




Public Service Commissions: Union and State

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Introduction

- As per **Article 312** of the Indian Constitution, the **Parliament is entitled to create one or more All India services** (including an **All India Judicial Service**) common to the Union and the States.
 - The recruitment to all these services is made by the **Union Public Service Commission (UPSC)**.
 - For administrative services at the state level, the recruitment is made by the **State Public Service Commission (SPSC)**.
- The Union Public Service Commission (UPSC) is the **central recruiting agency** in India.

It is an **independent constitutional body**.

The provisions regarding the composition of UPSC, appointment and removal of its members and the powers and functions of UPSC are provided in **Part XIV** of the Indian Constitution under **Article 315 to Article 323**.

- Parallel to the UPSC at the Centre, there is a **State Public Service Commission (SPSC)** in the state.

The provisions regarding the composition of SPSC, appointment and removal of its members and the powers and functions of SPSC are provided in Part XIV of the Indian Constitution under **Article 315 to Article 323**.

Constitutional Provisions

- **Article 315:** Constitution of Public Service Commissions (PSC) for the Union and for the States of India.
- **Article 316:** Appointment and term of office of members of UPSC as well as SPSC.
- **Article 317:** Removal and suspension of a member of both the UPSC or SPSC.
- **Article 318:** Power to make regulations for the conditions of service of members and staff of the Commission.

- **Article 319:** Prohibition of holding the office by members of Commission upon ceasing to be such members.
- **Article 320:** States the functions of Public Service Commissions.
- **Article 322:** Expenses of Public Service Commissions.
- **Article 323:** Reports of Public Service Commissions.

Union Public Service Commission

- **Appointment of Members:** The Chairman and other members of the UPSC are appointed by the **President of India**.
- **Term of Office:** Any member of the UPSC shall hold office for a **term of six years** or till the age of **65 years**, whichever is earlier.
- **Reappointment:** Any person who has once held the office as a member of a Public Service Commission is **ineligible for reappointment to that office**.
- **Resignation:** A member of the Union Public Service Commission may resign from his/her office by submitting the written resignation to the **President of India**.
- **Removal/Suspension of Members:** The Chairman or any other member of UPSC shall **only be removed from his/her office by order of the President of India**.
The President can suspend the Chairman or any other member from his/her office in respect of whom a reference has been made to the Supreme Court.
- **Conditions for Removal:** The Chairman or any other member of UPSC may be removed if he/she:
 - is adjudged an insolvent.
 - engages during his/her term of office in any paid employment outside the duties of his/her office.
 - is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.
- **Regulating the Conditions of Service:** In the case of the UPSC, the President of India shall:
 - Determine the number of members of the Commission and their conditions of service.
 - Make provisions with respect to the number of members of the staff of the Commission and their conditions of service.
 - **Restriction of Power:** The conditions of service of a member of UPSC **shall not be amended after his/her appointment** that may lead to his/her disadvantage.
- **Expenses of UPSC:** The expenses of the UPSC including salaries, allowances and pensions of the members or staff of the Commission are charged on the **Consolidated Fund of India**.

- **Submission of Reports:** The UPSC shall **present an annual report to the President** of India containing the work done by the Commission.
The President shall provide a memorandum explaining the cases where the advice of the Commission was not accepted.
The reasons for such non-acceptance are presented before **each House of Parliament**.

State Public Service Commission

- **Appointment of Members:** The Chairman and other members of the SPSC are appointed by the **Governor of the State**.
- **Term of Office:** A member of the SPSC shall hold office for a term of **six years** or till the age of **62 years**, whichever is earlier:
- **Reappointment:** Any person who has once held the office as a member of a Public Service Commission is **ineligible for reappointment to that office**.
- **Resignation:** A member of a State Public Service Commission may resign from his/her office by submitting the written resignation to the **Governor of the State**.
- **Removal/Suspension of Members:** The Chairman or any other member of SPSC shall **only be removed from his/her office by order of the President of India**.
 - The Governor of the state shall suspend the Chairman or any other member from his/her office in respect of whom a reference has been made to the Supreme Court.
 - The conditions for removal of members are the same as those of the UPSC.
- **Regulating the Conditions of Service:** In the case of the SPSC, the Governor of the State performs the same duties that are performed by the President of India in case of UPSC.
Restriction of Power: The conditions of service of a member of SPSC **shall not be amended after his/her appointment** that may lead to his/her disadvantage.
- **Expenses of SPSC:** The expenses of the SPSC are charged on the **Consolidated Fund of the State**.
- **Submission of Reports:** The SPSC shall present the annual report of its work to the **Governor of the State**.
The Governor shall also provide a memorandum explaining the cases where the advice of the Commission was not accepted.
The reasons for non-acceptance are presented **before the Legislature of the State**.

Eligible Appointments After End of Term of Service

- **Chairman (UPSC):** The Chairman of the UPSC shall be **ineligible for any further employment** either under the Government of India or under the Government of a State.

- **Chairman (SPSC):** The Chairman of a SPSC shall be **eligible for appointment as the Chairman or any other member** of the UPSC or SPSC, but not for any other employment either under the Government of India or under the Government of a State.
- **Other Members (UPSC):** A member of UPSC (other than the Chairman) shall be **eligible for appointment as the Chairman of UPSC or a SPSC**
He/She is not eligible for any other employment either under the Government of India or under the Government of a State.
- **Other Members (SPSC):** A member of the SPSC (other than the Chairman) shall be **eligible for appointment as the Chairman or any other member of the UPSC or the SPSC.**
He/She is not eligible for any other employment either under the Government of India or under the Government of a State.

Functions of UPSC and SPSC

- **Conducting Exams:** It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.
- **Assistance to SPSC:** It shall be the duty of the UPSC to assist the States upon their request in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.
- **Consultations with the PSCs:** The UPSC and SPSC shall be consulted:
 - On all matters relating to methods of recruitment to civil services and for civil posts.
 - In making appointments to civil services and posts and in promotions and transfers from one service to another depending upon the suitability of candidates.
 - On all disciplinary matters affecting a person serving under the Government of India or the Government of a State.
 - It shall be the duty of a Public Service Commission to advise on any matter referred to them by the President of India or the Governor of the State.

Joint State Commission

- **Constitution:** As per Article 315 of the Indian Constitution, two or more States may agree that there shall be one Public Service Commission for that group of States.
The resolution to such an agreement shall be **passed by each House of the Legislature of each of the States.**
Only then, the **Parliament may by law provide for the appointment of a Joint State Public Service Commission (JSPSC).**

- **Appointment of Officers:** The Article 316 of the Indian Constitution states that the **Chairman and other members of JSPSC shall be appointed by the President of India.**

A member of Joint Commission shall hold the office for a term of **six years** or till the age of **62 years**, whichever is earlier

- **Resignation:** Under Article 317, a member of a JSPSC may **submit a written resignation to the President** of India to resign his/her office.

The **President is empowered to suspend** the Chairman or any other member of the Commission from his/her office after a reference about the same has been made to the Supreme Court.

- **Powers:** As per the Article 318 the President of India is empowered to:
 - Determine the number of members of the Commission and their conditions of service
 - Make provision with respect to the number of members and their conditions of service:
- **Reports:** As per Article 323, it shall be the duty of the JSPSC to **present the annual report to the Governor of each of the States** which have together formed the Commission.
 - The Governor of each of the states is responsible for providing a memorandum explaining the cases the advice of the Commission was not accepted
 - The reasons for nonacceptance are laid before the **Legislature of each of the States.**