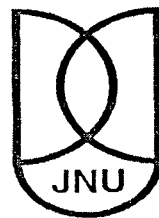


**A COMPARATIVE STUDY OF THE
INTERNATIONAL CIVIL SERVICE COMMISSION
AND INDIA'S UNION PUBLIC SERVICE COMMISSION**

Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements for the award of the degree of

MASTER OF PHILOSOPHY

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DECLARATION

I declare that the dissertation entitled "A COMPARATIVE STUDY OF THE INTERNATIONAL CIVIL SERVICE COMMISSION AND INDIA'S UNION PUBLIC SERVICE COMMISSION" submitted by me in partial fulfillment of the requirement for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

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LIST OF ABBREVIATIONS

ACABQ	Advisory Committee on Administrative and Budgetary Questions
ACC	Administrative Committee on Coordination
ACPAQ	Advisory Committee on Post Adjustment Questions
AIS	All-India Services
ARC	Administrative Reforms Commission
CAG	Comptroller and Auditor General
CCAQ	Consultative Committee on Administrative Questions
CCISUA	Coordinating Committee of International Staff Unions and Associations of the United Nations System
CEB	United Nations System Chief Executive Board for Coordination
CPSC	Central public Service Commission
CVC	Central Vigilance Commission
DoPT	Department of Personnel and Training
DPC	Departmental Promotion Committee
FAO	Food and Agriculture Organization
FICSA	Federation of International Civil Servants Association
FPSC	Federal Public Service Commission
GATT	General Agreement on Tariffs and Trade
HLCM	High Level Committee on Management
HLCP	High Level Committee on Programmes
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICITO	Interim Commission for the International Trade Organization
ICSAB	International Civil Service Advisory Body
ICSC	International Civil Service Commission
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
ILOAT	International Labor Organization Administrative Tribunal
IMO	International Maritime Organization
ITC	International Trade Centre
ITU	International Telecommunication Union
JIU	Joint Inspection Unit

JSPSC	Joint State Public Service Commission
MHA	Ministry of Home Affairs (Government of India)
MPPGP	Ministry of Personnel Public Grievances and Pensions
NGOs	Non Governmental Organisations
OBCs	Other Backward Castes
PPSCs	Provincial Public Service Commissions
PSE	Public Sector Enterprise
RTI	Right to Information
SCs	Scheduled Castes
SPSCs	State Public Service Commissions
STs	Scheduled Tribes
UN	United Nations
UNAT	United Nations Administrative Tribunal
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNESCO	United Nations Educational Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research
UNJSPB	United Nations Joint Staff Pension Board
UNJSPF	United Nations Joint Staff Pension Fund
UNOPS	United Nations Office for Project Services
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UPSC	Union Public Service Commission
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization
WTO	World Tourism Organization

INTRODUCTION

Civil service systems are described as “mediating institutions that mobilise human resources in the service of the affairs of the State in a given territory” (Bekke and Meer 2000). In the modern world, there are many different conceptions of the proper character and functions of a civil service; the reasons for many of these are historical, and it is difficult to say that any particular system is completely right or completely wrong. Much depends upon the tradition, character and physical geography of the country concerned. The civil service is well worth studying as a sociological phenomenon and not simply as a legally based structure; its system is the product not only of the long term development of institutions and political ideas but also very complex patterns of social behaviour, which are in turn linked with the economic development of the nation and people. The peculiarity of the situation emerges clearly when one examines civil services based upon a radically different philosophy.

In this chapter, an attempt will be made to explain the meaning of civil service, theories of bureaucracy, the changing nature and role of the civil service and the need for setting up of the civil service commission.

MEANING OF CIVIL SERVICE

The term ‘Civil Service’ is used to refer the public service, public administration or government administration. It may be used in diverse ways but it has more specific meaning. Dr. Herman Finer has defined civil service as “a professional body of officials, permanent, paid, and skilled” (Finer 1950: 709). To elucidate, it is a body of professional, full-time officials employed in the civil affairs of a State in a nonpolitical capacity, who choose public service as their permanent career, through training and experience they become skilled in their profession and they are opposed to amateur politicians who formulate the State policy. The term was coined in analogy and contrasted with other bodies serving the State in a full-time capacity, such as the military service, the judicial service, and the police service. Once the judicial services was included in the civil service and, the military and police services were differentiated with them as the former deal with the civil affairs of the State while the latter are mainly concerned with safeguarding of the country from external and internal dangers. But now in almost all countries judicial service has been separated from the civil service. In some countries, like United Kingdom,

and United States of America, the scientific and professional services also have been separated from it. Therefore now the term civil service refers to purely non-technical civil service.

“Civil Service” is the name of an important government institution, which comprises broadly the civilian employees of the central government; (Gladden 1956: 17) however it may include other services or employees of other level or rank which is distinct in different countries. However, certain characteristics are common to all civil services. “Briefly summarised, the requirements of the Civil Service are that it shall be impartially selected, administratively competent, politically neutral and imbued with the spirit of service to the community” (Gladden 1945: 35).

The civil service is the system, whereas the civil servant is a member of that system. He is one of the bodies of persons who are directly employed in the administration of the internal affairs of the State and whose role and status are not political, ministerial, military, or constabulary. However, he is habitually regarded as a nuisance, a bureaucrat, or even a drone. The pejorative characteristics has acquired because of the day to day bureaucratic behaviour in their service.

Civil Service and Bureaucracy

Some writers use the term bureaucracy and civil service interchangeably (Bhattacharya 2003: 308) and some explain bureaucracy as a feature of civil service (Tyagi 2001: 395). Even the term bureaucracy may be used in the sense to mean ‘just plain professional civil service’ (Avasti and Maheshwari 2002: 293) or ‘higher civil service’ (Chowdhury 1990: 25). It is also used with pejorative connotations. Though the term bureaucracy has been used in diverse ways it has more neutral meaning which simply refers to a type of formal organisation. An organisation is said to be formal when it is established in a more or less deliberate manner, indicating that people have joined efforts, or organised in order to accomplish tasks that no individual could complete alone. But not all formal organisations are said to be bureaucratic. Basically it refers to a special type of formal organisation whose structure has a number of specific characteristics which shall be discussed in the later part of this chapter.

While the term has manifold meaning and used in diverse ways, it is most widely used in a pejorative sense. In common parlance the term bureaucracy refers to the 'red tapism' and inefficiency of the officials that one often encountered in day-to-day life, while dealing with large-scale organisations, especially with a State administration. But it cannot be taken for granted. There is no single agreed definition of the term bureaucracy. People use the term to refer various phenomena. Especially because of this reason, Martin Albrow perhaps suggests that it would be better to drop the usage of the name bureaucracy instead of civil service (Bekke and Meer 2000). By using the term 'civil service' instead of the better known concept of bureaucracy, some common misconceptions can be avoided. As a matter of fact it is necessary to deal why both the terms are used interchangeably and what are the linkages between the two.

The major factor is that the civil services are organised upon standard bureaucratic lines, in which a chain of command stretches in Pyramid fashion from the lowest offices to the highest. This command implies superior-subordinate relationship in which their offices are marked by fixed positions, with well-defined duties, specific powers, and stories and privileges objectively assessed. In this context, if Bureaucracy is understood as a Pyramidal or hierarchical system, then civil services mean the staffing of this system (The New Encyclopedia Britannica 1974: 667).

Max Weber is considered as the founding father of the theory of bureaucracy (Singh 2000: 159). While the term bureaucracy used in diverse ways, especially used in a pejorative meaning, Weber did not have a negative view of that term. For him it meant a rational and hierarchical organisation, based on division of labour and knowledge (Mises 2002: 14). In this meaning, bureaucracy is not to be confused with the civil services (Bhattacharya 2003: 79). It refers to the sociological concept of rationalisation, for which Weber has a keen eye. According to him, bureaucracy is the most efficient form of administrative organisation, because "experts with much experience are best qualified to take technically correct decisions, and become disciplined performers governed by abstract rules and coordinated by the authority hierarchy fosters a rational and consistent pursuit of original objectives (Blau and Scott 1963: 33).

THEORIES OF BUREAUCRACY

It is necessary to understand the theories of bureaucracy to have a clearer idea of civil service because of the close linkage between the term bureaucracy and civil service and because they have been used interchangeably. Classical writings on bureaucracy can be traced to several sources but all of them can be identified and organised with a common and recurrent preoccupation on the subject: “this was to enquire into the impact of the growth of large-scale organisations on the power-structure of society” (Mouzelis 1975: 7). The central concern on which the theories developed was to find out whether bureaucracy is still an administrative apparatus for the implementation of social goals and also to find out whether it has become itself the master dictating the general goals to be achieved. The major contributions to the classical theories of bureaucracy are made by Karl Marx, Max Weber and Robert Michels. Classical theories are crucial for understanding the basic assumptions by dealing bureaucracy systematically (Mouzelis 1975: 7).

Of all the three theories, Weberian formulation of bureaucratic theory shall be highlighted in this chapter for two specific reasons. Firstly, it is still the single most dominant model in spite of criticisms and it cannot be completely written off from any form of government (Balaram 2000: 157). The second reason is to check whether the characteristics delineated by Weber are employed in the international civil service and India’s civil service in the subsequent chapters. Other two theories, the Marxist and the Oligarchic theories, shall be dealt briefly to contrast with the Weberian model of bureaucracy.

The Marxist Theories

Karl Marx’s work is mainly concerned with the concept of class rather than the concept of bureaucracy. Nevertheless, it was Marx who did first attempt to explain bureaucracy in a scientific manner ever before Max Weber (Basu 1994: 123). Marx studies bureaucracy as an integral part of the exploitative social system in the context of the capitalist State. He derives his thesis about the nature and development of bureaucracy from the bureaucratic relationships existing between the power-holding institutions (capitalist society) and social groups subordinated to them (dominated/oppressed class of that society). Marx’s reflections on bureaucracy came out as critique of Hegel’s views on bureaucracy (Datta 1991: 278). Hegel conceived

bureaucracy as a bridge between the State and the civil society and further he regarded it as the medium through which particular interests were translated into general interests. But Marx argued that the bureaucratic administration is merely an instrument in the hands of capitalist/dominant class which as a whole has a corporate particular interest to defend against other specific corporations and classes in society. In Marx's opinion, the bureaucracy will wither away with the proletarian revolution and the advent of a classless society of the State (Mouzelis 1975: 10). This 'withering away' must be conceived as the gradual absorption of bureaucracy into the society as a whole. It means that, in the communist State the functions of bureaucracy will be performed by all social members. In the communist society, as conceived by Marx, there will be no division of labour and hierarchy. It is only in such a society that a really democratic administration can exist (Mouzelis 1975: 11). Following Marx, both Lenin and Trotsky have tried to interpret Soviet bureaucracy in a way that could be compatible with Marxism, by elaborating it further in certain aspects (Mouzelis 1975: 14).

The Weberian Model of Bureaucracy

Max Weber, an eminent German Sociologist, carried out a systematic study of Bureaucracy as an organisational model. His bureaucratic model continues to be the dominant paradigm in public administration. In order to understand his conceptual framework of bureaucracy, first it is necessary to understand his theory of domination (Mouzelis 1975: 15). According to him, authority is synonymous to 'authoritarian/Authority power of command' and he called it domination, which refers to a power relationship between the rulers and ruled, and a number of beliefs that legitimise the exercise of power. He defined power as "The Probability that one actor within a social relationship will be in a position to carry out his own will despite resistance" (Weber 1974: 152). Authority, on the other hand, is defined as "the Probability that a command with a given specific content will be obeyed by a given group of persons". Thus, Power is a situation where an individual can compel another person to do certain things against his will. Authority is a situation where a person willingly complies with legitimate commands or orders because he considers that a person occupying a superior position has a right to direct him. Weber identified three principles of legitimation which define three pure types of legitimate authority (Weber 1974: 328).

Charismatic Authority

The term 'charisma' which literally means the gift of grace, is used by Weber to characterise self-appointed leaders who has an exceptional quality and by virtue of that he is obeyed (Gerth and Mills 1948: 52). In such a type of authority, the administrative apparatus is very loose and unstable. And also it is said to be irrational in the sense it is not managed according to general norms, either traditional or rational, but, in principal, according to the personal trust in the leader and his revelations.

Traditional Authority

According to Weber, the Traditional Authority refers "on an established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them" (Weber 1974: 328). Thus, the traditional leader is a master who commands by virtue of his inherited status. In other words, the obedience under this system is owed to the ruler who occupies the traditionally sanctioned position of authority and who is bound by tradition.

Legal Authority

In Legal Authority, legitimation of domination is based on the belief in the rightness of law. Thus, people obey the laws because they believe that these are established legally which is rational in character. The members who exercise the power are the superiors and are appointed or elected by legal procedures to maintain the legal order.

Of these three pure types of authority, Weber preferred the legal type of authority of domination because of the inherent rationalities in it. He also claims that legal type of authority or domination alone is suitable for the modern governments and designed his model of bureaucracy keeping the 'legal-rationality' in mind.

Characteristics of Bureaucracy

Weber described the characteristics of bureaucracy but never defined it (Lakshmana and Rao 1991: 80). On the basis of authority, Weber categorised bureaucracy into two types (i) Patrimonial bureaucracy found in traditional and charismatic types of authority and (ii) legal-rational bureaucracy found only in legal type of authority. The characteristics of legal-rational bureaucracy are popularly

known as Weberian model of bureaucracy. This concept of rational bureaucracy is played off against the Marxist concept of class struggle. His model of legal-rational bureaucracy has the following characteristics (Greth and Mills 1948: 196-98).

- 1) The administrative agency functions in accordance with fixed rules and it has clearly defined sphere of competence. A specified sphere of competence involves: (a) Spheres of obligations to be performed by the officials are defined, (b) Necessary authority is provided to the incumbent to carry out the obligations, and (c) Necessary means of compulsion are clearly defined to fulfill of the duties and the rights through which it is carried out.
- 2) The officials are organised on clearly defined hierarchical system.
- 3) The office is managed on the basis of written documents.
- 4) The business of office usually goes through an expert training on a continuous basis.
- 5) Officials are accountable for use of official resources and do not own it just because of rendering the duties.
- 6) They are subject to strict and systematic discipline and control in the office by following general rules.

Apart from the above characteristics of bureaucracy, Weber also discussed in detail the characteristics of officials as follows (Lakshmana and Rao 1991: 81):

- 1) He is an appointed official on the basis of a contract, who is personally free, i.e., he is not a servant to anybody personally.
- 2) He executes the official duties loyally and exercises authority delegated to him in accordance with impersonal rules.
- 3) He is selected on the basis of technical qualification.
- 4) His administrative work is his full-time occupation.
- 5) He is remunerated by a regular salary and rewarded by prospects of regular advancement in a lifetime career.

Max Weber called his formulation of bureaucracy as 'ideal type'. The concept of the 'ideal type' is not only employed in the work of bureaucracy but it is encountered throughout his work.

Ideal Type

The 'ideal type' is a key term in Weber's methodological discussion and it has been the main source of inspiration for many who discussed it widely. It is a mental construct and "in its conceptual purity this mental construct cannot be found empirically anywhere in reality" (Weber 1947: 90). It doesn't mean that the purpose of an ideal type was to put forward an utopia, or even a recommended system of rule, neither was it intended to convey the 'average' or common characteristics of different

systems of government. Rather, the ideal type was intended to present reality in a pure and abstract form so that the relationship between features of the abstracted ideal type could be examined and then applied to actual empirical experience to see how it deviates from the ideal type. Thus, in brief, ideal type refers to the construction of certain elements of reality into a logical precise conception. To end, according to Weber, an ideally rational organisation meant an organisation performing its tasks with maximum efficiency (Mouzelis 1975: 46).

Criticism

The Weberian model of bureaucracy has been criticised on the following grounds (i) It ignores informal, irrational, effective and dysfunctional aspects of the bureaucratic behavior; (ii) Whether the model can attain maximum efficiency as visualised by Weber? (iii) To what extent does Weberian model suit the administrative requirements of different places and changing times; and (iv) the ideal type formulated by Weber is not useful to analyse empirically.

The above points of criticisms will be delineated here. The theorists who came after Weber conducted empirical study in organisations and found that various other elements like informal relations, group tendency, unofficial practices etc develop among the members of the organisation, and these are highly significant in achieving the predetermined organisational goals (Chowdhury 1984: 180). Robert K. Merton is the most important among the dysfunctionalist critics. Merton blames Weber for ignoring the dysfunctional aspects of bureaucracy which is clear in his statement: "...the positive attainments and functions of bureaucratic organisations are emphasised and the internal stresses and strains of such structures are almost wholly neglected" (Merton 1968: 197).

The second type of critic is based on its efficiency. Since many of the structural characteristics of bureaucracy are inconsistent, critics observed that it may not attain organisational efficiency as analysed by Weber. According to Simon and Barnard, only through informal relations the efficiency is achieved (Lakshmana and Rao 1991: 86).

Peter Blau is one among the critics who believed that Weberian model of bureaucracy cannot be applied to administrations of different places and changing

times. Organisation is not organised in a vacuum, thus it changes accordingly to the condition of perpetual environment. So the characteristics said by Weber may go irrelevant at this point of time and also it may differ according to different places (Lakshmana and Rao 1991: 85).

Weberian model of bureaucracy has often been criticised for presenting an idealistic conception of bureaucracy which is not useful to analyse empirically (Blau and Schoenherr 1971: 34). Moreover, some critics observed that the characteristics of ideal type of bureaucracy are not found in organisations which are manifestly bureaucratic in Weber's sense and hence they should not be included in the concept of bureaucracy.

Of the above, the most influential writing of Weber's bureaucracy, *Wirtschaft and Gesellschaft* (Economy and Society), was part of an unfinished work posthumously published in 1922. So, one must always be cautious when using Weber in discussions of bureaucracy for the above reasons. If there are much criticism and certain problems in applying a perspective of Weberian analysis of bureaucracy, why should it be used here? Precisely for two good reasons, Weberian theory can be employed. Firstly, though Weber's work is unfinished and there is no complete theory, he left a fairly comprehensive set of concepts which could be used to analyse bureaucracy comparatively (Page 1985: 4-5). Weber himself didn't consider his ideal type as a theoretical model, that is as a set of interconnected hypotheses which can be validated or rejected by empirical research. To reiterate, ideal type of bureaucracy is the selection and conceptualisation of empirical data in finding the typical aspects of a certain type of administration, which were selected in an inductive way. Secondly, Weber's model of bureaucracy is still considered to be a dominant theory and provide bases for all subsequent theories. Though there is anti-bureaucratic stance among many sections of society, it is difficult for any one to write off completely. His work provides both a conceptual scheme and its significance for administrative efficiency (Blau and Schoenherr 1971: 58).

Oligarchic Theories of Bureaucracy

Scholars after Weber started to analyse the bureaucracy more in terms of domination and power than as a type of organisation. Thus they departed from the definition of bureaucracy as defined by Weber. If Marx conceptualised bureaucracy

as an oppressive tool in the hands of the dominant class; and if Weber analysed and formulated the ideal type of characteristics of bureaucracy and its impact on political structure of society; it was Robert Michels and his followers who perceived bureaucracy as an Oligarchic system of political domination because of the increased bureaucratisation of modern society and by the rise of totalitarian regimes in the East and West (The New Encyclopedia Britannica 1974: 489).

Michels analyses on the internal politics of large scale organisation was an impact of the most striking theses of Machiavellian's elite domination and the meager chances of democracy or a classless society in the modern world (Mouzelis 1975: 26). In his famous work, "*iron law of oligarchy*," he discovered the uneven distribution of power i.e., the concentration of all power at the top of the hierarchy and the leader/elite becomes a dictator in the modern society. He was one among the first theorists who tried to link increasing bureaucratisation with the oligarchic tendencies in the modern State. His observations were based on the German Socialist Party (which was supposed to be organised along democratic principle), where the rules are against the ideal and principles. On the basis of his extensive study on the internal structure of that party, he concluded and generalised that "all big organisations tend to develop a bureaucratic structure which rules out the possibility of internal democracy" (Mouzelis 1975: 27).

He postulates the following reasons for his conclusion. First, there is no participation of the rank and file of the organisation in the political process of policy making, which is expected to be in a democratic organisation. This kind of tendency makes the leader's power position impregnable, in turn makes him irreplaceable to the organisation. It makes the leader to use the whole network against any potential rival and ultimately leads to complete alienation of the rank and file from the organisation and perpetuates the leadership of the person in power.

Secondly, once the leader becomes an integral part of elite by consolidating all powers at their hand, they never consider the rank and file. When there is a clash of interest, they try to sacrifice them even their interest goes against the organisation which may deteriorate the same. In this way Michels explains the Machiavellian principle, that any dominant group in an organisation follows logic of self interest which he found in the German Socialist party (Mouzelis 1975: 28).

Finally, Michels shifts his focus from organisational politics to a more general institutional level. For him the organisational oligarchy leads to societal oligarchy. This is to be achieved by the undemocratic working of other voluntary organisations like trade unions and others. In fact, a society dominated by such large-scale oligarchic organisations eventually develops an oligarchic political regime. These organisational and social elites having a common interest in the maintenance of the status quo, joined together to form a strong power group determined to oppose any demand for change coming from the masses. In this way, Michels has thrown light on democracy – bureaucracy conflict. Other theorists who shared the views of Michels pointed more on the increasing size and bureaucratisation of the State administration which are the main threats to the parliamentary institutions of western societies.

CHANGING NATURE AND ROLE OF THE CIVIL SERVICE

The origin of the civil service can be traced far back to the history of first government in the ancient world. All traditional empires and many pre modern kingdoms developed more or less elaborate civil service – those of the Chinese, Roman, and Ottoman Empires are amongst the most familiar. Each administration has its own structure of hierarchy designed in a way to enable the monarchs to administer domains under their authority with the help of its own principal officers of State. Later an elaborate and sophisticated administrative structure was developed and disappeared, but many of its practices continue to flourish in the Eastern Empires. Civil service remained, for a very long time, in the hands of amateurs who came and went with the rise and fall of the government. So, the term civil service as understood in today's context is only of recent origin. In the course of history the civil service has undergone changes both in its nature and role in the society.

Amateur - Professional

The necessity of social control or some form of rule or government was felt by the mankind as soon as they formed social units larger than that of immediate family. But some mechanism was needed to ensure that the rules and regulations were carried out orderly. Public officials were needed to carry on the detailed administration of the State. They were chosen by a lot for one year without any rationality as suggested by Weber. For example, in Athenian State, in boards of ten, one from each of the tribes is chosen by a lot to govern (Sautoy 1957: 2). In West Africa, too, the pattern of an

embryo civil service was in existence in the traditional tribal system. The chief and his assistants organised public affairs such as administering justice, maintaining law and order, collecting funds, managing the forces of war (The New Encyclopedia Britannica 1974: 667). The offices of the executive were mostly hereditary in nature. For the exercise of functions entrusted to the executives, they were entitled to charge fees or to enjoy certain benefits. Until the administration was sophisticated under the Romans, civil service was regarded as a matter for the amateur rather than the professional (Sautoy 1957: 3); an ordinary citizen can be elected to office for a certain period or can hold the post as hereditary from his family elders.

In ancient Rome, under the Republic, the administrative structure was sophisticated and there began to appear a more professional civil service. The affairs of the State were distinguished into justice, finance and taxation, military affairs, internal affairs, and foreign affairs and it was needed highly skilled and professionals to carry out the duties effectively. During the seventeenth and eighteenth centuries a professional civil service was organised in Prussia which laid the foundations of the modern civil service (The New Encyclopedia Britannica 1974: 667). Proper methods were adopted to recruit and train the civil servants and thereby established an elaborate system of rules and procedures, rights and guarantees to the civil service. The civil service in Prussia has “acquired high authoritarian attitude whose traditions have come down in Germany even to this day” (Tyagi 2001: 396).

Centralisation - Decentralisation

At the formation of the civil service a rigidly centralised system of government was considered as the best means for ensuring stability. In Prussia, to effect the centralisation, the kings suppressed the autonomy of the cities, eliminated the feudal privileges of the aristocracy and appointed civil servants to the provinces (The New Encyclopedia Britannica 1974: 667). The civil servants were appointed by the central government and were responsible to it. A highly centralised and administrative system was developed in France with the help of civil servants, which is even to this day a basic feature of the ‘French system of government’. The basic reason to centralise the government is to put down the innumerable feudal lords and princes. This could be achieved only through highly skilled professional civil servants.

“As the administration becomes more complex, more has to be delegated by the holder of the supreme authority be the emperor, a member of an oligarchy as in Republican Rome, or a member of the assembly of the whole people as in Athens” (Sautoy 1957: 3-4). With the highly centralised authority, the supreme holders cannot do everything themselves; they must delegate some powers/authority to execute them on their behalf. Under the Roman Empire, the authority was delegated to a sub-chief called provincial Governor. He would execute the authority under the broad direction from the centre in day-to-day affairs of the State. In England, where the system was already centralised, the parliament keeps a check upon the powers of the king by bestowing more powers to the local bodies. This was because the powers were divided unevenly between the king and the Parliament.

Servant of the Crown - Servant of the State

Under the empire, the civil service was appointed on personal favour and ruled by the Emperor. The civil servants were part of the king’s household, they were literally the personal servants of the monarch and thus only responsible to him. Emperor largely depended on his own household for help in the administration of Empire and also developed a large staff of secretaries and accountants to execute the whims, for example it was the case of the Roman Empire (Sautoy 1957: 3). Even in 1929, the British Tomlin Commission defined civil service as it “includes those servants of the crown (not being the holders of political or judicial offices) who are employed in a civil capacity and whose remuneration is wholly and directly paid but of the monies voted by the parliament.’ The civil servants had no rights while they were working for the monarch. They had a set of duties to perform but not code of conduct to follow, which ultimately leads to arbitrariness in executing the functions.

A fundamental change in the status of civil servant from the servant of the crown to the servant of the State came into effect only after the abolition of monarchy and creation of a republic. In France, as a result of the French Re of 1789, the civil servant became an instrument of public power, not the agent of a person. The powers of the monarch and princes declined in some countries and in other it was totally abolished in relation to managing the affairs of the State and in turn the civil service. However, there was no great change in the civil service. The power of appointment was merely transferred from the King to his Ministers (Sautoy 1957: 7). Reforms

were made in granting rights and privileges, and the conditions of service were formalised. For example, first of such attempts were made in Prussia in the 18th century (The New Encyclopedia Britannica 1974: 671). Laws had been introduced in countries like Japan, during 1947, “that guaranteed that all public officials should be servants of the people rather than of the emperor.” Political involvement of the civil servants was also banned by some countries since they are the functionaries of State, their loyalty to their political masters might make them to lose the public confidence in their impartiality. In the UK there is a total ban on its senior civil servants engaging in any form of political activity.

Patronage/Spoil System - Merit System

Though the Kings started to fill the offices for personal favour, later it was formalised by the Politicians in the middle of the nineteenth century and it remained for quite a long time. The civil service posts were filled in return of a personal favour or a political reward. The USA is well known for practice of patronage system of civil service and next the UK. The civil service posts became merely a privilege of the political victor. This system, however, led to high degrees of inefficiency, corruption, and partisanship. The Crimean War and the Civil War brought the shortcomings of the civil services to light. In some countries the civil service posts were treated as a form of private property which could be purchased or sold. This kind of system is called as the ‘Sale of Offices’ and it was prevailed in France. The French Revolution of 1789 put an end to this system. Japan also appointed its civil servants on the basis of patronage considerations until it was reformed under the Occupation Authorities after the World War II.

Some countries followed a system of open competitive examinations from the earlier times. For example, China was undoubtedly the longest lasting; there developed the full use of civil service examinations even during the Sung dynasty (960-1279). However, the countries like the USA and the UK established the merit system just a century before. In fact, “much more ‘professional’ and merit-based were the classical mandarin systems in China, which led to their modern versions, such as the British administrative class and French State elite (Dror 1997: 9). In 1881, the President of USA James Garfield was assassinated by a disappointed job seeker and it led to discard the spoil system in that country and firmly established the

merit system. During the middle of the 19th century Britain developed a modern civil service on the basis of the recommendations made by various committees and commissions. Civil service commissions were established in the UK and the USA to control the recruitment on the basis of open competitive examinations. During 1853, when India was under the British rule, the patronage system was abolished and replaced with the establishment of 'open competitive' system of recruitment. And during 1885 Japan adopted the merit principle of recruitment. In France, only after 1946 the system was reformed under which the personnel system was centralised, a special ministry of civil service affairs was created and a special school for training the senior civil servants was set up (The New Encyclopedia Britannica 1974: 668).

Administrative Immaturity – Maturity

While the developed nations reformed their civil service over a period of time, the less developed or developing nation have no proper administrative structure as most of them were under the colonial rule. After the Second World War, many countries acquired political independence from the colonial empire but totally disintegrated from them before attaining administrative maturity. "Few of the colonial powers had laid sufficiently long-term educational plans to allow for the rapid substitution of their own civil servants by properly trained indigenous administrators" (The New Encyclopedia Britannica 1974: 670). For example, the British left a viable administrative structure in India but it was not the case with many of the Afro-Asian States like the Belgians left the Congo without proper civil service structure. However, the colonial powers had established the civil service on the pattern of their home country which fulfilled their needs in the colonies. The newly independent States emerged out of colonial empire felt the pattern difficult to cope up with their own resources, needs and mentality (Fougere 1967: 133). These new States faced major challenges like developing human resources, enhancing modernising skills, achieving efficient management services, in reforming or establishing their civil service. Lack of trained manpower, corruption in civil service, nepotism led to inefficiency in the administration and ultimately decline in administrative morality. Military rule have been introduced frequently as the last resort in many countries where the civil power has failed to cope with the problem of independence. At the time of facing such difficulties, the United Nations and other advanced countries has been assisting these developing countries in improving their administrative systems

and management practices by providing training programs and by setting up special training establishments for civil servants from underdeveloped countries. School of Public Administration in Brazil was the first of its kind and followed by an establishment of Advanced School of Public Administration in 1953 for Central America (The New Encyclopedia Britannica 1974: 670). At the request of the developing countries, temporary technical experts or civil servants were appointed to organise or reorganise the civil service under the assistance of the United Nations. Decade wise developments were made by the United Nations to improve the administrative structure and a kind of maturity was infused over a period of time.

Globalisation

“In no country is the civil service system the result of a fully implemented theoretical plan. It is the culmination of a slow evolution due less to sudden institutional changes” (Kamarck 2000: 229). Changes were took around the world in pace as the countries making attempts to reform their civil service system. Globalisation, a buzzword in the 1990s, had also affected the process of governance all over the world. At the dawn of the 21st century a large number of national governments around the world were busy in reforming their civil services. The credit for such a movement, sometimes called the “new public management”, goes to Margaret Thatcher, the then British Prime Minister during 1980s. During 1990s the movement focused on the administrative reform of the State’s core functions. “In this decade States have sought to cut the size of their bureaucracies, while simultaneously making government more efficient, more modern, and more responsive to the citizen” (Kamarck 2000: 231). The tasks at the heart of ‘new public management’ are clear and agreed: providing security, macro-economic policies, some regulatory functions, the supply of some social services, and facilitating the functioning of civic society and economic market process. Most civil service reforms are aimed at improving the performance of such governmental tasks. The consequence of such reforms is the recruitment of a new type of civil servant, the ‘public manager’, means the role of administration changed from ‘executive’ mode to ‘managerial’ mode.

The factors which led to make administrative reform central to the goals of so many countries around the world are: global economic competition, democratisation, information revolution, and the performance deficit. National reform movement

embarked on removing inefficient workers, rooting out the forms of corruption and dealing with the inefficiencies that lead to excess personnel in workplace. As the movement gained the momentum, “it is clear that many countries are looking for ways to fix the civil service system itself so that civil servants are motivated, trained and held accountable” (Kamarck 2000: 243).

Dror (1997) argues that the civil service should be developed in this 21st century that would be appropriate for what he calls as the higher order tasks of central governments which will significantly shape the future. “These include, for instance, large-scale infrastructure projects; radical changes in the nature of State itself, such as joining multistate international structures; societal architecture, such as policies on poverty; governance of the market; decisions on radically new technologies; the handling of new types of security threats; adopting positions on possibly catastrophic global issues, such as the greenhouse effect; and so on” (Dror 1997: 7). According to him, the main attributes of the 21st century civil service would include concentration on high-order tasks of the central government; super-professionalism; innovativeness and creativity; merit-elitist, but society reflecting; virtuous; autonomous but subordinated; and a strong sense of mission.

NEED FOR THE SETTING UP OF THE CIVIL SERVICE COMMISSION

At the birth of the modern civil service during the middle of the 19th century, the patronage system of recruitment was abolished and an objective method of open competitive examination for recruitment was adopted. But before adopting any method an independent body had to be established. Thus the civil service commission was established to recruit the personnel by conducting entrance examinations which was considered to be rationale. Until its establishment the Departments of the Government or the political party in power recruited the personnel on the basis of patronage criteria.

“A ‘Civil Service Commission’ is the authoritative recruiting body in a country’s civil service employment system” (Maheshwari 2002: 107). The efficiency of the administration much depends upon the performance of the competent and dedicated civil servants who are recruited by this august body. This demands that civil servants are recruited purely on the basis of merit. That is why the government all over the world adopted the ‘merit system’ of recruitment by replacing the ‘spoil

system' in a democratic set up. Selection of personnel on the basis of merit ensures public confidence in the administrative machinery. Inevitably, it has been felt that selection of civil servants on the basis of merit, free from any external pressure, can only be made through an independent authority like civil service commissions. Principally there are two schools of thought that operate behind the establishment of the civil service commissions in different countries of the world and they are what James Watson (Report of the Special Consultant to the Committee of Administration of the Civil Service 1957) calls the 'protectionist school' of thought and the 'management school' of thought. The 'protectionist school' of thought believes that politicians should be kept away from appointing the civil servants to the offices of public service because of the political patronage and favouritism. Thus to ensure merit based appointments in the civil service, the civil service commissions are established. For example, in India, the Union Public Service Commission is an independent constitutional body protected from political pressure. The later school, 'management school' of thought believes that management of public services is the "direct executive responsibility." According to this school of thought, the personnel management is one of the important functions of the chief executive. A very good example is, in the USA, the commissioners of the United States Civil Service Commission are the members of the political parties (bipartisan) until 1978 when the Commission was abolished and new independent agency was established. It is very difficult to reconcile these two conflicting attitudes of James Watson in establishing a civil service commission.

Civil service commissions were established in most of the developing countries with two fold purposes: first, "to keep the rascals out" and second, "to put the best men in" (Amin 1985: 25). Under the patronage system, the civil servants used to get appointment upon personal favouritism. Only after the inception of the civil service commissions the efficient candidates entered into the civil service on the basis of the merit.

Most of the civil service commissions were constituted in such a way as to free recruitment from political pressure. The Head of State himself directly appointed the civil service commissioners who were high ranking, well known people and had to

be differing political views. In some States the civil service commission had been provided constitutional status to maintain the integrity.

The recruitment function of the civil service commission may be defined in one sentence and it may look to be “confined to one short stage in a civil servant’s career, but nevertheless it is the most vital and pervasive control, for not only does it prevent the serious failings and malfunctions that inevitably accompany any patronage system of public appointment, but it also makes possible the imposition of a general staffing pattern upon officials recruited to many departments with differing functional requirements” (Gladden 1956: 127-28). It becomes critical in shaping, directing, operating and disciplining the governmental administration.

To recruit personnel on the basis of merit i.e., through competitive examination and to preserve the nature of merit from political influences led the countries to set up an independent civil service commission. Almost all the civil service commissions had been established to manage the recruitment of personnel, at the first instance, and gradually acquired more and more functions according to their needs. The major reason for which all the civil service commissions started to engage in the process of recruitment is that “the value of an administration depends to a great extent on the way its staff is deployed” (Fougere 1967: 219).

With the above backdrop, attempt has been made to carry out comprehensive study of both the International Civil Service Commission (ICSC) and India’s Union Public Service Commission (UPSC) in the following chapters. The second and third chapters deal with mandate, structure, characteristics, role and functions, problems and challenges, and issue of reforms in respective Commissions. These two chapters expected to provide means to carry out extensive comparison in the following chapter. The fourth chapter carries out thorough discussion on various points of similarities and differences between the two Commissions with intention of highlighting the uniqueness and peculiarities of the ICSC. According to some writers, a systematic explanation cannot be thought of without rigorous use of a comparative approach. The significance of comparative study is to produce a greater understanding of the different or similar characteristics of two or more systems in different environment. This study aims to demonstrate that though international and national civil service commissions may appear to be similar from a specifically functional point of view,

the two differ from the angle of source, nature and application of authority. The last chapter summarise the major findings of the study and ends with critical comments on what needs to be done to make ICSC more effective in meeting the challenges of global governance.

**INTERNATIONAL CIVIL SERVICE
COMMISSION**

The rudimentary elements of an international civil service were found in the international secretariats created by the international conferences, congresses and international functional organisations of the nineteenth century in Europe. Generally these secretariats were composed of national civil servants from the host country. The concept of an international civil service had a slow transformation from national to multinational to international with the advent of the League of Nations and the International Labor Organisation, both created in 1919. The recruitment of nearly 600 personnel from over 40 member States in the League of Nations took the form of a true international civil service. Though the concept had been largely created by the League "it did not spring full-blown in the Treaty of Versailles and the Covenant" (Hammarkjöld 1971: 246). Notwithstanding, its successor, the United Nations (UN) endorsed the concept of a truly international civil service in its Charter. Article 100 of the UN Charter reads as follows:

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.....Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Beigbeder (2000: 199) writes that "the concept of an international civil service was founded on two principles: (a) the allegiance owed by staff members exclusively to the international organisation that employs them; and (b) the complementary duty of member states to respect the exclusively international character and responsibilities of the staff." These concepts of impartiality and independence were based on the model of the British civil service. The architects of the United Nations system also envisaged "a single unified international civil service" (International Civil Service Commission 2000: 6). To achieve this end, in 1945, the Preparatory Commission of the United Nations had recommended the establishment of an International Civil Service Commission (hereinafter ICSC) and the same was also approved by the General Assembly in its first session. The relationship agreements were concluded between the United Nations and the specialised agencies "to develop common personnel standards, methods and agreements designed to avoid serious discrepancies in terms and conditions of employment to avoid competition in recruitment of



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personnel and to facilitate interchange of personnel” (Agreement between the United Nations and ILO 1946: Article XI). In April 1947, consultations were held by a working party of UN experts and the specialised agencies to establish the Commission but what evolved was the International Civil Service Advisory Board (ICSAB) which was set up in 1948. The creation of the Commission was “sidetracked by the necessity to consult the heads of the specialised agencies on its creation and role, a process that required some time” (Reymond and Mailick 1985: 80) and the title of the body was changed to indicate its advisory nature, as distinguished from an operational or regulatory character. Nevertheless, the idea of a strong independent Commission remained alive.

Though the mandate was purely advisory in nature, the ICSAB played an instrumental role in shaping the evolution of the United Nations common system of personnel policies and practices (Renninger 1977: 391). Through the relationship agreements between the United Nations and other international organisations they developed the common system of salaries, allowances, conditions of service, common personnel standards, methods and arrangements which are designed to avoid competition in recruitment of personnel and to facilitate the interchange of personnel. In 1963, the ICSAB was given wider terms of reference which enabled it to advise the General Assembly and specialised agencies on personnel matters.

By 1970s the international civil service had greatly increased in size and it became clear that a more centralised authority was needed for the effective coordination of personnel practices of the different organisations in order to maintain and strengthen the common system. During the period there was uncertainty over the salary scale for the United Nations system. In 1970, a Special Committee for the Review of the United Nations Salary System was created by the General Assembly resolution and it was composed of government experts. The report issued by the special committee in 1972 concluded that there was “an urgent need for a central regulatory body in the United Nations common system” (United Nations Document A/8728, Vol.I, p.46). In 1972, the United Nations General Assembly decided to establish the ICSC and asked the Secretary-General to submit detailed proposals, including a draft Statute. It was during the 29th session of the General Assembly in 1974 that the Statute was approved and the establishment of the Commission

eventually took place. The Commission first met in May 1975. Now ICSC is “the single most important body for the regulation and coordination of the conditions of service of staff” (Goossen 1990: II.1/2). It is a subsidiary body of the General Assembly.

Apart from ICSC there are other important and expert bodies/organs which work for the common system with different mandates. The Advisory Committee on Post Adjustment Questions (ACPAQ) is such an expert subsidiary body of the ICSC, which provides technical advice on the operation of the Post Adjustment system. It usually meets every year to review methodological and other technical issues related to the operation of the post adjustment system, and to make recommendations for ICSC’s consideration and approval. The United Nations System Chief Executive Board (CEB) for Coordination – formerly the Administrative Committee on Coordination (ACC) – is another important body for the common system composed of the executive heads of all organizations of the United Nations system. It is the main instrument for executive heads the UN system to coordinate their actions and policies. It is assisted by two high level committees, the High Level Committee on Programmes (HLCP) and the High Level Committee on Management (HLCM). Both the committees were created in October 2000. Until October 2000, the ACC was advised by a sub- committee called the Consultative Committee on Administrative Questions (Personnel) (CCAQ-PER) on personnel matters. The name of the committee (ACC) and the sub-committee was changed in 2001 in order to better reflect the scope of its composition and functions. Another indispensable body of the common system is the United Nations Joint Staff Pension Board (UNJSPB). Except the Universal Postal Union (UPU) all common system and other international organizations participate in United Nations Joint Staff Pension Fund (UNJSPF), which is administered through the UNJSPB. It is necessary to have a close coordination between the UNJSPB and ICSC because of the close relationship between salaries and pensions. Further, the staff disputes in the common system are administered by two administrative tribunals viz, the United Nations Administrative Tribunal (UNAT) and the International Labor Organization Administrative Tribunal (ILOAT).

MANDATE

The General Assembly created ICSC as a technical body, giving it a mandate to regulate and coordinate the conditions of service of staff in the United Nations common system by making recommendations and taking significant decisions on personnel matters. In promoting and maintaining high standards in the international civil service, the Commission should “aim at the development of a single unified international civil service through the application of common personnel standards, methods and arrangements” (ICSC 1987^a: Article 9). The Commission is to be guided by the principle set out in the agreements between the United Nations and the other organisations in exercising its functions. According to the Statute, the Commission’s mandate covers all facets of staff employment conditions like fixing the staff salary, post adjustment, allowances and benefits, staff assessment, classification of jobs and duty stations, prescribing the standards of recruitment, developing recruitment sources (human resource management), organisation of competitive examinations or alternative selection procedure, career development, trainings and programmes, staff evaluation, and development of staff regulations. However the Commission has decision making authority over only few matters which are under its direct authority. On all other matters, which are under the control of the General Assembly, the Commission makes recommendations which are only advisory in nature.

STRUCTURE

The Commission consists of fifteen members who are appointed by the General Assembly and only two of whom, the Chairman and the Vice-Chairman, serve full time. The other 13 members of the Commission are not remunerated but they receive travel expenses and per diem for taking part in the Commission’s sessions. They are appointed “in their personal capacity as individuals of recognised competence who have had substantial experience of executive responsibility in public administration or related fields, particularly in personnel management” (ICSC 1987^a: Article 3). Goossen (1990: II.1/4 – 1/5) comments that “this provision is also related to Article 6 of the ICSC Statute,” which states that the Commission is responsible to the General Assembly and that its members performs their functions in full independence and with impartiality. They must not seek or receive instructions from any government or from any secretariat or staff association of an organisation in the

United Nations common system. Members may not participate in the deliberations of any organ of the organisations on any matter within the competence of the Commission unless the Commission is requested him or her to do so as its representative. Members are also not allowed to serve as officials or consultants of any of the organisations during their terms of office or within three years after their membership ends (ICSC 1987^a: Article 6).

These provisions express the concern of independence and impartiality which was wished by the three groups - the Government of member countries, the Secretariat and the Staff association of any organisation (Lemoine 1995: 284). The Government "indeed sought an effective control over staff cost;" the Secretariat wished that "an independent expert body would relieve them of the technical tasks involved in determining levels of remuneration;" and the Staff associations expected that "an independent, objective determination of conditions of service would free them from the miserly biases of executive heads and governments" (Lemoine 1995: 283-84). To effect this wishes, the responsibility of listing of candidates for appointment to the Commission lies with the Secretary-General only "after appropriate consultations with member states, with the executive heads of the other organisations and with staff representatives" (ICSC 1987^a: Article 4). The Secretary-General also consults the Advisory Committee on Administrative and Budgetary Questions (ACABQ) of the United Nations. The same procedures apply to appoint the candidates to replace members whose terms of office have expired or who have resigned or have ceased to be available.

Members of the Commission are appointed by the General Assembly for four year term. The members are appointed in such a way that at every fourth year the term of all the members is not expired at the same time. Members may be reappointed without limit and the same is applicable to the Chairman and the Vice-Chairman. Members appointed to replace members whose term of office has not expired shall serve for the remainder of his or her predecessor's term and normally come from the same member state. The principle of equitable geographical representation is also endorsed in the Article 3 of the Statute which states that each member must be a national of different state with due regard to geographical representation.

The Secretariat of the Commission

The Commission is assisted by a Secretariat to carry out its substantive and administrative work. The Secretariat is headed by an Executive Secretary and composed of some 40 staff members. The Executive Secretary is “the chief administrative officer of the Commission,” and “he shall act in that capacity at all meetings of the Commission and its subsidiary bodies” (ICSC 1987^a: Rule 13). Under his direction, the Office of the Executive Secretary has “responsibility for development and implementation of the programme budget, coordination of the technical activities of the Secretariat, provision of administrative support to the Commission and management of the Secretariat” (ICSC 2006^a). Article 20 of the Statute of ICSC provides that the staff “shall be appointed by the Secretary-General after consultation with the Chairman of the Commission and, as regards senior staff, with the Administrative Committee on Coordination.” Such an appointed staff shall be responsible to the Chairman in carrying out their duties and shall be removable only after consultation with him or her. Article 20, however, states further that for the purpose of administration the staff shall be regarded as officials of the UN. Arrangements were made between the UN and the ICSC regarding the status of the staff of the Commission’s Secretariat during the end of 1980s (Goossen 1990: II.1/12). The Secretariat is made up of three divisions: Cost-of-Living, Salaries and Allowances, and Personnel Policies, each headed by a division chief.

CHARACTERISTICS

The General Assembly created the ICSC by providing unique characteristics which reflects in the work being carried out by the Commission in relation to the common system organisations. Some of the characteristics are also similar to that of national civil service commissions. However, the uniqueness is certainly reflected, *inter alia*, in the method of selection of members of the Commission which differs from other bodies under the aegis of the General Assembly and its geographical composition is completely unique from any other national civil service commissions in the world. Moreover, the Commission itself is first of its nature in the international organisations.

Central Position

The Commission was established in 1975 as a central regulatory body in the UN common system. The General Assembly reaffirmed the central role of the Commission within the common system by assigning a wider mandate than its predecessor ICSAB. Not only the mandate but also the procedure of the Commission has strengthened its central position in the common system. Furthermore, the executive heads of the organisations must “inform the Commission of all relevant decisions taken by the governing organ” (ICSC 1987^a: Article 24). This strengthens the Commission’s position in the common system.

Legal Basis

The formal acceptance of the Statute of the Commission by the organisations of the common system gives a legal basis for the existence and purpose of the Commission, which “was heretofore missing from the structure of the common system” (Reymond and Mailick 1985: 209). By accepting the Statute, the Commission is authorised to perform its functions in respect of the UN, its specialised agencies and other international organisations which participate in the UN common system (ICSC 1987^a: Article 1). In performing its functions the Commission has been empowered to advise and decide on a broad range of personnel policies. By adhering to the Statute of the Commission the organisations of the common system “have accepted both the power of decision of the Commission, which is supposed to be final, and the power of recommendation the outcome of which, as endorsed or modified by the General Assembly, becomes virtually compulsory even if the Assembly has no power to make decisions legally binding on the agencies” (Lemoine 1995: 283). This is entirely a new element in the common system.

Independence and Competence

A Commission that would function as an independent organ is an important concept in its creation. A higher degree of independence, integrity and competence resulted from the Commission’s membership and procedure. In 1963, the General Assembly described the ICSAB ‘as strongly constituted, independent, inter-organisational body’ in dealing with the matters of the common system. The members of the Commission are appointed by the General Assembly on the proposal of the Secretary-General, who shall compile a list of candidates after consulting first

with Member States, with the executive heads and with the staff representatives and finally with the ACABQ. (ICSC 1987^a: Article 4) Since the Commission is placed under the direct authority of the supreme organ – the General Assembly – of the UN system, it reports directly to the General Assembly. Further, “to emphasise the independence of the Chairman and Vice-Chairman, neither is a United Nations staff member and their conditions of service are established by the General Assembly” (ICSC 2000^a: 9). These procedures assure the independence and competence of the Commission as compared with that of ICSAB.

Technical and Expert Body

The General Assembly created ICSC as a technical body. As noted earlier, various expert committees have been established since the early years of the UN to tackle specific and general administrative problems. However, they are temporary in nature and are appointed by the Secretary-General or by the Member States. “Since the creation of the ICSC in 1975, the General Assembly has not felt the need to create other temporary expert groups on salary issue, a sign of the relative success of the Commission” (Beigbeder 1987: 45). Factual and technical impartiality in acquiring information is must for the Commission’s work. Unlike the ICSAB, ICSC has an independent Secretariat, made up of three technical divisions supporting the work of the Commission by performing studies and producing analytical papers (ICSC 2000^a: 11). Further the members of the Commission are appointed “in their personal capacity as individuals of recognised competence who have had substantial experience of executive responsibility in public administration or related fields, particularly in personnel management” (ICSC 1987^a: Article 3). Therefore the Commission is expected to act as an expert body in the personnel matters.

Geographical Composition

The principle of equitable geographical distribution has been the guiding principle for the composition of ICSC. The Statute of the Commission states that, of 15 members, each must be a national of a different state and be selected with due regard to equitable geographical distribution (ICSC 1987^a: Article 2). It was envisaged that all the five permanent members of the United Nations Security Council would have a seat on the ICSC. However this was never realised, because till the year

2000 China has not submitted a candidate for membership of the Commission. So the Commission represents nationals from different regions of the world.

ROLES AND FUNCTIONS:

The General Assembly established ICSC to play a key role in regulating and coordinating the conditions of service of the UN common system. The mandate of the Commission makes clear the domain in which the Commission has to play a role and how it has to be. As an advisor to the legislative organs, the Commission restricts itself by providing technical advice on several major issues. But, when the Commission has to take the decision, it “acts as governing bodies’ proxy” (Tassin 1990: 1.2/8). While taking the decisions the Commission also considers financial, budgetary, legal and even political aspects on behalf of governing bodies. Thus the Commission is both the advisory and decision making body. The powers and functions of the Commission are clearly specified in the Statute. The powers of the Commission are classified into three heads based on the reporting authority. (a) recommendations of the Commission that call for decisions by the General Assembly, (b) recommendations of the Commission that are directly conveyed to the participating organisations, and (c) decisions and recommendations of the Commission made to the UN and other participating organisations of the common system.

Scales of Salaries

ICSC is mandated to make recommendations to the General Assembly on the scales of salaries for staff in the Professional and higher categories under Article 10 (b) of its Statute. The Commission also ascertains the facts and makes recommendations on certain matters like salary scales of staff in the General Service and other locally recruited categories on the request of the Administrative Committee on Coordination (ACC) under Article 12 of the Statute.

When the Commission was established there were two major principles applied for remunerating the UN staff (both Professional and General Service) which emerged from the beginning of the League. The first is *Noblemaire* principle, named after the French delegate who was rapporteur of a special committee of the League of Nations in 1920s that proposed the conceptual basis for the salary scale for internationally recruited staff. The Noblemaire principle states that the salaries for

internally recruited, Professional and higher category staff should compare favourably with the highest paid national civil service (currently the United States federal civil service is the highest paid national civil service). This principle is applied also to the Field Service category staffs of the UN. This category has been developed by the UN for staffs employed in peace-keeping missions and in the operation of the UN telecommunications system. The rationale of this principle is to attract staff from all Member States, without any discrimination between nationalities, including the best paid (Tassin 1990: 1.2/5).

The second principle is known as the *Flemming* principle, named after the chairman of a 1949 Committee of Experts. This principle is applied for locally recruited, General Service and other locally recruited category staff, in which the salaries are based on the best prevailing conditions of employment at each duty station. It also applied for another smaller category but growing number of staff called National Professional staff which falls between the Professional and General Service categories. They are also called National Professional Officers, who are locally recruited with professional competency to perform functions within their own countries at field offices and are not subject to expatriation like internationally recruited staffs. Thus the two major principles are applied for two main categories of staffs (ICSC 2005^b: 18-19).

Since 1950 both the principles have remained in force in the UN common system and the salary scheme was developed by the main actors like the General Assembly, various ad hoc committees as mentioned elsewhere and the ICSAB. But it was completely left to the ICSC, when it was established, “to provide them with the sound methodological and administrative bases they need for effective implementation” (Reymond and Mailick 1985: 138). The role of the ICSC is to conduct the expert work necessary to identify the highest paid national civil service for determining the salary of Professional and higher category staff. So it has to keep the matter under constant review to check out the comparator and make recommendations to the General Assembly to increase pay accordingly. Regarding, the locally recruited, General Service and other locally recruited categories staff, the ICSC has to approve comprehensive methodologies to conduct salary surveys in headquarters duty stations and non-headquarters duty stations.

Post Adjustment and Classification of Duty Stations

The post adjustment is the cost-of-living adjustment designed to preserve equivalent purchasing power for internationally recruited staff in all duty stations. It is an important element in the UN common system. The net base salary and the post adjustment add up to the net remuneration. However, there is no negative post adjustment. In effect, the post adjustment system equalises the purchasing power of the UN salaries globally. Rental subsidy and deductions made to internationally recruited staff is an integral part of the post adjustment system.

Under its Statute, the Commission is mandated to make recommendations to the General Assembly on post adjustment for staff in the Professional and higher categories (ICSC 1987^a: Article 10), and shall establish the classification of duty stations for the purpose of applying post adjustments (ICSC 1987^a: Article 11). The Commission operates the post adjustment system for differences in cost-of-living and fluctuations of exchange rates vis-à-vis the US dollar between some 190 countries and territories covering about 600 duty stations with New York as the base. Under the system, the Commission review and classify the duty stations with difficult conditions of life and work after appropriate consultation with management and staff representatives of the common system organisations. Additional benefits are provided for internationally recruited staff serving at these duty stations and it may vary according to its classification. The Chairman of ICSC has to approve and promulgate any changes in the classification of duty stations (ICSC 2005^b: 20).

Allowances and Benefits

The major components of the salary – net salary and post adjustment – are not the sole elements of remuneration in the UN common system. Staff members of the UN common system are provided with various allowances and benefits as part of their conditions of service. The terms and conditions under which benefits and allowances are available to staff members are governed in accordance with the United Nations Staff Rules and Regulations. As mentioned earlier in the Mandate, ICSC has the responsibility of making recommendations to the General Assembly on the allowances and benefits which are determined by the General Assembly (ICSC 1987^a: Article 10) and it can decide on the rates applicable for other allowances and benefits other than pensions (ICSC 1987^a: Article 11). The General Assembly determines the

allowances and benefits for staff in the Professional and higher category like dependency allowances, language incentives, education grant, home leave, repatriation grant and termination indemnity. Other allowances and benefits are travel expenses, mobility and hardship allowances, assignment grant, removal and shipment costs, Mission Subsistence Allowance, hazard pay, death grant, health and life insurance, pensions and other minor benefits. The General Service staff is also entitled to such allowances and benefits but varies from that of the Professional and higher category staff. While most of the allowances and benefits are managed by the Commission, “pensions fall only to limited extent within the domain of ICSC” (Goossen 1990: II.1/24). The Commission makes recommendations in coordination with the UNJSPB (United Nations Joint Staff Pension Board), which administers the pension fund.

Staff Assessment

Staff assessment is a form of internal tax levied on the gross basic salary of the UN common system staff. It is analogous to taxes on salaries applicable in most countries. It is administered by the organisations for its benefit. However, this taxation is used by some of the organisations, particularly UN, to reimburse the income tax to the staff levied by their Member country on the net salary earned by them. Under its Statute, ICSC revise the staff assessment rates and makes recommendations to the General Assembly thereon (ICSC 1987^a: Article 10).

Job Classification

By accepting the Statute of the Commission, the General Assembly and other organisations delegated full powers to ICSC to establish classification standards for all categories of staff in fields of work common to several of organisations. For other fields of work the Commission advises the organisations on the development of consistent job classification plan (ICSC 1987^a: Article 13). The application of job classification standards is closely related to the grading structure in order to ensure equal pay for equal work, which is the basic tenet of Noblemaire principle (Goossen 1990: II.1/27). It is a method of organising jobs in a particular order, grouping together similar or comparable jobs according to the functions, skills, knowledge or experience required to do a job. It thus creates a hierarchy based structure to define

the actual duties and responsibilities of a post and the grade allocated. ICSC does a job evaluation study, an analytical process leading to job classification standards.

Recruitment

Recruitment is the starting point of an organisation's overall employment policy. Unlike national civil service commissions the ICSC do not directly recruit personnel but it prescribes recruitment standards, policies and practices for the organisations in the UN common system. Recruitment and placement/selection is not based on any sole criteria but it is based on shared principles, such as merit, geographical distribution and gender balance. ICSC has the challenging role in managing the human resources because of this peculiar nature in the international civil service. Under its Statute, the Commission is responsible for making recommendations to the organisations on standards of recruitment, including the establishment of central rosters of qualified candidates, particularly at junior entrance levels (ICSC 1987^a: Article 14). The Commission is also responsible for making recommendations on conducting competitive examinations, interviewing techniques, special measures for recruitment of targeted groups such as women and other alternative selection procedures.

Career Development

ICSC defined career as "a series or progression of work assignments within or outside the UN system coupled with a continuing acquisition of skills and experience" (ICSC 2001^a: 12). Under its Statute, the Commission is responsible for the establishment of basic policies and principles on career development. The Commission has to encourage the view of a career in a large context of benefits obtained by both the staff member and the organisation from career development programmes based on those policies and principles. Closely related to career development is the concept of mobility and promotion, which are also considered by the Commission that make recommendations to the organisations.

Training

Training refers to those opportunities provided by the organisation to enable staff to continue to acquire skills and experience in pursuing careers. In this area the Commission is responsible for developing management development training model and recommends it for application by organisations in the UN common system. ICSC

Secretariat cooperates on Staff Training to identify the training needs and evaluates training programmes. Here too the Commission has limited role of recommending the model for training and does not engage directly in providing training. The mandate of providing training for staff members of United Nations and its specialised agencies lies with the United Nations Institute for Training and Research (UNITAR), an autonomous body within the UN (Lemoine 1995: 275).

Staff Regulations

Under Article 15 of its Statute, the Commission is required to make recommendations to the executive heads of the organisations on the development of common staff regulations. ICSC has a difficult role in developing common staff regulations for all organisations in the common system precisely for two reasons. Firstly, an official who is appointed in the international organisations are “expected to loosen the natural bond of affinity to his country of origin” (Honig 1954: 179). However this cannot be effectively checked unless the staffs are regulated by clearly defined rights, duties and obligations of international civil servants. Thus through the Staff Regulations ICSC has to protect the independence of the international civil servant. Secondly, usually the staff regulations are framed by the legislative organs of the organisation and staff rules are framed by the executive heads according to their own condition. In such a situation developing common Staff Regulations for the UN common system is a formidable task.

Submission of Annual Report

Under Article 17 of the Statute, the Commission submits the Annual Report to the General Assembly, including information on the implementation of its decisions and recommendations. A copy of the report is also provided to the governing bodies of the common system, through their executive heads and to staff representatives. While the recommendations of the Commission are communicated to the UN General Assembly and the other executive heads of the organisations, the matters on which the Commission has the power of decision are communicated by the ICSC Chairman to the United Nations and the other executive heads of the organisations concerned (ICSC 1987^a: Article 24 & 25).

PROBLEMS AND CHALLENGES

As an institution of civil service, the ICSC has its share of problems, and many of them are common to most of the national administrative systems but the essences of those problems are unique to the international administration. For ICSC, the enduring challenge has been to strengthen and maintain the common system, while balancing the needs and concerns of its major stakeholders.

Issue of Salary Scale and Benefits – Professional and Higher Categories

The problem of salary scale of international civil servants has always been subject to public attention. Criticism has been voiced over the salary issue very often and particularly in the UN. The problem is to find the comparator for appropriate scale of pay, supplementary payments and deductions made by the Member States, and the competitive salary provided by the other international organisations that does not participate in the UN common system.

Before the Commission came into existence, eleven major studies and reviews were undertaken by the UN on salary system. All the studies and reviews reaffirmed the validity of the Noblemaire principle. While the Noblemaire principle is simple to state, its application raises a host of complexities and it has not satisfied all the concerned. The main difficulty in its application is of a technical nature. That is equating UN salary levels with those of comparator. As a matter of priority the Commission spent its first four sessions to review the UN salary system and reaffirmed the continued validity of the Noblemaire principle. Since the creation of the UN, the federal civil service of the USA continued to be the ‘comparator’, which had overtook the British Civil Service pay in 1945 (Lemoine 1995: 280). To attract civil servants even from the best paid national civil service the UN salaries have always exceeded the comparator’s salaries by a margin hovering between 10 to 20 per cent. In 1979, however, the Commission came to know that some countries namely Federal Republic of Germany, Japan, and the USA “were providing supplementary payments to their nationals to induce them to work for the UN” (ICSC 2000^a: 14). This issue indicated that UN salary levels were no longer competitive. But, on the contrary, the socialist countries of Eastern Europe made their nationals to remit part of their remuneration to their governments in a way to bend them to the national interest (Lemoine 1995: 184). These practices are in contradiction to Article 100 of the UN

charter and in violation of the Staff Regulations. Following the problem the Commission reported to the General Assembly about the issue and in 1982 the General Assembly passed a resolution that reminded the Member States about the violation in its practices. Nevertheless the practice continued.

Further, the issue of supplementary payments raised the question whether the US still remained as the best paid national civil service. In the early 1990's the Commission carried out a study comparing the national civil services of the Federal Republic of Germany and the USA. The study, however, did not indicate a need to change the comparator. After a review of the methodology in the mid 1990's, the Commission conducted another comparative study at which it found that the total compensation of the German national civil service was somewhat greater than that of the US federal civil service. However, the Commission decided not to change the comparator "as the German civil service was in the process of fundamental change" (ICSC 2000^a: 14). In 1991, in between this issue, a study was conducted in the European Community, OECD and the World Bank on the request of Administrative Committee on Coordination (ACC) to find out the net remuneration of Professional staff in the same job and at equivalent grade levels in other international organisations. The study indicated that the salary levels in these organisations were considerably higher than in the UN common system. Federation of International Civil Servants Association (FICSA) argued that the UN had become an 'uncompetitive employer.' In response to the argument, the Commission simply refuted the argument by saying that "such comparisons were outside the scope of the Noblemaire principle" (Goossen 1995: II. 11/22).

However, it should be noted here that the main reason for non-participation of the Bretton Woods institutions and the withdrawal of the World Trade Organization (WTO) from the common system (even from the pension fund) clearly indicates that it could not attract the best resources if it were in the common system, due to low pay and less attractive incentives (United Nations 1998). Even after a decade, the Commission in its expert opinion from the recent review of the methodology concluded that it is inappropriate to link the United Nations common system with international financial institutions, regional organisations or the private sector. It has therefore endorsed the principle of using the existing methodology for the application

of the Noblemaire principle (ICSC 2004^b: 7). This clearly indicates that the UN common system organisations could not be able to attract best civil servants, but only in relation to other international organisations and not with the national civil service as envisaged by the Noblemaire Principle. But the validity of the Noblemaire Principle itself is open to question. It should be noted here that the Noblemaire principle was established in 1920s and at the time of establishment there were no other major international organisations and thus the criterion for comparing with those international organisations was felt unnecessary. Now, in the 21st century there are numerous international organisations and regional organisations mushroomed. Shouldn't the Commission review the application of Noblemaire principle instead of reviewing the salary with the help of that principle after 85 years of its creation?

Issue of Salary Scale and Benefits – General Service and Other Locally Recruited Categories

As noted already, the Commission has the limited authority regarding the General Service and related categories as it is responsible only for the eight headquarters duty stations. The Commission's survey of best prevailing conditions of service for General Service and in accordance with the 'Flemming Principle' were held in all headquarters duty station starting from 1987 and concluded in 1991. The survey resulted in salary increase except in New York and Vienna. In New York the result was lower because of the interim payment granted by the Secretary-General before the salary surveys were implemented and so there is no problem. But in Vienna, the result is lower because of the Commission's decision to take into account a 2.4 per cent benefit representing tax-free commissary privileges available to the General Service staff in Vienna by courtesy of Austrian Government. The matter was referred by the staff associations to the ILO Administrative Tribunal (ILOAT) and in its judgement the Tribunal considered that certain privileges granted by the host government should not be taken away by the employer and set aside the salary scale in force. The ILOAT judgement was binding on the organisations at Vienna and consequently the Commission recommended 2.4 per cent higher salary scale for General Service and related categories (ICSC 1990: 64-65). This has undermined the credibility of the Commission.

In 1991, the Commission decided to carry out a comprehensive review of the pensionable remuneration in close cooperation and consultation with the Pension Board (UNJSPB). Secretariats of the Commission and the Board were mandated to do a preliminary analysis and a joint preparatory working group consisting of members of ICSC, Board, FICSA and CCISUA reviewed the analysis. After the study the Board was divided on the issue and the review was kept pending. In decision to complete the pending review, the Commission recommended to the UN General Assembly a revised staff assessment scale which resulted in overall reduction of General Service pensionable remuneration levels at duty stations such as Geneva, Vienna and Tokyo due to exchange rates. This strained the relations between the Commission and the staff associations (FICSA and CCISUA). For various periods of time the FICSA and CCISUA have suspended their participation in the ICSC sessions (Lemoine 1995: 289).

Post Adjustment Issues

The United Nations common system has been faced with two serious problems with the determination of universally payable basic salaries. Firstly, it confronted with the problem of maintaining equality of purchasing power in real terms of basic salaries among duty stations scattered throughout the world (Lemoine 1995: 295). To maintain the equality of purchasing power the Commission followed the method of post adjustment system in which both positive and negative adjustments were made to ensure no losses or gains to the UN common system staff of Professional and higher categories. Until 1990 there was a system of negative post adjustment classes (below index 100). It was limited to index 80 until 1987 and later restricted to index 95. Both the administrations and field representatives and field staff were dissatisfied and complained to the Commission about the negative post adjustment classes.

The second problem is the element of uncertainty over the validity of the data collected and their interpretation for post adjustment, depending upon the assumptions made about base city (New York). This element of uncertainty made the General Assembly arbitrarily to set aside rules that itself had established. This led to a major confrontation between the Commission and the General Assembly. After a comprehensive review conducted by ACPAQ during 1983 and 1984, the Commission

decided to increase the post adjustment in New York by 9.6 percent on 1 August 1984 and decided to increase it further by December 1984. Incensed at the outcome of the review the General Assembly, charged “with varying degrees of conviction, that the action of the Commission was illegal, hasty, ill-considered, and unjustifiable on technical grounds” (Lemoine 1995: 296). After having reviewed the financial implications and the higher margin of net remuneration between the UN and the US Federal Civil Service, the General Assembly requested the Commission to take necessary steps to suspend implementation of the increase in post adjustment for New York envisaged for December 1984. Accordingly the Commission decided to freeze the New York post adjustment in December 1984. After four years, in June 1988, the Commission lifted the freeze of the post adjustment in New York after the net remuneration margin between the UN and the US reached an estimated level. However the decision to freeze tamed the Commission’s independence and credibility of the Commission.

Recruitment and Related Issues

The UN enshrined the provision of merit and geographical representation in its Charter under Article 101, paragraph 3, which reads as follows:

The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

It faced the problem of whether merit should prevail over the geographical representation or the geographical representation should prevail over the merit or both at a time. McLaren (1996: 63) argues that “merit staffing has been undertaken since the very first days of the UN, but that there have been three different emphases within the concept, resulting in three distinct, chronological periods.” During the first period, which began with the establishment of the UN in 1945 to the end of 1950s, there was an overwhelming emphasis on the concept of merit rather than the second concept of geographical representation. The simple reason is to hire the staff very quickly to start the functioning of the UN. The second period started with the process of decolonisation, by the beginning of 1960s, as the new Member States of the UN demanded their share of positions in the Secretariat. The emphasis is shifted towards

the second criterion – geographical representation – which is “interpreted as something less than meritorious.” The recruitment process of the UN was criticised in the beginning of the 1970s and a third approach was introduced “into the quest for merit staffing” by giving equal weight to both the criteria, an attempt to balance the two. There is nothing new in the third approach but the new approach featured the establishment of the ICSC in 1975.

In the 1980s the Commission carried out a series of studies on various aspects of recruitment and made recommendations on recruitment, including interviewing techniques and recruitment sources, the establishment and maintenance of rosters of candidates, on competitive examination, equitable geographical representation and specific policies for targeted groups such as women. However the problem remained with the implementation of those recommendations. The Commission, in its study, found that only the largest organisations applied strict geographical ranges by country or by region whereas other organisations just paid a lip service (Goossen 1990: II.1/30). Regarding the competitive examinations also only the largest organisations, and in particular the UN, conducted the exams. Majority of other large organisations did not conducted competitive exams because “their functions were specialised; suitable candidates were very few in number, with highly technical skills and often considerable experience and seniority; and competitive examinations as a means of recruiting for junior-level posts could be disproportionately costly” (Goossen 1990: II.1/29 – 1/30). Further only the largest organisations maintained computerised rosters whereas the smaller organisations had some sort of rosters tended to be manual.

Gender and Recruitment

Among the above problems the major concern for all - the Commission, the General Assembly and the governing bodies - is that of gender balance in the international organisations. In 1985 ICSC reported that only 4.6 per cent of the staff at senior levels was women. The Commission concluded that “the two major policy objectives of achieving a more equitable geographical distribution and of recruiting more women in the Professional and higher categories were not incompatible if organisation made special efforts to expand their recruitment sources” (Goossen 1990: II.1/30 – 1/31). In 1998, the Fifth Committee (Administrative and Budgetary) raised

the issue of gender balance in the United Nations common system. Panama's representative, speaking for the Rio Group, said that "the situation was worse now than in previous years, as only 5 per cent of recruits at the P-5 and higher levels were women" (United Nations 1998). While progress had been made by the Commission, achievements of the goals were far away. However, the Group was pleased that the ICSC continued to look at the status of women. The lack of equitable gender representation, especially at higher posts, continue to be a major problem of international civil service.

Career Development

One of the recurring debates in the UN is over what a career concept is. It was first concisely stated by the Preparatory Commission of the United Nations (General Assembly Official Record 1945: 13) as follows:

Unless members of the staff can be offered some assurance of being able to make their careers in the Secretariat, many of the best candidates from all countries will inevitably be kept away.....it is important that the advantages of experience should be secured and sound administrative traditions established within the Secretariat. For these reasons, it is essential that the bulk of the staff should consist of persons who will make their career in the Secretariat.

The debate is about the permanent contract Vs fixed-term appointments. The Western and Latin American states strongly favoured the concept of permanent contracts over the fixed term appointments, "citing the traditional" concept of an international civil service as justification" (Jordan 1981: 241) and views noncareer personnel as real threats to the efficiency, integrity and loyalty of the staff. The new developing nations favoured the opposite, secondment as an opportunity rather than a threat. The new nations justified their views of short term or fixed term appointments as an opportunity to attain equitable geographical distribution ahead of a career Secretariat (Kay 1966: 65). An introduction of "desirable range" quota system could not solve the problem of geographical distribution completely. While the smaller, poorer and newly independent countries lack talented and professionally competent citizens, their availability for international civil service does not correspond to the arithmetic of quotas (Lemoine 1995: 247). Thus, the new nations emphasised that the geographical distribution is not alone the problem but the point is that they lose permanently a small cadre of their trained personnel in case of fixed term appointments. It is a brain drain for such new nations. The solution came in the way

of secondment of civil servants from the member nations for a fixed term (Kay 1966: 65-66).

Over the years the issue of career development came down but has not been solved. This is due to the changing nature of the organisations' needs. The organisations of the common system felt a need of staff for a shorter period which is termed as temporary or short term appointments usually for one year period. Some other organisations prefer fixed term appointments which may be renewed based on the performance and if there is any need. And some entered into service agreements called as Consultancy. Thus, the pattern of contractual arrangement of staff with UN common system has turned into a mixture of career service, fixed term, short term and consultancy appointments. Also the number of staff on secondment and loan to organisations from the national governments has mushroomed. Such trends have tended to underline the diversity of organisations in the common system. The conditions of employment and the structure of compensation, set in 1950, were based on career civil service. Now this concept is no longer relevant to the reality of the UN common system since there is no proper specification of conditions of service like allowances and benefits, security, mobility, training etc. for the personnel of fixed term, short term and consultancy appointments categories.

REFORMS

At the threshold of the 21st century the international civil service faces massive challenges of redefinition, reorientation and purpose. To strengthen the international civil service and to enhance the effectiveness with which human resources are managed in the United Nations system, the Secretary-General of the United Nations stressed the need for reforms in his report entitled "Renewing the United Nations: A Programme for Reform" (United Nations 1997). In view of the key role that the International Civil Service Commission (ICSC) plays in the regulation and coordination of conditions of service of the United Nations common system, he recommended to the General Assembly that it initiate a review of the Commission in order to increase its effectiveness in meeting the challenges facing the organisations of the system. As part of the overall reforms taking place in the organisations of the common system, the General Assembly, in its resolutions (Resolutions 52/216 of 22 December 1997 and 53/209 of 18 December 1998), called upon ICSC to play a lead

role in the development of new approaches in the field of human resources management. In response to the General Assembly resolutions the ICSC created the Working Group on the *Framework for Human Resources Management* in 1998. In 2002, the General Assembly endorsed the Secretary-General's recommendation to strengthen the international civil service and adopted a resolution to establish the panel to comment on the role and main characteristics of the international civil service (Resolution 57/285, dated 20 December 2002). In this section, however, the two major reforms will be dealt under two separate broad heads: (a) Framework for Human Resources Management; and (b) Strengthening of the International Civil Service.

Framework for Human Resources Management

In 2000, the Commission submitted the report to the General Assembly and adopted the *Framework* and concluded that it is a dynamic tool which should be continuously updated as needed. The *Framework* is designed in such a way to enable the organisations of the United Nations common system to manage their human resources effectively. It identifies the diverse yet interrelated elements which make up human resources management in the common system. The major components of the *Framework* are as follows:

- Compensations and benefits
- Employment
- Career management
- Ethics/Standards of conduct
- Human resources information management
- Good governance

Out of six components, the Commission took initiative for reforms for the first four and the last two components were under review. Here the proposed reforms and implementation of those reforms will be discussed in detail.

Compensation and Benefits

In 2000, the Commission decided to review the pay and benefits and adopted it as one the major component in its *Framework*. It agreed to develop an alternative approach to the existing compensation and benefits system within the context of the *Framework*. According to the Commission a modernised compensation system would:

- Strengthen management capacity
- Improve organisational performance by linking remuneration performance
- Increase flexibility
- Allow greater competitiveness
- Improve work/life policies
- Allow streamlining, simplification, greater transparency and accountability

The Commission included various other components for the review of the pay and benefits system like job evaluation, broad banding (broad banding is a revised system of grading the jobs with fewer grade levels and broader minimum-to-maximum ranges), performance pay, performance appraisal system, competency development and feedback. In order to explore how UN system can better reward meritorious performance by staff, the Commission launched a groundbreaking pilot project, named HR Pilot, in July 2004 which will last for three years (HR Pilot 2006). Understanding that such a change is never easy and would require a significant effort of all parties concerned, the Commission engaged the volunteer organisations of the common system in this Pilot study aimed at examining how to change a system that provides little incentive for good performance.

Post Adjustment

To solve the anomalies over the post adjustment, the ICSC carried out a comprehensive review of conditions of service during 1988 and 1989. The Commission recommended a base/floor salary scale which was based on the net salaries of the US federal civil servants at Washington, D.C. (the comparator civil service) at equivalent grade levels and the General Assembly subsequently adopted the same as expected by Goossen (1990). By establishing a base/floor salary scale the negative post adjustments which had existed before were removed, meaning the net remuneration of common system staff would no longer be adjusted below the net base salary levels at low cost of living stations. However, the Commission decided that the base/floor salary scale should be adjusted on a “no loss/no gain” basis by reducing the same percentage of increase of the base salary on post adjustment so that net remuneration (net base salary plus post adjustment) remains the same. This is known as consolidation of post adjustment.

Recruitment and Career Development

In respect of equitable geographical representation, the Commission did not recommend major changes in the current policies of the organisations in view of the varying numbers of posts involved in the different organisations. It noted, however, that certain groups of Member States were unrepresented or under represented and made some specific recommendations in order to enhance the representation of these countries on the staff of the organisations. Regarding the competitive examinations, it recommended the organisations to consider the use of competitive examinations as much as possible, and especially for promotion from the General Service to the Professional category. The Commission made recommendations on the rosters of candidates as to exchange roster data between organisations where appropriate and to computerise them.

Recruitment was made as one of the major component in the *Framework* for reforms. The Commission has examined the question of contractual arrangements on several occasions in accordance with Article 15 of its statute and considers the issue of secondment in the past. The main focus of its work has been on career and non-career (secondment) civil service issues and the rationalisation of the wide range of contractual appointments in the organisations of the United Nations common system. It concluded that it was important to establish a consistent *Framework* by reducing the number of different contracts and standardising their description. Following extensive reviews of the subject, the Commission decided that three categories of appointments would adequately respond to the needs of the organisations: indefinite or continuing appointments, fixed-term appointments and temporary appointments (ICSC 2005^a: 29). Each category has specific need which is based on the programmes and functions of the organisations.

The continuing contractual appointment is designed to assist the organisations of the United Nations common system in maintaining programme continuity. This category covers existing contractual arrangements characterised in the organisations under varying nomenclature, such as permanent, indefinite, continuing, without-limit-of-time, career, long-term, indeterminate and service contracts. Fixed-term appointments cover the employment of staff engaged for defined periods of time to perform functions that are part of the organisation's regular and continuing activities.

Subject to the needs of the organisations the term may be extended. The purpose of a short-term or temporary appointment is to accommodate: (a) defined, short-term needs of the organisation of less than one year; and (b) short-term service of limited duration with special missions, projects of limited duration and special operations for humanitarian assistance. The contractual arrangements cover existing appointments, such as short-term, temporary, term-limited, fixed-term short duration, monthly short-term, daily short term, special short-term and other types of short-term appointments, such as appointments of limited duration. The Commission excluded the Consultancies, service agreements and other contractual arrangements that are not executed as staff contracts. For all other contractual appointments the Commission proposed the duration, compensation, allowances and benefits, social security, staff rules and regulations, standards of conduct, mobility, training and termination procedure. The matter is under the review of the General Assembly for implementation. In its *Framework* the Commission also highlighted the importance of mobility and training to the staff development in career service (ICSC 2001^a: 12-13).

Gender Balance

The Commission made a number of specific recommendations to the organisations on gender balance to: give priority to recruiting women at senior levels; to impress on governments their commitment to employing more women and to work closely with them to develop and improve recruitment sources for that purpose; to broaden their supply of women candidates from unrepresented and under represented Member States by actively exploring recruitment sources such as women's bureaux, alumnae of major universities, NGOs, national officers, associate experts, United Nations' volunteers. On the recommendation of the Commission the General Assembly passed a resolution (Resolution 51/226 of 3 April 1997), in which the Assembly reaffirmed the goal of 50/50 gender distribution in the Secretariat by the year 2000 and also provided a standing mandate for the Commission to keep the matter under continuous review. Subsequently the Commission stressed the importance in its Annual Reports. However, it didn't take any steps to do a detailed review since it was engaged in preparing the *Framework for Human Resource Management*. In 2003, under its standing mandate the Commission requested its secretariat to present a statistical report on gender balance at all levels, including the

ungraded officials of organisations. After obtaining the report the Commission held discussions with executive heads of the organisations and staff representatives. Members expressed disappointment that the rate in the advancement of women had slowed over the years and suggested that it was time to examine the barriers to faster improvement. The Commission also noted the low targets set for achieving gender balance in some organisations. The Commission expressed disappointment that the rate in the advancement of women had slowed over the years and that only limited progress had been made in the organisations. It requested its secretariat to provide a report on further progress at its sixty-second session in 2006, including information on the representation of women by region as well as on organisations' gender plans and their development, implementation and effectiveness (ICSC 2004^a: 60).

Ethics/Standards of Conduct

The United Nations Charter and the founding documents of other organisations call upon staff to meet high standards of ethical behaviour. That requires international civil servants to be guided by unique standards of conduct. For the past half century they were guided by the *Standards of Conduct in the International Civil Service* prepared by the ICSAB in 1954. The onset of a new millennium provided the impetus for the revision of standards to take into account of global changes.

The ICSC *Framework for Human Resources Management* illustrates the overarching nature of the Standards of Conduct and states that "although organisations' internal cultures may vary, they face similar ethical challenges. Standards for ethical conduct promote common values and define the behaviour and performance expected of international civil servants" (ICSC 2000^b: 42). The *Framework* further stated that the standards of conduct should be reinforced through management and human resources practices that are transparent; and supported by effective procedures and mechanisms to ensure accountability. Although the proposed standards largely reproduced the contents of the 1954 Standards, changes had been made in several areas. New sections dealing with gender equality, harassment, conflict of interest and protection of confidential information had been added. Several issues, such as the prohibition on receiving gifts or honours and participation in outside activities, had been discussed in more detail (ICSC 1999: 26-27). Provisions of the 1954 Standards that were outdated

or did not reflect current realities had been omitted. The entire text had been reviewed to modernise the language and render it gender-neutral. Because the proposed standards had been drafted in a more normative style than the 1954 Standards, which were descriptive, they were more concise. Also the Standards clearly defines the terms and guiding principles for the international civil servants who must have the values, vision, integrity, tolerance, loyalty, impartiality, independence and international outlook (ICSC 2002: 2-4).

Human Resources Information Management

Reforms were outlined in the area of human resource management in the Commissions' *Framework* but no steps taken so far to elaborate and implement it. Human resources information management is the design, development and maintenance of an integrated system for gathering and analysing workforce data and forecasting trends, as a basis for decision making and policy development (ICSC 2001^a: 18). It is proposed that information on human resources needs to be compatible across organisations for effective policy development in the common system. Linkages and elements of guiding principles for this area were also made in the *Framework* which is as follows:

Linkages: Human resources information management is linked to all the elements of the *Framework*, in that it underpins and supports all aspects of human resource management.

Principles: Human resources information system policies should provide for: (a) Ownership by human resources specialists of the design, development and maintenance of the system; (b) A comprehensive and integrated information strategy; (c) Relevant, complete, compatible, valid and current information about the total workforce and its productivity; (d) An interface with the organisation's planning, budgeting, finance and human capital functions; and (e) Keeping abreast of current technology.

Good Governance

In this area too only brief outline of the reforms were proposed and no initiative has been taken for implementation. The concept of good governance relates to management styles and relations. It is applied to all decisions taken by senior

managers and the impact of those decisions on various stakeholder groups. It embraces accountability, transparency, communication, participation, teamwork, consultation, staff morale, multiculturalism, commitment to the organisation and loyalty. Good governance, in addition to empowering staff to participate in decisions affecting the organisation, also has an impact on all aspects of conditions of service. The proposed concept is analysed in terms of: management style; the role of staff representatives; and the administration of justice. This is because the management style is instrumental in reinforcing delegation of responsibilities and establishing reporting relationships to ensure consultation, cooperation and partnership in decision-making processes at the lowest practical levels to enable staff and management to perform their duties in a professional, impartial, transparent, coherent and accountable manner (ICSC 2000^b: 40). And the role of staff representatives is also included for full involvement in and consultation on all matters relating to personnel human resources practices and policies. Finally, the administration of justice is analysed which is an internal system that guarantees due process and provides staff with the means to raise grievances and appeal administrative decisions.

Strengthening of the International Civil Service

The basic objective of the panel, established by the General Assembly in 2002 as proposed by the Secretary-General, is (a) to review and focus Commission's Statute for further strengthening of the Commission and maximising its ability to support the General Assembly in guiding the common system; (b) to consider better ways of equipping the Commission within the Statute, with tools to implement its tasks, while further ensuring the Commission's independence, impartiality and effectiveness; (c) to study and report on ways of enhancing the Commission's capability to reinforce, modernise and thereby strengthen the international civil service to meet new and complex challenges. The important recommendations of the panel are as follows:

Role of the Commission

To enable the Commission to perform effectively the panel recommended that:

- a. The Commission's capacity as a source of technical expertise and policy advice be further strengthened;
- b. Trust between the Commission and the administration and staff of each organisation be enhanced;

- c. Collaboration between the Commission and its stakeholders – member States, common system organisations and the staff associations – be reinforced.

Working Methods of the Commission

The Panel noted that a number of reforms adopted by the Commission in 1998 in relation to its working method with the staff organisations have not yet been formally introduced into its rules of procedure. This is most important because it gears the interest, confidence and trust of all parties in the Commission's work. Thus the panel recommended that necessary amendments of these changes should be made in the rules of procedure of the Commission. The Panel also recommended that the working groups should be used with greater importance whenever appropriate (United Nations 2004^a: 7). This would serve to strengthen the relationship between the consultative partners and lead to more constructive outcomes for all stakeholders, including Member States.

Selection of Commission Members

The Fifth Committee (Administrative and Budgetary) of the UN pointed out that "it was essential for the ICSC's credibility that its members be technically competent and perform their functions in an independent manner" (United Nations 1998). The panel is also of the same view expressed by the Fifth Committee and made following recommendations.

- (a) The Statute of the Commission should be strictly applied in respect of both the qualifications and the process of consultations for membership in the Commission. In this connection, the panel introduced specific criteria viz., managerial, leadership and executive *experience* with current *knowledge* in organisational principles, human resource management and international and global issues (United Nations 2004^a: 17).
- (b) Member States should take into full consideration of these requirements and criteria when submitting and electing candidates for membership in the Commission;
- (c) The Secretary-General should draw on the above recommendations in compiling the list of candidates for appointment, so as to facilitate the selection of individuals who are recognised nationally and internationally as high level experts in different management areas and bring to the Commission an effective mix of expertise, practical knowledge and experience that will maximise its contribution as both a regulatory and an advisory body;
- (d) The General Assembly should seek to introduce greater gender balance in the Commission membership.

Enhancing the Commission's Capacity

To strengthen and modernise the international civil service and to sustain and improve staff morale and performance, it is necessary to enhance the capacity of the ICSC and should it be seen as an authoritative source of advice on international best practices (United Nations 2004^a: 9). In this context, the panel has made number of recommendations which are as follows:

- (a) *Modern and Responsive Workforce* – The Commission should be positioned to provide the General Assembly and the organisations with expert information and policy guidance that takes into account the human resources management strategies and best practices being adopted in the public and private sectors throughout the world;
- (b) *Management Policies* – The Commission should pay greater focus on performance in the determination of pay which is an important step towards building a stronger and more effective international civil service. Thus, the panel supports the Commission's HR Pilot Study.
- (c) *Competitiveness* – Application of the Noblemaire principle by the Commission should be reviewed on a priority basis to determine the extent to which the common system is competitive with leading expatriate services of member States and other international and regional intergovernmental organisations;
- (d) *Workplace Practices* – The Commission, along with the General Assembly and the other legislative organs of the system, should promote and monitor the implementation of best workplace practices that support work/life balance;
- (e) *Staff Development and Training* – Legislative bodies of the organisations should recognise the importance and necessity of investing in the continuous learning of staff, which is a crucial component of the effort to strengthen the international civil service;
- (f) *Contractual Arrangement* – The Commission should continue to work with its consultative partners to ensure greater cohesiveness in organisations' contractual arrangements and the conditions attached thereto;
- (g) *Mobility* - The Commission's future work programme should place special emphasis on inter-agency mobility, as a key means of strengthening the cohesiveness and effectiveness of the system's response to global challenges and of building unity of purpose and a common culture and shared values within the common system; and
- (h) *Security* - The Commission should undertake a comprehensive reassessment of the compensation policy and incentives, both financial and non-financial, for service in difficult and hazardous conditions.

On the invitation of the General Assembly (Resolution 57/285), the Commission made comments on the findings and recommendations of the Panel (ICSC 2004^b: 1). In its comments, the Commission indicated that the points made in some recommendations are non-specific since there has been no indication of identified problems and equally no mention of how the Commission's capacity should be further strengthened. Also the Commission pointed out that some recommendations are contradictory in nature and would weaken its ability. However, the Commission took note on most of the recommendations and gave its comments to the General Assembly for approval. Two sessions of General Assembly were lapsed after the Commission and the Secretary-General gave their comments, but no documents regarding its approval were published by the United Nations General Assembly in its documentation website till July 2006.

CONCLUSION

The establishment of the ICSC by Statute provides a legal status. As regards the mandate and structure of the Commission it is clearly defined and structured. The mandate of the Commission is certainly wider than that of its predecessor ICSAB. In the structure too the Commission is ahead by increasing the composition of members and specifying the required qualification for them. The characteristic of the Commission makes it unique among the civil service commissions. Regarding the role and functions, the Commission with its recommendations and decisions unified the common system over the years. However, implementation of its recommendations has been limited in the areas where its recommendations are not binding on the organisations and divergences still remain. In spite of criticism leveled at the operation of the common system and the functioning of the Commission a number of achievements can nevertheless be cited. The system of salaries, allowances and benefits has become consistent over the years through the technical application of job classification handled by the Commission as a technical and expert body. The Commission achieved in solving the anomalies of the post adjustment and classification of duty station according difficult and hazard conditions prevailed in the duty stations which led to improved conditions of service. Even at the time of volatile inflation and exchange rates the Commission managed to cope up with the complex nature of post adjustment system. The Commission has also established the basic principles that should guide a policy on career development, and highlighted the need

for developing and training staff. In its regular review of status of women in common system organisations, the Commission has made far-reaching recommendations concerning women's representation in the organisations with equitable geographical representation, particularly at higher levels. All in all, the system has worked reasonably well in trying to maintain the principle of equal pay for equal work in terms of equalisation of purchasing power, taking into account that it serves over 18,500 staff in Professional and higher categories at about 600 duty stations in some 190 countries all over the world.

The Commission has come under pressure and criticism because of the financial constraints faced by the United Nations and other participating organisations. It should be noted in this regard that the ICSC Statute provides for reporting on the financial implications of the Commission's decisions and recommendations (ICSC 1987^a: Rule 33). Although the Commission is technical and independent, it cannot work in a vacuum by ignoring the financial implications. Thus it cannot submit unrealistic recommendations without losing its credibility in relation to the General Assembly and other legislative bodies of the UN common system. It is always difficult for the Commission to satisfy the member states and the staff alike in times of financial crisis.

The functioning of Commission is further constrained by the pressure exerted by the member states. This illustrates the two faces of geographical distribution. Pressure exerted for appointments in the name of geographical distribution left the Secretariats of the common system most vulnerable. Also some higher posts are reserved for staff of particular national origin. These kind of abuses for political or patronage purposes "is the bad coin that drives out the good" (Lemoine 1995: 253). What more could influence international civil servants than the payments provided by their national governments to supplement their earned income and thus improving their living conditions beyond what the job provides? The issue of supplementary payments demonstrates that the UN common system salaries were no longer competitive and the Commission's comprehensive review for the salary scale went futile. Salary deductions on international civil servants' salaries by their government are the converse of supplementary payments which is also a problem before the Commission to solve. Both the supplementary payments and deductions detract the

international civil servant form independence and none of the above is compatible with the concept of civil service.

In the dialectics of idea and reality, the International Civil Service Commission is caught between 'global' responsibilities and 'national' constraints on policy making and policy implementation. However, the Commission, under the inescapable pressure continues to provide its service to meet the global challenges while member states and the international staff provide the drive, the means and the popular support to meet those challenges. To reach the goal, it is necessary not only for the Commission but also for governments and international officials to faithfully live up to the pledges they have already subscribed to. As a focal point in the process of setting standards and monitoring progress, the International Civil Service Commission will continue to play a vital role in this great endeavour.

UNION PUBLIC SERVICE COMMISSION

The Indian civil service has a long history. The bits and parts of personnel administration was found in Kautilya's *Arthasasthra* during the Mauryan era of ancient India (Arora and Goyal 1996: 13). Later certain aspects of appointment, removal, pay etc., were practiced by Mughals. However, both the administrations "are to be appreciated strictly in the context of a monarchical rule" (Arora and Goyal 1996: 13, 24). Though the origin and concept of the Indian Civil Service may be traced far back, the term itself is of recent origin and largely developed under the banner of the East India Company (hereinafter the Company). The term 'Civil Service' was first used by the Company and called its servants, who were engaged in the administration of its commercial affairs in India, as civil servants. The recruitment to the civil services was made on the basis of Patronage and occupied purely by the Europeans. Indians were recruited for clerical posts and mostly they were kept out of responsible areas. When the company rose to be a great power, between 1800 and 1833, it felt the growing need of Personnel but it could not meet them with the limited supply of civilians from Europe (Thakur 1969: 15). The British Government, soon after assuming the responsibility for the administration of the Indian Territory, addressed itself to this difficult task. The Charter Act of 1853 ended the Company's patronage and made recruitment through an open competition. Later the Macaulay Committee (1854) also recommended that recruitment to the civil services be made through competitive examinations. In 1855, a central board designated as "The Civil Service Commission" was set up for conducting such examinations in England but not in India (Arora and Goyal 1995: 346). The Indians couldn't afford to appear for the examination in England. After 1857, the Indians started to demand for Indianisation of civil services. The Act of 1870 authorised the appointment of any Indian to any office, place or employment in the civil service subject to rules framed by the Government of India. This came to be known as *Statutory Civil Service*. However, it "did not satisfy the Indian Public opinion" (Tyagi 2001: 401). In 1885, the Indian National Congress demanded to raise the minimum age limit for recruitment and to hold the examination simultaneously in India and Britain. The Aitchison Commission, appointed by Lord Dufferin, recommended the above matters in 1886. However, it was never realised.

The establishment of the institution of Public Service Commission is interlinked with the history of Indian nationalism and the persistent demand of the

Indian leaders for the progressive Indianisation of the services under the British Raj. As there were many complaints regarding the injustice done to the Indians by the action on the report of the Aitchison Commission (Thakur 1969:74), a Royal Commission on the Public Services was set up in 1912 in India under the Chairmanship of Lord Islington, popularly known as the Islington Commission. But its report fell far short of the expectations of Indians. The demand for the Indianisation of services persisted and it was accepted by the Montague-Chelmsford (popularly known as Montford Report) Report, 1918. Consequently, the Government of India's First Despatch on Indian Constitutional Reforms of March 5, 1919, suggested for the first time the establishment of a Public Service Commission in India, which was subsequently incorporated in the Government of India Act, 1919 (Amin 1985: 10). The provisions of the Act did not satisfy Indians and this led to the setting up of the Royal Commission on the Superior Civil Services in India under the Chairmanship of Lord Lee (popularly known as the Lee Commission), which submitted its report in 1924.

On the recommendations of the Lee Commission, first Public Service Commission was established in October 1926 pursuant to the provision contained in Section 96(c) of the Government of India Act, 1919. The Commission was called as the Central Public Service Commission (CPSC) and Sir Ross Barker, a senior member of the Home Civil Service, was appointed as its Chairman. Sir Ross Barker and his successors modeled the Commission on the traditions of the British Civil Service Commission which is based on the twin principle of open competitive selection, and security and stability of tenure (Maheshwari 1978^a: 5; Sharma 1976: 63). However, the recommendations of the Lee Commission were not fully accepted in setting up the Commission. The Lee Commission had expressed the hope that the CPSC would become in course of time the recognised expert authority in India on all service questions. But the Central Public Service Commission, as actually set up, was allotted only an advisory role at its inception. Moreover, the functions of the CPSC were not laid down in the Government of India Act. 1919, but were regulated by a set of rules called the Public Service Commission (Functions) Rules (Sharma 1976: 63). The mere setting up of the Commission with limited functions fell short of Indian aspirations and the matter continued to be a subject of intense debate. Dissatisfaction was expressed before the Legislative Assembly and the Simon Commission and the

subject also came up before the Round Table Conference in 1930-31 (Amin 1985: 14-17).

The next important development in the history of the Public Service Commission in India took place with the issue of a White Paper in December 1931 containing proposals for Indian Constitutional Reforms (Shukla 1982: 328). The White Paper also included a blue print of the Public Service Commissions for the proposed Federation and the Provinces. Further it was elaborated in the report of the Joint Committee on Constitutional Reforms (1934). All this had been given a concrete form in the Government of India Act, 1935 in which the Central Public Service Commission (CPSC) was transferred into a Federal Public Service Commission (FPSC) and provision was made for the formation of Provincial Public Service Commissions (PPSCs) (Bhalerao 1966: 14). There was, however, no link between the Federal Public Service Commission and the Provincial Public Service Commissions.

With the transfer of power in 1947, the Indians had the opportunity to frame their own Constitution which came into effect in 1950. The Constitution provided for the transformation of Federal Public Service Commission into the Union Public Service Commission (hereinafter the UPSC or the Commission) and the setting up of the State Public Service Commissions (SPSCs) in all the States. Apart from UPSC and SPSC, the Constitution also provides for a Joint Public Service Commission (JPSC) for two or more States. Unlike UPSC and SPSCs which are created directly by the Constitution, the JPSC is created by an Act of Parliament on the request of the State legislatures concerned. The present study, however, confines itself to the UPSC only.

MANDATE

The Constitution of India provided for the setting up of the Union Public Service Commission in the Centre with twin objectives: (i) to recruit right type of personnel to man the services without any political and personal considerations and (ii) to control and provide them with the necessary security of service – the absolute necessary of the efficiency and morale of public services (Sarkar 1978: 22; Singh 1999: 2). Article 16, Clause (1 & 2) of the Indian Constitution states that

“There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.”

The importance of the UPSC in the Governmental Setting is found in the above Article which enshrines the Principle of open competition on the basis of merit (Jain 1976: 47). By ensuring the principle of merit through open competition, a kind of egalitarian society is created in order to meet the challenges of the times. At the same time, keeping in view the position of neglect and discrimination suffered long by the Scheduled Castes (SCs) and Scheduled Tribes (STs) the Constitution provided under Article 335 to adopt the policy of positive discrimination by reserving certain percentage of posts for them.

STRUCTURE

The Union Public Service Commission is a constitutional body which has been established under Article 315 of the Constitution of India. It is presided over by the Chairman of the Commission. The Chairman and other members of the Commission are appointed by the President of India (The Constitution of India, Article 316) on the recommendation of the Government in power. The Commission's strength, and the terms and conditions of service of the Chairman and the members of UPSC are not mentioned in the Constitution and the same is governed by the UPSC (Members) Regulations, 1969 (Ministry of Home Affairs 1969). The UPSC (Members) Regulations provides that, at present, there shall be a Chairman and the maximum of ten members, excluding the Chairman (Department of Personnel and Training 1986). It is provided in the Constitution that at least one half of the members of the Commission should be persons with a minimum of ten years' experience in Government Service. They hold office for a term of six years or till they attain the age of 65 years whichever is earlier. However, they can resign their offices at any time by addressing their resignation to the President. Provisions are also provided in the Constitution for removal and suspension of a member of the UPSC (Constitution of India, Article 317).

The Commission is serviced by a Secretariat headed by a Secretary. The officials and staff of the Secretariat are belongs to the Secretariat Cadres and UPSC

Cadres of Group A, B, C and D (UPSC 2003-04: 120-134). The number of members of the staff of the Commission and their conditions of service are governed by UPSC Staff Regulations, 1958, which is issued by the Ministry of Home Affairs 1958. There are various branches in the Secretariat which plays a vital role in assisting the Commission to accomplish its Constitutional functions. Some of the important branches in the Secretariat are as follows

- Examination Branch
- Recruitment Branch
- Recruitment Rules Branch
- All India Services Branch
- Appointments Branch
- Services I Branch
- Services II Branch
- Information System (IS) Wing
- Examination Reforms (ER) Branch
- General Branch
- Administration Branch

CHARACTERISTICS:

The UPSC was modeled on the traditions of British civil service commission and developed into a body according to the conditions of India. Now UPSC is the single most central recruiting agency for higher civil services in India. Such a body has its own characteristics which it has attained over a period of time.

Constitutional Body

The UPSC is provided with a Constitutional status in the sense that it is directly created by the Constitution of India. In fact, the UPSC was identified as one of the Pillars of the Rule of India (Constituent Assembly Debates 1947-50^a) and act as a bulwark of democracy by ensuring equal opportunity for all citizens to participate in the administration on the basis of principle of merit.

Independence and Impartiality

Civil servants are accountable to the political executive but not subservient to them. To maintain integrity, independence and morale, the civil servants are recruited on the basis of merit and efficiency by the independent and impartial UPSC (Padhi 1983: 42). In turn the independent and impartial functioning of the Commission is ensured and safeguarded by the provisions contained in the Constitution of India. Firstly, the Chairman or a member of the Commission shall only be removed from

office by order of the President on the ground of misbehaviour only after a reference to the Supreme Court (Constitution of India, Article 317(1)). Therefore, they enjoy the security of tenure. Secondly, the Chairman and members of the Commission are ineligible, on ceasing to hold office, for further employment under the Government of India or the Government of a state. A member other than the Chairman of the Commission, is however eligible for appointment as Chairman of the UPSC or of a State Public Service Commission, but for no other Government employment (Constitution of India, Article 319). B.R.Ambedkar, the Chairman of the Drafting Committee, explains that the whole objective “is to make the members of the Public Service Commission independent of executive. One way of making them independent of the executive is to deprive them of any office with which the executive might tempt them to depart from duty” (Constituent Assembly Debates 1947-50^b: 593) Thirdly, the conditions of service of the Chairman or a member, which are determined by the President, cannot be varied to his disadvantage after his appointment (Constitution of India, Article 318). Fourthly, to further strengthen the sense of independence of the Commission, the expenses of this body including any salaries, allowances and pensions payable to or in respect of the Commission, shall be charged on the Consolidated Fund of India. Thus, they are not subject to Vote of Parliament.

Competence

As the quality of administration depends upon the recruitment of Personnel, which is the main function of the UPSC, the members of the Commission must possess necessary competence (qualifications) to perform this job. As there are no qualifications prescribed by the Constitution for the Chairman and the members of the UPSC, an unwritten assumption “has been that the President shall appoint to these high offices only persons of eminence with impeccable reputation and spotless track record (Hota 2001: 1). This ensures the competence of the Commission. A practice developed that at least one half of the members of the Commission should be persons with a minimum of 10 years experience in Government Service (Constitution of India, Article 316 (1A)). DR. Ambedkar said about this as, “it is a device not to create a ‘paradise’ for retiring officers but to provide the Commission with that it experienced in knowing the requirements of Government” (Constituent Assembly Debates 1947-50^c: 592). This is intended to ensure always the presence of experienced men in

Government Service on the Commission so that it may function as an Expert body (Pylee 2001: 81).

Transparency

The Commission has been constantly endeavouring to introduce transparency in its functioning (Ranjit 2001: 117). For example, in the Civil Services Examinations, all the candidates who qualify in the main examinations get their mark sheets, whereas the University Grants Commission do not provide such a mark sheet even for the candidates who clears the National Eligibility Test and Junior Research Fellowship. Also the qualifications required for most of jobs are laid out in a clear and transparent manner, and given wide publicity.

Peculiar Position

The UPSC occupies a peculiar position in the Indian Constitutional setting. While establishing the Commission, the framers of the Constitution were influenced by two conflicting attitudes of what James Watson calls the 'Protectionist School' and the 'Management School' of thought (Sarkar 1978: 21) that operate behind the establishment of the Civil Service Commissions in most of the countries. On the one hand, the Constitution establishes an independent body to protect it from political pressure; on the other hand, Government considers that the management of Public Services is its "direct executive responsibility" (Sarkar 1978: 21). Being an independent Constitutional body for impartial consideration of service matters it also has to function in close cooperation with the executive. Thus it occupies a peculiar position and has complex relations with the government.

ROLE AND FUNCTIONS

Herman Finer has observed that "the function of the Civil Service in the modern State is not merely the improvement of Government. Without it indeed government itself would be impossible" (Finer 1931: 791). As the Indian civil service system was inherited from the British, it has followed the classical Weberian model (Mishra, Geeta and Navin 2003: 12). The UPSC acts as a 'watch dog of merit system' by conducting competitive examinations based on the principle of merit in cases both of new recruitment and promotions (Jain 1976:51). As an independent body it also has other functions and duties but has only an advisory role, while the ultimate powers and authority rest with the Government (Sarkar 1976: 31). Thus the

role and functions of the UPSC is only limited and moreover the recommendations made by it are only advisory in nature. It is the exclusive privilege of the government to accept or reject the advice rendered by the Commission. Clearly the limited role of the UPSC indicates that it is only a Central recruiting agency concerned mainly with recruitment functions – a vital role – and not a Central personnel agency. Scholars of Public Administration classified the functions of the Commission broadly under three categories, namely, (i) executive, (ii) regulatory, and (iii) the quasi judicial.

Executive Functions

Under Article 320 (1) of the Constitution, the UPSC is entrusted with only one true executive function that is to conduct examinations for appointments to the Civil Services/Posts of the Union. The Commission also conducts examination under arrangements with the Ministry of Defence for entry to certain Defence Services, through the National Defence Academy, Indian Military Academy, Naval Academy, Air Force Academy and the Officers Training Academy (UPSC 2006). This additional function of conducting exams for Defence services is by convention and not Constitutional. Among the examinations conducted by the Commission are over a dozen of examinations every year on an all India basis – such as Civil Services, Engineering, Medical and Forest Services etc., and certain organised central Civil Services – Group A and Group B. Some of the competitive examinations conducted by the UPSC are:

- Civil Services Examination
- Geologist Examination
- Indian Forest Service Examination
- Engineering Services Examination
- Combined Defence Services Examination
- Special Class Railway Apprentices Examination
- Combined Medical Services Examination

The Commission's examinations are held at various venues spread over 42 regular centers (cities) all over India. Examinations are conducted according to a pre determined schedule and as far as possible this examinations are held during the same period year after year (Thomas 1976: 145). Also the Commission ensures, to the extent possible, that their examinations are not held during the periods when most of the University examinations are held. As noted in the structure of the Commission, the Examination Branch assists the Commission to study and adopt the modern

methods to conduct examinations. The existing modern method of information technology in the Examination Branch revolves around the SAMPERA (Screening and Mechanised Processing of Examination and Recruitment Applications) project which was launched by the Commission in the year 1999. The main aim of this project is to cope up with the increased number of applications through innovations and mechanised handling so as to reduce the processing time without errors.

Another executive function of the Commission, under Article 323 of the Constitution, is to present annually to the President a Report as to work done by the Commission in the preceding year. The report accompanied by a memorandum explaining the action taken by the Government on the recommendations of the Commission and the reasons for non-acceptance of the recommendations of the Commission by the Government is to be placed before both the Houses of Parliament. Hence, individual cases of disagreement of the Government with the advice of the UPSC is highlighted and discussed in the legislature (Hota 2001: 6).

Regulatory Functions

Under the Constitution, there are certain matters on which the Commission can make regulations (actually the Commission provides advice on consultation) are as follows:

- the methods of recruitment to Civil services and civil posts;
- the Principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another.

The UPSC's jurisdiction over the above matters is purely advisory (Jain 1976: 28). In actual practice, the Department of Personnel and Training (DoPT) under the Ministry of Personnel, Public Grievances and Pensions, which is the central personnel agency, formulates the rules and regulations regarding recruitment, promotion and other related issues concerning the personnel. It is merely a formality to consult the UPSC to provide advice/comments on the framed rules and regulations before they are finally enforced (Jain 2001: 126).

Involvement of the UPSC lends sanctity and authenticity to the whole system of recruitment either by Direct Recruitment (executive mandate of the Commission), or Recruitment by Promotion or Transfer on Deputation (Ranjit 2001: 123).

Quasi Judicial Functions

Article 320 (3) (C) of the Constitution of India, the UPSC advises the Government on all disciplinary matters affecting a person serving under the Government of India in a Civil capacity, including memorials and petitions relating to such matters. This provision is to further strengthen the safeguards provided by the Constitution to the civil servants through Article 311 (Ranjit 2001: 123). This Article deals with the dismissal, removal or reduction of rank of persons employed in civil capacities under the Union and should not be confused with the provisions related to the UPSC. In exercise of the powers conferred by the Constitutional provisions, the President has made the Union Public Service Commission (Exemption from Consultation) Regulations, 1958 under which the Commission are required to be consulted in respect of the following types of disciplinary cases:

- Where the President proposes to pass an original order imposing one of the prescribed penalties.
- Where the President is to make an order on an appeal preferred against an order imposing a penalty made by a sub-ordinate authority.
- Where the President proposes to overrule or modify after consideration of any petition or memorial or otherwise an order made by him or by a subordinate authority imposing a penalty.
- Where the President proposes to impose any of the prescribed penalties, in exercise of his powers of review in cases where no penalty has been imposed.

The above special classes of cases are justified on two grounds, which do not apply to other kinds of disciplinary orders: (i) that generally there is no appeal or other remedy against the orders of President and hence the need for special treatment; and (ii) that the President, as a head of the State, cannot be expected to look into all the papers themselves and hence he need for advice (Basu 1994: 286).

However, the Regulations were also made that in certain types of cases the Commission is not required to be consulted.

- Where the President proposes to make an order of dismissal, removal or reduction in rank after being satisfied that such action is necessary in the interest of security of State.
- Where the President proposes to make an order under the Central Civil Services/Railway Services (Safe-guarding of National Security) Rules.
- Disciplinary matters affecting a person belonging to a Defence Service (Civilian).

- Disciplinary cases relating to the staff and officers of the Parliament Secretariat and Supreme Court.

In 1995, the DoPT laid down a new procedure that, if the advice of the Commission is not accepted by a concerned Ministry then a reference should be made to the UPSC, along with the reasons for disagreement, to reconsider its advice (UPSC 2006).

According to Article 320 (3) (d) of the Constitution the UPSC shall be consulted on any claim by the Government servant for reimbursement of expenses incurred by him in defending the legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty. The Commission can recommend reimbursement of expenses to a reasonable extent, in relation with the administrative instructions, after it satisfied that the Government servant was subjected to the strain of legal proceedings without proper justification (Thomas 1976: 157-58).

In terms of Article 320 (3) (e) of the Constitution, the UPSC shall be consulted on any claim for the award of pension in respect of injuries sustained by persons serving under the Government of India in a civil capacity, and any question as to the amount of such award. The Commission is also consulted in cases where it is proposed to reduce, enhance, stop or continue the extra ordinary pension, given to the members of the family of the Government servant, beyond the period originally stipulated.

Though it seem to be the Commission has very limited authority, a convention has been established by the Government of India, that in the following matters referred to the Commission, the recommendations made by them shall be accepted, save exceptional circumstances (UPSC 2006).

- Quasi-judicial cases.
- Selection for appointment of candidates.
- Appointment of a candidate on a higher initial pay than that of a minimum pay of the posts.
- Claims of expenditure incurred by the Government servants in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty.

Additional Functions

The Constitution provides for vesting of additional functions to the Commission under Article 321. As per the provision, an Act made by Parliament may extend the Commission's jurisdiction in respect of the services of the Union and also by placing the personnel system of any local authority or other body corporate constituted by law or of any public institution. It is by virtue of this provision the Commission can be consulted in respect of certain categories of posts under the following Acts (UPSC 2006):

- Delhi Municipal Corporation Act, 1957
- The Employees State Insurance Act, 1948
- The Employees Provident Fund Act, 1952
- The New Delhi Municipal Council Act, 1994

Exemptions

The President can in certain cases exempt some posts which for reasons of National security or some other reasons from consulting the Commission in respect of the all-India services and also as respect of other services and posts in connection with the affairs of the Union and a provision to this end has been made in the Constitution itself. Some of the important matters excluded from the purview of the Commission are as follows (UPSC 2006):

- All technical and administrative posts in or under (a) the Department of Space and (b) Space Commission.
- Recruitment/ Promotions of scientific and technical personnel in the Defence Research and Development Organisation (DRDO) under the Ministry of Defence.
- Posts of National Research Professor under the Ministry of Education.
- All the Services and Posts under or connected with the organisation dealing with external intelligence in the Government of India vide the U.P.S.C. (Exemptions from Consultation) Supplementary Regulations, 1970.

PROBLEMS AND CHALLENGES

The utility of UPSC is mainly depends up on the appointment of civil servants possessing merit and ability. Other important conditions necessary for the successful functioning of the Commission is possession of independence and impartiality, and recognition of their important position by the executive. These would enable the Commission to act as a protector of public services and gain confidence from the

public. However, it has been always difficult for the Commission to practice the principles and it has own problems and challenges which are as follows:

The Scheme of Examination

The UPSC is on the verge to commemorate the 80th year of its existence as a central recruitment agency. In the eyes of the Public, “there is a firm recognition that the quality of the public services in India has been maintained only because the Commission has so steadfastly adhered to the principle of merit” (Singh 1976: 19). However, the examination system of UPSC, which is used for judging the merit, has been questioned. The present scheme of Civil Services Examination consists of two stages – Preliminary and Main Examinations. The Preliminary examination consists of objective type of questions and the Main examination is conducted in two phases - written examination and personality test (interview). Such a system of examination was introduced in 1979 on the recommendation of the Kothari Committee. Candidates who clear the Preliminary Examination, which is of qualifying nature, (i.e., the marks are not taken into account for the final selection) are eligible to appear for the Main Examination. In many advanced countries, the written examination is discarded in a large number of subjects and in their place administering objective type of test to recruit ‘the best fit’ candidate (Hota 2001: 4). The present scheme of examination in India is one of the longest recruitment tests in the world which takes a whole year to recruit the meritorious candidates.

In the essay type examination the candidates are allowed to choose two optional subjects out of nearly 47 subjects. It is not feasible to compare the performance of the candidates who appear in different subjects (Singh 1999: 8). Moreover the questions in the Main examination are of subjective nature which leaves the examiner in confusion of what actually the answer should include and exclude. This opens avenue for arbitrariness.

Problems have also been found in the (interview) Personality tests. The existing system of interview conducted for a short time of 10 – 30 minutes is the main target of attack. Pylee (2001: 85) questioned it as “when we are selecting young persons who are going to man responsible positions in the administration for the next three decades or more, should we not bestow on the selection process utmost possible care and concern?” Moreover, the interview board consists of only generalists or

subject experts. Mehra (2001: 73) argues that it would be difficult for them “to draw proper inferences about the psychological personality of the candidate within the limited duration of the interview.” This is a challenging area for the UPSC to solve in years to come.

Inadequacy of Research

The UPSC is not generally supported by research staff to study the validity of the recruitment methods and procedures after the recruitment is made (Singh 1976: 20). “Research needs to be undertaken to test-check the effectiveness of recruitment by follow-up studies of subsequent careers in Government and, to analyse trends in the skill market and in the educational sphere” (Administrative Reforms Commission 1989: 60). This is one another problem which the Commission would need to address.

Mismanagement of the Examination

UPSC also charged for mismanagement in the examination. The problem is regarding the leakage of question paper to the candidates which has severely jolted the confidence of the public in the working of the Commission (Arora and Goyal 1995: 363). It largely happened in the Preliminary Examination conducted by the UPSC. In 1991, the whole examination for the All-India Combined Services was cancelled due to leakage in a few optional papers and again in 1992, a paper was leaked at Allahabad centre (Singh 1999: 12). More recently, on 14th May 2006, there was a discrepancy in tallying of the number of question papers at one Examination centers for the optional subject ‘Public Administration’ (UPSC Notification 2006). However, the Commission denied of any leakage or malpractice in this matter and an enquiry was initiated. This time the Commission took a serious action, by canceling the earlier exam held on 14th May 2006 and conducted re-examination for that particular subject alone. Nevertheless, it is a matter of prestige for such a highly reputed institution of India.

Reservation Issue

Very recently the UPSC has been sharply criticised for the manner in which it discriminates the candidates on the basis of caste in the recruitment. According to the reservation policy, 49.50 per cent of the seats are reserved for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Castes (OBCs) – called reserved

categories and the remaining 50.50 per cent is open to all. Yadav (2006: 10) exposed that the UPSC “has denigrated meritorious candidates from the reserved categories” by refusing them to enter in the general category (merit category) of 50.50 per cent which is open to all. It means that 50.50 per cent is reserved for unreserved category (general category) where reserved category candidates have no place. By doing so “the UPSC has turned the Policy of reservation into a policy of communal awards” (Yadav 2006: 10). Even the top 10 meritorious candidates belonging to OBCs, SCs and STs are classified as reserved category candidates. What’s more shocking is that the “the candidates belonging to (these) reserved categories are interviewed separately” (Yadav 2006: 10) which leads to the violation of Article 16 of the Constitution of India as mentioned elsewhere in this chapter. Likewise many more discriminations are there which cannot be seen openly. Thus the impartial functioning of the UPSC is undermined.

Recruitment to PSEs

The appointments to the Public Sector Enterprises (PSEs) are made independently and the process of recruitment is susceptible to political interferences (Pylee 2001: 85). At the time of inaugurating the Constitution, there were hardly any PSEs in the country and so it was not included under the domain of the UPSC. Similarly the Comptroller and Auditor-General of India also had nothing to do with these PSEs. After few years, however, the CAG acquired the right to audit the accounts of the PSEs. The question is that, when the CAG have such a right why don’t the UPSC do have one to make uniform procedures and practices in personnel selection of PSEs (Pylee 2001: 85). The Study Team of the Administrative Reforms Commission (ARC) on Public Sector Undertakings (1967) has suggested that the UPSC should provide assistance in the matters of recruitment and promotion in the PSEs (Administrative Reforms Commission 1967: 130). However, this recommendation was never realised and what happened was the Government established Public Enterprises Selection Board (PESB) in 1987 provided with the mandate to recruit personnel for PSEs.

Temporary Appointments

In the name of urgent appointments, *ad hoc* appointments are made by the Government without consulting the Commission (Singh 1999: 13). In making such

appointments the Government has not always followed the spirit of the rules and regulations. The Annual Reports of the UPSC expresses concern that such appointments are made initially for less than one year and latter continuing them for many years (Singh 1999: 13). This seriously violates the spirit of appointments made by the UPSC on the basis of merit.

Gender Issue

In the initial years of India's independence women representation in the higher civil service was only a handful. With the spread of awareness in women's education, more women entered the service and some of them occupied very high positions. Women also stood first in the civil service examinations conducted by the UPSC. However, the present strength of women officers in the higher civil service is only about 12 – 13% of the total strength (Hota Committee Report 2004: 9). This is due to the fact that their civil service duties demand lot of time and they often find it difficult to apportion time of official work at the expense of their domestic responsibilities.

Until 1971, the Indian Administrative Service (Recruitment) Rules as well as Indian Police Service (Recruitment) Rules debarred married women from appointment as a matter of right (IAS (Recruitment) Rules 1954). This is a violation of Article 16 of the Indian Constitution which safeguards the equality of opportunity in matters of public employment. These rules were debated and criticised vehemently in the Parliament. The justification provided by the Government was that married officers might face difficulties in transfers (Sinha 1985: 46). In 1957, the government issued the notification that it is not necessary for a female officer to obtain the formal permission of the government before marriage (Ministry of Home Affairs 1957). Subsequently the clause 5(3) which prohibits married women into the service was omitted in the year 1971 (Department of Personnel and Training 1971).

Problems in Consultation with the UPSC

From the functions it clear that the UPSC plays mainly an advisory role to the Union Government on the matters specified in the Constitution. The function of the UPSC on those matters is to advise and not to decide. The advice is also not binding on the government. It may, or may not, accept such advice. Thus the UPSC is more an advisory body.

In the disciplinary matters “the Constitution does not provide an aggrieved civil servant any right of appeal to the UPSC any disciplinary action taken by the Government” (Jain 2001: 127). It merely states that the Government should consult the Commission on certain matters. In handling the disciplinary cases the Commission does not call for any witness or hold hearings. Just the Commission has to agree with or differ from the conclusions arrived by the Enquiry Officer. Then it is up to the Government to take decision based on both the reports of the Commission and the Enquiry Officer. Thus, it is lamentable that the UPSC lacks “the appellate jurisdiction which the Civil Service Commissions enjoy in many other countries in all service matters” (Jain 2001: 128).

Further, with the setting up of the Central Vigilance Commission in 1964 to deal with matters relating to integrity of public servants and setting up of Central Administrative Tribunals in 1985 created an embarrassing position for the UPSC (Arora and Goyal 1995: 362). In a suggestion provided to the Committee on Civil Service Reforms (2004: 81), the CVC mentioned that:

“the existing provision of taking advice of the Central Vigilance Commission (CVC) at the second stage in disciplinary cases where the Union Public Service Commission (UPSC) advice is mandatory may be reviewed. The Suggestion of the CVC in this regard is for doing away with the existing provision of seeking the UPSC’s advice on penalty on civil servants for any proven charge of lack of integrity as the CVC are the independent authority in regard to integrity of civil servants.”

In case of Administrative Tribunals, it is not required to consult UPSC when orders are passed by the Tribunal. A dilemma could be created for the government when any of these bodies should disagree on any specific action (Arora and Goyal, 1995: 362). Experience in recent years exposes that the Commission’s advice has been overruled by the Union Government. During the period between 1950 and 1985, the Commissions advice has been overruled 57 times, but between 1985 and 1990 in a period of 5 years its advice has been overruled 92 times (Singh 1999: 12) and in the period during April 2004 to March 2005, the government did not accepted the advice of the Commission in respect of 12 cases (UPSC 2004-05: 33). Moreover, in several cases the government did not give any reason for such non-acceptance of the Commission’s advice, which it is supposed to give as per the constitutional provision

(Singh 1999: 12). This is a serious violation of the Constitutional provision which affects the integrity of the UPSC.

Limited Authority

To build an effective civil service the first and foremost is the right selection of personnel, but selection is not an end in itself. After all it is the first important step and subsequently many other steps have to be followed. In developed countries, Civil Service Commissions are entrusted with the task of fixing the pay scale, benefits, training, career development and also formulation of policies for human resources development. By entrusting the all aspects of personnel the Civil Service Commission is transformed into a Central Personnel Agency i.e., single agency responsible for all the services in respect of personnel. In India, the UPSC has only limited authority from its inception. Even the vital areas such as pay and benefits, and training of Central Government Servants including the All-India Services, were outside the jurisdiction of the UPSC (Hota 2001:6, Pylee 2001: 87).

In 1968, the Study team of first Administrative Reforms Commission (ARC) pointed out the need for an effective central personnel agency (Administrative Reforms Commission 1968: 70-71). In 1970, such a Department has evolved into the Ministry of Personnel, Public Grievances and Pensions. Thereafter, the newly created Department of Personnel and Training (DoPT) became the Central Personnel Agency in India and the UPSC remained merely as a Central Recruiting Agency.

Problem of Exemption

For variety of reasons the UPSC (Exemption and Consultation) Regulations of 1958 have been abused by the political executive who ultimately shrinks the constitutional responsibilities of the Commission (Arora and Goyal 1995: 363, Jain 2001: 130). The ideal is that the UPSC recruit personnel for all kinds of civil posts. But the reality is a large number of posts, especially of higher level, were taken out of the purview of the Commission with the 'Exemption' clause (Singh 1999: 13). For example the posts of Consultant and Chief Consultant of the Planning Commission are exempted and likewise 24 categories of posts have been exempted till 2003 (UPSC 2004-05 Appendix – XXXIX). In respect of All India Services, the requirement of consultation with the Commission for promotion has been discarded under the provisions of UPSC (Consultation) Regulation, 1958 (Surinder Nath

Committee 2003: 78). This kind of exemptions might lead to Political favouritism in making appointments and promotions, and undermine the importance and independence of the Commission.

Shoddiness in Examining the Annual Report

The theory of presenting the Annual Report to the Parliament is intended to make checks against the nepotism and favouritism of the executive. This provision is made with the view that since the Commission has only advisory functions it would be possible for the members of the Parliament to check the Government actions effectively. But the practice limits the theory. The Indian Parliament is always tardy in making discussion of the Annual Report of the UPSC and also does not give adequate importance to the UPSC (Arora and Goyal 1995: 364). This is because of their busy schedule and their inadequate knowledge about the importance and purpose of the report (Singh 1999: 7). As a consequence, the reports are not released on time for official use and for research purposes.

Delays in Appointments

The Ministries/Departments of the Government are taking long time in issuing appointment orders to the candidates who were recommended by the Commission on the basis of various competitive examinations. Despite the repeated observations made by the Commission, this is continuing for years (Singh 2004: 61) which cause lot of other problems to the candidate such as that during the period the candidate might have joined some other job, and posts are readvertised to fill the vacancy (Singh 1999: 13). It should be noted that during 2003-04 there were 94 cases of delayed appointments for the candidates selected through various competitive examinations and 90 cases of delayed appointments for the candidates selected through direct recruitment by interview (UPSC 2004-05: Chapter 9). It has also been observed that there has been considerable delay in notifying the recruitment rules approved by the Commission by the Ministries/Departments. During the year 2003-04, there were 298 cases pending for more than one year for notification, after these were approved by the Commission (UPSC 2004-05: Chapter 9).

REFORMS

The UPSC has the challenging task of providing a civil service to meet the rapidly changing socio-political and economic needs and aspirations of the people of

India. To meet this challenge, reforms in civil service were introduced on the basis of the recommendations made by the Commissions and Committees set up from time and time by the Government of India, especially by the Department of Administrative Reforms and Public Grievances which is under the Ministry of Personnel, Public Grievances and Pensions. The Department of Administrative Reforms and Public Grievances is the nodal agency of the Government of India for administrative reforms.

In the post independent India there have been more than six hundred Committees and Commissions at the Centre and the State levels to reform the administrative machinery as a whole (Arora and Goyal 1995: 573). Some of the recommendations made by the following important ones related to the civil service and the UPSC have been implemented by the Government of India as mentioned elsewhere in this chapter.

- The Public Services (Qualification for Recruitment) Committee (1956)
- Under the First Administrative Reforms Commission (1966-70) the most prominent are:
 - Study Team on Promotion Policies, Conduct Rules, Discipline and Morale (1967)
 - Personnel Administration (1969)
 - Study Team on Recruitment, Selection, UPSC/State PSCs and Training (1969)
- Committee on Recruitment Policy and Selection Methods (1976)
- Committee on the Civil Service Examination (1989)

In the new millennium three of such Committees and a Commission were appointed which are as follows:

- *Alagh Committee (2001)* – In 2000, the UPSC appointed the Committee on Civil Services Examination Review under the Chairmanship of Yoginder K. Alagh to fine-tune the examination scheme to match the needs of 21st century.
- *Surinder Nath Committee (2003)* – In December 2002, the DoPT, Government of India, constituted a group under the Chairmanship of Lt. Gen (Retd.) Surinder Nath, former Chairman of the UPSC, to review and make recommendations with regard to the present system of performance appraisal, promotions and lateral movement in respect of All-India Services and other Group A Services. The Group submitted its report in the following year.
- *Hota Committee (2004)* – In 2004, the Government of India constituted the Committee on Civil Service Reforms under the Chairmanship of P.C. Hota,

IAS (Retd), former Chairman of UPSC, to examine other things, as to how to make the civil service responsive and citizen friendly, transparent, accountable and ethical in its actions and interface with the people.

- *Second Administrative Reforms Commission (2005)* – To prepare a detailed blueprint for revamping the Public Administration system of the country, the Government of India has constituted the Second Administrative Reforms Commission in August 2005 under the Chairmanship of Veerappa Moily. The Commission has been requested to make recommendations on: Right to Information; Financial Management System; Crisis Management; and Public Order and Conflict Management. In addition, Civil Service Reforms, Local Governments and Ethics in Governance are taken up on priority. The Commission's report has not been submitted so far (as on May 2006).

The recommendations of the first three Committees are under the consideration of the Government for implementation. Some of the important reforms proposed by those Committees are as follows:

Scheme of Examination

In the proposed reform, the Preliminary Examination would continue as a screening mechanism but with 25% weightage in the overall scheme with negative marking. Also the General Paper would be replaced by a Civil Services Aptitude Test (CSAT) with emphasis on comprehension, logical reasoning, problem solving, data analysis etc (Alagh Committee 2001: 102). For the Main Examination it is proposed that the standard of language testing in any one Indian Language should be upgraded. Considering the importance of English Language in international affairs, it is proposed that only those candidates who secure 50 per cent and above in English should be allotted to the Indian Foreign Service. The weightage for the Main Examination should be 45 per cent and the compulsory papers should be of multi-disciplinary in nature (Alagh Committee 2001: 111). The objective of the personality test (personal interview) should be able to assess the personality related aspects, motivational aspects, interpersonal skills, intellectual abilities, specific skills and values. Also the existing 30 minutes interview should be replaced with an extensive and elaborate testing procedure comprising a Personnel Information Form, Psychological Tests and Group Tests followed by an Interview (Alagh Committee 2001: 150). The weightage for the personality testing should be 20 per cent. It is recommended that the UPSC should have in-house facilities for research and development in the area of psychological assessment.

Gender Issue

The Hota Committee on Civil Service Reforms (2004) took up the issue of women representation. The committee proposed to increase the women representation to 25 per cent in the next 15 years. In order to achieve this end the committee recommended the Government “to grant them in their entire service career, extra leave with pay and allowances as admissible for four years” (Hota Committee 2004: 80) of which at present they are provided only 135 days as maternity leave. The committee added that “such facility will enable them to balance their roles as officers with their roles as mothers/housewives (Hota Committee 2004: 104). In 1998, the Government of India made new regulations to protect the working women from sexual harassment. These regulations are called as the All India Services (Prevention of Sexual Harassment) Regulations, 1998.

Involvement of the UPSC in Placement Matters

Placement of officers belonging to the All-India Services as well as Group ‘A’ Services under the Central Staffing Scheme is involved of two stages i.e., Empanelment, and Selections for particular positions. Empanelment is a process of drawing up a list of officers for possible selection to positions under the Central Staffing Scheme. To maintain the integrity of such a process, Surinder Nath Committee proposed that the UPSC should be involved in the empanelment process and it should include an interview to test the skills of the officers. The empanelment Committee should be chaired by the Chairman or the member of the UPSC and should include atleast two eminent professionals and other suitable senior officers as may be agreed between the Cabinet Secretary and Chairman of the UPSC (Surinder Nath Committee 2003: 23).

High Level Selection Committee

The Constitution has not prescribed any qualification for Members and Chairman of the UPSC except the requisite experience they needed. It is presumed that persons to be appointed to the high constitutional office of Members/Chairmen of Union Public Service Commission have to be persons of eminence in their professional fields and are expected to have relevant skills and knowledge to select the best candidates for the civil service other services for the Union of India and the States. However such a vague presumption may be abused by the political executive.

To inspire confidence in the integrity and transparency of the selection process, Hota Committee recommended that there should be a High-Level Committee to recommend names of suitable persons in a panel to the Prime Minister to obtain approval of the President before such appointments are made (Hota Committee 2004: 89). The reputation and track record of fairness and impartiality of Members and Chairman of Union Public Service Commission are very important to ensure merit-based selection of candidates to the All India Services and the Central Services and a large number of high level posts under the Union Government/ Union Territories.

CONCLUSION

The UPSC in India is created by the Constitution itself and its mandate is mainly confined to recruitment and did not extend to subsequent personnel administration. Even vital areas such as fixation of salary scale and other benefits, training, career development are outside its jurisdiction. There could be no doubt that the structure of the Commission is set right as it is not placed under any Ministry or Department. Thus the independence of the Commission is protected. Independence and impartial functioning of the Commission is also protected by the provisions relating to the conditions of service of the members of the Commission. However, the Commission is placed in a peculiar position and has complex relations with the government. The characteristics like the remarkable competence, undisputed impartiality and integrity with which the UPSC has been performing its responsibilities have indeed inspired confidence in it among the people as a constitutionally established institution. As regards the role and functions, the Commission plays a role as upholder of 'merit' system and with its limited executive authority moulded the civil service by adhering to principle of quality, reliability, merit, accountability and transparency. As a regulatory body the Commission regulates the methods of recruitment and principles to be followed in recruitment and advice the government if it is consulted. Regarding its quasi judicial functions it has no appellate authority but by convention the government consult the UPSC for the disciplinary proceedings.

Though the Commission plays a vital role it has its own limitations and it came under criticism. The main function of the UPSC to conduct competitive examination has been criticised for its validity to judge the merit. While the civil

service commissions of the advanced countries underwent a sea change in conducting examination but the UPSC still has not changed its style for more than 30 years. The existing system of personality test (interview) is also criticised for judging the personality in a short duration even without a psychologist in the interview board. Sometimes the examinations conducted by the UPSC are also mismanaged by leakage of question papers. Such act shakes the confidence of the public on it. Recent issue of reservation undermines the impartial character of the UPSC. Apart from conducting examination for recruiting personnel the Commission plays merely an advisory role. And that too the advices are not binding on the part of the government. Provision has been made in the Constitution to make the government responsible and answerable by having discussion on the Annual Report of the Commission in the Parliament. But it is pointless as no member of the parliament do know the real meaning of it and they show hardly any interest to discuss it.

From the above discussions regarding its authority over disciplinary matters, the Commission can hardly be called quasi judicial. It is more important and necessary that the UPSC should be raised to a position of an appellate authority in matters of discipline, and other service matters if it were to be called as an expert body. The UPSC (Exemption and Consultation) Regulations has been abused by the political executive for various reason which leads to political favouritism and nepotism in making appointments. Even after 50 years there is no constitutional amendment to extend the role and functions of the Commission.

The mandate of the Commission can be extended even without making any radical amendments in the Constitution. It is in the hands of legislators only as Article 321 states that the functions of the UPSC can be extended by an Act made by Parliament. In today's context and needs, the UPSC will have to go beyond their recruitment role and functions. The need of the hour is, a dynamic institution like UPSC has to be tuned with changing focus in the society and thus it can able to respond to the new and evolving challenges confronting the civil services in India. If the legislators rise to the occasion to let the UPSC perform an expanding role, it would provide a potent force in ensuring that public administrations in India would be able to meet the tremendous challenges of rapidly developing society in the new millennium.

COMPARISON OF THE ICSC AND UPSC

Emile Durkhiem has asserted “one cannot explain a social fact of any complexity except by following its complete development through a social species.” According to this view, a systematic explanation cannot be thought of without rigorous use of a comparative approach. One of the visions of comparative administrative study is to compare certain values and institutional practices of two institutions/systems (Heaphey 1968: 242). It is a comparison of institutional thoughts and practices. It presents major ideas and categorises institutional approaches on various issues. Another vision for comparative administration is to focus on problems of administrative action (Heaphey 1968: 242). In this chapter, comparison will be made between the International Civil Service Commission and India’s Union Public Service Commission in two broad categories. First the comparison will be made of evolution, mandate, structure and characteristics. The second category of comparison will be of the role and functions of the two Commissions.

EVOLUTION, MANDATE, STRUCTURE AND CHARACTERISTICS

Evolution

Indian civil service has long history than the international civil service. But both the civil services has well shaped and well defined nearly at the same time in 20th century by the European country/countries. The way, however, in which it evolved, was completely different. Indian civil service was mostly moulded by the British under the colonial rule and the international civil service took its form under the international organisation for international cooperation. Both the civil services underwent major refinement to evolve as a true civil service but under different banner and different purpose. Indian civil service is a product of Indian freedom struggle and the international civil service is a product of international cooperation.

Establishment

Though the architects of the United Nations envisaged an International Civil Service Commission it could not be established until 1975 and what evolved was an International Civil Service Advisory Body (ICSAB) in 1945 for the whole UN common system organisations. The establishment of the Commission was delayed by the consultation with other organisations of the common system. The Constitution of Independent India provided for the transformation of FPSC into the Union Public Service Commission and the PPSCs into State Public Service Commissions (SPSCs).

Also the Indian Constitution provided for the establishment of Joint Public Service Commission (JPSC) for two or more States. Thus, the similarity between these two Commissions is that both the Commissions were not established in a single shot as it exists today. Both the civil service commissions had predecessors. The similarity is also found in their mandate at the time of establishment, as both the ICSAB and CPSC were established with a limited mandate of advisory role/nature as distinguished from the operational and regulatory character. The differences are in their domain. The ICSC's domain is larger than that of the UPSC. There is only one civil service commission – ICSC – which works for the UN and other organisations in the common system. But in India, there is UPSC for recruiting civil servants to the Union services/posts and the SPSCs for each State in India or JPSC for two or more States. So the domain of the ICSC is larger than that of the UPSC.

Mandate

The ICSC when it was established in 1975 it was provided with the mandate of regulating and coordinating the conditions of service of staff in the United Nations common system by making recommendations and taking significant decisions on personnel matters. The ICSC's mandate covers all facets of staff employment conditions. However, the Commission has very limited decision making authority and most of its authorities are recommendatory in nature. The UPSC has the Constitutional mandate of recruiting personnel based on merit without any personal or political considerations and, to control and provide them with the necessary security of service. Although both the Commissions were established with a limited mandate of advisory role it has been strengthened over a period of time which is of a similar kind. Their difference lies in the coverage of the mandate. ICSC's mandate covers almost all the personnel functions of the international civil service but the UPSC's mandate covers only the recruitment function of the personnel administration.

Structure

While the ICSC's structure is provided by the Statute and Rules of its own and not by the Charter of the UN or any other organisations of the common system respectively, the UPSC's structure is provided by the Constitution itself. The composition and conditions of service of its members in ICSC are clearly provided in its Statute but in the case of UPSC it is left to the discretion of the President of India (actually decided

by the Ministry of Home Affairs). Only the Chairman and the Vice-Chairman of the ICSC serves full time and all others take part only in the Commission's sessions and do not receive remuneration except the travel expenses and per diem to take part in the sessions. On the contrary, all the UPSC members serve full time and receive remuneration for their service. The appointment of ICSC's members and its Secretariat staff are more complex than the UPSC. Regarding the qualification of the members of the ICSC it is clearly specified in the Statute that the members of the Commission should be "individuals of recognised competence who have had substantial experience of executive responsibility in public administration or related fields, particularly in personnel management." But in case of UPSC there is no specification of such qualification except a provision which provides that at least one half of the members of the Commission should be persons with a minimum of ten years' experience in Government Service. The responsibility of appointing the ICSC's members lies with the UN Secretary-General (in consultation with ACABQ), Member States, Executive heads of the other organisations and staff representatives. And the staffs of the Secretariat are appointed by the Secretary-General after consultation with the Chairman of the Commission and, as regards senior staff, with the ACC. In case of UPSC, the members are appointed by the President of India on the recommendation of the Government. No special procedure is followed in appointing the staffs for the Secretariat of UPSC. They all belong to the Secretariat Cadres and UPSC Cadres of Group A, B, C and D recruited like any other central government staff. Principle of Geographical distribution is enshrined in the Statute of ICSC in appointing the members because of its international character and no such provision is in the UPSC which is of national.

The similarity is that both the Commissions' members are protected and regulated to ensure independence and impartiality in their service by making necessary provisions and regulations under the Statute/Constitution. Both the Commissions have their own Secretariat to carry out its substantial technical and administrative work.

Characteristics

Position

ICSC with its wider mandate occupies a central position within the UN common system. As discussed in the second chapter, the ICSC is the central regulatory body

established as the subsidiary body of General Assembly to regulate the conditions of service of the staff in the UN common system. In India, the UPSC has been placed under the Ministry of Personnel, Public Grievances and Pensions (MPPGP) for administrative convenience and it doesn't mean that it is under the direct control or authority of the Ministry. The UPSC in India is the central recruiting agency while the Department of Personnel and Training (DoPT) under the MPPGP is the central personnel agency. Also other Ministries/Departments have their role in personnel administration as a whole. Thus, the ICSC is the central regulatory body of the whole UN common system the UPSC is only a central recruiting agency for the Union Government. The other difference is that the ICSC is placed under the supreme organ of the General Assembly – the legislative body. But the UPSC is not placed directly under the Parliament of India but under MPPGP that too for administrative purposes. The similarity lies with their coordination with other bodies/organs or Ministries/Departments for the whole personnel system, meant that no Commission has the sole responsibility to manage the personnel system of their respective area.

Legality

The ICSC was established by the UN General Assembly and other organisations of the common system by accepting the Statute of the Commission which provides the legal basis for its existence and purpose. In case of the UPSC, it was established directly by the Constitution of India and thus it is the Constitutional body – the highest body of the land like Supreme Court, Election Commission etc. In comparison, both the Commissions have legal basis as it was established by the Statute/Constitution and it were missing in their predecessors. However, the UPSC's position is stronger than the ICSC because it was created by the Constitution of India which can be equated with the Charter of the United Nations.

Independence, Competence and Impartiality

To maintain the integrity and efficiency of the civil service it is important that any civil service commission would function independently and impartially with necessary competence. In this regard both the ICSC and UPSC have such independence, competence and function impartially. These characteristics are ensured from the Commissions' membership and their selection procedure. From the discussions in earlier chapters it is also evident that both the Commissions'

predecessors were far from these characteristics. However, in case of the UPSC, to further strengthen the independence, the expense of this body is charged on Consolidated Fund of India which is not subject to vote in the Parliament. But the budget of the ICSC is included in the regular budget of the United Nations which is always discussed extensively.

Technical and Expert Body

The General Assembly created ICSC as a technical body to perform various reviews and surveys at the duty stations spread all over the world. The ICSC has its own Secretariat with three technical divisions filled all with technical staff. Also the members of the ICSC are appointed in their personal capacity as individuals of recognised competence who have had substantial experience of executive responsibility in public administration or related fields, particularly in personnel management. Thus it is also said to be an expert body.

The UPSC does not have much technical functions to handle except the handling of huge number of applications for the competitive examinations. It can be hardly called as technical. UPSC also has its own Secretariat to carry out its administrative and other work. Regarding the members, the Constitution provides that only one half of the members of the Commission should be persons with a minimum of 10 years experience in Government Service. However, in practice the President appoints only the persons of eminence with impeccable reputation and spotless track record to ensure the competence.

In relation to the body as a technical and expert the ICSC is ahead of the UPSC from the above discussion. ICSC can only be called as technical body because it relies on its own secretariat for conducting various reviews and surveys to solve the technical problems. UPSC cannot be said as a technical body and also there is nothing much technical it has to handle. Both the Commissions' members are expert but the Statute of the ICSC clearly specifies the membership requirements but it is not the case in the UPSC. In their Secretariat, the ICSC has only three divisions to carry out its technical and administrative work but the UPSC has 11 branches to carry out its mandate and other administrative work.

Geographical Composition

The ICSC Statute provides that of 15 members of the Commission, each must be a national of a different state and be selected with due regard to equitable geographical distribution. This character of geographical composition is the unique characteristic of the ICSC which its national counterpart, the UPSC does not have. This makes the ICSC different from that of the UPSC.

ROLE AND FUNCTIONS

Both the Commissions have the advisory and decision-making power. However, the role and functions of both the Commissions are quite different from each other. Before checking out the similarities and differences in its functions, it would be necessary to see how far the Commission plays a role in implementing their decisions and recommendations. As regards to the ICSC the Statute provides for three classified powers: the recommendations made to the UN General Assembly for its action; the recommendations made directly to the Organisations of the common system; and, the decisions and recommendations made to the UN common system organisations. The recommendations are mere advice provided by the ICSC which are of not binding nature and the decisions are binding on the organisations to implement them. It has few decision making power. As regards to the UPSC the Constitution provides the areas on which the Commission has to decide and execute; and the areas on which the Commission has to advice the government on consultation. The similarity here is that both the Commissions have to make recommendations and take decisions on the matters said in the Statute/Constitution. But the UPSC is ahead of the ICSC because it can decide on important matters and implement the decisions. That authority of implementation is missing in the ICSC's domain and its power to make decision are limited in nature.

The ICSC has wider mandate and thus wider functions than the UPSC. Functions of both the Commission will be discussed here briefly to find out their role in it and thus to derive the differences and similarities.

Salary and Benefits

The ICSC's one of the most important function over which it has to make recommendations to the UN General Assembly on the scales of salaries and allowances and benefits for staff in the Professional and higher categories. It also ascertains the facts and makes recommendations on certain matters like salary scales

of staff in the General Service and other locally recruited categories on the request of the ACC. But the UPSC does not have any mandate to perform this function.

Post Adjustment and Classification of Duty Stations

The post adjustment is the cost-of-living adjustment designed to preserve equivalent purchasing power for internationally recruited staff in all duty stations. For this purpose the duty stations are classified according to the conditions of difficulty in life and work for making post adjustment. ICSC can only make recommendations on post adjustment for staff in the Professional and higher categories. Regarding classification of duty stations it has complete authority to decide and its decision is binding on all the organisations. This function is unique of ICSC and it is not required to be performed by the UPSC.

Staff Assessment and Job Classification

Staff assessment is a form of internal taxation levied on the gross salary of the UN common system staff and ICSC can make recommendations to the UN General Assembly for its action. Regarding the job classification, which is of nothing but grading structure to ensure equal pay for equal work, the ICSC has authority to take decisions. Though these types of functions are similar to most of the national civil service commissions the UPSC have no role in it.

Recruitment

The ICSC has no role in recruiting personnel directly under its authority but it can make recommendations on standards of recruitment directly to the organisations of the UN common system. But prescribes the policies and practices of recruitment. It also makes recommendations on development of recruitment sources, including the establishment of central rosters of qualified candidates, particularly at junior entrance levels. It is up to the organisations to accept the recommendations and thus it is not binding in nature. On the other hand, the UPSC's first and foremost function is to recruit personnel for the civil services of the Union by conducting competitive examination. Also the UPSC, on consultation, regulates the methods of recruitment to other civil services and for civil posts; and, the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another service. In the area of recruitment both the Commission differs completely. While the UPSC directly involves in the recruitment function the ICSC

just prescribes the standards for recruitment. However, both the Commissions have a similarity in making recommendations on certain matters relating to recruitment such as conducting competitive examination, interviewing techniques, special measures for recruiting the target groups and so on. But these are not binding on organisation/government.

Criteria for Recruitment

For international civil service the criteria for recruitment are already clearly specified in the Charter that is, based on shared principles, such as merit and geographical distribution. The other criterion of gender balance was also explicitly mentioned in Article 8 of the Charter but only recently the ICSC taken up the issue and strives its level best to ensure the gender equality in recruiting staff of both the Professional and higher categories and General and related categories.

For Indian public service the criteria for recruitment is also provided in the constitution. The recruitment is based on merit and equality of opportunity subject to reservation for OBCs, SCs and STs. The principle of geographical distribution can be equated with what Indian Public Service calls 'cadre management' of All India Services (AIS). Distribution of AIS officers among the States (provinces) of India is managed by the DoPT in consideration with various ministries at the centre and the Chief Secretaries of the respective State governments. The provincial cadre for the All India Services is determined on the basis of the population and vacancies of each province of the country. For instance, Uttar Pradesh which is the biggest province in terms of population, has more strength of IAS officers as compared to Sikkim, which is the least populated among the 24 State cadres of the Indian Administrative Services in existence in India today. The main rationale for the distribution of cadres among the States is that the States which are deficient in their manpower supply should be benefited with these supreme civil services.

The criterion of merit is the main similarity in both the civil services. The principle of geographical distribution is ensured in both the civil services but by different authority for different reasons and in a different manner. ICSC has the responsibility to ensure the principle of geographical distribution but in case of India it is the DoPT which controls the cadre management of All India Services. In international civil service the principle is ensured so that all the Member States will be represented for

impartial function but in the case of Indian civil service it is ensured to benefit the backward States where the manpower supply is deficient. In international civil service the principle is taken into account at the time of recruitment itself by assigning 'desirable range' of quotas but in Indian civil service the principle is ensured after recruiting the civil servants by assigning them to various States. One similar aspect is found from the analysis is that in both the civil services the principle is ensured only for higher civil services that is the Professional and higher categories in case of international civil service and the All India Services in case of Indian Civil Service. In terms of debate and criticism, the international civil service criterion of geographical distribution can be equated with the Indian public service's caste based reservation as both these criteria were and are under criticism and debate since long time.

For decades the recruitment process of the international civil service is under criticism and debate. The criticism is about the criteria to be followed in the recruitment. The debate is that whether the merit should prevail over the geographical representation or the geographical representation should prevail over the merit or the both at a time. ICSC, however, as a responsible body made its recommendations regarding recruitment, including interviewing techniques and recruitment sources, and the establishment and maintenance of rosters of candidates. The problem lies with the implementation of its recommendations. ICSC in its study found that only the largest organisations, particularly the UN, implement its recommendations that too not completely. Thus non implementation of its recommendations undermines its authority. Political appointments in the United Nations are an open secret (Lemoine 1995: 249). Lately the organisations of the common system increasingly resorted to temporary fixed term, short term and consultancy appointments which further undermines the authority of the ICSC and damages the career service system of the international recruitment.

UPSC has been criticised for its inadequacy of research for adopting new recruitment methods according to the changing environment which is a failure on the part of UPSC. There is no separate think tank for the UPSC to analyse the marketing trend and need and to make the recruitment process more effectively according to that need. The recent issue of caste based reservation procedure done by the UPSC has been

made public for promoting the higher caste candidates to enter civil services who already dominating the Indian administrative system. The more ill fate is that the backward caste candidates who entered through merit have been denied to enter into general category. While the UPSC is criticised for its functions, on the other side the Government undermine its role by making political appointments to the Public Sector Enterprises (PSEs) till 1987. After a long debate the Government constituted a separate board called Public Enterprises Selection Board (PESB) for recruiting personnel for PSEs which undermined the authority of the UPSC. Also appointments are made by the Government without consulting the UPSC in the name of ad hoc basis and later extend for years which are against the spirit of the merit. The UPSC (Exemption and Consultation) Regulations of 1958 have been abused by the political executive for making political appointments had undermined the authority of the UPSC and it shrinks the constitutional responsibilities of the Commission.

Competitive Examination

As regards to competitive examination for recruiting personnel the ICSC has minimal role of making recommendations on the organisation of competitive examination or alternative selection procedures including interviewing techniques. The competitive examinations are conducted by the organisations of the common system as per the recommendations made by ICSC. However, not all organisations conduct the competitive examination. Only major organisations, particularly the United Nations, conduct the examinations that too under its own Board. For example, the UN Secretariat announces the competitive examination which will be held under the direction of a United Nations Board of Examiners who recruits nationals of selected Member States at the junior professional level for employment at United Nations head offices located in Addis Ababa, Beirut, Bangkok, Geneva, Mexico, Nairobi, New York, Santiago and Vienna (United Nations 2006: 1).

The UPSC differs a lot from the ICSC. Conducting competitive examination is the first and foremost function of the Commission. It can also be said from the discussions that the UPSC has complete authority in only one area, which is in conducting competitive examination for recruitment. The Commission does not rely on any other body or board to conduct the examination. It has its own secretariat which assists the UPSC in conducting examination in an impartial manner. Also the

examinations are held in 42 regular cities which has numerous centers spread all over the country. Although the ICSC and UPSC have different functions in the area of conducting examination there is one similarity. Both the Commissions concentrate on the higher civil services. That is the ICSC has extended mandate over the Professional and higher categories of staff of the common system, alike the UPSC conducts examination only for the All India Services – IAS, IPS and IFS (the highest civil services in India) and Group 'A' central civil services and posts.

UPSC is criticised for the scheme of examination which is one of the longest examinations in the world to judge the merit of the candidate. The world has undergone a sea change in the last two decades but there is no major change in the examination pattern of the Civil Service Examination for the last 30 years. In comparison to many advanced countries' competitive examinations the present scheme lacks precision in judging the merit of the candidate. Also the personality test (interview) conducted by the UPSC is also criticised for not incorporating the psychologists to test the candidates psychological analysis. Leakage of question papers in recent years jolted the public confidence in the integrity of the UPSC. Whereas ICSC does not face these kinds of criticism as it does not conduct examination.

Career Development

Under the Statute of the ICSC it is responsible for formulating the basic policies and principles on career development but again this is not binding on the part of the organisations. ICSC also looks after the mobility and promotion the closely related concepts of career development. With regards to the career development the UPSC has no role as such but it has advisory role in making promotions and transfers for higher civil service posts. Before making promotions and transfers for higher civil service posts in both the Centre and State the concerned Head of the Department/Ministry in India should consult UPSC. Though the consultation is not binding on the part of the Government, involvement of UPSC provides sanctity and authenticity to the whole system. While comparing both the Commissions in relation to career development both the difference and similarity can be analysed. The major difference is that the UPSC has no role in the career development as such while the ICSC has to formulate basic policies and principles regarding that. In the related

concepts of promotions and mobility/transfer, the similarity is that the ICSC and UPSC has purely advisory role in these areas.

Training

In the area of training the ICSC is responsible for developing management development training model and recommends it for application by organisations in the UN common system. Also the Commission with the help of its Secretariat cooperates with the CCAQ (PER) Subcommittee on Staff Training to identify the training needs and evaluates training programmes. Here too the Commission has the limited role of recommending the model for training and does not engage directly in providing training. The UPSC too do not have any role directly in providing training. It maintains liaison with various training institutes in India like Lal Bahadur Shastri National Academy of Administration (LBSNAA) at Musoorie, Sardar Vallabhai Patel National Police Academy (SVPNPA) at Hyderabad and others for providing foundational and professional training. Compare to ICSC, the UPSC do not have much role in the area of training but both the Commissions are similar in one aspect as they both do not directly involve in providing training.

Staff Regulations

Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the organisations. The ICSC can make recommendations to the organisations of the common system for the development of common staff regulations and in this matter too the Commission's recommendations are only advisory in nature. On the recommendation of the ICSC the staff regulations are framed by the legislative organs of the organisation and staff rules are framed by the executive heads according to their own condition. For example, the UN Secretary-General promulgates the Staff Regulations for the staff of the United Nations Secretariat established by the General Assembly in accordance to the Article 101 of the Charter (United Nations 2003: iii). The Staff Regulations are periodically reviewed and amended by Resolutions of the General Assembly.

UPSC do not have any role in the staff regulations except in the areas of recruitment, promotions, and transfers. Even in recruitment and transfer matters it has only advisory role. In actual practice, the Department of Personnel and Training (DoPT) under the Ministry of Personnel, Public Grievances and Pensions, which is the central

personnel agency, formulates the rules and regulations. These rules and regulations are framed by the Ministry according to the circulars issued by the Government from time to time. For example, the All India Services Rules and Regulations are revised completely by the DoPT and issued in 2002 (Department of Personnel and Training 2002).

In comparison, ICSC has wider role in providing advice on all the areas of staff regulations than UPSC. The similarities are both concentrate on higher civil services only and both has only advisory role. Also in practice, the staff regulations are formulated by the other bodies/ministries/departments. Thus both do not have absolute mandate over staff regulations.

Gender Balance

Article 8 of the UN Charter places no restriction on the eligibility of men and women to participate in any capacity. But still the organisations of the UN common system could not able to achieve the gender equality in recruitment. The number of women personnel is very low in spite of the ICSC's continuity in framing specific policies for targeted groups such as women. The Constitution of India also places no restriction of participation of women into the service. In the past fifty of the Indian civil service, however, the women candidate in the All India Services alone not exceeded 23% of the total entrants (Ranjit 2001: 122). Before a few decades the Government barred married women into the IAS and IPS service and it was vehemently criticised and debated in the Parliament, and latter it was repealed. UPSC has no role in promoting women representation in the civil services.

As regards the gender balance both the civil services have the problem of low representation of women in their services. The difference is that the ICSC has a role of making recommendations in promoting women in international civil services and the UPSC do not have such a role.

Recommendation/Consultation Issue

The International Civil Service Commission has mostly the power to make recommendations than to take decisions. The Statute clearly mention about the areas where the Commission has the power to make recommendations and to take decisions. Since most of its functions are recommendatory in nature the organisations

of the common system do not implement them properly and follows its own procedure in its functions and makes the common system uncommon. In India, UPSC also has mostly the advisory role than taking decisions. Recent years' experience shows that the Commission's advice has been overruled by the Union Government. And also in several cases the government did not give any reason for such non-acceptance of the Commission's advice, which it is supposed to give as per the constitutional provision (Singh 1999: 12). This is a serious violation of the Constitutional provision which affects the integrity of the UPSC.

Both the Commissions are similarly affected by the problem of non acceptance of its recommendations/advice. However, the organisations of common system is not required to reply for the non acceptance of the recommendations but it is required in case of UPSC by the Government. This difference makes UPSC theoretically stronger than the ICSC but in practice there is no much difference, since the Government of India has not given any reason in several cases.

Unlimited/Limited Functions

ICSC have been over burdened by the wider mandate, which have detracted its ability to give adequate attention and time to important aspects of personnel administration like salary, post adjustment, recruitment, and career development. Because of its wider mandate it has to do unlimited functions and ultimately the Commission deviates from concentrating on the basic functions. On the other hand, UPSC has limited authority of conducting competitive examinations to recruit personnel for civil services/posts of the Union. And it has other advisory functions which is not most important. The problem here is the UPSC has no authority over other recruitment related functions like training, pay and benefits etc. It would be better for a civil service commission to have some important functions. But the UPSC lacks from this respect.

Quasi Judicial Functions

Regarding the quasi judicial functions the ICSC do not have any role in it, even an advisory role. The mandate of handling the staff disputes in the UN common system are assigned to the two administrative tribunals viz, the United Nations Administrative Tribunal (UNAT) and the International Labor Organisation Administrative Tribunal (ILOAT). On the other hand, the UPSC have quite a few

quasi judicial functions but they are purely advisory. The Government consults the UPSC on all disciplinary matters affecting persons serving under the Government of India, any claim by the Government servant for reimbursement of expenses incurred by him in defending the legal proceedings and any claim for award of pension in respect of injuries sustained by persons serving under the Government of India in a civil capacity. Though it is said to be quasi judicial functions it do not have appellate authority. In relation to the quasi judicial functions the UPSC is ahead of the ICSC.

Conventional Functions and Authority

Though it seem to be the Commission has very limited authority, the UPSC performs certain functions by convention. For example, the UPSC conducts competitive examination for certain Defence Services, through the National Defence Academy, Indian Military Academy, Naval Academy, Air Force Academy and the Officers Training Academy. These conventional functions should be seen in contrast with the Constitutional functions as discussed in the preceding paragraphs which are provided by the constitution. Likewise, a convention has been established by the Government of India to accept the recommendations made by the UPSC on certain matters. For example, the Government accepts the Commission's recommendations on claims of expenditure incurred by the Government servants in defending legal proceedings. These conventional functions and authorities expand the scope of UPSC. This type of conventional functions and authority is completely missing in the ICSC.

Submission of Annual Report

Similarity is found in both the Commissions' function of submitting their Annual Report. Both the ICSC and UPSC are required to submit their Annual Report to their legislative bodies viz., the UN General Assembly and the Parliament of India respectively. By submitting its Annual Report to the UN General Assembly the ICSC reports about its achievements in the preceding year and the proposed programme of work for the current year. Also it contains information about the Summary of recommendations that call for decisions by the General Assembly, recommendations made to the executive heads of the participating organisations and the financial implications of the decisions and recommendations for the United Nations and other participating organisations of the common system. It also reports about the status of implementation of the Commission's decisions and recommendations by the

organisations of the common system. Similarly, the UPSC also reports about its achievements, programmes and the acceptance and non acceptance of its advice by the Government. Thus, both the Commissions' functions and its authority are ensured through a balance of check by their respective legislative organs.

Extension of Functions

ICSC can make recommendations to the organisations on other matters which are not specified in the Statute if it consider necessary to achieve its mandate of the regulating and coordinating the conditions of service of the common system. (ICSC 1987^a: Article 16). But the Commission must consult the organisations before making such recommendations. Thus the functions of the Commission can be extended but this provision has not been used by the Commission so far. Whereas, additional functions can be conferred on UPSC by an Act made by the Parliament but only the services related to the Union and not the States (Provinces) (The Constitution of India, Article 321). The Parliament can also place the personnel system of any local authority, corporate body or public institution within the jurisdiction of the UPSC. Hence the jurisdiction of UPSC can be extended by an Act of the Parliament. By virtue of provisions made in the relevant Acts, the legislators extended the functions of the UPSC to consult the Commission in respect of certain categories of posts under the Acts of Delhi Municipal Corporations, Employees State Insurance etc. So in actual practice, extension of functions of UPSC has taken place, unlike ICSC.

While making the comparison it is evident that both the Commissions' functions can be extended but the ultimate power to extend their functions are not within their own hands. In case of ICSC, though the Commission itself initiates to extend its functions but it has to get the approval of all the organisations of the common system and thus the ultimate power rests with the organisations. And in case of UPSC, it does not have that initiation power. It has to come from the legislators of the Indian Parliament and thus the ultimate power rests with the Parliament. Both the Commissions are similar in this respect.

Reforms

National civil services all over the world are undergoing significant transformation including the international civil service. They are deregulating and introducing more flexible approaches responsive to market forces in the context of liberalisation,

privatisation and globalisation at the threshold of 21st century. From the discussions of the previous chapters, it is evident that the international civil service and Indian civil service are not an exemption from the reforms. Both the Commission relies on other groups/panel/committees/commissions for reforming their civil services. These groups/panel/committees/commissions are either created by Commission (ICSC/UPSC) or by the legislators. In respect to the Commissions' involvement in reforms, the ICSC's Chairman was a member in the working group and panel to ensure to incorporate the Commission's own views so that the reform measures will be within the limits of possibility and nothing unimaginable. In case of Indian civil service, only the former Chairman of the UPSC (Surinder Nath) and former member of the UPSC (Hota) are involved.

CONCLUSION

For the systematic explanation of institutional thoughts, practices, approaches, nature, problems, a rigorous comparative approach has been carried out. From the above systematic comparative analysis it is evident that both the Commissions have both the similarities and differences. There are, however, major differences between international and national civil services in terms of their role and functions.

Though some similarities are found in its structure and characteristics, the role and functions of the Commissions are different from each other. Since the ICSC's mandate is wider than its national counterpart, it has numerous functions. Regarding the problems and challenges, both has its own problems which are functional and operational. As regards reforms in both international civil service and Indian civil service, they are underway at the threshold of the new millennium.

ASSESSMENT

It is well known fact that some phenomenon could be better understood through rigorous use of comparative approach. This dissertation is an attempt to acquire such a systematic understanding of the International Civil Service Commission by comparing it with that of the Union Public Service Commission of India. A comparison is made to find out the similarities and differences in the commissions so as to bring out the uniqueness and peculiarity of the ICSC. The comparative method is especially helpful even to bring forth the weaknesses and serious over lapses of the ICSC. In this chapter an assessment is made to highlight the uniqueness of the ICSC, its important features and major set backs in its functioning. It concludes with the highlight of ICSC's achievements and the direction it need to take in the future.

When the United Nations was created over 60 years ago, the true concept of international civil service was endorsed in its Charter and it has been unified over the decades under the aegis of International Civil Service Commission and its predecessor International Civil Service Advisory Board. The international civil service has evolved as a result of international cooperation. However, the concept of the international civil service relies much on the great traditions of public administration that has grown up in the national civil services: competence, integrity, impartiality, independence and discretion. But over and above this, it has the unique concepts of international loyalty and international outlook, and the international civil servants have a special calling to serve the ideals of peace, of respect for fundamental human rights, of economic and social progress through international cooperation.

Uniqueness

As a matter of fact, the ICSC has its own uniqueness in its mandate, structure, characteristics, role and functions. Such peculiarity is well evident when compared with national counterpart like UPSC of India. Its uniqueness lies in the fact that it regulates and coordinates the United Nations common system, which consists of UN and 14 of its specialised agencies, which accounts for 18500 staff in Professional and higher categories alone over 600 duty stations. It recommends common system of salaries, allowance and benefits, and other conditions of service. It also develops common personnel standards,

methods and arrangements designed to avoid competitive in recruitment of personnel and to facilitate the interchange of personnel. It can establish the classification of duty stations for the purpose of applying post adjustments, determine the rate of allowances and benefits and establish job classification standards. It is these numerous functions in which it involves make the ICSC unique from that of UPSC both in content and functions. By accepting the Statute of the ICSC, the international organisations, which have joined the common system, have relinquished some of their decision-making powers to the ICSC over a period of time. Although the recommendations are not of binding nature, they are also subjected themselves to the recommendations of the ICSC.

Another uniqueness, and to certain extent the very strength of ICSC is its wide mandate. Its mandate covers the entire facets of personnel policies and practices in which it has both the decision-making role and advisory role, whereas the UPSC's mandate is restricted to conducting competitive examination for recruitment. Unlike other national civil service commissions, the principle of geographical distribution is emphasized in the composition of ICSC. It is provided with its own Secretariat, which carries out both administrative and other substantive work. Unlike the UPSC Secretariat, for that matter, any other national public civil service commission, it provides the technical input by making a comprehensive review of pay and benefit structure of personnel under its common system.

Drawbacks

Despite its uniqueness and special position in the international arena, the international civil service organization is not free from defects. It has its own demerits. The ICSC's limited decision making power in the personnel matters is a major hurdle for achieving the purpose of the common system. The organisations of the common system often do not implement the Commission's recommendations, which are not binding on them, and they follow their own standards and procedures thereby making the system uncommon. As the mandate is quite wide, ICSC is over burdened by numerous functions and it has been detracted from paying adequate attention and time to various important

tasks assigned to it. Whereas the UPSC with its limited mandate of conducting competitive examinations on the other hand, is achieving excellence in its area.

The decline in independence of the international civil service and the increasing reliance on political pressure and influence are not conducive to the healthy working environment of the organisations of the common system. The change in the recruitment system of the common system is the major reason for such a deteriorating effect. The first obvious reason for such a change in the nature of the international recruitment system is the growth in membership derived from the new States of the developing countries of the world. This has an immediate and direct impact on personnel administration, through the emergence of a strong interest in ensuring an adequate (and equitable) geographical representation in the staff of each organization, which is rapidly taking precedence over the highest standards of efficiency, competence, and integrity. The second major reason is the unwillingness of the member states to loose their handful trained civil servants to the international organisations on career service. As a result the system of secondment and loan to the organisations become prevalent. Third major reason is the change in the requirements of the organisation. The use of short-term staff and outside experts (consultancy services) has become inevitable for the field level technical assistance or technical cooperation projects which had an impact on international civil service in the form of direct reduction in administrative and headquarters staff and of favouring the recruitment of technical personnel over the recruitment of generalists. Finally the financial constraints felt in the organisations has an impact on the personnel questions which tops the budget in the way of staff reductions or a freeze in recruitment which are becoming more common, and when recruitment does continue, only fixed-term contracts are given. However, some top posts are still in the career service. Thus the recruitment system has been changing from a career service to a mixture of career, fixed-term or secondment, short term and consultancy services. The change in recruitment, of course, contributes to a lowering of staff morale, loyalty, independence, impartiality, and a rising of staff discontent which are essential requirements of an international civil servant. The ICSC is making a serious effort to

deal with questions of recruitment and career development. Indeed, both the subjects are presently active parts of the Commission's agenda for reforms.

The change in the recruitment policy and practices with the unattractive pay and benefits in the common system discourages the personnel to enter into the common system organisations. The existing methodology of following the Noblemaire Principle is a major drawback which does not take into the account of the salary provided by the other international organisations. This means the level of pay is lower than those organisations and not competitive. This makes difficult for the UN common system to attract the best personnel for its international civil service. The Commission has to first review the Noblemaire principle instead of reviewing the salary structure with the help of that principle.

Political pressures in the International Civil Service Commission took various forms. The very existence of the quota system, which implies right to fill, itself invites pressure and thus abuses. Pressure exerted for appointments, is in general, very effective in the Secretariats. The extent to which pressure succeeds is the measure of the vulnerability of the Secretariat. Political pressures in appointments are not alone the cause for the decline in the independence of the international civil service, although they constitute the principle one. The other form of influence comes in the way of supplementary payments made by the member States to their nationals. This detracted the international civil servant from independence. The Commission has come under pressure and criticism because of the financial constraints faced by the United Nations and other participating organisations. The decision of the Commission to freeze the post adjustment in New York in December 1984 was inevitably influenced by the financial situation of the organisations.

However, in case of UPSC, no single finger has been raised so far against the political influence in its functioning. The UPSC is widely known for its independent functioning without any political interference. However, the UPSC (Exemption and Consultation) Regulations of 1958 have been misused by the political executives for

various reasons. This is an indirect influence exerted by the political executive. From this analysis we can say that the ICSC is subject to more political conditions than the UPSC.

The criterion of geographical representation needs to be mentioned here for it forms the heart of the problem in recruitment and also a unique one to the international civil service. As mentioned above the issue of geographical representation came to the fore with the emergence of new states. The Charter of the UN explicitly provides that in selecting the staff the paramount consideration should be to ensure the highest standards of efficiency, competence and integrity, and due regard to recruit the staff on as wide as geographical basis as possible. This raged a debate in the 1960s by the new states and a desirable range 'quota' system was introduced. Thus each member State gets due representation in the Secretariats of the UN common system of their national. This type of criterion is not followed by the UPSC by having a desirable range of 'quota' for each state (provinces) in the country. However, all the states are represented based on the vacancies available in turn determined by the population of the state. So the indirectly the civil servants are recruited to the proportion of the population in each state (provinces). Unlike ICSC, the UPSC does not have any problem with this criterion but with the caste based reservation.

The status and role of the women in the international civil service and Indian civil service has been the focus of much study and debate in recent years and both the Commissions are under active consideration of increasing the women recruitment, especially at the higher post. Gender balance in recruitment has not been achieved so far especially in the higher posts. While some progress has been made by the ICSC, the achievements of goal are far away. The ICSC has to make serious efforts in devising the recruitment standards and methods to correct this gender imbalance as the UN and other organisations has the role in empowering women who accounts for more than 50 per cent of the world population.

The financial constraints faced by the organisations of the common system affect much the functioning of the ICSC. Since the Commission has to make recommendations after considering the financial implications of the organisations it is criticised by the staff associations. This is opposed by the staff associations as it would constrain the pay and benefits for them. And also frequent downsizing of the personnel in the UN and other common system organisations in the name of reform and restructuring due to financial constraints nullifies to great extent the personnel policies devised by the ICSC. It injects great deal of uncertainty over their security of tenure and demoralise the career personnel. Such financial constraints never affected the UPSC. Though the ICSC has many drawbacks in its functioning it should be noted that these are mainly because of the member states and the organisations of the common system. In spite of major hurdles and drawbacks the ICSC made remarkable in same field.

Achievements

The achievements of the ICSC are far ahead from the achievements made by the UPSC. The main achievements of the ICSC, since its creation, has been in the establishment and development of the common salary scheme with its related issues, both for Professional and higher categories and, General and related categories staff who spread all over the world. In most other fields, the results have also been encouraging, notably in solving the anomalies of the post adjustment and classification of duty station. The conditions of service have been improved by making recommendations according to the difficult and hazard conditions prevailed in the duty stations. The Commission managed to cope with the complex nature of post adjustment system at the time of inflation in the currency. The Commission has also established the basic principles that should guide a policy on career development, and highlighted the need for developing and training staff. In its regular review of status of women in common system organisations, the Commission has made far-reaching recommendations concerning women's representation in the organisations with equitable geographical representation, particularly at higher levels. All in all, the system has worked reasonably well in trying to maintain the principle of equal pay for equal work in terms of equalisation of purchasing power. The only principle field in which no coordination has been achieved

is that of recruitment. Nevertheless the Commission is making serious effort in the areas of recruitment through its Framework for Human Resources Management. However, it persistently stressed the importance of providing priority to recruiting women at senior levels for gender equality and to improve the status of women. Another achievement of the Commission is that it has served as a watchdog against deviations from the common system through its Annual Report to the General Assembly informing about the implementation of its recommendations.

In the recent reforms too the ICSC has played a lead role in the development of new approaches in the field of human resources management. In response to the General Assembly resolutions the ICSC created the Working Group on the *Framework for Human Resources Management* in 1998. From 2002 the Commission has started to implement the framework and it is half way in its achievements. The most striking feature in its reform measure is the involvement of the stakeholders in its groundbreaking pilot project, named HR Pilot to examine how to change a system that provides little incentive for good performance. If these approaches are implemented then it would be the most significant departure from the current system of remuneration. The Commission has also established a consistent framework in the area of recruitment and career development by rationalising the wide range of contractual appointments in the organizations of the United Nations common system. Necessary reforms were also made in the standards of conduct in the international civil service which is much essential at this time. The Commission has also concentrating on other areas to fulfill the integrated framework. These are the greatest achievements by the Commission in its thirty years of existence.

Looking Ahead

International organisations are created with the aim of achieving international cooperation in dealing with matters of common concern to global community. They are all more necessary in the 21st century due to increasing interconnectedness which has transferred the world into global village. The world has been caught in an inescapable web of social, economic and political interdependencies. No State, however strong, can

by itself deal with such issues as transboundary pollution, climate change, and the spread of communicable disease, international terrorism and the globalization of national economies. Also no one can deal by itself with the threats to international security posed by weapons of mass destruction, nor act as peace maker in the increasing complex conflict situations confronting the present world which generate massive violation of human rights. In all these areas, solutions could be found through careful planning and coordinated action by international community for which it is imperative to have strong, effective, committed international civil service personnel.

Every institution has its own objective and goal to achieve. The United Nations and the specialized agencies embody the highest aspirations of the peoples of the world, which is to save succeeding generations from the scourge of war and to enable every man, woman and child to live in dignity and freedom. The international civil service bears the responsibility for translating these ideals into reality. So instead of relegating ICSC by adopted expedient measures of recruitment and personnel policies by the international organisations of the common system, it is the need of the hour to revamp ICSC to equip it with necessary power to attract high caliber personnel and retain them through effective personnel policy. The ICSC has a challenging task ahead of ensuring suitable civil service personnel to manage the global governance in the 21st century.

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