

On the controversy over lateral entry into the civil services | Explained

Why did the Prime Minister's Office intervene and withdraw the advertisement regarding lateral entry for different positions in government? What is a spoils system and how does it work?

Published - August 30, 2024 08:30 am IST

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Family members of aspirants wait outside examination the centre during the UPSC examination, in New Delhi on June 16. | Photo Credit: SHASHI SHEKHAR KASHYAP

The story so far: The Union Public Service Commission (UPSC) had withdrawn its advertisement pertaining to lateral recruitment for 45 posts of Joint Secretaries (JS), Directors and Deputy Secretaries (DS) in the government. This follows objections raised by coalition partners and the Opposition as well as the intervention of the Prime Minister's Office (PMO) about the need for reservation in such lateral recruitment.

What is merit versus spoils system?

Merit system entails appointments to government posts after a rigorous selection process by an independent authority. In India, this commenced in the year 1858 when the British introduced the Indian Civil Service (ICS) to select officers for administering the country. After independence, the UPSC conducts exams to select officers for IAS, IPS and other central services. The merit system is aimed at building career bureaucrats who are expected to function without any political leanings and provide independent advice to the incumbent political executive.

The spoils system on the other hand works on the adage 'to the victor belong the spoils.' It is a system where the incumbent political executive appoints its supporters to various posts in the government. It has its origins in the U.S., and continued until 1883 when it was replaced largely by a merit system. At present, out of more than 2.8 million federal government posts, only around 4,000 senior posts are directly appointed by the President.

What is lateral entry?

IAS and other central service officers with more than 15 years of experience are generally posted as JS to head various departments. It is a cutting-edge post where the officers prepare cabinet notes, handle parliamentary questions, liaise with officers of other ministries and State governments.

Lateral entry is when executives from the private sector, public sector undertakings and academia are appointed to senior and middle management positions in the government. There have been instances of lateral entrants who were technocrats being appointed at secretary level posts since independence. Notable examples include former Prime Minister Manmohan Singh, economist Montek Singh Ahluwalia, agriculture scientist M.S. Swaminathan etc. The Second Administrative Reforms Commission (2005) and the NITI Aayog in 2017 had also recommended lateral entrants to bring specialised knowledge and skills into governance.

What are the pros and cons?

Lateral entry brings with it certain tangible benefits. First, it brings much needed specialisation for niche areas of governance like emerging technologies, semiconductors, climate change, digital economy, cyber security etc. Second, it results in infusion of fresh ideas from experts to reinvigorate the system. Third, it also has the potential of making career bureaucrats more responsive thereby bringing in a positive change.

However, it has its own set of significant limitations. The domain expertise and specialisation of IAS officers is their field experience that is hard to match by outside entrants. There can be coordination issues with career bureaucrats. It may also result in opaqueness and conflicts of interests while hiring recruits from private sector.

What can be the way forward?

Notable lateral entrants in the past have been appointees at the secretary level which is the highest position in government departments. At this level, the lateral entrant will be capable of influencing policy decisions. Their performance will also be subjected to greater scrutiny. Even if appointments are to be made at more operational levels of JS, Directors and DS posts, it should be in line with public policy.

In his book *The Tyranny of Merit*, political philosopher Michael Sandel discusses the flaws of placing too much emphasis on merit without pursuing equity. Hence, appointment at these levels should coalesce technical competence with reservation and social justice. Therefore, the intervention from the PMO in the recent episode is welcome.

However, excessive focus on lateral entrants is missing the larger picture. The issues plaguing the system cannot be set right with just a handful of lateral recruits. While there can be genuine grievances about the red-tapism, inefficiency and corruption in administration, it is equally true that career bureaucrats work in a challenging environment. Since governments deal with public money, the system is bound by a plethora of rules. Government performs various roles where the objectives are intangible, which the private sector would not do. Compounding these operational challenges is excessive political interference. A merit system being morphed into a spoils system is a serious threat to Indian bureaucracy and various institutions headed by career bureaucrats.

Autonomy of career bureaucrats is essential for their effective functioning. This includes reasonable independence with respect to postings, tenures and transfers. In this regard, as per Supreme Court judgment in the *T.S.R. Subramanian* case (2013), Civil Service Boards headed by top bureaucrats should be effectively constituted and strengthened at the Centre and States.

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