

STATES WEIGH OPTIONS ON IAS CADRE RULE CHANGES

Relevant for: Indian Polity | Topic: Provisions related to UPSC, State PSCs and Civil Services in India, and their Role in Democracy

The States have been given time till January 25 to respond. A senior government official said if the States did not respond, the Ministry would send reminders and then notify the rules by publishing it in the Gazette of India.

West Bengal Chief Minister Mamata Banerjee has written to Prime Minister Narendra Modi that the proposed amendment is against the “spirit of cooperative federalism” and the “amendment unilaterally mandates the State government to make such a number of officers available for deputation as prescribed under [the] Central Deputation Reserve.”

Last year, the DoPT had directed West Bengal Chief Secretary Alapan Bandyopadhyay to report to its office hours after Ms. Banerjee allegedly skipped a review meeting on Cyclone Yaas with Mr. Modi. The 1987-batch IAS officer had never been on Central deputation and was to superannuate on May 31. He is now fighting a case against the Centre.

Kerala's Law Minister P. Rajeev, said the government would oppose the Centre's proposal to amend the IAS (Cadre) rules “if it infringed on the cardinal principle of federalism”. He told *The Hindu* that the LDF government was yet to weigh the issue. Mr. Rajeev said the administration would examine whether the proposed amendment was a bid to subvert the State's authority guaranteed by the Constitution. It would oppose any proposal to concentrate all executive power in the Central government. “The government will study the matter and develop a calibrated response soon,” the Minister said.

‘No State control’

Kerala Chief Minister Pinarayi Vijayan had recently backed his Tamil Nadu counterpart M.K. Stalin's strong opposition to the draft Indian Ports Bill. Kerala and Tamil Nadu felt the Bill weakened the State's control over ports and harbours.

Congress leader and former Home Minister Ramesh Chennithala said the proposed amendment would enfeeble the State's political control over the bureaucracy. He said it would hobble effective governance and create avoidable legal and administrative disputes. Moreover, the Centre could weaponise the bureaucracy against an elected State government.

Sources in the Maharashtra CMO said the government would be sending a letter opposing the proposed amendment. However, no official word was given on the content and grounds on which the amendment would be opposed. When contacted, Maharashtra Chief Secretary Debashish Chakraborty said he was not aware of any letter and the department concerned was the General Administration Department for the same, headed by Chief Minister Uddhav Thackeray.

A senior IAS officer in Telangana said, “This is yet another move to take away the control of the State. This will give scope for unwarranted developments.”

The official said the Centre was encroaching upon every aspect of the States' functioning and trying to remove the strengths of the States.

Four amendments are proposed to Rule 6. One of the major changes proposed is if the State government delays posting a State cadre officer to the Centre and does not give effect to the Central government's decision within the specified time, "the officer shall stand relieved from cadre from the date as may be specified by the Central government." Presently, officers have to get a no-objection clearance from the State government for Central deputation.

The other change proposed is the Centre will decide the actual number of officers to be deputed in consultation with the State and the latter should make eligible the names of such officers. According to existing norms, States have to depute the All India Services officers, including the IPS officers, to the Central government offices and at any point it cannot be more than 40% of the total cadre strength.

The third proposed amendment says that in case of any disagreement between the Centre and the State, the matter shall be decided by the Central government and the State shall give effect to the decision of the Centre "within a specified time."

The fourth change proposed is that in specific situation where services of cadre officers are required by the Central government in "public interest" the State shall give effect to its decisions within a specified time.

(With inputs from

State bureaus)

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