HISTORICAL PERSPECTIVE

The Gujarat Public Service Commission which came into existence on 1st May 1960, is the successor of the Public Service Commission which was first established in the Province of Bombay in April 1937. It was under the Government of India Act 1935, that the provision was made for the establishment of Public Service Commissions in the Provinces of the British India. Till 1935, excepting in Madras, recruitment to provincial and subordinate civil services was made on an ad-hoc basis or under some Regulations. In Madras, a Public Service Commission was established under the P.S.C. Act of 1929 for the recruitment to the Provincial and the Subordinate Services of the Province. Before that, the Public Service Commission was constituted in October 1926 at the Centre. This was in pursuance to the provision made in Section 96(C) of the Government of India Act 1919 and the recommendation of the Lee Commission. But neither the Act of 1919 nor the Lee Commission mentioned anything pertaining to the Public Service Commissions in the Provinces.
1. The Era of Patronage

The story of the establishment of the Public Service Commission is linked with the problems of merit vs. patronage and the demand for the Indianisation of the civil service. The first ever organised civil service was the 'Covenanted Civil Service' which itself was derived from the staff of writers, Factors, Junior Merchants and Senior Merchants employed by the East India Company for the commercial purposes. The earliest organised service of the British India was known as the "Covenanted Civil Service" because the civil servants had to subscribe to covenants with the company "by which they bound themselves not to trade, not to receive presents, to subscribe for pensions and so forth". In 1714, it was decided that an application for appointment as a writer must be recommended by one or more of the members of the court of Directors. This in fact was the beginning of the patronage system and the outcome was the appointment of the relatives of the Court of Directors.

However, it should be noted that there was no unified covenanted Civil Service for the whole of the British India.

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1 The Imperial Gazetteer of India, "The Indian Empire" Vol. IV (Oxford) 1907 Page 41. Quoted in Thakur R.N.: The All-India Services - A Study of their origin and Growth.
In the earliest period there was the provincial system and so the service was related with the provinces. There were three presidencies of Bengal, Bombay and Madras. They were independent of each other and were responsible to the East India Company in Britain. So the services also were distinct from each other and were naturally known as: The Bengal Civil Service, Bombay Civil Service and The Madras Civil Service. This arrangement had a legislative sanction in the charter Act of 1793 and the transfer from one province to another was not permissible. It was in 1878 that this practice was discontinued.

The then Secretary of State, Lord Salisbury decided that civil servants were bound to serve wherever the government required them to serve.

With the grant of Divani to the East India Company in 1765, the company as a ruler of India had to assume new responsibilities in addition to its commercial functions. However, from 1765 to 1769 the administration was in Indian hands because the company had no manpower to assume the new responsibilities. It was in 1769 that the process of Europeanisation of the services started with the appointment of the British personnel as 'supervisors'. The Company followed the policy by which all the civil posts in India were to be reserved for the covenanted
civilians imported from England. Lord Cornwallis who had a very low opinion about Indians followed this policy with greater zeal. The Charter Act of 1793 made a provision that all the civil posts below the rank of a councillor should be filled by Covenanted Civilians recruited in Britain. The clause 59 of the Act required that all vacancies in India should be intimated to the court of Directors which alone can recruit the Writers for the British India. But the growing needs of Company could not be met with the limited supply of covenanted civil service. So the persons outside the covenanted civil service had to be appointed for the services in subordinate capacities. This services came to be known as "uncovenanted service" and this was mostly manned by Indians.

With the spread of the western education in India, the numbers of the educated youths started increasing. This led to the discontent among the educated sections. This development led to the drafting of the Charter Act of 1833. The then Secretary to the Board of Control Lord Macaulay had the sympathy for India. He introduced the section 87 in the Act which says "And be it enacted that no native of the said territories, nor any natural-born subject by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place,
office or employment under the said Company". This was the first statute to provide for the admission of Indians in the civil service. But the provisions of the Act remained on paper only and no Indian could enter the Covenanted Civil Service.

2. The Era of Merits 1853-1924.

So far the principle of patronage was the policy adopted by the East India Company, there was no question of establishing an independent body to determine the merits of the candidates. After the Reform Act of 1832, the process of democratisation started and this could not go hand in hand with the patronage. In 1853, the then Chancellor of the Exchequer, Mr. Gladstone appointed a Commission consisting of Sir Stafford Northcote and Sir Charles Trevelyan to enquire into the organisation of the civil service in Britain. They submitted their report in November 1853 which was published and presented to the British Parliament in 1854. They advocated for the open competitive examinations in place of the patronage and for the establishment of a Central Board to handle the functions regarding recruitment and promotion. The British Government acted upon the recommendations of the Report and accordingly in 1855, the first competitive examinations
were held for the Indian civil services under the supervision of the Board of Control. In 1858, the British Civil Service Commission became responsible for holding the competitive examinations in England for the higher services of India. It should be noted that it was an open examination and any one who was 'Her Majesty's subject' and between the age group of 18 and 23 years was eligible for the examination. This report has been the milestone in the history of the modern public services.

However, this new set up could not offer any solace to the educated youths. The fact that London was the centre for competitive examinations, it presented difficulties. Over and above, its being expensive, the then social taboo prevented journey by sea and also to go to a strange place for the examination required a firm determination on the part of the youths. Hence the demand was made to hold the examination in India. But this demand was turned down because it prevented any competition from Her Majesty's other subjects. With the transfer of power from the East India Company to crown in 1858, Queen Victoria assured for the promises given in the charter Act of 1833 and declared that "And it is, our further will that, so far as may be, our subjects, of whatever race or
For the implementation of the assurances, the British Government appointed a Committee consisting of some members of the Indian Council. The Committee reported in 1860 that the simultaneous examination should be held in India. This recommendation was made after the concurrence of the Civil Service Commission. The British Government did not accept this recommendation. But the committee also made a proposal by majority that the Governor-General of India in Council and Governors of Bombay and Madras in Council, might, in some cases, appoint any natural born subject of Her Majesty to any office in India. All such appointments were to be provisional and subject to the confirmation of the Secretary of State. After considering the report in council, the then Secretary of State, Sir Charles Wood introduced a bill in Parliament and passed the Indian Civil Service Act 1861. The Act provided for three distinct aspects: (1) It legalised all such irregular appointments (2) It provided schedule for the posts which were to be reserved to the members of the covenanted civil service. (3) It permitted the authorities in India, under the special circumstances, to appoint to such scheduled
offices persons other than Covenanted civil servants subject to certain limitations. But this concession could not pacify the Indian public opinion. The Act remained a dead letter because of the disinclination of the authorities to give effect to it and also because of the wording of the Act pertaining to the departmental tests and qualifications.

The Act of 1870 was passed by the British Parliament at the instance of the then Secretary of State, The Duke of Argyll. The object of this Act was to provide facilities for the employment of Indians of 'proved merit and ability' in the civil service of Her Majesty in British India. The Act provided for the appointment of any Indian to any office without any reference to the Act of 1861 which made reservations for the specified appointments to the Covenanted Civil Service. For the enforcement of this Act, the rules were to be framed by the Governor-General, with the sanction of the Secretary of State for the purpose. As a result, now it became possible for the Indians to reach to the high offices in India through the competition in England and through the 'proved merit and ability'. However the Local Governments were not ready to admit the Indians to the offices reserved to the Covenanted Service. They used to make very narrow
interpretation on the 'proved merit and ability' clause of the Act of 1870. The Bombay Government appointed one Indian official only to a reserved judicial appointment.

Under the circumstances, The Governor-General was compelled to constitute a committee to frame the rules. The rules, thus agreed upon, established the statutory Civil Service in which only Indians were eligible for appointment. Each Local Governments were authorised to nominate Indians in the covenanted civil service subject to the approval of the Government of India and the Secretary of State. Sixth part of the total number of offices reserved for the covenanted civil service were to be transferred to the statutory civilians. The Government of India also laid down the principles to be followed by the Local Governments in nominating Indians. But the statutory system failed to achieve the purpose. This is because of the fact that the members of the highest families were not ready to accept the subordinate positions offered to them and were not ready to take the necessary training to qualify for the higher appointments.

Once again, the then Governor-General, the Earl of Dufferin framed new rules under the Act of 1870 and forwarded it to the Secretary of State for his sanction. By
the time, the problem of the entry of the Indians into the civil service took a new turn. The Indian National Congress, in its first session in December 1885, demanded for the simultaneous examination in Britain and India. Realising the grave situation, the Secretary of State requested the Governor-General of India to ".....appoint a commission to conduct in India an inquiry into the question of the conditions of the admission of Natives to the Public Services in India with power to the Commissioners to go into the whole subject independently of the limitations at present imposed by Act of Parliament".

The Government of India passed a resolution on the 4th December 1886 to appoint a Commission. The Commission was headed by Sir Charles Aitchison, then Lt.-Governor of the Punjab. It was entrusted with the work to examine the causes of dissatisfaction of Indians with the statutory system and to examine the system under which 'Natives of India' can be admitted to the higher branches of the civil services either under the Act of 1858 or the statute of 1870. The Commission submitted its report to the government of India on the 23rd December 1887. It recommended for the abolition of the statutory civil service because of its failure and rejected the idea of holding simultaneous examinations in India and England.
It came to the conclusion that to provide for the admission of competent Indians, a due proportion of posts reserved for the Covenanted Civil Service should be reduced and the same should be transferred to a Local Service 'to be separately recruited in each Province of India'. The proposed posts to be transferred included one-third of the posts of District Judges, one-sixth of the District Collectorships and some other posts. The total number of such posts was about 90 in the year 1892-93. These posts constituted the 'Listed Posts' which remained in operation till 1946.

The reduced covenanted service was now designated as 'Imperial Civil Service of India' and this continued to be recruited as before by competition in England. The Commission, on the other hand, constituted a local service in each province and the same was designated as the Provincial Civil Service'. This service was designed to satisfy the aspirations of Indians for higher posts. In fact, the Provincial Services existed in India from early times in one form or the other. It was believed that the re-organisation of the civil service on the basis of Imperial, Provincial and Subordinate Services will afford some advantages.

The Aitchison Commission rejected the demand for the
simultaneous examinations, but it was still alive in India. The Indian National Congress took up this question vigourously and in 1892 deputed Dadabhai Naoroji to present a petition to the British Parliament. The House of Commons, as a result, passed a resolution in 1893 for the introduction of simultaneous examination in India. The Secretary of State sent this resolution to the Indian Government for its comments. The Government of India consulted the Provincial Governments in this matter, but they were not in favour of simultaneous examination. Only Madras Government was an exception. They argued that by holding the simultaneous examination in India, Her Majesty's other subjects would complain and such examination will favour only a section of people. So naturally the government of India opposed the proposal on the ground that such competitive examination was unsuited to the conditions in India. In April 1894, the British Government concluded that "there are insuperable objections to the establishments of the system".

On the other hand, the Indian National Congress persisted and took up this question every year at its annual session. Shri Surendranath Banerjee passionately pleaded for the simultaneous holding of the competitive
examination in India. But the government was in no mood to hear the arguments. On the contrary, Lord Curzon crudely said "The highest ranks of civil employment in India, those in the Imperial Civil Service ....... though open to such Indians as proceed to England and pass the requisite tests, must nevertheless, as a general rule be held by Englishmen, for the reason that they possess, partly by heredity, partly by upbringing and partly by education, the knowledge of principles of government, the habits of mind and vigour of character which are essential for the task and the rule of India being a British rule and any other rule being in the circumstances of the case impossible, the tone and standard should be set by those who have created and are responsible for it."¹ The Indian leadership now started to press for their demand through the Imperial Legislative Council. In January 1911, Gopal Krishna Gokhale pleaded for the employment of Indians in the higher positions. In 1911 Mr. Subba Rao moved a resolution in the Imperial Legislative Council demanding the appointment of a mixed Commission consisting of officials and non-officials to consider the claims of

¹ Maheshwari S.R. The Evolution of Indian Administration 1970 p.7
Indians. The government refused to accept this proposal but agreed to undertake an inquiry regarding the future employment of Indians from the Local Governments. Meanwhile, there was a dissatisfaction among the members of the Imperial Services. This led to the appointment of the Royal Commission on Public Services in India in 1912. The Governor of New Zealand, Lord Islington was appointed as its Chairman.

The Commission, after taking evidences from the British members of the civil service and from the nationalist leaders of India reported in 1915 that simultaneous examinations should be cancelled and civil service in India should be divided into three groups. "In the first should be placed the Indian Civil Service and the police department, in which it should be recognised that a preponderating proportion of the officers should be recruited in Europe. In the second should come services like the education, medical, public works and so on, in which there are grounds of policy for continuing to have, in the personnel, an admixture of both western and eastern elements. For these services, arrangements should be made for recruitment in both countries. In the third should be placed certain scientific and technical services, such as
the agricultural and civil veterinary departments etc.
for the normal requirements of which it should be the
aim to recruit eventually in India. To this end educa-
tional institutions should be developed in India on a
level with those now existing in Europe so as to produce
the necessary supply of candidates. The Commission tried
to evolve a system by which more Indians can be admitted
to the higher services and also they can be placed on
equal terms as to conditions and prospects with Indian
members of the civil service. However, the recruits
required to undergo probation for three years in England.

Since Britain was in grip of war, the report
could not be published till 1917. By that time, the
proposals of the report became obsolete due to two events
that took place during that period. First was the war
which basically affected the socio-economic fabrics in
India and secondly, the Declaration made by the Secretary
of State in the House of Commons on August 20, 1917. The
Secretary of State, Edwin S. Montagu declared that: "The
policy of His Majesty's government with which the govern-
ment of India are in complete accord is that of the

1 Royal Commission on the Public Services in India,
H.M.S.O., 1917, p.7
increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire. In the Montagu-chelmsford Report on Indian Constitutional Reforms, the authors expressed the view that "the present method of recruitment in England ..... must be supplemented in some form or other ... by fixing a definite percentage of recruitment to be made in India". They thought that under the prevailing circumstances, an increase in the Indian Civil Service posts to be held by the Indians is justified. At last, two of the Islington Commission's proposals regarding promotion of officers from the Provincial Civil Service and appointment to judicial posts of Indians practising in the courts were implemented in 1920. The Montagu-chelmsford Report belied the great expectations raised by the announcement of Montagu. So the Congress in its special session held in Bombay demanded for self-government and condemned the Report as disappointing.

1 Report on Indian Constitutional Reforms: 1918 p.1
3. **Genesis of Public Service Commission**

For the first time, a reference was made regarding a Public Service Commission in the Government of India's First Despatch on the Indian Constitutional Reforms sent on 5th March 1919: "In most of the Dominions where responsible government has been established, the need has been felt of protecting the public service from political influences by the establishment of some permanent office particularly charged with the regulation of service matters. We are not prepared at present to develop the case fully for the establishment in India of a public service commission: but we feel that the prospect that the services may come more and more under ministerial control does afford strong grounds for instituting such a body. Accordingly we think that provisions should be made for its institution in the new bill."

The Government of India Act 1919 introduced a system of dyarchy which involved a division of the departments of Provincial Governments into 'reserved' and 'transferred'. As a result, the Imperial services also came to be differentiated. All the Imperial Services then functioning in the Provinces, whether in the reserved or transferred departments, were designed 'All-India Services' for which
the secretary of state was to continue as the recruiting and controlling authority.

The Act of 1919, also provided under section 96c, for the establishment of a public service commission to discharge functions "in regard to the recruitment and the control of the Public Services in India". The Commission was to be a central body composed of five full-time members of the highest public standing, detached from political associations, drawing salaries not less than those of the High Court Judges. Its functions were to be (1) recruitment and (2) certain functions of a quasi Judicial character in connection with the disciplinary control and protection of the services.

The Secretary of State in Council was empowered by the Act to make with the advice and assistance of the civil service Commissioners, Rules 'for the examination, under the superintendence of those Commissioners of British subjects and of persons in respect of whom a declaration has been made under section 96a of the Act who are desirous of becoming candidates for appointment to the Indian Civil Service'. The Rules are to prescribe the age, qualifications of the candidates and the subjects of examination. They must be laid before parliament.
within 14 days after they are made, or if parliament is not then sitting, then within 14 days after the next meeting of parliament.

The Act also empowered the Secretary of State in Council to make Rules for appointment to the Indian Civil Service of persons domiciled in India otherwise than by competitive examination. The Governor-General in council having regard to the needs of local governments was authorised to call on them to recommend such number of candidates for appointment as he may direct.

It is noteworthy that the Act of 1919 provided for the public service commission in India only. The authors of the Act did not provide for the establishment of the Public Service Commission in Provinces. In fact the Act was silent regarding its establishment in Provinces. Perhaps they thought that one Commission would be sufficient to cater the needs of the All-India, central and provincial services. However, the provincial legislatures were free to make necessary provisions for the establishment of such Commission. But none of them took any step in this direction till 1929 when the Madras Legislative Council passed an Act for the establishment of Public
Service Commission. According to the provision of the Act, the Commission was established with powers and functions similar to those of the Indian Public Service Commission. Later, the Punjab Legislative Council followed the example and passed the legislation but could not establish it due to financial stringency.

In order to work out the details regarding the setting up of the Public Service Commission under the Act of 1919, a prolonged correspondence started between the Secretary of State for India and the Government of India. Meanwhile, the resolution on the Indianisation of the public service was reintroduced in the Legislative Assembly in February 1922. On this occasion, Shri Jamnadas Dwarkadas argued more vehemently and said:

"It will be admitted that the establishment of self-government in India and the organisation of the services extensively recruited outside the country as a permanent arrangements are ideals which are both inconsistent and irreconcilable. You cannot have self-government in India, and in the same breath have the whole administrations run by men who are recruited outside the country. It has often been pointed out by various critics in India that, while it is claimed that every day
we are making a fast approach to responsible
government, the real facts are that the whole
administration is practically run by Civilians who
came from great Britain. There is a good deal of
truth in that and that is one of the reasons why,
I believe, discontent prevails in this country.
Objection is urged to the wholesale recruitment of
Indians in India on the ground that the educated
classes, who would take advantage of the services,
do not enjoy the confidence of the masses of the
country. I venture to submit that there is
absolutely no force in that objection. On the
other hand, I believe that the discontent of the
educated classes, which has always in the history
of every country in the world been at the bottom
of all revolutionary movements, will disappear if
the doors of these higher posts, which are at
present closed against them, are thrown open to
the children, that the affairs of the country
should be administered by the children of the soil
and if that claim is denied at a time when India
admittedly making rapid strides towards responsible
government, I believe that policy will go a great
way towards feeding the revolutionary movement, which we see around us”.¹

Under the pressures, the competitive examination for recruitment to the Indian Civil Service was held for the first time in India in 1922. To supervise the necessary arrangement, a civil service commissioner came specially from Britain.

Since the demand for Indianisation of the public service was pressing, the government of India appointed in 1923, a Commission under the chairmanship of Lord Lee of Farsham, then First Lord of the Admiralty in the conservative government. The question before the Commission as the Lee Commission itself has pointed out, was: "In the days of the Islington Commission the question was 'How many Indians should be admitted into the public services?', and now it has been 'what is the minimum number of Englishmen which must be recruited'?".

In 1924, the Commission recommended that of every hundred Indian Civil Service posts 40 should be filled up by the direct recruitment of Europeans and 40 by the

direct recruitment of Indians. The remaining 20 should be filled by promotion from the Provincial Civil Service, so that in fifteen years' time half would be held by Indians and half by Europeans. The Commission also made the proposal that no further recruitment should be made by the Secretary of State for the Indian Educational Service, the Indian Agriculture Service, the Indian Veterinary service, the Indian Forest Service in Bombay and Burma and the roads and Buildings Branch of the Indian Service of Engineers. This will lead to the slow depletion of the existing number of personnel in these services. In future, the recruitment for all these branches were to be done by the Provincial Governments and were to constitute Provincial Services. Moreover, the Commission suggested that the Provincial Governments should be authorised under section 96B(2) of the Government of India Act 1919, to make rules regarding the regulations of the Public Services which will take the place of the All-India services in the transferred departments. These recommendations were subject to the condition that the existing members of the All-India services would retain their rights and status and there will be no change in their position.

The recommendations of the Lee Commission were also
criticised. On 10th September 1924, Mr. Motilal Nehru attacked the proposals in the Legislative Assembly by saying that:

"There is no doubt that the Royal Commission, while they certainly have in contemplation as they say at the beginning of their recommendations — the progressive realisation of responsible government in this country, have consciously or unconsciously made recommendations which have the opposite effect, as I shall show presently. But, taking the recommendations as they stand, they come to this that it will take 15 years to bring us to a proportion of 50 per cent of Indians in the Superior Executive Services. That is to say, in the years 1939, we shall have that proportion and those who shall have entered in that lucky year will have another 25 years at least of official life to run. The complete Indianisation will thus be delayed for 40 years even if there is no further recruitment in England. But the ratio of 50 per cent is to be kept up even after 15 years by first recruitments where it will remain — for how long we do not know, may be the Greek Kalenda".

However, the greatest contribution of the Lee
Commission was to provide for the establishment of a Public Service Commission. In fact, the provision for the establishment of the public service commission was made in the Act of 1919. But the Lee Commission pleaded for the early action 'without delay' and regarded this recommendation as "one of the cardinal features of our report and as forming an integral part of the whole structure of our proposals for the future of the services".

The Commission was to consist of five members of whom two were to possess judicial or other legal qualifications and all were to be "men of the highest public standing who will appreciate the vital and intimate relationship which should exist between the state and its servants" and they were to be "detached so far as practicable from all political associations". The functions of the Commission were to recruit members for the All-India services and the Central Services and to establish proper standards of qualification for their admission. It was also entrusted with the duty to hear appeals relating to disciplinary control and protection of the services.

On October 1, 1926, the Public Service Commission was inaugurated and it was made a part of the Home Department in the Central Government. Sir Ross Barker,
a senior member of the Home Civil Service, was invited to be its chairman. The other members were: A.H. Ley, J.C. Weir, Syed Raza Ali and A.N. Chatterjee. A.G. Dix was appointed as its Secretary. However, the status of the Commission was subordinate in the sense that it had to function as an agent of the Secretary of State. This position remained the same till 1930s.

In 1927, the statutory commission under the chairmanship of Sir John Simon was appointed. The Government of India in its evidence before the Commission tried to justify the limited powers vested in the Public Service Commission. It pointed out that Commission is an advisory body but a convention has been established to the effect that in all quasi-judicial matters, its advice would be accepted by the Government and in the matters of recruitment as well, the nominations made by the Commission has been accepted. However, the Government of India was of the opinion that it would not be wise to depend upon the exclusive authority of the Public Service Commission for the choice of these men. It argued that "while the Public Service Commission obtain close acquaintance with the candidates for the public services, as they exhibit themselves at the competitive examinations or in special interviews and are in a good position to discriminate
between their intellectual qualifications and to advise as to the best methods by which these qualifications can be tested, they are as a commission without first hand experience as to how these candidates work when they once enter the services, what qualifications prove later of the greatest value to the administration, how the different types of public servants are regarded by the people among whom they work, what are the political reactions of methods of recruitment which certain sections of the community regard as restricting their prospect of obtaining public employment, what are the practice and political effects of Indianisation. All these are matters with which the Public Service Commission not only does not but can not concern itself**.

On the other hand, Sir Ross Barker who just relinquished the office of chairman of the commission, submitted to the Simon commission, a memorandum in which he deplored the position of the Commission over which he had presided. He argued that the powers which the government possessed over recruitment were a bar to the right and proper discharge of its duties by the Commission. It was not left to the Commission to decide as to whether recruitment to certain offices should be made by competitive examination or selection or by both.
The Simon Commission which submitted its report in 1930 emphasised that in the new Constitution of India there should be provision for the establishment of Public Service Commission not only at the Centre but also in the provinces. It also proposed to set up a joint Commission wherever two or more states may possibly collaborate. Regarding the composition of the Public Service Commission, the commission recommended that "if the provincial public service commissions are to serve effectively, the purpose for which we desire to see them established, their members must be completely removed from political influence". To this end, the Commission also suggested that no further employment should be open to its members under the Crown in India, except higher office in Commission itself or an appointment on the Central Commission.

In 1930, when the Round Table Conference first met in London, it entrusted the question of services to the sub-committee headed by Sir William Jowitt, Attorney General of the Labour Government of 1929-31. It adopted a resolution to the effect that "in every province and in connection with the Central Government, a statutory Public Service Commission shall be appointed by the
Governor or the Governor-General as the case may be".
The Committee proposed that recruitment to the public services should be made through such commissions in such a way that proper representation to the various communities can be secured. Regarding the composition of the Commission, the sub-Committee laid down that commissioners should hold office during the pleasure of the Crown and removable by the Governor. The members thus appointed were not eligible for a period fixed by the Governor for further office under the Crown of India. Like the Simon Commission, the Sub-Committee recommended that persons who were members of a provincial public service commission shall be eligible for appointment as members of the Central Commission or of another provincial commission and vice-versa. The Committee also suggested that the Governor should consult the Commission "before considering any appeal presented to him against any order of censure, of withholding of an increment or promotion, or reduction to a lower post, of suspension, removal or dismissal....", and in regard to the order to be passed in this respect.

His Majesty's government acted upon the recommendations of the Sub-Committee and embodied them in the white paper of December 1931. Accordingly the members of a
Provincial Public Service Commission were to be appointed by the Governor, who were to determine, at his discretion the number of members, their tenure of office and conditions of service, including pay, allowances and pensions, if any. Later, when these proposals were examined by the Joint Parliamentary Committee in 1934, no change was made regarding the Provincial Public Service Commissions. The functions proposed for these Commissions were advisory and analogous to those performed by the Central and Madras Commissions. However, the Joint Parliamentary Committee expressed apprehension about the setting up of some ten Provincial Public Service Commissions in addition to the Federal Public Service Commission. The Committee was of the view that advantage could be taken of the proposed provision whereby the same Provincial Commission would be enabled to serve two or more provinces jointly or alternatively that it should be open to a Province to make use of the Federal Public Service Commission, subject to agreement with the federal authorities.

On the recommendations of the Joint Parliamentary Committee the Government of India Act 1935 laid down in section 264 that there shall be a Public Service
Commission for the Federation and a Public Service Commission for each Province. The provisions of the Government of India Act 1935 were brought into force on the 1st April 1937 and henceforth the then existing Public Service Commission came to be known as Federal Public Service Commission. As an agency for recruitment, it held combined competitive examinations until 1943.

Owing to war, the recruitment was stopped in 1943 and the same was again started in 1945. But on the transfer of power in 1947, there was a depletion in the strength of the Civil Services due to the departure of British and Muslim officers. To fill the gap, the government had to set up a special Recruitment Board with the concurrence of the Federal Public Service Commission for emergency recruitment of 'overflow' personnel. After independence, the Constituent Assembly did appreciate the need of a Public Service Commission both for the Union and the Provinces for the purpose of recruitment to the Civil Services and for the protection of their interest. Accordingly, chapter 11 of part XIV of the Constitution of India provided for the appointment of Public Service Commission.

On 26th January 1950, with the inauguration of the
new Constitution of India, the Federal Public Service Commission came to be known as the Union Public Service Commission and Provincial Public Service Commission came to be known as the State Public Service Commission. On 26th November 1949, Dr. Rajendra Prasad as a President of the Constituent Assembly observed in his address that:

"Our Constitution has devised certain independent agencies to deal with particular matters. Thus it has provided for Public Service Commissions both for the Union and for the States and placed such Commission on an independent footing so that they may discharge their duties without being influenced by the Executive. One of the things against which we have to guard is that there should be no room as far as it is humanly possible for jobbery, nepotism and favouritism. I think the provisions which we have introduced into our Constitution will be very helpful in this direction".¹

The state of Gujarat which we have at present includes the territories which were once ruled by the Indian Princes and also by the British Government. The British

Government established a steel-frame bureaucracy to safeguard their interest and for this they placed an authority structure under the control of the I.C.S. personnel who were loyal to the British Government. On the other hand the princely states had a patriarchal system of administration, under the hegemony of princes. Unlike the British provinces, the personnel in the princely states were recruited and promoted on the basis of the likes and dislikes of the rulers. So there was no administrative uniformity in the princely States of India.

Naturally, the State of Gujarat which came into existence on 1st May 1960, has inherited the administrative systems of 'two Indias' which existed before independence. It also inherited the network of organisations and procedures of work which the former Bombay province had implemented. From such diverse facets, the State of Gujarat had to evolve its own administrative machinery.