

BUREAUCRACY

The Powers That Be

ALL PRIVATE secretaries to Union ministers are equal, but S.R. Bhatia is more equal. Bhatia is the private secretary to Prakash Chand Sethi, the Union home minister, and currently he is at the centre of a storm that is battering at the doors of the Union Public Service Commission (UPSC) and the Central Secretariat Service (CSS). Last fortnight, Bhatia's failure to secure a promotion resulted in an unprecedented confrontation between the Home Ministry and the UPSC, and held up the promotions of 140 CSS candidates.

Bhatia is an old and faithful retainer of Sethi's; he has been with the jowly, deadpan politician ever since he joined the Central Government as a minister of state in 1962. During Sethi's four-year stint between 1972 and 1975 as chief minister of Madhya Pradesh, Bhatia became a name

Formed under the powers vested in the UPSC by Article 320(3)(b) of the Constitution, the four-member promotions committee met for three days from November 9 in order to draw up a 'promotions panel' of 140 names. The committee was chaired by UPSC member Mrs R.D. Dhan; the other members were K.C. Sodhia, joint secretary, defence production, Lalkhama, joint secretary in the Scheduled Castes and Scheduled Tribes Commission, and T. Ramaswamy, joint secretary, personnel planning in the Home Ministry.

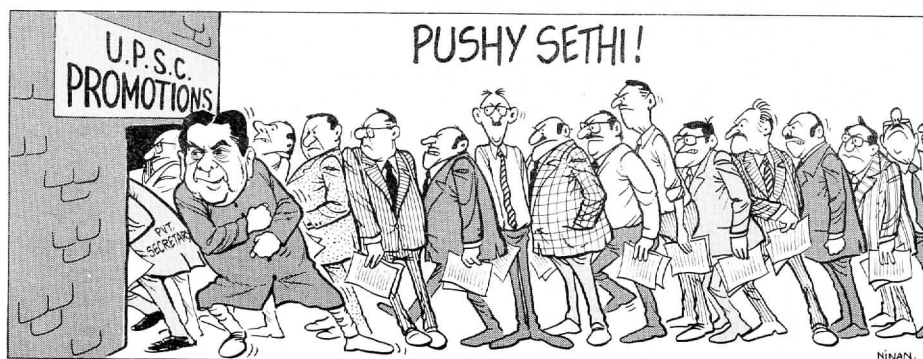
The moment the committee was constituted, pressure began to emanate from the home minister's office. The message was clear—Bhatia would have to be promoted. But the committee came across a stumbling block: Bhatia's name was 374th on the seniority list, and in the normal

Averting Pressure: Late on November 11, after the committee finalised the list, there arose another hurdle. Promotion lists are final only when the chairman of the UPSC affixes his signature. Normally, there is a 48-hour gap between the finalisation of the list and its approval by the chairman. This time, however, apprehending that the Bhatia case might attract unnecessary pressure, the list was typed out that evening, and Chairman, Dr M.L. Shahare, signed it that very night.

Sethi, apparently, took the news in his usual impassive way. Later, however, after discussions with Minister of State P. Venkatasubbiah, it was decided to send the list back to the UPSC for "reconsideration". Last fortnight, the UPSC politely but firmly refused to reconsider the list—and the stalemate deepened. Worse still, all the 140 promotions have been frozen as a result of the imbroglio, thus affecting as many candidates and spreading ripples of disquiet in government offices.

The rules are quite inflexible on the subject. Item 8 in the Annexure to the UPSC (Exemption from Consultations) Regulations of 1958 sets out a lengthy procedure in case such a crisis arises. "The Government of India have decided," says the rule, "that where the Union Public Service Commission have been consulted in regard to any appointment(s), the recommendations made by the Commission should not be departed from unless, in the opinion of the Honourable Minister concerned, exceptional circumstances exist which in the Public Interest require such departure. In such a case the reasons for holding this opinion should be communicated to the Commission, and the Commission given an opportunity of further justifying their recommendations. On the receipt of the observations of the Commission, their recommendations should be considered further by the Ministry concerned. If after further consideration, the Ministry shall consider that the recommendations made by the Commission should not be accepted, the case should be referred with a self-contained summary to the Establishment Officer of the Government of India, who will place it before the Appointments Committee of the Cabinet, consisting of the Prime Minister, the Minister for Home Affairs, and the Minister administratively concerned with the appointment(s)."

Anticipating a situation like the present one, the rule goes on to say: "In cases in which the Home Minister or the Prime Minister happens to be the Minister concerned with the appointment(s) the Finance Minister will be added to the committee."



to contend with in Bhopal. Since 1980, he has moved with Sethi through the ministries of petroleum, works and housing and railways—and finally in September this year into the powerful home offices in North Block.

Working his way up from a stenographer's post, Bhatia has reached the CSS section officer-private secretary 'parent' grade (Rs 650–1,200), but since he is on deputation as the home minister's secretary, he draws by entitlement a deputy secretary's salary in the grade Rs 1,500–2,000. Last month, Sethi, however, decided it was time Bhatia was formally promoted to the under secretary level in the grade Rs 1,200–1,600.

Promotions Committee: There lay the hitch. An under secretary appointment requires the approval of the UPSC, since it is a Class I post. Last month the UPSC constituted a promotions committee to finalise the annual list of elevations to Class I posts within the CSS.

course there was no way he could be promoted. The pressure built up when the UPSC was indirectly asked to ensure Bhatia's promotion by two other powerful persons.

Promotions are usually decided after intensive examination of the candidates' personal dossiers. The promotions committee then categorises them as 'not fit', 'good', 'very good', or 'outstanding'. The outstanding candidates go to the top of the promotions list, but there are usually very few of them. The majority of candidates fall in the 'very good' category, because a section officer logically enjoys long service and an efficient record.

Here, too, the committee could not make an exception for Bhatia. Since he had never worked in a section, and had always been a minister's secretary, there was no way he could be categorised as 'outstanding'. For all practical purposes, therefore, Bhatia had to be left out of this year's promotions list.

Cabinet Sanction: The Bhatia case, therefore, can only be decided now by the Cabinet, and the rule stipulates that "The decisions reached by the Appointments Committee in all such cases should be communicated to the Commission by the Ministry administratively concerned. Final orders in accordance with the decision will also be issued by the Ministry, copies being endorsed to the Commission."

In theory an irregular appointment can be scrutinised by Parliament. Article 323(1) of the Constitution requires the UPSC to present an annual report of its work to the President, and the President is required to table it in both houses of Parliament, "together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, (and) the reasons for such non-acceptance". But the UPSC 1982-83 report will not be tabled in Parliament until 1984—by then Bhatia's case might have set an unfortunate precedent.

Whatever the outcome, 140 government employees due for promotion have been subjected to unnecessary delays because of one dispute. Senior government officials are disturbed in principle over Sethi's unprecedented intervention in the UPSC's work. Employees' associations are considering staging *dharnas* in protest against the freezing of the 140 promotions. Bhatia's case illustrates the preoccupations of the ministry at a time when the Punjab and Assam situations and the Baroda violence, among other problems, require its undivided attention.

—CHAITANYA KALBAG

KERALA

Communal Clout

IT WAS one more sign that communal politics in Kerala has a long life. For one week, Nairs from all over the state congregated in Trivandrum for a Nair sammelan, presided over by Kidangoor Gopalakrishna Pillai, chairman of the National Democratic Party (NDP), the political wing of the Nair community and a constituent of the ruling front. At the end of the bash, 3 lakh people joined a grand rally.

The speeches and slogans called for reservation of jobs for the economically backward sections—the Nairs are not very high on the economic scale—and called

for the withdrawal of the proposed urban land ceiling act—the Nairs have enduring ties with land. Kerala's 52 lakh Nairs were giving notice that they were not going to take things lying down any more.

Last fortnight's mass rally caused quite an upheaval even in a state used to communal chest-beating: Mrs Gandhi, who had come down for the merger *mela* of the A.K. Antony Congress and the Congress(I) spent more time with Pillai than with her own partymen. If rumours are correct, the NDP strongman could be sworn in as Karnataka governor sometime



Pillai (left) with his supporters: show of strength

next year and the NDP will merge with the Congress(I) in the state. Apart from being a considerable political coup for the prime minister, this merger could rewrite the power equation in Kerala.

Demands: According to Pillai the Ezhavas—the largest community in the state at 60 lakh—and the Muslims were given preferential treatment by successive governments. He said: "The Ezhavas and the Muslims are the richest communities in Kerala but they get the full benefits of reservation as the poor, middle class Nairs are denied its benefits just because they are born to Nair women." He also condemned the Mandal Commission report as obnoxious to the core. The NDP chairman asserted that the community would never compromise on its long-standing demand for reservation on economic basis.

K.M. Mani, the state finance minister and leader of the Christian-dominated Kerala Congress (Mani) suggested that his party and the like-minded NDP merge to fight for a common cause, but Chief Minister K. Karunakaran nipped any such overtures by asking the NDP to merge with the Congress(I).

Dwindling Fortunes: Once the powerful and prosperous upper class of Kerala,

the Nairs' fortunes deteriorated over the years, even though they constitute a fifth of the state's population. This despite the fact that six of the state's nine chief ministers—including the present one—have been Nairs; Mercy Ravi, the Catholic wife of the Ezhava Home Minister Vayalar Ravi says "only a Nair chief minister can survive in Trivandrum". However, this is hollow power as its benefits, according to Pillai and other Nair stalwarts, have not percolated down to the rest.

Pillai is also the general secretary of the Nair Service Society (NSS), the most powerful social organisation in the state with an annual turnover of Rs 15 crore. Headquartered in Changanassery in Kottayam district, the NSS has about 4,000 village-level units known as *karyogams*. It runs 1,125 schools and 23 colleges, as well as hospitals and hostels for working women. Says Pillai, who has been NSS general secretary for the last 16 years and formed the NDP six years ago: "As NSS general secretary nobody listened to me about the plight of the Nairs but the moment we formed a political party some of our simple demands were met."

Looking Ahead: Pillai denies that his party will merge with any other but observers feel that with him almost certain to become Karnataka governor the NDP will have to merge with the Congress(I). Said Pillai: "I have been offered a gubernatorial post but the party and the NSS will have to take the final decision." Adds Pattom Jayan, Pillai's right-hand man: "For the last 16 years he has been toiling for the betterment of the Nairs and today the NDP is a well-knit cadre-based party so there is no question of a merger."

Meanwhile, passions are running high in the other parties after the Nair sammelan. Mrs Gandhi had to assure Muslim League leaders that the reservation they now enjoyed would not be denied to them. Remarkd state Industries Minister E. Ahmed: "Without Muslim League support no one can rule Kerala for a day." Newly baptised Congress(I) leader Antony felt that "communal politics is a dangerous trend." The backlash of the Nair show of strength will not be long coming: already the Muslim League and the Socialist Republic Party (SRP)—the political wing of the Ezhavas—are planning a similar show of strength early next year.

—SREEDHAR PILLAI