Since India was under the British rule up to 1947, reform in the civil service and the establishment of the Public Service Commissions in India were closely linked with the reforms that took place in the British administrative system. In the first half of the nineteenth century, the administrative departments in Britain were staffed by friends and relatives of the ministers and of those members of Parliament whose votes had to be influenced or rewarded in order to strengthen the majority of the government. But the rapid progress in industry and in other socio-economic spheres required far more efficient administrators than the existing system could provide. Accordingly, a strong demand arose for the reform of the civil service, and this demand was crystallized in the famous Northcote-Trevelyan Report of 1854.

It may be noted in this connection that Sir Charles Trevelyan, one of the authors of the report, had earlier been engaged for many years in administrative work in India, where the reforms recommended in the report were already in operation.
for the recruitment of the civil servants. The central board so recommended by the Northcote-Trevelyan Report was set up in 1855 under the name of Civil Service Commission. Its duty was to conduct examinations of young men proposed to be appointed to any of the junior situations in the civil establishment.

In India competitive examinations were already in vogue since 1853 for the recruitment of the covenanted civilians for Indian administration under the Government of India. After the Northcote-Trevelyan Report, with effect from 1858, the British Civil Service Commission was entrusted with the task of holding examinations and giving the necessary certificates to those of the candidates who had competed successfully.

At first there existed in India only the Indian Civil Service. But by the end of the nineteenth century, the administrative responsibility of the British Government having increased considerably, a number of superior services were created in addition to the Indian Civil Service. The other all-India services were: (i) the Indian Police Service; (ii) the Indian Forest Service; (iii) the Indian Educational Service; (iv) the Indian Agricultural Service; (v) the Indian Service of Engineers; (vi) the Indian Veterinary Service and (vii) the Indian Medical Service.

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Up to 1922 the competitive examinations for the recruitment to the Indian Civil Service were held only in England. In 1922, according to the rules made by the Secretary of State in Council, the first I.C.S. examination was conducted in India by the Civil Service Commission of England. Recruitment to the Indian Police Service up to 1937 was made by the British Civil Service Commission on the same lines as for the Indian Civil Service. Recruitment to the remaining all-India services and the central services was made partly by the Secretary of State with the assistance of a selection board constituted in England and partly by the Government of India with the assistance of a similar selection board.

Recruitment in the Provinces

In the Provinces the provincial and subordinate services came into being on the recommendations of the Public Service Commission in 1886-87. The Commission suggested also the introduction of competitive examinations for recruitment to the executive branches of the provincial civil service. Recruitment to the provincial services was made mainly through nomination and promotion. Candidates were nominated by the Governor, the executive councillors, the secretaries or the heads of departments. In 1915 the Islington Commission recommended for the first time the establishment of selection committees to advise the government in the recruitment to the provincial services. Accordingly, from 1924, the selection committees were gradually set up in the Provinces.
The selection board set up for Bengal Presidency was composed of several government officials of the highest standing. A member of the Board of Revenue was its chairman and the Commissioner of the Presidency Division, the Legal Remembrancer, the Director of Public Instruction and another official were members of the selection board. The chief function of the board, quite obviously, was to recruit officials through direct selection or through competitive examination. Similar selection boards were set up in the other Provinces.

Public Service Commission for India

In spite of all these recommendations for holding competitive examinations for recruitment to the Indian administration the question of establishing a Public Service Commission in India was not allowed to be raised.

In 1917 the declaration, in the British Parliament, of the Secretary of State for India that step by step the administration of Indian affairs would be transferred to the representatives of the Indian people created an agitation among the permanent civil servants. The Montagu-Chelmsford Report on Indian Constitutional Reforms was issued against this background. Therefore, the report emphasized the necessity of protecting the legitimate rights and privileges of the public servants working under every government in India. But still

the report did not recommend the institution of any impartial body for the protection of the interests of the civil servants.

The proposal for the establishment of a Public Service Commission in India was for the first time made by the Government of India in its first Despatch on Constitutional Reforms of 1919. It was pointed out that in most of the Dominions the establishment of such a Commission had been necessitated by the demand for protecting the public service from political influences. In India also the prospect that the services might come more and more under ministerial control did afford a strong ground for instituting such a body.

This proposal for establishing a Public Service Commission in India stemmed mainly from the demand for the Indianisation of the services. This demand was a part of the large demand for self-government. The proposal was based also on an awareness of the need for protecting the civil service from political interference that might result from the grant of some measure of responsibility to the Indian ministers. Accordingly the proposal was given a concrete shape in the Government of India Act 1919. Section 96c of the Act provided for the establishment of a Public Service Commission which should discharge in recruitment and control of the public services in India such functions as might be assigned thereto by the Secretary of State Council. The section further provided that the Commission so proposed, should be composed of not more than
five members, of whom one should be the chairman appointed by the Secretary of State in Council. But the Commission did not come into existence until 1926. The delay was mainly due to the dispute regarding the character of the Commission to be established in India.

This dispute, however, continued for four years and thereafter the matter was referred to the Royal Commission on Superior Civil Services presided over by Lord Lee. The report of the Royal Commission put a new emphasis on the establishment of a Public Service Commission in India. It was also of the opinion that if the civil service was to be an efficient instrument of the government it must be protected from political and personal influences and given a position of stability and security; and therefore, it recommended that the statutory Public Service Commission should be established without any delay. As to the role of the Commission the report recommended two categories of functions: the first function related to the recruitment of personnel for the public services and the establishment and maintenance of proper standards of qualification for admission to them, and the second function was quasi-judicial in character regarding the disciplinary control and protection of the services.

Central Public Service Commission

The Public Service Commission so proposed by the Government of India Act 1919 and the Lee Commission, was set up in 1926. It consisted of five members appointed by the Secretary of State in Council. In 1926 the Commission had three Europeans and two Indians as members. In 1928 there were two Europeans - a member of the Home Civil Service as chairman and a member of the Indian Civil Service, and three Indians - a member of a provincial civil service, a former member of the Council of States and an ex-vice-chancellor of an Indian university. The Public Service Commission was given a wide variety of functions. But all its functions were advisory in nature. Its chief role was to act as an expert adviser to the Governor-General in Council in matters related to recruitment to the all-India services and the central services. Thus the Commission, though a recruiting body, had no power to decide the methods of recruitment to and the qualifications required for a particular service.

The main function of the Commission was to hold competitive examinations for recruitment to all-India services or the central services (Class I). Sometimes it made recruitment through direct selection. For appointment to the listed posts in the Indian Civil Service, the Provincial Governments consulted the Public Service Commission. The Commission further held competitive examinations for the selection of Deputy Collectors and Deputy Superintendents of Police in the United Provinces.
Apart from this function of recruitment, the Commission had also some functions, quasi-judicial in character, regarding disciplinary control and protection of the services. In case an officer made an appeal to the Governor-General in Council against an order of censure, withholding of promotion, suspension, etc., by a lower authority, he was required to consult the Commission before passing any verdict. The Commission was to study all the papers in connection with the order and then supply the Governor-General in Council with its advice. The Governor-General in Council then decided whether to uphold or set aside the order of the lower authority.

**Public Service Commissions in the Provinces**

It should be noted in this connection that the Commission that came into existence in 1926 was the only single Commission for the whole of India. The Government of India Act 1919 under the recommendation of which the Commission came into existence, provided for the establishment of only one Public Service Commission in India. There was no provision for the establishment of a Commission in any of the Provinces. Even the Lee Commission which recommended the setting up of a Central Public Service Commission in India did not feel it necessary to set up similar Commissions in the Provinces although it was in the Provinces where ministerial interference in the services were likely to be greater than that at the Centre. It was left to the provincial governments to decide how to recruit people to their
respective provincial services. The Government of India in 1924 addressed a letter to all local governments on the subject.⁴

In response to this letter the Governments of Madras and Burma formulated proposals for establishing local Public Service Commission. In a despatch of April 9, 1925, the Secretary of State accepted the proposals on the understanding that the public service acts necessary to make statutory provisions for the local Commissions should duly be made by the provincial councils.

Accordingly the Madras Legislative Council in 1929 passed an act providing for the establishment of a Public Service Commission in that Province and the Madras Public Service Commission came into being in the same year. Later the Punjab Legislative Council took the initiative for establishing a Public Service Commission in that Province and passed an act to that effect. But the Commission never came into existence.

The Madras Commission consisted of three members (including the chairman) appointed and removable by the Governor. The chief function of the Commission was to advise the government in all cases of recruitment to provincial or subordinate services that were referred to the Commission. In case of recruitment by competitive examination it advised the local government.

regarding the methods of examination and conducted them. The Commission advised the government also in cases of recruitment by selection through interview, conducted the interviews and reported results. The Commission had some advisory functions regarding discipline, promotion and other service matters. It considered all the cases of promotions of the candidates nominated by the head of the department concerned and advised the local government in respect of each candidate.

The Commission had also some quasi-judicial functions. Whenever the government passed any original order withholding promotion, or any order of reduction, removal or dismissal, it had to consult the Commission. In cases of appeals made to the government against any order of censure, withholding of promotion, reduction, suspension, removal or dismissal, the Commission advised the government.

This attempt, however, on the part of the Provincial Governments for establishing Public Service Commissions in the Provinces was not hailed by the members of the Public Service Commission at the Centre. It is evident from the memorandum submitted to the Statutory Commission of 1930 by Ross Barker, the first chairman of the Public Service Commission, that the members of the Commission were of opinion that the establishment of local Public Service Commissions was outside the contemplation of Parliament and Government of India. Their

5 ibid., p.204.
expectation was that in course of time the Central Public Service Commission would become the recognised expert authority in India on all service matters. Their suggestion was that if the Provincial Public Service Commissions were to be set up they should be required to consult the Central Public Service Commission before advising the local governments on the method of recruitment, the qualifications of candidates and the syllabus and standard of the written examinations.  

It may be noted in this connection that under the Civil Services (Governors' Provinces) Delegation Rules 1926 the power to make rules regulating the method of recruitment to provincial services and special posts was delegated to the local governments. This rule was made about six months before the Public Service Commission of 1926 was constituted. Thus even before the Commission had come into existence the whole subject of recruitment was delegated to local governments subject to a reservation which did not leave any power in the hands of the Central Public Service Commission.

The case for the establishment of Public Service Commissions in the Provinces was first emphasized by the Indian Statutory Commission which submitted its report in 1930. "We have no doubt", observed the Commission, "of the necessity for the establishment of Provincial Public Service Commissions if an efficient and loyal public service is to be maintained".

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6 Ibid., Appendix "A".
The Commission recommended that every provincial legislature should provide for the establishment of a Public Service Commission. In case two or more Provinces wanted to collaborate with one another in this matter, they might also constitute a joint Commission.

The necessity of Provincial Public Service Commissions for the protection of the public service from political influence was also stressed by the White Paper Proposal. The White Paper Proposal for the establishment of Provincial Public Service Commissions was supported by the Joint Parliamentary Committee on Indian Constitutional Reforms as it thought it essential that "each Provincial Government should be able to avail itself of the advice of a Public Service Commission".

In response to this recommendation of the Joint Parliamentary Committee the Government of India Act 1935 laid down in section 264 that there would be a Public Service Commission for the Federation and Public Service Commission for each Province. In the same section it was provided that instead of each of the Provinces constituting a Commission of its own, there might be one joint Commission for two or more Provinces, that the Commission constituted by one Province might be entrusted with the requisite responsibilities in another Province and that the Federal Public Service Commission might be required

8 White Paper, proposal 195.
under certain conditions to undertake responsibilities for one or more Provinces.

Accordingly the Provincial Public Service Commissions came into existence when the Act came into force in 1937. As a matter of fact, the Federal Public Service Commission was not entrusted with the work of the Public Service Commission of any one of the eleven Provinces. Some of the Provinces collaborated with one another and entrusted the duties to joint Public Service Commissions. There was a proposal that the neighbouring Provinces of Bengal and Assam should collaborate in establishing a joint Commission. But this proposal was not accepted and the two Provinces constituted separate Public Service Commissions of their own.

Each Provincial Public Service Commission had two to four members including the chairman. The power of appointing and removing the members was exercised by the Governor in his discretion. The Governor was empowered to frame rules regarding

10 There was one joint Commission for the Punjab and North-West Frontier Province; one for Bombay and Sind and one for Bihar, Orissa and Central Provinces and Berar.

11 The following Provincial Public Service Commissions were established in 1937:

i) the Assam Public Service Commission
ii) the Bengal Public Service Commission
iii) the Bombay and Sind Public Service Commission
iv) the Central Provinces and Berar, Bihar and Orissa Public Service Commission
v) the Madras Public Service Commission
vi) the Punjab and North-West Frontier Province Public Service Commission
vii) the United Provinces Public Service Commission.
the conditions of service of members and also to exclude posts, services and matters from the purview of the Commission.

Such regulations in respect of the Bengal Public Service Commission were published in the Calcutta Gazette Extraordinary of April 1, 1937. They were called "The Bengal Public Service Commission Regulations". Under these regulations the Commission had three members including the chairman. The members were to hold office for five years. Their tenure might be extended by another five years by the Governor but not beyond the age of sixty-five. The first chairman of the Bengal Public Service Commission was a European member of the Indian Civil Service. One of the members of the Commission was a Mohammedan, chosen from the Indian Railway Service. Another member was a Hindu, an active member of the Legislative Council and at the same time a practising barrister at the High Court and a Professor of Law.

The powers of the Provincial Commissions including the Bengal Commission under the Government of India Act 1935 were purely advisory in character. The only executive function that had been conferred upon them by the Act was to hold competitive examinations. The Commissions were consulted on all matters relating to methods of recruitment to civil services and civil posts; on the principles to be followed in making appointments to civil services or posts and in making promotion and transfers from one service to another; on the suitability of the candidates
for such appointments, promotions and transfers; and on all
disciplinary matters affecting a civil servant. The Provincial
Public Service Commissions might also be consulted on all the
matters referred to them by the Governor in his discretion.

From the very beginning this advisory nature of the
Commission remained a constant source of controversy. While
recommending the establishment of a Public Service Commission
for India the Lee Commission emphasized that the Commission
should be the final authority so far as recruitment in India
was concerned, for determining, in consultation with the Secre­
tary of State, the Government of India or the local governments,
as the case might be, the standards of qualification and the
method of examination for the civil services. But on the
insistence of the government the Secretary of State in Council
established a Commission which would only offer advice to the
government and the acceptance of that advice depended on the
discretion of the government.

Again in 1930 Ross Barker, chairman of the Indian Public
Service Commission, in his evidence before the Simon Commission
pointed out the uselessness of a Commission with such a limited
power. But the Simon Commission, in its report submitted in 1930,
ignored the statement made by Barker and preferred not to touch
upon the controversy regarding the nature of power and functions

12 Lee Commission, op.cit., para 27.
13 Vide Chapter 9, infra.
of the Commission. The Services Sub-Committee of the Round Table Conference which discussed elaborately the power and functions of the Public Service Commission was also in favour of attaching all responsibilities relating to recruitment to the public services to the commissioners.\footnote{Report of the Services Sub-Committee, 1950, p. 252.}

The British Government, however, in its proposals, as embodied in the White Paper remained completely indifferent to the view expressed by the Services Sub-Committee and provided with only advisory powers.

**Federal Public Service Commission under the Government of India Act**

The Government of India Act 1935 brought into existence the Provincial Public Service Commissions; and under the same Act the Indian Public Service Commission, established in 1926, was converted into the Federal Public Service Commission with more extensive and precisely defined powers. The Act vested the power to appoint the members of the Commission in the Governor-General in his discretion. It also required that at least one half of the members of the Commission would be appointed from persons with ten years' service under the Crown in India (section 265(1)).

The Commission made recruitment to all federal public services - Indian Civil Service; Indian Police Service; Indian Service of Engineers; Indian Educational Service; Indian Medical Service; Indian Agricultural Service and Indian Veterinary Service.
Service; and also the central services Class I and II. The Commission advised the Central Government on methods of recruitment to all civil posts; on the principles of appointments, promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions and transfers; on disciplinary matters including memorials to petitions; on claims for the costs incurred by the civil servants defending legal proceedings instituted against them in respect of their official acts and on all other matters referred to it by the Governor-General.

Under section 266 (3) of the Act the Governor-General was empowered to exclude in his discretion posts and services and matters in connection with the affairs of the Federation from the purview of the Commission. Accordingly a large number of posts and services and matters were excluded from the Commission's purview.

Public Service Commissions After Independence

Both the Federal and the Provincial Public Service Commissions continued their functions up to 1947. In the same year India gained independence and the Constitution made by the Indians themselves came into effect from 1950. Under the Constitution

15 In the interim period between 1947 and 1950 India was governed by the Indian Independence Act 1947 which made temporary provision regarding the Government of the new Dominion, i.e., India. Under sub-section (2) contd...
of India the Federal Public Service Commission came to be known as the Union Public Service Commission. It may be noted in this connection that though under the new Constitution the Commission has appeared with a new name, the basic character of the composition and the functions of the Commission has remained the same. Under the present Constitution the chairman and the other members of the Union Commission are appointed by the President. They are to serve for a period of six years or up to the age of sixty-five, whichever is earlier. Under article 317(1) the members of the Commission can be removed only on the ground of misbehaviour. In such cases the President has to refer the case to the Supreme Court and can remove him with the consent of the

of the section 8 of the Indian Independence Act 1947 it was provided that except the provision which was made by or in accordance with a law made by the Constituent Assembly of the Dominion under sub-section (1) of the said section, each of the new Dominions and all Provinces and other parts thereof would be governed as nearly as might be in accordance with the provisions of the Government of India Act 1935 and that the provisions of that Act would, so far as applicable and subject to any provisions of the said Act and with such omissions, additions, adoptations and modifications as might be specified in orders of the Governor-General under the next succeeding section of the said Act have effect accordingly.

Therefore, in exercise of the power conferred by the provision of the Government of India Act 1935 the Governor-General made the order called the India (Provisional Constitution) Order 1947. Under this Order some minor changes were introduced in the provisions relating to the Public Service Commissions of India.
Court. The Constitution also requires that at least one half of the members of the Commission should have at least ten years' experience of service either under the Government of India or the Government of a State. Conditions of service of the members cannot be changed to their disadvantage after appointment. The chairman of the Union Public Service Commission, on ceasing to hold office is ineligible for any other employment under the Union or the State Government. The other members are eligible only for the chairmanship of the Union Commission or chairman-ship of the State Commissions.

Like the Federal Public Service Commission, the Union Commission also has been made a purely advisory body. It acts as an expert adviser to the Government of India regarding methods of recruitment and all other service matters. The Constitution has also empowered the President to exclude matters from the purview of the Commission. But all such exclusion regulations have to be laid before each house of the Union Parliament which may amend or repeal these regulations.

Due to the partition of India in 1947 there were some changes in the Provincial Public Service Commissions which were

16 The President may also remove a member or a chairman from office if he is adjudged insolvent, or engaged during his term of office in any paid employment outside the duties of his office or in the opinion of the President unfit to continue in office by reason of infirmity of mind or body.
henceforth called the State Public Service Commissions. The Bengal Public Service Commission which was named after undivided Bengal was converted into the West Bengal Public Service Commission.

Similarly Bombay and Sind and the Punjab and North West Frontier came to be known as Bombay and Punjab Public Service Commissions respectively. The former States as they were integrated during 1947-48 formulated their respective Public Service Commissions during 1948-50. These States are: Hyderabad, Madhya Bharat, Mysore, Pepsu, Rajasthan, Saurashtra, and Travancore-Cochin. In 1948 the Central Provinces and Berar seceded from the joint Public Service Commission for Central Provinces and Berar, Bihar and Orissa and established its Commission at Nagpur, Bihar and Orissa continued to have a joint Public Service Commission up to March 1949. After that they formed their separate Public Service Commissions at Ranchi and Cuttack respectively. In 1953 a new Andhra State came into being and a Public Service Commission was created for the State of Andhra. After the reorganisation of the States in 1957 and the bifurcation of the former Bombay State into the States of Maharashtra and Gujarat in 1960, Gujarat and Maharashtra have their separate Commissions. More recently Tripura has been made a full-fledged State from Union Territory and it has its own Commission. There are now the following State Public Service Commissions:

1) The Assam Public Service Commission
2) The Andhra Public Service Commission
3) Bihar Public Service Commission
4) Gujarat Public Service Commission
5) Hariana Public Service Commission
6) Himachal Pradesh Public Service Commission
7) Jammu & Kashmir Public Service Commission
8) Karnataka Public Service Commission
9) Kerala Public Service Commission
10) Madhyapradesh Public Service Commission
11) Manipur Public Service Commission
12) Madras (now Tamilnadu) Public Service Commission
13) Maharashtra Public Service Commission
14) Nagaland Public Service Commission
15) Orissa Public Service Commission
16) Punjab Public Service Commission
17) Rajasthan Public Service Commission
18) Tripura Public Service Commission
19) Uttar Pradesh Public Service Commission
20) West Bengal Public Service Commission
Like the Union Public Service Commission the State Commissions also act as expert advisers to their respective Governments and they have the same functions regarding the state services as the Union Public Service Commission has regarding all-India services and the central services. The members of the State Commissions are appointed by the Governor but their dismissal and suspension rest with the President of India. They hold office for the term of six years or until they attain the age of sixty whichever is earlier. The conditions of service of the members cannot be varied to their disadvantage after appointment.

They are ineligible for any other appointment under the Government of India or the Government of the States. But the chairman of a State Public Service Commission is eligible for appointment as the chairman or any other member of the Union Public Service Commission or as the chairman of any other State Public Service Commission; and a member other than the chairman is eligible for appointment as the chairman or any other member of the Union Public Service Commission or as the chairman of that or any other State Public Service Commission. Under constitutional provisions the Governor is empowered to exclude certain services or posts from the purview of the Commission though such rules have to be laid before the legislative assembly for at least fourteen days.

Under article 321 of the Constitution both the Parliament
and the State legislatures, by passing an act can provide for the exercise of additional functions by their respective Public Service Commissions as respects the services of the Union or the State and also as respects the services of any local authority or any other body corporate constituted by law or of any public institution.

Again, to protect the Commissions from legislative and executive control article 322 of the Constitution requires that the expenses of the Union or the State Public Service Commissions shall be charged on the Consolidated Fund of India and the Consolidated Fund of the State respectively. Since the entire expenses of the Commissions are charged on the Consolidated Fund of India or the Consolidated Fund of the State, they are not required to be submitted to the vote of Parliament or State legislature. The items of expenditure charged on the Consolidated Fund are open to discussion in the legislature but the legislature cannot move the motion. Thus under the present constitutional arrangement it is not possible for the legislatures to stop the Commissions from functioning by refusing to vote the grants.  

Constitutional Changes

Though the provisions regarding Public Service Commissions under the present Constitution are almost similar to those under the Government of India Act 1935 still certain improvements have been made in the present provisions. The merit system and the

18 For details vide Chapter 9, infra.
efficiency of the civil service require that the independence of the Commission should be secured.

The Constitution-makers were not unaware of this fact. They, therefore, have tried to take all possible measures to protect the Commissions from the arbitrary exercise of power by the executive. How far these matters have been effective is a matter yet to be examined. Under the Government of India Act 1933 however, the tenure of the members and the methods of the termination of their services were left to be determined by the executive. The terms of the members could be extended and the members other than the chairman were eligible for any other service under the government after retirement with the consent of the Governor-General or the Governor as the case might be. But under this provision, it is believed that, there is a possibility of the members being subservient to the will of the executive government and the independence of the Commission may be at stake. So the present Constitution provides for a definite, fixed tenure, a method of dismissal and suspension and restriction on re-employment of the members of the Commissions after retirement.

Again, under the Act of 1935, the Governor-General or the Governor was empowered to exclude services and posts from the purview of the Commission "in his discretion". But under the present Constitution the President or the Governor is required to place all exclusion regulations before each house.
of the legislature. To ensure the independence of the Commissions and to make their advice effective, the new Constitution also requires each Commission to present to the President or the Governor concerned its annual report, mentioning the cases in which its advice was rejected by the executive. The government is under the obligation to present memoranda to the legislature explaining the reasons for rejecting or deviating from the recommendations of the Commission. There was no such provision under the Government of India Act 1935. This provision acts as a check upon the executive in rejecting the advices of the Commission according to their free will as they are to show that such rejection was made in public interest.

Though the Public Service Commissions have been renamed under the new Constitution no remarkable change has been made in their composition and the functions. Except for a few sharp breaks, the composition and functions of the Commissions have remained almost the same as those of their predecessors. Therefore, the provisions relating to the role of the Commissions under the new Constitution are simply the old rules in a new cloak.