

No, Minister

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Navigating Power, Politics and
Bureaucracy with a Steely Resolve

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To my wife, soulmate and strength, Anjali.

*To my sons Shrey and Dhruv,
who, having seen nothing extraordinary in my life,
decided not to pursue a career in the IAS.*

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Prologue

‘I Will Finish Him Off’

Sometime in late September 1987, V.S. Singh, an officer of the 1978 batch of the Indian Administrative Service (IAS), five years my senior, working as a deputy secretary to the government of Rajasthan, summoned me to his office in the secretariat. I had no functional relationship with him as I was serving as additional collector, Development, and project director of the District Rural Development Agency (DRDA), Jaipur.

‘Why did you do this to M.P. Rajan?’ he asked with a stern face and in a somewhat threatening tone.

For a few moments, I was a little lost. Quickly collecting my thoughts, I asked him whether he was referring to the then collector of Seoni in Madhya Pradesh, whom I had met in December 1983 when I was part of a group of probationers undergoing our ‘tribal attachment’ in Seoni district.

V.S. Singh nodded and then told me that Rajan was extremely upset and agitated. He further informed me that Rajan spoke to him of me and had vowed that he would make my life difficult. ‘I will finish him off,’ were the exact words he used, V.S. Singh informed me. I related the entire story to him. He seemed to be understanding but not satisfied.

Though I was not quite worried, it seemed my career in the IAS was going to witness a baptism by fire.

Fourth position in IAS despite challenges

My father, a telegraphist in the Post and Telegraph (P&T) department, had developed significant health issues since 1972, and by 1978 he had virtually stopped going to work. With no family assets to fall back on and his salary practically amounting to almost nothing, I, the eldest brother amongst six

siblings, started giving tuition classes and doing some manual jobs in my senior school days to help the family.

I did have an excellent academic record, securing third position in Rajasthan Board in the secondary and sixth in the higher secondary examinations. When I was in the first year of my BCom degree course in the Government College, Ajmer (college education practically cost nothing, and I was able to earn some income from debates, essay competitions and so on), I had made up my mind that I would try and build a career in the IAS. I was quite aware of the fact that getting into the IAS was not only super-competitive but a matter of enormous luck as well with only about 150 persons making it every year from amongst the lakhs who competed.

Believing that there should always be an alternative to fall back on, I had decided to also get the professional membership of the Institute of Cost and Works Accountants of India (ICWAI), as it was known then. (Today, it is known as the Institute of Cost Accountants of India or ICAI). I decided not to do the chartered accountancy course – a better alternative, but beyond my financial capacity. I secured the first position in India in the ICWAI's intermediate examination. Later, I completed the company secretaries' course as well securing the first position in the final examination.

My first possible go at the civil services examination was in 1982. Our family of eight lived in small Type-2 government quarter with two small rooms, a tiny kitchen and a short veranda. As the space and atmosphere in the home were not conducive to studying, I decided to share a 5 ft × 8 ft room in a dharmshala attached to a Jain temple, at a rent of ₹5 per month, with a friend, Om Prakash Dadhich, who later joined Indian Customs and Excise Service and remains one of my closest friends.

There was no separate charge for electricity and a lone 40-watt bulb was adequate to light up the room. The manager of the temple's affairs was, however, quite unhappy with our 'excessive' use of electricity as I would study late into the night and Om early in the morning.

One day in late September 1982, the manager pulled out the wire that connected the bulb to the line and asked us to vacate the room within 24 hours. The plea that I had Union Public Service Commission (UPSC) examinations in two weeks later made no difference to him. In these circumstances, I decided to go to Jaipur, which was the examination centre as well.

The small room that I rented on the third floor leaked heavily when a cyclonic disturbance brought a deluge of rain in the first week of October. This

disturbance, along with the absence of a workable arrangement for meals, made me fall ill. I had to shift to a friend's one-room tenement nearby, which also took care of my meals. I still was running high fever.

When I told the doctor that I had to appear for my civil services examination four days later and asked him to do something to bring my fever down, he prescribed me very strong medicines. The medicines did bring my fever down though it had its side-effects. Though physically quite weak, I took the Indian Civil Service (ICS) exam that had six main papers: two for general studies and two each for two elective subjects. I had chosen generally considered tougher subjects of law and commerce and accountancy, based on the simple logic that I knew these subjects the best, having studied them for my graduate degrees.

When the drill was over, I believed I had performed quite well and was confident of securing good marks and entry into IAS. I also decided to go for a job as I had offers from quite a few public sector undertakings like Oil India Ltd (OIL), Steel Authority of India and Bharat Heavy Electricals Ltd.

On 31 May 1983, the results for 1982 were published in the newspapers. However, I was in Duliajan in Assam, employed with OIL, where the newspapers reached only in the evening. On my request, a colleague in the finance wing of OIL in the Calcutta (now Kolkata) office looked at the newspapers and teleprinted the news by noon. I had secured the fourth position in the country. I was indeed happy.

Later, on receiving the marksheet, I discovered that, in the interview, I had secured only 120 marks out of 250, lower than the average. My performance in the written examination, though, turned out to be excellent. I secured the highest marks in the country in both law and accountancy. While the final ranking in civil services merit list is based on a total of written and interview marks, my marks in the written examination alone would have secured me fifty-first rank in the IAS that year.

I joined the Lal Bahadur Shastri National Academy of Administration (LBSNAA), the IAS Academy, on 29 August 1983.

‘Tribal attachment’ in Seoni

The IAS officers were put through a training-cum-probation period of two years, comprising a three-month Foundation Course (FC) that officers of Indian Foreign Service (IFS), Indian Police Service (IPS) and other central services recruited through the common civil services examination also joined;

a five-month Phase 1, exclusively for the IAS, with state and district training of about a year in their respective cadres; and, finally, a Phase 2 of about two-and-a-half months.

The FC, Phase 1 and Phase 2 took place at the Academy. As part of the FC, the officers would go for a village visit – for familiarization with rural life and administration – and a trekking tour in the Himalayas. Phase 1 included a long tour (also called Bharat Darshan) of the country, with officers divided into groups. A mandatory part of Bharat Darshan was a visit to tribal areas, which was termed ‘tribal attachment’. It was meant to expose officers to the tribal way of life and the government programmes under implementation for their betterment.

Our FC concluded at the end of November and the first phase of the professional training programme began immediately thereafter. As December and January are the coldest months of the year, not very suitable for academic studies in Mussoorie, the Academy sent out the officers, called probationers, for Bharat Darshan in batches of 25–30 each. For the two weeks of tribal attachment, the groups of probationers were further broken down into smaller groups of four or five officers each.

Thus, I landed, with four other probationers, in a forest guesthouse amid the jungles inhabited by Gond tribals in the Seoni district of Madhya Pradesh. The other smaller groups were likewise sent out to other forest guesthouses in the district.

M.P. Rajan was the district magistrate and collector of Seoni district.

The forest guesthouses where we were staying fell in the Pench Wildlife Sanctuary (later elevated to a national park and a tiger reserve). One evening, M.P. Rajan decided to organize a large party in a guesthouse in the middle of Pench National Park and take the probationers and other guests for a night safari in the jungles.

He had already hosted a party at his official residence in Seoni for us probationers when we had first landed at the district headquarters. During these two parties, the liquor flowed freely, with his son, just seven or eight years old, also joining in and consuming liquor without any inhibitions. When the liquor got to M.P. Rajan, he related with a lot of relish the stories of his (mis)adventures in the Academy when he was a probationer; this included a dance performance with a liquor bottle placed on the head of the statue of Lal Bahadur Shastri at the Academy entrance. He also shared stories ridiculing the director of the Academy during his time, Rajeshwar Dayal, who had initiated

the enactment of the Ramayana by the probationers during their Phase-1 training in 1977. M.P. Rajan also used searchlights mounted on top of jeeps to locate tigers in the sanctuary in the dead of night.

During the tribal attachment, probationers were expected to study tribal life by interacting with tribal families. Each probationer was supposed to interview about 50 tribal families and fill in a questionnaire for each family. As probationers were housed in guesthouses in deep forests that were sparsely inhabited, there were not enough families to interact with and interview. Not surprisingly, the questionnaires were filled in with imaginary families.

Probationers' reports were required to be presented to the collector as well as the Academy. A man with little faith in the utility of the tribal attachment exercise, M.P. Rajan disposed this minor matter by declaring, during the dinner he hosted, that the reports were taken as presented.

The dinner and jungle safari were attended by several senior forest officers, who also appeared quite unconcerned. They were happy to enjoy the party and night safari.

As I was interested in learning about the Gond tribals, their way of life and the division of these otherwise cohesive tribals in the three states of Madhya Pradesh, Gujarat and Rajasthan, I did visit a few Gond tribal families in the area. However, by and large, the tribal attachment turned out to be a big sham.

A case study causes a storm

The Academy ran a programme to encourage probationers to write case studies. The accepted studies were published in the academy's journal, *The Administrator*, and the author earned a reward of ₹250.

My financial position was tight. The Academy paid ₹1,600 a month as an advance against the monthly salary that would be drawn later in the cadres when probationers reached their respective cadre states for district training. The mess charges took away about ₹800 per month. As my family back home in Ajmer was dependent on me, I would send ₹700 per month to them. In such a precarious financial state, a reward of ₹250 was good enough motivation to write a case study.

Dr D.C. Tiwari, a respected professor at the Academy and in charge of case study work, was the counsellor of my group of probationers. When he mentioned writing case studies in one of our conversations, I decided to write one on my experience of the tribal attachment.

Within the next two months, I completed the case study and handed it to Dr Tiwari. He informed me that it would go to a committee, which would take some time, and the remuneration would be paid by the Academy thereafter. As the examination of the case study was not completed by the time we left for our district training at the end of May 1984, I departed for Rajasthan without receiving the reward.

I checked with him a few times when I was undergoing my district training in Jodhpur and when we were back in the Academy for Phase 2 of our probation, which ran from June to mid-August 1985. He would always say that the case study was very well done but the committee still had to take a final view.

R.N. Chopra of the Madhya Pradesh cadre joined the Academy as the director, the top boss, in June 1985, around the time when we, the probationers of the 1983 batch, joined the Academy for our Phase-2 training. One day, he called me to his office in the presence of D.C. Tiwari. He asked me whether the incidents I had described in the case study were all true. I confirmed they were.

Unknown to me, he sent my case study with a semi-official (DO) letter to the chief secretary of Madhya Pradesh, asking for action to be taken against M.P. Rajan for not organizing and conducting the right kind of tribal attachment training to probationers. I discovered later, after M.P. Rajan had complained to V.S. Singh, that Rajan had once caused some harm to R.N. Chopra, and the latter was carrying a grudge. My case study came in handy for Chopra to settle old scores.

M.P. Rajan was quite a controversial officer. Later, in the 1990s, he got involved in one of the largest financial scandals in Madhya Pradesh, borrowing hundreds of crores of money from markets for the Madhya Pradesh State Industrial Development Corporation (MPSIDC) when he was its managing director (MD) and 'investing' these funds in phony and weak companies of some industrialists as loans without any collaterals except a promissory note. The MPSIDC lost a good deal of money on these investments.

My case study did get some traction in the corridors of power in Madhya Pradesh and led to Rajan having to offer an explanation. That's what led to his threat that he would 'finish me off'.

I wasn't unduly concerned. For my part, I had truthfully recorded his shenanigans, with no personal malice, to earn a ₹250 reward for writing a case study and, to some extent, to express my disgust at the way the tribal attachment was reduced to a farce. Unfortunately, that princely ₹250 never came through.

M.P. Rajan did not do anything to me. I never heard anything from him

or any other officer about the matter. I did learn from the newspapers of the scandal at the MPSIDC. Instead of being punished, Rajan was, however, allowed to take voluntary retirement from IAS.

My probation otherwise turned out to be quite interesting and educative.

‘He came in sneakers’

Rajasthan had a system of state counsellors at that time, with one senior officer appointed as a state guide for a IAS probationer for the district training. V.B.L. Mathur, a very senior IAS officer, who later served for six years as chief secretary of Rajasthan (1986–92), was my state counsellor.

One forenoon in 1984, I called on him at his residence, in line with the usual practice. At that time, in 1984, he was handling a lighter assignment as secretary, Regional Development. Having served in several commercial organizations in the Government of India, including the Delhi Super Bazaar, he had a thorough commercial and economic orientation. He was very considerate and explained to me the great opportunities IAS officers would be getting in public-sector organizations.

On the day of his retirement in 1992, he was given a very warm send-off in true Rajasthani tradition. During his speech, his eyes were suddenly fixed on me and he said, ‘What a fine officer Subhash has become from the day he came to call on me as a probationer wearing sneakers to someone who could turn around the ailing soybean plant in Kota.’ He was certainly a keen observer! For my part, I had evidently not realized that calling on a senior officer in sneakers was not good manners.

First brush with corruption

A kind-hearted and affable S.D. Srivastava, an officer promoted to the IAS from the Rajasthan Administrative Service (RAS), was the collector and district magistrate of Jodhpur under whom I did my district training. He also strongly believed in on-the-job training. As part of this training, I was appointed *tehsildar* (the officer in charge of revenue administration in a tehsil) of Phalodi, Rajasthan, when Gautam Mehta, the incumbent, went on a two-week leave.

A day after I took charge, a registry clerk (who prepares papers for registering property documents) came to me. In the tehsils, where there was no independent sub registrar (very few tehsils in Rajasthan had an independent sub registrar in

1984), the tehsildar also functioned as sub registrar for registering sale deeds and other documents. He nonchalantly informed me that ₹25 was collected for the tehsildar for every registry made, which would be paid to me as I was the tehsildar in the absence of Gautam Mehta.

This came as a huge shock to me, steeped as I was in the idealism of public service without corruption. Three to five registries were done every day. In two days, the Phalodi tehsildar would collect ₹ 250, the princely amount for which I had written a comprehensive case study and for which I was still awaiting payment!

Though I had an inkling that the revenue machinery was corrupt, the blatant and systemic nature of it shocked me – the registry clerk did not bat an eyelid when he informed me that I would receive ₹100–125 per day. Determined to make an example of how to eradicate this malpractice, I decided to announce in the open court of the tehsildar, in the presence of tens of lawyers, that no amount would be collected for registering documents. I got a notice made to this effect and pasted it outside my office. I also wrote a confidential letter to the collector about rampant and systemic corruption in Phalodi and the measure I had taken to deal with it. The message spread across the town in no time. Some senior lawyers even hailed the decision.

I don't know whether the collection of money stopped (nothing was offered to me) or whether the registration expenditure of buyers reduced. The number of registrations did increase significantly during that period. Probably, people wanted to use the opportunity to get registries done without bribes, or fewer bribes at any rate.

When I returned to district headquarters after two weeks, Shyam Agarwal, an officer of the 1980 batch, who retired as secretary, Tribal Development, Government of India, and was serving as additional collector, Development (Jodhpur), at that time, informed me that Gautam Mehta was a relatively clean and competent officer. He further informed me that the responsibility of taking care of ministers and senior officers when they visited and meeting their stay and other expenditures, for which there were no official provision, fell upon the tehsildars. In Shyam's judgement, Gautam Mehta was possibly collecting ₹25 per registry to cater to these expenditures, while other tehsildars took more money and pocketed it for themselves.

One of the lessons I learnt from this first brush with corruption was that I would never accept the hospitality of tehsildars and would always pay my bills and collect the receipts.

‘You will face enquiries for decisions’

The responsibility of managing law and order in the city limits of Jodhpur and granting permissions – holding public rallies, licences for new arms, renewal of old arms licences, opening cinema halls and so on – was assigned to the city magistrate. Rajhans Upadhyay, an officer of the 1981 batch, an alumnus of the Indian Institute of Technology (IIT) and one of the youngest officers in his batch in the country, was city magistrate Jodhpur. As in the case of Phalodi, when Upadhyay went on a leave, Collector S.D. Shrivastava decided to make me the city magistrate.

A few cases would come up every day in the city magistrate’s court concerning Section 107 and other provisions of the Code of Criminal Procedure (CrPC). These sections deal with the applications of people, made either on their own or through the police, who felt threatened by others and requested the latter to be ‘bound down’ with bonds, so that if they indulge in any violence thereafter, they could be punished by encashing their bonds. I would try to understand the real cause of apprehension/trouble and, if appropriate, would issue orders for binding down the arraigned person or discharge him if the case appeared to be based on false grounds. These cases were not ‘judicial’ matters per se and the most important element was the assessment by the magistrate of the reality of the threat. Moreover, as the perception had to be of an imminent threat, the matter, in my opinion, needed to be decided quickly. Therefore, I disposed of several such matters when I was holding charge. The pendency of ‘court cases’ came down substantially by the time Rajhans Upadhyay returned.

Likewise, in non-court matters – renewal of gun licences etc. – I felt that renewal should be a routine process unless there was a real likelihood of misuse. In all cases of such applications, the office of the city magistrate would seek a report from the police about the conduct and character of the licensee. I called for all the pending files. There were many. These files were also dealt with like court matters. Applicants would be asked to come on a certain date, which they would comply with, sometimes accompanied by a lawyer although there was no need for a lawyer for such an administrative matter. If the city magistrate was not in the office for any reason, another date would be fixed and the applicants sent back. I found this process inefficient, causing undue hardship to people. I asked the clerk to classify the files in three categories: those where the applications were complete, due police reports had been received and there was no apparent reason to deny renewal; those where the application was complete, due reports

had been received and there was reason to suspect misuse; and the remaining ones. In the first category, I decided to grant renewal in one day and got the office to send the renewal permissions by post. The applications in the second category were rejected and orders despatched by post. The office suddenly felt light with more than 50 per cent of pending applications disposed of.

There was one matter that had attracted considerable media attention. In early 1980s, cinema halls were the biggest source of entertainment for people. Jodhpur was witnessing construction of new cinema halls. There was one cinema hall, Kohinoor, which had been constructed, and its licence was pending in the city magistrate's office. Certain compliances were required before a cinema hall was licensed. As this was one of the most lucrative businesses at the time, there was also a possibility of corruption. Some news item or the other report would routinely appear in the local newspapers about the pending licence of Kohinoor cinema. I decided to take the bull by the horns and made a visit to the cinema hall to conduct an inspection required by the law. I reviewed all safety, electrical and other arrangements in the presence of all concerned officials and found everything in order. I, therefore, decided to issue the licence. This made headlines in Jodhpur. The cinema hall was inaugurated with fanfare a few days later by Collector Srivastava.

When Rajhans Upadhyay returned from leave, he found his office load considerably lighter. While he appreciated my efforts to expedite things, he had a word of advice for me. He felt it was risky to decide matters in a hurry – people could question one's motives, which might lead to enquiries if anything was found amiss later. I decided to take his advice in my stride and duly ignored it.

That said, an explanation was, indeed, sought later from the collector, Srivastava, on a complaint against him in the matter of the Kohinoor cinema licence. No one asked me anything about this or any other matter. It appeared to me later that my order recorded on the file, giving the factual state of affairs, noting completion of all requisite compliances and the necessity of deciding the matter quickly in public interest, held good, and the allegation of corruption against Collector Srivastava also received no credence.

The matter of the giant peepal tree

The Sojati Gate crossing was one of the busiest in Jodhpur in 1984. It connected new Jodhpur, including the High Court, district magistrate offices and other frequently visited places with the old city as well as the business district. On one

corner of the crossing stood a very large and old peepal tree. The government wanted to construct a slip lane to allow the traffic from the old city side to pass seamlessly to the collectorate side. The tree was in the way.

The traffic police recommended removal of the tree. Many people agreed. However, many others simply didn't want the sacred tree to be touched. There was a big file on the matter that must have weighed over 2 kg and even a case pending in the city magistrate's court.

My study of the bulky file and a visit to the site convinced me that removal of the tree was indeed in the larger public interest. Ashok Patni, the deputy superintendent of police (DSP), accompanied me during this inspection, and we discussed the matter thoroughly. A jovial and carefree character otherwise, Patni was against touching the tree on account of the prevailing sentiment. I tried to convince him, telling him that the municipal personnel would cut and remove the tree in the dead of the night when there would be no traffic and the likelihood of people assembling would be remote. At the end of the discussion, he relented and agreed to provide a posse of police and come himself for some time.

The collector and the superintendent of police (SP) were informed, and on the appointed date, the municipal force reached with the necessary equipment. However, at 11 p.m., when the operation was scheduled to start, there was no sign of the police force or Ashok Patni! I tried to contact him but he would not pick up the phone.

I tried to reach him until midnight without success and then reached out to Collector Srivastava. Despite his own reluctance, he was convinced the job was necessary. After making certain enquiries, he gave me permission to go ahead without police presence. What's more, an hour later, at around 1.30 a.m., he came to the site personally. By that time, we had cut down about one-third of the tree. He stayed for over two hours. By 5 a.m., the giant tree was gone and the debris substantially removed. I left at about 6 a.m.

I was told later that there was some commotion initially in the morning, but people accepted the fact of the tree was removed for the city's good, and that was that.

Troubled elections of 1984 provided good training

The assassination of Prime Minister Indira Gandhi on 31 October 1984 triggered massive anti-Sikh riots in Delhi and elsewhere. There was an

undercurrent of anti-Sikh feeling in Jodhpur as well. The administration was on edge. The massive gas leak in Bhopal on 2 December 1984 could not have come at a worse time. Amid these tragedies, the Lok Sabha elections took place in the last week of December 1984.

For me, the Lok Sabha elections of 1984 and the Vidhan Sabha elections of March 1985 provided a major opportunity to participate in the organization of elections and view the entire process at close quarters. As I was attached to the collector, I had access to all aspects of the election process.

The new prime minister, Rajiv Gandhi, visited Jodhpur a few days after the Bhopal gas tragedy. There was no Special Protection Group (SPG) at the time and district authorities made all the security arrangements. I stood behind him on the rostrum when he addressed an election rally. I was decidedly impressed by his well-meaning address, pleasant demeanour and cool disposition. The Congress had a landslide victory with over 400 seats. Jodhpur returned Ashok Gehlot to Parliament; he became a minister of state in the union government.

The Vidhan Sabha elections in March 1985 were not a clean sweep. Paras Ram Maderna, an influential Congressman and chief ministerial candidate, lost in the Bhopalgarh constituency of Jodhpur.

I was appointed assistant returning officer (ARO) for a constituency in the Vidhan Sabha elections. The ARO is second in command to the returning officer of the constituency for the segment entrusted to him. Those were the days of ballot papers. The process of counting was slow and fraught with lot of difficulties.

One of the most contentious aspects was dealing with disputed votes. Some voters would affix the seal on the band between the spaces provided for the candidates, some would do so in more than one candidate's box. Some votes would have a clear seal in the box of one candidate but a smudge or some other mark in another candidate's box. Some seals would be very faint, some would carry a reverse image on another candidate's box. It was a Herculean task to take a decision on such votes without the representative of one candidate or the other objecting. I went by the principle of assessing whether the voter's intent was clearly determinable. If some part of the seal was in one candidate's box, with the rest in the middle band, which did not belong to any candidate, I allotted the vote to that candidate. Where there were two images – one right and the other a mirror – I allocated the vote to the candidate with the right image. Anyway, as the margin of victory in the constituency I was a part of was substantial, there were no vehement protests, and the counting got completed quickly.

In the 1980s, the counting for all Vidhan Sabha constituencies in Jodhpur would take place in the Government Polytechnic College. Once I was finished with my constituency, I donned the probationer's hat and went to the hall where the counting for Bhopalgarh constituency was underway. Tension there was palpable. Paras Ram Maderna was losing, though not very heavily. He was there in person and was making the life difficult for the district supply officer (DSO), who was the returning officer for the constituency. He questioned every ballot paper with the slightest issue, which was not awarded to him. He held up the declaration of the result for hours. I tried to help DSO in making the right judgements, which led to Maderna looking at me askance. By the time the returning officer signed the certificate declaring his opponent the winner, Maderna had left, cursing many people, including the administration.

My ranking improved to third

The UPSC had placed me at no. 4 in the country. The final ranking of the officers of a batch considered the assessment marks earned during their probation as well performance in Phase 1, examinations in the state and performance during district training. After taking this into account, my overall rank was improved to no. 3 in the batch.

I was confirmed in the IAS. Life in the IAS to serve the public interest began.

Part A

Administration in Rajasthan



1

Fixing Land Settlement and Other Chaos

In 1985, the districts were divided into tehsils in Rajasthan, on the civil side, with a subdivisional officer (SDO) usually supervising two or more tehsils. The SDO had independent jurisdiction over specified land and revenue matters under the tenancy and land revenue laws of the state. The SDO also acted as a subdivisional magistrate (SDM) for maintenance of law and order, exercising authority under the CrPC. Over the years, the SDOs' jurisdiction has also been reduced to one tehsil mostly. The CrPC has been replaced with Bharatiya Nagarik Suraksha Sanhita (BNSS) in 2024.

Land revenue collected from the produce of agricultural lands was the primary source of government revenue for ages and lasted until the end of British rule. All agricultural lands were periodically 'settled' (once in 20–25 years) under an elaborate field measurement and survey system, called settlement, to decide what land revenue/rent the parcels of lands (called *khasras*) needed to pay to the government, directly or through landlords. Besides settling annually payable rents, the settlement updated the status of the land parcels on many parameters including current agricultural status and ownership.

With land revenue becoming an increasingly insignificant source of government revenues (Rajasthan government had abolished it for a large section of farmers), the 'settlement' process had lost its primary driver and rigour.

The posting as an SDO and SDM is the first time a newly minted young IAS officer is thrown into the ring of land, civil and law-and-order administration. The involvement of the SDO in development schemes was relatively small in those days but the court work, law and order, and administration of relief and

rehabilitation in the event of natural calamities (floods and droughts were very common) were major responsibilities which SDOs had to shoulder.

While Chittorgarh was a relatively small subdivision with two tehsils in its jurisdiction (Nimbaheda in Chittorgarh district had four where a 1982 batch officer, Bharat Lal Meena, was posted as the SDO), I was eagerly looking forward to assuming my first real independent job. I reported for duty in the middle of August 1985 and assumed charge of the office of the SDO and SDM, Chittorgarh. Being a bachelor with few possessions, I decided to live in a room in the Circuit House.

An unsettling 'settlement'

With the necessity of determining assessment of land parcels for government revenue becoming quite insignificant (land revenue has been completely abolished in most states), the settlement process had become more of an exercise in updating land holding records to reflect the latest ground situation of every *khasra* (in terms of the map, its placement relative to others in its neighbourhood and the ownership position in the record of rights or the *jamabandi*). For individual farmers, this was an all-important matter.

The settlement process was carried out by the settlement department, which functioned independently under the settlement commissioner and the Board of Revenue. It had taken more than seven years to complete the settlement process. At the end of the process, the settlement *jamabandi* was notified as the new record of rights and superseded the earlier *jamabandi*. Once the notification for conclusion of the settlement is issued, the settlement record, including the record of rights, is handed over to the concerned tehsil. When I assumed responsibility of Chittorgarh sub-division, the settlement of Gangrar (another tehsil in my charge in addition to Chittorgarh) was going on. It was completed about three months after I arrived, and the record was handed over to the tehsil office. With this handover, the settlement *jamabandi* and *khasra girdawari* (the record of all *khasras* in a village) became the official record of rights and land record documents for the people of Gangrar tehsil.

All hell broke loose as soon as the people of the tehsil started receiving copies of their *khata* (tenancy ownership account in the record of rights). All kinds of anomalies were observed by hundreds of farmers. In many cases, the names of some co-owners in the *khata* were missing. In others, some of the *khasras* were missing from a person's *jamabandi* record, while in some, people

were made owners of *khasras* they did not actually own. The field position of many *khasras* were different on revenue maps than the actual state on ground. Although over 80–85 per cent accounts were perhaps fully accurate, errors in 10–15 per cent *khatas* – which affected about 5,000 farming families, and had been caused due to the inefficiency and corruption of settlement staff – were significant enough to cause an uproar. The people attributed this to corruption and inefficiency of settlement staff.

Gangrar tehsildar Narendra Singh, a veteran of many years in the land revenue system, having risen from a patwari (a grassroot worker in the revenue system who maintains all revenue records and assists in the fieldwork of an area designated as a *patwar* circle) to a tehsildar, was quite sceptical of the settlement department's abilities and motivation. He concluded that like many other settlements, the settlement of Gangrar tehsil had unsettled everything. His considered advice was that the notification for conclusion of the settlement should be rescinded, all the records returned to the settlement department and the old *jamabandi* and other land records should continue to be legally valid until all grievances of the people are addressed.

I did not find the solution appealing or practical. There was not a good chance that the state government would agree to rescind the settlement. Moreover, if it were to go back to the same demotivated and clueless officers and patwaris in the settlement department, there was no guarantee they would do a better job the next time. It would have taken a long time as well. In the interim, people would have continued to suffer as many normal and routine operations like mutations in the record of rights remained suspended. There had to be a quicker and more effective solution to the problem, I concluded.

The land revenue/records machinery in a tehsil typically comprised the tehsildar, inspectors of land records (ILRs) and patwaris, with a deputy (*naib*) tehsildar thrown in between. I asked the tehsil machinery to bring the old land records and the new settlement records of a patwar circle and explain to me the errors evident in the settlement. In addition, I asked them to explain how those wrongs could be righted following a due process of law.

It was an eye-opener. Taking a simple case of one of two brothers' names missing in the record of rights/*jamabandi*, the concerned farmer would have to take an official copy of his account in both the old and new settlement *jamabandis* and copies of the old and new maps of the *khasras* concerned from the patwari concerned or from the tehsil, as most old records had been deposited in the tehsil. Thereafter, he would have to hire an advocate to file a

declaratory suit in the court of the SDO to declare him co-owner of the land parcel concerned. Copies of the suit would have to be served on the tehsildar, as the representative of the state, and on the other brother. In turn, both the tehsildar and the other brother would have to file their replies, contesting or accepting the pleadings in the suit. The SDO would have to take the evidence from all concerned after settling the issues in the case. If there were no disagreements and all parties and their lawyers agreed, the SDO's court would pronounce a judgement and write out a decree.

The party concerned would have to apply for and take an official copy of the decree from the court and produce it with the relevant application form and fees to the concerned patwari to record a mutation. After the patwari recorded the change in the mutation book, he would make the alterations in the *jamabandi* and *khasra girdawari*, respectively, after obtaining the approval of the tehsildar or panchayat, depending upon where the power to approve mutation lay. Finally, the applicant would receive an official copy of the amended *jamabandi* and *khasra girdawari* as evidence of the correction of the wrong committed by the settlement.

It didn't take a rocket scientist to understand that this process would easily take years and set the concerned farmer back by a few thousand rupees at least, while wasting considerable time in attending court and visiting revenue and advocate offices. There had to be a simpler solution. On reflection, I figured out that the entire machinery involved in correcting the wrong was sitting right in front of me. Further, there was no real dispute involved, and the parties concerned would, in most cases, be willing to cooperate to right the wrong.

I proposed that we complete the entire process in one sitting by holding a camp court in the village concerned. As the patwari and the tehsil staff would be available there with the records, the farmer concerned could be given the copies of records on site. We could design a simple and common declaratory suit format, in which necessary pleadings would be made in the names of the parties concerned on a stencilled paper. The tehsildar and other parties concerned could also file their replies in a similar manner. I would hold the court, pass the judgment, record the decree and issue it on the spot. The patwari could make the change in the concerned land records and provide an official copy of the amended land records then and there.

Narendra Singh could not believe his eyes and ears for the incredibly simple solution offered. He became an avid supporter of the process. After refining the process in a few camps, it became ridiculously simple and efficient. I must have

held such camps in about 50 villages. Most camps took about 10–12 hours a day, sometimes stretching to well beyond midnight. The tehsil team led by the well-meaning tehsildar Narendra Singh worked long hours and enabled thousands of declaratory suits being decided in a period of about three months. It was a pleasure to see the smiles on the faces of harassed farmers. I derived enormous satisfaction from undoing the pangs caused by the unsettling settlement of Gangrar tehsil.

An out-of-the-box solution for land allotments

The Rajasthan government ran a major programme allotting land parcels to the poor and landless. The allottable land came from three sources: government-owned land (called *siwaichak*) available for allotment; land acquired in ceiling operations (land owned in excess of the limits set by the state, usually referred to as ceiling surplus land); and land in *bhoodan* villages (lands gifted away by people under the influence of the voluntary Bhoodan Movement launched by Vinoba Bhave). Allotment of land to the poor and the landless was a priority programme of the government and was closely monitored as part of the 20-Point Programme (though launched by Indira Gandhi during Emergency, the programme remained a major national and state level monitorable programme even then).

Unfortunately in field, while a good part of the *siwaichak* land available for allotment was free from encroachment, most of the ceiling surplus land and *bhoodan* land parcels were encroached upon by someone or the other – in most cases by people whose land had gone in ceiling or who had gifted it away, or their henchmen or the farmers whose land parcels were adjacent to the allottable land. Earlier, tehsildars had the power to allot land, but by the time I joined as SDO, with available land for allotment becoming increasingly smaller, the allotment power had been given to the SDOs.

When I scheduled meetings in villages for allotment of land, I noted a very peculiar phenomenon: There was no great enthusiasm or interest in getting land among the poor and landless. Another notable feature was that there were several proposals for allotting ‘strips’ of land. A little digging revealed that most of the land proposed for allotment, though government land on paper, had already been encroached upon. The government rules permitted the allotment of a small ‘strip of land’ adjoining somebody’s land parcel(s) to that person. Encroachers were quite keen to get such lands allotted to them.

Further enquiries revealed that in cases where the encroached land was allotted to a poor or landless person, the encroacher would invariably file a case in the court of the district collector. The poor or landless person, not having any means of defence, would generally end up losing the allotment as well as his labour income for the days he appeared in court.

There was another iniquitous aspect to the entire process. There was no difference in terms of the price charged between the land allotted to the encroacher and the land parcels allotted to the landless poor – both were free. Thus, the encroacher was a clear winner in such allotments. The land allotment machinery tacitly sided with encroachers, as it meant fewer cases in the court of the district collector as well as for making some income on the side.

My assessment of the situation suggested that there was no real benefit in allotting such disputed and encroached lands to the poor. I also judged that allotting encroached lands as strips of land to encroachers was not serving any public interest either. The rules had no provision for auctioning government land and selling the same to the highest bidder at market price.

I designed a solution that was not strictly within the four walls of the law and rules but appeared fair and in the larger public interest. I proposed to the revenue machinery (tehsildar, patwari and others) and development machinery (panchayat sarpanch, members and village-level panchayat workers) that encroached land be allotted to the encroacher at market price and the proceeds of the sale be deposited in the panchayat as donation. There were initial doubts and opposition – some officials thought this was not lawful while encroachers saw their ‘lawful’ advantage slipping away. However, in the face of my decision not to make any allotment otherwise, soon all concerned accepted the solution as pragmatic and fair without breaking any law or rule.

I supervised the allotment of encroached land in several villages/panchayats under this template. The tehsil representatives would work out the market price based on registered documents and after taking a poll of the people. The encroacher would deposit the price of the land in the panchayat and produce a copy of the receipt as evidence. The strip would be allotted free of cost in accordance with the applicable land allotment rules. I had the satisfaction of not creating any further dispute and subjecting the poor to unmitigated litigation. The larger public interest was also well served as the money collected got utilized in financing development works in the villages.

Some people complained to the collector and my boss Dharam Singh Sagar about the ‘irregular’ land allotments. The collector did not ask me anything. Nor