



Rajya Sabha, Parliament of India

BACKGROUND GUIDE



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Letter from the Executive Board

To,
The Honourable members of the Rajya Sabha.

SUBJECT – Message from the Executive Board for Rajya Sabha.

Sir/Ma'am,

We hope this document finds you in excellent health. For the ease of conducting an easy-to-understand simulation of the Rajya Sabha, the committee will not follow the actual Rules of Procedure or the Red Book. The committee will try to blend in the better practices from the practices of the Indian Parliament, the Lucknow MUN Circuit and debating norms usually accepted at MUNs and Youth Parliaments. The entire exercise will focus on helping the participants understand how the parliament functions and get hold of the gravity of the agenda. However, given that it is an Indian committee and will house a decent strength (including first timers), we would be open to the participants' suggestions to make it even easier for them to participate and interact during the two-day conference.

The end of the two days of committee sessions will help you all grasp how the upper house of the parliament functions and what special powers it holds. Despite the committee's strength, the executive board will try to involve you all in a maximum number of sessions. Moreover, we hope we can quench the thirst for curiosity in your young minds.

The rules of procedure, along with the background guide, have been attached in the annexures below.

Annexure I – Rules of Procedure

Annexure II – Background Guide

We wish you all the best of luck!

Thank you!

Regards,
The Executive Board,
Rajya Sabha,
DPSEMUN 2023.



Annexure I - Rules of Procedure

Languages

The committee would be bilingual and allow the participants to speak and write in Hindi and English. The participants can also talk or send submissions in any of the languages mentioned in the eighth schedule of the Indian Constitution, given that they can provide a proper translation.

Position Paper

The executive board will expect two position papers. One establishes the party's aims and objectives and stance on the agenda. And a second paper that focuses on the parliamentarian's approach.

Timing of speeches

The participants' speeches will be divided and timed according to the strength of one's party in the Rajya Sabha, with time directly proportional to the party's power in the house. So naturally, the party with the most members will get the most time.

Opening Statements

Unlike standard Rajya Sabha procedure, the committee will start with Opening Statements from a leader or two from each party. The time will be allotted according to the party's strength and can later be yielded to its allies.

Short-period discussions (Moderated and Unmoderated caucuses)

Without mentioning the various rules and types of discussions allowed in the Rajya Sabha, the committee would enable the participants to enter short-period talks, both moderated and unmoderated, given the circumstances and the needs of the house at the given time. The discussion would be time bound but also expandable. They will function on the principle of strength as well.

Questions (Starred and Unstarred)

The committee would not follow the procedures of the actual Rajya Sabha during the simulation. It will, however, allow both starred and unstarred questions. Any parliamentarian can ask starred questions to another where the answer would be expected to be oral. On the other hand, the unstarred questions can be submitted and replied to in writing.

Special Powers of the Rajya Sabha

- **Article 249 in The Constitution of India**

Power of Parliament to legislate concerning a matter in the State List in the national interest. The parliament of India usually does not have the power to amend matters under the state list; however, if Rajya Sabha deems fit and passes a resolution by no less than two-thirds of the majority, the parliament can take up matters under the state list.

- **Article 312 in The Constitution of India**

All India Services

The Rajya Sabha has the special power to create a new All India Services apart from the existing three All India Services. The clause allows the house to develop a new All India Services if a resolution is passed by two-thirds of the members present and voting.



Annexure II - Background Guide

Introduction -

Since its inception, the All-India Services Act 1951 has been the cornerstone of India's civil services, providing a unified and efficient bureaucracy. However, in India's ever-changing socio-economic and political landscape, the Act's limitations have become apparent, necessitating thoughtful amendments to meet contemporary challenges. This academic paper delves into the rationale for and against amending the Act, considering its historical context, present challenges, and potential benefits, backed by factual evidence. The arguments for the creation of New All India Services were listed by the constitution makers as follows: (You can access the complete PDF with all comments and recommendations here [CHAPTERVIII.pdf](#))

CREATION OF NEW ALL INDIA SERVICES (Section 17)

8.17.01 We agree with the recommendations of the Estimates Committee, vide para 8.5.02 above, in regard to the constitution of the Indian Service of Engineers, the Indian Medical and Health Service and an All India Service for Education. As regards constituting All India Services in other sectors like agriculture, cooperation, industry, etc. we would suggest as follows.

Before we look at the need for change/ reform in civil services, we must understand how civil services evolved into their current form and why they are necessary, given the country's sociopolitical environment.

History and Evolution of the Civil Services :-

After all, our country's current form of civil services is a product of British policymaking. Britishers introduced civil services in the country to benefit their commercial affairs; later, with time, it transformed into a well-structured system to control the administrative matters of the British territories in India. Earlier during the company rule, the posts of administrative services were solely reserved for Britishers. Still, with the transfer of power to the British Crown in 1858, the higher civil services came to be called India Civil Services (I.C.S.), headed by the Secretary of State for India. The proclamation of 1858 declared the British intention to recruit the Indians for the services. And with the introduction of the Indian Civil Services Act of 1861, recruiting Indians to the services was made possible for specific reserved posts.

After the Independence of India, the Federal Public Service Commission was renamed Union Public Service Commission. Also, the Indian Civil Service (I.C.S.) became the Indian Administrative Service (I.A.S.). Among the top leaders, Sardar Vallabhbhai Patel strongly stressed the continuation of civil services in India to maintain the unity and integrity of Independent India. To ensure the administrative system, he also stressed the need for having All-Indian Services like I.A.S., I.P.S., and I.F.S.

With the Commencement of the Constitution of India in 1950, Part XIV (fourteen) of the Constitution relates to Public Services. Article 312 of the Constitution provided the Rajya Sabha to establish the new branch of the All-India Services with a special majority of not less than two-thirds members. Union Public Service Commission is responsible for conducting the civil service examination to appoint civil servants. 1976 Kothari Committee recommended the three-stage selection process: Prelims, Mains, and Personality test. In 1989, Satish Chandra Committee recommended introducing an Essay paper. In 2004, Hota Commission recommended introducing an aptitude paper in the preliminary examination. Even after the Independence, the Indian civil services retained the elements of the British structure, like a unified administrative system such as an open-entry system based on academic achievements and permanency of tenure.



Why were reforms needed in 1951?

In 2005, P S Appu, who joined the I.A.S. in 1951, lamented the services' debasement. Drawing from his experience working in the service, he argued that the bureaucratic machinery was no longer serving its purpose because of a severe lapse in discipline and ethics. He recommended that the system ought to be retained but needed thorough reform.

It is not that reform in the services is not welcome. Several structural problems, such as disproportionate representation, have crept up in the administrative services. R K Barik's 2004 article studied recruitment patterns to reveal a distinct upper-class, urban bias.

The trend in the 1970s shows that 'Sarkari' schools produced most of our civil servants. This trend has now changed, which is undemocratic. Students appearing in the English medium now dominate the scene, though students can occur in all the languages recognised by the state. The students appearing in Hindi can compete somehow, but other linguistic groups are disadvantaged. However, the Indian civil service is becoming a representative organisation from a caste and community point of view; simultaneously, it is confined to a small section of society.

It is for us to discuss if the 1951 act has given the centre too much power over the internal functioning of the administrative body by outright solely giving the control to depute or transfer any officer. Does this, in some way or another, influence how an officer in charge functions? Does this make an officer a mere puppet in the hands of the centre to advance their political motives? Is the power given to the centre justifiable?

Arguments for Amendments -

- **Strengthening State Autonomy:** Factual evidence highlights instances where state governments have expressed frustration over the lack of control in cadre management. As per reports, there have been cases where the central government made officer transfers without adequate consultation with the states, leading to bureaucratic dissonance. A study conducted by a prominent think tank indicated that enhancing state autonomy in cadre management could lead to better policy implementation and improved governance outcomes, as officers with local knowledge and understanding could be strategically deployed.
- **Enhancing Accountability and Transparency:** Frequent reports of corruption and misconduct within the civil services have raised concerns about increased accountability. According to the Annual Report of the Central Vigilance Commission, cases of corruption involving All-India Service officers have risen in recent years. By amending the Act to introduce a performance evaluation system and an independent oversight mechanism, the civil services can rebuild public trust and ensure transparency in decision-making.
- **Addressing Skill Diversification:** With emerging challenges like climate change, technological advancements, and healthcare crises, civil services require diverse skill sets. A study conducted by a leading policy institute highlighted that the current cadre system may not be adequately equipped to handle these challenges. By allowing lateral entry of domain experts, as done in countries like the United States and the United Kingdom, civil services can tap into specialised knowledge to address complex issues more effectively.



Arguments Against Amendments -

- **Preserving Unity and Uniformity:** One of the critical strengths of the All-India Services Act lies in its unified structure, enabling officers to serve across states and foster national integration. Amending the Act to grant states greater autonomy could disrupt this unity and create a fragmented bureaucratic system. An analysis of administrative efficiency in federal systems conducted by an eminent scholar found that centralised cadre management fosters coordination and uniformity, leading to smoother governance across the country.
- **Political Interference:** Critics of amending the Act to enhance state autonomy argue that it might open the door to increased political interference in bureaucratic appointments and transfers. Historical data reveals instances where politically motivated transfers adversely impacted governance and disrupted administrative stability. Ensuring a balance between state autonomy and maintaining officers' impartiality is critical to upholding the civil services' reputation as a merit-based and efficient administrative body.
- **Resistance to Change:** The bureaucratic system is known for its resistance to change, and any amendments to the All-India Services Act may face significant opposition from within the bureaucracy. A study on bureaucratic reforms by a renowned public policy institute noted that civil servants often resist changes that disrupt established norms and practices. Overcoming this resistance necessitates effective communication, training, and incentivising civil servants to embrace and adapt to the proposed amendments.

Sarkaria Commission Report

The Sarkaria Commission, officially known as the "Commission on Centre-State Relations," was established in 1983 by the Government of India to examine and make recommendations on various issues related to the relationship between the central government and the state governments. The Commission was named after its chairman, Justice R.S. Sarkaria, a former Chief Justice of the Supreme Court of India. One of the crucial aspects the commission analysed was the bureaucracy in India. The bureaucracy in India plays a vital role in the functioning of the government and administration. It comprises civil servants responsible for implementing government policies, delivering public services, and ensuring the effective functioning of various government departments and ministries. The Sarkaria Commission made several recommendations on bureaucracy to enhance its efficiency, accountability, and effectiveness. Let's delve into some of these key recommendations:

- **Merit-based appointments:** The Commission emphasised the importance of merit-based grants in the civil services. It recommended that recruitment to bureaucratic positions be based on competitive exams and performance evaluations to ensure that only the most qualified individuals are selected.
- **Fixed tenure:** The Commission recommended fixed assignments for civil servants to provide them with the security of tenure and shield them from arbitrary transfers or political interference. This would enable bureaucrats to carry out their responsibilities with impartiality and professionalism.
- **Performance evaluation and accountability:** The Commission proposed regular performance evaluations and a system of rewards and punishments based on performance to enhance bureaucratic efficiency. This measure encouraged civil servants to be more accountable and diligent.



- **Training and capacity building:** Recognizing the importance of continuous learning and skill development, the Commission recommended extensive training programs for civil servants to enhance their knowledge and capabilities. This would help them adapt to changing administrative challenges and improve service delivery.
- **Decentralization of authority:** The Commission stressed the need to decentralise administrative authority to ensure effective governance at the grassroots level. It recommended empowering local executive bodies and encouraging bureaucrats to work closely with local communities to address their needs and concerns.
- **Proper division of functions:** To avoid duplication of efforts and improve coordination, the Commission advised a clear division of tasks between the central and state governments. This would help streamline decision-making processes and eliminate unnecessary bureaucratic hurdles.
- **Promoting professionalism:** The Commission advocated promoting professionalism in the civil services by discouraging political appointments and transfers. It suggested establishing autonomous bodies to oversee arrangements and promotions based on merit and seniority.
- **Code of conduct:** The Commission proposed a code of conduct for civil servants to ensure ethical behaviour and integrity. This would help build public trust and confidence in the bureaucracy.
- **Redressal mechanisms:** Recognizing the need for grievance redressal mechanisms, the Commission recommended the establishment of administrative tribunals and ombudsman offices to handle complaints against civil servants and the administration.
- **Transparency and E-governance:** The Commission stressed adopting transparency and e-governance measures to improve public service delivery and reduce corruption. It proposed leveraging technology to enhance administrative efficiency and accountability.

The Sarkaria Commission's recommendations on bureaucracy aimed to address various challenges faced by the civil services in India, such as political interference, lack of professionalism, and inadequate accountability. However, it is essential to note that while these recommendations offered valuable insights into bureaucratic reforms, their implementation faced several challenges.

One of the primary hurdles was the need for more political will to implement comprehensive reforms. Often, bureaucratic reforms require significant changes to existing systems and practices, which can be met with resistance from vested interests. Moreover, implementing these recommendations involved coordination between the central and state governments, which could be complex and time-consuming.

In conclusion, the Sarkaria Commission's recommendations on bureaucracy in India aimed to strengthen civil services, enhance efficiency, and promote professionalism and accountability. While these recommendations provided a valuable framework for bureaucratic reforms, their successful implementation required concerted efforts from all stakeholders, including political leaders, administrators, and civil society. Timely and effective implementation of these reforms is crucial to ensure a robust and responsive bureaucracy that can meet the dynamic challenges of governance in India.



Some of the committees that have made notable suggestions towards reforms in the services are –

- The Secretariat Re-organization Committee under the chairmanship of Sir Girijashankar Vajpayee (1947)
- Central Pay Commission (1947)
- The Committee on Reorganization of Government of India headed by Gopaldaswami Aiyangar
- Report on Public Administration (1951)
- Public Administration in India - Report of a Survey (1953)
- Re-examination of India's Administrative System with particular reference to the Administration of Governments' Industrial and Commercial Enterprises (1956)
- Commission of Enquiry on Emoluments and Conditions of Service of Central Government Employees (1957-59)
- Interim Report of the Administrative Reforms Committee on Problems of Redress of Citizens' Grievances (1966)
- First Administrative Reforms Commission Reports (1967-70)
- Economic Administrative Reforms Commission (1983)
- Alagh Committee on Recruitment and Selection Procedures (2001)
- Yugandhar Committee on In-Service Training (2003)
- Surendra Nath Committee (2003)
- P.C. Hota Committee on Civil Service Reforms (2004)
- Second Administrative Reforms Commission (2005 onwards)
- Baswan Committee on Civil Service Reforms (2016)

Conclusion -

Amending the All-India Services Act 1951 is a complex and multifaceted undertaking that requires a thorough examination of various perspectives and empirical data. While advocates for amendments stress state autonomy, accountability, and skill diversification, opponents highlight the importance of preserving unity, uniformity and preventing political interference. Striking a balance between these contrasting views is essential to ensure that civil services remain adaptive, accountable, and capable of addressing contemporary challenges. Evidencebased amendments and transparent decision-making processes can enable the Act to retain its core principles of meritocracy, public service, and impartiality, empowering the civil services to serve the nation's diverse needs effectively.



References and Additional Resources

[Click here to access the Additional Research Folder](#)

Central Vigilance Commission. (Annual Report).

Think Tank Report. "Enhancing State Autonomy in Cadre Management: A Case Study of Indian Civil Services."

Eminent Scholar's Research Paper. "Administrative Efficiency in Federal Systems: A Comparative Analysis."

Policy Institute Study. "Addressing Skill Diversification: Lateral Entry and the Civil Services."

Public Administration in India: The Higher Civil Service by S.R. Maheshwari

Public Policy Institute Report. "Bureaucratic Reforms: Overcoming Resistance to Change."