

# Lateral Entry into Senior Bureaucracy: A Flawed Approach



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Prime Minister Narendra Modi addresses the Inaugural Session of the Assistant Secretaries (IAS Officers of 2016 batch), in New Delhi on Wednesday, July 4, 2018. Photo: PTI

*The Union government stunned the nation on June 10, 2018, when it opened up 10 senior civil services positions at the level of Joint Secretary for lateral entry. At stake is the tested and rigorous recruitment system with its in-built checks that ensure the services of career civil servants with decades of field and departmental experience are made available to the Union government. K. Ashok Vardhan Shetty, a former Vice Chancellor and Indian Administrative Service officer, critically analyses the announcement, draws attention to the pitfalls ahead, and points out why lateral entrants should be more an exception than the rule.*

*“For every complex problem there is an answer that is clear, simple and wrong”.*

*H. L. Mencken<sup>1</sup>*

**O**n August 10, 2016, Jitendra Singh, Minister of State in the Prime Minister’s Office, had stated in a written reply to a starred Parliamentary question: “At present there is no proposal to constitute a Committee to study the feasibility of lateral entry into the civil services”.<sup>2</sup> While replying to supplementary questions, he had said that such issues require ‘political consensus’.<sup>3</sup> Exactly 22 months later - without any formal announcement to the effect - the Department of Personnel and Training (DoPT) sprang a surprise by issuing an advertisement on June 10, 2018, inviting applications for lateral entry to 10 posts of Joint Secretary in various departments of the Government of India (GoI).<sup>4</sup>

Joint Secretary is a rank as well as a post. A Joint Secretary in the Union Government is the administrative head of a wing in a department and is responsible for all the business falling within his wing.<sup>5</sup> He is a senior officer equivalent to a Secretary in a State Government or Chief Secretary of a Union Territory.

Typically, a Joint Secretary’s responsibilities include preparing answers for Parliamentary questions; preparing agenda notes and action taken reports for the meetings of the Cabinet, the Prime Minister, the Minister and various Parliamentary Committees; liaising with officers of other Ministries of the Central Government, officers of State Governments, and officers of the organisations coming under the Ministry in connection with policy making and implementation; contesting Court cases; attending Board meetings; replying to references from oversight agencies such as Comptroller and Auditor General, Central Vigilance Commission, and Central Bureau of Investigation; and other specific tasks that are integral to the day-to-day working of GoI.

Officers of the Indian Administrative Service (IAS) or other civil services who have put in about 20 years of service are selected for the posts of Joint Secretary through a stringent, if somewhat opaque, empanelment process. The June 10

advertisement has, for the first time, opened the gates for appointment to posts of Joint Secretary to persons other than career civil servants.

As the advertisement was issued by DoPT and not by the Union Public Service Commission (UPSC), it means that the lateral entrants will be selected by DoPT or the Departments concerned, and not by UPSC. This may be technically legal because the proviso to Article 320(3)<sup>6</sup> of the Constitution of India enables such exceptions but, considering the

importance of the post of Joint Secretary, it is not correct. The selections will carry credibility

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only if done by UPSC. There is a

perception that such 'extra-UPSC lateral entries' could multiply in future and at all levels. This has caused apprehension that India's 160-year old Merit System of recruitment is being undermined and that 'lateral entry' is simply another name for the Spoils System.

### **How an assassination triggered civil service reform**

The term Spoils System refers to the practice in which a winning political party appoints its supporters to various civil posts in the government – as opposed to the Merit System in which appointments are made to a permanent civil service through a competitive examination conducted by an independent body without regard to the political views of the appointees. The Spoils System takes its name from an 1832 speech by United States Senator William L. Marcy who defended the practice with the remark: "To the victor belong the spoils of the enemy".<sup>7</sup> On Presidential Inauguration days and for several months thereafter, mobs of job seekers used to storm the White House and this was a regular feature of the U.S political landscape during the 19<sup>th</sup> century.

The U.S. woke up to its danger only when a disgruntled job seeker assassinated President James A. Garfield in 1881 for his alleged ingratitude. The assassination triggered the passage of the Pendleton Civil Service Act, 1883, which replaced the Spoils System with the Merit System and a career bureaucracy.<sup>8</sup> Today, the U.S. federal government has about 2.1 million career civil servants, and political

patronage is restricted only to a limited number (about 3,000) of top posts. But in respect of nearly half of these posts, the appointments need to be confirmed by the Senate.

### **The Merit System in India**

In India, the Merit System was adopted by the British in 1858 - twelve years before it was adopted in the U.K. and 25 years before it was adopted in the U.S. The Indian Civil Service (ICS) was considered one of the finest public services in the world and a model for others. India continued with the Merit System after Independence, and the UPSC has done a commendable job over the years by insulating recruitments from political patronage and selecting 'the best and the brightest' through open competition and transparent procedures. No less a person than Professor Lant Pritchett of Harvard University paid this handsome compliment in 2010:

**“The IAS is full of officers who have passed an entrance examination and selection process that makes getting into Harvard look like a walk in the park. I have worked for the World Bank and it employs really brilliant people. I think the Indian elite and many Indian government officials in the IAS are even better than the World Bank brains.”**

Why then is Indian bureaucracy seen as generally tardy, inefficient, unresponsive and uninterested in public welfare? Why do government programmes fail to deliver the promised results and government projects have huge cost and time overruns? It is important to note that dissatisfaction with government performance is universal and not confined to India alone.

### **Why governments underperform**

The key to understanding governments' underperformance is not the personal attributes of civil servants but the environment of severe constraints under which they have to operate. As government is a very large organisation, it must have detailed rules for conduct of its business. As government administers public money, it must account for every rupee. As government wields enormous authority, it must have many checks and balances. As government is the provider

of last resort, it must do a lot of things that the private sector either can't or won't do. As government's objectives are often intangible, performance evaluation is difficult and process-compliance becomes more important than achievement of

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outcomes. As government has to satisfy all classes of citizens, it cannot concentrate resources on a small number of priorities the way businesses do. As political leaders

want to win elections at any cost, they often make suboptimal or even bad decisions. These are some of the core undercurrents which direct the functioning of governments. And, they are nearly never likely to change. It follows that government can never have the nimble efficiency of the best of the private sector which are not hindered by these constraints.

Compounding these general problems with the functioning of governments the world over, are certain problems specific to the political milieu in India. Even the best and the brightest—irrespective of the mode of recruitment—can lose their bearings in a system in which criminalisation of politics, abuse of authority, disrespect for constitutional norms, rampant political interference, and corruption have become the order of the day. To further complicate the civil servants' operating environment, there are no effective checks against the transgressions and depredations of the political executive.

Officers who become part of the politician-bureaucrat-corporate nexus are handsomely rewarded with coveted postings while in service and attractive sinecures after retirement, while those who resist are subjected to frequent, arbitrary and punitive transfers to bureaucratic Gulags or are given adverse entries in their Performance Assessment Reports or have false cases foisted on them.

Given this hostile work environment and inversion of the moral order, many a civil servant who started off with idealism appears to fall for the dictum, "if you can't lick them, join them", though it is a matter of immense satisfaction that there are still many upright civil servants who have bucked this trend. If the best and the brightest in the country are unable to function effectively in such a political milieu,

there is no reason to believe that others, whether from the private sector or elsewhere, can do any better.

### **Private sector executives in government**

The U.S. is often cited as a shining example of ‘lateral entry of private sector executives into higher bureaucracy’ but it isn’t. In a seminal essay, *Managing the Public Service Institution* (1973), Peter F. Drucker noted:

**“There is no reason to believe that business managers, put in control of public service institutions, would do better than the bureaucrats. Indeed, we know that they immediately become bureaucrats themselves.”<sup>10</sup>**

Drucker cited the example of American experience during World War II, when large numbers of business executives who had performed very well in their own companies had moved into government positions. But in government they found themselves bogged down by procedures and red tape - and deeply frustrated by the experience.

Things have been the same after World War II. A recent high profile ‘flame out’ is Rex Tillerson who was a successful Chairman and CEO of ExxonMobil for 11 long years but an abject failure as U.S. Secretary of State and got fired in March 2018 after a stint of just 13 months. Even where a handful of business

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executives made the transition from success in business to success in government, none achieved the kind of striking success that they had shown in the private sector. The same holds good for lateral entrants from universities, research institutions and international organisations.

### **Sardar Patel’s vision**

After Independence, Sardar Vallabhbhai Patel had championed the creation of the IAS as a premier, multi-functional, All-India Service that would knit the administrative framework of a vast and diverse country into an integrated whole and provide a connecting link between implementation at the field level and policy

making at the top. If IAS officers are preferred to man senior positions in government both in the States and the Centre, it is not because they came within the top 100 ranks in a highly competitive civil services examination once upon a time but largely because of the breadth and depth of experience—both in implementation and policy making—that they bring to the table.

IAS officers are exposed to all the tiers of governance – Village, Town, Block, Taluk, Sub-Division, District, State and the Centre – and they have vast diversity of experience because they work in various line/staff departments in succession. They are required to deal with agitations, riots, natural disasters, land matters, irrigation, agriculture, civil supplies, cooperatives, industries, elections, implementation of various types of projects, implementation of multifarious welfare schemes, etc., and they often work in close contact with the general public, politicians, police, courts and the media. It is their ‘District experience’ which makes IAS officers eminently suited for tendering advice on policy matters when they work in the State Secretariat, and it is their ‘State experience’ that makes them eminently suited for tendering advice on policy matters when they work in the Central Secretariat. This calibrated accumulation of knowledge of social and political dynamics and expertise in state functioning is a unique skill set. Officers of the other civil services, which are all uni-functional, lack this diversity of experience and more importantly, they have limited or no exposure to the ground realities and to rural and urban governance at the local level and the State level.

Further, policy making and implementation are rarely limited to a single department but call for inter-departmental, and often inter-governmental, consultation and coordination. The presence of IAS officers across various departments both in the Centre and the States, ensures proper horizontal as well as vertical coordination in policy making and implementation.

According to the Seventh Central Pay Commission, IAS officers held 249 out of 391 positions of Joint Secretary in the Government of India.<sup>11</sup> Post-2014, the situation has changed with nearly half the Joint Secretary posts manned by non-IAS cadre. While posting non-IAS cadre officers as Joint Secretaries in their parent Ministries makes sense, they are likely to be out of their depth if they are posted in other Ministries, especially those which require close interaction with the States

and where 'District experience' and 'State experience' are imperative for proper policy making and implementation. And, if experts from the private sector or elsewhere are posted directly as Joint Secretaries in the Centre, they are likely to be even more handicapped in this regard, thereby widening the disconnect between policy making and implementation and leading to poorer governance.

### **Generalists versus specialists**

The distinguished U.S. scholar Paul H. Appleby, who studied India's public administration and recommended the creation of the Indian Institute of Public Administration, observed:

**“Diversity of experience on the part of an administrative cadre makes for vitality and competence. Diversity of experience on the part of single administrators is often also a feature common to the preparation of many of the ablest ones”.**<sup>12</sup>

Thanks to the legacy of the ICS and the vision of Sardar Patel, India is fortunate to have such an administrative cadre, the IAS, with diversity of experience. But there are some critics who portray this very 'strength' of the IAS as its 'weakness'. Their argument is that it is a generalist service whose officers lack the specific domain knowledge that many departments need. This argument is incorrect on multiple counts:

First, IAS officers are also specialists of a kind; the domain expertise of the IAS is an in-depth understanding of the ground realities, being the only service with exposure to rural and urban governance at the local level and at the State level.

Second, the civil services examination is conducted in 26 different subjects including Medical Science and Engineering subjects, and recruits to the IAS are drawn from almost all these

subjects. For the past three decades, well over half the IAS recruits in each batch

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were engineers, doctors, IIM-

graduates or IT-experts. In the top 20 ranks of the 2017 batch of the IAS, there were 19 engineers and 1 medical doctor. What is needed is better cadre



management by the States as well as the Centre in posting the right IAS officers to the right posts.

Third, even if someone begins his career as a specialist, each promotion upward vests in him successively wider functions and responsibilities and makes him deal with a larger number of stakeholders and renders his original specialisation less relevant. For example, as a medical doctor rises up in the Department of Public Health, he will be dealing not only with patients, doctors and paramedical staff, but also with unions, NGOs, media, civil servants, politicians, judiciary among others, and these call for general administrative skills rather than medical skills. In other words, in all organisations, government or private, as one goes higher in an organisation, one needs to be more of a competent generalist administrator and less of a competent specialist.

Fourth, specialists have their limitations because a specialist, by definition, is someone who knows more and more about less and less. Any specialised discipline has numerous branches, and each branch has many sub-branches. Therefore, to get a holistic view of a specialised discipline such as, say, Climate Change, it is necessary to consult with not just one specialist, however eminent he may be, but dozens of them.

Appleby has narrated an amusing story of the problem of communication between physicists engaged in the Manhattan Project out of which came the atomic bomb. These physicists had so specialised in sub-sub-branches of physics that they did not understand each other. It was essential that they communicate with each other, and so an English Professor was brought in, charged with talking successively to the physicists until he could serve as an interpreter!<sup>13</sup>

Fifth, the price of specialisation of every kind is parochialism. A specialist tends to be partial to his particular field and has difficulty in seeing other persons' point of view. An intelligent, neutral, generalist administrator often does a better job of bringing different specialists together to devise a coordinated strategy that is fair to all. Winston Churchill's dictum: "Scientists should be on tap but not on top"<sup>14</sup> applies to all kinds of specialists.

## **A controversial advertisement**

It is against this backdrop that there is a need to examine the advertisement issued on June 10, 2018, by DoPT calling for applications from "talented and motivated Indian nationals" with expertise in the areas of Revenue, Financial Services, Economic Affairs, Agriculture, Road Transport & Highways, Shipping, Environment & Forests, New & Renewable Energy, Civil Aviation, and Commerce for lateral induction to 10 posts of Joint Secretary. According to the advertisement, the proposal of lateral entry is "aimed at bringing in fresh ideas and new approaches to governance and also to augment manpower".

Applicants should be graduates from a recognised university, over 40 years of age and possess at least 15 years of experience. They should be "working at comparable levels" in State/Union Territory Governments, Public Sector Undertakings, Autonomous Bodies, Statutory Organisations, Universities, Research Institutes, Private Sector Companies, Consultancy Organisations and International/Multinational Organisations. The advertisement doesn't prescribe an upper age limit, and it hasn't reserved any of the 10 posts of Joint Secretary for Other Backward Classes – Non-Creamy Layer (OBC-NCL), Scheduled Castes (SC) and Scheduled Tribes (ST).

The applicants are required to upload (i) their Resume not exceeding 4 pages, (ii) a write-up not exceeding 250 words as to why they consider themselves suitable for the post, and (iii) another write-up not exceeding 300 words highlighting 2-3 recent significant projects/achievements. The shortlisted candidates will be selected through a "personal interaction" with a Selection Committee. The appointments will be on contract basis for a period of 3 years initially, extendable up to five years in case of satisfactory performance.

## **A recruitment process vulnerable to serious abuse**

The proposed mode of selection of lateral entrants does not inspire confidence about its probity and transparency and affords immense scope for litigation on the grounds of lack of rigour, arbitrary and improper shortlisting of candidates, and serious mismatch between the stated aims and the method adopted.

First, the details sought for in the online application form are very few and sketchy. For instance, there is no requirement on the part of the applicants to upload documentary proofs of the educational qualifications, work experience, papers published, commendations received, to name a few. Needless to add, no meaningful scrutiny of the applications is possible without these crucial inputs.

Second, no objective and transparent criteria for shortlisting candidates have been announced. It is not clear as to who will do the shortlisting and whether they have the competence to do it. It is difficult to apply the condition "working at comparable levels" to candidates from outside the government sector simply because there may not be comparable levels. The difficulty is especially great in case of the private sector where even a junior functionary may have a designation like 'Senior Vice President' or be drawing a high salary. Not fixing an upper age limit is a mistake, and it will increase the number of applications received and complicate the shortlisting process.

Third, the UPSC norm is to have a Recruitment Test when some skill or proficiency of the candidates is to be assessed.<sup>15</sup> Hence, if the government is serious about appointing only "talented and motivated" experts by lateral entry to

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the posts of Joint Secretary, then a Recruitment Test in the specific area of domain expertise followed by an Interview is an absolute imperative. It is highly doubtful if

the domain expertise and aptitude of the candidates can be assessed properly through an undefined "personal interaction" as proposed.

Whereas officers from the IAS or other civil services have passed UPSC's Civil Services Examination – one of the toughest of its kind in the world – and are subjected to continuous evaluation of performance, potential and integrity over a period of about 20 years and become Joint Secretaries after a stringent empanelment process, the lateral entrants can hope to become Joint Secretaries with just 15 years' experience through a mere 'personal interaction' and with their performance, potential and integrity untested. This isn't right and can seriously demoralise the career civil servants.

Fourth, if the stated goal of the experiment is to bring in real domain expertise, then the qualifications prescribed should have been at least on a par with those of a Professor of a statutory University or a Scientist (grade G) of a government research laboratory. But the educational and experience qualifications prescribed in the advertisement are very low, very general and very vague, and there are likely to be hundreds of applications, if not thousands, for each post of Joint Secretary. The UPSC norm is to have a Recruitment Test "when the number of applicants is high".<sup>16</sup> Without a tough Recruitment Test, shortlisting a few candidates for 'personal interaction' will neither be easy nor correct, especially when the minimum qualification prescribed is very low.

Fifth, the advertisement is rather bald and doesn't indicate the specific area of domain expertise required for each post of Joint Secretary and refers applicants to

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the websites of the respective Departments. Whereas the advertisement was issued on June 10, 2018, none of the Departments have notified the

specific area of domain expertise required till date [July 11, 2018].

For example, if the Department of Shipping were to identify 'Harbour Engineering' as one of the domain areas where in-house expertise is presently lacking, then the same must be notified and applications invited only from those candidates who have expertise in 'Harbour Engineering'. This will also reduce the number of applications received.

Further, the Selection Committee can be constituted properly only if the specific area of domain expertise is known upfront and top experts from that branch are invited to be on the committee. The Selection Committee cannot be expected to do a comparative evaluation of candidates with different domains of expertise. When the *raison d'être* of the entire exercise is to bring in new domain expertise to government, not notifying or undue delay in notifying the specific area of domain expertise required can raise valid suspicion and invite litigation.

## **The question of reservations**

Many Opposition parties have criticised GoI for resorting to lateral entry as a method of avoiding reservations for OBC-NCL, SC and ST. There are three main methods of appointment to a civil post – by direct recruitment, by promotion and by transfer on deputation. Lateral entry is also direct recruitment and so reservations will apply. As per standard DoPT norms, reservations apply to even temporary appointments if the duration of appointment is more than 45 days.<sup>17</sup>

However, the advertisement issued does not show the earmarking of any post for OBC-NCL, SC, ST candidates. This is because reservations do not apply to single post cadres. Although 10 Joint Secretary posts have been advertised, the Joint Secretaries to be appointed are

subject-specific and cannot be transferred from one department to another (as can be the case of a Joint Secretary from the IAS

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or one of the other civil services). So, they must be treated as isolated, stand-alone posts and hence, reservations will not apply. So the Government of India is right on this point, but if it were to advertise more than one post of Joint Secretary in a department for lateral entry, then reservations will apply.

## **Volte-face for the worse**

It is worth pointing out that, citing the large number of vacancies in the Indian Police Service (IPS), the previous (United Progressive Alliance-2) government had introduced a 'Limited Competitive Examination' (LCE) in 2012 for directly recruited Deputy Superintendents of Police (DSPs) in the State Police Services and their equivalents in the Central Police Services—with five years of experience and less than 45 years of age—for inducting the successful candidates laterally to the IPS. The scheme got embroiled in litigation.

As recently as January 2018, the present NDA government informed the Supreme Court that, after considering all aspects, it had decided to scrap the LCE held in 2012 and make good the IPS vacancies by increasing the annual intake. Based on this, the case filed by affected candidates who had taken the LCE was dismissed by

the Supreme Court in April 2018.<sup>18</sup> But, within six months, the government seems to have done a volte-face in the case of lateral induction to Joint Secretary-level posts by citing "augmenting manpower" as one of the reasons in the advertisement.

The selection process proposed for the lateral entry of Joint Secretaries is far worse than that of the lateral entry to IPS proposed in 2012 as it does not contemplate a competitive examination but only a 'personal interaction' and as it is open to candidates from the private sector and elsewhere. Though there is a shortage of IAS officers in the aggregate due to poor cadre management and low levels of annual intake in the past, the number of officers in the level of Joint Secretary is adequate. As in the case of the IPS, the shortage of IAS officers in the aggregate is being made good by increasing the annual intake during the last four years. So, the argument of "augmenting manpower" as stated in the advertisement does not seem valid.

### **Lateral entry - a rare exception, not a rule**

In India, the idea of lateral entry into senior bureaucracy is not new. In the past, several eminent technocrats such as V. Krishnamurthy, Mantosh Sondhi, D.V. Kapur, M.A. Wadud Khan, and R.V. Shahi; the well-known plant scientist M.S. Swaminathan; and renowned economists such as Manmohan Singh, I.G. Patel, Montek Singh Ahluwalia, Rakesh Mohan, and Vijay Kelkar had served as Secretaries in GoI.

At the level of Secretary, with 30 or more years of experience, assessing the domain expertise and eminence of the candidates is easier; their records usually speak for themselves and they can be invited directly or the selection for lateral entry can be done by an interview. But this is not the case at the level of Joint Secretary or below where most candidates are still 'works-in-progress' and there are not likely to be any standout performers.

Further, at the level of Secretary, the lateral entrant may have the stature to significantly influence policy-making but at the level of Joint Secretary or below his influence will be rather limited and he will be just another file pusher and probably a worse one.

Moreover, at the level of Secretary, if the lateral entrant is inefficient or out of his depth, he will stand glaringly exposed and this acts as a built-in check against

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appointing a crony or a party loyalist as Secretary, but at the level of Joint Secretary or below, the crony or party loyalist may well carry on as a 'passenger'. So

lateral entry into senior bureaucracy should be only at the level of Secretary where necessary, and not at the level of Joint Secretary or below. Lateral entry should be the rare exception and not the rule.

## **Conclusion**

In sum, lateral entry at the level of Joint Secretary, as presently proposed, fails when evaluated on the touchstone of legality, probity, transparency, objectivity and *bona fides*. There is a glaring mismatch between GoI's stated aims and the manner in which it is going about the recruitment process. The experiment has all the trappings of the Spoils System.

The government needs to look no further than our western neighbour to realise that it is making a serious mistake. In 1972, Pakistan (under Zulfikar Ali Bhutto) had also experimented with lateral entry to senior posts from the level of Deputy Secretary to Secretary in the Central Secretariat, and for comparable positions from Third Secretary to Minister in Pakistan's Foreign Service. Bhutto's motive was to weaken the iron grip of the civil service and to have pliant and cooperative bureaucrats. Many in Pakistan believe that the bureaucracy never recovered from this body-blow that Bhutto gave in 1972 and it has been deteriorating ever since. As Pakistani writer F.S.Aijazuddin wrote: "Those Indians who forget Pakistan's history are condemned to relive it".<sup>19</sup>

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## Notes and references:

[All URLs last accessed on July 12, 2017.]

An abridged version of this article appeared in *The Hindu online edition* dated June, 19, 2018, and can be accessed at [Are we ushering in the spoils system in senior bureaucracy?](#)

1. **Mencken, H.L.** (1886-1956) was a very influential American journalist, satirist and critic of the first half of the 20 century. The original form of this quotation was “Explanations exist; they have existed for all time; there is always a well-known solution to every human problem—neat, plausible, and wrong”. It appeared in a chapter titled “The Divine Afflatus” (p.158) in a collection of essays called *Prejudices: Second Series* published in 1921 by Jonathan Cape, London. [<https://archive.org/details/prejudicessecond00mencuoft>]. Over the years, the original quotation has morphed into this shorter form which is what is found in most compilations of quotations and used by writers.

2. For the reply to starred question no. 341 on [Lateral Entry into Civil Services](#) from Shashi Tharoor.

[<http://164.100.47.194/Loksabha/Questions/QResult15.aspx?qref=39690&lsno=16>].

3. **PTI. 2016. No proposal to allow lateral entry into civil services, says govt,** *The Hindu BusinessLine*, August 10. Jitendra Singh’s statement that issues such as lateral entry into the civil services require ‘political consensus’ was widely quoted in the media. [<https://www.thehindubusinessline.com/economy/policy/no-proposal-to-allow-lateral-entry-into-civil-services-says-govt/article8969721.ece>].

**Also See PTI. 2016. No proposal to allow lateral entry into civil services: Government,** *The Economic Times*, August 10.

[<https://economictimes.indiatimes.com/news/politics-and-nation/no-proposal-to-allow-lateral-entry-into-civil-services-government/articleshow/53632372.cms>].

4. **Department of Personnel and Training (DoPT). Lateral Recruitment to Senior Positions in Government of India.** [<https://lateral.nic.in/>].



5. **Government of India. 2016.** [Structure of Central Secretariat](https://www.indianetzone.com/51/structure_central_secretariat.htm), *India Netzone*, January 30. [https://www.indianetzone.com/51/structure\_central\_secretariat.htm].

6. Consultation with the UPSC is obligatory in the matters mentioned in Article 320(3) such as recruitments to civil services and civil posts, promotions, transfers, disciplinary cases etc. However, as per the proviso to Article 320(3), the President can frame Regulations specifying matters in respect of which it shall not be necessary for the UPSC to be consulted. These are called the “Union Public Service Commission (Exemption from Consultation) Regulations 1958” and are amended from time to time. The post of Joint Secretary has been exempted from the purview of mandatory consultation with the UPSC. While it may be alright to fill the post of Joint Secretary by promotion or by transfer on deputation without consulting UPSC, direct recruitment to the post of Joint Secretary should ideally be done by the UPSC or by DOPT in consultation with the UPSC.

7. Though the Spoils System had existed even before President Andrew Jackson (1829-37), it attained notoriety during his time with large scale hirings and firings of civil servants on partisan considerations. New York Senator William L. Marcy, a Jackson supporter, defended the practice with this infamous remark. Please see *Encyclopaedia Britannica Online: Spoils System*. [https://www.britannica.com/topic/spoils-system#ref265060].

8. **Hoogenbom, A. 1959.** The Pendleton Act and the Civil Service, *American Historical Review*, Vol. 64, No. 2 (January). James A. Garfield was the second of the four U.S Presidents to be assassinated while in office. Just 49 days into his term, he was shot from the back, in a railway station, by a disappointed job seeker named Charles Gateau. Gateau believed that he had played a major role in Garfield’s victory and wanted to be rewarded with a Consulship in Vienna or Paris which was refused. Garfield died 79 days after the shooting.

9. These comments find place in a March 31, 2010 interview of Professor Lant Pritchett with Rediff.com in which he calls India a “flailing state” whose capability to implement policies is weak.

**Pritchett, L. 2010.** '[Absenteeism, corruption have weakened India](#)', *rediff.com*, March 31. [<http://www.rediff.com/news/slide-show/slide-show-1-lant-pritchett-on-what-has-weakened-india/20100331.htm#3>].

10. **Drucker, P. F. 1973.** *Managing the public service institution* [<https://www.nationalaffairs.com/storage/app/uploads/public/58e/1a4/b8a/58e1a4b8a8579450163953.pdf>].

11. **Government of India. 2015.** *Report of the Seventh Central Pay Commission*, November, p.183. [[https://doe.gov.in/sites/default/files/7cpc\\_report\\_eng.pdf](https://doe.gov.in/sites/default/files/7cpc_report_eng.pdf)].

12. **Appleby, P.H. 1961.** *Public Administration For A Welfare State*, Indian Institute of Public Administration. Asia Publishing House, New Delhi. P.63. [<https://archive.org/details/in.ernet.dli.2015.275566>]. This is a collection of 4 lectures delivered by Dr. Appleby as a Visiting Professor in the Indian Institute of Public Administration (IIPA), New Delhi. The quote is from his third lecture titled “The Generalist and the Specialist in Administration”.

13. **Ibid.** P.65 of the same lecture.

14. Quoted in Randolph S. Churchill, *Twenty-One Years*, Weidenfeld & Nicolson, 1965.

15. **Union Public Service Commission. 2017.** *FAQs-Recruitment*, June 20. [<http://www.upsc.gov.in/faqs>].

**Union Public Service Commission. 2017.** *Recruitment by selection methods*. [[http://www.upsc.gov.in/sites/default/files/Brief\\_of\\_Rectt\\_Branch.PDF](http://www.upsc.gov.in/sites/default/files/Brief_of_Rectt_Branch.PDF)].

16. **Ibid.**

17. Please see Chapter 2 of DoPT’s *Brochure on Reservations* [[http://persmin.gov.in/DOPT/Brochure\\_Reservation\\_SCSTBackward/Ch-02\\_2014.pdf](http://persmin.gov.in/DOPT/Brochure_Reservation_SCSTBackward/Ch-02_2014.pdf)]

Para 2.22(i) states that reservations do not apply to “temporary appointments of less than 45 days duration”. Para 2.22(vi) states that reservations do not apply to “single post cadres”. Since the lateral induction of Joint Secretaries is on contract

basis for 3-5 years, reservations will apply if the number of posts filled in each Department is more than one.

18. **Supreme Court of India. 2018.** *Lt. Cdr. M. Ramesh Vs Union of India and Others*, April 17.

[[https://www.supremecourt.gov.in/supremecourt/2017/13999/13999\\_2017\\_Judgment\\_17-Apr-2018.pdf](https://www.supremecourt.gov.in/supremecourt/2017/13999/13999_2017_Judgment_17-Apr-2018.pdf)]

[<http://www.advocatekhaj.com/library/judgments/announcement.php?WID=9996>].

19. **Aijazuddin, F.S. 2018.** *Copying Neighbours*, *Dawn*, June 14.

[<https://www.dawn.com/news/1414081>].