

# Promotion Policy in the Armed Forces: Time for Full Transparency

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*The only thing harder than putting a new idea into the military mind is to take the old one out of it.*

—BH Liddel Hart

## Abstract

*The article touches upon the aspects of Promotion Policy that generates a sense of injustice and affects morale, is detrimental to military discipline, and requires refinement. Increasing number of officers who have been overlooked for promotion at all ranks are approaching courts to seek redress. The system for promotion and the system for redress of grievance against non-empanelment have to be viewed as one continuum. Together, they either build or destroy the perception about the empathy and sense of justice within the organisation/hierarchy. The article examines this issue and makes recommendations for remedial measures.*

## Introduction

The armed forces have a special public personality because of two special attributes traditionally associated with them — fairness and transparency — thanks to the Chetwodian ethos assiduously pursued by many visionary and upright Indian successors of the British-Indian officer corps post-independence. These two attributes intimately affect the members of the armed forces in one very personal but equally official matter — promotion. The way the armed forces handle this matter, and its aftermath, affects the member's behaviour and deportment, both within and outside of the organisation and as such impacts the organisational image in the public eye. Impeccable and non-controversial conduct by the armed forces is the biggest factor to uphold the image of

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the armed forces and the trust of the public that this organisation will always rise to the occasion for their protection. The same image ipso facto motivates quality personnel to join the armed forces. Perceived injustice through denial of promotion is the most common cause for military personnel going into litigation.

### **Fundamentals of a Promotion Policy**

Every policy by its very definition must be consistent and should give a firm assurance about its stability to the environment, enabling all those affected by it to fully commit themselves to the parameters expected. It must also be well thought of, fair and transparent both in principle and procedure. Any change must happen only when either of the following conditions is met:

- The existing policy is creating problems.
- A better policy that has been experimentally tried is ready for implementation.

### **Promotion is a Privilege and not a Right**

There are various judgments of the Honourable Supreme Court on this. Conversely, promotions are the biggest professional aspiration which adds purpose and productivity to the most happening period of any professional's life. Further, the organisation, nation and society benefit out of the sum total of the productivity of all individuals. Yet, no system can promote everyone, nor is it desirable, if merit and hard work have to be incentivised. This is well known and no professional ever resents this. The resentment occurs when there is a real or perceived feeling of injustice. It obviously leads to multiple representations. As a corollary, the representation figures are accurate indicators of the judicial health and morale of any organisation.

As per the assessment of this author, 70 per cent of the officers in the armed forces (especially the army) get superseded in each Selection Board (SB). Almost 80 per cent of these officers represent their supersession through statutory and/or non-statutory complaints. (These are ballpark figures; mathematical accuracy is not very important to convey the picture). This is a huge number and conveys a very important message that because of high supersession, there will always be either a general sense of

institutional injustice or a big unawareness about the selection model and the selection process. This is malignant. Like all malignancies, metastasis is inevitable. Since this is an in-house matter aimed at an in-house introspection, this article deals with it with military frankness. *Is it possible to pre-empt/prevent this?* Yes, if there is a bold and honest acceptance and a sincere will. It's a simple task of '*Perestroika*' and '*Glasnost*' in the promotion system. The suggested methodologies are discussed in the subsequent paragraphs and can be further brainstormed at the official level.

### **Complaints**

Every career is a lifetime professional investment and there are legitimate aspirations. Human resource is the most important resource, especially in the military where the demand from the workforce is in the form of the 'ultimate sacrifice' — dying for the country. The organisational system for redress over the decades has remained frozen in the form of Non-Statutory and Statutory complaints.<sup>1</sup> The system for promotion and the system for redress of grievance against non-empanelment have to be viewed as one continuum. Together they either build or destroy the perception about the empathy and sense of justice within the organisation/hierarchy. This has a lasting impact on the intake of and output from the human resource.

### **Why so many Representations?**

In the civilian perception, the armed forces are fairer than other government bodies. However, there are far more representations in the armed forces than in the civil. Secondly, despite the dismal outcome of the representations, almost every officer in the army represents. What explains the dichotomy? *It's clearly explained by the vagueness that surrounds the promotion policy and procedure whereby officers are unable to self-assess correctly.* This is compounded by the fact that the officers calibrate themselves in isolation without any idea of their competitive peers' performance matrix. Everyone feels that he would have performed quite well without knowing what amounts to 'quite well'. As such, when the representations convert to no valuable relief and are returned with the same formatted reply time and again, there is resentment against

and a disbelief in the organisation as well. Broadly, the reasons can be enumerated as under:

- The policies for promotion are complicated and not clear. In addition, these are non-consistent and frequently changing. The officers know very little of the policies, and their execution, and are in any case not very sure what model will be relevant by the time they are considered for promotion.
- The implementation of the quantification model is very complex both mathematically and subjectively. Only the Military Secretary's (MS) branch officers or the officers conducting the SBs know how the various marks received in the Confidential Reports (CRs) ultimately convert to merit.
- Value judgment has arbitrary weightage. The 5 marks discretion with the Boards is enough to negate the remaining 95 marks quite comfortably. It can make or mar any officer. The problem is compounded by the opacity with which it is perceived to have been awarded.
- The complainant has no way to objectively compare his performance with that of the last successful officer.

In essence, the officers are expected to just accept their fate with faith. This is hardly encouraging.

### **The Cumbrous Redress Mechanism**

Specific to army but principally to all the Services, every year approximately 2100 army officers face their SBs as 'Fresh Cases', out of which around 600 get selected (this is again a ballpark figure). Any variation can be proportionately estimated on the basis of this figure. Assuming that every year around 700 non-statutory complaints from the current batch and at least 300 statutory complaints from the rejected non-statutory complaints of last year are received, approximately 1000 complaints are received each year. Out of these complaints, the total number of officers getting redress is not more than 20 in a year. Now let's take a look at the logistics behind this satisfaction figure of 20/1000 (2 per cent):

- A full-fledged organisation of Complaints Advisory Board (CAB) comprising of an officer of the rank of Major General with six more officers of the rank of Colonel and a supporting office of clerical and ancillary staff.

- Another three Colonels in MS19 (The complaints section of the MS's branch and its supporting office). (Total 9 officers plus 2 full-fledged supporting offices).
- Stationery consumed per year to the tune of at least 50K pages as rough/final drafts by the petitioner officers.
- Man-hours wasted by each officer are conservatively around 48 hours i.e. 6 days of work corresponding to 6000 days of salary i.e. 20 officers for one full year.
- The time spent by the respective clerks and the superior officers is another big chunk of lost man-hours.
- The waiting period for disposal of statutory and non-statutory complaints is one year plus now. There is a dichotomy as the existing policy stipulates that disposal must be done within six months.

Essentially, the above logistics is to achieve 98% dissatisfaction. The word 'dissatisfaction' is used because of the routine and predictable broad brushing of the complaints, with the lines, "The assessments by all reporting officers in the reckonable period including the impugned CRs are fair, objective, well corroborated and consistent, technically valid, performance based and devoid of any bias/subjectivity. None of the CRs merit any interference".

It may be noted that the existing system largely caters for officers only. As we progress towards greater awareness and internal democracy, we will be dealing with many times more numbers coming from the Personnel Below Officers Rank (PBORs). It's very obvious that the organisations as in first two bullets above are not able to handle even their current load. No wonder routine replies as above are doled out on a standard format. Justice can never be on a standard format because no two cases are the same. A routine template for the plethora of different categories of complaints is itself a proof of 'No justice'. Expunction of an odd 7 award doesn't change any fortune.

### **The Non-Empanelment Assessment**

Seventy per cent officers have a perceptible decline in their motivation level, not because they were *unfit* but because they

were *not empanelled*. These two nomenclatures are to obviate a functional difficulty. Almost all officers cross an Over-All-Profile (OAP) of 8 on a scale of 9. To be unfit as per the policies, one has to be 6 or less on that scale. This is no way possible because the assessing officers wouldn't like to risk awarding average CRs for a host of functional reasons. Now the classic dilemma is that 9 is defined as 'Outstanding', 8 as "Very Good" 7 is 'Good' and 6 is 'Average'. How can any system say that an officer who has been consistently getting 'Very Good' is unfit for promotion? Yet, the 30 per cent vacancies do not permit the luxury of promoting the 'Very Good', since many 'Outstanding' are available. So, it's a competition based on available vacancies. If there are 30 seats for a batch of 100, 31<sup>st</sup> in merit is not empanelled but it doesn't mean he is unfit. If there had been 40 vacancies, 31<sup>st</sup> would have reasonably scaled the bar. Thus, the upshot is that 70 per cent officers get permanently superseded between 16-18 years of service and they still have a residual professional life of 16-18 years to carry themselves in the system. They have nothing to look forward to professionally. The CRs are no more effective like the bullwhip that they earlier used to be. There is an added feeling of sub-conscious resentment. There are exceptions of course.

### **The Confidential Report (CR) System**

Many models from 'part open' to 'part closed' CRs have been experimented. Each has its own advantages or disadvantages and the authorities know best what model to adopt. The model adopted is not a public concern. What transparency exists with the adopted model is important. Let's get back to the data. Approximately 20 officers out of 1000 get relief in their complaints. Let's assume that another 80 would have been close to getting empanelled. It means that at least 900/1000 officers are totally clueless as to what was the minimum requirement in their batch to get approved. These 900 officers wouldn't complain or represent if they were to know their own profile and the profile of those who got empanelled. What's relevant to note is that the CRs do not need to remain confidential once the board result has been declassified. The opacity serves no purpose other than, mistrust, resentment, and a sense of injustice in the environment. This consequentially leads to the vast number of complaints as well as multiple litigations in the Armed Forces Tribunals (AFTs) and civil courts, thereby burdening the understaffed judiciary as well.

## Recommendations

The following are the recommendations:

- The promotion policy must be transparent, well promulgated, and institutionally explained to all officers during their mandatory courses. The various Personal Qualities (PQs), Qualities to Assess Potential (QsAP) and the Demonstrated Performance Variables (DPVs) in the CR form, the weightage and relevance of each, the box grading and their weightages, the pen picture and what it must entail and how it's factored in the CRs/SBs etc. should be made known to all officers.
- The 5 marks under 'Value Judgment' are just humongous in impact even if they appear trivia in absolute terms against the total 100. The 89 marks allocated for the CRs convey the supremacy of the CRs but that's superficial. These 89 marks ultimately condense to a difference of merely 0.5 between the top and last in merit. As such, a mere award of 1 mark extra in Value Judgment can bring an officer many notches up and would still appear innocent. The value judgment marks need to be quantified like the 6 marks for courses, awards etc. to make them objective. Arbitrariness breeds suspicion and discordance. As a rule, officers with generally matching profile must be marked equally under Value Judgment and in proportion to what they have already earned under the 95 marks. Any disproportionate award/variation from this norm must be made public along with reasons. Any officer pulled down must be intimated in writing to allow him to take steps for 'redress'. Needless to say, such exceptional rewards or reductions to any candidate in the Value Judgment must be based on a well promulgated policy which is sound, non-arbitrary, and exceptional.
- The officers facing the SBs must get to see the cut off, the median and the topmost Member Data Sheet (MDS) in overall merit of the 'empanelled list'. These MDS can be made public post declassification of the SBs after obliterating personal details of the concerned officers. Along with that, each officer must get access to his own MDS and all CRs on army intranet in totality — all reckonable CRs and all inputs including the hidden ones. The opacity that was required at

the time of initiation for organisational functioning is no more a necessity. The Initiating Officers (IOs) and the Reviewing Officers (ROs) would be out of the assessment chain of these officers and mostly retired. This is the stage for 'transparency' since it's the stage of justice.

- The CRs must have greater spread. This can be achieved as is done in the other Services by introducing the decimal system. Therefore, 18 more numbers would get introduced just between 7 and 9 and that's huge. That would also ease the psychological burden on the IOs/ROs since they would have a bigger range of numbers to apply.
- The scope for redress must be made more objective, fair, and stringent. This can be best described by the 'Principle of Averages'. Every officer in his career encounters approximately the same number of assessing officers. Everyone gets his share of different grades based on his general performance and personality. While individual annual CRs can be inconsistent, their average over 10 years, from at least 25-30 officers, will always give a consistent picture. Therefore, no relief would need to be accorded for CRs under the 'Best of the Average' principle, subject to the special cases of moral turpitude, integrity etc. for which special provisions can be made. Any grossly unfair CR by the IO can be represented, within a limitation of 30 days, to the RO in writing. No complaint must be allowed for any award of 8 and above.
- Adequately Exercised (AE) reports must be equal in number for all. The MS branch is to be held accountable for any variation between officers by more than 10 per cent. There is a tendency amongst the well-connected officers to take the bare minimum AE exposure and remain sheltered in staff appointments thereafter. This not only is unfair to the others but also defeats the entire philosophy behind higher weightages to Command reports.
- The above measures shall totally cut down the representations. As stated earlier, specific CR related exceptions can be dealt by the reporting chain. Any further grievance, if at all, can be dealt by the AFTs. The CAB and the MS 19 tail can be used elsewhere as teeth.

### **Conclusion**

Every action or inaction has consequences. What is good for one situation cannot continue to remain good for another. Therefore, while there must be consistency in policies dealing with specific situations, there must be dynamism to deal with different situations depending on what is sought to be done or attempted to be prevented. If the devil has to be inevitably dealt with, 'soonest' would be better from all points of view.

### **Endnotes**

<sup>1</sup> For a definition of the difference in these two forms of complaints see extract of Para 364(k) Regulations for the Army at <https://www.lawyersclubindia.com/experts/Para-364-k-Of-regulation-for-the-army-252961.asp>