

Lateral Entry into Civil Services: Boon or Bane?



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Lateral Entry into Civil Services: Boon or Bane?

On 11 June 2018, the government, via a circular of the Department of Personnel and Training (DOPT), opened up ten posts of Joint Secretary in several government departments to individuals outside the civil services, including from the private sector. In other words, the notification allows for lateral entry of people for posts which have a key role in policy making as well as the implementation of various programmes and schemes of the assigned department. The government, in newspaper advertisements (available on lateral.nic.in), said it is looking for “talented and motivated Indian nationals willing to contribute towards nation building.” The recruitment will be made in 10 departments, including revenue, financial services, economic affairs, agriculture, shipping, environment, etc. 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 appointments will be on contract basis for a period of three years initially, extendable to up to five years in case of satisfactory performance.

According to media reports, the first sign of the government mooting the idea was in November 2014, when the Prime Minister asked the secretaries of various ministries to evaluate and prepare for allowing lateral entry of professionals into government departments, following which some secretaries listed the idea as something the government should consider.¹ In the past, we have had many instances where individuals from the private sector and other fields were appointed into government bodies. The Tata Group’s Russi Mody was appointed head of Air India in 1993; former BSES CMD R V Shahi was made Power Secretary for five years starting 2002; Infosys chief Nandan Nilekani headed the UPA government’s UIDAI project; Ayurvedic physician and former VC of Gujarat Ayurveda University, Rajesh Kotecha, was appointed as Secretary, Ministry of AYUSH; etc.²

However, until now, lateral entries like these have only been occasional. Now, it is for the first time that the government is planning to institutionalise lateral entries by setting up a permanent apparatus. According to media reports, the Centre has already started working towards putting a rigorous, testing mechanism for candidates seeking direct entry into senior bureaucracy.³ Although specific details of this mechanism are yet to emerge, it would be helpful to review the arguments critics have been putting for and against the proposal.

Argument in favour of lateral entries

(i) The Need for Expertise and Efficiency

The primary arguments in favour of lateral entries are regarding the urgent need for expertise and efficiency in the field of administration. Critics argue that most civil servants, as opposed to being specialists, tend to be “generalists,” i.e., they are not necessarily experts in a particular area – say, finance, agriculture, labour, etc. –

¹ <https://economictimes.indiatimes.com/news/politics-and-nation/lateral-entry-centre-working-on-rigorous-selection-model/articleshow/64639356.cms>

² <https://indianexpress.com/article/india/government-invites-lateral-entry-at-joint-secretary-level-posts-for-talented-5212285/>

³ <https://economictimes.indiatimes.com/news/politics-and-nation/lateral-entry-centre-working-on-rigorous-selection-model/articleshow/64639356.cms>

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but rather have a limited understanding of a wider range of areas.⁴ Gulzar Natarajan and Duvvuri Subbarao ascribe this to the fact that the colonial era Indian Administrative Service (IAS) was modelled as a generalist service to deliver two core functions of the state: collect taxes and maintain law and order. Over the years, economic reforms, especially the expansion of the market, led to a transformation in the very nature of administration, demanding domain knowledge at the policy level⁵ so as to assess the impact of various policies at the level of the private sector, the non-government sector, and the public at large.⁶ Thus, there was a need felt for experts/specialists who will add efficiency to the process of policy decision making. Pavan K. Verma, for instance, writes: “With the rapid development of technology and the increasing complexity of the economic and international ecosystem, experts with proven domain experience can contribute to greater efficiency in decision-making.”⁷

However, some critics argue that it is simplistic to think that mere inclusion of experts into the government will make the bureaucracy efficient, since the constraints under which the bureaucrats work will stay the same. For instance, retired IAS officer, K. Ashok Vardhan Shetty cites Peter F. Drucker’s essay titled ‘Managing the Public Service Institution’ (1973), where the author argues: “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.” In his essay, Drucker notes that in the United States, during World War II, a large number of business executives, who had performed well in their own companies, moved into government positions. However, they soon found themselves bogged down by procedures and red tape. Shetty gives another example of Rex Tillerson, who – though a successful Chairman and CEO of ExxonMobil for 11 years – failed as U.S Secretary of State and was fired in March 2018 after 13 months of being appointed. Shetty notes: “Even where a handful of business 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 organizations.”⁸

Criticism against lateral entries

(i) Grassroots Experience

Some critics – while agreeing that the inclusion of specialists in the ranks of bureaucracy may be helpful – believe that experts in a particular field might be bereft of any engagement with the common public – primary stakeholders of a policy decision – at the grassroots level. The post of Joint Secretary is generally filled with senior officers selected through the exams conducted by the Union Public Service Commission (UPSC). The process of induction of these officers involve years of grassroots experience being posted in far-flung blocks, tehsils, and districts. According to former Army and IAS officer MG Devasahayam, this experience is valuable, since the “unique selling point” of IAS officers is their “variegated exposure” to and contact with

⁴ <https://www.hindustantimes.com/editorials/lateral-entry-for-the-civil-services-must-be-transparent/story-WC9X92nsVUspDJuy5QB1BN.html>

⁵ <https://indianexpress.com/article/opinion/columns/upsc-generalist-vs-specialist-ias-recruitment-4859491/>

⁶ <https://indianexpress.com/article/opinion/columns/the-case-for-lateral-entry-indian-administrative-service-ias-upsc-government-4788115/>

⁷ <https://www.indiatoday.in/magazine/up-front/story/20180625-upsc-civil-examination-selection-process-1261073-2018-06-16>

⁸ <http://www.thehindu.com/thread/politics-and-policy/lateral-entry-into-senior-bureaucracy-opening-the-flood-gates-for-a-spoils-system/article24201356.ece>

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the public and political leadership through different assignments.⁹ Experts in different fields who join government departments through lateral entries may lack this exposure and thus be devoid of a larger connect with the masses for which they need to design and implement different policies. Even critics who argue in favour of lateral entries agree that what sets IAS officers apart is their field experience, whereas urban policy experts might have never even seen a village before.¹⁰

(ii) Spoils System and Private Lobbies

Another important criticism of lateral entries is that it may institutionalise nepotism. Consider this: As of now, the UPSC annually conducts a three tier civil services exam. Although there has been criticism regarding the constraints about selection and elimination¹¹ and the logic of foundational courses for trainees,¹² the recruitment process of the UPSC is still considered to be a credible, transparent and an autonomous procedure to recruit people into the bureaucracy. However, the selections for lateral entries will not be done by the UPSC, but by a “select committee,” presumably under the DOPT, which has issued the advertisement. Critics fear that such lateral entries may undermine the transparency of recruitments and usher in a form of Spoils System: a mechanism through which friends and supporters of the party in power are employed and promoted in the ranks of civil service. The term Spoils System was used in the politics of the United States, being popularised in 1832 by Senator William Marcy of New York. Defending one of President Andrew Jackson’s appointments, Marcy said, “To the victor belong the spoils of the enemy.”¹³ According to Devasahayam, the Spoils System “developed into the firing of political enemies and the hiring of political friends.” This, in a parliamentary democracy, is “*anathema ab initio*.”¹⁴

Critics further argue that recruitment of individuals from the private sector may lead to the interference of business houses in policy making. This takes us back to the specialists/expertise argument that the advocates of lateral entry are putting forward. Sampad Patnaik explains how in the United States, over the years, the private sector not just lobbied the government, but also became a part of it through various mechanisms, such as ‘expertise selling.’ When the increasing complexity of trade and technology made managing the economy a complicated process which the US bureaucracy was unable to grasp, the technocrats entered key areas of policy decision making, and influenced politicians into decisions that benefit the industry and not the common people. One can thus argue that lateral entries may culminate into forming ‘revolving doors’ between the private sector and the government to the benefit of the former.¹⁵ Sundar Burra, former secretary to the Maharashtra government says, “Suppose a former employee of Monsanto seeds joins the agriculture ministry as joint secretary. His main aim could be to finish off the indigenous seed industry in India. There is a possibility that they could further their private sector agenda...”¹⁶

⁹ <https://scroll.in/article/882391/lateral-entry-is-the-government-of-india-being-privatised>

¹⁰ <https://indianexpress.com/article/opinion/columns/the-case-for-lateral-entry-indian-administrative-service-ias-upsc-government-4788115/>

¹¹ <https://theprint.in/talk-point/modi-govts-proposal-to-change-how-service-cadre-are-allocated-to-civil-servants-a-good-idea/61028/>

¹² <https://www.newstodaynet.com/chennai/ex-ias-officer-talks-about-the-new-recruitment-process-98634.html>

¹³ <https://www.britannica.com/topic/spoils-system>

¹⁴ <http://www.tribuneindia.com/news/comment/-lateral-entry-is-a-spoils-system-to-spoil-governance/604156.html>

¹⁵ <https://thewire.in/politics/caution-proceed-slowly-an-argument-against-allowing-lateral-entry-into-the-ias>

¹⁶ <https://www.thewire.in/government/bureaucrats-wary-of-how-not-why-of-lateral-entry-into-civil-services>

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Way Forward

While the argument around the need for expertise is understandable, there is little clarity on how the government will tackle the challenges of nepotism, revolving doors, and lack of grassroots experience amongst lateral entrants. Perhaps the most problematic amongst these is the non-involvement of the UPSC in the recruitment process, and the possible implications this might have on the architecture of affirmative action within the bureaucracy. Critics and many opposition parties fear that since the recruitments would be contractual, the scheme would have no reservations for the members of Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC), thus undermining representation of these marginalized sections of the society. In this direction, Udit Raj, BJP MP from North West Delhi, has demanded quota for SC, ST, and OBC candidates in lateral entries.¹⁷

Thus, if the government indeed goes forward with lateral entries, it must ensure that all the stakeholders, such as the UPSC, the service associations of the All India Services need to have been included in the process of arriving at that decision. It must further be ensured that the recruitment process is transparent so as to insulate lateral entrants from any form of political or business patronage. Left unchecked, these challenges may end up institutionalising crony capitalism since it would provide legal channels to big businesses for lobbying for their profit interests.

¹⁷ <https://www.thequint.com/news/india/bjp-mp-udit-raj-demands-space-for-obc-sc-and-st-in-lateral-entry-scheme>

Headline

Report uncovers torture, abuse and deaths in de-addiction centres in Delhi

(Abhishekh Angad, *The Indian Express*, June 25, 2018)

A report submitted by Delhi State Legal Services Authority (DSLISA) on the conditions of Drug De-addiction Centres in Delhi has revealed that inmates are often subjected to sexual and physical torture as well as death threats. The inspection, carried out after a High Court order inspected 124 de-addiction centres, out of which 28 were found shut. In the remaining 96 centres, 750 inmates said they were detained involuntarily. Most of the centres were also found to have inadequate infrastructural facilities. The report also highlighted the rise in the number of unauthorised and illegally run centres where inmates are subjected to inhumane and degrading treatment.

Read More: <https://indianexpress.com/article/india/report-uncovers-torture-abuse-and-deaths-in-delhi-de-addiction-centres-5232022/>

Date Accessed: 25.06.2018

Economy

As Trade War Rages, New Quality Control Orders for Steel Products Take Aim at Imports

(Noor Mohammed, *The Wire*, June 25, 2018)

According to a notification issued by the Steel Ministry, 16 new products have been included in the list of products required to register themselves with Bureau of Indian Standards. While this is seen as being detrimental to imports and hurt consumer industries, it is predicted to help domestic steel manufacturers. Although the government has claimed to have taken measures like minimum import price, anti-dumping, safeguard besides quality control to check steel imports and support domestic manufacturers, experts have highlighted that these quality control notifications have affected small and medium businesses. India has also recently unveiled a new national steel policy in May 2017, which envisages raising steel production capacity from about 100 million tonnes at present to 300 million tonnes by 2030.

Read More: <https://thewire.in/trade/as-trade-war-rages-new-quality-control-orders-for-steel-products-take-aim-at-imports>

Date Accessed: 25.06.2018

Maharashtra's plastic ban could cost industry Rs 15,000 crore, 3 lakh jobs

(*The Indian Express*, June 24, 2018)

Maharashtra's plastic industry has been severely affected by the plastic ban imposed on the state with the Plastic Bags Manufacturers Association stating that it will result in a revenue loss of Rs 15000 crore and impact 3 lakh jobs. 2,500 members have exited the association since the ban came into effect in March. Industry insiders have said job losses from the ban will impact Maharashtra's GDP, and also increase banks' bad loans from the plastic sector. The government had imposed an all encompassing ban on manufacture, use, sale, distribution and storage of plastic materials and gave a window period of 3 months to dispose off the existing stock.

Read More: <https://indianexpress.com/article/india/maharashtras-plastic-ban-cost-industry-rs-15000-crore-revenue-3-lakh-jobs-5231593/>

Date Accessed: 25.06.2018

Governance and Development

GOVERNANCE

Spike in Cross-Border Arms, Cattle, Narcotics Smuggling in Last Three Years

(The Wire, June 24, 2018)

Union Home Ministry data has revealed that instances of cross-border narcotics, arms and cattle smuggling has witnessed an increase in the last 3 years with corresponding arrests also increasing. Most of these illegal activities have been traced along the international borders with Pakistan, Bangladesh, Bhutan, Nepal and Myanmar where instances of smuggling increased from a total of 19,537 in 2015 to 31,593 in 2017. According to the data, as many as 1,501 smugglers were arrested in 2015 and went up to 1,893 in 2016 and to 2,299 during last year. Majority of these have been apprehended along the porous Indo-Bangladesh border. However, the over 3,000-km long India-China border did not report any of these instances..

Read More: <https://thewire.in/government/spike-in-cross-border-arms-cattle-narcotics-smuggling-in-last-three-years>

Date Accessed: 25.06.2018

ENVIRONMENT

Why Yamuna River may be visibly cleaner by January

(Paras Singh, The Times of India, June 24, 2018)

Delhi Jal Board has been given a “final” deadline of six months- January 2019, to finish the much delayed work of laying interceptor sewage lines along three of the biggest drains in the capital. According to estimates made by the Central Pollution Control Board, Delhi generates 3,800 million litres of sewage per day. More than half of this is not treated in any way. Currently the project is being carried out in six packages along the Najafgarh, Shahadra and Supplementary drains with a completion rate of 92%. Once completed, around 242 MGD of raw sewage will be transported to the six treatment plants in Kondli, Yamuna Vihar, Rithala, Coronation Pillar, Nilothi/ Keshopur and Dwarka.

Read more: https://timesofindia.indiatimes.com/city/delhi/why-yamuna-may-be-visibly-cleaner-by-jan/articleshow/64724747.cms?utm_source=twitter.com&utm_medium=social&utm_campaign=TOIDesktop

Date Accessed: 25.06.2018

25 Indian States Ban Plastic Bags. Yet, 600 Truckloads of Plastic Discarded Every Day

(Athar Parvaiz, Indiaspend, June 25, 2018)

According to IndiaSpend 2018 report, twenty five Indian states/UTs now have some form (complete or partial) of ban on polythene carry bags. However since the implementation process is often delayed and there is a lack of an audit system or validate this enforcement, plastic that usually takes hundreds of years to decompose continues to be used, which gathers in India’s water bodies and landfills, So states like Jammu & Kashmir and Maharashtra who became the latest states to ban the use of polythene carry bags in January and March 2018, still continue to see usage of plastic bags as , many vendors have still not heard of the three-month-old ban. Karnataka and Punjab, where a ban is in place since 2016, it remains ineffective in most parts, as there is widespread availability of and demand for polythene bags. In Arunachal Pradesh and Uttar Pradesh, there is still confusion about permissible grades of polythene. Moreover, while the government has no alternative to offer, as people find the cotton or jute bags expensive..

Read more: <http://www.indiaspend.com/cover-story/25-indian-states-ban-plastic-bags-yet-600-truckloads-of-plastic-discarded-every-day-31602>

Date Accessed: 25.06.2018

Society

GENDER

‘Walking on the streets is harrowing’

(Sneha Agarwal, *India Today*, June 25, 2018)

According to the Delhi Social Welfare Minister Rajendra Pal Gautam, a seven-member committee has been formed to work on framing policies aimed at mainstreaming the transgender community. The members of the committee include two representatives of the transgender community, officials from social welfare department and other organizations working for the welfare of the transgender community. The committee will be required to study the transgender population in the city and based on the study the committee will formulate inclusive policies to combat to the needs of the community and help remove the stigma associated with their identity.

Read More:

<https://www.google.co.in/search?q=remove+the+stigma&oq=remove+the+stigma&aqs=chrome..69i57j0l5.5094j0j7&sourceid=chrome&ie=UTF-8>

Date Accessed: 25.06.2018

Patriarchy, popular culture, unemployment: Why Haryana is India’s rape capital

(Sanya Dhingra, *Hindustan Times*, June 25, 2018)

Haryana is one of India’s richest states in terms of per capita income. But when it comes to women safety, it lags far behind the rest of the country. According to the National Crime Record Bureau (NCRB) data of 2016, Haryana registered one gang rape every two days. The number of rapes was at 1,187 – which is more than three a day; while 70 cases of gang rapes have been filed in the state until 31 May, 2018. One of the worst sex ratios in the country, a highly regressive system of khap panchayats and innumerable honour killings are some of the reasons why Haryana is a dangerous place for its women. Some experts claim that the increasing number of attacks on women could be attributed to easy access to pornography, high rates of unemployment, unmarried men and substance abuse.

Read More: <https://www.hindustantimes.com/india-news/patriarchy-popular-culture-unemployment-why-haryana-is-india-s-rape-capital/story-MGXBCioEeVZ9yNYEXmKsFJ.html>

Date Accessed: 25.06.2018

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