STRUCTURE OF PERSONNEL

In a democratic country the role of the Public Service Commission in the establishment of the merit system can hardly be overemphasized. If the members of the Commissions are to succeed in their tasks, they should command respect and confidence of both the government and the public so that their opinion and recommendation may find ready acceptance and be given due weight. This requires that the members should be of high calibre and should possess technical competence—the two conditions necessary to earn the confidence of the government and the public.

Professional Background

There is no unanimity on the question of the class of persons from which the commissioners should be drawn. In consequence, it has been found that sometimes the Commissions tend to be composed of amateurs, for example in the United States the civil service commissioners are on occasions drawn even from the classes like journalists, farmers, foremen or housewives. Such a character of the membership of the Commission is criticized, because the members know little or nothing about employment procedure.

"Perhaps in no other field", observes Prof. O. Glenn Stahl, "has the democratic dogma of the amateur in administration been carried so far and with such disastrous results as in that of personnel."

Perhaps to avoid such difficulties the Lee Commission, which was instrumental in expediting the establishment of the Public Service Commission in India emphasized that the members of the Commission should be men of high public standing, who would appreciate the vital and intimate relationship which should exist between the State and its servants. To give effect to this requirement the Government of India Act 1935 provided that at least one half of the members of the Public Service Commissions in India should be persons who at the date of their respective appointments had held office for at least ten years under the Government of India or under the Government of a Province.

The same proposal was made in the Constituent Assembly. Justifying the reservation of posts for civil servants on the Commissions, Ambedkar observed in the Constituent Assembly that the purpose of this reservation was to secure persons with necessary experience who would be able to perform their duties in the best manner possible. But some of the members in the Assembly were in fierce opposition to assigning such a predominant position of the civil servants within the Commissions. It was also proposed in the conference of the chairmen of the Public Commissions.

3 Government of India Act 1935, proviso to section 265(1).
Service Commissions held in 1949 that the number of the civil servants in the Commissions should be one-third instead of one-half. In consequence the proviso to article 316(1) of the present Constitution requires that "as nearly as may be one-half" (instead of "at least one half") "of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government of a State........"

But in the case of West Bengal not "one-half" but most of the members are appointed from government officials. Since its inception up to 1965 the number of the members in each Commission was three; and on many occasions three out of three had been drawn from government servants, that is, from the official class. The chairman of the Commission had been appointed either from the Indian Civil Service or from the Indian Administrative Service. Of the seven chairmen appointed up to August 1973, three belonged to the Indian Civil Service and three to the Indian Administrative Service. But the seventh had not been in government service though he had served as a member of the Public Service Commission of West Bengal itself.

The other two members of the Commission apart from the chairman are generally drawn either from the Indian Administrative
Service or the State Judicial Service and the State Educational Service. From 1966 the number of the members in the Commission including the chairman has been increased from three to five. And the same predominance of members from the government services is noted in the later Commissions also. Sometimes all the five members of the Commission were recruited from the government services.

Of the thirty-two members appointed up to 1973 only five members had been appointed from outside the government service and twenty-seven represented the government servants. But West Bengal is not alone. In some other State Commissions also the same predominance of the government servants is to be found. The Administrative Reforms Commission on State Administration observes in this connection:

The result one could reasonably expect to flow from this provision (Article 316(1) of the Constitution) is that the official and non-official elements will be roughly equal to each other. While such a result has, in fact, been achieved in many of the States, we have come across instances where, over a period of time, there has been a predominance of members of the official category.

Since sufficient attention has not been paid to the induction of eminent and experienced persons to some of the State Public Service Commissions from outside the government service the Administrative Reforms Commission has recommended that a

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6 Annual Reports of the Public Service Commission, West Bengal.
large number of non-officials belonging to the various professions may be appointed as members of the Public Service Commissions, where the number of such non-official members is short of fifty percent of total membership.

An interesting feature of the Public Service Commission of West Bengal is that the Commission is mainly composed of the members who had earlier served in the general administration and the education service. During the period 1947 to 1957 only one member had been appointed from the judicial service, one from the defence service and one was an engineer; the rest had been either general administrators or educationists. In September, 1957 a legal practitioner was appointed an additional member of the Commission. From 1960 to 1966 the Commission consisted absolutely of administrators and educationists. Between 1966 and 1973 one member was appointed from the judicial service, one from the police service, one from the agricultural service, one engineer from the Public Works Department and one member had been a business executive in a private concern. All the other members appointed during that period were either general administrators or educationists.

It is evident, therefore, that the predominance of the educationists and administrators is still continuing in the

8 *ibid.*, Recommendation 47, p. 83.
9 *Annual Reports* of the Public Service Commission, West Bengal.
Commission. This is commendable because the combination of administrative and educational experience is regarded today as an essential condition for the efficient working of the Public Service Commissions. Appointments of persons with judicial or legal experience are very few and far between. Only two persons with judicial experience had been appointed so far in the official quota of the members of the Commission; and one member had been appointed with legal experience and that too for a short period of one year. There is also a remarkable lack of scientific and technical personnel in the Commission. During the period from 1947 to 1973 there were only two persons - two engineers, appointed from the technical field and one of them remained in the office only for one year and the other for two years. With the rapid advance of science and technology and the vast expansion in the functions of the political system the modern government employs a large army of scientific and technical personnel. In recent times the Commission has been called upon to recruit an increasing number of scientific and technical personnel. To meet this task the Commission should have an experienced member from the scientific or technical field.

In the other State Commissions also the majority of the members are drawn from the government services including

10 This information is based on the analysis of the Annual Reports of the Public Service Commission, West Bengal.
the educational service. The remaining members are appointed from the field of law, the judiciary and, in some cases, from engineering. But in some of the State Commissions cases are not rare where, as the Study Team of the Administrative Reforms Commission observes, appointments have frequently been made on personal considerations rather than on grounds of qualifications or competence 11.

The Communist Government of Kerala was once accused of appointing two persons who were occupying not very important positions and drawing comparatively meagre salaries. And it was contended by the Kerala Pradesh Congress Committee in its memorandum to the President of India that such appointments made them grateful to the government and therefore they would find it difficult to resist political pressure and influence 12. Again, political appointments are not infrequent in some of the State Commissions. But this is not the case with the Commission of West Bengal. No political appointment has been made so far in the Commission, and the members appointed on the Commission are not of insufficient or inadequate qualifications 13.

The Union Public Service Commission generally consists


13 Based on unstructured interview with R.N. Guha, Deputy Secretary of the West Bengal Public Service Commission.
of two members from the Indian Administrative Service, two educationsits, one member from the scientific or technical field and one or two members from the State Commissions and/or the judiciary or the field of law. This shows that there is a rational and consistent policy in the appointment of members on the Commission. The talented administrators and educationsits combine administrative and educational experience in the Commission - an important condition for the efficient working of the Public Service Commission. The scientist or technician, on the other hand, helps the Commission with expert opinion in recruiting the ever-increasing scientific and technical personnel, while the former members of the State Commissions and members with judicial or legal experience ensure the smooth and efficient running of the Commission's functions.

Thus it is evident that the composition of the Union Public Service Commission is based on a clear conception of the Commission's objectives and goal and is directly related to their attainment. Commenting on the appointments made to the Union Public Service Commission, the Study Team of the Administrative Reforms Commission observes that the appointments made to the Union Public Service Commission have been commendable. Not only has a proper balance been kept between the official and the non-official elements but the Central Government has gone a step

further in including in the official quota members hail...

the educational field. But such a proper balance has not been kept in the appointments of the members of the West Bengal Public Service Commission. While the members with administrative experience are in a majority, the members from technical, legal, or judicial fields are very thinly represented in the Commission. Again, an analysis of the professional background of the members shows that in spite of the constitutional provision no retired member of any other State Commission or the Union Commission has ever been appointed to the West Bengal Commission; and the appointment of the retired members of the West Bengal Commission to other Commissions is also rare.

The discussion made above leads one to conclude that an efficient working of the Public Service Commissions requires a proper balance in the representation of different classes in the Commissions. What is needed, therefore, is that instead of appointing most of the members from the general administration there should be a well-balanced representation of the engineering or technical, scientific, judicial, and legal professions. The Commissions so made will be ideal in their form because they

16 Based on unstructured interview with R.N. Guha, Deputy Secretary, West Bengal Public Service Commission.
will have the experience of the government service on the hand and expert viewpoints of different professions on the other—the two conditions necessary for the efficient working of the Public Service Commissions.

Social Background

Besides the professional background, the social background of the members of the Public Service Commissions may also be taken into consideration for the purpose of understanding the nature of the administrative recruitment structures in India. Surveys by different social scientists have made it clear that the rule-application structures of most of the developing and the developed countries represent a small section of the whole community. Generally it is found that the middle class occupational groups dominate the higher civil services of these countries. Similar is the case with India. The administrative recruitment structures of the Indian political system also are dominated by the upper and the upper middle class people.

An analysis of the professional background of the members of the recruitment structure of West Bengal shows that most of them were selected from the higher strata of the civil service. The Commission consists of those who belonged to the upper middle class and middle class occupational groups. Apart from the

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government servants the other members appointed to the Commission had equally high-ranking professional careers. In a developing society like India only the upper and the upper middle classes can afford higher education. So it is but natural that the Commission would be dominated by the upper and upper middle classes. The farmers and the industrial or agricultural labourers are very grossly under-represented in the Commission.

Equally unrepresentative is the caste distribution among the members of the Commission. In West Bengal the Brahmins, the Vaidyas and the Kayasthas are the dominant castes among the Hindus. These three castes are also in the dominating position in administrative and other high-ranking posts. They are also in the majority in the Public Service Commission. These higher castes predominate largely because of their advantages in secondary and university education. Of the thirty-two members appointed up to 1973, twenty-six belonged to these three castes; of the remaining six, three belonged to the Muslim community and three were appointed from the scheduled castes. The other "lower caste" Hindus and also the scheduled tribes had totally remained outside the Commission.

A caste analysis of the members of the West Bengal Public Service Commission shows that of the three "higher castes" in

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19 This information is based on the analysis of the Annual Reports of the West Bengal Public Service Commission.
West Bengal, the Vaidyas and the Kayasthas are in a predominant position compared with the position of the Brahmins. Of the twenty-six members belonging to the "higher castes", thirteen were Kayasthas, seven belonged to the Vaidya community and six were Brahmins. The Brahmins are evidently under-represented.

Up to 1966 there was no scheduled caste member in the Commission. Since 1966, however, there has always remained in the Commission a scheduled caste member.

Representation of the religious minorities, particularly Muslims, on the Commission has been ensured by some of the governments. The Union Public Service Commission has always had a Muslim member. It is true that no special provision regarding the representation of the Muslim community has been made by the West Bengal Government. Still, up to 1973, three Muslim members had been appointed to the Commission. Since 1966 there has always been a Muslim member in the Commission. This is but natural because the Muslims constitute a considerable proportion of the population of West Bengal.

Staff of the Commission

To cope with the increasing functions of the Commission its members are assisted by a secretariat. Under the Constitution the Governor of West Bengal makes provision in respect to the number and the conditions of service of the members of the staff of the Commission. In the Constituent Assembly this provision

20 Annual Reports of the Union Public Service Commission.
was vehemently criticised by some of its members. It was proposed\(^1\) that in appointing the members of the staff and in determining their conditions of service the Commission concerned should be consulted by the President or the Governor; this was necessary because, the chairman of the Commission was the best person to know what was the requirement of the Commission and what sort of persons the Commission actually wanted. It had also been feared that this power in the hands of the executive might affect the independence of the Commission. A member of the Constituent Assembly proposed that this power should be placed directly in the hands of the Commission itself. He argued that the nature of the functions of the Commission was such that the Commission should be given the same freedom as is given to the Supreme Court and the High Courts in connection with the appointment of the members of their staff\(^2\).

But Ambedkar, who defended the provision and disagreed with the other members of the Constituent Assembly, was of the opinion that the upper echelons of the staff of the judiciary were required to exercise certain amount of judicial discretion. Consequently all matters relating to their appointments, conditions of service, etc., were left to the Chief Justice. In the case of the Public Service Commission much of the staff, he continued

\(^1\) The proposal was made by Jaspat Raj Kapoor in the Constituent Assembly, Constituent Assembly Debates, Vol. IX, No. 15, Government of India, New Delhi, 1949, p. 580.

\(^2\) ibid., p. 583.
his argument, would be merely concerned with what was called ministerial duties where there would be no authority and no discretion was left. However, the same provision was made both for the Union and the State Public Service Commissions. But in the actual field there is a difference between the practice followed in the Union and in the States. At the Centre the executive has so framed the regulation as to acknowledge the special status and the independence of the Commission. The Union Public Service Commission acts as an employing authority in relation to its staff. The appointment of all the members of the superior staff in the Commission's office is formally made by the chairman of the Commission.

**West Bengal** But this is not the case in West Bengal. In West Bengal the appointment of the members of the staff of the Commission is made by the executive alone without even any consultation with the chairman of the Commission. It is this practice which has been considered as a real handicap the Commission is facing in its independent working. The chairman and the members of the Commission have nothing to say about the requirements of the Commission and the type of persons they require. Under the present system the executive, if it so desires, can cripple the Commission by providing an inadequate number of employees. The Commission has no authority to sanction a post. For each and every post it needs, it has to depend upon the executive sanction. The Union

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23 *ibid.*, p. 593.
Public Service Commission is in a far better position in this respect. The chairman of the Union Public Service Commission may sanction the creation of certain temporary and permanent posts of the Commission to the extent and subject to the conditions laid down in the U.P.S.C. Staff Regulations 1958, and a Ministry of Home Affairs notification dated May 21, 1963. Consequently the Union Public Service Commission has an adequate staff and can appoint a new officer or employee according to its needs and requirements, while in West Bengal the Commission's activities suffer due to the lack of adequate staff.

In 1957 when the Public Service Commission came into existence in undivided Bengal its secretariat consisted of one secretary and a clerical staff. After the inauguration of the Constitution of India the set-up of the Commission was enlarged in view of the increased volume of work. Up to 1957 the senior secretariat of the Commission consisted of a secretary, two assistant secretaries and one registrar. The office of the secretariat was divided into four sections which dealt with Examinations, Confidential Matters, Direct Recruitment and Service Matters respectively.

Again during the year 1957 the set-up of the Commission's secretariat was further enlarged and reorganized to keep pace with the increased volume of work of the Commission. A new post of deputy secretary and another post of assistant secretary were created on a temporary basis. The set-up of the secretariat of
the Commission during the year 1957-58 was as follows:

- Secretary - 1
- Deputy Secretary - 1
- Asstt. Secretary - 3
- Registrar - 1

The status of the secretary corresponds to that of a secretary to any department of the Government of West Bengal. The status of the deputy secretary corresponds to that of a deputy secretary to the Government of West Bengal. The status of the assistant secretary is similar to that of an assistant secretary to the government. The registrar of the Commission is in the same rank with the registrar of the Government of West Bengal. The office of the Commission was divided as follows:

- Section I - Examinations
- Section II - Confidential Matters
- Section III - Promotion, Disciplinary Cases and Other Service Matters
- Section IV - Direct Recruitment
- Section V - Recruitment of School Teachers.

More recently during the year 1966-67 it was felt that the working of the Commission was not quite geared to the rapidly increasing manpower requirements of a developing state. It was therefore, decided in consultation with the Government of West Bengal to introduce some suitable measures of an exploratory nature with a view to grappling with the problems of recruitment in more practical terms. In consequence in July 1966, a cell
styled as statistics and research unit was created in the secretariat of the Commission for better facility of the Commission's work and to make it more economic and readily responsive to the State Government's requirements. The initial composition of the unit was as follows:

i) One deputy secretary

ii) One upper division assistant

iii) One personal assistant to the deputy secretary.

The present set-up of the Commission's secretariat has been shown in Table 4.1. This Table shows that the Commission has in all twelve gazetted posts in the secretariat. This includes one secretary, two deputy secretaries, three assistant secretaries, one registrar, four section officers and one personal assistant to the chairman. The number of non-gazetted posts is ninety-six. This includes five head assistants, twenty-three upper division and thirty-seven lower division assistants, eight stenographers, one junior accountant, one cashier, eleven typists and ten other members of the staff.

The secretary, the deputy secretary, the assistant secretary and other gazetted officers are appointed by the Commission with the approval of the Governor. The secretary is appointed for a period of five years inclusive of any period spent on probation or leave. The Commission may, however, with the approval of the Governor, extend the tenure or office of the secretary by a period not exceeding three years at any time.
### Table 4.1

**Staff of the Commission**

<table>
<thead>
<tr>
<th>Post</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Gazetted</td>
<td></td>
</tr>
<tr>
<td>Secretary</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Secretary</td>
<td>2</td>
</tr>
<tr>
<td>Assistant Secretary</td>
<td>3</td>
</tr>
<tr>
<td>Registrar</td>
<td>1</td>
</tr>
<tr>
<td>Section Officer</td>
<td>4</td>
</tr>
<tr>
<td>Personal Assistant to the Chairman</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>12</td>
</tr>
<tr>
<td>(ii) Non-Gazetted</td>
<td></td>
</tr>
<tr>
<td>Head Assistant</td>
<td>5</td>
</tr>
<tr>
<td>Upper Division Assistant</td>
<td>23</td>
</tr>
<tr>
<td>Stenographer</td>
<td>8</td>
</tr>
<tr>
<td>Junior Accountant</td>
<td>1</td>
</tr>
<tr>
<td>Cashier</td>
<td>1</td>
</tr>
<tr>
<td>Lower Division Assistant</td>
<td>37</td>
</tr>
<tr>
<td>Typist</td>
<td>11</td>
</tr>
<tr>
<td>Muharrir</td>
<td>4</td>
</tr>
<tr>
<td>Record Supplier</td>
<td>4</td>
</tr>
<tr>
<td>Driver</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>96</td>
</tr>
</tbody>
</table>

Source: *Annual Report of the Public Service Commission West Bengal, 1969-70, Appendix IV.*
The posts of secretary, deputy secretary, assistant secretary or registrar and other officers are included in the West Bengal General Service.

In the internal administration of the Commission the chairman acts as the head of the department and the secretary, the head of the office. The secretary co-ordinates the activities of the Commission's work as a whole and makes appointments in the lower rungs of the secretariat staff.

It is clear from the above discussion that some amount of re-thinking about the composition of the Public Service Commissions is necessary. But it must be remembered that the composition of any institution cannot be appraised in absolute terms. The question has to be examined in the light of the functions performed by that particular institution. It is necessary therefore, to analyse the nature and extent of the functions prescribed for the Public Service Commissions in India.