



Mains Practice Question

Q. Maruti is working as deputy secretary in Uttar Pradesh's revenue department, dealing with grants of government land for various purposes. As land has become very scarce and very expensive, such grants have to be carefully made. The government has formulated a policy for the grant of its land for public purposes.

The Government's policy has been that government lands can be granted for purposes such as public educational institutions, hostels, hospitals, charitable institutions, government offices and rural infrastructure.

Further, land could be given to private parties in a few cases for institutions that undertake programmes of education, health and skill up-gradation for weaker sections of society.

One day a proposal for granting land to a cultural centre proposed in a prime urban location reached Maruti's desk. The centre was not proposed by the state culture department, but by a private group.

As Maruti was reading the file, he received a phone call from the Revenue minister's private secretary that the person who wants to set up the centre is closely related to a prominent central leader of the ruling political establishment.

The private secretary added that the proposal was cleared by the lower levels in the department and that Maruti should also endorse it positively. Maruti saw that the proposal could not be cleared under the government's policy.

The lower level staff justified the proposal since the official policy resolution contained a residual phrase that grants can be made for "other public purposes as may be decided by the government". Maruti feared that the grant of valuable land to a private person with political connections could lead to controversy.

In this situation, what should be the correct course of action and why?

04 Jun, 2021 GS Paper 4 Case Studies

Maruti can think of the following alternatives for lines of action.

- **He should oppose the proposal tooth and nail, and even if the government approves it, he should not issue the order.**
 - This alternative will represent an overreaction.
 - If Maruti believes that the grant of land cannot be made, he should record his views clearly on the file outlining the factual, legal and policy dimensions.
 - Thereafter, he should implement whatever orders the government decides to pass.
- **He should clearly point out that the cultural centre is not eligible for land under the present policy and that the proposal should be rejected.**
 - This alternative is the correct line of action. The role of civil servants in the secretariat is to advise the government.
 - In other words, they should study proposals and recommend courses of actions which can

be justified on factual, legal and proprietary grounds and which are within the accepted policy framework.

- Once officers perform this task, they would have discharged their duty adequately.
- Thereafter, they have to follow government decisions. They will not be answerable to any illegal or improper actions of the government.

▪ **Since the proposal has emanated from a lower level and as he is only a supervisory officer, he may sign on the proposal.**

- This alternative is unacceptable.
- Affixing signature on a proposal in a file means that the official accepts it. He becomes responsible for the decision.
- The only defence, if the decision is later questioned, is to claim that he has been misled. But this is possible if the earlier analysis mis-states or omits to mention material facts which have a vital bearing on the decision.
- However, this defence seldom works since officers are supposed to know about relevant laws and policies.

▪ **He should raise queries (questions and doubts) on the file, and at the same time engineer RTI application or letter to Lokayukta about the matter.**

- This alternative is mischievous.
- When queries are raised on files, they go back to lower levels again, and are returned with answers to the queries.
- This delays decision-making and can be used as a delaying tactic.
- Genuine questions about matters missed out in analysing a proposal can be raised, but no attempt should be made to deliberately delay matters.
- RTI and other avenues have been created for common citizens, and officers should not abuse those provisions in any way for collateral ends.

Conclusion

Neutrality and Objectivity are the basic tenets of Good Governance. Given this, following the second option seems a suitable choice for Maruti.

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