

WE SHALL NOT RETIRE

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During the Second World War when Britain's fortunes were at their lowest ebb and Britain was in imminent danger of being invaded by the Germans who had successfully conquered France and Belgium, Sir Winston Churchill became Prime Minister. The British Expeditionary Force and a large contingent of the French Army had been evacuated through Dunkirk and Britain virtually stood alone facing the victorious Axis Powers. The British people were demoralised and certainly it seemed as if the British Army would not be able to face a German invasion. It is at this juncture that Winston Churchill made a famous speech of defiance in which he said, "We shall fight on the beaches, we shall fight in the fields, we shall fight in the streets, we shall fight in our homes, we shall never surrender". This rallied the nation.

In a seeming parody of Churchill's defiant call it seems that the Indian Administrative Service (IAS) has replaced its motto of *Yogaha Karmashu Kaushalam* by the words 'We Shall Not Retire'. It is quite amazing how many retired officers have found reemployment as chairmen or members of various tribunals and committees, heads of organizations set up specifically for manning by retired officers, advisors to various organisations and even heads of executive organisations which have implementation functions which normally should be performed by government departments. Every administrative tribunal has retired officers as members, despite the fact that these tribunals perform functions which are quasi judicial and which should have as members officers who are in the service but who, on appointment to the tribunal, would cease to be members of the service because they would now be whole time with the tribunal. In other words, to be a member of a tribunal the officer would have to be prematurely retired on his own volition. Instead officers who have served the full tenure of government service thereafter step into a job which seems to begin only after the date of superannuation.

Another lucrative source of post retirement employment is the plethora of Commissions and Regulatory Authorities which have been constituted. The Electricity Regulatory Commission in every State, for example, is headed by an officer who retired as Chief Secretary or equivalent. Why should the post not be held by a person who is expert in tariff fixation and issues relating to consumer protection in which the user of electricity is the consumer? The Bureau of Industrial Finance and Reconstruction, which deals with sick industry, is another haven for retired officers. So is the Telecom Regulatory Authority of India. The list is endless. Many State Governments and certainly the Government of India appoint retired officers as advisors. What is it that these retired officers can do which they did not do in their long tenure of service? Is administrative wisdom a necessary byproduct of retirement, whereas the period spent in service is a worthless waste of thirty-five years of one's life?

Lest it be felt by the other services that they should rejoice because this article slams the IAS, it should be made clear that, *mutatis mutandis*, this is the position of the other All India Services also, especially the Indian Police Service. The only difference is that the work horizon of the IAS being much wider than that of other services the IAS has a much larger field from which to choose when looking for post retirement employment. However, that does not mean that other services do not hanker after and try for post retirement jobs.

The first question which comes to mind is whether we really need vast numbers of organisations belonging to but outside the main stream of government. To revert to the Electricity Regulatory Commissions, by and large this particular public utility, electricity, is still in the public domain and, therefore, most regulatory commissions mainly try and justify to the people why an Electricity Board should be allowed to raise tariff. The Regulatory Commissions, under the Acts governing them, are

equally responsible for protecting the interests of consumers. Which Commission has ever done this? In the United States the Commissions dealing with utilities such as power have large numbers of competing contenders before them and the Commission's job is to ensure that there is neither monopolistic exploitation nor competitive undercharging by the utility, which could result in the bankruptcy of the weaker players, leaving the stronger, semi monopolistic players in the field. No such regulation is ever done by an Indian Regulatory Authority because the number of players is small and they are largely in the public sector. There are ministries which control every public sector activity and there is no reason why the ministries, under the present circumstances, should not perform regulatory functions. Telecommunications and the electronic media may be the only sectors which have a number of players and, therefore, a regulatory authority may have some role to play. Even here there is no room for retired IAS officers – these Commissions should be manned by experts who understand tariff fixation and who are current practitioners and not retired people rooted in different posts.

It is not understood why government lends itself to creating organisations which by definition are to be manned by retired people. One small example of this is the model Police Bill drafted in 2006 by the Soli Sorabji Committee. In this Bill the selection of the Director General of Police is proposed to be done on the recommendations of the State Police Board which would have, among other members, five independent members from eminent persons of proven reputation from the fields of academia, law, public administration, media or NGOs, with no serving government employee being allowed to be an independent member. Obviously the independent members from the field of administration will automatically be IAS or IPS officers who have retired. The predominance of retirees is further proved by the fact that one of the members of the Board would be a retired High Court Judge. Why not a serving Judge?

In the same Bill there is a Chapter on police accountability in which there would be a State Level Accountability Commission and District Accountability Authority. The State Commission would be headed by a retired High Court Judge and would have as members, amongst others, a retired police officer of the rank of Director General of Police who has retired from another State Cadre and a retired officer with experience in public administration from another State Cadre. That straightaway creates three jobs for retired people. Similarly the district accountability authority has a retired District and Sessions Judge as Chairman and a retired senior police officer as two out of three members. That creates two more jobs for retired people, which means that there would be at least 1,200 jobs for retired people in the 600 districts which constitute India. At present police accountability is discharged by:

1. The departmental officers who have primary responsibility for ensuring discipline, good behaviour and proper performance of their subordinates.
2. Through appropriate intervention by the District Magistrate
3. Through suo motu action or recognition of complaints by organisations such as National and State Human Rights Commission, the Minorities Commission, Scheduled Caste and Scheduled Tribe Commission, Women's Commission, etc.
4. Through judicial review or intervention, especially in matters in which questions of criminal justice are involved.

It has been found that wherever, apart from the administrative accountability to superior officers, there is outside intervention the police tends to become defensive and senior officers protect even the wrong doing of their subordinates. Where, however, action is initiated from within the police senior officers feel bound to ensure the good behaviour of their subordinates. This is equally true of every

department of government across the board. Therefore, rather than find jobs for retired officers, accountability should be built into the system in which serving officers have interlocking accountability with their subordinates and, therefore, are zealous in supervising them.

The disease of continuing in Service after retirement, especially in the IAS, is endemic and is beginning to be deep rooted. Initial entry into the Service is through a competitive examination in which patronage has no say. Desirable postings bring in an element of patronage and officers begin to jockey for such a posting and to make compromises in this behalf. This reduces efficiency, encourages sycophancy and promotes corruption. If this happens during the service period can one imagine what goes on when a retired officer seeks reemployment in one of the organisations in which he probably had a part to play in creating it when he was in Service. At this level the stakes are high and there is practically nothing at which an officer will stop in order to ensure that political patronage comes his way and he can continue to hold a post with all its perquisites and privileges. One could name a certain officer who is seventy-six years old, is heading one of the Boards of Government which has no work at all, who has indifferent health and has to be escorted by an assistant all the time. Why should such a person be paid out of the public exchequer? This is not an isolated case and in the IAS the malaise of seeking reemployment has reached disgusting proportions. It is almost as if the Indian Administrative Service (IAS) has converted itself into the Never Retire Service (NRS).

As if this were not enough, the officers have even persuaded government that within the same set up some ministries, some positions should be considered as more important than others and, therefore, the Secretaries of the Ministry of Defence, Home Affairs, the Foreign Secretary, the Director of the Intelligence Bureau, the head of R&AW and the Director of CBI have all been given a tenure upto the age of sixty-two, that is, two years beyond the date of superannuation. The Cabinet Secretary already enjoys this privilege. Why is the Home Secretary more important than the Agriculture Secretary, Health Secretary or Education Secretary? Is beating up people more important than educating them? If a tenure is needed, then an officer who is fifty-eight years or less could be appointed as Home Secretary so that he could enjoy two or three years in the post before retiring. Why should a sixty years old officer be made Home Secretary and then be given two extra years in Service? The question is rhetoric in nature because the answer is simple. It is the IAS and IPS officers who jointly constitute the NRS and they have manipulated the system so that either one continues in Service beyond the age of sixty or is accommodated in other post retirement berths. What a pity, especially because it is these practices which have undermined the very foundations of the IAS and its sister Services.

A much needed administrative reform is that persons who retire from high posts equivalent to a Secretary to the Government of India, the DGP of a State or his Central Government equivalent, the Principal Chief Conservator of Forests or equivalent, or a Judge of a High Court or Supreme Court should be ineligible to hold any government post thereafter. Members of the Public Service Commission and the Comptroller and Auditor General are already so debarred. Hopefully this would make judges and senior officers more objective, more duty conscious, less pliant, more resistant to blandishments. In other words, our Rubber Spine Reggies might even acquire a backbone.
