

Fall-out of new transfer policy : Netizens suggest setting up of independent Transfer Regulatory Authority headed by a retired SC Judge!

By Compiled by TIOL News Team

NEW DELHI, May 2, 2005 : THE Transfer Policy has evoked overwhelming response from the concerned officers and surprisingly even from the assesseees. Since the day we carried the Policy from both the Boards, we were flooded with calls and mails from right across the country. We give below a few sample comments from different regions of the country. For obvious reasons, we are not carrying the names of the netizens who have sent in their opinions.

THE ANNUAL TRANSFER CIRCUS

Chennai/ Bangalore :

The next major revenue event of India, after the annual Budget is undoubtedly, the Annual Transfers of the Revenue Brigadiers. As a curtain raiser to this mega event, the MoF, with its magna proposal of major reshuffle, has released the latest Transfer policy. No doubt, the reaction across the cross-section, would match the soaring mercury of scorching May!!!

True. Periodical Transfers are indispensable for effective governance. That too, in the Revenue departments, annual transfers are very much essential to avoid the department becoming a haven for corruption. A definite, transparent, impartial and near-to-permanent Policy, to implement such transfers is also welcome. But the moot question is whether the latest one is such a Policy? It appears that, it shall be the most illogical and impractical policy that could ever be conceived.

This proposed impending Tsunami transfer wave has left the entire Revenue departments in shock and awe. Thousands of officers, covering all ranks, are to be scattered all over the country, for no fault of theirs. For a moment, let us forget the agony to be caused to the thousands of officials across the length and breadth of the country. Consider the staggering consequences that are about to befall:

Even if around a thousand officers each in CBEC & CBDT are to be transferred and the Government is to incur a minimum of a lakh per officer towards their transfer costs, think of the astronomical revenue that is going to be wasted. When both the Departments are **in need of funds for their infrastructure development, why to waste such a phenomenal sum on transfers?** Instead these precious funds could be utilised to create new CESTAT Benches/ITAT Benches and for appointment of new Members, so that the backlog of cases could well be reduced. **(It is reported that Mumbai Bench of CESTAT is having a pendency of 19000 cases).**

Another misery in this transfer tale is inconsistency and lack of permanency. Every year the CBEC comes out with a new Transfer Policy. Hundreds of officers who have been transferred on the strength of these policies are yet to complete their tenures. How are their tenures going to be considered and on what legal basis? Do the Boards desire to see thousands of cases flooding CAT Benches all over the country? Or, are we going to generate a wave of representations and employ hundreds of brokers and touts to settle transfer disputes! What about the enormous waste of manpower, stationary and funds for such legal games? Has anybody in these Boards thought about the ramifications? Again, what is the need for such a wholesome overhaul?

As said earlier, transfers are no doubt needed, but let it be kept to the bare minimum so that work dislocation and expenditure is minimised. The simplest solution that comes to our mind is to have **one policy for major metro cities and restrict the tenure of an officer in a State to say 10 or 12 years.**

This would be welcomed by all. If an officer has completed say 10 years in Tamil Nadu or Maharashtra, let him be accommodated in a nearby State. Nobody is going to achieve anything by packing them off to North East or North. The prime consideration of the Department should be the smooth conduct of work. In this age of liberalisation both the Departments have simplified their Act and Rules to a great extent that the very concept of transfers itself need to be re-examined for their utility.

Corruption and transfer may have or may not have any linkage but transfer orders and corruption are vitally linked.

Behind every transfer to a prime post, there exists a story (at least a gossip). It is suggested in the interests of all, to establish a **permanent Transfer Regulatory Authority, headed by a retired Chief Justice of a High Court and a panel of Members for a fair and impartial treatment and a permanent Transfer Policy.**

True to its tradition of violation, CBEC has launched its **new Transfer Policy by issuing Order No.58/2005, which is glaringly violative of the guidelines prescribed by it.**

Policies do not apply to some officers

Gujarat :

Every time any transfer policy is announced, such protests do surge. In our country every person has a right to protest. But the transfer policy in the Revenue

Departments like CBEC and CBDT, where the corruption level is high, nexus of the officers with the fraudsters is also high but unorganised, unlike other services like IAS, IPS etc. Most of the influential officers manage coveted postings and builds his own network. Such officers do not need any policy, because they do not want to get disturbed with a smooth source of income (obviously black). There are upright officers in the CBEC who are in real running of the show and never bother about their postings. TO STOP THE AUCTION OF POSTINGS IN THE CBEC, THE TRANSPARENT TRANSFER POLICY WOULD ALWAYS HELP. MORE IMPORTANT IS TO KEEP A WATCH ON THE TAINTED AND GHOSTLY TAINTED OFFICERS AND MAKE THEM WORK TO THEIR MANUALS AND PROCEDURES. AN EFFECTIVE ADMINISTRATION AND HASSLE FREE PROCEDURES FOR THE TRADE WOULD CERTAINLY MAKE THE DEPARTMENTS IN THE CBEC THE BEST IN THE WORLD.

Is The Taxpayer important?

Mumbai:

It is quite amazing that in this day and age, people are talking about a transfer policy without any concern for the primary stakeholders' interests. The department exists not for the officers but for providing taxpayer's services.

The emerging business architecture of the CBEC and CBDT would suggest that both departments are heading for a remote service delivery model. Services will be delivered electronically to the ordinary taxpayer or client. Call centres would handle all routine issues. Only disputes will be required to be dealt with by the field offices, which will also be participants in selective audit and scrutiny. This being the scenario, the number of ¶touch-points¶ will reduce dramatically. That is indeed the objective of tax reforms.

This is not an ideal , end-of-the rainbow scenario but an approved and funded plan of the Government.

The 'Transfer policy' seems anachronistic and requires to be replaced by an HRMS that meets the needs of the department and in keeping with the emerging business and service architecture.

On a different level, it does seem to be an exercise in political management. The Ministry wants to protect itself from the allegations of corruption in transfers and placements. At another level, it is

directed against a group of people who through manipulations have not moved out of the metros for a long time.

The policy seems to be only addressed at nullifying the motivations of this group of officers and has by implication painted all officers with the same brush.

That there should be career paths and that these paths could be different from one another is not recognized.

In short this Policy does not fit the strategic needs of the department.

Transfer industry to have higher turnover?

New Delhi :

Plethora of Transfer policies have been formulated in the past and the same have never been followed either in letter or in spirits. These policies are meant only for those officers who have no godfathers and in fact, all these rules and regulations are meant for them. The strong and mighty never budge from their lucrative place of postings and nobody can dare to raise any finger at them. I know my colleague who is presently working as Superintendent (although this policy is not applicable on him) has never been posted in the field in his entire career of 23 years and most likely he may never get any field post in the absence of money and muscle power. The present transfer policy will also meet the same fate and the million rupees transfer industry will be converted into a billion rupees industry.

Be proud of the Deputationists

To include deputation is the most myopic step the CBDT could have taken. The advantages of deputation are manifold:

- (i) The department gets enriched in terms of human resources by the deputationist.
- (ii) By having officers outside the department, the department gains in influence not only for official work but also on a personal level;
- (iii) The vacancies created by the deputationist ensures early promotion.

2. It is a misconception that deputationist have been obtaining posts on deputation to prolong their stay in Delhi. On occasions more than once, the deputationist is selected from applicants outside Delhi. In other words, it is quite a privilege to be selected against competition from all the services and need not necessarily be a 'managing' of post.

Lastly, instead of the department being proud of deputationist are dumping them. Assuming that they have managed deputations for themselves, it needs to be appreciated that the cure lies in the selection process of the DOP&T and not in the transfer policy.

(Editor's Note :

TIOL News Team has tried its best to accommodate almost all shades of opinion on the new policy and will be carrying more such reactions in the days to come. So pl keep sending your comments at editor@taxindiaonline.com)