
UNIT 21 ADMINISTRATIVE ETHICS AND INTEGRITY IN CIVIL SERVICES

Structure

- 21.0 Objectives
- 21.1 Introduction
- 21.2 Essentials to Ensure the Practice of Administrative Ethics
- 21.3 Integrity—Meaning
- 21.4 Corruption in Civil Services
- 21.5 Causes for Decline of Integrity in Civil Services
- 21.6 Legal Framework to Check Corruption
- 21.7 Suggestion for Improvement of Integrity in Civil Services
- 21.8 Let Us Sum Up
- 21.9 Key Words
- 21.10 Some Useful Books
- 21.11 Answers to Check Your Progress Exercises

21.0 OBJECTIVES

After reading this unit, you should be able to:

- discuss the essentials to ensure the practice of administrative ethics;
- describe the causes for decline of integrity in civil services;
- discuss the legal framework to check corruption; and
- suggest measures for improvement of integrity in civil services.

21.1 INTRODUCTION

There is a need to develop both human and modern technology to improve efficiency. However, priority should be given to human development. These are two aspects to development technical and human. Organisations had usually been more sensitive to possibilities offered to them by the achievements of modern technology than to the refinements of human behaviour as revealed by the sciences of sociology and psychology. On the other hand, lessons drawn from experience showed that technical innovations deriving from the engineering sciences encountered considerable resistance unless supported by corresponding changes in human attitudes and behaviour. In an era of rapid change, the improvement of management in its human aspect had become a critical issue. It is important to make full use of the findings of social sciences which endeavoured to be instrumental in giving guidance in the behaviour of individuals and groups in varying circumstances. Organisations, should, therefore, be conceived as complex socio-technical systems whose management requires both technical skills and insight into the motives of human behaviour.

It is widely agreed that manipulation and lack of ethics produce strong negative side-effects and reduce organisational effectiveness. With this important value commitment, the organisations may shift their styles and climate from direction, control and surveillance to providing help, support and instruction. Mutuality and collaboration between the leaders and the led, self-control and mutual support are essential for creating an organic organisation. Let the newcomers strive to set up organised society with social democracy and high human values setting up ideal societal or public management institutions and if such timely warnings are not accepted, social upsurges are bound to develop in a mild or a violent form.

In spite of the enactment of laws, rules and regulations to ensure impartiality, honesty and devotion among the civil service, there still remains a vast area of administrative discretion which cannot be controlled by formal laws, procedures and methods. In such areas "no supervision from above" says Otto Kirchheimer, "can be as effective as an automatic control on the minds of those possessing it and creating standards of efficiency as well as honesty. Any deviation from the common standards under such circumstances is likely to be discovered sooner or later and rooted out." In the words of McCann, in all such areas "they must answer to their own conscience, to their own senses of dignity and pride, to the opinions of their fellow-men and above all, to their devotion, to their own honest effort to define the total welfare and to serve it. The group of civil servants must be imbued with the ideal of service. It was rightly mentioned by Garner that "No society can reach heights of greatness unless in all fields critical to its growth and creativity there is an ample supply of dedicated men and women". The ideals of ethics enshrined in the various religious scriptures must be imbibed by one and all in the administration.

The basic principle that "in helping others, one is helping one's oneself", should be ingrained in the character. Then alone, the system would reflect it. On the public administrations, managers and political leaders depend, to a great extent, the work atmosphere. Only when human beings are treated as human beings, only when, none in the system feels that he/she is being exploited then only he/she can give his/her best to the organisation.

21.2 ESSENTIALS TO ENSURE THE PRACTICE OF ADMINISTRATIVE ETHICS

The following are the essentials to ensure the practice of administrative ethics.

i) Faith, determination towards pursuit of excellence of service in their professional activities

The most important factor for the success of any organisation is its leadership—political and administrative. Public services must develop ethical standards which help them in their best performance. Standards are contagious. They spread throughout an organisation, a group, or a society. If an organisation or group cherishes high standards, the behaviour of the individual who enters it is inevitably influenced. They should not develop an excessive sense of self-importance or arrogance. Senator Paul Douglas's remarks quoted below should be imbibed by the public services:

"It is fortunate that there are in government large number of men and women who lead devoted lives of public service. They work extremely hard for far less pay than they could get in private industry. They never sell out the public interest but instead defend it with great difficulties. They do all this, moreover, without receiving appreciable praise. They are generally either little known or actually ignored by the public. Sometimes, they, are bitterly attacked by interests which are seeking to obtain unfair privileges or which are swayed by unfounded prejudices. These men and women are indeed unsung heroes, who deserve far more recognition than they receive."

The future of the public services is in the hands of its members who must strive for creativity, academic excellence, and the pursuit of excellence of service in their professional activities. In this way, it would be possible to create a climate of creativity and optimum performance. Such a situation would have a chain effect.

An attitude of dedication to the set goals of an organisations should be an indispensable trait of the top leaders. This is their primary source of self-confidence to operate and function effectively and efficiently and in turn transfer the same to the public. It is not just performing development-linked administrative duties; it is taking action and encouraging people to take action required to bring about structural changes and growth in the economy. This needs to be supplemented by their belief in the organisational goals.

No organisation can develop until and unless the personnel working in the

In the words of Jawaharlal Nehru:

“No administrator can really do first class work without a sense of function. Without some measures of a crusading spirit. I am doing this, I have to achieve this as a part of a great movement in a big cause. That gives a sense of function, not the sense of the individual, narrow approach of doing a job in an office for a salary as wage, something connected with your life's outlook or anything, perhaps being interested, as people inevitable are, on one's personal preferment in the particular work.”

ii) Infusion of Ethics into Politics

Infusion of ethics into politics so that the political elite can demonstrate integrity and in still faith among subordinates about their fairness and impartiality:

Most of the problems in public administration emanate from political corruption and interference. The credibility gap between the political and administrative leadership is on the increase. Most of the commissions, committees and the daily press have been emphasising the gravity of the situation. No organisation can progress until and unless its political leaders are above board. One of the founding fathers of the Indian Constitution, Mr. H.V. Kamath, regretted that the total devaluation of moral values and ethical ideals in public life and administration today has given rise to the present day rat race for position, power and pelf by any means more by crook than by hook. The political elite must demonstrate integrity and instill faith among their subordinates about their fairness and impartiality. Faith is a contagious disease and once it is developed, it would bend the various levels of the administration into a cohesive structure. All the decisions in such an organisation are affected by the whims of political elite rather than the needs of the organisation. Thus, there is a need to train the political elite to encourage them to pursue ethical ways so that they fulfil the pledges made to the people to lead a good, clean life. Words, written or spoken, are of no use unless put into action. The emphasis should be more on performance than on paper planning. The future of this budding developing democracy depends upon the attitude of its political and administrative elite.

iii) Relations between Citizens and Personnel to Create Favourable Opinion towards Public Services

Many well-intentioned and technically sound programmes aimed at solving problems have been frustrated by lack of popular acceptance and community participation.

Public relations is the establishment of a climate of understanding. It means interpreting the programme of an organisation to the public and vice versa. The purpose of public relations is not only to supply information, but also to encourage an understanding and co-operation between the citizens and the public servants. It is the duty of every member of the organisation to maintain public relations.

There is a great deal of alienation between the people and the organisation. This has undermined the legitimacy, effectiveness and credibility of the public administration in our country. We need to promote harmony and mutual trust among the people and public administration. The objectives of public relations should be to increase prestige and good-will and protect the life of the organisation by safeguarding it against unwarranted attacks as well as to remove the genuine complaints and grievances of the people.

To improve understanding between the citizens and the personnel, public relations need to be developed in an effective manner to create favourable community opinion towards public services. This would create confidence in the minds of the people towards the competence, fairness, honesty, impartiality and sincerity of the public services.

iv) Need for Character Building

Administrative morality is a part and parcel of the general morality of the community. Finer said, “The ethics of every profession will be found, on close analysis, to be not much higher and not much lower than the general decency of the nation as a whole. Their nature, at the best, is powerfully moulded by the level of the surrounding and prevailing civilisation.”

The success of any government depends upon the effective collaboration of its citizens. All the books of civics would emphasise civic consciousness for the progress of the country. This is possible only if our educational system and mass media are reoriented to character-building among the people. People's character is the ultimate source which can supply kinetic energy for modernisation and development.

There is a great need to infuse civic consciousness, patriotism and discipline among the citizens through education, adult education and functional literacy. The members of all the Communities would then cooperate with the personnel in the public services. And the personnel in the public services would work hard to bring about all round development of the people. The former President Sanjiva Reddy while inaugurating the Silver Jubilee Celebration of Kurukshetra University on January 11, 1980, rightly said the "India is in need of a new educational system which will look upon the child as a bud that opens up petal by petal and which needs the sunlight of the ideals of truth, beauty and goodness. Only such citizens would be able to contribute to national prosperity in whatever field they may be engaged."

v) Impartiality

The prestige and reputation of the civil service depends to a great extent upon the ethos, attitudes and perception of its member.

In this context, the foremost characteristics required among the civil servants are impartiality and consistency in the transaction of public business. Civil servants are required to be completely impartial to avoid corruption and favouritism; civil servants must maintain the dignity and authority of the public office. They must meticulously implement the policies and programmes as laid down in laws, regulations and rules.

An allied requirement of promoting impartiality is the necessity of developing and maintaining a national outlook. It involves on the part of the civil service, willingness to understand and be tolerant of different points of view, different cultural patterns, and different work habits. It also means willingness to work without prejudice or bias with persons of all regions, religions and cultures. It involves conduct of the highest type and exercise of judgement and restraint in all expressions of view whether public or private. Any expression which could be construed as biased or intolerant, particularly in respect of regional interests or political issues with which the organisation is confronted, must be avoided.

vi) Political Neutrality

Political neutrality is an essential ingredient of civil service in a democratic setup for the integrity the efficiency of administration. It means that the civil service should give free and frank advice to the government impartially and without any political consideration. It also means the implementation of the decisions of the government by the civil service faithfully whether such decisions were in consonance with their advice or not; P.C. Sethi in his article, "New Challenges in Administration" in the Indian Journal of Public Administration (April-June, 1975) has rightly said that the concept of neutrality should be emphasised to generate:

- a) public confidence in the administrators against political influences;
- b) trust among the ministers that their orders would be faithfully carried out irrespective of their ideology; and
- c) keeping of an atmosphere of appraisals and promotions in the civil service which would be free from political influence.

To maintain the discipline, integrity and political neutrality of the services, the Civil Services Conduct Rules framed by the Government of India lay down the code of conduct to be observed by the government servants. The service rules for ensuring neutrality of the service in politics provide that:

- a) No member of the service shall be a member of, or be otherwise associated with any political party or any organisation, which takes part in politics nor shall he/she take part in, subscribe in aid of, or assist in any other manner, any

- b) It shall be the duty of every member of the service to endeavour to prevent any member of the family from taking part in, subscribing in aid of, or assisting in any other manner, any movement or activity which is, or tends directly to be, subversive of the government as by law established and where a member of the service fails to prevent a member of his/her family from indulging in any of the aforesaid actions, he/she shall make a report to this effect to the government.
- c) No member of the service shall canvass or otherwise interfere or use his/her influence in connection with or take any part in, any election to any legislature or local authority.
- d) A member of the service qualified to vote in elections may exercise his/her right to vote but where he/she does so, he/she shall give no indication of the manner in which he/she proposes to vote or has voted.
- e) No member of the service shall, in any radio broadcast or in any document published anonymously or in his/her own name, or in the name of any other person, or in any communication to the press or in any public utterance make any statement of fact or opinion, (i) which has the effect of any adverse criticism of any current or recent policy or action of the Central Government or a State Government or, (ii) which is capable of embarrassing the relations between the Central Government and the Government of any State or, (iii) which is capable of embarrassing the relations between the Central Government of any foreign state.

A survey of these rules indicate that these are too strict. We must not forget that the civil service in India constitutes one of the biggest well-informed groups of our population on public affairs. The government should liberalise its policy on political rights of civil servants and allow the civil services as advised by the Central Pay Commission to breathe in an atmosphere of freedom and self-confidence.

The Committee on Petitions (Rajya Sabha) considered the political rights of civil servants in its fifty-first report presented to the Rajya Sabha in June 1977. Rajya Sabha did not favour the granting of political rights of civil servants as this would have an adverse effect on the objective and non-partisan approach expected of a government servant.

The problem is how to make the civil servant sensitive to national programmes and keep him/her away from partisan political activity. N. Rajagopalan in his article, "Political Mentality of the Public Service: A Perspective Study" in the Indian Journal of Public Administration (January-March, 1977) has rightly concluded that

"As a human being no public servant can be psychologically neutral on issues and problems which confront him. No public servant can possibly take a neutral position between welfare and stagnation, between service and apathy, and between action and inaction. A commitment to the goals and objectives of the state is inescapable, neutrality cannot be allowed to degenerate into unconcern, political sterilization, ought not become political desensitization. There is a crying need, more than ever before, for developing sense of responsiveness and positive concern in the public administration to the goals and programmes of the state in democratic governments, if public administrative is to deliver the goods and take its rightful place in the national polity."

Check Your Progress 1

Note : 1) Use the space given below for your answer.

2) Check your answer with that given at the end of the unit.

- 1) What are the essentials to ensure the practice of administrative ethics?

.....

.....

.....

.....

21.3 INTEGRITY—MEANING

The dictionary defines integrity as “soundness of moral principles; the character of uncorrupted virtues; uprightness; honesty; sincerity. Integrity is, indeed, the most essential attribute of a welfare state. The first five year plan rightly emphasised; “Integrity in public affairs and administration is essential and there must, therefore, be an insistence on it in every branch by public activity. The influence of corruption is insidious. It undermines the structure of administration and the confidence of the public in the administration. There must, therefore, be a continuous war against every species of corruption within the administration.”

Vitally important though integrity of personnel is, it is, today, a largely forsaken virtue, and faces a serious threat of being driven out of existence from the public administration, indeed, from most sectors of life of this country. Instances of individuals lacking integrity are legion. Or, as Nirad C. Chaudhuri writes, “There is hardly any one from a petty clerk to a minister who is not manageable with a proportionate amount of gratification”. This statement may probably hold good for all walks of life in India of today.

21.4 CORRUPTION IN CIVIL SERVICES

Deviation from normal standards of lack of integrity takes various shapes in the form of corruption, patronage (based on communalism, sectarianism, nepotism and favouritism) and undue influence. Bribery, nepotism, misuse of power or influence, black marketing profiteering and similar other practices are not all that is meant by corruption. In fact, anyone wasting public money, lacks integrity. In general terms, corruption may be defined as the deliberate and intentional/exploitation of one's position, status or resources directly or indirectly, for personal aggrandisement whether it be in terms of material gain or enhancement of power, prestige or influence beyond what is legitimate or sanctioned by commonly accepted norms to the detriment of the interests of other persons or the community as a whole.

Section 161 of the Indian Penal Code defines ‘corruption’ in legal terms, as under:

“Whoever being or expecting to be public servant accepts, or obtains, or agrees to accept, or attempts to obtain from any person for himself/herself or for any other person any gratification whatever other than legal remuneration as a motive or reward for doing or forbearing to do any official act, or for showing, or to show, in the exercise for his/her official function, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Central or any State Government or Parliament or Legislature of any State or with any public servant as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

Another species of corruption not generally recognised as corruption is extravagant expenditure of public money. Extravagant expenditure of public money amounts to inflicting an undue charge on the general public by spending public funds on purposes that are not essential or spending more than necessary on essential purposes.

21.5 CAUSES FOR DECLINE OF INTEGRITY IN CIVIL SERVICES

There are various causes of corruption which result in lack of integrity. These can be discussed under the following headings.

i) Historical Causes

In India, corruption has its roots in the colonial rule of the past. British administration was not interested in the overall development of the country. All

handsomely. Lower posts were offered to Indians. Salaries to these posts were very low. So they indulged in corrupt practices.

After World War II, scarcities led to many types of controls. It gave added opportunities to these low paid employees to resort to corrupt practices. Then it became habitual. It was during World War II that corruption reached the highest mark in India. The climate for integrity which had been rendered unhealthy by wartime controls and scarcities was further aggravated by the post-war flush of money and the consequent inflation.

ii) Environmental Causes

The second important cause of corruption in public service is fast urbanisation and industrialisation where material possessions, position and economic power determine the status and prestige of a person in the society. Since salaries are low and inflation is unabated, poor civil servants fall easy prey to corrupt practices in order to maintain status in the society.

iii) Economic Causes

Inadequate remuneration of salary scales and rising cost of living is probably one of the important causes of corruption. In recent years, the fast rising cost of living has brought down the real income of various sections of the community, particularly the salaried classes. The urge to appear prestigious by material possessions has encouraged those who had the opportunities to succumb to temptations.

iv) Lack of Strong Public Opinion Against the Evil of Corruption

People do not report to government against corrupt officials. Instead they offer bribes to get their illegitimate claims accepted. People must fight against corruption and build a strong public opinion against corruption.

v) Complicated and Cumbersome Procedures and Working of Government Offices

It is alleged that the working of certain government departments, e.g., the Customs and Central Excise, Imports and Exports, Railways, Supplies and Disposals, Police, Income Tax, etc, is complicated, cumbersome and dilatory. This has encouraged the growth of dishonest practices like the system of 'speedy money'.

vi) Inadequate Laws to Deal with Corruption

Indian Penal Code and other laws which deal with corruption cases are outmoded and provide insufficient penalties. It takes too much time to get a corrupt officials punished under the laws. Summary trials and stricter punishments should be awarded to end corruption. Therefore the laws will have to be changed accordingly.

vii) Undue Protection Given to the Public Services in India

Article 311 of the Indian Constitution which provides protection to civil servants, as interpreted by our courts, made it difficult to deal effectively with corrupt public servants. Reluctance of higher officials to take disciplinary action against corrupt officials due to their collusion with them has further aggravated the situation.

viii) Collusion of Commercial and Industrial Magnates and Others to Serve their Individual Interests

Big businessmen, dishonest merchants, suppliers and contractors, bribe the civil servants in order to get undue favours from them. Sometimes they share a portion of their illearned profit with the government servants.

ix) Pressure Groups

Pressure Groups like Indian Chamber of Commerce, Trade Associations, State Chambers of Commerce, are said to help in breeding corruption through their activities of getting favours for their communities. They influence ruling elite through dinners, parties, luncheons, etc.

21.6 LEGAL FRAMEWORK TO CHECK CORRUPTION

After going through the various causes for dealing of integrity in civil services, it is essential to look into the legal framework which intends to check corruption. It was way back in 1947 that the Prevention of Corruption Act was passed. There are

various conduct rules dealing with the civil servants. There has been appointed committee to review the existing instruments for combating corruption like the Santhanam Committee. And vigilance commissions have been set up at the central and the state level. Moreover, there is the central bureau of investigation and the institutions of Lok Pal and Lok Ayukta which are all there for prevention of corruption. Here, all these are discussed in detail.

i) Prevention of Corruption Act, 1947

The Prevention of Corruption Act, 1947, defines the scope of corruption in regard to public servants as follows:

“A public servant is said to commit the offence of criminal misconduct in the discharge of his duty:

- 1) If he habitually accepts or obtains or agrees to accept for himself or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward as mentioned in Section 161 of the Indian Penal Code.
- 2) If he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be likely to or about to be transacted by him, or having connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person concerned.
- 3) If he dishonestly or fraudulently misappropriates, or, otherwise, abuses his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage.

ii) Civil Servants Conduct Rules

Different categories of government servants are governed by separate but substantially similar, sets of conduct rules. The following sets of rules are in force:

- 1) All India Services (Conduct) Rules, 1954
- 2) Central Civil Services (Conduct) Rules, 1955.
- 3) Railway Services (Conduct) Rules, 1956

The Government has also made rules or issued instructions from time to time in dealing with particular situations regarding public servants.

- i) Lending and borrowing by gazetted officers, in 1860 and by non-gazetted employees in 1869;
- ii) Accepting gifts in 1876;
- iii) Buying and selling houses and other valuable property in 1881;
- iv) Entering into any pecuniary arrangement for resignation by one of them of any office under government for the benefit of others in 1883.
- v) Making investment other than those in immovable property and speculating, in 1885;
- vi) Promoting and managing companies, engaging in private trade and employment in 1885;
- vii) Raising subscriptions by public servants in 1885;
- viii) Being habitually indebted or insolvent, 1885;
- ix) Accepting commercial employment after retirement in 1920.

These rules invariably suffer from numerous loopholes with the consequence that the temptation to corrupt and be corrupted is too strong to be kept under check by them.

iii) Santhanam Committee on Prevention of Corruption

The Santhanam Committee, which was appointed in June 1962 to review existing instruments for combating corruption and to advise on practical measures to make anti-corruption measures more effective, submitted its report in March 1964. Some of the important recommendations of this Committee were the Art. 311 of the Constitution should be amended so as to make the judicial process in corruption

easy and speedy, that there should be Central and State Vigilance Commissions with autonomous powers to combat corruption at central and state levels respectively.

iv) Central Vigilance Commission (C.V.C.)

The Central Vigilance Commission has jurisdiction and powers in respect of matters to which the executive powers of the Central Government extend. Its jurisdiction thus, extends to all employees of the Central Government and the employees in public undertakings, corporate bodies and other organisations dealing with any matter falling within the executive powers of the Central Government. Also, the Delhi Metropolitan Council and the New Delhi Municipal Committee fall within the purview of the commission. To begin with, the Commission has decided to include only gazetted officers and officers of equivalent status within its orbit.

Functions

- 1) It undertakes an inquiry into transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner.
- 2) It causes an inquiry or investigation to be made into any complaint that a public servant had exercised or refrained from exercising his/her powers for improper or corrupted purposes, and any complaints of corruption, misconduct, lack of integrity of other kinds of malpractices or misdemeanour on the part of a public servant.
- 3) It calls for reports from agencies so as to enable it to exercise general check and supervision over the vigilance and anti-corruption work in them.
- 4) It can take over under its direct control complaints for further action which may be either (i) to ask the Central Bureau of Investigation to register a regular case and investigate it, or (ii) to entrust it for inquiry to the Central Bureau of Investigation or to the agency concerned.
- 5) It may initiate review of procedures and practices of administration insofar as they relate to maintenance of integrity in administration.

The Commission submits an annual report to the Ministry of Home Affairs about its activities drawing particular attention to any recommendation made by it which had not been accepted or acted upon. The Ministry of Home Affairs places this report before each House of Parliament.

The Commission has at present a staff of 155 employees including those in Class IV. It is headed by the Central Vigilance Commissioner who is appointed by the President by warrant under his/her hand and seal. He/She holds office for a term of six years or till he/she attains the age of 65, whichever is earlier. He/She cannot be removed or suspended from office except in the manner provided for the removal or suspension of the Chairman or a member of the Union Public Service Commission. After retirement, he/she cannot accept any further employment under the Central Government or the State Government.

In addition to him/her, the Commission consists of one Secretary, one Officer on Special Duty, one Chief Technical Commissioner, Seven Commissioners for Departmental Enquiries, two under Secretaries and nine Technical Commissioners. The Chief Technical Commissioners' Organisation has been transferred to the Central Vigilance Commissioner.

The Central Vigilance Commission owes its existence to the executive resolution. It is not a statutory body. Its functions are advisory, but 'advisory' in the same sense as those of the 'public service commission'. "The independent and autonomous status of the commission, its extensive power and jurisdiction, and the fact that it indicates in its annual report in which the Administrative Authorities have not accepted its advice, make the commission an effective instrument that all complaints of corruption or lack of integrity on the part of public servant are given adequate and due attention."

Procedure

The Commission receives complaints from individual persons. It also gathers information about corruption and malpractices or misconduct from various sources, such as, press reports, information given by the members of parliament in their speeches made in parliament, audit objections, information or comments appearing

in the reports of parliamentary committees, Audit Reports and information coming to its knowledge through Central Bureau of Investigation. It welcomes the assistance of voluntary organisations like Sadachar Samiti and responsible citizens and the press.

The Commission often receives complaints pertaining to matters falling within the scope of the State Governments. Where considered suitable, such complaints are brought to the notice of state vigilance commissioners concerned for necessary action. Similarly, complaints received by the State Vigilance Commission in regard to matters falling within the jurisdiction of the Central Government are forwarded by them to the Central Vigilance Commission for appropriate action.

The Central Vigilance Commission has the following alternatives to deal with these complaints:

- a) It may entrust the matter for inquiry to the administrative Ministry/Department concerned.
- b) It may ask the Central Bureau of Investigation (C.B.I.) to make an enquiry.
- c) It may ask the Director of the C.B.I. to register a case and investigate it.

v) State Vigilance Commission

The Santhanam Committee on prevention of corruption made detailed recommendations in 1964 for strengthening of the Vigilance Organisation in each Ministry/Department to make it more effective. While the primary responsibility for the maintenance of purity, integrity and efficiency in each organisation continues to vest in the Secretary of the Ministry or the Head of the Department, an officer in each Ministry/Department has been designated as Chief Vigilance Officer and entrusted with vigilance work. While acting as Special Assistant to the Secretary or the Head of the Department in all matters pertaining to vigilance, he provides a link between the Central Vigilance Commission and the Ministries/Departments. Similarly, an officer in each attached and subordinate office, and in all public sector undertakings has been designated as Vigilance Officer. The Chief Vigilance Officer is responsible for coordinating and guiding of the activities of other Vigilance Officers in the attached and subordinate offices and other organisations with which his/her Ministry/Department is concerned. Some of the Chief Vigilance Officers/Vigilance Officers, particularly in larger ministries and departments are whole-time officers while others are part-time, depending upon the volume of vigilance work arising in an organisation.

Every Chief Vigilance Officer is to be appointed in consultation with the Central Vigilance Commission, and the Vigilance Officers in the attached and subordinate offices in consultation with the Chief Vigilance Officer of the respective Ministry/Department. The Chief Vigilance Officers are generally of the rank of a Deputy Secretary and Vigilance Officers of the rank of an Under Secretary. In public undertakings the Vigilance Officers are of such rank as may be decided by the head of the undertaking in consultation with the Central Vigilance Commission.

The Central Vigilance Commission has been given the power to assess the work of the Chief Vigilance Officers and the assessment is recorded in the character rolls of the officers.

The Chief Vigilance Officers undertake review of the existing arrangements in the organisation under their charge including the public undertakings with a view to taking suitable steps or for strengthening the existing set up, wherever necessary. All proposals for reorganisation or strengthening the vigilance organisation are first required to be referred to the Central Vigilance Commission for scrutiny.

vi) Central Bureau of Investigation

Apart from vigilance organisation in every ministry and department, the centralised agency for anti-corruption work viz. the Central Bureau of Investigation, which functions administratively under the Department of Personnel and Administrative Reforms. The latter formulates all policy matters pertaining to vigilance and discipline among public servants. It also coordinates the activities of various heads of departments and functions as the nodal authority in the matter of administrative vigilance. It also deals with (i) vigilance cases against the officers belonging to the

Indian Administrative Service and the Central Secretariat Service (Grade-I and above of the service); and administrative matters connected with the Central Bureau of Investigation and the Central Vigilance Commission as also with the policy matters relating to powers and functions of the Commission.

The Special Police Establishment is a specialised agency for making inquiries and investigations into certain specified offences and it is one of the Divisions of the Central Bureau of Investigation. It is supplementary to the State Police Force. It enjoins with the respective State Police Force, concurrent powers of investigation and prosecution in respect of offences under the Delhi Police Establishment Act, 1946. To avoid duplication of effort, an administrative arrangement has been made between the Central Government and the State Governments about the type of cases to be taken by the Special Police Establishment.

The role of the Central Bureau of Investigation may be shortly described as follows:

- 1) It can take up investigations against the higher levels and in complex cases.
- 2) It is resourceful and can get material from various sources which may not be available to normal departmental machinery.
- 3) Even if its cases in the early year proved to be weak, it is now encouraging to see that the Central Bureau of Investigation takes up only those cases for prosecution which are sound and strong.

The most important need in the interest of efficiency and progress is to fix a time schedule for a case to demarcate clear fields of responsibility between the Central Bureau of Investigation and the Central Vigilance Commission.

vii) Institutions of Lok Pal and Lok Ayukta

The Administrative Reforms Commission recommended in 1966 to the Central Government, the setting up of the Institutions of Lok Pal and Lok Ayukta which are analogous to the parliamentary commissioner in England and Newzealand, for redress of public grievances.

a) Lok Pal

He/She is appointed by the President on the advice of Prime Minister who is to consult the Chief Justice of India and the leader of the opposition in Lok Sabha. Lok Pal commands the same status as that of the Chief Justice of India. He/She is free to choose his/her own staff though their conditions of service fall under the control of parliament.

Jurisdiction

He/She has the power to investigate an administrative act done by or with the approval of a minister or a Secretary to the state or central government, if the complaint is made against such an act by a person who is affected by it and who claims to have suffered an injustice on that account. Such a complaint may be lodged by an individual or by a corporation. He/She is also authorised to investigate any administrative act brought to his/her notice by any body else other than the directly affected person.

But, no person can be forced by Lok Pal to give any evidence or produce which he/she could not be compelled to give or produce before a court.

No proceedings of Lok Pal can be challenged in any court of law except on ground of jurisdiction. No legal proceedings can lie against Lok Pal for anything done under the Act in good faith.

b) Lok Ayukta

The President of India is empowered to appoint one or more than one Lok Ayukta in consultation with the Lok Pal.

The Lok Ayukta is under the administrative control of the Lok Pal who can issue directions regarding convenient disposal of investigation. However the Lok Pal is not authorised to question any finding, conclusion or recommendation of the Lok Ayukta. The latter is supposed to have jurisdiction over actions of public servants other than those within the purview of Lok Pal. The conditions of appointment, tenure of office, removal, scope of functions, manner of making complaint, manner

of functioning, recommendation, reports, secrecy of information, contempt and protection in respect of Lok Ayukta are analogous of those in respect of Lok Pal.

Lok Ayukta in States

While attempts are going on in Parliament to put the Lok Pal Bill into effect, the office of Lok Ayukta has been set up in some states. These states are Orissa, Maharashtra, Rajasthan, Bihar, Uttar Pradesh and Madhya Pradesh. The office of Lok Ayukta in Andhra Pradesh and Karnataka is of recent origin.

Appointment

The Lok Ayukta shall be appointed by the Governor in consultation with the Chief Justice of the High Court and leader of the Opposition in Assembly. The Upa Lok Ayukta may be appointed by the governor in consultation with Lok Ayukta. He/She shall hold office for five years. He/She shall be removed subject to the provisions of Article 311 of the consultation and an inquiry to be conducted by way of proceeding before any tribunal or court of law.

Jurisdiction

The Lok Ayukta or Upa Lok Ayukta may investigate any action taken by (a) Chief Minister or Secretary, (b) Any public servant including public servant notified for this purpose by the State Government, (c) He/She will conduct an investigation only on the complaint to be filed by an aggrieved person accompanied by an affidavit (d) any person making a false complaint wilfully and maliciously to Lok Ayukta are liable for punishment, (e) The State Government may exclude any complaints, involving a grievance or an allegation against a public servant, from the jurisdiction of Lok Ayukta.

The Lok Ayukta and Upa Lok Ayukta shall present annually a consolidated report on the performance of their functions under the Act to the Government.

Organisation

It includes investigation (Police) wing, and technical wing, the enquiry wing and administrative wing. Beside these, district grievance cell and Lok Ayukta police stations are already operating in the district without any coordination. This is nothing but creation of three-tier structure of Ombudsman at the Centre, State and district levels.

The important prerequisite for independent and impartial functioning of Lok Ayukta is his/her being independent of the State Executive and Legislative.

Check Your Progress 2

Note : 1) Use the space given below for your answers.

2) Check your answer with those given at the end of the unit.

1) What are the causes for decline of integrity in civil services?

.....

.....

.....

.....

.....

2) Discuss the legal framework to check corruption.

.....

.....

.....

.....

.....

21.7 SUGGESTIONS FOR IMPROVEMENT OF INTEGRITY IN CIVIL SERVICES

Some suggestions may be given to improve integrity in the civil services.

i) Making Conditions of Service Attractive

Government officials, particularly at lower level, are forced by poverty to regard office holding as a source of income which they would seek to maximise. Public services are rendered in exchange for extra money, services, which tend to be bad and slow if no bribe is given. Raising of pay, consequently, is a basic means to wipe out the widespread bribery in the civil services. It is good that Government has set up the Fourth National Pay Commission to look into the salary structure of federal employees.

ii) Simplification of working of Government Machinery

The root cause to proliferation of corruption seems to be the complicated procedures of Government offices. These procedures need to be evaluated and simplified. Delays must be prevented and officials made fully responsive to the needs of all the people.

iii) Creation of a Healthy Public Opinion Against the Effects of Corruption

Corruption will flourish till the general mass of people resist it with determination and strength. Most of all, the elimination of corruption requires a widespread and steadfast opposition to it, coupled with the courage to act against it. There can be no doubt that the people of India can get rid of corruption.

iv) Ensuring High Standards of Conduct among the Top Personnel

High Officials having considerable discretionary powers must be thoroughly disciplined to refuse gifts, invitations and other favours.

In this context, it is pertinent to note the efforts made by the government to carry the quest for integrity at the divisional and district levels. At the divisional level, there is a Divisional Vigilance Board which consists of the Divisional Committees, Deputy Inspector General of Police and a Divisional Vigilance Commissioner. At the district level, there is a District Vigilance Officer who is appointed by the District Collector, Deputy Commissioner from among his/her gazetted assistants in consultation with the Divisional Vigilance Board.

There has, thus, emerged a web of vigilance agencies in the country. To streamline this quest for integrity, the Vigilance Commissioners of all States hold an annual conference which is presided over by the Chief Vigilance Commissioner. This annual gathering serves useful purpose, it provides a forum for the discussion of mutual problems and exchange of experiences, and gives publicity to vigilance efforts of the Government at both the Central and State levels, thus inspiring people's confidence in the Government's sincerity of purposes.

However, this does not imply that corruption in public administration has been eliminated or is under control. Far from it, corruption has entered every nook and cranny of India's public life, and the country's public administration is ridden with it. This has happened largely because there is no political will to remove it.

Check Your Progress 3

Note : 1) Use the space given below for your answer.

2) Check your answer with that given at the end of the unit.

1) What should be done for improvement of integrity in civil services?

.....

.....

.....

.....

.....

21.8 LET US SUM UP

In this lesson, we have dealt, at length with the implications of administrative ethics and integrity in civil services. It is the fundamental responsibility of the management to spell out clearly as to how the ever increasing size of the Government and rising expectations of the people call for high ethical and professional standards on the part of government employees. Accordingly, the public officials are expected to furnish examples of incorrupt behaviour as their actions have a direct impact on the character of the community. The tools and techniques adopted by the Government of India and the State Governments in this challenging task have been highlighted.

21.9 KEY WORDS

Code of Conduct : A set of written rules in an organisation which state how people should behave.

Ethic : An ethic of a particular kind in an idea or moral belief that influences the behaviour attitudes and philosophy of life of a group of people.

Ethos : An ethos is the set of ideas and attitudes that is associated with a particular group of people as a particular type of activity.

Integrity : Integrity is the quality of being honest & firm in one's moral principles.

21.10 SOME USEFUL BOOKS

Avasthi, A. & Maheshwari, S., 1987. *Public Administration*; Lakshmi Narain Agrawal : Agra.

Goel, S.L., 1984. *Public Personnel Administration*; Sterling Publisher Pvt. Ltd. : New Delhi.

Jain, R.B., 1976. *Contemporary Issues in Indian Administration*; Vishal Publications : New Delhi.

21.11 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) See Section 21.3

Check Your Progress 2

- 1) See Section 21.6
- 2) See Section 21.7

Check Your Progress 3

- 1) See Section 21.8

UNIT 22 EMPLOYEE UNIONS

Structure

- 22.0 Objectives
- 22.1 Introduction
- 22.2 Need for Employees Association
- 22.3 Objectives of Employees Unions
- 22.4 Growth of Employee Unions
- 22.5 Right to Form Unions and Associations
- 22.6 Important Functions of Employees Union
- 22.7 Restrictions on Right to Join Employee Unions
- 22.8 Rules of Recognition
- 22.9 Let Us Sum Up
- 22.10 Key Words
- 22.11 Some Useful Books
- 22.12 Answers to Check Your Progress Exercises

22.0 OBJECTIVES

After you have read this unit, you should be able to:

- explain the objectives of civil service unionism in general
- understand the origin and growth of employee unions in pre- and post-Independent India
- underline certain aspects relating to right to association
- identify the important functions and activities of employees unions, and
- explain rules relating to grant of recognition of unions/associations.

22.1 INTRODUCTION

The extent of Employer-Employee relations in public service depends vastly on the nature of Civil Service unionism. The harmony and hostility of relations rests with the strengths and weaknesses and the philosophy of unionism among the government employees. Public-Employee relations are also governed by the changing nature of the public employer, its dictatorial or democratic attitude in solving the mutual problems. In this unit, we propose to study the objectives of Civil Service unionism, the origin and growth of employees unions and important functions and activities of the employees' union.

22.2 NEED FOR EMPLOYEES ASSOCIATION

A basic question as to why Civil servants form and join association is of more importance in Civil Service than the working and its composition. Associations are the creations of Civil servants and their groups where objectives are many and varied. Pigors and Myers write: "Unionism springs from the basic aspirations of those employees who become convinced that they can gain more through membership in a union than by going at it along." Membership in a trade union is encouraged by the government on the ground that representative associations not only promote good staff relations but also are essential to effective negotiations on conditions of service. An association often develops as a result of government's limited point of view and of restricted communication within the structure. Today associations are, in another sense, faithful representatives of the society from which they emerge. Associations are thus, on the one hand, essential instruments for improving the welfare of their employee and on the other, they have pressed the government to become liberal in dealing with them.

Since Civil servants have been denied the right to strike and participate in the political activities by the Civil Service rules and regulations, they have demanded the provision of a machinery whereby the employees' grievances may be redressed. In order to get their grievances and complaints heard through any government machinery, they feel the necessity of forming staff associations. Through associations the employees feel better security, liberty and courage rather than remaining alone. Staff associations make it possible for civil servants to express their day-to-day difficulties and grievances to the administrative authorities in a formal way by submitting applications and petitions or by holding informal talks with the management. Civil servants seek membership of these associations because the peculiar and diverse needs of the Civil Service cannot be achieved without collective representation and bargaining. They become members with the hope that it may help lessen their anxiety and distress and will further the scope of leading a happy life. The original reasons for unionisation were the effects of continual internal reorganisation and reform. Then followed security of employment and better conditions of service. Humphreys writes: "As the changing functions and structure of the Civil Service have dictated the form and the objectives of the unions which have developed among state employees, so has the nature of the civil service determined the degree of success which has accrued to these unions." The foregoing considerations advance the acceptance of unionism as continuing feature of our politico-administrative system.

22.3 OBJECTIVES OF EMPLOYEES UNIONS

The Employees Unions regarded themselves as part of administration. They are yearning for opportunities for full participation in the development of the country. The employees unions are positive assets to sound and progressive administration.

The following may be said to be the objectives behind the establishment of organisations:

- 1) To acquaint the government with the point of view of the employees. There might be many problems where the management and the employees might be having differing points of views. If the two are aware of the point of view of each other, harmonious relations between the two could develop.
- 2) The organisation provide an opportunity to the government to know the opinion of the employees on any given issue. No government could possibly contact all its employees individually. They could be easily contacted through the medium of the organisation. The opinion of the organisation is the collective opinion of the employees.
- 3) The organisation belongs to the employees. It stands with them through thick and thin. There is a feeling of oneness between the employees and the organisation.
- 4) The associations meet the social expectations of the members. It satisfies the ego of the office bearer. They feel that they are doing something useful and beneficial to their members.

The unions make it possible for employees to express their point of view to the government as a whole, while developing a feeling of oneness between the employees and the administration. Thus, they help in developing harmonious relations between government and employees.

The employees unions provide a feeling of identification with the securing of certain personal objectives. They want to do something for themselves. They provide an outlet for natural social aspirations of employees. The unions want to promote efficiency, protect merit systems and improve the quality of administration.

22.4 GROWTH OF EMPLOYEE UNIONS

Pre-Independence

During the early British rule, there was little or no consciousness of common needs and interests among civil servants because of the greater inheritance and partnership in the

administration by the English rulers. Indians who were largely employed at the pleasure of the Britishers, had little or no interest in the formation of an association and whatever urge there was, got submerged in the movement of the people for realisation of the goal of India's independence. Of course, before World War I there were associations of government employees such as the Amalgamated Society of Railway Servants of India and Burma (1897), the Indian Civil Service Association (1918) etc. but they were mostly manned by Britishers and the Anglo-Indians. Hence their existence carried not much significance in the development of unions except as a matter of historical interest.

During the British rule of centralised administration, the general mass of lower and middle level civil servants did not find an opportunity to get organised. By the beginning of the 20th century, however, modern association had secured for itself a place in the economic and political life of the country. Employees organised themselves to press their demands but, by and large, it was only in those cases where they could evoke public sympathy that they succeeded, and such sympathy was hard to come by.

After World War I, political and economic conditions in the country caused, partly by the freedom struggle led by Mahatma Gandhi and his followers and partly by the drain theory advocated by Dadabhai Naoroji as the cause of poverty of India, roused new aspirations in the minds of civil servants to form associations. Further the establishment of the International Labour Organisation (1919) had its impact on the growth of trade unions and staff associations in the country. Lower grade employees working in the Railways and the Post and Telegraph Department began to organise themselves into unions. While some unions chose to operate independently others felt the need for coordination of their activities at the national level.

The formation in 1920 of the All India Trade Union Congress (AITUC) was a manifestation of these urges. Further the enactment of the Trade Union Act, 1926, facilitated the formation and growth of trade/staff unions in India. The setting up of the popular governments in the provinces in the late thirties under the Government of India Act, 1935, quickened the pace of the growth of unions and staff associations in the provinces. The Act vested in the governors the responsibility to "safeguard the interests and rights of civil servants. During World War II (1939-45) the relations between the government and its employees further deteriorated. Economic conditions began to worsen and the cost of living rose very high and this made the life of employees, especially the low paid, difficult. As a result of an intense agitation resorted to by the unions of the Railways and the Postal employees for the amelioration of their condition of service, the government appointed a "Pay Commission" to go into the whole question of scale of wages, pensions and other conditions of service and also the question of setting up some machinery for negotiations between the government and the United Kingdom. The Commission was pained to find that there was "an absolute distrust on the part of many grades of public servants as to their ever receiving a fair response from the government to their representations". It strongly recommended that the administration should encourage and foster the growth of unions of civil servants. This recommendation gave a further impetus to the development and organisation of civil service associations.

Post-Independence

After the attainment of Independence, employees in the civil service felt pride in the formation of association. Slowly and gradually, all classes of civil servants began to organise themselves into associations. The Government of India felt the importance of associations and consequently an article to this end, was incorporated in the draft constitution now the Indian Constitution in force from 26 January, 1950. Provides for the right to "form associations and unions" subject to "public order or morality". Civil servants enjoy this fundamental right as much as any other group of citizens, and their right to form unions or associations is no different from workers outside the government. This article is a milestone in the development of staff associations and unions in India as a whole.

The civil servants outside the Railways and the P&T largely remained unorganised. There were loose organisations among the Income Tax, Audit and Accounts, Customs, Civil Aviation and Public Works Departments. The All-India Federation of Income Tax Employees, though formed in 1949, was not recognised by the government as its President Asoka Mehta was not an employee of the Income Tax Department. It was only recognised in 1954 after its re-birth in 1953. It is now one of the strong federations with about 40 affiliated associations/unions.

All-India Non-Gazetted Audit and Accounts Association was only recognised in

1956, though the employees started organising since 1923. It was de-recognised in 1959 and it took long time to get re-recognition.

The All-India Ordinance Employees Federation was set up in 1947 with heterogeneous Defence workers organisations. In May 1953, they united and formed All-India Defence Employees Federation (AIDEF). In 1959, forty unions affiliated to the AIDEF left it and formed the Indian National Defence Workers Federation (INDWF) with the support of Indian National Trade Union Congress (INTUC). Both the Federations have been recognised by the government. The employees unions in the Defence Ministry are large in number and strong in their representative capabilities.

In 1947, there were 27 unions in P&T recognised by the government. The government initiated a Realignment scheme, proposing all the unions to come under one Federation. Accordingly, all the Non-Gazetted employees of P&T were realign into nine All-India Trade Unions and National Federation of P&T Employees (NFPTE) came into existence in 1954. Since then till 1968, the NFPTE enjoyed exclusive recognition. In 1969, the P&T Department recognised rival unions and the Federation of National P&T Organisation (FNPTO). In spite of rivalry, the employees unions in P&T are very strong.

The All-India Railwaymen's Federation (AIRF) was formed in 1924. It has been one of the powerful trade unions in India under the eminent leadership of V. V. Giri, Jaya Prakash Narayan, N.M. Joshi, Peter Alvares and George Fernandes. Till 1948 AIRF had the privilege of the exclusive recognition of the government. In 1949, the government also recognised a new organisation, namely, the Indian National Railway Workers' Federation (INRWF). In 1953, a merger of the AIRF and INRWF took place and a new Federation in the name of National Federation of Indian Railwaymen (NFIR) came into existence. However, despite the unity efforts in 1957, the AIRF was revived. The Former INRWF retained the name of NFIR. In 1974, a third Federation viz., the Indian Railway Workers Federation was formed with the support of AITUC. There are also category-wise All India Associations, for Station Masters, Locomen Running Staff, Guards, Signals and Telecommunication Staff, Commercial Clerks, Ministerial Staff. The recognition of category-wise unions also became strong.

Check Your Progress 1

- Note:** (1) Use the space given below for your answers.
(2) Check your answers with those given at the end of the unit.

1) Give reasons why civil servants should have an association?

.....

.....

.....

.....

.....

2) Analyse the objectives of employees unions.

.....

.....

.....

.....

3) Discuss the growth of employee unions in post-Independence period.

.....

.....

.....

.....

22.5 RIGHT TO FORM UNIONS AND ASSOCIATIONS

The organisation of employees was confronted with a number of problems during their growth and stabilisation. The most crucial problem was the struggle to achieve the right to form Unions/Associations. The Right of Association is central to the concept of constitutional democracy. It is difficult for any body to function without freedom to associate with others. People find much of their identity in some form of group activity in economic, social, political and professional terms. It must be the obligation of the government to protect the right of Association from invasion and to refrain from making inroads into the right by its own activities.

The Constitution of India under Article 19(1)(c) guarantees the right to form associations and unions to its citizens. It is natural that government employees also resort to take up association type of activity for protecting their service conditions.

22.6 IMPORTANT FUNCTIONS OF EMPLOYEES UNION

- Protecting the rights of employees including ventilation of grievances and negotiation with the government.
- Undertaking measures for social, economic, and cultural advancement of the employees.
- Promoting academic matters including publication of journals and other literature.
- Settlement of disputes through joint consultation/collective bargaining.
- Achieving free trade union rights including full citizenship with right to contest elections.
- To ensure the framing of labour legislation to guarantee the growth of free trade unionism without discrimination between government and non-government labour.

22.7 RESTRICTIONS ON RIGHT TO JOIN EMPLOYEE UNIONS

The government's policy is to encourage the development of healthy trade union movement. The Indian Trade Union Act, 1926, and the Constitution of India, 1950, permitted the employees to form Unions/Associations. But the government through the Civil Service (Conduct) Rules, 1955, based on the Conduct Rules of 1937 and subsequent amendments in 1957 and 1964 restricted the right to join Unions/Associations.

According to the Conduct Rules, no government servant shall join or continue to be a member of any service association of government servants, (a) which has not within a period of six months from its formation, obtained the recognition of the government under the rules prescribed in that behalf, (b) recognition in respect of which it has been refused or withdrawn by the government under the said rules. However, these rules are not applicable to the Railway employees. The said Rules deprived them of trade union rights including the right to association and demonstrate. As such the utility of the Right to Association is linked with the Right to Recognition. Therefore, the employees protested against the Conduct Rules and the Recognition Rules.

22.8 RULES OF RECOGNITION

It is pertinent to note that the grant and continuance of recognition provides a legal status to the Union/Association to represent the grievances of employees, negotiate and bargain with the employer. Recognition encourages legitimate union activity. The Indian Trade Union Act, 1926 did not extend its provisions to the civil servants. The

Trade Union Law has made no provision for compulsory recognition of unions by the employers.

In spite of the limitations and restrictions the employees organisations focused their grievances from time to time since the 1920s. To curb the mounting unrest and the threat of direct action, the government issued the Central Civil Services (Conduct) Rules, 1955 and they were amended in 1964.

In 1959, a new set of Rules known as the Central Civil Service (Recognition of Service Associations) Rules, 1959 were made under Article 309 and clause 5 of Article 148 of the Constitution of India. The provisions of the Rules laid certain conditions for purposes of recognition:

- a) No person, who is not a government servant, is connected with the affairs of the Association.
- b) The executive of the Association is elected from amongst the members only.
- c) The Association shall not respond to support the cause of individual government servants.
- d) It shall not maintain any political fund or lend itself to the propagation of the views of any political party or politician.

The Ministry of Labour issued separate rules for recognition of unions of workers who are industrial employees. According to these Rules:

- a) The membership of union must be confined to workmen employed in the same industry or industries closely allied or connected with each other.
- b) The union must be a representative of all workmen employed in that industry. No class of workmen must be excluded from membership.
- c) The union must be registered under the Trade Union Law.
- d) The union must make a suitable provision in their constitution regarding the procedure for declaring strikes.

The Railway Ministry also issued another set of rules for the recognition of associations of Non-Gazetted Railway servants. However, they are not very different from the Rules of the Labour Ministry. The grant and continuance of recognition under the Labour and Railway Ministry's Rules rests with the discretion of the government and the Rules of Ministry of Home Affairs (Rules of Recognition, 1959) also provide recognition only when specified conditions fulfilled.

Except in the case of civil servants who are governed by the Recognition Rules of 1959, both Labour Ministry's rules and the Railway Ministry's rules permit the association of outsiders as the executive of the unions. However, the former employees and Retired Employees are allowed in civil service associations.

The Recognition Rules of 1959 restricted the free movement of trade unions. According to the rules every association which seeks recognition has to submit a list of members and office bearers and must have at least 15 per cent of a distinct category of government servants as members. The rules were stringent and demanded liberal application of the rules. For a long the government had not followed any clear policy in regard to recognition. The unions had to fight and struggle to get the recognition as different ministries had followed different recognition rules.

Check Your Progress 2

- Note:** (1) Use the space given below for your answers.
(2) Check your answers with those given at the end of the unit.

- 1) Discuss the important functions and activities of Employees Unions.

.....

.....

.....

.....

.....

- 2) Analyse the restrictions on Right to join employee unions.

3) Explain the rules relating to grant of recognition of Associations/Unions.

22.9 LET US SUM UP

Public employees have in many countries demanded the right to form Employees Unions. There is a high degree of variation among the public employee organisations and in the nature of formal relations between the unions and their governments. Their fundamental objectives are to get redressal of the grievances of the employees pertaining to the service conditions through joint consultation, collective bargaining and by direct action if felt necessary. To secure their interests, they demanded certain rights, such as right to association, right to recognition, right to representation and right to affiliation. They want settlement of disputes in a democratic manner. They regarded themselves as a part of the administration and demanded opportunities for full participation in the administration. Immediately they may put up struggle for better service conditions inside the office and freedom to participate in public affairs with freedom of expression. Ultimately they aim at maintenance of harmonious relations between the government and employees by settling their problems through negotiation in peaceful manner and to promote efficiency, protect merit system and improve the effectiveness of administration.

22.10 KEY WORDS

Conduct Rules: An established regulation or guide for conduct procedure, usage etc., for government employees.

Recognition Rules: In Civil Service, a statement of decision concerning the manner in which organisational policies and plans should be carried out.

Right to Recognition: A term applied to employer acceptance to be the bargaining agents for his employees.

22.11 SOME USEFUL BOOKS

Aggarwal, Arjun P. 1972. 'Freedom of Association in Public Employment, *Journal of Indian Law Institute*, Jan-March, 1972.

Bhaskara Rao V. 1978. *Employer-Employee Relations*, Concept Publishing House, New Delhi.

Glan Stahl O. *Public Personnel Administration*, Harper & Bros., New York.

Mahesh Kumar Mast. 1990. *Trade Union Movement in Indian Railways*, Meenakshi Prakashan, Meerut.

22.12 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should include the following points:
 - Essential instruments for improving the welfare of employees.
 - Press the government to become liberal in dealing with them.
 - In order to get their grievances and complaints heard through any government machinery, they feel the necessity of forming staff association.
 - In this associations employees feel better security, liberty and courage.
 - Make it possible for employees to express their day-to-day difficulties and grievances to the administrative authorities.
 - Peculiar and diverse needs of the civil service cannot be achieved without collective representation and bargaining.
 - The original reasons of unionisation were the effects of continual internal reorganisational reform.
 - Security of employment and better conditions of service.
- 2) Your answer should include the following points:
 - To acquaint the government with the point of view of the employees.
 - The organisations provide an opportunity to the government to know the opinions of the employees on any given issue.
 - Feeling of oneness between the employees and the organisation.
 - The association meet the social expectations of the members.
- 3) Your answer should include the following points:
 - All-India Federation of Income Tax employees formed in 1949, it was not recognised by the government.
 - It was only recognised in 1954.
 - The India Non-Gazetted Audit and Accounts Association was only recognised in 1956, though the employees started organising since 1923.
 - It was de-recognised in 1959 and it took long time to get re-recognition.
 - In 1947, there were 27 unions in P&T recognised by the government.

Check Your Progress 2

- 1) Your answer should include the following points:
 - Protecting the rights of employees including ventilation of grievances and negotiations with the government.
 - Undertaking measures for social, economics, and cultural advancement of the employees.
 - Promoting academic matters including publication of Journals and other literature.
 - Settlement of disputes through joint consultation/collective bargaining.
 - Achieving free trade union rights including full citizenship with right to contest elections.
 - To ensure the training of labour legislation to guarantee the growth of free trade unionism without discrimination between government and non-government labour.
- 2) Your answer should include the following points:
 - The Indian Trade Union Act, 1926, and the Constitution of India, 1950, permitted the employees to form into associations.
 - Through the Civil Service (Conduct) Rules, 1955, based on the Conduct Rules

of 1937 and subsequent amendments on 1957 and 1964 restricted the right to join unions.

- According to the Conduct Rules, no government servant shall join or continue to be a member of any service association of government servants.
 - which has not within a period of six months from its formation, obtained the recognition of the government under the rules prescribed in that behalf.
 - recognition in respect of which has been refused or withdrawn by the govt. under the said rules.
- As such the utility of the Right to Association is linked with the right to Recognition.

3) Your answer should include the following points:

- The Indian Trade Union Act, 1926 did not extend its provisions to the civil servants.
- Trade Union Law has made no provision for compulsory recognition of unions by the employees.
- In 1959, a new set of Rules known as the Central Civil Service (Recognition of Service Associations) Rules, 1959 were made under Article 309 and clause 5 of Article 148 of the Constitution of India.
- The Ministry of Labour issued separate rules for recognition of unions of workers who are industrial employees.
- Except in the case of civil servants who are governed by the Recognition Rules of 1959, both Labour Ministry's rules and the Railway Ministry's rules permit the associations of outsiders as the executive of the unions.
- Former employees and retired employees are allowed in civil service associations.
- For a long the government had not followed any clear policy in regard to recognition.

UNIT 23 JOINT CONSULTATIVE MACHINERY

Structure

- 23.0 Objectives
- 23.1 Introduction
- 23.2 Evolution of Joint Consultative Machinery
- 23.3 Emergence of Joint Consultative Machinery (JCM) and Compulsory Arbitration Scheme
- 23.4 The Salient Features of Joint Consultative Machinery Scheme
- 23.5 The Functions of Councils
- 23.6 Board of Arbitration
- 23.7 Let Us Sum Up
- 23.8 Key Words
- 23.9 Some Useful Books
- 23.10 Answers to Check Your Progress Exercises

23.0 OBJECTIVES

After you have read this unit, you should be able to:

- understand the significance of the joint consultation in civil service staff relations
- explain the evolution of joint consultative machinery
- outline the functions of the Joint Consultative Councils and the Board of Arbitration
- evaluate the functioning of the Joint Consultative Machinery, and
- discuss suggestions for the improvement.

23.1 INTRODUCTION

The history of the civil service staff relations is characterised by the recognition of the fact that employees at work like to be treated as human beings. The recognition of the human dignity was one of the cardinal factors that lead to the resolutions of the grievances of the employees in a peaceful manner, in democratic method and at regular periods.

The early employer-employee relations in the government service followed the traditional pattern, where the government employees were expected to owe unquestionable loyalty to the State. Therefore, the conditions of service of the employees were determined unilaterally by the government without consulting the employees.

The labour in the private sector secured benefits in matters of wages and working conditions as a result of effective labour organisation and militant actions. This led to the conviction among government employees' organisations that through joint and united efforts and concerted action only they could ensure improvement in their service conditions. Accordingly, the government employees resorted to strikes and brought pressure on the government to negotiate in good faith with its employees. They demanded the State to be a model employer for promoting sound employer-employee relations.

Modern democratic governments with large-scale administrative organisations committed to the all-round development of the society cannot carry out their policies and programmes without the active cooperation and participation of the employees. Therefore, harmonious staff relations are absolutely necessary for administrative efficiency and it is not possible for the governments to maintain cordial relations without an effective form of consultation and negotiation. For this reason, the civil service staff relations policies and programmes must be consistently based on the principles of democratic government.

Strikes by the government employees, it was realised, cannot be prohibited without providing suitable framework of joint consultation, collective negotiation procedures and methods of dispute settlement by compulsory arbitration.

As such, establishment of a grievance redressal and disputes solving machinery was considered the “essential half-way house” between the unilateral imposition of conditions of service in the public employment by the state as employer on the one hand, and deadlocks and strikes on the other. It was felt that all matters relating to pay, hours of work and conditions of service may be negotiated by the representatives of the employees and the employer. Thus, the discussions in joint consultative bodies generally relate to the exchange of information and consideration of the suggestions for improving safety, security, health and welfare and increase of productive efficiency. The results of such mutual discussions usually take the shape of recommendations framing the final decision to the government. The emphasis in joint consultation is mainly on informal method and cooperation based on common interests and good faith to improve the working conditions of employees and to increase the efficiency of administration. The simple aim of such relationship is to facilitate and promote peaceful resolution of conflicting interests. The outcome of such a process is influenced by the comparative abilities of the parties involved to reach agreement. It is the power relationship between the employer and the employees. In this unit we will examine significance of the Joint Consultation in civil service staff relation, evolution of Joint Consultative Machinery, functioning of Joint Consultative Councils and Board of Arbitration and also discuss suggestion for the improvement.

23.2 EVOLUTION OF JOINT CONSULTATIVE MACHINERY

It was the introduction of ‘Whitleyism’ in 1919 in the British Civil Service Staff relations hailed by several countries as the novel method in the area of human relations. The Whitley system which involves formal as well as informal consultations and negotiations leading to agreement or arbitration has been an example followed in a large number of countries of the British Commonwealth with certain modifications.

The staff relations in the British Civil Service are maintained through Whitley councils method. The Civil Service National Whitley Council is responsible for joint consultation on conditions of service affecting civil servants in general irrespective of the department to which they belong. The Departmental Whitley Councils are responsible for staff matters within their departments. Local Whitley Committees discuss matters affecting the local working conditions and day-to-day problems.

The Government of India and the organisations of employees struggled nearly for three decades to have staff relations on the pattern of Whitley Councils in the U.K. The issue was first raised in 1928 and again in 1942. The Royal Commission on Labour in 1931 recommended the establishment of a joint standing machinery for Railways. However, the Home Department did not accept the proposals, in spite of the favourable attitude of the Labour Department.

The government referred the matter to the Central (First) Pay Commission in 1946 to enquire on “The machinery for negotiating and settling the questions relating to conditions of service which may arise out of differences between government and its employees”.

The Commission recommended (1947) the establishment of Joint Councils for employees, excluding those in Class I, on the lines of Whitley machinery. The Commission also recommended arbitration in regard to Class II and Class III **Services resort to** ad hoc tribunals on the lines of Civil Services Arbitration Board in United Kingdom. However, the Railways and the P&T were not included in this Scheme as they were covered by the Industrial Disputes Act, 1947.

Though the government decided to establish a Whitley scheme in 1952, it was only in 1954 that all the Ministries of the Government of India were asked to set up Staff Committees/Staff Councils. However, the scheme was not extended to the Railways,

P&T and the Ministry of Defence. The employees of these departments were considered as industrial employees. In these departments, staff relations were evolved independent of others. Permanent Negotiating Machinery (PNM) was established in Railways in 1952, Monthly Meetings were introduced in P&T in 1949 and Joint Negotiating Machinery was set up in Defence in 1954.

Staff Committees/Councils

As per the directions of the government each Ministry was required to establish two separate Staff Committees one for staff other than Class IV and another for Class IV employees to secure the greatest measure of cooperation between the government and its employees. The Staff Committees were advisory bodies.

The Staff Committee in respect of other than Class IV employees consist of:

- a) A Chairman, who was Secretary or Joint Secretary of the Ministry, nominated by the Ministry.
- b) Government representative were nominated by the Ministry from its officers not below the rank of Under Secretary.
- c) The staff were represented by one member each for every 20 members employed in the Ministry in the grade of Section Officer, Assistant, Stenographer and Clerk, elected from amongst the members of that grade for a period of one year.
- d) The Chairman in consultation with the representatives of the staff, nominated one of them as Secretary of the Committee.

With regard to the Staff Committee of Class IV employees.

- a) A Deputy Secretary of the Ministry was nominated to act as the Chairman of the Committee.
- b) The Ministry nominates its representatives on the Committee not below the rank of an Assistant.
- c) The members of the staff were represented by one representative each for every 20 members from the groups consisting of Record Sorters, Jamadars, Peons, Farrashers, Chowkidars and Sweepers. They were elected for a period of one year from amongst the members of grades in each group employed in the Ministry.
- d) The Secretary was nominated by the Chairman from amongst the Staff representatives for a period of one year.

Both the Committees were to meet at least once in three months. The quorum for a meeting was one-third of the representatives of the members of the staff. Discussions were held in the meetings on agenda circulated in advance. The decisions were recorded and sent to the concerned Ministry for necessary action.

Objectives and Functions

The objectives of the Staff Committees were:

- a) To consider suggestions for providing the standards of work,
- b) To provide a machinery to the staff for making their points of view known to the Government on matters affecting their conditions of service, and
- c) To provide means on personal contacts between officers and staff in order to develop cordial relations between them and to encourage them to take keen interest in their work.

The functions of the Committees were to discuss matters relating to the conditions under which the staff were required to work, general principles regulating conditions of service, the welfare of the staff and improvement of efficiency and standards of work. Discussions on individual cases were not permitted.

The working of the Staff Committees proved to be unsatisfactory. The problems faced by many Ministries were that in the majority of the cases, decisions could not be arrived within the Ministries and the recommendations of the Committees very often had to be referred to the Ministries of Home Affairs, Finance, Works, Housing and Supply for their clarification and clearance.

In 1957, the Cabinet appointed a Sub-committee to review the functioning of Staff Committees. On the recommendations of the Sub-committee, some instructions were given to all the Ministries to:

- a) Re-name the Staff Committees as Staff Councils.
- b) Dispose quickly the references emanating from the Staff Councils by the House Keeping Ministries.
- c) Refer unresolved matters to a Coordinating Committee consisting of representatives of Ministries of Home Affairs, Finance, Works, Housing and Supply.
- d) Explore the possibilities of delegating more powers to the administrative Ministries to avoid delay in making references to house-keeping agencies.
- e) Appoint a Chief Welfare Officer in the Home Ministry and a Welfare Officer in each Ministry.

As per the decisions of the Cabinet Sub-committee the Staff Committees were re-named as Staff Councils without any change in their constitution, objects and the rules of procedure. A Coordinating Committee consisting of representatives of the Ministry of Home Affairs, Finance, Works, Housing and Supply and the concerned ministry was constituted to decide matters which remained unresolved in the Staff Councils. The Ministry administratively concerned with Staff Councils decide what matters should be brought before the Coordinating Committee.

The Staff Councils during their existence (1954-59) made many recommendations. Most of them were accepted and implemented by different Ministries. But they were unimportant items like water coolers, transport facilities, grant of leave, office uniforms, canteen facilities, dispensaries and first aid boxes etc. Neither the machinery of administration was improved nor the important grievances of the employees were redressed. The Second Pay Commission report observed "due to lack of will on the part of the Government to accept the principles of joint consultation failed as an effective instrument for prevention of the disputes."

Therefore, the Second Pay Commission proposed that "the situation required the establishment of machinery which fully in spirit and largely in form followed the Whitley Machinery in the United Kingdom". Thus, the Staff Committees and Councils had "little in common with the Whitley Machinery" and failed to square up with the real Whitley spirit.

In India, the government civil employees have not shown any remarkable preference for a joint consultative machinery. On the other, the government did not consult the organisations of the employees when it introduced the Staff Committees and Councils. It was a unilateral attempt for a bilateral purpose. The Whitley cause also could not be served in the absence of arbitration machinery for resolving the disputed matters. Further, due to their advisory nature the scope of the Staff Committees/Councils and their activities were much restricted and the way in which they were handled by the officers further limited their utility. There was no Central Joint Staff Council like the National Whitley Council to consider issues of common and general application to all the employees of the Ministries. As the Civil Service Unions/Associations were not involved, the organised sections of employees declared no faith, rejected the Councils and considered them as "merely eye-wash". The officials at the top level were responsible for the ineffective functioning of Staff Councils for want of Whitley thinking. The staff representatives on the Committees/Councils lacked the necessary leadership to represent their views effectively. In actual practice, they merely acted as forums for the staff to ventilate their grievances and put forward them to the nominees of the government in the Staff Councils.

23.3 EMERGENCE OF JOINT CONSULTATIVE MACHINERY (J.C.M.) AND COMPULSORY ARBITRATION SCHEME

As already stated, the Second Pay Commission recommended (1957), a Whitley type machinery for the whole body of Central Government employees, both industrial and non-industrial to negotiate disputes. A special Committee of the Central Joint Council

dealt with matters peculiar to the industrial employees. The Commission also recommended, compulsory arbitration, as a necessary compliment to the joint machinery for negotiation in matters of pay and allowances, weekly hours of work and leave.

In 1960, the Central Government employees went on strike for five days from July 11-16. One of their demands was the establishment of joint consultative machinery (J.C.M.). Immediately, the Government decided to set up the J.C.M. and proposed a scheme. Accordingly, three-tier machinery with joint consultation at the Central, the Departmental and regional/local levels as supplementary to existing arrangements was proposed. The scheme covered all the civil employees of the Central Government including the P&T Department, Civil Aviation Department and the Ministry of Defence.

The Scheme proposed an arbitration tribunal with a limited compulsory arbitration provision. The government during 1960-61 proposed to bring two bills before the Parliament to give statutory effect to the proposed J.C.M. and ban strikes by government employees. The employees' organisations protected against the proposals of the government and refused to give up right to strike and disassociate outsiders from their organisations.

After discussions between the government and the employees organisations the Government of India decided in 1963 to introduce a scheme for joint consultative machinery and compulsory arbitration. On many aspects of the scheme the employees organisations expressed doubts and opposed certain proposals of the government. The government wanted to bring all the employees (including industrial employees) under one umbrella. Therefore, there were discussions on many occasions at all levels for three years and all the doubts were clarified and there was a general consensus that a fair trial be given to the scheme. Thus, the Joint Consultative Machinery and Compulsory Arbitration Scheme for Central Government Employees was inaugurated on October 28, 1966.

The inauguration of the Scheme of J.C.M. was considered "opening of a new chapter" and hoped that the relationship of Governments with its employees would enter a new era of more fruitful cooperation.

Check Your Progress 1

Note: (1) Use the space given below for your answers.

(2) Check your answers with those given at the end of the unit.

1) Explain the need for harmonious staff relations.

.....

.....

.....

.....

.....

.....

2) Explain the evolution of Joint Consultative Machinery in Government of India.

.....

.....

.....

.....

.....

.....

3) Critically examine the scheme of Joint Consultation Machinery and Compulsory Arbitration.

.....

23.4 THE SALIENT FEATURES OF J.C.M. SCHEME

The Scheme was designed "with the object of promoting harmonious relations and securing the greatest measure of cooperation between the government and its employees in matters of common concern, and with the further object of increasing the efficiency of the public service combined with the well-being of those employed"

The Scheme is a voluntary one. The government and the employees unions and associations who participate in the scheme are required to subscribe to a Declaration of Joint Intent. Accordingly, both the sides (the government and the staff associations and unions) agreed to a full and frank discussions on all matters in the Joint Councils to reach agreements.

The unique feature of the Scheme is its coverage of both industrial and non-industrial of the government. In this regard it differs from the Whitley System which is concerned with only non-industrial civil service. Another difference is that the J.C.M. Scheme does not cover "the class I, class II services, employees of industrial establishment and the union territories and police personnel"

Yet another difference is that the fundamental objective of Whitley System viz., to provide machinery for dealing with grievances and to bring together experience and points of view of representatives of different classes and grades of civil service is not stated in the J.C.M. Scheme.

The J.C.M. provides for a three-tier structure and Joint Councils at the National, Departmental, Regional/Office levels. The J.C.M. Scheme is a bi-partite body consisting of the representatives of the government (official side) and the representations of the recognised employees organisations (staff side). The official side is nominated by the government and the staff side seats allocated to different associations/unions/federations recognised by the government.

The Scheme broadly covers about 3 million regular class III and IV civil employees of the Central Government including industrial employees working in the departmentally-run undertakings like the Railways and workshops and production units of various ministries.

Though the Indian J.C.M. Scheme was modelled after the Whitley System in U.K., the Indian Scheme could not inculcate in its scheme, the spirit and the long experience of the Whitley system. It is more a joint consultative machinery than a bi-partite participative agency.

23.5 THE FUNCTIONS OF COUNCILS

The Joint Councils deal with all matters concerning the conditions of work, standards of work, efficiency and staff welfare. However, in matters of recruitment, promotion and discipline, consultation is limited only to matters of general principles and individual cases are not considered.

The Councils may appoint Committees to study and report on any matter falling within their scope. All the agreements reached between the official and staff sides of a council will become operative subject to the final authority of the Cabinet. If the matter is arbitrable and a final disagreement were to be recorded it may be referred to arbitration, if either side desires so. However, compulsory arbitration is not available at regional/office council level.

National Council

The National Council is the apex body. It is one of the largest joint councils consisting of 85 members. The official side with a maximum membership of 25 is nominated by the government.

The staff side is nominated by the recognised federations/unions/associations of the employees. The seats are distributed between the federations/unions/associations by the Chairman of the council. The distribution of seats is based on the numerical strength of staff employed in each Ministry/Department.

The Cabinet Secretary is the Chairman of the Council. He is the leader of the official side and is connecting link between the government and the employees.

The staff side elects one of its members as a leader by simple majority for a term of one year. The official and staff sides appoint Secretaries from amongst their representatives. There is a permanent secretariat of the council, which functions under the control of the Chairman.

The National Council deals with matters generally affecting Central Government Employees, such as minimum remuneration, dearness allowance, and pay of certain common categories like the office clerks, peons, and the lower grade of workshops and matters relating to categories of staff common to two or more departments but not grouped into one departmental council. The National Council would not deal with matters pertaining to a single department.

The National Council ordinarily may meet as often as necessary but not less than once in four months. A special meeting may be convened by the Chairman on his own or at the request of either official or staff side. The quorum for a meeting is one-third of the individual strength of the official and staff side.

The National Council may constitute two Standing Committees one for the industrial employees and the other for the non-industrial staff to deal with their respective matters. The Council may delegate any of its powers to the Standing Committees for the quick disposal of its business. The Council and the Committees may also appoint Sub-committees from amongst their members to study and report on any matters falling within its jurisdiction.

A matter once disposed of by the council cannot be brought to the agenda during the following 12 months, unless the Chairman permits it for any special reason. All matters should be decided by the council without reserving them for a later decision by the government.

The success or failure of the J.C.M. Schemes mainly depends upon the success or failure of the functioning of the National Council. For, the National Council is expected to function as a machinery to redress grievances at the national level dealing with matters affecting all the employees of the Central Government.

Since its inception in 1966 it had held 25 meetings till the end of 1988. Over a period of 22 years of its existence it could withstand all the problems though it had some failures. In the initial years, the council could not reach certain agreements and the employees went on a day's token strike in September 1968 protesting against unhelpful attitude of the government. Due to the strike many of the employees organisations were de-recognised for a couple of years. Therefore, the National Council could not meet with full strength. However, the council and its Committees were very active during 1974-76 to consider the recommendations of the Third Pay Commission.

Though the National Council could not succeed in achieving all its objectives, it acted effectively as a machinery for dealing with the grievances of the employees and reduce the amount of conflict with the government. However, the National Council has come to stay and has taken roots to provide a system of joint consultation and cooperation.

Departmental Councils

Under the J.C.M. Scheme there is one Departmental Council for each Department. The scope and functions of these councils include all matters relating to the conditions of service and work, welfare of the employees, improvement of efficiency and standard of work. However, in regard to recruitment, promotion and discipline, consultation is limited to matters of general principles only. Individual cases are not considered. The

Councils deal with the problems of employees working in a Ministry/Department and the subordinate and attached offices of the department.

According to the J.C.M. Scheme 21 Departmental Councils are to be constituted in various departments. Till 1974, only 14 Departmental Councils were constituted. In the initial period it became difficult to constitute the Departmental Councils for want of recognised unions/associations.

The Secretary of the Ministry represents the official side and is the Chairman of the Departmental Council. The official side is nominated by the government or the Head of the Department. The strength of the official side is Ten. The Chairman may invite temporary members and experts to the meetings for their advice.

The Associations/Unions recognised by the Department nominate their representatives for a term of three years on the staff side. The staff side elects one of its members as its leader for a period of one year. There is a permanent secretariat of the council under the control of the Chairman.

The membership of the staff side varies from Twenty to Thirty depending on the total strength of the employees and the number of grades and services in the department.

The Departmental Councils ordinarily meet as often as necessary and not less than once in three or four months. The quorum is one-third of each of the strength of the official and staff sides. The Councils may appoint Committees on ad hoc basis.

Regional/Office Councils

The J.C.M. Scheme permits the departments for the setting up of Regional/Office Councils, where it is possible. The Councils deal with only regional or local matters. The strength of a regional/office council is determined by the size of the staff in a region or office. The Head of the region or office is the Chairman of the Council. The J.C.M. Scheme is silent about the constitution and the number of councils. Much progress is not recorded in the establishment of the councils, as there are some doubts in the minds of the Departmental authorities.

The matters to be discussed are limited to subjects within the competence of Joint Secretary (Administration) of a Ministry/Department such as revision of duty hours, distribution of work, accommodation, amenities, holiday duties, etc.

The Office Council consists of not more than five members on the official side and eight members on the staff side. The Joint Secretary (Administration) is the Chairman of the Council and the Under-Secretary (Welfare) is the Secretary of the official side.

The staff side is nominated by the recognised associations of the staff. The staff side elects its leader for a period of one year and appoints a Secretary from amongst its members.

The office council meets at least once in two months. The quorum is 1/3 of the members of each side. It may appoint committees to study and report.

If the council cannot arrive at an agreement on any issue it may be brought before the Departmental Council concerned. Arbitration is not available at office council level in case of disagreement between two sides.

To realise the full objectives of J.C.M. Scheme, setting up of regional/office councils is very important. For, they are the training fields to the representatives of the staff and official sides and provide grassroots to the J.C.M. Scheme. However, much progress is not achieved in establishing these councils for want of organisation of employees and positive attitude of officials at the local levels.

23.6 BOARD OF ARBITRATION

Compulsory arbitration is a part of the scheme for Joint Consultation Machinery and Compulsory Arbitration for Central Government Employees.

The government is required to appoint a Board of Arbitration under clause 19 of the scheme. The Board consists of three members, one is drawn from a panel of five names

submitted by the official side, second from a similar panel submitted by the staff side of the National Council, and the third a Chairman, who is an independent. The Chairman and the members are selected by the Ministry of Labour. The first Board of Arbitration was established in July 1968.

The jurisdiction of the arbitration matters is limited to: a) pay and allowance b) weekly hours of work and c) leave of 'a class or grade of employees'. Individual cases are not subject to compulsory arbitration.

Guidelines are laid down for the Board of Arbitration to arrive at decisions and its jurisdiction in certain matters is barred. Further, matters determined by the government in accordance with the recommendations of a commission are not arbitrable for a period of five years from the date of the recommendations and orders issued by the Government in pursuance of the recommendations of the Board of Arbitration remain in operation for three years.

The recommendations of the Board of Arbitration are binding on both the sides but the Parliament may modify or reject them on grounds of national economy or social justice.

In the very first and second meetings of the National Council the government rejected to refer to the compulsory arbitration the major demands of the staff side like the 'need' based minimum wage, and merger of D. A. with basic pay. On this issue the employees went on a day's token strike on 16th September 1968 much against the Declaration of Joint Intent.

During 1968-88, a total number of about 200 references were made to the Board of Arbitration and it gave 175 awards. In more than 150 cases the staff side either fully or partially benefited. The number of employees benefited due to the awards of the Board of Arbitration runs into millions. Most of the cases referred were pertained to pay scales and allowances. The arbitration awards clearly favoured the claims of the staff side. In a way, compulsory, arbitration in India contributed to development of harmonious staff relations in the Government of India.

Check Your Progress 2

Note: (1) Use the space given below for your answers.

(2) Check your answers with those given at the end of the unit.

1) Examine the role of National Council of J.C.M.

.....

.....

.....

.....

.....

2) Identify the significance of Departmental Councils in the J.C.M. Scheme.

.....

.....

.....

.....

.....

3) Explain the composition of Board of Arbitration.

.....

.....

.....

.....

.....

23.7 LET US SUM UP

The subject of civil service staff relations has gained considerable importance in the field of Public Personnel Administration in India. The Government of India introduced the scheme of joint consultation and compulsory arbitration in 1966 on the pattern of Whitley Councils in England. Though, there is some difference between the two, the J.C.M. Scheme in India has come to stay and has taken some strong roots, in spite of certain initial setback and misunderstandings.

Despite the limitations of the scope and jurisdiction of the joint consultation and arbitration, the Government and Civil Service Unions realised the utility of the scheme over a period time. If the scope of the joint consultation is widened and full opportunities are provided for the staff to participate in administration it is easy to secure the cooperation of the staff and responsibility in personnel administration. Further, the official side has to change much of its bureaucratic attitude to the problems of the employees and towards the spirit of joint consultation and negotiation.

23.8 KEY WORDS

Arbitration Awards: The decision by the arbitrators called an award.

Civil Service Unionsim: An association is an organisation of civil servants formed to promote and protect their interests by collective action.

Compulsory Arbitration: A method of settling labour-management disputes through the intervention of a third, ideally neutral, party whose decision is final and binding.

Whitley Councils: The system of Whitley Councils has been in existence since the civil service of U.K. since 1919, Whitley Machinery consists of National Whitley Council for general classes of civil service and separate Department Council for staff. Peculiar to Department, there are District or Regional Committees which deal with local problems of the staff distributed throughout the country, above councils are constituted with both the representatives of state (the official side) civil servants (the staff side). The spirit behind this councils is a readiness on both sides to make the machinery of joint discussion work, to aim at reaching the best possible settlements amicably and to the satisfaction of both sides.

23.9 SOME USEFUL BOOKS

Dey Bata K. 1985. 'Conflict Management in Government J.C.M. Style', *Indian Journal of Public Administration*, July-September, 1985, pp. 600-625.

Bhaskara Rao V. 1978. *Employer-Employee Relations: A Critical Study of Government of India and its Employees*, Concept Publishing House, Delhi.

Henry Parris, 1973. *Staff Relations in the Civil Service – Fifty Years of Whitleyism*, George Allen & Unwin Ltd.: London.

Saxena Pradeep, 1987. *Personnel Administration and Management*, Printwell Publishers: Jaipur.

23.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- The recognition of the human dignity was one of the cardinal factors that lead to the resolutions of the grievances of the employees in a peaceful manner in democratic method and at regular way.
- Modern democratic governments with large scale administrative organisations committed to the all-round development of the Society cannot carry out their

employees.

- Harmonious staff relations are absolutely necessary for administrative efficiency and it is not possible for the government to maintain cordial relations without an effective form of consultation and negotiation.
- The civil service staff relations policies and programmes must be consistently based on the principles of democratic government.
- Strikes by the government employee, it was realised, cannot be prohibited without providing suitable framework of joint consultation, collective negotiation procedures and methods of dispute settlement by compulsory arbitrations.
- Establishment of a grievance redressal and disputes solving machinery was considered the “essential half-way house”.
- The emphasis in joint consultation is mainly informal method and cooperation based on common interest and good faith to improve the working conditions of employees and to increase the efficiency of administrations.

2) Your answer should include the following points:

- Introduction of ‘Whitleyism’ in 1919 in the British Civil Service staff relations was hailed by several countries as the novel method in the area of human relations.
- The Whitley system which involves formal as well as informal consultations and negotiations leading to agreement or arbitrations.
- The Government of India and the organisations of employees struggled nearly for three decades to have staff relations on the pattern of Whitley councils in U.K.
- The issue was first raised in 1928 and again in 1942.
- The Royal Commission on Labour in 1931 recommended the establishment of a joint standing machinery for Railways. However, the Home Department did not accept the proposals.
- The government referred the matter to the Central (First) Pay Commission in 1946 to enquire on “The machinery for negotiating and settling the questions relating to conditions of service which may arise out of differences between government and employees”.
- The Commission recommended (1947) the establishment of Joint councils for employees excluding those in class I on the lines of Whitley machinery.
- The commissions also recommended arbitration in regard to class II and class III services resort to ad hoc tribunals on the lines of Civil Services Arbitration Board in United Kingdom.
- The Railways and the Post and Telegraphs were not included in this scheme as they were covered by the Industrial Disputes Act, 1947.
- Though the government decided to establish a Whitley scheme in 1952, it was only in 1954 all the ministries of the Government of India were asked to set up Staff Committees/Staff Councils.
- Permanent negotiating machinery (PNN) was established in Railways in 1952.
- The scheme was designed “with the object of promoting harmonious relations and securing the greatest measure of cooperation between the government and employees in matter of common concern, and with the object, further, of increasing the efficiency of public services combined with the well-being of those employed.
- The scheme is a voluntary one. The government and the employees unions and associations who participate in the scheme are enquired to subscribe to a declaration of joint intent.
- Unique feature of the scheme is its coverage of both industrial and non-industrial employees of the government in this regard it differs from the Whitley system which is concerned with only non-industrial civil service.
- Another difference is that the J.C.M. scheme does not cover “the Class I, Class II Services”, employees of industrial establishments and the union territories and police personnel.
- Yet another difference is that the fundamental objective of Whitley system viz. to provide machinery for dealing with grievances and to bring together

experience and points of view of representations of different classes and grades of civil service whereas this aspect is not stated in the J.C.M. scheme.

- The J.C.M. provides for a three-tier structure and Joint Councils at National, Department, Regional/Offices levels.
- J.C.M. scheme is a bi-partite body consisting of representatives of government and the representations of the recognised employees organisations.

Check Your Progress 2

1) Your answer should include the following points:

- Largest Joint Councils consisting of 85 members.
- The Cabinet Secretary is the Chairman of the Council.
- The National Council deals with matters generally affecting Central Government employees, such as:
Minimum remuneration and dearness allowance,
Pay of certain common categories like the office clerks, peons, and the lower grade of workshops and matters relating to categories of staff common to two or more departments but not grouped into one departmental council.
- National Council would not deal with matters pertaining to a single department.
- National Council may constitute two standing committees, one of the industrial employees and the other for the non-industrial to deal with their respective matters.
- Council may delegate any of its powers to the standing committees for the quick disposal of its business.
- The Council and the committees may also appoint sub-committees from amongst their members to study and report on any matters falling within jurisdiction.
- The success or failure of the J.C.M. Schemes mainly depends upon the success or failure of the functioning of the National Council.
- National Council is expected to function as a machinery to redress grievances at the national level dealing with matters affecting all the employees of the Central Government.
- National Council could not succeed in achieving all its objectives, it acted effectively or a machinery for dealing with the grievances of the employees and reduce the amount of conflict with the government.
- National Council has come to stay and has taken roots to provide a system of joint consultation and corporation.

2) Your answer should include the following points:

- Under the J.C.M. Scheme there is one departmental council for each Department.
- Scope and functions of these councils include all matters relating to the conditions of service and work, welfare of the employees, improvement of efficiency and standard of work.
- In regard to recruitment, promotion and discipline, consultation is limited to matters of general principles only.
- Individual cases are not considered.
- The Councils deal with the problems of employees working in a Ministry/ Department and the subordinate and attached offices of the department.

3) Your answer should include the following points:

- Compulsory arbitration is a part of the scheme for joint consultation machinery and Compulsory Arbitration for central government employees.
- Government is required to appoint a Board of Arbitration under the Clause 19 of the scheme.
- The Board consists of three members one is drawn from a panel of five names submitted by the offices side second from a similar panel submitted by the staff side of National Council and the third a Chairman, who is an independent.
- The Chairman and the members are selected by the Ministry of Labour.

UNIT 24 RIGHTS OF PUBLIC SERVANTS

Structure

- 24.0 Objectives
- 24.1 Introduction
- 24.2 Fundamental Rights Guaranteed to the Citizens
- 24.3 Classification of Fundamental and other Rights
- 24.4 Personal Rights
- 24.5 Civil Rights
- 24.6 Freedom of Speech and Expression
- 24.7 Political Rights
- 24.8 Trade Union Rights
- 24.9 Service Rights
- 24.10 Let Us Sum Up
- 24.11 Key Words
- 24.12 Some Useful Books
- 24.13 Answers to Check Your Progress Exercises

24.0 OBJECTIVES

After you have read this unit, you should be able to:

- explain the fundamental and other rights guaranteed to the citizens and the public servants
- discuss the restrictions imposed by the government in exercise of the rights by Public Servants
- highlight the service rights of the government employees.

24.1 INTRODUCTION

The constitutions of different countries guarantee certain fundamental rights to all the citizens irrespective of birth, caste, creed, colour or sex. The public servants are the citizens of the country, constitutions empower the states to regulate their rights and impose obligations on the public servants.

In regard to various rights of public servants, different countries have evolved different systems of rights over a period of time depending upon the genius of their peoples, their historical background, the stage of their economic development and their political and administrative structure.

The public servants are first citizens and then employees. But they have a special duty to maintain the structure of the states' Law and Order. There is a special status of double status applicable to the employees as citizens and as Public Servants. Their position is closely related to the conception of democratic government which expects employees to render faithful service to all the people, without the thought of their own interests. There are also arguments that public employees must be granted the role of the normal citizen even though they are public employees and they cannot be treated as second class citizens.

In this unit, we will study the fundamental and other rights guaranteed to the citizens and the public servants, restrictions imposed by the government in exercise of the rights by Public Servants and highlight the service rights of the government employees.

24.2 FUNDAMENTAL RIGHTS GUARANTEED TO THE CITIZENS

The citizens are guaranteed certain fundamental rights by the Constitution. The rights may be classified as under:

- a) Right to Equality
- b) Right to Freedom
- c) Right against Exploitation

- d) Right to Freedom of Religion
- e) Cultural and Educational Rights
- f) Right to Constitutional Remedies

Some of these rights may not be available to persons serving in the armed services. Moreover fundamental rights except protection against conviction and protection of life and personal liberty may be suspended. Freedoms guaranteed automatically get suspended during emergency. Restrictions are imposed or reservations are made on certain rights with regard to public employment and public services.

24.3 CLASSIFICATION OF FUNDAMENTAL AND OTHER RIGHTS

The rights guaranteed to the citizen by the Constitution may be classified into following:

1. Personal Rights
2. Civil Rights
3. Political Rights
4. Trade Union Rights
5. Service Rights

24.4 PERSONAL RIGHTS

Some of the personal rights are:

- a) **Right to life and liberty:** The private life of an individual is considered a matter of his conscience, freedom of which is guaranteed by all the states. The Constitution of India (Article 21) provides protection of life and liberty to all persons. It includes also the freedom of movement.
- b) **Equality before law and equal protection of law (Article 14):** It means that the state cannot discriminate the citizens on grounds of religion, race, caste, sex, or place of birth. However, Article 15 provides protective discrimination and reservations for women, children, backward castes, scheduled castes and scheduled tribes as "Socially and Educationally Backward Classes of Citizens" in the matters of education and employment.
- c) **Right to freedom of Religion (Articles 25-28):** Under this right, all persons have the freedom of conscience and the right to profess, practise and propagate religion under certain regulations.
- d) **Right to private property:** Under this right all the persons may acquire, hold and dispose property.
- e) **Right to practise any profession or to carry out any occupation, trade or business.**

The Constitution guarantees all these rights to the citizens, but in regard to the public servants, the state regulates their personal conduct and private relationships which tend to affect their integrity, reputation, confidence and the dignity of the public office. Therefore, the governments through Civil Servants Conduct Rules and Codes prescribed and regulated the required behaviour from the public employees. The relationship between the government and the civil servants rests on contractual basis. Any breach of the code, conduct rules and the contract leads to different types of punishment, dismissal from service. However, the imposition of these restrictions is not an abrogation of their fundamental rights or an invasion of fundamental rights.

24.5 CIVIL RIGHTS

Right to Private Trade and Employment

The civil liberties of the government employees are entitled under the Constitution.

citizens by the special duties imposed on them and the special responsibilities they hold by virtue of their office. With regard to civil servants, civil life, the state regulates their conduct and private relationship in so far as they tend to affect their integrity and reputation. In view of this, certain restrictions are placed on an official's right to take part in private business. In most cases, it is positively forbidden for an official to have any business dealings in the fields with which he/she comes into contact in the ordinary course of his/her duties. The temptations which might arise could place an unreasonable strain on one's integrity, particularly if his official duties require him to control certain branches of business.

Therefore, certain restrictions, limitations are imposed by the Civil Service Regulations. Except with the previous permission of the government, no civil servant can engage in trade or business or in support of the business owned or managed by any members of the family.

American government restricts the personal right of civil servants in the sense that they cannot coach anybody either individually or in group in order to prepare him/her for taking the competitive examinations for entry into government service. It is improper for any government servant to be associated with any such programme either by way of tuition or in any other manner. The government servants cannot accept the membership of such societies, institutions or clubs which oblige their members to go on strike in pursuance of their objectives. But with the framework of the rules the federal employees have the right to petition to the Congress either individually or collectively.

In France the civil servants enjoy civic rights more than any other country. They may join any political party. They have the right to strike. These rights have wide and far-reaching consequences. The government servants in India, U.K. and U.S.A. do not have such rights.

Right to Contract

Freedom of contract is a fundamental right of the citizens. In view of the integrity and impartiality, for the civil service this right to contract is restricted. Such as they are not allowed to:

- engage in any speculative investment,
- permit trade by any member of their family,
- lend money to any person living in the locality of their authority,
- borrow money from, any other person with whom they are likely to have official dealings.

Further, they are required to take prior permission of the government for purchase and disposal of their properties exceeding certain limits.

Right to Vindication of his Acts or Character

In parliamentary democracy where the civil servants are expected to be in the background and where they are supposed to be neutral, the minister holds responsibility for the commissions and omissions of the civil servants. As such, in India, the civil servants are precluded from taking recourse to a law court or to the press for the vindication of any of their official acts which has been subject matter of adverse criticism or attach of defamatory character. However, in France, the civil servants have the right to file suits in the courts against such administrative decisions which have an adverse impact on the collective interests of the civil service and in the event of violation of rules and norms of personnel administration.

The government employees are also required to so manage their personal affairs as to avoid habitual indebtedness or insolvency as it affects their own reputation as well as the government.

Subscriptions and Gifts

Civil servants are not allowed to ask for or accept any contributions or associating themselves with the raising of any fund in pursuance of any object. It was declared that in the interest of maintaining the efficiency and integrity of government employees, it is essential to prevent them from soliciting or receiving funds for any purpose unconnected with his office.

Public employees also cannot accept any gifts. Even their family members are also not permitted to accept any such gifts. They have to report to the government when they accept any gifts and seek permission of the government to accept them.

24.6 FREEDOM OF SPEECH AND EXPRESSION

In the Commonwealth countries of Australia, Canada, England and India, the Civil servants have to seek prior permission of the competent authorities for publishing a book or article or for speaking to general audiences. However, Australia takes a somewhat more lenient attitude towards the violation of these norms by its civil servants than Canada, India or England.

In the United States of America the Hatch Act of 1939 allowed its federal employees to express their views on political subjects, rather than only to express them privately. However, at the same time, it proclaimed that the Act was intended to prohibit the same activities that the Civil Service Commission considered legitimate under 1907 Regulations, which allowed only private expression. The second Hatch Act of 1940 extended these regulations to positions in state employment and allowed public employees to express their opinion on 'candidates' as well as on political subjects.

A French official outside his office can criticise the government and express views contrary to the general policy of government. But he cannot express personal criticism directed towards the work of the particular service to which he belongs. Similarly in Germany, outside the service a public servant can express his personal opinions on political questions also. He cannot adopt a standpoint which is in opposition to the government. But he must have a certain regard for his position. The law of 1953 obliges him to exercise that moderation and discretion with regard to political activities which incumbent upon him in his position as servant of the community.

In India, the Civil Servants cannot express against any policy or action of the government. They cannot also express on any matter pertaining to politics of parties and matters of public controversy.

Criticism of Government Policy

According to the Civil Service (Conduct) Rules in India, government servants are not permitted to communicate anything to the press, make any public utterance, make any statement of fact or opinion which has the effect of an adverse criticism of any policy of the government or which leads to embarrassing relations between the internal governmental agencies and the governments of foreign states. The employees are also forbidden from giving any evidence without prior permission to any inquiry which is not duly authorised.

The purpose of this restriction is to maintain the political neutrality of the civil services and to keep them away from public controversies and to enable the civil servants to serve the government of the day with all the loyalty.

In Britain, the civil servants have freedom to express their opinions on non-political matters of public importance provided they do not direct their activities towards any party politics.

In U.S.A. the government may restrict the exercise by its employees of their right to criticise government policy. The employees may be disciplined: a) if their criticism is false and is made with actual malice, b) if criticism involves disclosure of information which is confidential, c) if the criticism is made outside the channels prescribed by, or is in violation of a statute, Executive order or regulation, and d) if the criticism adversely affects job performances, discipline, work relationships or the goals of the organisation.

Speech and Expression on Political Matters

In India the civil servants are prohibited from participating in any political activity and movement. They cannot make any public expression of their views other than those of purely literary, scientific or artistic nature. They are restricted from participating in any way in the editing, managing any publication. Thus, they are completely deprived of the freedom of press.

In Britain, the civil servants those who involve in the formulation and execution of public policy (executive group) have no freedom of expression on political matters. However, the Minor and Manipulative Groups, whose duties are of only routine character have freedom to political expression as well as activity.

Unauthorised Communication of Official Information

In U.S.A. under the Hatch Act 1939, no employee of the government can use his official authority or influence for the political purposes. Any person violating the provisions of this Act shall be removed from the position held by him.

In India, as per the Conduct Rules, no government servant shall communicate directly or indirectly any official document or information, except in the form prescribed, to any government or person to whom he is not authorised to communicate. The official Secrets Act 1923 also lays down service restrictions on unauthorised communication of official information. The restrictions and severe punishments are necessitated to prevent the employees from communicating such information to the enemy countries or to unsocial elements or to use such information to serve the personal ends of the employees. Therefore, the civil servants are put under special obligation to use and protect official information with the utmost care.

Check Your Progress 1

Note: 1) Use the space given below for your answers.

2) Check your answers with those given at the end of the unit.

1) Discuss the Fundamental and other Rights guaranteed to the citizens.

.....

.....

.....

.....

2) Explain Civil Rights of civil servants.

.....

.....

.....

.....

.....

3) In India whether civil servant can express against any policy or actions of the government — discuss.

.....

.....

.....

.....

.....

24.7 POLITICAL RIGHTS

Right to Political Activity

The right of political activities of the public servants in a democratic government is determined by the constitutional theory of government. Political neutrality of civil servants has been regarded as one of the cardinal conditions for the success of a democratic government. The parliamentary form of government demands from civil service not only neutrality and unimpeachable but also integrity and impartiality to conduct.

The question of rights to engage in political activities in U.K. was referred by the government to Masterman Committee in 1948. As per the recommendations of the committee and in consultation with the employees a set of regulations were issued in 1953. While the concept of political neutrality has been kept intact, particularly of the higher civil service, a distinction has been drawn between national and local political activities. The civil servants has been classified into (a) the politically free group (b) the

politically restricted group and (c) those who are allowed to participate in national political activity, subject to permission.

In regard to local political activities, barring those civil servants who are required to obtain permission for participation, all others allowed to take part in those activities. A civil servant in the politically free group who is contesting for parliament is obliged to submit his resignation before nomination. He is entitled to be reinstated in the post whether he is elected to parliament or not.

All staff in the intermediate and restricted groups who have not been given permission to engage in any of the political activities are expected at all times to maintain a reserve in political matters and not to put themselves forward prominently on one side or the other.

In U.S.A. regulations are laid down on the political activities of public employees. They prohibited the following activities:

- 1) serving as a candidate or alternate to a political party convention,
- 2) soliciting or handling political contributions,
- 3) engaging in electioneering,
- 4) being a candidate for elective political office,
- 5) leading or speaking to partisan political meetings or rallies.

In India, the government servants, under the Conduct Rules are not free to indicate the manner in which they propose to vote or have voted. They are forbidden to canvass or use their influence in an election to any legislature or local authority. The government servants are not expected to attend election meetings organised by any political party except in the official capacity. They cannot stand for election to the parliament or to state legislature. They are required to resign in order to contest elections. Thus, in India, the civil servants are debarred from taking part in politics. They cannot be members of any political party nor even subscribe or assist any political movement or activity.

In many democratic countries with certain exceptions, right to political activities of the civil servants are restricted in one way or the other. They can exercise only the right to vote. The restrictions imposed on the rights of political activities will only show the nature of the democratic government and the expected role of the public employees in the government. It is a part of the evolutionary process of the government.

Right to Contest Elections

France has the most liberal electoral laws. Irrespective of the levels all French Civil Servants are allowed to run for any representative office in the country. During their tenure in the representative assembly they continue to be on the public service rolls and enjoy their seniority and pension rights. Germany and Australia have a great deal of liberalism in this respect. In Germany and Australia public servants have to resign their positions in public service after their election. However, if they lose in the election or else intend to return to public service after the expiry of their term in the legislature they enjoy the privilege of re-instatement to a position equivalent to their previous positions in the public service.

England follows different methods as per the recommendations of Masterman Committee. The entire public service has been divided into three categories. Of the total employees in the state service, 62 per cent including Industrial Staff and most of the Non-Industrial Staff have no restrictions on their political activities; clerical staff, typists and some minor technical staff representing 22 per cent may with the approval of their departmental authorities, take part in all political activities, except contesting for election to parliament. The executive and higher staff representing 16 per cent are debarred from any political activity, but may be granted permission to engage in local political activity.

The electoral rights of civil servants in Canada are relatively more liberal than U.K. The federal public servant in Canada may apply to the Public Service Commission for a leave of absence without pay for seeking political nomination of federal, provincial or territorial legislature. If a civil servant elected, he ceases to be a public employee.

In the United States of America the Hatch Act of 1939 and 1940 regulates the political activities of the federal and to a limited extent those of provincial and local civil

servants. However, they are allowed to run in the local elections so long as their participation in local politics does not affect their efficiency.

In Italy and Spain, the public servant if elected to Parliament is granted indefinite leave of absence and if he ceases to be a member of Parliament, he is entitled either to return to his post or if he is too old he can retire from service. In Denmark, Sweden and Austria the civil servants can remain in office and also can sit in parliament. In these countries precaution is taken that no civil servant contests in the area of where he had worked last.

24.8 TRADE UNION RIGHTS

Right to Association

The public servants in Australia and France enjoy the right to association with trade unions. In Canada, India, Germany and England certain restrictions are imposed upon public servants' right to association. In Germany its Civil Servants may join or form only those associations whose objectives are in keeping the objectives of existing constitutional order only. In Canada and England the public servants are not allowed to associate with outside unions. In India the right to association has been guaranteed to every citizen. Public Servants, therefore, are free to form associations or join associations already in existence, but the government would consult or negotiate with only those associations which have been recognised by it. In United States the public employees are legally free to form associations and unions and to associate themselves with outside associations or organisations.

Right to Strike

Whether the civil servant's right to strike is granted or not, this right is exercised widely in India, France, Canada, Australia, America and in England.

In England the public servants are not denied the right to strike under the law. In France they have the right to strike. In Germany, however, public servants right to strike does not exist under the law. The penalties for violating the law include loss of one's job. In India all non-industrial public servants are denied the right to strike the law. The public employees in America do not have right to strike, under the provisions of the Act of 1947 strikes by the Government Servants had been declared illegal. In all the countries, wherever the employees go on illegal strikes, penalties or punishments are awarded as per the disciplinary or Conduct Rules.

24.9 SERVICE RIGHTS

Civil Service has a special relationship with its government when compared to the relationship between employer and employee in private employment. The civil service enjoys good prospects of public employment like the security of tenure, career, service facilities, superannuity benefits. On the other it maintains relations with the public in whom the state sovereignty lies. As such the civil service occupies a key position in the government. Therefore, the state provides certain service rights to the employees to enable them to discharge their rightful job in the right manner.

Appointment

Today, the public employer in democratic countries guarantees equal protection of the laws to all citizens seeking public employment. However, under the constitutional provisions or executive orders certain 'reservations' are made to the minorities and backward communities and socially weak. The judiciary has viewed such representative public services as desirable. However, the principle of equality of opportunity cannot be denied by the process of selection. But, discriminatory law in respect of residential qualifications, age, language, etc., may be enacted by the state. Thus, in India, reservations are provided in public employment of S.Cs and S.Ts. The state is empowered to require every able-bodied person within its jurisdiction to work for a reasonable period for "public purposes" such as Defence services, Home guards, social services etc. Public employees are expected to serve anywhere under any conditions prescribed by the government.

Public employment is more attractive due to its life tenure and prestige attached to it. However, the sovereign employer enjoys the pleasure to terminate, dismiss the services of any employee, without assigning any reasons for such kind of action. The principle of 'during the pleasure of the government' has now been converted in practice into 'during the good behaviour'. Therefore, only in cases of 'misconduct', gross negligence or incompetence this provision is exercised. Otherwise the civil service in general, remain in service, irrespective of change of the governments. Thus, the continuity of service under the different rules of the government is ensured. The civil servants are also entitled to certain privileges, facilities, allowances, advancements and promotions under the rules prescribed from time to time. The government cannot alter the conditions of their service to the disadvantage of the employees except by changing the existing Laws and Rules.

Rights and Privileges

Although the service tenure of all government employees is at the pleasure of the government, normally, they hold office during the good behaviour and their terms of service are regulated by Executive Rules and Administrative orders. Such of the Rules and Orders are issued subject to the provisions of the constitution. Sometimes the government is required to consult the public service commission for their opinion. Therefore, the governments cannot make rules and change rules without constitutional authority. The government is further required to place these rules and regulations on the Table of the Legislature for their approval. Thus, the civil servants enjoy privileges and rights guaranteed by the constitution. The civil servants are not at the mercy of the executive government without changing the existing rules.

Procedural safeguards in the event of removal or dismissal

The constitution and the rules framed under the provisions of the constitution provides certain important procedural safeguards to prevent any injustice. Any punishment can be imported on the civil servant only according to prescribed procedure, which is laid down in India under Classification, Control and Appeal Rules (CCA Rules). As per the Rules no civil servant can be removed or dismissed by an authority subordinate to the one who appointed him. No one can be removed or dismissed until the civil servant has been given a reasonable opportunity of showing cause against the action proposed to be taken. Compulsory retirement before the age of superannuation is not considered removal or dismissal as there is no substantial loss of accrued service benefits like pension etc.

Check Your Progress 2

Note: (1) Use the space given below for your answers.

(2) Check your answers with those given at the end of the unit.

- 1) Analyse the Right to association of Indian Civil Servants with other countries, civil servants.

.....

.....

.....

.....

.....

- 2) Political Neutrality of civil servants has been regarded as one of the cardinal conditions for the success of a democratic government — discuss.

.....

.....

.....

.....

.....

- 3) Explain the Service Rights of civil servants.

24.10 LET US SUM UP

Though the civil servants are more enlightened citizens, all the rights guaranteed by the constitutions of different countries, do not guarantee such rights to their public employees. The grant of different rights and their denial is governed by the theory of the constitutional government and the place and role assigned to the public servants. The government servants for this purpose are classified into Industrial, Non-industrial, Administrative and Clerical, Ministerial and accordingly were given the rights depending upon their extent and nature of participation in the arrangement of public offices. All the governments in theory believe in the concept of sovereign employer in which the public employers are 'Government Servants', required to conduct themselves under a framework of Rules, Regulations. However, they are not second class citizens but enjoy certain privileges and facilities more than the ordinary citizen.

24.11 KEY WORDS

Strikes: Organised method of withholding labour supply in order to force the employer to grant employees their demand.

Fundamental Rights: Those rights which are protected against any violation either by the authority of the executive or by the legislature through an independent and impartial judiciary. Part III of the Indian Constitution contain these rights.

24.12 SOME USEFUL BOOKS

Bhaskara Rao V. 1978. *Employer-Employee Relations*, Concept Publishing House: New Delhi.

Singh Biswanath. 1964. 'Political Rights of Civil Servants in India' *Indian Journal of Public Administration*, Vol. XI, No. 2.

Parris Henry, 1973. *Civil Service Staff Relations*, Allen & Unwin: London.

Jay M. Shafrit, Walter L. Balk, Albert C. Hyde, and David H. Rosenbloom. 1978. *Personnel Management in Government : Politics and Process*, Marcel Dekker, New York.

Tyagi A.R. 1961. *Rights and Obligations of Civil Servants in India*. Atma Ram & Sons: Delhi.

24.13 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- Right to Equality
- Right to freedom
- Right against exploitation
- Right to freedom of Religion
- Cultural and Educational Rights
- Right to Constitutional Remedies
- Personal Rights
- Civil Rights

- Trade Union Rights
- Service Rights

2) Your answer should include the following points:

- Right to Private Trade and Employment
- Right to Contract
- Right to vindication of his acts or character
- Subscriptions and Gifts

3) Your answer should include the following points:

- India the civil servants have to seek prior permission of the competent authorities for publishing book, article and speaking to general audiences.
- In India, the civil servants cannot express against any policy or action of the government.
- They cannot also express on any matter pertaining to politics of parties and matters of public controversies.
- According to Civil Service (Conduct) Rules in India, government servants are not permitted to communicate anything
 - To the press
 - Make any Public Utterance
 - Make any statement of fact or opinion which has the effect of an adverse criticism of any policy of government or which leads to embarrassing relations between the internal governmental agencies and the governments of foreign states
- The employees are also forbidden from giving any evidence without prior permission to any inquiry which is not duly authorised.
- Purpose of this restriction is to maintain the political neutrality of the civil services and to keep them away from public controversies and to enable the civil servants to serve the government of the day with all the loyalty.

Check Your Progress 2

1) Your answer should include the following points:

- Australia and France enjoy the right to association with trade unions
- In Canada, India, Germany and England certain restrictions are imposed upon public servants' right to association
- In Germany its civil servants may join or form only those associations whose objectives are in keeping with the objectives of existing constitutional order only
- In Canada and England the public servants are not allowed to associate with outside unions
- In India the right to association has been guaranteed to every citizens.
- Civil Servants therefore are free to form associations or join associations already in existence, but government would consult or negotiate with only those associations which have been recognised by it.
- In United States the public employees are legally free to form associations and unions and to associate themselves to outside associations or organisations.

2) Your answer should include the following points:

- The right to political activities of the public servants in a democratic government is determined by the constitutional theory of government.
- The parliamentary form of government demands from civil service not only neutrality and unimpeachable integrity and impartiality to conduct.
- In India, the government servants, under the Conduct Rules are not free to indicate the manner in which they propose to vote or have voted.
- They are forbidden to canvass or use their influence in an election to any legislature or local authority.
- The government servants are not expected to attend election meetings organised by any political party in the official capacity.
- They cannot stand for election to the parliament or to state legislature. They are required to resign in order to contest elections.
- India, the civil servants are detained from taking part in politics.
- They cannot be members of any political party nor even subscribe or assist any political movement or activity.
- In many countries with certain exceptions right to political activities of the civil servants are restricted in one way or the other.
- They can exercise only the right to vote.
- The restrictions imposed on the rights to political activities will only show the

nature of the democratic government and the expected role of the public employed in the government.

*3) Your answer should include the following points:

- Appointment
- Life Tenure
- Rights and Privileges
- Procedural safeguards in the event of removal or dismissal

UNIT 25 MOTIVATION AND MORALE

Structure

- 25.0 Objectives
- 25.1 Introduction
- 25.2 Meaning of Motivation
- 25.3 Objectives of Motivation
- 25.4 Types of Motivation
- 25.5 Motivators which Promote Efficiency
- 25.6 Meaning of Morale
- 25.7 Types of Morale
- 25.8 Factors Effecting Morale
- 25.9 Evaluation of Morale
- 25.10 Measures to Improve Morale
- 25.11 Let Us Sum Up
- 25.12 Key Words
- 25.13 Some Useful Books
- 25.14 Answers to Check Your Progress Exercises

25.0 OBJECTIVES

After studying this unit you should be able to:

- understand the importance of human factor in an organisation, which will have a significant impact upon over all organisational out-put
- outline the findings of the psychologists and behaviouralists from the viewpoint of human relations
- realise that motivation and morale are caused by management policies and practices
- explain the meaning of motivation and morale along with the factors effecting them
- know about the different types of motivation and morale causing the organisational efficiency and
- analyse some important measures in building morale, through workable motivational methods.

25.1 INTRODUCTION

There is no truth more evident from human experience and research than the axiom that work in the life blood of man's existence. It is as natural for a man to work and to want to work as it is for him to rest. The human beings are not sloths by nature. The type of internal driving force (motivation) is responsible either for action or inaction in an individual.

The problem of human behaviour is fundamental and instinctive in any organisational set-up. It is a complicated issue for the organisation to make its members to adjust themselves to the needs of organisation. Because individuals do not divorce themselves from their own norms, attitudes and personal needs, simply because they join an organisation. They necessarily sacrifice their own independence on various types of group and associational membership. Their voluntary behaviour needs to be changed into required behaviour in the general interest of the organisation. Under the influence of the required behaviour, the individual assumes the responsibilities and expresses loyalties and commitments towards the organisation as a whole. There are different methods, to turn the voluntary behaviour into a required behaviour.

Perhaps no area of personnel administration has been more debated than human motivation due to the development of the scientific knowledge about human behaviour. The movement of behavioural approach has contributed much for better understanding of human behaviour. During early era of personnel administration as being different from the efficiency experts, they approached the problem of increasing efficiency as a human problem rather than as a mechanical one. Hence the feelings and behaviour of

employees are considered in personnel system. Normally, the driving force, so pervasive in history and so common among all races and seems to be composed both of an inner need to achieve and a response to external challenges. It is felt that what an individual believes about himself has a profound effect on how he behaves. To understand any individual we need to know what he thinks, what values he holds, what his goals are, as well as how his basic biological and social needs are met and what abilities he has. Therefore, drive and motivation is of utmost importance as it constitutes the base for the administrative function of planning and organising. The personnel department of an organisation must devote considerable time and efforts in planning for and achieving high level of morale. Because it is the only solution for the problems arising like employees feeling alienated and organisational goals, under-utilisation of their potential skills and capabilities to achieve optimisation and feeling of frustration while discharging their duties. Hence motivation should be the continuous process for effective functioning of the organisation.

Effective management largely depends upon the willingness of employees in carrying out the organisational tasks with zeal and enthusiasm. The successful functioning of the organisation depends upon the techniques used for securing ability and willingness of its employees. Because human performance is determined by the level of morale, interaction, behaviour, motivation and ability. Policies and techniques will improve motivation and morale and make the work experience a more rewarding one.

In view of the importance of motivation and morale of an individual in the organisation we will discuss in this unit the meaning of these aspects which would go a long way in understanding the concepts concerned, the objectives of the motivation and the types of motivation. We also discuss the factors effecting morale, future policies and programmes for building-up morale in the employees and analyse some important measures in building morale, through workable motivational methods.

25.2 MEANING OF MOTIVATION

The term motivation is derived from the Latin word 'emovere' which means 'to move'. Motivation is the complex of psychological forces. Motivation is something that moves a person into action and inspires him to continue in the course of action already initiated.

There are different definitions of motivation. Stanley Vanace opines that 'motivation implies any motion or desire which so conditioned one's will that the individual is propelled into action'. Dale and Beach felt motivation as 'a willingness to expend energy to achieve a goal or reward'. Shartle understood motivation as 'a reported urge or tension to move in a given direction or to achieve certain goals'.

According to the above definitions motivation is considered as the art of stimulating people to take desired course of action. It involves arousing needs and desires by impelling individuals towards purposive behaviour. A motive is a need or desire which directs the behaviour. It reflects an urge to move in an expected manner to achieve a specified goal. It results when the needs of an employee are satisfied through proper incentives and rewards. Human behaviour is the result of their desires, needs and wants and motivation involves creation of a will to work for accomplishment of institutional goals. Without needs there can be no motivation and one of the biggest problems in motivating the employees is that one does not have the same needs. Moreover motivation is influenced by a number of factors both inside and outside the organisation. Motivation requires the identification of personal goals with institutional goals.

25.3 OBJECTIVES OF MOTIVATION

The objectives of motivation put forth by psychologists and sociologists are the means of answering two basic questions concerning human behaviour i.e., why an individual is impelled to act and what determines the direction of his actions. Let us discuss the views of some eminent Psychologists and Sociologists, who attempted to evaluate the

human behaviour in different contexts.

- a) According to Skinner motivation objectively exists to make an individual being learn what may be regarded as positive behaviour i.e. desirable behaviour.
- b) Abraham Maslow observes that the objective of motivation is always to create a need for an individual. It is just like the process of lower needs being satisfied and the higher needs gradually emerging (Hierarchy of Needs).
- c) Frederick Herzberg felt that the important objective of motivation is to provide opportunities to become a better expert on one's job, to handle more demanding assignments, to control one's own work rather than be supervised.
- d) Mclelland opined that the objective of motivation is to create a strong desire in an individual, where he derives a special kind of joy in successfully attaining an objective in accomplishing a task, in facing up to a challenge rather than monetary or other rewards.
- e) Victor Wroom thinks that motivation should work as a means of communication for increasing positive values in the employees. Obviously the objectives of motivation are to increase efficiency by good performance.

Motives are abundant and divergent. There is no single strategy that will motivate the employees forever and every where. The motives for individuals to work are numerous.

25.4 TYPES OF MOTIVATION

There are basically two types of motivation:

- a) Negative motivation, and
- b) Positive motivation.

Negative Motivation

The traditional form of motivation emphasises more on authority. This approach consists of forcing people to work by threatening to fire them if they do not. It believes that man is inherently lazy, pleasure seeking, despises work. To prevent him from doing so, there must be close supervision. This approach further assumes that employees' performance would be increased by fear, which causes the people to act in a certain way. Because they are afraid of the consequences like, lay-off, demotions, and dismissals. This approach paid off fairly well in the early days of the industrial revolution when workers and their families were so close to starvation. Imposition of punishment frequently results in frustration among those punished, leading to the development of maladaptive behaviour. The negative motivation also creates a hostile state of mind and unfavourable attitude to the job. The approach of negative motivation had proved to be ineffective as the employees were responding to them perversely. In recent years, however, people have begun to expect more from their jobs than sheer punishment.

Positive Motivation

The behavioural approach is much sophisticated than traditional approach which recognises the importance of positive aspects of motivation. Positive motivation involves the possibility of increased motive satisfaction. Positive motivation is a process of attempting to influence others to do their best, and thereby adopting good human relations. It seeks to create an environment which will make the individual talent flourish and encourages informal communications positively. Positive motivation is generally based on rewards.

The positive motivation may be extrinsic or intrinsic. The extrinsic motivators can be enjoyed after completion of work. The intrinsic factors are those which occur at the time of performance of work. Since positive motivation appears to be more workable, now let us discuss the role of some positive motivators, which promote efficiency.

25.5 MOTIVATORS WHICH PROMOTE EFFICIENCY

The exact nature and extent of motivators would depend upon the internal and external factors prevailing in a given organisation. Some of the important motivators which can promote efficiency are:

- ii) Job enrichment
- iii) Delegation of authority
- iv) Job security
- v) Status and pride
- vi) Participation
- vii) Congenial work environment

Job Enlargement and Job Enrichment

If the additional responsibilities to enhance variety are of a horizontal nature, it is termed job enlargement while if the additional responsibilities are of vertical nature involving delegation and decentralisation the process is termed job enrichment. Job enrichment can be ensured provided the work is meaningful, a worker has knowledge of the work and the worker is entrusted with the responsibility through proper delegation. According to Flippo, job autonomy can be secured if the following are given:

(1) setting one's own work schedule and work breaks; (2) varying work place; (3) changing duties with others; (4) making crisis decisions in problem situations rather than relaying on the boss; and (5) making one's own quality checks, etc. It is obvious that the most important condition for achieving better work performance from employees is to give them interesting worthwhile, challenging, and responsible job, to ensure that the employees are not frustrated by meaningless, disinteresting and purposeless tasks, fundamental rethinking of both the process and purpose of management is necessary.

Koontz and O'Donnell have suggested the following to ensure job enrichment:

- (a) giving workers more latitude in deciding about such things as work methods, sequence, and pace or by letting them make decisions about accepting or rejecting materials;
- (b) encouraging participation of subordinates and interaction between workers;
- (c) giving workers a feeling of personal responsibility for their tasks;
- (d) taking steps to make sure that people can see how their tasks contribute to a finished product and the welfare of the enterprise;
- (e) giving people feedback on their job performance preferably before their supervisors get it; and
- (f) involving workers in analysis and change of physical aspects of work environment such as layout of office or plan, temperature, lighting and cleanliness.

Delegation of Authority

A very common technique being advocated for motivating employees is delegation of authority. Delegation of the rights and obligations to execute a given task very often proves to be a strong motivating force.

Job Security

Job security is one of the good promoters of organisational efficiency and economy. The employees feel responsible and committed to the work as long as their job security is ensured. They would be more attached with the organisation and its day-to-day activities.

Status and Pride

Status and pride are linked with the organisational set-up. Age of the organisation and its reputation in the society will also motivate the employee. Employees working in the well reputed organisation will be motivated better than the employees of other institutions. They feel proud of their employment in the organisation.

Participation

Participation is an individual's mental and emotional involvement in a group situation that encourages him to contribute to group goals and to share responsibility for them. Employees' participation yields their personal commitment and involvement in accomplishing organisational goals. It also produces flow of communication for informal work force. Self-guidance and monitoring in the employees may be expected. Produce high degree of mutual respect and trust among organisational members. A high degree of confidence is shown in subordinates which facilitates interpersonal process.

Congenial Work Environment

Motivation is some form of exchange between the individual and his work environment. The congenial work environment gives to the individual sets of preference or values which constitute the goals towards which the instinctual drives are expressed. Further, the work environment is the source of norms of behaviour which draws the lines between good and bad, right and wrong, legitimate and illegitimate.

Check Your Progress 1

Note: i) Use the space below for your answers.

ii) Check your answers with those given at the end of this unit.

1) What are the various meanings of Motivation?

.....

.....

.....

.....

.....

2) What are the objectives of Motivation?

.....

.....

.....

.....

.....

3) What are the factors of Motivation?

.....

.....

.....

.....

.....

25.6 MEANING OF MORALE

Though the organisation's focus is always on performance, based on cost-benefit approach, it was felt imperative to consider the issue of morale in a wider perspective. From the institutional point of view, the problem of employee's morale is that of stimulating a feeling of togetherness, a sense of identification with the job. It is more conducive to the achievement of institutional goals. It is important because performance and efficiency of operation depends upon employee's morale. To attain these high standards of morale it is essential to enlist the feelings of employees and their abilities in the work.

'Morale' is an attitude of satisfaction with desire to continue in and willingness to strive for the goals of a particular organisation. There are two important elements. Firstly, that the individual shares the purpose which gives him enthusiasm, energy and self-discipline. Secondly, the responsibility of the authorities to infuse the feeling of togetherness, a sense of identification and his consideration for other members of the institution.

Further, morale is viewed as 'the capacity of a group to pull together persistently and consistently in pursuit of common purpose'. This capacity is subjective and differs from person to person depending upon the people's interest in a particular work. This capacity is inherent in every individual and is seen in their attitudes towards particular work.

25.7 TYPES OF MORALE

There appear to be two groups of morale i.e.,

a) Individual and b) Group morale

Individual Morale

The components of morale are still rather elusive, despite growing agreement upon several generalisations. One of these generalisations is that the group climate must provide opportunity for individual self-expression or self-accommodation by the members of the group. Another is that the occupational context must furnish outlets for the individuals pride in his own workmanship. Still another and more important is that members of the group must find it easy to accept the purposes and values of the group as their own so that they have a sense of belonging to the group or identity with it. All these may be described as individualistic bases of morale.

Group Morale

Hawthorne studies pointed out, pride in group is an important component of morale. Employees like to belong to be part of and be accepted by the group even where and employee dislikes the actual work itself. He may have high morale, stemming from his pleasure of group with his group work. Where there is a well integrated group, there would be high group morale, as well as individual morale. Since good supervision correlated with good group morale, special attention should be paid to the training programme of supervisory staff. Whether it is group or individual morale, it must be evaluated from time to time in the interest of the organisation.

25.8 FACTORS EFFECTING MORALE

There are four factors which effect the morale of the employees in an organisation. They are as follows:

- i) The organisation itself
- ii) Nature of work of employee
- iii) Supervisory techniques
- iv) Fellow employees

Let us discuss each factor in a detailed manner.

The Organisation

As a practical matter morale is based upon the understanding that an employee's future depends upon the success of the organisation, and that the efficient service leads to high pay, job security, and promotions. Employees morale cannot be exploited by authoritarian attitude of the organisation. Employees morale must be won through sound personnel policies. Through benevolent paternalism, employees can be made happy, loyal and grateful. To maintain employees morale every organisation is required to ensure the following:

- a) A proper human relations programme
- b) Survey of employees attitude should be undertaken to initiate corrective action
- c) The findings of attitude surveys should be communicated to employees to gain their faith in the organisation
- d) Free flow of information to and from the employees and among employees.
- e) A reward system for good work.

Nature of Work

Employees want jobs that match their needs, values and personalities. Studies have shown that employees who undertake a job that requires the use of skills derive a sense of competence from mastering. Employees will be happy when they believe themselves to be competent in performing meaningful work. Since most employees strive to master important activities of their lives, it is not surprising that mastery of skills performed on the job involved a certain amount of pride. Work, for most people, is the most important activity which influences their self-esteem. Tedious, boring and routine work will not contribute morale building.

An important step in the morale-building programme is to instill in supervisors the need for applying human relations in supervision. Supervision must help the employees to enjoy the anticipation of future satisfactions of their drives rather than the whim of the moment. The major failure of poor supervision is the failure of supervisor to understand emotions. To boost up the morale supervisor should be democratic and allow participation of employees in running the departmental affairs. Supervisor should be fair and impartial in dealing with his assistants. He should also build up the pride of the employee in his work by explaining its importance and giving recognition for good work. He should learn to apply positive discipline, which corrects by showing right way and does not restrict the individual employee who is being brought into line.

Fellow-employees' Interaction

In the socialisation process of the institution, co-employees interaction influences employees' morale a lot. Formal training, institutional rules and regulations may not be sufficient for the new entrants in understanding their role expected by the institution. Co-employees' informal assistance, fraternity, cooperation will help the new comers in performing their work assigned by the institution. Fellow-employees' non-cooperation, jealous attitude, carelessness create undesirable work environment. Even the competitive spirit and undertaking of a work of challenge will arouse positive sentiments among employees when there is interaction. It also raises the group morale.

25.9 EVALUATION OF MORALE

Whether of an individual or a group, the level of morale must be observed and expressed largely in terms of complex reactions. Most employers who are concerned with employee morale recognise the necessity for careful analysis of all expressions of employee reactions. There are several methods of survey of morale. Some of the methods are as under:

Attitude Survey

These surveys depend upon questionnaires, which are administered orally or in writing from any employees. By answering these questionnaires, employees indicate their attitude towards a wide range of conditions related to their work. Analysis of their replies provides a guide to general levels of morale as well as more specific indications of their likes and dislikes in the prevailing employment situation.

Morale Interviews

By frequent and periodic interviews with employees their morale can be assessed. In these visits, the interviewer encourages the employee to speak freely and frankly in respect of his job, his supervisors, his fellow employees, and any other conditions affecting his employment without any fear or hazard to his status in the organisation.

Spies and Informers

In earlier times the employers are used to hire spies and placed them in various departments for the specific purpose of finding out what employees thought of their jobs and of working conditions in the organisation. After formation of employees unions and associations this practice was almost given up and it became outdated.

Morale survey methods are varied from one organisation to another. However, it all depends upon the nature of the work of employee, organisation, authorities' outlook, and size of the organisation etc.

Indices of Morale

Morale, as it is an attendant condition of an activity rather than an activity itself, can be measured only indirectly. The following are some of the indices of employee's morale.

- a) **Absenteeism:** Where there is high morale, employees make efforts to be on time and avoid absence. A high rate of absenteeism indicates poor morale.

- b) **Turnover:** Sometimes greater turnover of labour may be included in the indices of poor morale. It may not be true in all cases. Young employees in unskilled jobs have higher turnover rate than older employees in higher positions.
- c) **Grievances:** Some grievances may arise out of poor morale.
- d) **Output Level:** High level of output may indicate high level of morale but the output may be increased even by fear. The employees with higher level of morale may produce low output due to substandard tools or deliberate plan to restrict output. These may not be the proper measuring rods of morale. But the level of output will also exhibit the level of morale.

25.10 MEASURES TO IMPROVE MORALE

Morale is not static. It is subject to daily, or even to monetary fluctuations. It is also subject to long-term secular trends. It is useful to think of long-term morale trends as responses to pressures and supports. Usually policy on morale seeks to develop and maintain high levels of morale among employees through appropriate means.

The following measures are suggested for morale building.

Job Satisfaction: The personnel policy should make jobs as interesting and satisfying as possible; it tends to encourage a favourable and enthusiastic group action.

Job Training: Job training, orientation, education, apprentice training and a broad variety of general educational efforts will help in building up employees' morale.

Recognition of Aspirations: Recognition of individual aspirations and goals, and definite provision of means by which such goals can be achieved will go a long way in boosting morale.

Unrest: A careful study must be made on various indices of employees unrest, with the ultimate objective of constructive guidance and action.

Counselling Interviews: Counselling Interviews help to discover the feelings of employees.

Opportunities: Promising opportunities like good promotional avenues, good working conditions, satisfactory remuneration and other benefits for personal development.

Relations: The supervisory staff should ensure, human relations, informal relations, fact finding and adopt participative and employee orientated attitude.

Facilities: Apart from the above measures, the facilities like, transport, housing, health, family welfare, children's education, and other recreational facilities would also help in building up employees morale.

Check Your Progress 2

- i) Use the space below for your answers.
 - ii) Check your answers with those given at the end of this unit.
- 1) What is Morale?

.....

.....

.....

.....

.....

- 2) What are the factors effecting Morale?

.....

.....

.....

.....

3) What are the measures to improve Morale?

.....

.....

.....

.....

.....

25.11 LET US SUM UP

Motivation and morale are the two sides of a coin. In fact, the level of performance of an individual is a function of both motivation and morale, the former determines what one will do while the latter determines what one can do. Morale is an outcome of motivation. Motivation is an internal mechanism, which results in one's willingness to devote time and energy to the needs of an organisation. Many behaviouralists like Maslow and Herzberg have examined the problem of motivation, and they have observed that the ultimate objective of motivation is to work for betterment of organisation and individual as well.

For the management, it is unavoidable to pay a considerable attention towards maintenance of high level of morale among their employees. Factors influencing morale are various. The problem of an organisation will become the base for selection of the factors that motivate employees to work with morale. Fluctuation in levels of employees morale is not unusual. However, the type of motivation will be the responsible factor for such changes. The primary responsibility of all personnel managers is to see that the desired level of morale is maintained among their employees by periodical check up.

25.12 KEY WORDS

Behavioural Approach: The human relations approach and behavioural approach broadly deal with the man as a focus, while the former deals with the relationships among the people working in organisations, the latter with the 'inside' human being with focus on the place of his values and rationality in the working of an organisation.

Human Relations Approach: This approach devotes its attention to the man in the organisation and the informal relations that govern the organisations activities.

Self Accommodation: An act or process by which individuals or groups attempt to adjust or modify their attitudes, values, roles or behaviour patterns in order to internalise or otherwise come to common terms with the various aspects of an organisational or social environments.

25.13 SOME USEFUL BOOKS

Chatterjee, N. N., 1978. *The Management of Personnel in Indian Enterprises*, Allied Book Company; Calcutta

Dale Yoder, 1959. *Personnel: Principles and Policies*, Prentice Hall : England

Dubin, 1970. *Human Relations in Administration*. Prentice Hall of India : New Delhi

Glenn, O Stahl, 1971. *Public Personnel Administration*. Harper and Row Publishers; New York

Goel S.L., 1984. *Public Personnel Administration*. Sterling Publishers: New Delhi

Marx, F. M., 1971. *Elements of Public Administration*. Prentice Hall : New Delhi

Pigors Paul & Charless, A Myer, 1973. *Personnel Administration: A. Point of View & a Method*, McGraw Hill: New York.

Strauss & Sayless, 1960. *Personnel: The Human Problems of Management*, Princeton Hall : England

25.14 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

1) Your answer should include the following points:

- Motivation is derived from the latin word 'em overe' which means 'to move'.
- Motivation is the complex of forces starting and keeping a person at work in an organisation.
- Motivation is something moves a person into action and continues him in the courses of certain already initiated.
- Standlay Vance opines that 'Motivation' implies any motion or desire which so conditioned one's will that the individual is propelled into action.
- Dale and Beach felt motivation as 'a willingness to expend energy to achieve a goal or reward'.
- Shartle opines motivation as 'a reported urge or tension to move in a given direction or to achieve certain goals'.
- According to the above definitions motivation is considered as the art of stimulating people to take desired course of action.

2) Your answer should include the following points:

- According to B. F. Skinner motivation objectively exists to make an individual learned what may be regarded as positive behaviour i.e., desirable behaviour.
- Abraham Maslow observes that the objective of motivation is to create a need always for an individual.
- Federrick Hergbeg felt that the important objective of motivation is to provide opportunities to become more expert in one's job, to handle more demanding assignments, to control one's own work rather than be supervised.
- McLelland opined that the objective of motivation is to create a strong desire in an individual, where he derives a special kind of joy in successfully attaining an objective in accomplishing a task, in facing up to a challenge rather than monetary or other rewards.
- Victor Vroom thinks that motivation should work as a means of communication for increasing positive values in the employees.

3) Your answer should include the following points:

- Job enlargement
- Job enrichment
- Delegation of authority
- Job security
- Status and Pride
- Participation
- Congeniai work environment

Check Your Progress 2

1) Your answer should include the following points:

- The problem of employee's morale is that of stimulating a feeling of togetherness, a sense of identification with the job.
- Morale is an attitude of satisfaction with desire to continue in and willingness to strive for the goals of a particular organisation.
- Morale is viewed as the capacity of a group to pull together persistently and consistently in pursuit of common purpose.

2) Your answer should include the following points:

- The organisation itself
- Nature of work of employees
- Supervisory techniques
- Fellow employees

3) Your answer should include the following points:

- Job satisfaction
- Job training
- Recognition of aspiration
- Unrest
- Counselling interviews
- Opportunities
- Relations
- Facilities