

Public Service Commission

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For 4th Sem (M) & 6th Sem (G)

THE UNION PUBLIC SERVICE COMMISSION (UPSC)

Introduction: The Constitution of India provides for Union Public Service Commission (UPSC) for the recruitment to the All India Services and Central Services. However, the idea for a Public Service Commission in India was first mentioned in the Constitutional Reforms, 1912. The Government of India Act 1919 also provided for the establishment of a Public Service Commission, though it was not set up immediately. In 1926, for the first time the Central Public Service Commission was established for All India and Higher Civil Services. Subsequently, the Government of India Act, 1935 renamed it as Federal Public Service Commission. In the wake of independence, the Constitution of Indian Republic constituted UPSC through Article 315.

Composition: The UPSC consists of a chairman and few other members. The Constitution of India does not fix the exact number of members of the UPSC, but as per Article 318 of the Constitution the strength is to be determined by the President of India. In 1950, the first UPSC came into being which comprised three members and one chairman. It may vary from time to time. As of April, 2020, the UPSC consists of a Chairman and 10 members.

Appointment & Conditions of Service:

- i. The Chairman and other members are appointed by the President of India.
- ii. At least one-half of the members should be persons having minimum ten years experience in Government service.
- iii. According to Article 316 (2) that a member of UPSC hold office for a period of six (6) years or until they attain the age of 65 years; whichever is earlier.
- iv. Article 316(3) provides that a member of the UPSC is not eligible for reappointment as member but can be appointed as chairman of UPSC or in some State Public Service Commission.
- v. Article 319(2) says that the chairman of the UPSC is not eligible for appointment to any office of profit under the Central or States government.

Removal:

A member of the UPSC may quit his post by submitting his own resignation to the president of India. Article 317 says that the chairman or a member of the Commission can be removed from his office by the President only on the ground of proved misbehavior or incapacity after a judicial enquiry conducted by a judge of the Supreme Court and found the charges to correct.

Expenses of the UPSC:

Article 322 of the Constitution provides that the expenses of the UPSC including salaries, allowances and pensions payable to shall be charged on the Consolidated Fund of India. These expenses are not subject to vote of the Indian Parliament.

Functions of the UPSC:

Article 320 of the Indian constitution deals with the functions performed by the UPSC. These functions broadly fall under two heads-(a) Administrative and (b) Advisory.

(A) Administrative Functions: The administrative functions of the UPSC include the following:

- i. To conduct examination for appointment to various services of the Union as per 320(1) of the constitution;
- ii. To recommends candidates for appointment to different post after examination;
- iii. To assists the states in framing and operating the schemes of joint recruitment for any service, if two or more states request the UPSC for the same under Article 320(2) of the constitution;

(B) Advisory Functions: The UPSC perform the following important advisory functions:

- i. To advise the Union Government on all matters relating to the method of recruitment to Civil Services and for civil post.
- ii. To advise on the suitability of candidates for appointment, promotion and transfer.
- iii. To advise on all disciplinary matters affecting civil servants serving under the Government of India or states Governments.
- iv. To advice on any claims for cost of legal proceedings instituted against a civil servant and on the claim for pension in respect of injuries sustained by a civil servant while on duty.
- v. To advise on matters like temporary appointment for period exceeding one year and not exceeding three years; grant of extension of services and re-employment of certain civil servant.
- vi. To advise on any other matter that may be referred to it by the President of India.

(C) Additional Functions:

- i. The constitution under Article 321 authorizes the Indian parliament to assign the additional functions to the UPSC in respect of services of the Union or any local authority or other public institutions.
- ii. The President of India is also empowered to consult the UPSC on any matters others than those referred to in the constitution.

(D) Annual Reports:

Article 321(1) of the constitution provides that it shall be the duty of the UPSC to present a comprehensive Annual Report to the President as to the work done by the Commission during a year. The President submits such reports before each House of the Parliament for consideration. However, it is true that the Government is not bound to accept the advice of the Commission. The Government has to defend its stand on the non-acceptance of the advice mentioned in the Annual Report of the Commission.

(E) Limitations on the Powers of the UPSC:

The UPSC is an independent advisory body created by the constitution of India under Article 315. But in practice, the powers and functions of the Commission are limited in nature. Article 320(e) imposed certain limitations on its powers. Some of the limitations are-

- i. There are certain post and services, in which it is not obligatory for the President to consult UPSC. These limitations are-
 - a. Post in respect of which the authority to appoint is specially conferred in the president by the constitution.
 - b. Post of Diplomats, Consular, Ambassador of High Commissioner.
 - c. Post in the Secretariat of Lok Sabha and Rajya Sabha.
 - d. All technical or administrative posts under the Atomic Energy Commission.
 - e. Judicial Commissioner or District Judges of Union Territories.
 - f. All class III and IV posts, and
 - g. Chairman or Members of any Board, Tribunal, Commission or Committee or any other similar authority created under the provision of a statute.

(F) Critical Evaluation: Since the establishment, the performance of the UPSC has been severely criticised. Some of them are:

- a. In theory, recruitment to various civil posts is to be done by the Commission; but in practice the government possesses power to make temporary appointment. This provision vividly shows the encroachment by the government on the powers of the Commission. The safeguard provided by the Constitution for maintaining independence proved less effective in recent years.
- b. It has been pointed out that in cases of recruitment, promotion and even transfer, the direct political interference cannot be denied. The Commission failed to discharge its sacred duties entrusted by the constitution of India.
- c. A few critics have pointed out the party influence and political consideration on the members could not be easily ruled out. This obviously reduces the constitutional status of the UPSC.
- d. The recruitment process followed by the Commission has also been criticised for many shortcomings. The selection procedures, evaluation of qualification procedure of candidates is not scientific. On several occasion the government gone against the advice given by the commission.

Conclusion: Despite criticism and limitations as mentioned above, the UPSC has been playing an important role and justified its existence. They have placed checks on the misuse on the use of executive authority and thus curbed the evils of nepotism and corruption in regard to appointments. In a democratic country like ours, the independence of the Commission must be safeguarded by the Constitution for producing talented and pure blood in the administrative services. Finally, the suggestions recommended by the Administrative reforms Commissions (ARC) should be implemented for increasing the efficiency and competence of the Commission.
