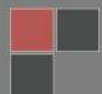


# **Recommendations of the Punjab Governance Reforms Commission Fifteenth Status Report**

**Report on Administrative Review Board**

**Report on Reforming Service Regulations of Government  
Employees**

**Feedback on Various Inspection Manuals**





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**Task Group on  
Grievances of Government Employees**

**Report on  
Administrative Review Board**

# ADMINISTRATIVE REVIEW BOARD

## **Introduction**

Government employees have ample constitutional protection against breach of their service conditions. Article 309 of the Constitution lays down that rules made by the State regulating recruitment and the conditions of service, are subject to the provisions of the Constitution. These provisions are contained in articles 310, 311 & 320.

The Constitution also protects the rights of government employees to equality before law (article 14) and to equality of opportunity in matters of public employment (article 16). Employees may enforce their rights against the State through suits filed before civil judges or through petitions under articles 226 and 227 of the Constitution or applications before the State Administrative Tribunals, under the Administrative Tribunals Act, 1985. However, the State of Punjab has not constituted a State Administrative Tribunal. Therefore, redressal of grievances employees is only through judicial remedies by filing suits before civil judges or petitions before the high court.

## **Constitutional Position**

Before 1950 employees had no constitutional protection of their rights as they have today. Their conditions of service were regulated by the rules issued by the Secretary of State under Section 247(1), 250(1) and (2) of the Government of India Act, 1935. After the Constitution came into force the Parliament passed the All-India Services Act, 1951 but government employees in Punjab are still covered by rules framed under the proviso to article 309, which is reproduced below:



Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

In the absence of a Punjab Civil Services Act, the position remains as it was prior to 1950, though rules framed under proviso to article 309 have the same force as legislation. However, some jurists feel the absence of a law governing service conditions of employees.

According to Dr I.P.Massey

“it is surprising that though article 309 had contemplated that the Legislature would make service rules yet it has not been done and the civil services continue to be governed by rules made by the executive. The reason for this seems to be that it is comparatively easy to change service rules to suit requirements of the government and the service.” [p.598, Administrative Law by I.P.Massey, Seventh Edition, 2008]

The five-judge Bench of the Supreme Court presided over by Chandrachud CJ, in *B.S.Yadav & others v. State of Haryana & others* (1980 Supp SCC 524) observed

“Little wonder then that the Superior Judicial Service of the two States was thrown into a state of turmoil and uncertainty. Neither promotees nor direct recruits felt secure about their existing rank or seniority because the rules were being amended from time to time, sometimes just to suit the convenience, sometimes to tide over a temporary crisis, sometimes to appease a class of officers who shouted louder and at least once in order to strike at an individual.”

The present state of affairs, where the terms and conditions of employees is based on rules framed by the executive and not on law passed by the legislature, has put the employees on a weak footing. The judiciary is the only forum where employees can seek protection against violation of their rights. These are unequal judicial contests between government employees and the might of the State because there is no level playing field, and the employees fight the State

with unequal arms. There is no structured middle ground where government employees can present their grievance and obtain redressal. The State expects every case, based on big or small grievances, to be judicially determined. This does not meet the contemporary standard of fairness and justice.

### **Present Reality**

The development of service law jurisprudence by the courts, and the employees awareness of their rights, has led to a phenomenal increase in litigation between the government and its employees. Every year a large number of cases are filed against the State in the civil courts or in the high court. This has resulted in placing a huge burden on the judiciary on account of the failure of the government to give justice to its employees at its own level. The increase of this category of litigation is the direct result of the courts often giving judicial protection to aggrieved employees, where departmental action is found wanting or violative of constitutional rights or procedural principles.

This has naturally raised the expectations of government employees that after they have been wronged by their departments, they shall get justice only in the courts. Many employees approach courts even for minor grievances which could have easily been resolved departmentally. This trend clogs the courts and causes procedural delays. Very often cases do not get admitted for full hearing but are disposed of at the motion stage by giving the aggrieved employees an opportunity to approach their department for redressal of their grievance.

## **Need for change**

There are many reasons to change the present practice. A system of grievance redressal needs to be designed at the departmental level, to stop employees from straightaway approaching the courts in the first instance. The cost factor and the burden on the exchequer for defending the State before courts of law is also an important consideration. The judicial time consumed to hear the grievances also adds to the expenses borne by the exchequer. This is an additional reason to redress grievances departmentally and settle the matter without recourse to courts of law.

## **Nature of grievances**

No study is available about the nature of grievances which employees take to the courts, the time taken before the courts, the cost incurred by the employees in prosecuting their claims and the State in defending the impugned action, and the corresponding expense incurred by the exchequer in going through the judicial processes, and the effect of demoralization of the aggrieved employees on their performance.

A study was attempted by this task force. A proforma calling for information regarding litigation with employees, in the High Court, Subordinate Courts and departmental proceedings was sent to all departments. They were asked to send details of the number of cases pending, and for what length of time, and furnish information in separate proforma regarding the nature of litigation with employees, giving the number of pending cases under various categories like seniority, promotion, pay fixation, disciplinary proceedings etc.

The department heads were asked to send a brief note to describe the procedure adopted when an employee makes a claim against the department for the first time, either by sending a

notice under section 80 of the Code of Civil Procedure or by making a representation, preparatory to filling a writ petition under article 226 of the Constitution. They were also asked about the procedure adopted by the department to defend the case, after notice of the suit or writ petition was received, and if the Punjab State Litigation Policy 2011 being followed. The response of the departments was lukewarm. This has given rise to the impression that the Executive would rather leave matters to be resolved by the judiciary.

### **Effective redressal of grievances is good governance**

Good governance demands a peaceful, dispute free work-place environment in all government offices and departments. This can be achieved through adoption of practices and procedures under which government employees are dealt with fairly, impartially and uniformly while being required to maintain a high standard of integrity and honesty, and always being subject to accountability for their actions. The ideal of good governance in all government departments, corporations, municipal and panchayati raj institutions is the need of the times and is not hard to achieve.

All employees must receive equal, fair and uniform treatment. They should know their duties and obligations which they must at all times meticulously observe. On the other hand, their employers (heads of departments) should also know the rights of government employees, many of which are guaranteed by the Constitution. These rights should also be respected.

During the course of employment, employees may have many grievances regarding pay fixation, denial of leave, denial of promotion, harassment, unfair treatment, fixation of pension etc. Employees' grievances should be speedily addressed at the office/department level.

Employees should not be driven to courts for redressal of grievances, as is the standard practice nowadays.

### **Need for administrative redressal of grievances**

It may be quite understandable that often department heads are either ignorant of the latest law or lack the confidence to take the right decision based on settled law. This contributes to employees taking recourse to courts of law by filing writ petitions before the High Court or civil suits. Thus begins a long, costly and protracted litigation. Cases of government employees have unnecessarily clogged court dockets. When the grievance is known, the facts are known and the law is well settled, heads of department should take a decision on the grievances of its employees. Delaying the decision making process or denying it altogether is poor governance. All grievances should be decided at the departmental level in a time bound manner. Mediation and conciliation can also be useful in some cases. Driving your own employee to sue you is bad governance and equally bad policy. The employee will lose interest in work, encourage indiscipline within the work-place, promote groups and factionalism in the department.

### **The way forward**

As a starting point the employee should be required to state his grievance within a specified time-limit of say sixty days. The time-limit commencing from the date of the administrative decision he wishes to challenge is communicated to him. The employee's application should first be dealt with by the department head or his nominee and a decision taken on it within a further period of 60 days and communicated to the concerned employee. If the employee is dissatisfied by the decision on his application then he should be able to challenge the decision through an appeal before an Administrative Review Board. This would complete the

process of administrative review. The employee may then start the process of judicial review by filing a civil suit or a writ petition.

### **Composition of the Administrative Review Board**

After the administrative review mechanism is approved, the next task would be to set up the Administrative Review Board. It is very important that the board is constituted in such a way that administrative review of employees grievances is just, transparent, effective, quick and impartial. This shall instill a new sense of confidence in the employees in the fairness of the administrative actions of their departments. Their work output shall increase and the citizen shall benefit from the resulting good governance. The board must be chaired by the incumbent Chief Secretary (or retired Chief Secretary or Principal Secretary) and have two members who are serving or retired senior officers of the rank of Secretary and above.

### **Legal advice to employees at State expense**

It shall be a measure of important reform to set up an Office of Legal Assistance in the Department of Prosecution & Litigation. The main objective of the Administrative Review Board is to give quick, inexpensive and effective redressal of employees' grievances. Free legal advice to the aggrieved employee shall help to achieve the above objectives. It shall also provide uniformity in the legal approach adopted by the various departments. A few Assistant Advocates-General (say 10 to begin with) can be deputed from the Office of Advocate-General to attend to this work on part-time basis.

Employees should be encouraged to first try and resolve their grievance through informal channels and avoid unnecessary administrative review or litigation. This will never prevent the employee from seeking administrative review of his complaint. A system of mediation can be

created to provide confidential, off-the-record assistance to help reach informal resolution of concerns and grievances of employees. Mediation is an informal and confidential process in which a trained mediator can assist the parties to work towards a negotiated settlement. It is a voluntary process. The mediator does not impose a solution but act as a facilitator. Both parties have to agree to mediation. This can also be a part of the duties of the Administrative Review Board.

### **Other functions of the Board**

The Administrative Review Board can also be required to examine complaints of workplace harassment or sexual harassment of women employees. The Board can function as an Administrative Ombudsman to look into complaints of employees, give them a fair hearing and suggest way and means to resolve their grievances. There may be some cases where an employee's grievance may not give him a judicial or administrative cause of action but may still be a grievance about improper, unfair or unethical conduct on the part of a senior or a colleague.

### **Conclusion**

The Task Group would like to recommend that an Administrative Review Board based on rules framed under the proviso to article 309 of the Constitution should be set up. A draft of the Punjab Civil Services (Redressal of Grievances of Employees) Rules, 2017 is attached.

The Task Group would also like to recommend that a complete and comprehensive Punjab Civil Services Bill under article 309 of the Constitution should be drafted and placed before by the State Legislature. The object being to regulate the recruitment, and conditions of service of persons appointed to public services and posts in connection with the affairs of the State of Punjab.

The Bill should also lay down the rights and duties of the Government towards its employees and the similarly the rights and duties of the employees towards the Government, the citizens and the public. The terms and conditions of service relating to recruitment, salary, seniority, promotion, leave, allowances, conduct, discipline, punishment, retirement and pension benefits of government employees should a part of the Punjab Civil Services Bill. Consolidation of all rules made under the proviso to article 309 of the Constitution in one enactment shall be a measure of great reform to conform with contemporary standards of just and fair treatment of government employees.



GOVERNMENT OF PUNJAB  
DEPARTMENT OF PERSONNEL

Notification

The        March, 2017

No.                      .-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all others powers enabling him in this behalf, the Governor of Punjab, in consultation with the High Court of Punjab and Haryana and the Speaker of the Punjab Legislative Assembly, is pleased to make the following rules to regulate the grievances relating to service matters and the conditions of service of the persons appointed to the service in connection with the affairs of the State of Punjab, namely:-

RULES

1.     Short title and commencement.- (1) These rules may be called the Punjab Civil Services (Redressal of Grievances of Employees) Rules, 2017.

(2)     They shall come into force on and with effect from the date of their publication in the Official Gazette.

(3)     They shall apply to all the services in Group 'A', Group 'B' and Group 'C' in connection with the affairs of the State of Punjab.

2.     Definitions.- In these rules, unless the context otherwise require,-

(a)     'Appointing authority' means an appointing authority specified as such in the service rules made under Article 309 of the Constitution of India and Acts in respect of any service or post in connections with the affairs of the State of Punjab;

(b) 'Government' means the Government of Punjab;

(c) 'Government employee' means any person appointed to any civil service or post in connection with the affairs of the State of Punjab, whether permanent, temporary, ad-hoc, contractual or otherwise or employees of the Boards or Corporations or local self Government or Panchayati Raj Institutions owned or controlled by the Government of Punjab;

Explanation:- A Government employee whose services are placed at the disposal of a company, corporation, organization or a local authority by the Government shall, for the purpose of these rules, be deemed to be a Government employee serving under the Government notwithstanding that his salary is drawn from sources other than the consolidated fund of the State;

(d) "Board" means Administrative Review Board constituted by the Government under rule 4 of these rules ;

(e) 'Chairman' means the Chairman of the Board;

(f) 'Member' means a Member of the Board and includes Chairman;

(g) 'service matter', in relation to a person, means all matters relating to his service in connection with the affairs of the State or any local or other authority, under the control of the Government of Punjab, of any corporation or Board owned or controlled by the Government, as respects-

- (i) remuneration (including allowances), pension and retirement benefits;
- (ii) tenure including conformation, seniority, promotion, reversion, pre-mature retirement and superannuation;
- (iii) leave of any kind;
- (iv) work-place harassment or victimization;
- (v) sexual harassment of a female employee;
- (vi) improper, unfair or unethical conduct of another employee;
- (vii) any other matter;
- (h) 'service rules' as to redressal of grievances, in relation to any matter, means the rules, regulations, orders or other instruments or arrangements as in force for the time being with respect to redressal, otherwise than under these rules, of any grievances in relation to such matter;

3. Application.-(1) These rules shall apply to every Government employee, but shall not apply to :-

- (a) any member of the all India services;
- (b) any person in casual employment;
- (c) any person subject to discharge from service on less than one month's notice.

(2) Notwithstanding anything contained in sub-rule (1), the Governor may by order exclude any class of Government employee from the operation of all or any of these rules;

(3) Notwithstanding anything contained in sub-rule (1), these rules shall apply to every Government employee temporarily transferred to a service or post to the Government of India or to any other State Government.

(4) If any doubt arises whether these rules or any of them apply to any person, the matter shall be referred to the Chief Secretary, who shall decide the same.

4. Constitution of the Board.-(1) The State Government shall, by notification in the Official Gazette constitute a Review Board or more such Boards to be known as the Punjab Administrative Review Board, to exercise the jurisdiction, powers and authority conferred on the Board by or under these rules.

(2) The Board shall consist of the Chairman and two members to be appointed by the State Government.

(3) A person shall not be qualified for appointment as a Chairman of the Board unless he is or has been a Chief Secretary or Principal Secretary of the Government of Punjab or of any other State Government.

(4) A person shall not be qualified for appointment as a Member of the Board from the category of persons, having administrative background unless he is or has been an officer of the Government of Punjab or of any other State Government not below the rank of Secretary.

(5) All expenses incurred in connection with the Board, shall be borne by the State Government.

(6) The Board shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which, it shall hold its sittings:

Provided that the State Government may, specify, any place or places, where Board shall hold its sittings.

(7) The Board shall, for the purpose of disposal of an application made under these rules, shall have the same powers, as are vested in any appellate court by the Code of Civil Procedure, 1908.

(8) The Board shall have the power to stay the operation of any order appealed against, on such terms, as it may think appropriate, keeping in view the general well-recognized principles of granting stay like there being a prima facie case in favour of the applicant, the balance of convenience being in his favour, and the likelihood the applicant suffering irreparable damage if stay is not granted.

(9) In appropriate cases the Board may resort to alternative means of redressal of grievances in accordance with section 89 of the Code of Civil Procedure, 1908.

5. Term of office.-The Chairman or member shall hold office as such for a term of five years from the date on which he enters upon his office and shall not be eligible for re-appointment:

Provided that no Chairman or other member shall hold office as such after he has attained,-

(a) In the case of Chairman, the age of seventy years; and

(b) In the case of member, the age of sixty five years.

6. Resignation and removal.- (1) The Chairperson or Member may, by notice in writing under his hand addressed to the Governor, resign from his office:

Provided that the Chairperson or Member shall, unless he is permitted by the Governor to relinquish his office, continue to hold office until the expiry of three months from the date of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The Chairperson or the Member shall not be removed from his office except by an order made by the Government on the ground of proved misbehavior or incapacity after an enquiry made in which such Chairperson or Member had been informed of the charges against him and has been given a reasonable opportunity of being heard in respect of the charges.

7. Salary and Allowances and Terms and Condition of Service of Chairperson and Member.-The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and Member shall be such as may be fixed by the State Government.

8. Staff of the Board.-(1) The State Government shall provide staff required to assist the Board in the discharge of its functions.

(2) The salaries and allowances and condition of service of the staff of the board shall be such as may be fixed by the State Government.

9. Jurisdiction and powers of the Board.-The Board shall exercise powers exercisable in relation to all service matters concerning all the employees of the State Government and shall have jurisdiction all over the State of Punjab.

10. Application to the appropriate Authority.-(1) A person aggrieved by an order pertaining to any matter in relation to his service may make an application to the appropriate authority i.e Head of Department or Head of office, as the case may be, for the redressal of his grievance.

(2) Every application under sub-rule (1) shall be lodged within sixty days of the administrative order being communicated to the employee and shall in such form and be accompanied by such documents in respect of filing such application which are sufficient to dispose of the application.

(3) On receipt of an application under sub-rule (1) , the appropriate authority shall conduct a review of the case, and pass a speaking order while disposing of the application, and communicate the order to the applicant. The appropriate authority may conduct any enquiry deemed necessary but shall dispose of the application within a period of sixty days from its receipt.

11. Appeal - (1) A person aggrieved by an order of the appropriate authority passed under rule 10, may file an appeal to the Board for the redressal of his grievances within a period of thirty days from the receipt of a copy of order of the appropriate authority.

(2) Every application under sub-rule (1) shall be accompanied by such documents in respect of filing such appeal which are sufficient to dispose of the appeal.

(3) On receipt of an appeal under sub-rule (1) the Board shall, if satisfied after such enquiry that the appeal is a fit case for adjudication, dispose of the appeal within a period of sixty days from its receipt or where the Board is not satisfied it may summarily reject the appeal after recording reasons.

12. Procedure of the Board.- (1) The Board shall be guided by the principles of natural justices and evolve its own procedure for the disposal of the appeals.

(2) The Board shall have, for the purposes of discharging its functions under these rules, the same powers as are vested in the civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters , -

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any record or documents or copy of such record or documents from any office;

(e) dismissing an appeal in default for non-appearance or deciding it ex-parte ; and

(f) setting aside any order of dismissal in default for non-appearance or any order passed by it ex-parte.



13. Right of applicant to take assistance of legal practitioner and of Government to appoint Presenting Officers.- (1) A person making an application to the Board, may either appear in person or take the assistance of a legal practitioner of his choice.

(2) The State Government or a local or other authority or corporation or society may authorized one or more legal practitioner or any of its officers to act as presenting officers and every person so authorize by it may present its case with respect to any application before the Board.

(3) The State Government shall set up an Office of Legal Assistance in the Department of Prosecution & Litigation to give free legal advice to aggrieved employees and, if necessary, represent them before the Board.

(4) The State Government shall depute sufficient number of Assistant Advocates-General from the Office of Advocate-General to attend to free legal advice work in the Department of Prosecution & Litigation, on full time or part-time basis.

14. Proceeding before the Board to be judicial proceeding.- All proceeding before the Board shall be deemed to be judicial proceedings within the meaning of section 193, 219 and 228 of the Indian Penal Code.

15. Members and staff of the Board to be Public Servants.- The Chairperson, Members and the staff of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

16. Protection of actions taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the Chairperson or Member of the Board for anything, which is in good faith done or intended to be done in pursuance of these rules.

# **Task Group on Fiscal Regulations & Housekeeping Services**

## **Report on Reforming Service Regulations of Government Employees**

# **Report on Reforming Service Regulations of Government Employees**

## **Introduction:**

There are a number of rules and regulations dealing with management of employees and their conduct, assessment of performance, promotions. These are handled by the Personnel Department and are followed uniformly by different Departments of the state government. These rules have been examined to see whether they fulfill the objectives and whether some changes are required to make them more responsive, productive and efficient. The Rules and Instructions covered are Conduct of Employees, the ACR's, promotion and selection, premature retirement.

## **I. CONDUCT RULES**

Conduct rules prescribe how officials may conduct themselves not only officially but to a limited extent also socially. Punjab Govt. rules contain prohibitions, prescriptions and stipulations similar to those contained in the Central Government Regulations. Some of the Rules such as prohibition of drinking in clubs are difficult to enforce and may be violated in practice but there are many others where a little more attention to the design and context of rules is likely to pay dividends in terms of improved compliance by employees. There is also a need to update the Rules to reflect contemporary concerns such as treatment of women employees.

### **The Role of Incentives: Carrots and Sticks**

While the Conduct Rules are expected to provide appropriate (dis) incentives to employees (punishment for violations), the rule design rarely achieves this purpose. One reason is that there are no medals or rewards for good conduct, unlike for example jails where prisoners are provided (apart from disincentives) also the incentive of remission of sentence as a reward for good conduct. There are not many incentives for good conduct as this is the default mode; every employee is expected to conform to these rules. Incentives can also create prime situations for 'moral hazard' as the negative outcomes of various performance pay and bonus schemes show, mainly due to information and measurement problems. One has therefore to see whether these Conduct Rules, which are primarily and necessarily based on negative incentives - the threat of punishment - provide an adequate frame for deterrence. The answer based on general

perception is 'no'. To take an example; the provision for annual Property Returns is rarely viewed as a deterrent for corrupt acts.

There is, therefore, a need to revisit some of the major rules and redesign them to function as effective instruments for their objectives. As the following will indicate, these changes envisage nothing revolutionary but only minor 'tweaking' of rules; fundamental restructuring is in any case difficult due to the well known 'status quo' bias and 'inertia' which characterizes most of the human interactions especially among the bureaucracy.

The following are two major areas where conduct rules can be redesigned to be more effective:

#### **(i) Proportionality in Punishment**

While the rules about what amounts to misconduct are generally quite clear, the specific consequences of different acts of misconduct are rarely defined either in the Conduct Rules or the P&A Rules; the effect is similar to what may happen for example in case the quantum of punishment for murder or other heinous offences undefined and left to the Courts. The result is that a competent authority can generally choose the punishment - to dismiss a govt. official or impose only a minor punishment. Such vagueness can play havoc with the incentive structure of both parties – the indicted officials and the executive authority. Moreover, govt. officials mostly translate (dis)incentives not in terms of actual loss resulting from punishment but also various other consequences of a penalty, primarily in terms of its effect on reputation, career advancement and promotion. The rules of promotion are so designed that even a minor punishment may be enough to delay promotion. This means the employees attach disproportionate weight to even minor punishment, a phenomenon very different from the reaction for example of citizens to minor traffic offences and fines thereof.

In the absence of guidelines regarding gradations of misconduct and its consequences, the general tendency of the officers responsible for taking action is to issue a formal chargesheet and expect the Enquiry Officer to suggest the penalty to be imposed – thus causing a lot of delay and dilution of the deterrent effect which an immediate penalty – major and even minor - can have. This also brings into play subjective judgments of the individual officers responsible for proposing or taking a decision.

The effect of such ambiguity and ambivalence about the quantum of punishment on the employees' incentives can be much more damaging. As psychologists have shown humans generally suffer from the 'over – confidence' bias; 90% of the drivers believe they are better than average! A slight possibility of avoiding or 'managing' punishment for example can be an indirect incentive for indulging in acts of misconduct. And as indicated, there is always the problem of information deficit which adds to problems of proving misconduct even given the lenient standards of proof, unlike the criminal law. Clarifying and defining specific acts of misconduct and consequences of violation will lead to more transparent and credible principal-agent – employer- employee - relationships.

For these reasons, for most of minor violations, such as delayed filing of property returns or absenteeism which is not habitual, first level minor penalty – censure or stoppage of one increment - may be more than adequate as a disincentive. *Government could consider specifying the nature and quantum of penalties to be imposed for violation of specific rules, to the extent practicable and feasible.* In the case of officials who don't file returns on time, for example, the rules prescribe that strict disciplinary action should be taken but stop short of defining the same. The result is a cascade of official reminders to defaulters but little by way of penal outcomes. It would be more effective to prescribe a penalty of censure or similar minor punishment in such cases; the process can be completed quickly and only a show cause notice is required. As indicated, in the case of promotions even a minor penalty can be a material factor and will therefore be a more than sufficient deterrent for employees while having the advantage of immediacy.

*In order to bring in an element of 'immediacy' in deterrence and eliminate the play of subjective preferences, Conduct Rules should be based on the 'default rule' of minor penalty; the default rule would be: minor punishment (of Censure or stoppage one increment) except in cases where major penalty is specifically prescribed for any act of misconduct.*

## **(ii) Incentives for Honesty: Annual Property Returns**

Immovable Property Returns are required to be submitted annually. One issue regarding Property Returns is whether these should be placed in the public domain. While there are pros and cons, we feel that this information needs to be in the public domain. In the first place, this

information is available for high political functionaries and there is no reason why details of property of senior officials should need more secrecy than those of Ministers. Second, putting this information in the public domain can itself be a big disincentive to corruption; disparity between what an officer reports and what he/she is 'reputed' to own is more likely to be brought to government's notice if such information is openly available. The task of proving a case of disproportionate assets is difficult enough, mainly due to the problem of information. The base data if made openly available may provide some incentive to the public including whistle blowers to pursue cases of mismatch between known income and reported assets. In fact Punjab Govt. is already following this practice and has displayed these statements on its website. Some attention may however be required to make the presentation of this information user-friendly. It will help if the govt. could digitize information for each officer and display it as one file rather than putting scanned copies thereof as is done at present.

The second issue is whether moveable property should be included in the Returns. The GoI have now included this and we suggest Punjab Government should follow this at least in case of Group A & 'B' officers; further, considering the scope of corruption even among junior employees in 'wet' departments, requirement of filing property returns (moveable and immovable) could also be extended to C category officers of selected 'wet' departments – taxes, police, revenue, transport etc.

Three, a major omission in the Rules is that while delayed filing of Returns is considered an act of misconduct, there is no (dis) incentive in the rules for officers to provide correct and true information. *Govt. could consider amending the Conduct Rules to provide that furnishing of false and incorrect information will be considered a serious misconduct warranting imposition of major penalty.*

### **(iii) Updating Conduct Rules**

#### **(a) Defining Acts of Misconduct**

The Rules contain provisions regarding the conduct of officers in respect of integrity, devotion to duty and not indulging in acts unbecoming of a Government servant. The provisions have however not been elaborated. The Government of India have added, through separate

instructions, a list of acts and conduct which amount to misconduct (Annexure-I). Punjab Government could consider adopting similar instructions.

### **(b) Sexual Harassment of Women Employees**

There are no specific provisions in regard to this aspect of workplace conduct of employees. Rule 3-C has been added in the Central Services Conduct Rules vide notification published on 7<sup>th</sup> March, 1998. This provides for the following:-

#### **“3-C. Prohibition of sexual harassment of working women**

*(1) No Government servant shall indulge in any of sexual harassment of any woman at her work place.*

*(2) Every Government servant who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.*

*EXPLANATION - For the purpose of this rule, “sexual harassment” includes such unwelcome sexually determined behaviour, whether directly or otherwise, as-*

- (a) physical contact and advances;*
- (b) demand or request for sexual favours;*
- (c) sexually coloured remarks;*
- (d) showing any pornography; or*
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.”*

*A similar clause needs to be added in the Punjab Government Conduct Rules to address this major area of conduct of officials in respect of women employees.*

## **II. Annual Confidential Reports**

We have looked into the design and structure of the Annual Confidential Reports (ACRs). It seems that the formats have already been updated on the lines of changes adopted by the Government of India and instead of a descriptive write-up, a quantitative marking system has been introduced. There are two areas, however, where some rethinking may be required.



### **(i) System of Grading of ACRs**

One of these is the system of grading. At present, the grades, linked to numerical scores, are: ‘Outstanding’ (81-100%), ‘Very Good’ (61-80%), ‘Good’ (51-60%), ‘Average’ (31-50%) and ‘Below Average’ (30% or less). The concept of ‘Average’ may need to be reviewed. The grading structure itself suggests that this is contrary to the probabilities of distribution of performance grades which generally assume that by and large officials ‘Below Average’ will match the number above the ‘Average’. We have, however, three categories now ranked ‘Above Average’ and only one ‘below’. While it is true that Government officials are expected to represent the more productive and educated elements of society, the concept of ‘Average’ is obviously only with reference to the officials and not the public at large. We need to have a more pragmatic gradation system in sync with expectations and probabilities of distribution and the reality.

A perfect solution to this problem is not possible, but one way to make the grading system more pragmatic would be to merge ‘Good’ and ‘Average’ rankings and classify this as one category “Satisfactory”. One can safely make the assumption that only a few officials are probably of Outstanding quality (hence 91-100%); a large number (40-50%) are very good – govt. jobs are in great demand and do attract the brightest; and about 30-40% are good or satisfactory on their present positions; and only 10-15% unsatisfactory. This will indicate desirability of the classification as under:

- i) ‘Outstanding’ (91-100%);
- ii) ‘Very Good’ (61-90%);
- iii) ‘Satisfactory’ (41-60%);
- iv) ‘Unsatisfactory’ (40% or below)

The present grading of 81% & above for ‘Outstanding’ is too liberal and considering the incentives of getting an ‘Outstanding’ grading (in the case of selection posts), there is a lot of manipulation and *unhealthy* competition for getting this grading and hence the proposal to raise the bar for Outstanding to +90%.

The numerical scores earmarked for ‘Good’ and ‘Average’ categories could be combined for this revised grading system. Taking the example of IQ rankings, where the range of average

IQ is 90-110, the 'Satisfactory' grade could be, as indicated, 41-60%. *This will also account for errors of judgment, involuntary or malafide, which are inevitable in any evaluation by human beings.*

## **(ii) Entries about 'Integrity' of Officers**

The second issue of the ACR system concerns entries in the column relating to 'Integrity'. While instructions in this regard (copy at Annexure-II) are, in theory, quite clear there are practical difficulties:

- (a) It is almost impossible to get evidence of corruption and therefore, instructions which provide for recording of secret notes regarding integrity and verifying them, are rarely, if ever used;
- (b) Secondly, especially considering the frequent changes in staff, it is rarely possible for superiors, even if they happen to be keen observers, to form a clear opinion, as was possible earlier with long and stable tenures of bosses and subordinates;
- (c) The interactions and transactions involving corrupt dealings are also generally secretive and many a time collusive; evaluation of honesty which is mostly based on hearsay may also sometimes be in inverse proportion to facts.

*The consequence is that contrary to the common impression (that most of the officials are dishonest), over 90% officials are being certified as 'Honest'!* This makes a mockery of this important aspect of employee assessment.

One simple way out can be to give three clear options to Reporting/Reviewing Officers:

- (a) certification of integrity or
- (b) leaving the column blank/a remark that he/she has not been able to make any judgment or
- (c) making an entry of 'doubtful integrity'.

This procedure will at the least help distinguish the (probably) minority category of ‘Honest’ employees from others and help evaluations to be more in line with facts. *Needless to say, remark as at (b) will not be considered adverse.*

### **III: System of Promotion and Selection**

The proposed system of grading will also help in establishing a more functional system of assessment of officials for promotion as it is easier to make a judgment, as between the two categories ‘Very Good’ and ‘Satisfactory’ than among the three (very good, good, average) which can sometime overlap especially when the problem gets compounded due to the fact that officials may happen to get different grades for different periods/years from different officers but have to be assessed and awarded an overall grading for 5-10 years for the purpose of promotion.

#### **(i) Overall Assessment for Promotion/Selection**

One major omission in the state govt. rules is that no guidelines are provided for the DPCs to ensure that there is uniformity in the *overall grading of the ACRs* of individual officers; generally ACRs covering a period of five years are considered and these can differ from year to year. The govt. of India instructions could be followed. We can provide for an overall grade of 95% for Outstanding (median for 91-100% as proposed), 75% for ‘Very Good’ (median of 61-90%), 50% for Good/satisfactory (median of 40-60%) and less than 50 for Unsatisfactory. This can also be followed for performance reviews carried out periodically - every 5 years after 15 years service.

#### **(ii) Streamlining Selection and Promotion Process**

In the case of selection posts, there will be much less problem in making a judgment about suitability as ‘Satisfactory’ and ‘Below average’ grading, would not be considered – and of course ‘Outstanding’ is a rare grading and that is the reason for raising the bar for this to 91% instead of 81%. The process of promotion and selection will thus be streamlined, be more in line with the capabilities of human actors and will likely create much less resentment than the current system of promotions by selection which is based on an impressionistic assessment of multiple rankings over multiple periods given by a multitude of officers – outstanding, very good, good or average. And all this can be done without compromising with the criteria of quality for selection

posts where 'Outstanding' grading overrides grading of 'Very Good'. The criteria for promotion can provide similar preference to Very Good over Satisfactory record.

#### **IV: PUNJAB CIVIL SERVICES (PREMATURE RETIREMENT) RULES, 1975**

These rules relate to powers of the Government to retire an employee after 25 years qualifying service or 55 years of age. Notice period provided is 3 months. The rules were framed to provide for weeding out of corrupt, dishonest or inefficient officials from service in cases where sufficient material may not be available for proceeding under the Punishment and Appeal Rules. A similar option is available for Government employees to seek voluntary retirement.

Punjab Government instructions dated 22<sup>nd</sup> June, 1981 provide, inter alia, for

- (a) *premature retirement not be ordered if during the last 5 years the work and conduct has been good or better;*
- (b) *no retirement within one year of the date of the retirement;*
- (c) *one adverse entry of integrity during the last 10 years may be sufficient for ordering premature retirement.*

The Department has indicated that in fact the weeding out process is to be carried out after 15 years service, every 5 years.

As has been indicated in the case of Conduct Rules/ACRs, even though a large chunk of employees may not be honest, the default mode for Reporting officials is to certify integrity. It is difficult to have enough available evidence which can justify an adverse entry for integrity. The intention, therefore, of weeding out dishonest employees is defeated by the very structure of recording ACRs as even in the limited cases where adverse entry is given, employees are able to get it expunged. Similar is the case regarding grading of entries where it is difficult to give proper weight to multiple rankings which may occur over the course of five or more years of review.

Basically, it is difficult to quantify these parameters and the evaluation of employees is essentially a matter of judgment. The appropriate course may be to have the DPC's review the

overall record of employees for weeding out inefficient and/or dishonest employees. This will be a better procedure than routine administrative processing of individual cases. The advantage of the DPC is that a wide spectrum of officers exercise their judgment as a collective Committee/Group and this is likely to be less of a routine than administrative/file examination processes. *Screening may be done on the basis of reports of integrity, as at present and the overall grading of ACR's by the DPC as proposed above.*

It is, therefore, suggested that instructions should be modified to provide

- a) Giving powers to the DPC or a similar Committee consisting of the Departmental Secretary, two other Secretaries and the Head of the Department concerned to decide. Govt. should generally accept these recommendations.
- b) Review cases of this nature in a particular cadre in one lot and take a view keeping in view the overall service record of officials, record of integrity and the fact whether there is consistent change for better or worse over time etc.
- c) It is suggested that overall grading of 'Unsatisfactory' should qualify for being weeded out, apart from assessment of integrity.

The Government should consider the Committee's views as final though, of course, an appeal should be provided which may be heard by the Minister concerned.

Hopefully, these changes will make decision making in these cases objective and lead to more pragmatic evaluation which are after all based on criteria which can never be completely quantified.

## **Summary**

### **I. Redesigning Conduct Rules:**

**Defining level of Punishment for Acts of Misconduct:** Incorporating consequence of misconduct/violation of rules – in terms of minor or major punishment. *Minor penalty should be adopted as the 'default' rule for any act of misconduct.* Conduct Rules may be modified accordingly.

**Returns of Moveable Property:** Including moveable property in the Annual Returns for A& B categories of officers and for all A, B and C categories in police, excise & taxation, revenue and other 'wet' departments.

**Furnishing False Property Returns:** to be declared a misconduct warranting a major punishment.

**Assets of Dependents:** To clarify doubts, the rules to provide that assets/property of spouse and dependents must be included, even though funded from the latter's own sources of income.

## **II. ACR's:**

Review System of Grading: Four grades for annual grading of Outstanding (91-100), Very Good (61-90), Satisfactory (41-60) & Unsatisfactory (40 or below).

**Integrity:** Allowing recording of 'no opinion'/blank columns in cases where definite opinion cannot be formed by reporting/reviewing authorities.

**III. Promotion & Selection:** DPCs must meet at least once a year.

Streamline processes by reform of the grading system and redefining criteria for Selection posts (Only Outstanding/Very Good) and promotion (only Very Good).

Criteria for Overall Grading of five years' ACRs: Outstanding (95); Very Good (75); Satisfactory (50); Unsatisfactory (less than 50).

**IV. Premature Retirement:** Adopt grading criteria as suggested. Committees similar to DPC's or the DPC itself to be authorized to take a view keeping in view integrity and performance as reflected in the ACR's and other relevant documents. Overall grading of Unsatisfactory (<50%) to be the benchmark.

## **Annexure-I**

### **Government of India Instructions regarding Conduct Rules**

**“(23) Acts and conducts which amount to misconduct:-** The act or conduct of a servant may amount to misconduct –

- (1) if the act or conduct is prejudicial or likely to be prejudicial to the interests of the master or to the reputation of the master;
- (2) if the act or conduct is inconsistent or incompatible with the due or peaceful discharge of his duty to his master;
- (3) if the act or conduct of a servant makes it unsafe for the employer to retain him in service;
- (4) if the act or conduct of the servant is so grossly immoral that all reasonable men will say that the employee cannot be trusted;
- (5) if the act or conduct of the employee is such that the master cannot rely on the faithfulness of his employee;
- (6) if the act or conduct of the employee is such as to open before him temptations for not discharging his duties properly;
- (7) if the servant is abusive or if he disturbs the peace at the place of his employment;
- (8) if he is insulting and insubordinate to such a degree as to be incompatible with the continuance of the relation of master and servant;
- (9) if the servant is habitually negligent in respect of the duties for which he is engaged;
- (10) if the neglect of the servant through isolated, tends to cause serious consequences.

The following acts and omissions amount to misconduct:-

- (1) Willful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;
- (2) Infidelity, unfaithfulness, dishonesty, untrustworthiness, theft and fraud, or dishonesty in connection with the employer’s business or property.

- (3) Strike, picketing, gherao — Striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.
- (4) Gross moral misconduct — Acts subversive of discipline — Riotous or disorderly behaviour during working hours at the establishment or any act subversive or discipline.
- (5) Riotous and disorderly behaviour during and after the factory hours or in business premises.
- (6) Habitual late attendance.
- (7) Negligence or neglect of work or duty amounting to misconduct — Habitual negligence or neglect of work.
- (8) Habitual absence without permission and over-staying leave.
- (9) Conviction by a Criminal Court.

[“Notes on CCS (Conduct) Rules, 1964”, published by G.I., M.H.A., D.P.& A.R. 3<sup>rd</sup> Edition, 1980.]”



**Annexure-II**  
**ACRs : Instructions regarding Reporting on Integrity**

“8.6 Supervisory officers should maintain a confidential diary in which instances which create suspicion about the integrity of a subordinate should be noted from time to time and action to verify the truth of such suspicions should be taken expeditiously by making confidential enquiries departmentally. At the time of recording the annual confidential report, action should be taken in accordance with the following:

- (i) The column pertaining to integrity in the ACR should be left blank and a separate secret note about the doubts and suspicions regarding the officer's integrity should be recorded simultaneously and followed up.
- (ii) A copy of the secret note should be sent together with the ACR to the next superior officer who would ensure that the follow up action is expedited.
- (iii) If, as a result of the follow-up action, an officer is exonerated, his integrity should be certified and an entry made in the ACR. If suspicions regarding his integrity are confirmed, this fact can also be recorded and duly communicated to the officer concerned.
- (iv) There are occasions when a reporting officer cannot in fairness to himself and to the officer reported upon, either certify integrity or make an adverse entry, or even be in possession of any information which could enable him to make a secret report to the head of the department. Such instances can occur when an officer is serving in a remote station and the reporting officer has not had occasion to watch his work closely or when an officer has worked under the reporting officer only for a brief period or has been on long leave, etc. In all such cases, the reporting officer should make an entry in the integrity column to the effect that he has not watched the officer's work for a sufficient time to be able to make any definite remark or that he has heard nothing against the officer's integrity, as the case may be. But, it is necessary that a superior officer should make every effort to form a definite judgment about the integrity of those working under him, as early as possible, so that he may be able to make a positive statement.

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8.6 Filling up column relating to integrity

- (v) There may be cases in which after a secret report / note has been recorded expressing suspicion about an officer's integrity, the enquiries that follow do not disclose sufficient material to remove the suspicion or to confirm it. In such a case, the officer's conduct should be watched for a further period, and in the meantime, he should, as far as practicable, be kept away from positions in which there are opportunities for indulging in corrupt practices.

8.6.1 Specific mention should be made in the confidential reports of officers working in or holding charge of Top Secret / Secret Sections about their trustworthiness especially in matters affecting departmental security.”

# **Feedback on Various Inspection Manuals**

Punjab Government have asked for views of the Punjab Governance Reforms Commission (PGRC) on systems of field inspection, in the context of some proposals of the Government of India (GOI) for strengthening inspection of various Centrally Sponsored Schemes (CSSs). A copy of the reference is enclosed. (Annexure - I).

**Field Inspection of CSS Schemes:**

2. The purpose of the reference to the PGRC is not very clear as the Central Government letter refers only to strengthening the systems of inspections for the CSS by
  - a) Publishing relevant manuals in all languages;
  - b) Physical field visits by the Central Government Officers; and
  - c) Video conferencing.
3. The GOI generally issues detailed guidelines for each CSS scheme, such as MGNREGA, Watershed Development Programmes, Sarva Shiksha Abhiyan, etc. and can design whatever system suits them.

**Monitoring of State Government Programmes:**

4. The State Government, however, needs to consider whether it has similar guidelines/manuals for its own schemes and programmes in the areas of Education, Health, Social Welfare etc. The answer is probably 'no' and we need to fill this gap.

**Guidelines for Major State Government Programmes:**

5. The State Government needs to ask each department to ensure that:
  - (a) Simple and brief instructions rather than bulky manuals which only confuse the staff are carefully prepared for vital areas/programmes;
  - (b) MIS and data formats for reporting activities, targets and outcomes are prepared and digitized;
  - (c) the field staff is adequately briefed about the processes and procedures of social audit/ inspections.

- (d) How will the outputs, outcomes and indicators will be measured for different administrative levels/ jurisdictions?
- (e) The system of evaluation and monitoring including norms for field visits and inspections.
- (f) Aligning physical inspections with formal reporting formats and data.

### **Using Digital Platforms for Monitoring:**

6. There is increasing digitization of processes today. This means that we need not fully depend on physical/ field visits for monitoring and control as the data is or can be made available quickly to all concerned officials. It does not matter whether the data is real time or, as is more common, digitized later. It should be easy to evaluate the performance of administrative units even without moving out of office; the departmental officials need not necessarily move out of their chambers but only move the cursors on their screens.

### **MIS Systems:**

7. Given the increasing digitization of the programmes and processes, the primary requirements are

- a) defining measurable activities and outcomes for individuals/ administrative units as appropriate, such as the Districts;
- b) developing MIS systems which project performance in the formats required.

8. The issue of defining outcome indicators and their monitoring had been addressed in the Second Report of the PGRC (Chapter 3 – Basic Civic Services and Civic Regulatory Services, at pages 82 to 85– copy at Annexure II). Some examples of indicators are provided there. The outcome and /or output indicators need to be finalized by each department at least in respect of the major programmes and targets to be monitored.

9. Expenditure Commission of Punjab Government had also recommended some outcome indicators for the Works Departments in its Report. Obviously, this exercise about outcome indicators specifying processes and procedures and evolving MIS indicators has to be conducted by each department keeping in view the specific programmes and scheme requirements.

### **Rule of Traditional Manuals:**

10. Another issue is that of relevance of manuals which the State has shared with the GOI, namely

- i) Punjab Land Records Manual 2004 (corrected up to 2009)
- ii) Land Administrative Manual
- iii) Punjab Civil Secretariat Manual of Office Procedure
- iv) Manual of Rules, Regulations – used for discharging of Functions.

11. In the first place, these Manuals are not confined to field inspections. The Punjab Land Records Manual and Land Administrative Manual are concerned with a number of areas and activities such as mutations and record of rights. Each of these need separate attention and in fact, the PGRC has already given its recommendations on major areas of reforms in respect of record of rights and mutations. The Punjab Civil Secretariat Manual is not concerned with field inspections. Second, there is little point in continuing with the outdated manuals or expending resources on updating them, except where some amendment appears to be necessary.

### **CONCLUSION:**

12. The State Government needs to devise protocols and MIS systems for monitoring and evaluating its own schemes and their outcomes in major social and economic sectors. Appropriate benchmarks for performance need to be evolved and till that is done, a simple format which compares a district as below average/average/above average as suggested in the earlier report may be adequate.

# ANNEXURE-I

Government of Punjab  
Department of Governance Reforms  
SCO No. 162-164, 3<sup>rd</sup> Floor, Sector 34-A, Chandigarh

To

Director, Punjab Governance Reforms Commission.  
MGSIPA Sector 26, Chandigarh.

Memo No: 5/2/2015/AdmnAsstt./PSeGS/1456  
Dated: Chandigarh 01/03/16

**Subject: Feedback on various Field Inspection Manuals.**

Kindly refer to the subject stated above.

In the recent past, Department of Administrative Reforms and Public Grievances, GoI convened meetings with Resident Commissioners of various states to discuss the system of inspections/interactions at the field level under centrally sponsored projects in the five themes as given in Annexure "A". As per the proposal, the following issues will be taken into consideration for effective and focused implementation of GoI programmes:-

(i) Strengthening of the system of inspections/interactions at the field level.

For this purpose, the relevant Manuals may be published in all the languages and hosted on the concerned Websites.

(ii) Each of the 644 plus Districts in the country should be visited by one Govt. of India officer, not below the rank of Deputy Secretary/Director. The officer along with State Government officials should interact with district level officials and understand the problems in implementation of various

programmes/policies/schemes and facilitate the removal of impediments, if any for their smoother implementation.

(iii) The possibility of about 200 officers from Govt. of India visiting various Districts simultaneously on a week-end may also be explored.

(iv) Similar field visits can be undertaken by officers of Uniformed Services.


(v) Video Conferencing can also be planned for the purpose during the visits.

In this regard the State has shared the following manuals with Department of Administrative Reforms and Public Grievances, GoI :

- i. Punjab Land Records Manual 2004(Corrected up to 2009).
- ii. Land Administrative Manual .
- iii. Punjab Civil Secretariat Manual of Office Procedure .
- iv. Manual of Rules, Regulations – used for discharging of Functions .

The soft copy of the above manuals has already been sent to Director, Punjab Governance Reforms Commission on the mail ID [directorpgrc@gmail.com](mailto:directorpgrc@gmail.com).

As desired by worthy Chief Secretary, Punjab kindly give the feedback on need of updation of these manuals within two weeks.



H S Kandhola  
(Director)



# Annexure A

1.	<b>Social Sector</b>	Health, Education, Housing, Social Justice, Panchayat, Women & Child Development
2.	<b>Rural &amp; Farm Sector</b>	Rural Development, Land Management, Agriculture Productivity and Farmer Welfare
3.	<b>Infrastructure</b>	Connectivity, Surface Transport, Power etc.
4.	<b>Finance &amp; Industry Sector</b>	Financial Inclusion Skill Development, Employment, Labour Welfare Industry
5.	<b>Governance</b>	Governance & Public Services Delivery

### 3.10 Section- IX -E-Governance Infrastructure

The back bone of the e-governance initiatives in the state is the PAWAN (Punjab State Wide Area Network) set up and operated by a service provider with state network centre located at Chandigarh. Leasing of lines is from BSNL. There are 196 POP's (point of presence) in the state including 26 districts, sub divisions and most of the blocks (BDPO Offices). Further horizontal connectivity within 100 meters of POP's is sanctioned up to a maximum of 50 points. In the districts horizontal connectivity of the district Pawan Centres at present is with the Suvidha Centres, DC Office, Land Record Societies, Transport, ADC etc. and as reported connectivity as per feasibility has been provided at all the places. IP Phones have been provided in each district with video conference (VC) centre facilities.

So far as the state departments are concerned, only a few departments at Chandigarh have been given connectivity (Treasury, Police etc.) and proposals for connecting major departments (Agriculture, Health, Education, PWD etc.) are pending, mainly for reasons of lack of funds with the departments. The average expected expenditure for department Connectivity and O&M for five years is Rs. 7.00 lacs.

#### 3.10.1 E- Governance applications

At present, Suvidha Centres are functioning at the districts and sub-divisions as indicated. A project is being prepared for two districts – Shaheed Bhagat Singh Nagar and Kapurthala for transformation of all service delivery from manual to electronic processes. Another project for CSCs (common service centres) providing for a PPP model of these centres – approximately one for six villages - is also under way.

While the infrastructure is very well planned with reasonable good connectivity; it is not optimally used because (a) most of the sub district units of different departments are having no connectivity. (b) Lack of facilities at the sub district and even at district level for digitization of departmental data for transmission through Pawan to the headquarters and (c) lack of connectivity at the departmental level. There is also some overlap due to parallel projects taken up by different departments of government (e.g. registration of purchase and sale of land and copies of revenue records/related and the e-district project for comprehensive e-delivery of services in selected districts). Consultancies in regard to these projects are under way or have been awarded but the projects are not yet completed.

### 3.10.2 Data Storage and management

The state data centre is proposed to be set up which will host departmental data and applications, though there is no proposal for any sub regional unit at present. Most of the departments have no proposals or plans in this regard. At the district level the data is being maintained at the Suvidha Centres but only for the services provided there.

The Suvidha Centres can perform one important function of being service providers for other departments – Data uploading, storage and transmission. All the Suvidha Centres should function as facilitation-cum-service centres for other district and sub-divisional offices of the departments, which may not find it cost effective or even feasible to have in house arrangements, for digitization and uploading, data storage and management services. The Suvidha Centres can, if required, contract out these services. *It may be desirable to declare Suvidha Centres as data storage centre for the district and sub-divisional information. The Suvidha Centres are maintaining their own data and should not have any difficulty subject to the charges being settled in maintaining and managing data at district level for different departments. The charges can be fixed by the DOIT as in the case of state centre also. Suvidha Centres thus can be service providers for data management of other departments. This can be a good instance of in sourcing and public- public partnership. The system will be ideal as the infrastructure is in place, professional inputs are available and department units would take a long time developing similar systems.*

### 3.10.3 MIS Systems for Major Indicators

Government of India has given a lot of importance to the monitoring of critical indicators in education, health (drop out rates, infant mortality etc.). The data available in respect of different states is derived from sample surveys. Generally the State Governments however does not have this data regarding various institutions and districts in a usable form. The data is no doubt available as it is being compiled on the basis of information given by the field institutions but in the absence of digitization and MIS systems the data is simply aggregated whereas performance needs to be compared across different districts and institutions in respect of these indicators, if this is to be an instrument of micro interventions in the institutions/districts.

It appears necessary for the departments to plan for availability of data on major indicators at institutional and district level; to digitize data for analysis and record and develop MIS for major indicators in the departments.

A simple process of comparing performances in respect of those indicators – change over time, ranking of institution/district in respect of performances etc. will itself be a major instrument for improvement. Some illustrative examples are given below in respect of two departments.

### 3.10.4 MIS Education Department

Data required – enrolment, attendance – girls/boys/other categories – data being collected already.

Prerequisites- Digitization of data at the district level (as indicated district Savidha Centres can perform this service or even outsource it on behalf of departments);

MIS – for indicators of performance/achievement

#### MIS Indicators

- (a) Enrolment as percentage of estimated population of the area
- (b) Percentage of average monthly attendance to enrolment (annual)
- (c) Percentage change in average attendance and enrolment (annual)
- (d) Categorization (of institutions/districts/other administrative units) as average, below average and above average in respect of (a) to (c).

### 3.10.5 MIS Health Department

Data: Infant / Maternal mortality, availability of medicines (data being collected already)

Prerequisites -Digitization of data at the district level;

#### MIS Indicators

Essential Medicines: Medicines stock out; number of days of stock out (Monthly).

Five medicines with maximum stock out days



