IAS Officers and Central Posting

What is the issue?

The Centre has proposed amendments to the IAS (Cadre) Rules in order to exercise greater control in central deputation of IAS officials.

How did the present AIS evolve?

- It was Sardar Patel who had championed the creation of the Indian Administrative Service (IAS) and the Indian Police Service (IPS) as All India Services (AIS).
- AIS members would be recruited and appointed by the Centre and allotted to various States and could serve both under the State and the Centre.
- Patel considered the AIS essential to provide a connecting link between implementation at the field level and policymaking at the top.

What is current rule on deputation?

- Central deputation in the IAS is covered under **Rule-6 (1) of the IAS (Cadre) Rules-1954**.
- As per the rules, AIS officers are made available for central deputation through a consultative process involving the Centre, the States and the officers concerned.
- In case of any disagreement, the matter shall be decided by the Central Government.
- Every year, the States would prepare an "offer list" of officers who had opted for central deputation and the Centre would choose officers only from among those "on offer" from the States.

What is the issue between the Centre and the States?

- **Issue with the Centre**- In July 2001, the Centre unilaterally placed at its disposal the services of three IPS officers of Tamil Nadu cadre.
- In December 2020, the Centre did the same in respect of three IPS officers of West Bengal cadre.
- In May 2021, the Centre unilaterally issued orders for the central deputation of the Chief Secretary of West Bengal just before his last day in service.
- In all these cases, the States concerned refused to relieve the officers.
- **Concerns with the states' approach**- Some States withhold some of the officers who had opted for central deputation or delay their relief.
- A senior IPS officer was not allowed to join the CBI despite earlier clearance and was suspended by Tamil Nadu government in 2014 when she relieved herself from the State.

What amendments were proposed now?

- The Department of Personnel and Training wrote to state governments that various state/joint cadres are not sponsoring adequate number of officers for central deputation, as part of Central Deputation Reserve.

- As a result of this, the number of officers available for central deputation is not sufficient to meet the requirement at Centre.
- The Central Government has proposed amendments to Rule 6(1) of the IAS (Cadre) Rules, 1954 and has sought the views of State governments before January 25, 2022.
- It has said that it is **mandatory for the State government to provide certain fixed number** of IAS officers for central deputation every year.
- It requires the **State government to release such officers** whose services may be sought by the Central Government in specific situations.
- In case of any disagreement, the State Government concerned shall give effect to the decision of the Central Government **within a specified time.**

What is the response of the states?

- States perceive the proposed amendments as a serious infringement of their right to deploy IAS officers since the cutting edge of policy implementation is mostly at the State level.
- West Bengal has objected that the proposals are against the spirit of cooperative federalism and will affect administration of the state.
- The proposed amendment more or less compels a State government to offer IAS officers for central deputation even when these officers themselves may not wish to go on central deputation.
- In S.R. Bommai vs Union of India (1994), the Supreme Court held that States have an independent constitutional existence and are neither satellites nor agents of the Centre.
- In a federal setup, differences between the Centre and States are inevitable but it should be resolved in the spirit of cooperative federalism keeping the larger national interest in mind.

References

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