

# Major Features of the Amendment in the Civil Service Act

The Civil Service Act of 1991 was recently amended. Following are the major features of the amendment.

## 1. Organisational Aspect

### **M.G.A. Declared as CPA**

- ❖ The ministry of General Administration has been declared as a Central Personal Agency. Back in 1968 this organisation was in fact, created to work as one of Central personnel agencies. It was to formulate personnel policies and programs as well as supervise and monitor their implementation. Besides, it was also doing the day to day management of two cadre groups viz. employees belonging to Nepal Administrative Service and Nepal Miscellaneous Service. But this is the first time the law passed by the legislation declared it as Central Personnel Agency. Its' role is expanded and strengthened.

## 2. Staffing (From Outside)

### **Prohibition on appointment in contract and wage basis**

- ❖ This act has prohibited appointment on contract basis and on wage basis. Merit list prepared by Public Service Commission on the basis of competitive examination is now onward the only source of new appointment in the civil service. For effective implementation of this provision following measures are also made in the act.
- ❖ For preventing possible violation of the above law (by making temporary appointment in the pretext of urgency) the act has fixed one week's dead line for sending personal requisition form to the PSC when any vacancy occurs.
- ❖ Likewise, if any appointment is made ignoring the restriction on appointment the amount paid to such employee as salary and benefits will be recovered from the appointing authority as government arrears.

### **Concession to Women**

- ❖ The maximum age limit for entering the civil service, which was 35 years, has been relaxed in favour of women candidates. Now, up to 40 years of age women can apply for a job in civil service.
- ❖ Women who are continuously working in the civil service on temporary basis for more than five years duration are exempted from the age limit for one attempt if they want to compete for a permanent post.

- ❖ New entrants women civil servants are given concession of six months in probation period. For conformation as permanent employee, the performance of the women employees who are under probation is now required to be certified by their respective supervisor after six months period. For male employees the probation is still of one years duration.

#### **Age limit for lateral entry relaxed**

The maximum age limit for lateral entry is raised from 35 to 45 years of age. Accordingly, employees working in no-government sectors can appear in the competitive examination conducted by the Public Service Commission, for filling the 10% of the vacancies at gazette class II and I.

### 3. **Staffing (from within)**

#### **Restriction on acting arrangement**

- ❖ Restriction is imposed on holding the vacant posts by designating 'acting' officials. But if the post of departmental chief or office chief will be vacant due to long absence (more than 15 days) the "acting" arrangement can be made for a maximum of six months period only. Failure to obey this provision will be meted with by recovering from the appointing authority the amount spends to the "officiating" employees as government arrears.

- ❖ **Selection base for secretaries is enlarged**

Up to now secretaries were appointed from among the caters of Nepal Administration Service. The present amendment has extended this to all cadre groups (services).

#### **Weightage to efficiency rating criteria revised**

Weightage given to various criteria considered as efficiency measuring factors (for making promotion decisions) are revised. The weightage for job performance is reduced by 10% (from 50 to 40 marks). But marks for seniority and educational qualifications are increased by 8% and 2% respectively. No change is made in marks allocated to training (2 marks) and service put in the various geographical regions (15 marks). However there is a change in computing process with regard to marks for geographical reasons.

#### **Partial Transparency in Performance Evaluation**

The supervisors are now required to clarify the concerned employee the reason behind their rating if the marks allotted by them is more than 95% (38 marks) as less than 75% (30 marks).

## 4. Posting and Transfer Regulated

### **Basis of Posting**

The Act laid down that posting of employees will be made taking into consideration of their educational qualifications, training and experience. The bases which were incorporated in the Civil Regulations are now inserted in the Act itself.

### **M.G.A.'s Role in Placement Transfer codified**

Posting of all gazettes classes I officers and heads of the Departments (up to class I) will be done on the recommendation of M.G.A. While making such recommendation the M.G.A. is required to take into consideration the leadership quality in addition to the above mentioned bases.

### **Timebound Transfer**

While making transfer decision the period to be served by the employee in the new position shall be mentioned in the transfer letter. But such duration will be at least of one year but not more than eighteen months in case of mountain and remotest regions (group a region). In case of other geographical regions the time duration shall be at least two years but not more than three years. If any transfer decisions contrary to the above provision is made the Ministry of General Administration is empowered to terminate it. Likewise, if such unlawful decision is made by the MGA then the cabinet shall terminate it.

### **Couple will be posted in same district**

If both the husbands on the wife are civil servants they shall be transferred to the same district if vacant posts are available.

### **Condition for Deputation Codified**

The Act has imposed two conditions for sending employees in deputation. First an employ will be send on deputation exclusively to perform only those activities which fall under the preview of the ministry where the employee is posted. Secondly, the maximum period of such deputation will be three months in a year.

## 7. Prohibition to keep without work

Restriction is imposed to keep any employee without any responsibility for a period exceeding one month.

## 8. Training

### **M.G.A. to recommend for training abroad**

The MGA is given a role in connection with training the civil servants abroad. Accordingly, this ministry after receiving request for foreign training from the various ministries will assess the actual training needs of each ministry in term of number of seats and area for training. Then it will send it to planning commission for necessary action.

### **Proportionate distribution of seats**

A provision has been made to constitute a committee for distributing proportionately to all services sets received for foreign training. The chief secretary of HMG is to head this committee. The secretaries of Finance Ministry and National Planning Commission are its members. Likewise, the secretary of MGA is to work as member secretary.

## 9. Level Reduced

There will not be any more fresh recruitment in non-gazette class IV level. Thus when all the priestly working employees get promotion or retirement this level will automatically disappear.

## 10. Tenure of Secretaries reduced

In the existing law the tenure of chief secretary and secretaries was fixed as 3 and 5 years but subject extension of 1 and two years respectively.

## 11. Salaries

This act has proclaimed that the salary structure of the employees will be reviewed in every two years.

## 12. Retirement

### **Conditions of forced retirement codified**

The Act codified the conditions in which the government can give forced retirement to any employee. These conditions are (i) supplied or attempted to supply government's confidential document report, conformation to unauthorised individual or agency (ii) established undesirable contact with any foreign nation, institution or citizen contrary to national interest and dignity his post.

### 13. Employees Union

#### **Restriction of number**

The act has permitted only one employees union at national level.

### 14. No concession to union members

The act also declares not to give any kind of concession or exemption to civil servant simply because of she or he being an office bearer of the recognised employees' union.

### 15. Management Audit System Introduced

On matters that do not fall under the jurisdiction of the PSC the MGA will undertake the management audit function. In this process, it will supervise, monitor and evaluate regarding the proper implementation of policies, rules, and regulations.

Source: <http://www.psc.gov.np/old%20site/act1991.DOC>