# **Department of Personnel and Training (DoPT)**

# **Deputation of All India Services Officer - Proposal for Change in Rules**

**Relevant to M&M - GPA**

**Introduction**

* Recently, the Department of Personnel and Training (DoPT) wrote to the States that the Union government proposes to amend Rule 6 (deputation of cadre officers) of the Indian Administrative Service (Cadre) Rules 1954.
* Under this, the Union government will acquire for itself overriding powers to transfer IAS and IPS officers through Central deputation, doing away with the requirement of taking the approval of the State governments.

## The number of IAS officers on CDR has gone down from 309 in 2011 to 223 as on date. The percentage of CDR utilisation has gone down from 25 per cent in 2011 to 18 per cent now.

* **Federal Nature of All India Services (AIS)**
* Officers: AIS officers are recruited by the Union Government (by UPSC) and their services are allotted under various State Cadres. Hence, they have the accountability to serve both under the State and the Centre.
* However, the Cadre Controlling Authority of AIS is the Union Government. The DoPT is the cadre controlling authority of IAS officers.
* Cadre controlling authority for deputation of Indian Police Service and Indian Forest Service Officers (IFoS) is the Ministry of Home Affairs (MHA) and the Environment Ministry respectively.

## Central Deputation Reserve: The State government has to prescribe a number of officers available for deputation as prescribed under Central Deputation Reserve.

## Every State cadre of the service provides for a Central deputation quota which in turn requires additional recruitment to be made to the service to provide for trained and experienced members to serve on posts in the Central Government.

## Deputation of AIS Officer and Present Rules:

## In normal practice, the Centre asks every year for an “offer list” of officers of the All India Services willing to go on central deputation, after which it selects officers from that list.

## Officers have to get a no-objection clearance from the State government for Central deputation.

## States have to depute the All India Services (AIS) officers, to the Central government offices and at any point, it cannot be more than 40% of the total cadre strength.

## Proposed Amendments:

* The proposed changes are in Rule 6 (1), which deals with Central deputation. It also provides that in case of any disagreement, the matter shall be decided by the Centre and State, or the State Government concerned shall give effect to the decision of the Central Government.

## If the State government delays posting a State cadre officer to the Centre and does not give effect to the Central government’s decision within the specified time, the officer shall stand relieved from cadre from the date as may be specified by the Central government.

## The Centre will decide the actual number of officers to be deputed to the Central government in consultation with the State and the latter should make eligible the names of such officers.

## In case of any disagreement between the Centre and the State, the matter shall be decided by the Central government and the State shall give effect to the decision of the Centre.

## In specific situations where services of cadre officers are required by the Central government in “public interest,” the State shall give effect to its decisions within a specified time.

## DoPT Stand:

## The DoPT said that it is taking this decision in the wake of a shortage of All India Services (AIS) officers in Union Ministries.

## According to the DoPT, states are not sponsoring an adequate number of officers for Central deputation, and the number of officers is not sufficient to meet the requirement at the Centre.

## Opposition by Some States:

## It is against the spirit of cooperative federalism.

## The proposed amendment would weaken the State’s political control over the bureaucracy.

## It would hobble effective governance and create avoidable legal and administrative disputes.

## Strong opposition has come from States as Several non-BJP chief ministers have written to Prime Minister Narendra Modi opposing the Centre's proposal to amend the IAS (Cadre) Rules, 1954. The proposed changes have already been opposed by 11 of the 17 states that have so far responded, with most arguing that these would kill the federal compact. The 11 states which have communicated their reservations to the proposal are Rajasthan, Telangana, West Bengal, Tamil Nadu, Kerala, Jharkhand, Chhattisgarh, Maharashtra, Odisha, Bihar and Karnataka (which is expected to revisit its stand)

## Reactions by Chief Ministers

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| Mamata Banerjee, Chief Minister of West Bengal | I find the revised amendment proposal more draconian than the former, and indeed its very grain is against the foundations of our great federal polity and the basic structure of India's Constitutional scheme….The moot point of the further revised draft amendment proposal is that an officer, whom the Central government may choose to take out of a state to any part of the country without taking his/her consent and without the agreement of the state government under whom he or she is serving, may now stand released from his/her current assignment forthwith |
| Hemant Soren, Chief Minister of Jharkhand | They promote 'unilateralism' rather than 'cooperative federalism'. I hope he will consider my request and bury the proposal at this stage itself. |
| Jagan Mohan Reddy, Chief Minister of Andhra Pradesh | The state government is in a better position to assess who all can be spared for Government of India on deputation, keeping their professional as well as personal requirements in mind |

## IAS Officers’ General View:

## Some argue that there are services that belong to Central and State Services, so for those belonging to All India Service, it should be their choice where to work.

## Many are not opting for Central deputation because they also see better career growth in the State. There is also a sense of uncertainty regarding how many actually make it to the top ranks at the Centre and who will be unceremoniously repatriated if they don’t find a way with political setup.

## "Working with the government of India gives you a very broad perspective. Serving in States and coming back to the Government of India (departments/ministries) is essential for officers for (their) personal development. They will perform better even in States and in subsequent career in government of India," Mr. Apurva Chandra, Secretary, Ministry of Information and Broadcasting, Government of India and IAS officer from Maharashtra Cadre said while commenting on the row over Centre's proposal to amend [IAS (Cadre) Rules 1954](https://www.thehindu.com/opinion/lead/drop-the-ias-cadre-rules-amendments/article38299329.ece).

## Conclusion

## This issue has always been contentious between centre and the states which needs find balance without compromising the federal structure of the Indian political system. Any move that is to be taken by the centre should be dealt with keeping state governments in confidence. State governments should also consider Centre’s problem regarding this and devise a mid-way for the win-win situation for all.

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