper in a democracy to make such distinction basing on the social status of the petitioners alone or on any arbitrary conclusion from the get-up of the petitions, it would be wiser not to scrap any petition off-hand. It cannot be anything difficult or undesirable for the President or the Governor or Rajpramukh to verify from records if there is any truth or probability in the allegations in any petition without any fuss, whoever may be the petitioner. A general and open order imposing it as a duty on the President and the Governors and Rajpramukhs to examine the allegations in every petition against a minister or other top officer and to record their findings on each if they think that no enquiry need be instituted, will serve.

CHAPTER XIV

CORRUPTION

"Corruption is rampant", "Corruption must be put down", "Stringent measures are being taken to eradicate corruption", etc., are oft-heard slogans of a current stunt in our country. Who are those who raise the cries against corruption? It is chiefly those, within and without government who, either knowingly or pervertedly, are involved in it and are benefited thereby, while those really smarting under the incidence of corruption, who, apparently, form only a minority when compared to those who are benefited by it, not knowing where the shoe pinches, generally keep silent, innocently and hopefully watching the agitation and patiently waiting, perhaps in vain, for the advent of better days. Few of the sufferers realise that there are mighty corrupt men among those themselves who vehemently cry down corruption and even busy themselves in devising ways and means of putting down corruption, running with the hares and hunting with the hounds. People are purposefully distracted to mean only a peon receiving four annas, a clerk getting a rupee or two or a petty officer accepting something more, when they think of or curse corruption. This is corruption, no doubt. But these are only tiny sparks before the blazing fire above.

Using, lending, or securing official power or influence, to bring into or promote in government service, men who, in the absence of such power or influence, cannot get the appointment or the promotion, to help anyone with government industrial or other big loans

ignoring other more deserving and preferable applicants, to favour any one clandestinely with big government contracts of works or supplies, to grant licenses or permits to any one for large-scale trades or privileges, twisting or circumventing rules of qualification or priority, or to confer some such other government favour on any one by the back door, is corruption of the worst kind whether it involves a bribe of any kind or not.

Corruption need not necessarily involve a bribe in cash or concrete consideration. Whether there is a bribe or not, a dishonest act or omission is corrupt. An act or omission is, in itself, honest or dishonest independently of any bribe. This is quite simple, and any one who thinks that in the absence of a bribe in cash or kind, anything that he does is not dishonest, deliberately perverts his conscience. Even in the absence of a bribe in cash or kind, a dishonest act is always done for some return or recompense or profit, direct or indirect, expected or secured already, which serves as a *douceur* much more valuable than a bribe in cash or kind. For instance, if any of the unjust favours mentioned in the previous paragraph is granted or engineered in return for help rendered for election or expected for a re-election or any other kind of private or personal help rendered or expected, the help obtained or expected becomes a bribe which, if valued in money, would surely be much bigger than the biggest bribe ever taken by any government servant. Similarly, if relationship or other personal interest is the cause for granting such favours, the pecuniary benefits secured by the person favoured becomes indirectly a big bribe to the authority granting or causing the grant of the favour. But people

seldom mean this kind of colossal corruption when they talk of corruption, as the bribes in these cases are not ostensible. Even granting there is no bribe of any kind, the core or nucleus of a dishonest act is not the bribe, but the irregular or vicious motive or aim. Bribe is only an appendage which may or may not be extant.

Whenever any allegation of corruption is investigated, the first thing to be seen is whether the act or omission mentioned in that connection was in itself dishonest or not. The allegation of any bribe must be considered only thereafter and only if necessary. Some time ago, some minister of the central government pathetically informed the parliament that an officer was dismissed from service because a sum of six annas was passed to him as a bribe, evidently to show how severe the government were in dealing with cases of corruption. The gravity of a corrupt act is not to be measured by the amount of bribe, if any. If, in the case referred to by the minister, the act or omission for which the bribe was paid, was dishonest, the punishment of dismissal was most appropriate and proper. But if the relevant act or omission was, not dishonest, whether the so called bribe was six annas or six thousand rupees, the punishment was most unjust and uncalled for.

"What is a dishonest act?" is a question that will naturally arise here. It is not easy to put in a nut-shell all possible dishonest acts of government servants of the various departments. In general,

- (1) any deliberate act or omission which is against or not in accordance with, any law, or rule or order;

- (2) any act or omission which, though not against any law, rule or order, contravenes common principles of equity or morality;
- (3) any act or omission or delay which, though not wrong or dishonest in itself, is calculated to help one to secure undue rights or to deprive another of his lawful or moral rights;
- (4) any deliberate suppression of fact or record and fabrication of false record or evidence;
- (5) deliberately winking at unlawful or dishonest acts or omissions of others and wilfully and knowingly helping or co-operating with others in service (superior, equal or subordinate) or outside, in such acts or omissions;
- (6) deliberate giving of wrong or misleading information or report;
- (7) wilfully refusing, withholding or delaying any information, sanction or service to which one is lawfully, or in equity entitled; and
- (8) venting partiality, favouritism or prejudice in the discharge of any public duty; are dishonest.

For an experienced officer with an open and keen mind, it cannot be impossible to detect the element of dishonesty, if any, in another's act or omission. Motive, intention or knowledge is what is most important. If any act or omission of an official causes or is likely to cause some kind of loss or disappointment or hardship to any one and if the official intended such loss or disappointment or hardship or knew that his act or omis-

sion was likely to cause such loss or hardship or disappointment, the action or omission is definitely dishonest. Bona-fide mistakes due to ignorance of rules or facts should be carefully distinguished from dishonest acts or omissions. Such mistakes also undoubtedly deserve corrective punishment, but the punishment must be for the mistake and not for any dishonesty. Any official who frequently commits such mistakes should be drastically reduced in grade and debarred from promotion.

Regarding the widespread cry that corruption should be rooted out, every righteous person will certainly say, and in these days, inveterate jobbers too join in saying, it must be. But can it be? It is here that I may have to stagger many. I would aver that it can never be completely rooted out so long as human beings, with their natural foibles and the God-given free will, inhabit this world. It is noteworthy that our leader Sri Nehru wisely uses the term "to reduce corruption" while others speak of eradicating or stamping out corruption. There is corruption not only in government departments, but in every other line of life outside government, and not only in our country but the whole world over. There is no country or place in this world where there is no corruption. When men say that corruption has been rooted out in China, it can be taken for granted that they either indulge in propaganda for China or the Chinese ideology or have been hoodwinked and misled into such belief. Even in Russia, worst kinds of corruption prevail in the teeth of the terrorist regime of the communists, as the Russian communists themselves have, of late, begun to admit.

obviously finding it ridiculous to repudiate a bare-faced reality.

Corruption, like theft and other social evils, will continue to haunt this world till the end and no power on earth can eradicate it. Trying to eradicate such vices practically amounts to attempting to transform this world into heaven. It is with a prospect of reaching such a utopian bliss that handfuls of crafty men have been keeping mighty nations, in communist-ridden countries, tantalised for nearly half a century now, under terrorist regimes, themselves passing their lives in power with all comforts and conveniences. In non-communist countries, too, there has been, for some years now, a sweeping craze of men trying to effect or achieve certain conditions of society, which are out and out impossible to bring about or maintain. This is a complex question which, it will be out of place in this work to explain or discuss. For the subject dealt with herein, it will suffice to say that even if man succeeds in reaching the moon or any other planet, he cannot eradicate corruption or any other vice in human society.

I do not, however, mean that corruption in government service need not be worried about and that it can be left alone. Far from it. Though we know that theft is ineradicable and has existed in the world from the beginning of time, defying stringent laws and punishments, we are not unconcerned about it. We insist on and support the execution of the laws against it and, for our part, take precautions to avoid information or facility to thieves and keep our houses and other property well guarded and secured. Similarly, though the govern-

ment machinery cannot be swept clean of corruption, down to the ground, the governing body is bound to take effective steps, to preclude and eliminate chances for themselves and others of the whole government structure, to become corrupt. The first essential for this purpose is that the members of the governing body should imbibe, and remain constantly conscious of, the verity that they are also themselves human beings liable to become corrupt either capriciously or overcome by temptations and that all anti-corruption measures are equally applicable to themselves as to all others who assist or serve them in running the government. All orders relating to anti-corruption measures should be perfectly open and ingenuous.

At present the governments in our country are adopting various methods to check corruption involving heavy costs with no commensurate relief or benefit to the people who bear the brunt of corruption in government. This is because they proceed to devise their methods without definite or proper aims. Before thinking of how to check corruption, they have to consider and understand why it should be checked.

Why should corruption be checked? Is it only to prevent government servants from getting unlawful incomes? Any one who thinks so looks beside the mark. The immediate and ultimate aim of any step taken by government to fend or beat corruption must rightly be to protect the innocent, honest and helpless people (including such among government servants) from unjust discrimination, loss, hardship, inconvenience, oppression or harassment that are likely to be

caused to them by corruption among government authorities and servants. Check of unlawful earnings by government servants, which must necessarily be a corollary to the steps taken by government to check corruption, need not and should not be the direct or the only aim of any anti-corruption measure adopted by government. The rule about sudden growth of wealth of government servants is one that aims directly and blindly to prevent unlawful earnings of government servants and though it is unsound on account of its wildly imaginative character, it is there only for the inexpedient and useless purpose stated above, and until it comes to be scrapped on deeper thought, it can be taken as enough and more for that purpose, by those who consider it necessary and sane. If prevention of unlawful earnings by government servants alone is directly striven at by all other anti-corruption measures also, it would mean that without getting a bribe in cash or kind, a government authority or servant can do anything dishonest and the government would not concern themselves about any hardship caused to the people in such cases. The principle should be the reverse, viz., that apart from the question of any bribe, any dishonest act or omission by a government authority or servant should be prevented. This point has to be properly understood. A government servant who does something to help a friend of his, for the sake of friendship alone, in preference to another who has a rightful claim to get the same help earlier, acts dishonestly and is, therefore, corrupt though he gets no bribe. His action is reprovable as it involves wrongful discrimination causing undeserved loss, inconvenience, hardship and annoyance to one.

Cases of corruption attended by bribes are of various kinds. There are cases in which bribes are voluntarily offered and paid by dishonest persons to government servants to allure them to dishonest acts or omissions or delays for dishonest purposes and others in which they are demanded and got by government servants for such purposes. In the former class of cases, it is the person who offers the bribe and induces the government servant to get it, who is more culpable and more deserving of punishment than the government servant himself. It is, obviously, in this view that Mr. Katju got the law amended so as to make the bribe-giver also liable to punishment. It is very desirable that in all cases of bribery, wherein something dishonest is done, not only the bribe-giver or the bribe-taker, but both are punished. But the law, even as amended, may not facilitate the prosecution of both jointly or simultaneously in different cases, unless there are witnesses other than the giver and the taker of the bribe, to prove the offence.

In another kind of cases, in which bribe is given and accepted, the bribe is willingly or unwillingly offered as a matter of routine in the absence of any explicit demand for it. These are what are commonly known as "Mamools". What happens in such cases is that some custom started by some dishonest government servant or private person is continued without break. Bribe in these cases is usually a negligible fraction of the money or the consideration dishonestly secured by the bribe-givers in the transactions, though the cumulative income to the government servant concerned may be sizeable. The bribe is given in these cases mostly out

of a fear that any one who breaks the practice may be disfavoured or made to wait unduly, in which case he may have to incur other expenses which may amount to more than the customary bribe. Such "mamools" are in vogue also for being allowed to carry on unlawful trades. Where such malpractices have stood long, there are also professional middle-men who help both the government servants and the parties in prosecuting the practice, with some discount to themselves.

There are also cases in which a bribe is voluntarily or on demand, willingly given by persons who, ordinarily, have no dishonest propensities. For instance, an honest person who has, under natural constraint, committed a nuisance at a public road-side, or another who has, by mistake, driven his cycle or car through a "No entry" path, or another who has unavoidably or unwittingly done something that amounts to an offence punishable under the law, thinks it wiser to pay a rupee or two to the cop who picks at him and get freed of further trouble about it than to allow the bobby to record a charge, in which case, he will have to go to some court on some day, wait there till he is called and then admit the offence and pay a fine of Rs. 2/- or 3/-.

Though in some of these kinds of cases, either the giver or the taker of the bribe may appear, at first thought, to be not quite blame-worthy, giving and taking of bribes under any circumstances are wrong and both the giver and the taker are equally liable for punishment if the transaction has led to some dishonest behaviour of the government servant. If, in spite of the bribe, alleged or proved, the government servant has not

done anything dishonest, it is the giver of the bribe, who either attempted to corrupt the government servant, or foolishly or deliberately created or continued a corrupt practice, who has to be punished first. All those, whether government servants or others, who indulge in corrupt ways are accursed enemies of the community. It is the other honest citizens and government servants, who are beset and bewildered by the malversation of these vile cockles of society and hindered from their peaceful enjoyment and appreciation of the help and service, which they are entitled to from government, whom the government have to be solicitous about when devising their anti-corruption measures. It is these people who sincerely yearn for honesty in public services and look to the government for help. Punishing some bribe-takers or bribe-givers alone cannot help them. Corruption, like other social evils, is hydra-headed. If one offender is corrected or got rid of today, some more will spring up tomorrow. So, removal of causes and handles of corruption is the more essential and surer means of helping the honest public.

When a complaint that a government servant has taken a bribe, big or small, is received, the authorities should not immediately bestir themselves to find out if the bribe has been really paid or received, how much it was, who gave it, etc. This is what they begin to do now and waste their time and government money with no benefit to any one. As soon as a complaint of corruption is received, the records relating to the matter, in connection with which the bribe is alleged to have been received, should be carefully and critically examined in the light of the allegation. If the records

reveal that the government servant has acted in accordance with the rules and laws without transgressing any moral norm and that no dishonest motive can be definitely attributed to him, it would be unnecessary for the government to go into the allegation of bribe at all, as, in most of such cases, such allegation would be false or frivolous or a mere guess work. If thought necessary the petitioner, if he has given his name and address, can be summoned and examined. In most of such cases, the name and address of the petitioner given in the petition would be found to be bogus, and if, in any case, some one appears on the summons issued, he would deny any knowledge of the petition and say he did not send it. If, however, the person who appears admits having sent the petition and gives a statement, the action of the government servant should be considered again in the light of the petitioner's statement. Unless this review reveals any dishonesty on the part of the government servant which the previous examination of the records could not disclose, (this will be very rare), the allegation of bribe, if any, should be ignored and the petition should be closed with an order to the petitioner that the petition is lodged as the government servant complained against is not found guilty of any dishonesty. It can be added in the order that the petitioner is at liberty to proceed legally against the government servant concerned if he so desires. If the petitioner takes any such action against the government servant, the latter should be defended at government cost if he applies for such help. It was said some time ago on behalf of the government of Madras in answer to a charge levelled against some Municipal Commissioner in connection

with a donation to some college, that "so long as an officer acted within the rules and Acts, he would receive the unstinted support of the government." There was, of course, no open allegation of any bribe in that case. But a mere allegation of a bribe which is, falsified by circumstances and on the face of it, unentertainable, cannot and should not cause any change in the said policy or principle of the government, which is quite sound and sensible.

If, however, the examination of the records or the enquiry of the petitioner, reveals any dishonest act, omission or delay on the part of the government servant concerned, definite charges should be framed at once against the official mentioned in the petition and all others apparently concerned in the offence for the malfeasances, misfeasances or dishonest nonfeasances or omissions detected. There should be a separate charge at the end, about the bribe alleged to have been taken, followed by a note that if the principal charges are proved either fully or materially, this additional charge regarding the bribe will also be taken as proved without any separate enquiry about it, unless it is convincingly disproved by the official charged. The enquiry according to the rules should be conducted only on the main charges ignoring the additional charge. If, as a result of the enquiry, the principal charges become unsustainable and have to be dropped, all charges including the additional charge should be dropped without any further enquiry on the additional charge and the petitioners, if known, should be given an order as indicated in the previous paragraph. But in this case, if there is any private legal action against the official or officials

concerned, after the disposal of the charges, the officials should not be defended at government cost. The petition and the result of the enquiry on it can be mentioned, in this case, in the personal files of the officials concerned, while nothing should be written in the personal files of the officials concerned in the cases referred to in the previous paragraph.

If the principal charges or the material ones among them are proved as a result of the enquiry, the officials charged should be given a chance to disprove the additional charge relating to the allegation of bribery if they want. It should make no difference if the officials succeed or fail to disprove this charge. Even if this charge is disproved, the officials charged should be dismissed from service, as, even in the absence of any bribe, any dishonest act, omission or delay is corrupt. There can never be any lesser punishment than dismissal when a charge of corruption is proved. It is, however, unnecessary and not worth the trouble to prosecute the officials criminally, except in cases where any loss is caused to government by the dishonest act, omission or delay of which the official is found guilty. (Embezzlement of government money or property is a different matter which cannot come rightly under the head of "corruption" in the present-day sense of the term, and in all such cases, the official concerned has necessarily to be prosecuted criminally). For instance, if a P.W.D. official knowingly and dishonestly passes a contractor's bill which includes an item or items of work which have not been done or have been defectively done, there is loss of government money. If an official deliberately and dishonestly under-estimates the value of govern-

ment property, or sells government property at a lesser price than its real or known worth, to compensate a bribe, loss is caused to government. In such cases alone, the government will have to resort to criminal action against the officials found guilty of corruption, with a view to recover the loss caused to government, if possible, under Section 545 (b) Cr.P.C. Even in such cases, the officials can be prosecuted for offences of breach of trust under Sec. 408 or 409 I.P.C. and not necessarily for corruption. In other cases, it is not only not necessary but improper to prosecute the offenders criminally unless it is possible to prosecute also those who bribed them, who are co-offenders, if not worse, jointly or simultaneously. It is most undesirable to prosecute government servants alone on the evidence of persons who say that they bribed them. It is tantamount to prosecuting the receiver of a stolen property on the evidence of the thief himself, leaving the latter scot free, virtually patting him on the back for having committed the theft and come forward to give evidence against the person to whom he sold the stolen property. It should not be forgotten that when a government servant has done something wrong in return for a bribe, the bribe-giver has received many times the value of the bribe he paid. Even if the complot was detected before the government servant was able to do the undue favour expected by the briber, the latter is still more detestably guilty than the government servant. The position will be different if any person refused to pay a bribe demanded or customary and petitioned about the illegal demand or the custom. Such petitions, though many of them may be false and malicious or frivolous,

must be attended to at once and enquired into fully, of course, as suggested in the previous chapter, presuming that the petition is false or frivolous until it is found to be definitely true. It should be constantly remembered that any anti-corruption measure must aim to protect the honest public against the menace of "corruption" and not to provide a chance of honour and gree to the bribers who breed corruption in government service. Such methods will only foment and increase corruption instead of reducing or checking it.

After a government servant is dismissed on charges of corruption such of the superior officers, if any, whose negligence or indifference had, in any manner, facilitated the corruption of the dismissed official should be charged and punished suitably. The dismissed official must be given full liberty and all facilities to try all appeals allowed by the rules.

One of the methods now employed by governments in the anti-corruption drive is what is called "Trapping", i.e. offering bribes to government servants and catching them red-handed with the bribes if they receive them. In this method, the special police officer appointed for the purpose, gets hold of either some person who professes or is reported to have already given bribes to the government servant pitched upon for trapping, or one who has to go to that government servant for getting some order or information for which the latter is alleged to be usually bribed. Then, some currency notes signed or marked in some particular way by the special police officer or by some other superior officer are given to the man and he is sent to the government servant with

instructions to ask him for some order or information and to give him the marked currencies with other money, if necessary, as bribe. The special officer, with some others to be later cited as witnesses, stays at a short distance from the place where the official to be trapped is, awaiting the return of the spy. As soon as the latter returns and reports that he has given the marked currencies as bribe to the official, the special officer and his companions go to the official, search his person and the furniture in use by him and if the marked notes are found with him, he is arrested and prosecuted.

The courts have to infer from these circumstances that the marked currencies were accepted as bribe by the government servant concerned. Such inference may not be altogether wrong, but this cannot be said of all cases without exception. The man chosen to approach the government servant happens to be the only witness to what transpired between him and the government servant when he offered the money and the government servant accepted it. If the man chosen, has a previous grudge against the government servant, as it often happens, and if he happens to be known to him already, he might make the government servant accept the money saying that his (government servant's) son asked him to give it to him or something like that, and say to the trapping officer that he gave it as a bribe. In one case, it was said, the marked notes were found lying under the table of the government servant, when, within a few seconds after the spy reported having given the notes as bribe to the government servant, the officers in wait beset the government servant. It was taken, in that case, that the

government servant threw the notes down when he saw the officers approaching him. But the government servant contended that he knew nothing about the notes and that the man who said he gave them to him, simply came to him and asked him about something casually and went away. The government servant was, however, arrested and prosecuted. The court acquitted him. It is not improbable in this case that the man set up by the special officer, purposely threw the notes under the government servant's table while speaking to him and falsely said that he gave them to him. The gossip was that the government servant concerned in this case was not dishonest but was somewhat overbearing or rude in dealing with big men in business who had to meet him often in connection with their business.

The trappers engaged by government are obviously guided by petitions or rumours in picking out government servants for trapping. If several petitions are received against the same servant, they take it for granted that he is corrupt. I have already explained above how a single man can arrange for sending several petitions from different places and in different hands. With regard to rumours, if a clever person tells about ten persons in ten different places that a particular government servant is awfully corrupt, it soon becomes a rumour. We have heard of false rumours which have fooled, at least for a time, the entire population of big cities and districts. It cannot, however, be said that all rumours are false and I do not mean it. But in the case of government servants, scandalous rumours are more easy to create. If an honest government servant is haughty by nature and discourteous to rich or

leading men, some one feeling offended by him can easily create a vile rumour against him. True, that haughty men who cannot adjust with people are no good in government service. But if they cause trouble to government by such nature, they should be got rid of on grounds of tactlessness or some such thing and not by falsely trapping and brandishing them as corrupt. There are also other government servants who are not haughty but very adjusting and tactful, who happen to be traduced as corrupt when, in the course of the honest and conscientious discharge of their duties, they have unavoidably and unintentionally to get into the black books of some influential persons who, on account of their nearness to or influence with men in authority, think that they are out of the ambit of government rules and laws and that government servants should help them in everything whether right or wrong. Such undesirable types of men exist and flourish because there are many tuft-hunting government servants, even among officers, who impudently dog such men and volunteer their official service to them in anything and in any way. If such persons should make up their minds to bring any government servant, whom they do not like, to trouble, it will not be difficult for them to accuse them of corruption and to help falsely trapping them as corrupt men. Who can vouchsafe that the members of the special staff employed for trapping are themselves, all of them, honest? Though false trappings cannot be many, on the broad principle on which all government rules relating to punishments are based, viz. that no innocent person should be allowed to get unjustly punished, it is better to avoid trapping government servants. Further, now that bribe-giving is also made

punishable, there is no point hereafter in trapping bribe-takers alone, and when this is done with the help of reputed bribe-givers, the step becomes most infudicious and abominable.

If it is well understood that punishing corrupt government servants is not itself the end, but only a means to achieve the desired end of checking corruption for relieving the honest public of the loss, difficulties and inconvenience caused thereby to them, there are other safer and surer methods of alerting and hauling up the bribe-takers, whether habitual or casual. Clear and unambiguous procedural orders carefully and intelligently drafted and checked by men with long practical experience in all grades of government service, so as to preclude possible loop holes which provide chances and facilities for corrupt practices, setting up suitable and effective machinery to enforce and ensure the strict observance of such orders, and surprise checks of records, works and transactions, will serve the purpose. Surprise checks by high officers and ministers will be the most effectual measure. Such checks especially at places where corrupt practices are known to be rife such as the railway goods and parcel offices, customs offices, offices issuing passports, licences or permits, offices of officers who sanction or disburse government loans, offices of the Boards or officers for selecting or appointing clerks, workmen, etc. etc., will be very beneficial to honest people who feel helpless and abandoned at such places. The check must be by surprise in the strictly literal sense of the term. Checking anything at or near programmed camps cannot be called "surprise". Flying trips of officers over long distances must be allowed

without question for this purpose, if necessary. None except the checking officer must know beforehand about the proposed check. If the check reveals any fraud or avoidable fault or delay at any stage, the official directly responsible and his immediate superior should be charged for it and if there is room for suspecting the honesty of any one, they should also be directed to show cause as to why it should not be presumed that they had received or shared a bribe.

Surprise visits in disguise to such places as mentioned above, may help at times to catch both the bribe-giver and the bribe-taker red-handed. For disguise, it is unnecessary to paint or mask the face. It will be enough to wear a common man's dress and go without any liveried attendants or well-dressed official followers. Any minister or other high officer going in this way without previous notice into a crowd of common men in a common place will not be easily recognised. Quite recently, a Deputy Minister of the Central Government who went without previous notice to a wholesaler's shop at Coimbatore to verify a complaint of black-marketing of maida, was not recognised. The wholesaler quoted to him the black-market rate of price for a bag of maida, which was nearly or more than twice the rate fixed by the government. Even when the Deputy Minister told him the price fixed by the government and asked him why he quoted such a high price, the merchant replied "Well, this is the price at which we sell. Purchase if you want or quit". Ministers and other officers who usually wear a common man's dress in khaddar, can, for a disguise, avoid khaddar for such occasions only and wear cheap mill dhoties and mill upper cloths only without the well-known

jubba. Ministers and high officers who go for surprise checks can have one or two other subordinate officials or reliable private men, in ordinary dress, to follow them as strangers in the crowd to witness things with them, to save the trouble of their (ministers etc.) personal appearance as witnesses in any subsequent enquiry or trial. They can talk to touts or brokers whom they meet, and try to get their usual service pretending to have come on their own business. They can speak to others waiting there for business and elicit useful information from them for proceeding further to detect dishonest practices. Thus, even though they may not catch any dishonest person at the surprise check, they can acquire first-hand knowledge of the ways in which business is transacted at such places and how corruption is facilitated, which can immensely help them to devise better methods of preventing and detecting corruption.

Punitive measures alone have very little preventive effect and they are practically useless when nothing is done to remove the well-known causes that breed and promote corruption of all kinds at all levels. Steps to remove the causes are therefore essential—steps that can blast the hot-beds of corruption. The measures suggested below are quite simple but comprehensive and radical and possibly the best that can combat the bet-noire of corruption in government service with the highest degree of success that human endeavour can ever achieve, and yield the results which the fair-minded public so eagerly desire.

As soon as the question as to how corruption in government service can be put down is raised many would

jump to assert that it cannot be put down unless the salaries of government servants are raised or that increasing the salaries is the only way to suppress corruption. This is simple smattering. Increasing the salaries can never remove nor even reduce corruption. The present rates of salaries of government servants have certainly to be raised. But that is for other reasons and not for putting down corruption. Raise the salaries to any height, you will not notice any declination in corruption. On the contrary, it may, perhaps, make corruption more rampant by providing added ease and scope for men to think and evolve new and more adroit schemes for corruption.

The chief factors that facilitate and engender corruption are :—

1. Undue and unnecessary secrecy of official actions and proceedings ;
2. Disregard of petitions (other than petitions against government servants) ;
3. Delay in official proceedings ;
4. Wayward exercise of discretion by officers ;
5. Controls and unnecessary restrictions in respect of industries and trades.

1. Secrecy :

Gandhiji hated secrecy. He said "Any secrecy hinders the real spirit of democracy." He said this, of course, not as a member of any government, but every one knows that he was a man who would never change his views or principles according to circumstances. He

hated communism and communist form of government because secrecy, comouflage and the like were the essential features there. Secrecy becomes indispensable only when nefarious ways are adopted as in communism. But in the governments of our country which we call as democratic, almost everything is secret. There are undoubtedly matters which have to be kept secret, such as military movements, defence arrangements etc., but in ordinary civil matters there is no need for any secrecy at all if the governments are impartial, fair and just in their intention and methods of administration. In civil matters, secrecy is adoptable only when it is necessary for any public good. For instance, when food grains were decontrolled and derationed last time, Rajaji who was then the chief minister of Madras avoided passing an order to that effect through the official machinery in the usual course, but kept his decision a secret to himself and one evening he himself proclaimed the order to the surprise of every one, by broadcasting it to the state through the radio. This he did with a view to avoid giving time to hoarders and black-marketers to take stocks of food grains underground and he acted wisely indeed. But secrecy is maintained as a habit not only in such matters but in everything else of government and this was unfortunately the rule even during Rajaji's regime. A citizen who wants to know what is happening in government in a matter concerning himself or any one else cannot know it easily, and such unnecessary secrecy of official proceedings is one of the prime factors that provide scope for corruption. If it is enjoined that clerks or other subordinates should not reveal official proceedings, it cannot be disputed, be-

cause, in the absence of such a rule, enquirers may throng public offices and impede dispatch of business. But heads of offices and departments should not refuse information of any order or proceeding required by any citizen in good faith. Names of persons who are given big industrial loans by government are, at times, not disclosed even to legislators who ask for them, though the government authorities promise to enquire into complaints of favouritism, or nepotism in such matters. This is just like saying "I will not allow you or your men to enter into my house. But you are at liberty to find out any contraband within my house and bring it to my notice." To find out if there is any favouritism, nepotism or partiality in the grant of loans, not only the names of those who are granted loans but also those of all others who applied for loans but got none, with dates and reasons for the rejection of their applications and all other relevant particulars are necessary. So, without knowing even the names of those who were granted loans, none can ever attempt to scrutinize the fairness in the grant of loans. When full information in such matters is not furnished freely, the public are naturally led to smell a rat.

Some ministers, while avoiding a direct or plain answer to some question on some matter, in which there can be no justifiable reason for any secrecy, go even to the extent of offering to resign if anything wrong was proved in the matter questioned about, and the questioners, even though they might have some reliable private information about some mistake or deliberate deviation in the matter, are at a loss to pursue the question further as they are offi-

cially kept in the dark by the veil of secrecy. If everything that is done by the government must be blindly taken as correct without any question, there is no need for any legislature at all. If anything unjust or unfair is done, it may be that the ministers themselves are not responsible for it. In most cases, they act on the report, or suggestion of the officials concerned in the belief that the reports are correct and unbiased. Even in such cases, unless the public know clearly how any decision was occasioned, there will be no chance of any mistake or irregularity in the information or suggestion adopted by the ministry being brought to notice. Such secrecy sponsored at the top, only renders vaster scope for corruption among the officials at all levels below. If corruption should be prevented, any information on any matter should be freely furnished not only to the legislators but even to a common citizen who asks for it whether it concerns him or others. A man has necessarily to know how other persons' applications for anything were disposed of to judge if the disposal of his own application in the same or similar matter was proper or not. When anything is treated as confidential for some good reason, it should be unveiled as soon as the need for keeping it a secret has passed and the public should be immediately apprised by a press communique why it was treated as confidential till then.

2. *Disregard of Petitions:*

Petitions against government servants are dealt with separately in chapter. XIII. Those referred to here are other kinds of petitions including those of government servants. Petitions from citizens in general are never

cared for in any office, except, perhaps, in the highest offices of the states and the centre, where some of them are at least returned with some curt endorsement as "The matter is under consideration", or "The petition is rejected" or the like, or sent to some departmental or district head for disposal, never more to be thought of, unless, by chance, some officer below thinks it necessary, for some reason, to return it to the government with some report. In the district, divisional and taluk offices of the revenue department, and evidently of other departments too, petitions from citizens receive little or no attention. Heads of offices do not even see the petitions when they are received. Only letters from superior officers are opened in their presence. Others are opened in their offices. Heads of offices take care only about prompt attention and reply to references received from superior officers and they never mind about petitions. In the Tottenham's system, which is followed for the dispatch of business in these offices, petitions are seldom even numbered. They are simply passed on to the clerks who can take action on them if they want or destroy them without the chance of any one else ever knowing or questioning them about how they disposed of them. So, any one who wants his petition to be attended to, has to meet the officials concerned and induce them by fair means or foul to look into his petition and do the needful. A committee appointed some time ago for the reorganization or revision of revenue administration reported, I remember, that the Tottenham's system was working fairly satisfactorily in the districts. But their observation in another place of their report that some suitable arrangement must be made to

see that petitions are acknowledged in two or three days of their receipt, virtually conceded that the Tottenham's system was not useful in regard to petitions. Before the introduction of the Tottenham's system, there was, what was called, the "Disposal Number System" in which there was a separate current register in each office for registering and disposing of petitions only. Though even then, officers paid scant attention to petitions, there was at least the chance of a fair number of petitions receiving a response. This and other current registers for papers received into an office were abolished by the Tottenham's system.

Prompt and ingenuous replies to petitions and free and prompt offer of information to any inquirer on any matter in any public office, are bound to serve as the most effective check on corruption, as, in such a system, parties concerned or interested in any proceeding will have the facility to watch the official trend closely and bring to the notice of the superior officers any unnecessary delay or intrigue or foul play or any other cause for suspicion. Suitable arrangements have to be made to achieve this end.

There is an old general rule or convention that every officer of all administrative departments must fix a time for receiving petitions and interviewing petitioners present on every working day. Touring officers rarely do this in their camps. Though many of the stationary officers do this, this system does not serve the purpose adequately.

They started a novel method, a short time ago, of making the officers of all departments meet on some

days in rural centres to receive petitions, oral or written, and grant redress on the nail. This looks, of course, prima-facie laudable and well-intentioned. But in fact, it cannot help much to check corruption. Granting redress on the spot is, in many cases, normally impossible. What they call red-tapism, meaning thereby the tediousness of official routine, is reprehensible only when, at some stage or other of the official machinery, there is remissness or deliberate indifference and delay or foolish punctiliousness giving rise to unnecessary carping. Otherwise the system of putting every matter through the official machinery for forging the final decision or order, is essential not only to ensure propriety and soundness of decisions but also to avoid scope for corruption. If, in an attempt to do away with the so-called red-tapism, the government allow orders in any matter to be passed in some rough and tumble way, it will only create confusion conducive to corruption. Though it is generally believed that only delay helps corruption, there are cases in which over-promptness or slap-dash-ing also helps it. Unusual promptness is sometimes adopted for dishonestly favouring some one by forestalling some expected or possible objections or rival claims. If a village tout wants to get some order at a village meeting, either for himself or for the village with, as usual, some ultimate selfish aim, he can easily achieve his object if he meets the officers concerned the day previous to the day of the meeting, and misleads them, if he does not do anything else. And the officers who nodded approval or consent at such meetings to any decision, cannot be questioned later about any irregularity or unfairness in the decision discovered subsequently, as they were not given due time for consideration.

This method is also likely to encourage and strengthen clanish and communal leaders and charlatans and demagogues of villages and perpetuate factions and feuds in villages, thus denying individual liberty which is the avowed aim of our Constitution. In spite of the great advancement of our country in political knowledge and civilisation, the age-old factions and rivalries in villages still persist and there is practically no village, which is free of such divisions. Each faction or group has a self-elected or hereditary leader who may be acceptable to some and tacitly disliked by others. In the village meetings now started, only leaders are allowed to speak. Even without any such restriction, only leaders can speak in a village meeting. When a leader speaks, even a man of his own group or clan who does not agree with him, cannot interrupt him or rise to speak. Apart from these undesirable possibilities, these village meetings started with great enthusiasm and at least seeming good intention now, are, according to my official experience, bound to degenerate into farces very soon as the ministers cannot be present at all such meetings. Even now, so soon after the inauguration of this scheme, the village meetings have become few and far between.

Recently, the government of Mysore headed by Mr. B. D. Jatti started another new method of dealing with all kinds of petitions and representations from the public. The chief minister authorised six deputy ministers to receive all petitions and representations from the people and submit them with their notes to the ministers concerned for speedy action. He said that each of these deputy ministers would be allotted two or three districts

and the people of those districts would be asked to make their petitions and representations to him irrespective of the subject matter of the petitions. This is another flighty scheme exhibiting want of experience. The idea that the people should be enabled to make all sorts of representations and petitions directly to the ministers, or deputy ministers, is itself unsound. The ministers, if they really wish to use their powers for the welfare of the public and not their own selfish interest in any way, should not waste their time in attending to individual representations of grievances, unless there is a complaint that the individual concerned had approached all concerned officers and got no redress nor any reply. They should devote all their time in schemes for public welfare in general. When there are so many district, sub-divisional, sectional and sub-sectional officers in all departments, each with big establishments, another top officer to receive petitions is clearly superfluous. And if this additional officer is to send his reports on representations to the ministers concerned and not to the concerned departmental officers, the delay, which is attempted to be avoided in attending to representations, will only be augmented instead, as the ministers themselves cannot dispose of anything and the papers will have anyhow to go to the official machinery, in most cases to the whole length of it, before anything can be finally decided. It must have been realised by now that the deputy ministers appointed in this scheme are unmanageably flooded with petitions and representations necessitating the appointment of many more such deputy ministers with big establishments, after all with no commensurate relief or satisfaction to the public.

There was also, some time ago, the Pada Yatra stunt of ministers going on foot to villages to speak personally to villagers and find out their difficulties and complaints. Such exhibitions can only serve propaganda purposes and not any administrative end.

So, some scheme which will enable every individual, whether of the city or of the rural areas, to make his own representations freely to government regarding his own affairs or others' and to get all information he wants about anything, must be evolved for the benefit of the public and for checking corruption. There should be no question as to why a person wants any information. If the matter on which information is sought is treated as confidential, the petitioner should be informed so and it must be open to the petitioner to address the government directly or any intermediary higher officer for information as to whether it is true that the matter is treated as confidential or the treating of it as confidential is right. If anything is really treated as confidential, the reason for it need not be given to the petitioner at once. If any one asks for a copy of any document, he should be told to apply separately with the stamps necessary according to rules. Copies of reports of officers may, if thought not desirable to grant, be refused. But copies of any other papers or documents relating to any proceeding and of orders or decisions on any matter should never be refused to any one, except for very grave reasons, which will have to be explained and justified later.

The following is the suggestion of the author for the receipt and disposal of petitions for the purpose of checking corruption :—

i. There must be a separate section called the "Petition Section" managed by a responsible official in every district, divisional and taluk offices of every department and also in the offices of the heads of departments and every department of the government secretariats of the States and the Centre. There must be sufficient number of clerks in the section. If a start is made with two or three clerks, the required number can be fixed later from experience. This section should be given no other work than to deal with petitions and enquiries either personal or by post. The term "Petition" should be taken to include any letter or other communication containing a complaint, request, prayer or suggestion. Every petition presented personally must be acknowledged by a receipt on the spot. Petitions received by post should also be immediately acknowledged by post. If any one coming personally to the section asks for help to write out his petition, some one in the section must write down what he says briefly but, as far as possible, in the petitioner's own words, in duplicate with a carbon sheet and after getting both copies signed or marked by the petitioner, give him the carbon copy with the acknowledgment of the petition, retaining the original for action. Similarly, if any oral enquiry could not be answered orally at once, the enquiry should be written down in duplicate. In all acknowledgments of petitions or written enquiries not answered orally, it should be stated that the petitioner would receive a reply within a week from that date, except in the case of petitions containing allegations against government servants, and those which call for no reply and have only to be filed with connected files already pending. Petitions against government servants

should be sent at once by the petition section to the head of the office in a cover addressed by name to him and the latter will deal with them as indicated in chapter XIII. If the petition is one that has to be simply filed with the connected papers in the office, it should be immediately filed and the fact that it has been filed with connected papers should be mentioned in the acknowledgment of the petition. If a petition presented or sent by post is one which has to be presented at some other office, it should be returned at once with a clear endorsement mentioning the office to which it should be presented or sent. Perfunctory and vague endorsements like "Returned for presentation to the concerned office etc." sending the petitioner from pillar to post, should be avoided. Other petitions accepted, should be sent to the concerned sections after issuing the acknowledgments and noting on them the date by which a reply is promised.

It should be the duty of the petition section to see that some reply is sent on petitions and written enquiries so as to reach the petitioners or enquirers positively within a week. This section, for this purpose, must have the authority to get the required information from the concerned sections of the office by means of notes. The replies to petitions should be got signed by the officers concerned with the subject matter of the petition or enquiry. Other details of working can be easily chalked out.

The reply to be sent within a week need not necessarily be a final order in the matter. If no final order could be given by that time, the petitioner should be given a clear reply explaining briefly in plain and com-

mon terms what has been done in the matter up to that date and what still remains to be done, and giving a further date, (which should not ordinarily be beyond six weeks from then,) by which a decision is likely to be reached. The official quibbles and curtations like "The matter is under consideration", "The matter is receiving attention" should be avoided. At all stages, it must be the duty of the petition section to see that replies or final orders are sent to the petitioners on or before the dates given to the petitioners. If a reminder petition is received after the petitioner had been given a date for a reply or the final order and before the date so given, and if the matter is still pending, it will be enough to acknowledge the receipt of the petition without any further reply. But if it contains a representation that the matter is urgent and a quicker decision is necessary, it should be considered and a reply given. Personal enquiries even before the probable date given, must always be promptly and clearly answered. Even if a petitioner comes daily to enquire about his petition, he should not be turned out without any answer. The government should never get tired of petitions or enquiries. Some time ago, the government of Madras passed an order that any government servant who petitioned repeatedly about his grievances after a petition of his had been rejected, would be punished. If they had said that subsequent petitions without any fresh ground or fact for consideration after a petition had been rejected, would not be answered, it would have been understandable and not quite unreasonable. But to threaten a person, whether a government servant or a private citizen, who feels aggrieved, with punish-

ment for repeated petitioning is autocratic and imperious and unwarranted in a people's government.

It must be open to any petitioner who does not get an acknowledgment of his petition within 3 days, or a reply within a week, to complain to the immediate superior of the officer to whom he sent his petition, and if this superior officer too defaults similarly, to complain to the next superior and so on up to the government. Any superior officer who receives such a complaint or information of such default in a subordinate office, should take action immediately (after acknowledging the receipt of the complaint, if any) not only to see that a reply is sent at once by the officer to whom the original petition was sent, but also to punish those of the subordinate offices, including the officers in charge of them for the omission to acknowledge or reply the petition in time.

Final orders on petitions should be full, clear and self-explanatory. Even when a petition is rejected, the present practice of simply saying "The petition is rejected" should cease. The order should give full reasons for the rejection.

No superior officer should entertain or call for a report on any petition which can be disposed of by a subordinate officer, unless it contains a complaint that previous petitions to the subordinate officers had not been acknowledged or replied.

Work in the petition sections must be most prompt and even the least delay there must be dealt with seriously. If the staff is found inadequate, it should be promptly strengthened. The heads of the offices con-

cerned must be held personally responsible for any delay or mismanagement of this section. This section should not be an imitation of the enquiry counters in railway stations in some of which information in respect of some matters like reservation of seats etc. is, at times, cornered and black-marketed, or getting any information is made difficult and disconcerting by the arrogance or peevishness of the ladies and men employed in them. Some of the employees in these counters foolishly think that they do some favour when they give some information to any one forgetting that they are servants engaged for the sole duty of supplying information and instruction on demand by any member of the public. Some unconcernedly or slightly make enquirers wait till they finish some work on hand or some jolly conversation among themselves or with other friends at the counter. Some are so peevish that they would not answer more than one question by the same person. There can be no justification for such lapses of persons employed at such places or in any other job for serving the people directly. The men posted in the petition sections must be embodiments of patience, alacrity, good humour and tact. They should also be experienced and intelligent. The head of the office must visit the section at least once a week at different hours to see if the petitioners and enquirers are treated courteously and answered promptly. Men who are found to be irritable or haughty should be immediately removed from this section, and an entry about their nature should be made in their personal files quoting instances. Superior officers should also pay frequent surprise visits to the section. Members of the legislatures and other non-officials who

wish to see the working of this section should also be permitted to do so and record their remarks, if any, in a book to be kept for this purpose.

3. *Delay in general in official proceedings.*

Delay caused by the files having to pass through the official machinery i.e. from seat to seat, section to section, office to office or department to department before the matter dealt with can reach a stage for decision is, as already explained, unavoidable. The utmost that can be done to cut short this delay is only to restrict the time to be taken by each station on the journey of the file to the bare minimum. But delay caused by unnecessary or slipshod references from one office or officer to another is certainly avoidable. The organisation and methods division of the government of India recently reported unnecessary vertical and horizontal references due to the "intellectual dishonesty" of officers, i.e. reluctance on the part of individual officers to take full responsibility, as one of the major causes of delays in the disposal of business. Such unnecessary references, not only vertical and horizontal but also downward, are often due to moral dishonesty also. If an officer wants to protract the disposal of a matter with some dishonest motive, he sends out some reference which is unnecessary or avoidable. Unnecessary references of any kind should always be taken serious notice of. If further references to the same officer are necessitated by the incompleteness or defectiveness of his reports or replies, the officer should be warned and censured, and the officers whose reports continue to be incomplete or useless in spite of warnings and censures should be considered inefficient and demoted.

Apart from references from one office to another, there are other similar causes of delay within an office itself. There are backboneless officers who will not pass orders on a note or draft which, they do not agree with, or is not leading to the orders which they wish to pass. They will not write anything on the note or draft, but will call the section head or the clerk concerned and give the file back to him with oral instructions to revise the note or draft. Such officers are either themselves not sure of the correctness of their own view in the matter or perhaps know that the order which they wish to pass is not correct and in either case they wish to avoid taking the responsibility on themselves and to shift it to some poor subordinate who has, as it were, no right to remonstrate or refuse. There are also section heads and subordinate officers who do this. There should be a general order to the effect that clerks should not be asked to revise notes or drafts except under written orders on the file itself. There is no point in asking a note to be revised. If it is incomplete, a further note can be called for. If it is wrong or misleading, the office can be warned and instructed, if no dishonest intention is suspected. If the draft is not correct or not approvable as it is, instead of asking the office to revise it, the officer himself can correct it and pass it or discard it altogether and write out or dictate his order or reply if all particulars necessary are available in the file. Asking a new clerk to rewrite a few of his first notes or drafts after correction just to train him in the prescribed method and form of noting and drafting is certainly not objectionable and this is not meant here.

Though delays with corrupt motives can be generally distinguished from delays caused otherwise, it would be wrong to presume corrupt motives in all cases of delay even though there may be room for such a suspicion; because delays can occur for many other reasons also in the official routine. So, other common factors that occasion delays have to be removed and a system has to be formulated in which delays for dishonest purposes cannot be attributed to other causes.

There are already some rules in almost every office for preventing delays such as "Three days rule" "Five days rule" etc., which mean respectively that papers received into the office should be attended to by the clerk and put up for orders within three days or five days etc. These rules are intended to prevent delays on account of the lethargy or indifference of clerks. But they are not easily workable except, perhaps in top offices, for various reasons such as too much of work in some seats, newness of clerks in some, want of sufficient number of section heads to supervise the work of clerks and to help new and over-worked ones, officers taking much time of the clerks for personal attendance on them to help them in attending to files put up to them for orders, weakness, tactlessness, or inability of officers or subordinate heads in controlling and exacting work from the clerks etc. The committee recently appointed for the reorganisation of the revenue department appear to have suggested the appointment of some additional clerks or head clerks in some offices of the state. Similar investigation should be made in other departments also and additional hands appointed or the existing number of hands reduced in consideration of the amount and

nature of work in each office. The general impression is that in departments other than the revenue and, perhaps one or two more, no one is overworked and many are under-worked. The amount of work that a sincere and hard working clerk of average capacity with an experience of about 5 years can turn out, earnestly working from 11 A.M. to 5 P.M. with a lunch break, should be the criterion for such investigation. This may vary from seat to seat in some offices depending on the kind of papers usually received in the seat. But experienced officers who have themselves worked as clerks can easily examine and fix the criterion. There should also be a spare clerk for every 8 or 10 clerks to attend to work in seats of those who are casually absent, to help newcomers to learn work and to assist those who get any unexpected rush of work temporarily.

After doing these things to remove the general causes of delay, all members of the staff in the office should be told that any one who finds it not possible at any time to adhere to the time fixed for attending to papers should put up a note at once explaining the causes. Such notes should be attended to at once and suitable arrangements should be made immediately to avoid or clear arrears of work.

Teasing practices such as requiring clerks to put up daily arrear lists, to put up every paper which could not be attended to in time, with an explanation on each, for the only purpose of getting extension of time, to put up personal registers almost every other day for check and to reply the remarks on the personal registers at once, should be stopped. Instead of avoiding or reducing delay, such practices only unnecessarily increase the work of the clerks and the delay in disposal.

When such common pegs for delays are worked off, the officials can be warned that any delay thereafter against the rules regulating the disposal of papers will be taken to indicate dishonest intentions even in the absence of any allegation to that effect.

4. *Wayward exercise of discretion by officers.*

Officers have, very often, to use their discretion in executing the laws, rules and orders which only give general directions in the matters which they respectively regulate. Laws and rules cannot and do not cover all sorts of cases and circumstances that may come up in practice. Especially new regulations and orders are, in most cases, hardly exhaustive and are, in some cases, even unavoidably ambiguous or indefinite in some respects. Officers have, of course, to use their discretion in consonance with the spirit of the law or the regulation. Still, the discretionary views of all officers do not usually commerge even in identical cases. Such variations in views of different officers need not, however, be minded much for the purpose of avoiding chances for corruption, though for effecting uniformity of action, the government may, as and when necessary, issue supplementary orders or instructions or even amend the rules or laws if necessary. But the same officer arriving at different decisions on different occasions or at the same time, in different cases which are quite similar to one another in all respects, is what has to be condemned and interdicted to preclude corruption. This occurs often and the officers concerned escape question because no one cares to see what the officer did in other similar cases and the parties affected, if any, do not

know about other cases of the same kind dealt with by the same officer. It is not practicable nor desirable to limit or restrict the discretion of officers in any way as, doing so may create complications more conducive to corruption. To prevent dishonest use of discretion, it will be enough to rule that every officer should follow a fixed principle in cases wherein he has to use his discretion. In the first case in which an officer uses his discretion, he should record the principle he decides to follow and he should never swerve from it on any account in subsequent similar cases. If, for any good reason, he has to deviate from his principle in a subsequent similar case, he should refer to his original principle and record his reasons for departing from it. It must be the duty of superior authorities to see if the principles adopted by their subordinates are correct and sound and to give them suitable instructions wherever necessary. Whether the principle adopted is sound or not, if the same principle be followed consistently, there will be little scope for corruption.

5. *Controls and unnecessary restrictions in respect of industries and trades.*

Government controls of any kind of anything provide very convenient handles for corruption from top to bottom. But the trend of our country's governments makes controls indispensable, in spite of the evils they entail. Control orders usually, and perhaps inevitably, have loop holes which snides in government service and outside easily detect and exploit dishonestly, and till the government could detect and prevent the malpractices, the public suffer loss and difficulties while the snaps

enrich themselves. When a control is imposed, all officers concerned should be constantly and vigilantly watchful about the working of it so that any defect in the orders affording scope for any kind of dishonest practice may be detected and rectified promptly. It is wrong to wait for complaints and to presume that everything goes well in the absence of complaints. People take long to perceive dishonest manipulations and fobs and even when they realise any, they at times innocently think, it has to be so under the rules of control. Delays in checking malpractices in the enforcement or the observance of a control should be viewed seriously and the persons responsible for such delays, top to bottom, should be treated as collectively responsible for all the loss and difficulties caused to the public in the meantime and punished.

Though according to the constitution, any one can do any kind of business, conduct any kind of trade or engage himself in any kind of industry, there are many of such means of livelihood or earning which cannot be begun or undertaken without some permit or licence of the government. Such control in respect of some trades is certainly necessary. For instance, if a man wants to employ himself as a motor driver, he has to get a licence. Though demanding a fee for the grant of a licence for this purpose, especially from poor persons who have no other means of livelihood, is not quite proper, prescribing a licence for the trade is correct, because the profession is one in which the fitness of the person for it has to be tested before allowing him to engage himself in it. Similarly, prescribing a permit for running a public bus or lorry on a certain route is not improper because the government have the duty to protect any

public road from congestion of traffic. Only the procedure in the grant of such licenses and permits has to be made corruption-proof.

But there are other kinds of trade in respect of which there is no conceivable reason for any restriction or control. For instance, it was said on behalf of government some time ago that there were already about six persons or companies engaged in, I remember, the motor industry and the government did not like to bring any more into it. This is, in a common man's view, an unnecessary and undesirable restriction giving room for corruption. There is no question of any danger or inconvenience to the public by more men or companies engaging themselves in this industry. On the contrary, free competition in such industries will have the welcome result of bringing out the best products which, if fortunately they excel foreign productions in some respect, can even attract foreign markets and earn a lot for the nation. After all, there may not be too many in India, individuals or firms, who can afford to take up this industry. The government's reasons for restricting the number of persons or companies permissible for any industry, big or small, should be published to enable the people to appreciate the reasonableness and need of such restrictions. Specious reasons such as, letting too many into an industry may affect profits for entrepreneurs and curb enterprise, and the like, are unacceptable. Those, whose productions cannot find lucrative sale in competition with others in the market, must fail, and it would be unwise, for the purpose of enabling the sale of such unwanted productions, to make the people lose the chances of getting better things or equally good

things at a lesser price. Such undue patronage and grant of monopoly to a selected few is in itself bad, apart from its providing chances of corruption at all levels and at all stages. No licenses or permits for any industry or export or import etc. nor any big loans should be granted without wide publicity. If the government wish to allow only a limited number of persons or firms to take up a particular industry, such intention should be widely and repeatedly published sufficiently in advance with full particulars, calling for applications. After disposing of the applications, full particulars of the persons who are granted permits or licences with reasons for selecting them should be published along with the names and other particulars of the other applicants who could not be granted the permits or licences. If the government wish to consider any applications for such permits or licences received without any call from government for applications, the names and other particulars of the persons who have so applied should be widely and prominently published inviting objections if any to the grant of the permits or licences applied for and the applications should not be disposed of before the expiry of the time allowed for objections. The same should be done before granting big government loans. Even for small agricultural loans under the Takkavi Loans Acts, the rules require that on each application for a loan, a notice inviting objection to the grant of the loan should be published continuously for 15 days by beat of tom-tom every day in the village concerned, and that orders on any such application should be passed only after the 15 days' time allowed for objections and after considering the

objections, if any, received. When that is so for petty government loans, a much wider publicity and more rigid rules become indispensable and obligatory in a democracy in respect of government industrial and other loans of large amounts running to several thousands or lakhs of rupees. The final orders on applications should also be published. The same procedure should be adopted in respect of permits for large scale imports or exports. Full information in such matters should always be freely furnished not only to legislators but also to any citizen who wants them for any purpose, if the government wish to avoid corruption in such matters.

To sum up, for relieving the people of the brunt of corruption of all kinds in government service, those in power should, in the first place, cherish such a desire in their own hearts and make themselves archetypes of rigid and unmistakable honesty. They should themselves practice what they preach to, or expect of, others as Gandhiji did. They should not delude themselves with the perverse notion that if they do not get any bribe in cash or kind, they are not corrupt. Any one who is dishonest in thought, word or deed is corrupt whether he gets a bribe or not. They should never interfere with the discretion of officers below in anything until and unless it is taken to their notice on appeal or otherwise that the officers have erred or misbehaved. Ministers taking up matters directly and passing orders, depriving the parties concerned of their chances of appeals, is bad, and giving instructions to officers as to how a particular case should be disposed of, is worse. Giving general instructions as to how a particular kind of cases should be dealt with

is different and there can be no objection and to it. It is not wrong for ministers to receive petitions presented or sent to them directly; but they should not pass final orders on them off-hand. They should simply send them down with their notes, if any, for disposal by the officers concerned according to rules and laws. There can, however, be no objection to their fixing a time limit for the disposal of any particular petition, or directing that the order passed in any matter originally or on appeal should be reported to them. In matters that come to them in the regular course, if they have to alter or cancel any orders passed by the officers concerned or to reject or ignore any recommendation or proposal made by the latter, they should invariably record fully and clearly the reasons for their having to do so.

The top men should scrupulously avoid giving room for any honest, law-abiding and poor citizen to feel and grieve that but for the interference of this minister or that secretary or other officer, he would have, in fairness, got a particular post, or a scholarship, or admission to some professional college or school or a license or a permit or some such thing for which he had better qualification or desert than others who got such things through such help. They should frequently remind themselves of the fact that the powers and the consequent personal influence they possess are not their birthrights, but are, in a democracy, conferred on them directly or indirectly by the people, to whom they are answerable, and as such they can morally use their powers and influence only within the confines of law and equity for the benefit of the public without any distinction and never whimsically for their own pleasure or

gain — not even once in a way. They should keep themselves fortified against any kind of pressure or influence and exercise strict control over their own wayward fancies. Such virtues in the men at the top, when perceived by the men below, will serve as the most effective anti-corruption measure and will be more than half enough to correct corrupt men in service.

Our leader Sri Nehru said in answer to Lord Acton's saying "Power Corrupts, and absolute power corrupts absolutely" hurled at him by an old colleague of his, that he felt that his power was too limited to corrupt him and explained that power can corrupt only those who had it bereft of any feeling of responsibility. Though his constitutional powers as the Prime Minister are limited by law, our leader does possess in addition to them, an unlimited power, so to say, thrust on him by practically the entire population of his country as a result of their unshakable confidence in him. But no amount of power can corrupt him because he does not cherish any love or longing for it and wisely feels that the responsibility tagged to the power is so great that it eclipses the immensity of the power. If all persons in power should bear in mind this axiom, they are sure to realise that none of them has any power or influence for being used out-of-the-way. It has to be noted here that Lord Acton did not mean that power makes men take bribes, when he said "Power corrupts". He had, obviously, no thought of bribes at all. What he evidently meant was that power makes men conceited and giddy and eventually dishonest and bad in thoughts, words or deeds. Material bribe-taking is, as already explained, not an essential or indispensable feature of corruption.

It should never be forgotten by men in power that whenever an undeserving person is helped to get a boon, a deserving person who should have rightly got it, loses his best, and perhaps the only such chance in life. To wrong even a single person is a monstrous fault on the part of a person in power.

Any anti-corruption measure adopted by governments must aim to prevent corruption i.e. all dishonesty of any kind at all levels of the government structure. It will be of no use to the honest public if what is aimed at is only the bribes in annas and rupees (now, in naye paise and rupees) in the lower levels. Corruption, including all evil isms, is, as already said, not peculiar to our governments or our country only. The whole world suffers from it in different degrees or forms. But if any step is taken to reduce or prevent its deplorable effects on honest citizens, the aim must be to check it as a whole and not only an insignificant part of it. If the men at the top think that they have a prerogative of using their power and influence in any way they like and that honesty should prevail only at the lower levels, all steps taken by them to that end will only prove as abortive as the attempts of a debaucherous father to keep his children chaste.

When any one approaches them for any favour, the men in power should have the humility, nay, the courage, to say "I have no inherent power to help you off-hand. There are officers below entrusted with powers to help you. Better apply to them. I wish you success". They should carefully watch the work and ways of the officers, correct them when they happen to com-

mit any mistake indiscreetly or due to want of experience, and deal severely with them when they happen to misuse their powers dishonestly. If they themselves make any officer do anything wrong or out-of-the-way or take up for their own disposal any matter which cannot normally come to them except on appeal or complaint, irrespective of the propriety or otherwise of the orders they may pass in such cases, they will only lower themselves in the eyes of the officers concerned, who will be emboldened to indulge in dishonest ways themselves. They will also lose all moral power of control over the subordinate officers with the result of making the whole administrative structure, flagrantly and unrectifiably corrupt, a hot bed for undesirable elements of society, and a formidable menace, instead of a source of solace and support, to the honest public. If any one at the top thinks that his dishonest actions or omissions are not known to the public, he deceives and deludes himself. In spite of the veil of secrecy which, they think, shields them, everything they do or omit to do, honest or dishonest, easily leaks out, as the public are, as a whole, shrewd and constantly all eyes at them. When any one of the men in power dishonestly helps one with, or in respect of, some government loan or permit etc., there are other really or more deserving aspirants for it who are heart-broken, and the neighbouring public, who soon see the injustice done, probe into the matter till they apprehend the how and the why of the untoward happening. When a person in government service is dishonestly helped to get a promotion, there are other deserving men who feel unjustly balked and they, with their confreres, who see the egregious partiality and

favouritism, easily trace the cause. Similarly when a government official who is openly corrupt, or a big businessman or a business institution openly indulging in malpractices endangering public health, safety or convenience, goes sans-souci with impunity, in spite of widespread complaint and petitions, the public soon spot out the darn overshadowing hand at the top of the government.

Of all the suggestions given herein for checking corruption, the suggestion about the opening of "Petition Sections" is the most important. That alone, may even be enough, if adopted and worked out zealously, to bring about the desired result. If the anti-corruption establishments set up already are abolished and the establishments of the service commissions and the employment exchanges are cut down to the minimum, the consequent savings may be enough for opening and maintaining the "Petition Sections".

CHAPTER XV

CONCLUSION

As suggested at the outset, government servants can expect a considerate treatment and fairness in regard to their prospects in service with freedom to demand them when they lack or are deliberately denied, only if the governments are democratic to the nine in character, irrespective of the ideology they may adopt. So, in their own interest, as a class, the government servants have to do everything they can to aid and preserve democracy and to avoid scrupulously everything that is likely to imperil it. Our country, which is now having a democratic set up in all governments, is out to form a socialistic society without abandoning democracy. There are many who think that it is not possible to combine democracy and socialism and their reasons are also not easily refutable. Anyhow, our wise leaders believe that a form of democratic socialism is possible of achievement and are leading the country towards that goal. So long as the democratic basis is maintained intact, the people including the government servants, have to co-operate with our leaders in their attempt, reminding the leaders by peaceful demonstrations that India, as a whole, is against any totalitarian rule, whenever the government trend evinces any apparent drift in that direction. Of all the political parties that exist in our country, the communist party is the only one which cannot adapt itself to democratic ways. This is the only party which causes all sorts of difficulties and disturbances to prevent smooth democratic administration. It is noteworthy that there is no serious

internal trouble or disturbance in countries where communism and the communist party are banned. Col. Nasser whom our leader Sri Nehru loves and admires so much, has banned communism in Egypt though he is friendly with communist leaders of the world and is getting aid from all communist countries. It seems, however, that no other party too is allowed in Egypt. Each country has its own ways. But it seems that when the communist party is banned, naturally there will not be many political parties. In India, in the absence of the communist party, perhaps all other parties will, in course of time, merge with the congress which is for adopting socialistic methods in a democratic way. In America where there is no communist party, there are only two prominent political parties, the Republicans and the Democrats, the difference between whom is but slim.

It is since definitely known and established that India, as a whole, not only has no leaning towards communism but is also determined to stave off any attempt of the communist party to get the upper hand anywhere in the country. The leaders of the country have, therefore, to take heed of the public spirit and move with it.

It is commonly said everywhere, especially by those entrusted with the government of a country or state, that poverty and unemployment provide the breeding ground for communism, and the governments take various measures, right or wrong, in their attempt to combat or eliminate these evils. This view is undoubtedly correct; but it has to be understood that these conditions are only secondary causes for the suc-

cess of the communists (not of communism.—Communism, as an ideology, has never succeeded and can never succeed anywhere on its own merits, in the absence of violence and terrorism and without, what are called, the iron or bamboo curtains) and not the only or the primary causes. Wherever communists succeeded till now, it was because a good part of the people felt vexed at the attitude and actions of the governments of their countries or states. Poverty and unemployment did, no doubt, exist in such places, as everywhere else; but they were certainly not the only or the immediate cause of the communist success. When the people, who suffer most under an insincere or indifferent government, reach a state of despair in their helplessness, they yearn so keenly for a change of government that they think little about the choice they make and it is at such a juncture that the versatile communists strike in offering a better government, which they describe as a veritable bliss on earth and easily succeed. In spite of dire poverty and unemployment, if the people only feel that they have an honest, impartial and plain-dealing government sincerely caring for the welfare of all and striving selflessly to relieve their difficulties and keep them happy, even though the government may not succeed in alleviating their suffering or difficulties, they (the people), even half-starved and half-naked, will wholeheartedly stand by the government. On the other hand, even supposing the governments succeed in removing poverty and unemployment,—a fantastic possibility,—if they fail to impress the people of their integrity and sincerity, they will only be inconsciently, nay, wakefully, paving the way for communist success or in the

alternative for some unexpected coup. Mere talk of fairness and justice won't do. The people must be helped to perceive their real intentions from the ways they adopt especially in the dispensation of public benefits. The governments nowadays preach to their servants that it is not enough for them to be honest, but they should make the people feel that they are really so. The governing persons should take the same aphorism as equally, if not more, applicable to themselves too, and make themselves jointly and severally practical and solid models of it. For this purpose, the first thing to do is to tear away the accursed veil of secrecy except in respect of the few matters in which it is necessary in the public interest or for the country's defence against outside enemies and their inside agents.

It is true that no government can equally satisfy all sections of the people. There has been till now no government in any part of the world which was able to keep all its subjects without exception perfectly contented. But in a democracy, wherein, the conception is that the people govern themselves through representatives chosen by them, the people have to understand and put up inevitably with some unavoidable difficulty, adversity or embarrassment, and they would willingly do so if they only feel that the men administering the government are really sincere and wise in their efforts to run the government for the benefit of all without any kind of distinction. The public judge the sincerity and wisdom of the government not from results but from the ways and means adopted, as the results however good and promising they may be pictured to be, are usually too far-sought for them to wait for or too ora-

cular to believe. If the ways adopted give no room to doubt or dispute the sincerity or wisdom of the government, the people take the government's good intention for granted and support and co-operate with the government without caring for the result.

But apart from such considerations, there are defects in our system of choosing the people's representatives which are, to a great extent, responsible for large sections of the people not liking our governments. In a democracy, the idea is that the government is formed in conformity to the wishes of a majority of the people as a whole. To this end, each representative has to be returned by a majority of the respective constituency. This is what does not happen in many cases in our present system. If, in a contest of three persons for a seat in a legislature or a local body, A gets 2,500 votes, B 2,000 and C 1,500, it is A who is taken as elected though, from the votes polled, it is clear that A is not liked, if not disliked, by a larger number of people than those who elect him. Such anomalies have to be removed.

There are two ways of removing the anomaly mentioned above. The first is to rule that no one will be declared elected unless he secures more than half the number of the votes polled including invalid votes. In the present system, there is no means for a voter, who does not like any of the candidates, to signify his opinion and so most of the voters with such opinion simply abstain from voting. In the marking method of voting a voter can, if he wants, deliberately cast a blank or otherwise invalid vote to indicate such opinion. But few take the trouble of doing this because, in the present

system, invalid votes count for nothing. If the voters are told that blank and invalid votes too will count for the total number of votes polled and that only the candidate, who gets more than half the number of votes polled including invalid votes, will be considered elected, most of the voters who do not like any of the candidates will also express their opinion by casting blank votes thus raising the total number of votes polled. Where the votes are collected in boxes with symbols without any marking, there should be a separate blank box placed along with the other boxes marked as "Blank Votes" in English and the regional language with also a mark like X or something like that to show that it is intended for the votes of those who do not like to vote for any of the candidates.

If none or neither of the candidates secures more than half the number of the votes polled, none should be declared elected and the seat of the constituency should be allowed to remain vacant for one year. Those of the candidates who secured less than one-third of the votes polled should, not only lose their deposits, but should also be declared disqualified to stand for any election for the next ten years. In the next year, a fresh election should be held for the vacant seats and if any one gets elected either unopposed or by securing more than half the total number of votes polled, he should be allowed to occupy the seat for the remaining period of the term. If none is elected again for a seat, the seat should continue to be vacant till a fresh election to be held next year. Such fresh elections should be conducted every year for filling up vacant seats, if any, till the beginning of the last year of the term, only

seeing carefully that any candidate who got less than one-third of the total number of votes polled in any election is not allowed to stand for any fresh election. It is very unlikely that in this system many seats will have to remain vacant. If the results of fresh elections in any year happen to affect the party position of the house and necessitate a change of government (it may be rare), it would be inevitable. Stability of government is not more important than the satisfaction of the people in a democracy. France is a good example for this. In spite of the several spectacular and rather funny changes of governments there, some governments lasting only a few hours or days, for such a long time as from the end of the second world war up to date, the country has not suffered any serious set-back, nor any burble in regard to the maintenance of law and order.

In the other alternative way, the present system of election can be continued, but the party that should be called upon to form a government after the elections are over should be, not the one that has returned the largest number of members to the house, but the one that has secured the largest number of votes on the whole in the state or the country, as the case may be, including also the votes secured by the defeated candidates. Members elected independently of any party, should be collectively taken as a separate single party for this purpose. If the party that has secured the largest number of votes has not captured the largest number of seats in the house, the Governor concerned or the President should have the power to allow it to co-opt the required number of additional members to

increase the strength of that party to a working majority and to enhance the statutory strength of the house by the number of members so co-opted for that term, or in the alternative, to invest some duly elected members of that party, preferably those who have secured more than half of the total number of votes polled in their respective constituencies, with a double-vote faculty so as to equip the party with a working majority. If the party is allowed to co-opt additional members, it should be open to it to co-opt even defeated candidates, provided they have secured more than one-third of the total number of votes polled in their respective constituencies.

Had either of these two alternative methods been adopted at the last elections, most probably, the three accidents which the country now regrets, would not have occurred. The communists would not have got into power in Kerala. The congress, though it would have won the governments, would not have acquired such an undesirably overwhelming majority, which makes it appear more or less dictatorial. There would have emerged a strong and healthy opposition which is essential for a wholesome democratic government.

Soon after the author finished writing this chapter, it came in the news that by adopting the principle of the first of the two methods suggested above, general De Gaul succeeded in practically routing the communists from the French legislatures, wherein they were previously having a sizable representation and thereby a legitimate and indomitable voice in the formation of the government.

Some good arrangement has to be made for a really democratic formation of our governments, consistent with the wish and option of a majority of the people to the fullest possible extent. Now that leaders like Sri J. P. Narain are coming out with proposals for forming governments agreeable to all sections of the people, let us hope that some suitable and sound method of forming governments will soon emerge. Sri Narain suggests partyless governments meaning thereby, according to his own subsequent explanation, that parties may and must exist, but all democratic parties should agree to a minimum programme of administration, evolved, of course, on liberal reciprocity and reapproachment, and the government should be allowed to be run by leaders of the second line on such agreed programme, while the top leaders work among the masses to build up "Jana-sakti" for constructive nation building. Our leader Sri Nehru did not accept this proposal presumably because he felt that it was not easy nor worthwhile trying to bring all the democratic parties to an agreed programme. According to the proposal of Sri Narain, there should be only two parties, one a democratic (anti-communist) party, and the other the communist party, which cannot sincerely adapt itself to democratic ways, though it may hypocritically offer to do so. If the democratic parties congregate to an administrative programme, and if the communist party is banned as in Egypt and other countries (such an event seems to be already casting its dim shadow), there will be perfect harmony in the government administration conducive to the progress of the country in all directions. But even if such things do not happen, the existence of the communist

party cannot present any serious handicap in vital matters as, on occasions when the communist party attempts to shatter democracy or to divert or disrupt democratic policy or procedure in anything, all democratic parties unite and rise like a single man, isolating the communist party and cowing it down as they did in the case of "Tibet" and in Kerala.

Even if it is not possible to rally the democratic parties to an agreed common plan or policy, the result that Sri Narain obviously aims at, can evidently be achieved, if all parties, especially the ruling party, only agree to accord unconditional and whole-hearted permission to their members to vote with unrestricted freedom, independently of party hierarchies, on any subject in the legislatures, whether brought in by the government or other parties, save, certainly, in the case of "confidence" or "no confidence" motions, freedom, in respect of which, is likely to cause instability of governments. For this course, it will be necessary to cashier the convention that a defeat of a government in a motion of its own, tantamounts to its failure, obliging it to walk its chalks.

Whatever course or plan is adopted for the formation of governments, it cannot lead to the desired end unless and until the present electoral roll system, which facilitates recording of multiple and bogus votes, is completely changed. Opening and maintaining registers of citizens and giving a number to each registered citizen, must solve the difficulties, not only in the matter of elections, but also in all other important matters like rationing, proper distribution of commodities in short

supply, etc. They will also help classification of the people at any time for any purpose for which the governments lack reliable statistics. As, in this system, each citizen will have a number given to him and a certificate of citizenship with his photo, marks of identification and finger-prints, it will also make it impossible for notorious criminals to go about, as they do now, with different names in different places, evading apprehension. Electoral rolls can be quite easily and correctly prepared with reference to these registers and electors can be given identity cards with all particulars and marks of identification for production and deposit at the polling stations.

