

INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

Volume 6 | Issue 2

2024

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Changing Perspectives of Selection Criteria of Civil Servants in India

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ABSTRACT

It is being since decades the prominent services of our nation have been under the lens of various political influence ideologies, diversity of culture, and socio-economic background of the nation subject to determining the changes in the selection criteria of the officers right from the prestigious civil services conducted by UPSC till the other competitive exams conducted by the Public Services Commission. It is been seen that there is no clear-cut definition is provided or reference made in regards to what qualities constitute a person to be called as a public servant or a civil servant unless a little reference provided in some legislations. The predominant factors influencing selection of the civil services prior pre-independent era were based on the pleasure of the East India Company followed by various Acts deliberating the same. In the post-independent era the selection criteria although determined by the UPSC dependent on the reservation criteria, age, education qualification, examination pattern, nationality, etc.

This paper addresses the chance of further scope of reforms of the pattern of the selection criteria of civil servants starting with the increasing number of candidates provided the same after selection being filtered out subject to four times the number hiring and opportunity provided to those who are motivated and have influx to stand out into the junior ranks irrespective of the power and prestige the various posts offer through a four-year performance, etc. Where the importance must also be given to the reduction of the duration of the recruitment cycle especially in regards to civil services examinations such that preventing the mental and physical health-related troll over the candidates can be cared for. The paper will emphasize various proposed reforms like examinations conducted by UPSC, the increasing corruption, and various other factors in the services impacting the popularity; selection of the officers as civil servants, and maintaining the dignity and integrity of the nation.

Keywords: *Services, Qualification, UPSC, Criteria, Changes.*

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I. INTRODUCTION

“Unhappily, India today cannot boast of an incorruptible Service, but I hope that you, who are now starting, as it were, a new generation of civil servants, will not be misled by the black sheep in the fold but would render your service without fear or favor and any expectation of extraneous rewards”.

– Sardar Vallabhbhai Patel³

It is thereby mentioning the above words of Sardar Patel, which emphasizes the development of Civil Services in India for which the foundation was laid down by the Britishers in 1857 till its evolution in 1947. It mentions impartiality, and incorruptibility amongst the administration as a civil servant having a duty towards enhancing services towards the entire nation without fear or favor and any expectation of extraneous rewards.⁴

Civil Services since it was laid down by East India Company in 1857 has been subject to various changes in regards to educational qualification, age limit and relaxation, reservation, etc. in regards to the selection process of civil servants in India. During East India Company's rule, several officers in military and civil were employed in services for the pleasure of East India Company subject to Law and Regulations.⁵ It was with the enforcement of the Government of India Act, 1858 that the appointment and admissions to service and other matters, especially in regards to altering or revoking the regulations which were done upon orders of the Directors of the Company before 1858 were exercised by the Secretary of State in Council.⁶ Later on, several changes were made in the Indian Civil Services Examination in 1879, 1915, 1935 till 1947 and there was the emergence of UPSC for conducting the selection and filling up of various posts through the Indian Independence Act.

Recently, in the contemporary era, the civil services are still made subject to various reforms especially in the conducting of exams in three stages for the selection of officers being a long recruitment process and waste of prime years of candidates taking a toll on their mental and physical health as to rigorous examination's selection cycle.⁷ Thus it can be seen that UPSC has been changing the pattern of examination from time to time based on various

³ Excerpt from, “Speech delivered by Sardar Patel to IAS Probationers on April 21, 1947”, <https://icsindia.weebly.com/patel.html#:~:text=Unhappily%2C%20India%20today%20cannot%20boast,any%20expectation%20of%20extraneous%20rewards>, (Visited on October 29, 2023).

⁴ *Ibid.*

⁵ O.P. Motiwal, “Development of Legal Rights of Civil Servants in India”, 17 JILI (1975), p. 437.

⁶ *Ibid.*

⁷ PTI, “Reduce civil services recruitment cycle, assess reason for candidates' low turnout: Par Panel to UPSC”, THE HINDU, <https://www.thehindu.com/news/national/reduce-civil-services-recruitment-cycle-assess-reason-for-candidates-low-turnout-par-panel-to-upsc/article66663970.ece>, (Visited on October 29, 2023).

recommendations by various expert committees subject to various further reforms in the field. Even recently, there is been demand of need of a Nitipath government policy after the Agnipath policy to be enforced upon in civil services where the scheme could enable the government to recruit four times as many candidates at the entry level without being constrained by several apex-level positions and career paths in regards to the same.⁸ This policy, will help the governance retain most of the best performance from a lot of young officers at the junior level and give them incentives to perform best as an experience with government through a four-year review period after examinations and interview scores.⁹

Selection criteria itself is not a defined concept in service law rather it varies while initiating the process of selection of suitable candidates against a particular vacant post that involves many stages i.e., inviting applications; scrutiny of applications; rejection of defective applications; elimination of ineligible candidates; conducting examinations; calling for interview and preparation of list of successful candidates required for appointment.¹⁰

II. SELECTION CRITERIA OF CIVIL SERVANTS: PRE-INDEPENDENT INDIA

The East India Company established the civil service system in India to further its economic interests and it eventually developed into a well-organized administrative apparatus to manage the administration of the areas it had acquired. The phrase “civil service” was originally coined to set apart employees of the Company working on business matters from those working in the armed forces and navy.¹¹ It was mostly focused on the police and judicial system for the protection of life and property and also transport and communication for the export of raw materials to England. Later on, these civil servants progressively received more power and responsibility in the future. Thus, the same is depicted below in detail about legislation changes and doctrine determining the selection criteria of civil servants in the British Era:

(A) Foundation of service: The British arrived in 1613 as traders and after the Battle of Plassey and Buxar in 1764, they obtained revenue collection rights.¹² Warren Hastings laid the foundation of the civil service and Charles Cornwallis brought reforms to it thereby modernizing and rationalizing the same. The Indian Civil Service was divided

⁸ Nitin Pai, “After Agnipath, India is in need of a Nitipath for its civil services”, MINT, <https://www.livemint.com/opinion/columns/after-agnipath-india-is-in-need-of-a-nitipath-for-its-civil-services-11661702562888.html>, (Visited on October 29, 2023).

⁹ *Ibid.*

¹⁰ Justice T.S. Doabia, DOABIA & DOABIA: THE LAW OF SERVICES AND DISMISSALS, 5th ed.2015, pp. 415-416.

¹¹ *Supra.n.12.*

¹² M. Sabharwal and E. Berman (eds.), PUBLIC ADMINISTRATION IN SOUTH ASIA: INDIA, BANGLADESH AND PAKISTAN, 1st ed. 2013, p.32.

into two categories by Cornwallis: covenanted and uncovenanted. The senior positions in the administration were exclusively occupied by Europeans, or British employees, as part of the covenanted civil service. The uncovenanted civil service was created only to make it easier for Indians to enter lower-level positions in the government.¹³

Later on, as per Report Macaulay's Report 1835, it made only the intellect amongst the crowd to be appointed in the service as per the interest of the British Empire while the medium of studies for Indians was the medium of English in the schools. The Charter Act of 1793 and 1853 mandated the power of the king to remove or recall any person holding any office or employment and also upon recruitment of civil servants through open competition.¹⁴ During these times the Queen's proclamation applied to servants of the Company and they were employed as will and pleasure of the Crown popularly known as the "Doctrine of Pleasure".¹⁵

(B) Service in 1858-1919: As per the Government of India Act, 1858, even here the powers of making regulations as to appointment and admissions been exercised was laid on the Court of Directors of the Company, where no such powers as to representation to the government or seek redress was provided to the civil servant. The Indian Civil Service Act, 1861 was enacted thereby for the first time it gave certain reservation key positions for covenant service members where the examination was held in England and the permissible age for same decreased from 24 years till 1878. In *Ram Dass Hazra v. Secretary of State*¹⁶, it was held that "a public servant could be fired at any moment and for any reason, according to a ruling by the Calcutta High Court". It concluded that no action for wrongful dismissal against the Crown could be considered because the Crown's actions, independent of any inquiry and without assigning a reason, could not very well be contested in a court of law because the investigation had not been thorough or formal, or that the justifications offered were faulty and susceptible to dispute.

The Aitchinson Commission, established in 1886, worked to abolish the Statutory Civil Service and divide the civil service into three categories: Imperial, Provisional, and Subordinate. In the process, the commission looked into the issue of Indian employment for all. The Montford Reform, 1919 for the first time all imperial services were referred to as "the Indian Services", where there were made special provisions as to salaries, pensions, dismissal, etc.

¹³ *Ibid.*

¹⁴ *Supra.n.14.*

¹⁵ *Ibid.*

¹⁶ AIR 1914 Cal 746.

(C) Service in 1919-1947: The Government of India Act, of 1919 introduced the concept of tenure of members of the civil service in India at the pleasure of the Crown. It provided for the establishment of a Public Service Commission. In addition to reiterating the Crown's pleasure, Section 96B of the Act stated that "any government employee could be employed in any way necessary by a proper authority while performing their duties". It further declared that no employee could be fired by an authority lower than the one that hired them and that the Secretary of State in Council could reinstate any employee who had been fired in that capacity unless he made rules to the contrary.

This statutory privilege limited the Crown's ability to do as it pleases.¹⁷ It ensures the position of a sufficient number of civil servants, including members of the Indian Civil Services (I.C.S.), who had come under the jurisdiction of Indian ministers due to the introduction of dyarchy under the Government of India Act, 1919, was one of the reasons for granting this right.¹⁸ This clause prevented any Indian minister from firing I.C.S. personnel who were appointed by the Secretary of State. The Lee Commission, 1924 in its report proposed that 40% of future entrants be British, 40% directly recruited Indians and 20% be promoted from the provincial service. Even, as per the Government of India Act, 1935, it formed a Federal Public Service Commission and a Provincial Public Service Commission while still, the positions of control and authority were in the hands of the British with no political power to Indian bureaucrats who acted as servants to the Empire.¹⁹

III. SELECTION CRITERIA OF CIVIL SERVANTS: POST-INDEPENDENT INDIA

After the Independence of India from the clutches of the British Empire, the Indian Independence Act, of 1947 came into existence. The Indian Civil Service was converted into Indian Administrative Service while the Federal Public Commission was replaced with Union Public Service Commission in 1950. It was as per Section 10 of the Indian Independence Act, 1947, provided status to the civil servants concerning tenure, remuneration, leave, pension, and disciplinary matters. Even the Constitution of India provided for the tenure of civil servants expressly provided in Article 310 that, "*every person who is member of a defense service or a civil service of the union or an all India- service or holds any post connected with defense or*

¹⁷ *Supra.n.18.*

¹⁸ *Ibid.*

¹⁹ Prof. V.P. Gupta, "History of Civil Services in India- Pre", COMPETITION SUCCESS REVIEW, <https://www.competitionreview.in/blogs/2023/07/20/history-of-civil-services-in-india-pre-independence-era/>, (Visited November 21, 2023).

any civil post under the union, holds office during the pleasure of the President”.²⁰ The changes that took place in this era have been briefly deliberated below:

(A) Establishment of union public service commission: Articles 315 to 323 of the Constitution of India deal with the functions of the Public Service Commission.²¹ It is as per Article 320 of the Constitution of India; that the Commission is required to be consulted on all matters in regards to the selection and recruitment of civil servants.²² As per the provision, it is the responsibility of the Commission to conduct the examinations; direct recruitment by selection through interviews; appointment of officers on promotion/ deputation/ absorption; publication of results; frame and amendment of recruitment rules for various services and posts under the Government.²³

As per *Neelima Shangla v. State of Haryana*²⁴, it was mentioned that “*the duty of the commission is to hold the written examination; holding the viva voce test; arranging the order or merit according to marks among the candidates who have qualified as a result of the written and the viva voce tests; to publish the result in the Gazette and, apparently, to make the result available to the Government; to make available to the Government a complete list of qualified candidates arranged in order of merit and to make the selection strictly in the order in which they have been placed by the Commission as a result of the examination*”.²⁵

As per *R. Venkatachalapathy v. Joint Secretary to Government*²⁶, it mentioned that “*where a competitive examination is to be conducted by the PSC, it is the duty of the Commission to announce the subjects, schemes or syllabus of the examination, the appropriate authority to announce the same is only the Public Service Commission and not the State Government*”. Thus, it lies as to the independence of the Commission as to the selection process of officers in the service.

(B) Civil servants: The term “civil servant” has not been directly defined rather it comes under the ambit of the terminology “public servant” defined in Section 21 (4) of the Indian Penal Code, 1860 and Section 2 (c) of the Prevention of Corruption Act, 1988. As per these sections, any person who is commissioned officer in Military Forces; Judge; Officer of a Court; juryman, assessor, member of panchayat assisting a Court of Justice; arbitrator; officer to Government for preventing offences; election officer;

²⁰ Article 310 of the Constitution of India, 1950.

²¹ UPSC, <https://upsc.gov.in/about-us/constitutional-provisions>, (Visited on November 21, 2023).

²² Article 320 of the Constitution of India, 1950.

²³ *Ibid.*

²⁴ AIR 1987 SC 169.

²⁵ *Ibid.*

²⁶ 1988 (3) SLR 79 (Mad-DB).

chairman of public commission, etc all come under the ambit of “public servants”.²⁷ Thus, a civil servant is a professional, permanent, and independent part of the executive providing him being assisting in formulating policies to carry out decisions of government, especially in the absence of an authoritative legal definition of a civil servant.

(C) Criteria for selection: There is demarcation as to the civil servants being classified into two categories: All India Services and the Central Civil Services for both Group A and B officials. These officials are selected as per the three phases comprising Civil Services (CSE) or the Engineering Services Examination (ESE), etc. conducted by UPSC.²⁸ Even though there is a division of the Public Service Commission at the central and State level, the civil servants at the central level enjoy pleasure under the President and the civil servants at the state level enjoy pleasure under the Governor of the State. The criteria regarding civil servants are thus discussed below:

- a. **AGE LIMIT-** The age limit for giving either CSE or ESE or any other examinations conducted by UPSC the age varies as per the qualifications required for the post accompanied by certain work experience wherever required. For example, CSE candidates attaining the age of 21 years and appear in examinations until 32 years of age subject to a specified number of attempts prescribed for the examination while for ESE the age limit varies from 21 years of age to 30 years of age but subject to relaxation as per reserved categories.²⁹ Even in the National Defence Academy and Naval Academy Examination candidates are taken based on their unmarried status having completed matriculation and HSC in the age group of 16 to 19 years of age.³⁰
- b. **EDUCATION QUALIFICATION-** The educational qualification also varies as per the nature of the examination in such a scenario, where different patterns of syllabus need to be prepared for various examinations. Many times the educational qualification is limited to the graduation of the candidate in a particular field or in general or strictly based on matriculation or HSC required for being eligible to be selected to sit for exams for a particular post. For example, a CSE candidate must hold a graduate degree recognized from a

²⁷ Section 21(4) of the Indian Penal Code, 1860.

²⁸ *Supra.n.25.*

²⁹ UPSC, <https://upsc.gov.in/sites/default/files/Notif-CSP-23-engl-010223.pdf>, (Visited November 21, 2023).

³⁰ *Ibid.*

university incorporated by an Act of the Central or State Legislature or other educational institutions established by an Act of Parliament (Deemed University), where it even takes into consideration candidates possessing professional or technical qualifications in law, medicine, engineering, etc.³¹ While for ESE it is strictly specified for the candidate to hold a degree in Engineering per se to be eligible for the post.

- c. **EXAMINATION PATTERN-** Even there is a slight change like examinations conducted for holding the candidates eligible for the post. The candidates need to pass through three stages in the examination i.e., prelims, mains, and interview. In many other posts like ESE or National Defence Academy and Naval Academy Examination medical examination is also a criterion determining the selection of a candidate for the post. Even the syllabus to be studied as per each examination varies from post to post as per its requirements.
- d. **RESERVATION-** The candidates are provided age relaxation and a certain number of attempts or unlimited attempts based on reservation provided by the government for the examination which again varies from category to category in the examination. For example, for CSE the SC/ST category candidates can have unlimited attempts while OBC and PwBD category candidates have 09 attempts only for appearing in the examination.³² Even, the upper age for candidates belonging to the SC/ ST category (15%), ex-servicemen (Commissioned Officers) have a maximum of 5 years of relaxation after 32 years; while it is only 3 years of relaxation for candidates belonging to OBC (27%), Defence Services Personnel for appearing in the examination.³³ Even, there is special relaxation provided to persons with disability (PwBD) (4%) where the age-relaxed for them is 10 years. There are also included reservations based on economically weaker section reservations (10%) for the examinations.
- e. **NATIONALITY-** The selection of candidates for a required post is also based on nationality taken into consideration where only Indians are selected for certain posts and the remaining are kept open for people from some other nationality or Indians. For example, in CSE for the posts of IAS, IFS, and IPS the citizen must be from India; while in other posts except these three the citizen

³¹ *Supra.n.33.*

³² *Ibid.*

³³ *Supra.n.35.*

can be from Nepal, Bhutan, Tibet, Pakistan, Burma, Sri Lanka, etc including citizen from India as a mandatory requirement for selection of civil servants.

³⁴Similarly, for the ESE examination, the nationality comprises citizens of India, Bhutan, Nepal, Tibet, etc. provided that the persons must be provided with the eligibility certificate as proof of their nationality. Even for NDA and Naval Academy Examinations the criteria as to nationality remains the same.

IV. SCOPE OF FUTURE REFORMS IN CONTEMPORARY INDIA

It is unlikely to say that the structure of selection criteria for civil servants remained the same since post-independence in India. There has been huge discussion as to bringing reforms as per requirements from time to time, thus there is further scope as to many upcoming reforms in regards to selection criteria in the future. It is discussed below as to further changes and suggestions for further reforms in the service:

(A) Increasing number of candidates (nitipath scheme)- As per this scheme, the amount of apex-level positions and career pathways does not limit the government's ability to hire four times as many individuals at the entry level. It is possible to have 4,000 officers start service annually in place of the 600–1,000 candidates who are appointed to the AIS.³⁵ Following a fourth-year performance assessment, only twenty-five percent of them will be kept on staff. As a result, there will be a large influx of youthful, motivated officers into the junior ranks, who will receive high performance-based incentives and gain experience in government work.³⁶

The top 4,000 all-India rank holders' average quality won't differ significantly from the top 1,000's. Thus, with this scheme in force, the filling of vacancies will have an impact on outcomes. It will even help officials after selection to post to voluntarily opt for higher studies or private employment. This can be additional criteria as to selection based on performance review and exit filters creating semi-structural reform of India's administrative machinery ensuring long-term commitment of officials for the post.³⁷

(B) Lack of specialisation- There are rarely posts that have requirements as to specialization concerning the post while maximum posts are supposed to handle issues where they are not specialized even. For example: a person specialized in the field of

³⁴ *Ibid.*

³⁵ *Supra.n.4.*

³⁶ *Ibid.*

³⁷ Prakash Singh, "Why Agnipath scheme needs to be extended to All India Services", INDIAN EXPRESS, <https://indianexpress.com/article/opinion/columns/why-agnipath-scheme-needs-to-be-extended-to-all-india-services-8048997/>, (Visited November 22, 2023).

steel, mines, and energy law has to deal with culture and political framework instead of these departments. There needs special segregation as to the officers based on culture, labor, women, social justice, finance, etc departments and specific criteria as to specialization must be set forth.³⁸

(C) Mission Karmayogi- It is with a shared knowledge of India's priorities and a strong foundation in Indian culture, Mission Karmayogi seeks to develop a competent civil service that collaborates to deliver public services effectively and efficiently. The goal of the Mission is to maintain the civil service at the forefront of any reform, giving them the capacity to perform well under demanding circumstances. The development of behavioral-functional-domain skills that lead to ease of living and ease of doing business is another goal of NPCSCB, along with improving the relationship between the government and its constituents. Mission Karmayogi therefore intentionally takes a citizen-centric approach to civil service reforms. This is the National Program for Building Capacity in the Civil Services (NPCSCB). It is a thorough overhaul of the institutional, process, and human capacity-building machinery for effective public service delivery.³⁹ Strategies like these must be brought into force for the selection of officers.

(D) Lateral Entry Reform- Lateral entry is the process by which employees of the private sector are appointed to a government administrative position even if they were not chosen for or included in a bureaucratic structure. It is with this exceptional reform the lack of administrative reform in India can be managed thereby recruiting the officials into the post. This is challenging reform to make civil services open for experts from outside the entire procedure for the selection of officials for services like IAS.⁴⁰

(E) Reducing duration of recruitment cycle- It has been further due discussion as to the reduction of the recruitment cycle of candidates for CSE as it is a long year process where many candidates end up wasting the prominent period of their life for preparation of these examinations taking toll over their mental and physical health. It is even stated to make opportunities for English medium-educated urban candidates and non-English medium-educated rural candidates for the examinations.⁴¹

³⁸ *Supra.n.14.*

³⁹ KARMAYOGI BHARAT, <https://karmayogibharat.gov.in/programme.php>, (Visited November 22, 2023).

⁴⁰ Dhiraj Nayyar, "Lateral Entry: A challenging administrative reform", INDIAN EXPRESS, <https://indianexpress.com/article/opinion/columns/india-ias-administrative-reforms-7234834/>, (Visited November 22, 2023).

⁴¹ *Supra.n.5.*

V. CONCLUSION AND SUGGESTIONS

Thus, at the end of the paper, it is concluded that the criteria for selection varied in pre-independent India, where the selection was upon the mercy and pleasure of the Crown. It was growing under the British Empire where the Charters and various reforms and reports were led for determining the selection criteria of civil servants.

It is concluded that in post-independent India, upon the establishment of UPSC and framing of the Constitution of India, where a proper framework was set up for determining the selection of candidates based on their age, education, reservation, nationality, and disabilities. Even, it is concluded that the administrative framework with the help of the judiciary determined civil servants coming under the ambit of the terminology “public servant”. Thus, there is a changing nature of selection criteria depending upon the requirements of the post.

Even, after such a filtered structure and framework of UPSC conducting various examinations for conducting recruitment of candidates in civil services, there remains scope for future reforms in the process of selecting candidates. These reforms can be based on increasing the number of candidates being selected for the posts; bringing specialized persons in service which is even done by lateral entry reform; by reducing the period of rigorous procedure of selection of candidates through yearlong examinations taking toll over the young and energetic crowd preparing for examinations since years.

It is thus, upon the discussion above, the following are the suggestions for reforms to be brought in the selection of civil servants as mentioned below:

1. Implementation of Effective Schemes: It is suggested that Schemes like Nitipath must be taken into consideration thereby increasing the number of candidates being selected where these selected candidates must be provided with degree programs and further studies required for the post or the post itself must be made specialized bringing experts into the field.

2. Capacity Building and Skill Growth Programmes: It is suggested that the training building capacity, personality, and leadership growth capacity building programs must be initiated for the civil servants with due seriousness to bring effective talents out of the crowd for serving in this noble field.

3. Reducing Rigorous Duration for Selection of Candidates: It is suggested that there must be specific arrangements as to the period of conducting long-duration examinations to a shorter period thereby not impacting the tender period of growth in various other fields for candidates appearing for imparting their service in this profession.

4. Constant Check on the Performance of Civil Servants: It is suggested that the government must ensure the constant check on the civil servants and their performance upon selection to bring true talents for serving this field thereby participating in reducing corruption involved in the field based on performance of the civil servants. Thus, a body must be formed to maintain surveillance and monitor the actions of the civil servants in the field.

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