CHAPTER III

RECRUITING AGENCIES IN INDIA

LOCATION OF RECRUITING AUTHORITY

With the expansion of a political system in size, and with the increase in the complexity, variety and volume of tasks that it faces, the pressures to develop specialised rule application structures, bureaucracies become inexorable. Thus emergence of the 'differentiated rule application structures' constitutes one of the basic features of modern political systems. In the words of Carl Friedrich, "The vast bureaucratic structure of modern states with their tens of thousands of officials make them the core of modern Government." In present day political systems bureaucracies overwhelmingly out-number the other sub-systems of the polity, i.e. legislators (rule makers), judges (rule adjudicators) etc. With the growing importance of bureaucracy which was established in a modern state, the question of recruitment of personnel to


bureaucratic roles and the problem of location of the appointing power assumed greater significance.

In respect of the location of the appointing power two main schools of thought have come into being. According to one the essence of real democracy wherein a real popular direction and control over the conduct of public affairs is experienced, can be ensured only by providing for direct selection of all important officers of Government by the people through the use of ballot. It was held that the terms of office should be short and the voters would have a right to 'recall' the officers if they failed to perform the functions assigned to them. The other view is that the advantages of 'direct selection' system are only theoretical, in reality the people are ill-equipped and incompetent to select large number of officers which a modern government would require. Further in indicating their preference the people are mostly guided by personal, factional, regional, cast and communal considerations which have little relevance, and are as a matter of fact opposed to the capability and efficiency criteria of a competent administrative structure. According to this school, therefore, only a limited number of officers whose functions are of a political character, that is, who are concerned with the determination of policies and exercise of the executive as distinguished from administrative authority should be selected directly. The rest of the officers should be selected by a
regular process of appointment. The feasibility of minimising the direct selection officers is highlighted in the movements for civil service reforms and in the innovation of devices like "Short Ballot" in the U.S.A.

Once it is settled that officers with administrative functions should be appointed and not elected, the question arises that in whom shall be vested the power of appointment of the officials. The constitution of the United States, provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, all other officers of the United States, whose appointment are not herein otherwise provided for and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law or in the heads of departments. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting Commissions which shall expire at the end of their next session."

1. Willoughby is of the opinion that the principle of direct selection is also suitable for appointments local government institutions. See W. E. Willoughby, Principles of Public Administration (Central Books Depot, Allahabad, 1958), pp. 225-27.

2. The Constitution of the United States, Art II, Section II.
Thus, the officers may be recruited either by the method of nomination or appointment. Though, it is not based upon any constitutional provision, the convention developed that the President will consult the members of the lower house and leaders of the political organisation in the case of nomination of powers for certain classes of officers. This practice went to the extent that the members of the Congress and the officers of the party organisations came to exercise the nominating power on behalf of the President and a system known as political patronage or spoils system came into existence.

This system began in a small way during the term of President Washington and continued to gain in strength in times of Jefferson, Adams, and Jackson untill 1833 when "it swept through all the offices of government without legal let or hinderance, and most usually without moral inhibitions."

The motives behind the emergence and development of the spoils system were conviviality, lust of prestige and power through nepotism vicarious generosity, urge to have in the administration people of identical views and values, desire to

3. Ibid., p. 170.
reward and repay one's workers, and faith in the theory of the rotation of office.

The grave defects of the spoil system whereby most of the offices fell into the hands of the politicians, soon came to be widely realised. In the words of Herman Finer, "Sheer inefficiency was the first result, an increase in public costs the second; the creation of a class of office seekers the third; political corruption the fourth; a standing battle between the President and the Senate for the control of appointments and removals a fifth; and a terrific waste of time and labour on the part of the President and heads of departments, coupled with the real pain of refusal of applications for office, the sixth. Never had a state been debauched."

However, the reforms were based on several factors, such as, the development in the community of a public opinion averse to this system, reduction of the cases in which the President required the approval of the Senate and transfer of appointing power to the heads of departments or other government establishment to which appointments were made by the President by vesting the appointment of subordinate officers in the hands

2. C.R. Fish, op.cit., p. 18.
of departments and bureaus; and development officers of a system under which selections and appointments are made through examination and other means for determining the technical qualifications of candidates.  

The reforms were meant to bring about an efficient personnel system. The members of the Congress, relieved of the tasks of securing personnel would then be able to devote more time and attention to their legislative duties. Further, it would reduce the burden of the President of selecting men for subordinate services which run into millions. The President would then get time to make appointments to more important and responsible posts such as ambassadors, other public ministers, heads of executive departments and the members of the various independent boards or commissions etc.

By 1872, civil service reform had become a live issue. Under the Pendleton Act of 1883 the Civil Service Commission was established and services were "classified" which were subject to specific rules of appointment. Since 1883 the spoil system has been constantly decreasing. The 1883 Act empowered the

3. For elaboration see H. Finer, op.cit., pp. 832-34.
President to appoint with the advice of the Senate three persons to constitute the United States Civil Service Commission. These members are only removable by the President and they are to aid the President in preparing suitable rules for holding open competitive examinations for appointment to 'classified' public services and for selecting the candidates on basis of their comparative merit. The commission, besides conducting these examinations is required also to be make an annual report to the President for transmission to Congress.

Appointment to a great bulk of professional, scientific, and clerical services are made by the Commission on the basis of open competitive examination.

Before we embark upon a discussion of the organisation and working of the Public Service Commissions in India, it is necessary to look into the development of the Public Service Commission in pre-independent India.

The development of personnel recruiting agency in India is related to the growth of democratic institutions in the western countries. With the origin of the party system it became necessary to free the government servants from influence of and dependence upon the politicians to secure against large scale dismissals of party dependent government servants with the change of party in power. To provide stability to administration it became necessary to recruit the government servants
through an independent body of the government which came to be known usually as Civil Service Commission. "These Commissions are primarily meant to keep appointments away from day to day politics, party interferences and influences and the attempt is made by having recourse to these Commissions, that the appointments shall be as far as possible on merit and there shall be no interference in their choice or in their selection from day to day by the executive authorities of the States." It was realised that all examinations for public services should be conducted by a single authority standing entirely outside the separate departments. This would maintain effectiveness and consistency. Keeping this in view, England, Germany, the U.S.A. and India have followed much the same pattern while France differs having an examining authority in each department.

The historic task of the Civil Service Commission was to hold examination for employment in the public service in order to make sure that persons would enter the government service only by merit. This was necessary to eliminate the political favouritism from the services. The Public Service Commission, as such, had essentially a negative role and had little concern with pragmatic personnel needs. However in order to keep pace with the modern trends of management it has been

given greater responsibility to secure personnel who can man the developmentably directed administrative apparatus and develop a capability of continuous adaptation of the selection procedures to the changing needs of the administrative system.

HISTORICAL BACKGROUND OF THE UNION PUBLIC SERVICE COMMISSION

Until, 1926, there was no recruiting agency like Public Service Commission in India. The British Civil Service Commission made recruitment for the Indian Civil Service which were held in England and the candidates from India had to go to England to appear at the examinations. The Secretary of State for India was the final authority in regard to recruitment and control of the services. Although the Government of India Act, 1919 had prescribed that the Public Service Commission shall be established in India to discharge the functions of recruitment and of the Public Services and such functions as may be assigned to it by the Secretary of State-in-Council, it did not come into existence till 1926. In 1924, the Royal Commission on the Superior Civil Services in India also recommended its establishment. Accordingly a Public Service Commission was formed in 1926.

The Royal Commission decided that the Public Service Commission would be an all India body and could assist the local governments in dealing with problems of provincial administration if the provinces so desired. Further there would be a link between the Chairmen of the Provincial Selection Boards and the Public Service Commission. These Chairmen had no right to be a member of the Commission but they would act as its advisers on all local matters.

The Commission was entrusted with the following functions:

1. The recruitment of personnel for the All India Services and maintenance of a proper standard of qualifications for that purpose. It was to act as an agent of the Secretary of State and as the final authority in regard the question of recruitment in India.

2. The Commission was charged with quasi-judicial functions related to the disciplinary control and protection of the service. It had to report to the Governor General in Council on matters under its purview. The Commission included four members in addition to the Chairman.

There were no Public Service Commissions in the provinces until 1930 when the Statutory Commission came into existence, excepting Madras where a Public Service Commission Act was passed in 1929. The Statutory Commission recommended for the establishment of provincial Public Service Commissions to regulate recruitment and reduce the risk of political interference. The members of the provincial Civil Service Commission could be appointed to the higher office in the Commission itself or to the Central Public Service Commission but they were not eligible to hold any other office under the Crown in India. When the Government of India Act, 1935 came into force, Central Public Service Commission came to be known as the Federal Public Service Commission.

During the Second World War the work of the Commission increased considerably. Therefore, temporary members were added to the Commission from time to time. In 1947-48, the strength of the Commission rose to eight members in addition to the Chairmen. The reinforcement of the Secretariat and office staff of the Commission, however, did not keep pace with this increased work.


At that time there were several unsatisfactory features in regard to the powers and position of the members of the Federal Public Service Commission. It was not an independent body. Important matters such as the tenure of members and the method of the termination of their service were subjects under the control of the executive government. The period of service of the members of the Commission could be extended and the members were eligible for re-employment except the Chairman. Though previously it was recommended that the Commission would be an independent body and its members would not be eligible for further employment under the Crown in India.

In 1960, with the Indian Constitution coming into force the Federal Public Service Commission was changed into the 'Union Public Service Commission' and the 'Provincial Public Service Commission's' were designated as 'State Public Service Commissions'. The Constitution gave a stable and secure position to the members of the Commissions which is important to their successful working as the impartial and efficient selectors. At present there is the Union Public Service Commission at the Centre and a Public Service Commission in each state. Parliament may make law for the appointment of a joint Public Service Commission for the two or more states, if the legislatures of the States pass a resolution for that purpose. The step was taken in view of the consideration that if, for administrative or financial reasons it were not possible for each
state to have a Public Service Commission of its own, they might agree for joint Public Service Commission.\footnote{Constituent Assembly Debates, op. cit., p. 555.}

\section*{THE FUNCTION OF THE COMMISSIONS}

The function of the Public Service Commissions have been laid down in Art 320 of the constitution. They are:

1. The Union Public Service Commission and State Public Service Commissions conduct the examinations for appointments to the services of the Union and the services of the States respectively.

2. The U.P.S.C. will, if requested by any two or more states, assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.

The U.P.S.C. and State Public Service Commissions shall be consulted in regard to the following matters:

- \textit{a.} methods of recruitment to civil services and for civil posts;
- \textit{b.} principles to be followed in making appointments to civil services and parts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments promotions and transfers;
c. disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorandum or petitions relating to such matters;

d. on any claim by or in respect of a person who is serving or has served under the Government for costs incurred by him in defending legal proceedings instituted against him;

e. on any claim for the award of a pension in respect of injuries sustained by a person while on duty.

The Commissions shall advise on any matters referred to them by President or by Governor of the State as the case may be in addition to recruitment for civil posts under the Central Government (including those for union Territories) which come under the purview of the Commission in terms of Art. 320 of the Constitution it is responsible for the recruitment of the administrative personnel of the Statutory bodies such as the Delhi Municipal Corporation, the Employees State Insurance Corporation and the Employees, Provident Fund Organisation and also for the Industrial Management Pool).

The Constitutions further extends the functions of the Commission, Art. 321 prescribes that:

"An Act made by Parliament or, as the case may be, Legislature of a state may provide for the exercise of additional functions by the U.P.S.C. or the State Public Service Commission as respects the services of the Union or the State

and also as respect the services of any local authority or other body corporate constituted by law or of any public institutions."

Under the old regulations (made under the Government of India Act, 1935) the Commission was not concerned with any recruitment which had been agreed to being made outside India. This regulation was amended and it was decided that recruitment outside India should also be conducted by the Commission directly.¹

Under the Constitution, the functions performed by the Public Service Commissions are of an advisory and consultative nature rather than executive types. Sir Samuel Hoare argued in favour of the advisory nature of the Commission's functions in the House of Commons during the passage of the Government of India Act of 1935. "It was definite view of the Joint Select Committee and it is the definite view of my advisors here and in India that the Public Service Commission had much better be advisory." Experience shows that they are likely to have more influence for the proper management of public affairs including public services if they are advisory than if they have mandatory powers.²

² C.N. Bhalerao, Public Service Commissions in India, sterting Publishers Private Ltd., Delhi-6, 1966.
The Union Public Service Commission according to Art. 323(1) of the Constitution, presents annually to the President a report on its working. The President shall send to each house of Parliament a copy of report together with a memorandum explaining the cases, if any where the advice of the Commission was not accepted and the reasons for such non-acceptance. In 1954 a proposal was put in the Parliament in which the Commission demanded that some safeguards should be provided by Parliament in order to reduce the number of cases in which Government may depart from the advice of the Commission. The Commission also felt that a regular discussion of their reports in the legislature will be the best and effective means of consolidating the convention for that purpose. These annual reports have much importance. In actual practice, it has been found that the publications of the annual reports of many public service commissions is delayed for various reasons. There is also delay in the presentation of these reports before legislature. It is necessary that the reports should be presented and placed before legislature promptly.

This problem may be solved by establishing a Standing Committee of Parliament to scrutinize the annual reports of

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the Union Public Service Commission. The Committee should make its own report to the two houses. Similar standing Committees should be set up in States also.

EXEMPTION FROM CONSULTATION

There are several posts in respect of which owing to their special nature the responsibility for making appointment should lie with the Government alone, and it will not be proper to consult an outside body in selecting the appointees. Art 320(3) consequently, authorizes the President or Governor to make public service rules and regulations, specifying the matters in which either generally or in particular circumstances, it shall not be necessary to consult the U.P.S.C. or the State P.S.C. The regulation under which the executive excludes certain posts from the purview of the Public Service Commission have been termed as "exemption from Consultation Regulations (1968)."

There are some non-competitive type of services which are excluded from the purview of the Commission. These are confidential or high policy determining, or highly technical or administrative services. The Commission will also not be consulted in regard to those posts which do not involve the question of promotion. In all such technical and administrative posts departments follow their own independent recruitment policy.
The competitive type of services in which recruitment is made without intervention of the Public Service Commissions, are categorized in three groups. First group consists of class III, class IV employees and workshops workers, etc. (who constitute about 98% of the total number of the Central Government Employees). Such exemption is understandable, these services are not of great importance. Therefore, it seems unnecessary and wasteful to burden a high level organ like the Public Service Commission with the task of recruiting them. The Second group relates to the part time, temporary or officiating positions. Finally the types of posts which do not belong to the executive but to the other two branches of Government, Legislative and Judicial have been kept outside the purview of the Commission.

Further the Commission may not be consulted regarding recruitment from the scheduled castes and tribes as under the provisions made for special/ representation. The reason behind these provisions is to safeguard backward and depressed classes and to make the public service more representative. These provisions are obviously against the merit system. Therefore it was decided that recruitment from these classes should be made strictly on the principles of merit.

In actual practice full care has been taken. The selection is always made through the Union Public Service Commission.
with due consideration to efficiency of the public service. Although the existing provisions reserve up to 17½ per cent of the vacancies in the All-India and Central Services for candidates of the scheduled castes and tribes and backward classes, the actual percentage in 1962, was around 4 per cent.

There have been enquiries and complaints that the Commissions are not being consulted as regards recruitment of the staff of the statutory bodies such as the Council of Scientific and Industrial Research and semi-Governmental Industrial Corporations. The recruitment to some of the initial posts to these institutions was made with the consultation of the Commission. Although these bodies are aided by the Government, formally they are non-governmental institutions. Their jobs are not defined as Civil posts under the Constitution. Therefore, the Commission is not concerned with the posting of these statutory bodies. It may be useful if the Union Public Service Commission is associated with the selection of personnel to, and their promotion within the quasi-government bodies entirely or substantially financed by Government.

The exemption of certain services from consultation with public service commission is in keeping with the spirit of the Constitution. But it should be resorted to after much consideration. There is conventions that exemptions are made only after prior consultation with the Union Public Service Commission. Similar convention should be established in the States also. In this connection the Administrative Reforms Commission also suggested that Governments decisions on the exclusion of certain matters from the purview of consultation with the Public Service Commission should be taken after consulting the commissions.

According to Art 309 of the Indian Constitution, the President or the Governor as the case may be, have power to make rules and regulations regarding recruitment. The Commissions have only a negative function and they may advise in making the rules for recruitment. In this respect Indian Public Service Commissions have limited powers in comparison to the United States Civil Service Commission and the Civil Service Commission of England. In the U.S.A. the Commission serves both as the federal recruiting agency and as they operating agency. In England the Civil Service Commission has power to make rules and regulations for recruitment on the advice of the Government.

COMPOSITIONS OF THE PUBLIC SERVICE COMMISSIONS

The Constitution prescribes no limitations on the size of the Commission and on the qualifications of members of the commission. The President fixes the number of the members of the Union Public Service Commission according to the requirements from time to time. However, the strength of the Commission has never exceeded eight. At present, the Commission is composed of eight members including the Chairman. The number of members is not sufficient for the Commission's work. In the sixth Report of Union Public Service Commission, it was observed that in specialised recruitment the preliminary work should be performed in the Commission's office in accordance with the procedure specially designed for the purpose. The cause of the delay in this work is mainly the lack of staff as the normal strength of the Commission's is not able to carry out function in all the emergencies. The Commission, therefore, should be authorised to engage special additional staff on a temporary basis for such emergencies.

The Chairman and the members of the Commission are appointed by the President on the advice of the Prime Minister. In the case of members of States Public Service Commission the Governor is authorized to make the appointments on the advice

of the Chief Minister. In England the Commissioners are appointed by Her Majesty-in-Council through an Order in Council. Duration of their service depends upon Her Majesty's pleasure. The Commissioners, therefore, have no formal guarantee of independence and security of tenure as the judges of the High Court, the Comptroller and Auditor General have where as in India the Commissioners have fixed service term. According to the Constitution at least half of the total strength of the members of the Commission is drawn from the top most public services who have served as Government servants at least for ten years. As regards the other half of the members of the Commission, the Constitution does not specify any qualifications. A great deal of care has been taken in this regard. The appointments have generally been made from the ranks of educationalists, lawyers, and retired judges and some from the State Public Service Commissions. Experience shows that the appointments made by the Union Government are in accordance with the spirit of the Constitution.

1. See Article 316 of the Constitution (Draft Article 283). At one time the Union Constitution Committee contemplated Presidential appointment of members of the Public Service Commission in his discretion. Similarly Governors at one time were to exercise this power in their discretion; Granville Austin, The Indian Constitution Corner stone of a Nation, Clarendon Press: Oxford, 1966, p. 129.

The case is not the same with the appointment of the members of the State Public Service Commissions. In many cases the appointments have been made on personal considerations rather than on grounds of qualifications or competence. The Law Commission observed in 1958:

"Having regard to the important part played by the Public Service Commission in the selection of the subordinate judiciary, we took care to examine, as far as possible, the Chairman and some of the members of the Public Service Commissions in various states. We are constrained to observe that the personnel of these Public Service Commissions in some of the States was not such as could inspire confidence, from the point of view of either efficiency or impartiality. There appears to be little doubt that in some of the States, appointments to these Commissions are made not on considerations of merit but on grounds of party and political affiliations. The evidence given by members of the Public Service Commissions in some of the States does not create the feeling that they had deserved to be in the responsible posts they occupy .......

It is essential that the discretionary power of the executive in regard to appointments to the Public Service

Commissions should be governed by healthy conventions. Several retired Chairmen and members suggested that the President should appoint members of both the Union Public Service Commission and the State Public Service Commissions and the President should be assisted by a body of persons of the highest public standing and integrity in India. The Administrative Reforms Commission has suggested that the State Government should be advised by a panel consisting of the Chairman of the U.P.S.C. or his nominee, the Chairman of the State Public Service Commission (even in the appointment of his own successor, and a nominee of the State Government in the matter of appointment of members. This system is more practicable. It reconciles different opinions on the appointment to the State Public Service Commission.

The members of the Commission are appointed for a period of six years or till the age of sixty five and in the case of State Public Service Commissions till the age of sixty. This difference between the ages of retirement of the two commissions is not understandable. If a person becomes unfit to continue to work as a member of a State Public Service Commission at the age of sixty, surely he may not be able to discharge the more onerous and more responsible functions of the superior body which shoulders the responsibilities of a similar nature. Therefore, there is no justification for such
difference in retirement age. The age of retirement of the State Public Service Commissions also should be fixed at 65 years. The President may remove any member on grounds of misbehaviour, or favoritism or mental or physical incompetence for the office, after an enquiry and recommendation by the judges of Chief Justice Supreme Court of India. It gives sufficient safeguards to the members against wrong charges. In U.K., Canada, and Australia the members can not be removed by regular executives and approval of both the Houses of Parliament is necessary. In the U.S.A. the President possesses the power of removing to any member of Federal Public Service Commission at his own discretion. The method of removal of the members of the Indian Public Service Commission secures a balance, between rigidity and flexibility. It does not require the approval of both the Houses of the Parliament, as in the case of the United Kingdom and at the same time the Constitution gives proper protection to the members, unlike the practice in the U.S.A. against wrong charges by requiring a report of the Supreme Court.


2. The method of removal of the members of the Indian P.S.C. secures a balance between rigidity and flexibility. It does not require the approval of both the houses of the Parliament as in the case of the U.K. and at the same time the Constitution gives proper protection to the members, unlike the practice in the U.S.A. against wrong charges by requiring a report of the Supreme Court. C.N.Bhalerao, op.cit., pp. 27-28.

In order to emphasise and ensure the independence of the Public Service Commissions, the Constitution imposes restrictions on further employment of the Chairmen and other members of the Public Service Commissions under the Government after retirement. Art 818 of the Indian Constitution has laid down following provisions:

a. The Chairman and the members of the Union Public Commission the Service/ and/State Public Service Commissions shall not be appointed to any other employment either under the Government of India or under the Government of States.

b. The Chairman of a state Public Service Commission shall be eligible for appointment as the Chairman or a member of the U.P.S.C. or as the Chairman of any other State Public Service Commission.

c. A member except the Chairman of the U.P.S.C. shall be eligible for appointment as the Chairman of the U.P.S.C. or as the Chairman of a State P.S.C.

d. Any member except the Chairman as a State P.S.C. shall be 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.

Such provisions are unique in India and no other country has imposed such an absolute ban on the re-employment.
Dr. Ambedkar remarked "one way of making them independent of the executive is to deprive them of any office with which the executive might tempt them to depart from their duty."

The provisions regarding restriction on re-employment are similar to those, in the Government of India Act, 1935. These provisions were supposedly intended against the representative Ministers who were to take office under the Act and might seek to influence the Members of a Public Service Commission by holding prospects further office and thus jeopardize the independence of the members. Now such restrictions have no validity. The mode of working of a Commission leaves no opportunity for arbitrary judgment of an individual member in any crucial matter. Most of the decisions are taken by the Commission as a whole. At the same time it is not likely to be accepted that members of such a high status would be influenced by personal factors.

Moreover, the existing restrictions have failed to attract the young and able men for serving on the Commissions


because they have no opportunity for further employment. It limits the field from which appointment may be made. Therefore, it would be desirable that the Constitutional restrictions on the further employment of members of the Public Service Commissions under Government were entirely removed.

CONDITIONS OF SERVICE OF MEMBERS — SALARY, STATUS AND PENSION:

According to Article 318 of the Constitution, President or Governor has powers of determining the conditions of service of the Chairman and other members of the Public Service Commissions. Salary and Pension drawn by commissioners vary from state to state. For example, members of the Kerala Public Service Commission draw a salary of Rs.1250/- per month whereas in many other states their salary is Rs.2,000/- per month. Although there can not be a hard and fast rule in this regard because of different conditions of the different states, but there should not be a vast difference in salary paid to the members of different states Public Service Commissions. Regarding the grant of pension also, there is no uniformity. It is not provided in all the states and where it is provided, in different quantums. The need is therefore, to provide a pension to members in all Public Service Commissions and as far as possible in uniformity.

1. Ibid., Chapter 2, para 6, Sub-para 6 and 7.
ORGANISATION AND WORKING OF THE PUBLIC SERVICE COMMISSION

As a standard setting agency, the Commission has responsibility to formulate and carry out a personnel programme within its own organisation. It executes these programmes mostly through certain committees. The Committees report their conclusion, on matters referred to them, to the Chairman of the Commission. The Chairman decides that whether these conclusions should be referred to a meeting of the Commission for further consideration or not. If it is necessary, he places the relevant matters before the whole Commission. This system saves time and money by limiting the number of cases which come before the full Commission.

In matters of internal administration of the Commission, the Chairman acts as the Head of the Department and the Secretary as the Head of the Office. The Chairman makes appointments to the superior posts of the Secretariat staff whereas appointments to the lower rungs are made by the Secretary. The Secretary keeps records in regard to all the decisions of the Commission which are communicated by him on behalf of the Commission to outside agencies. While the President has power to determine the number of permanent employees of the Commission's Secretariat, the temporary and permanent posts from time to time according to the conditions laid down in the U.P.S.C. (staff) Regulations, 1958", and a notification of the Ministry of Home Affairs of May 21, 1963.
The Secretary is appointed by the Commission for a fixed term, which can be extended. Almost all the members of the Secretariat are borrowed from the All India Services and Central Services. The Commission has no separate staffing system of its own. The technical officials are appointed by the Commission itself. As far as technical officials are concerned, their potential is not being put to full utilization because a Commissioner specializing in a particular field can only sit on the selection board for filling posts in respective fields.

The internal office organisation of the Commission has changed from time to time according to the needs of administration. The present Commission is divided into branches and the Secretary works as a Coordinator of all the activities of the Commission's office as a whole.

The volume of work of the different Public Service Commissions in recent years has increased in quantity as well as complexity. Therefore, it is essential that the secretariats of the Commissions are staffed with competent personnel in adequate numbers. The secretariats of some of the State Commissions are small because officials have few opportunities for promotion. The Administrative Reforms Commission has suggested that wherever the secretariats have been constituted into separate units, free exchange of personnel between the
Public Service Commission and the Government Department would be desirable, so that there may be better avenues of promotion. Transfers of personnel should be made with the consultation of the Chairman of the Public Service Commission.1

The Public Service Commissions hold competitive examinations for recruitment which are based on written examinations and interview besides these competitive examinations the commission also make direct recruitment by interviews for specific posts.

The Union Public Service Commission is, generally, concerned with the middle and higher public services like All India Services, Central Services Class I and Class II exclude from its preview is the recruitment procedure of class IV and the majority of class III employees.2

In addition to the work of holding examinations for recruitment, U.P.S.C. is also responsible for advertisements, scrutinising application and answering them. But it is only for 2% of the Union Services. As far as other services are concerned U.P.S.C. is responsible only with conducting of the examinations for recruitment.

2. Indian Institute of Public Administration, The Organisation of the Government of India, Chapter XXXI.
The State Public Service Commissions make recruitment to the State Services class I and II on the basis of the competitive examinations and interview. However, the Commissions have adopted different practices in this regard. For example, some commissions such as the Madhya Pradesh and Mysore Public Service Commissions select candidates only by the method of interview.

**CONTACT BETWEEN UNION PUBLIC SERVICE COMMISSION AND THE STATE PUBLIC SERVICE COMMISSIONS**

The conferences between the Public Service Commissions have very useful purposes. Unfortunately there is hardly any **liaison** between U.P.S.C. and State Public Service Commissions. In the past, some conferences of members of the Union Public Service Commission and the Chairmen of State Public Service Commissions have been held. But they are very few in numbers. The changing pattern of administration in a developing welfare state demands more frequent contact. It is helpful for interchanging the views and experience and thus to evolve a uniform recruitment standard and pattern for whole of the country. Further it is useful for improving the competence of the secretariates of the Commissions. The U.P.S.C. consists a well-organised secretariat and if the officers of State Public Service Commissions are attached to U.P.S.C.'s secretariat, they may acquaint themselves with methods of dealing
with recruitment matters. Therefore, the conferences between the Union Public Service Commission and State Public Commissions should be held at least once in two years.

ROLE OF THE PUBLIC SERVICE COMMISSION IN DISCIPLINARY MATTERS

According to Art. 320(3) of the Indian Constitution, the Public Service Commissions shall be consulted by the Government in imposition of penalties on the government servants. This provision is important from the point of view of maintaining the morale and creating a sense of security among the civil servants. It is however argued that the Public Service Commission should not be burdened with much work, and disciplinary matters should be left to the Administrative Tribunals. The Team on Administrative Tribunals recommended that such Tribunals should be established with a quasi-judicial status with a Chairman of the ranks of a High Court Judges. It also suggested that the Commissions should be consulted in respect of minor penalties and not in respect of major penalties.¹ But there is no need for such a differentiation. If Appellate Tribunals are set up, all

¹ There are seven types of penalties in case of which the Public Service Commission is consulted these, with holding of increments or promotion, recovery of pecuniary loss, and compulsory retirement are defined as minor penalties and reduction in rank and removal and dismissal from service as major penalties. Report of Study Team on Recruitment, op.cit., Chapter 2, para 8, Sub-para, and Appendix XI pp. 86-89.
the disciplinary matters may be taken out of the preview of the Public Service Commission.

The Public Service Commission has been made a powerful personnel agency in India. It has a heavy working load and its work is increasing every year. In 1950 the number of examinations held was 24 and only 19,983 candidates applied for the examinations. After 13 years, in 1963, the number of examination held had been increased to 57 and 33,287 candidates applied for the examination. The following Table depicts the increase in the volume of work of the U.P.S.C. between 1950 and 1963.  

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| Year | Recruitment by Examination | | | Recruitment by Interview | |
|------|-----------------------------| | | ---------------------------| |
|      | No. of Examinations held | No. of Candidates who applied | No. of Candidates who interviewed | No. of Applications Received | No. of Candidates Interviewed |
| 1950 | 24 | 19,983 | 1,252 | 16,000 | 5,663 |
| 1951 | 24 | 22,810 | 727 | 12,277 | 3,647 |
| 1952 | 25 | 19,442 | 875 | 21,249 | 2,837 |
| 1953 | 30 | 21,191 | 1,147 | 29,500 | 3,360 |
| 1954 | 30 | 28,900 | 1,173 | 31,636 | 5,122 |
| 1955 | 30 | 41,662 | 1,191 | 41,531 | 5,471 |
| 1956 | 30 | 65,187 | 1,911 | 49,861 | 8,962 |
| 1957 | 27 | 56,956 | 2,870 | 47,726 | 9,519 |
| 1958 | 23 | 78,620 | 1,759 | 37,304 | 8,180 |
| 1959 | 78 | 62,802 | 1,636 | 32,366 | 7,707 |
| 1960 | 82 | 35,613 | 1,341 | 34,479 | 7,302 |
| 1961 | 55 | 36,985 | 1,621 | 36,270 | 12,180 |
| 1962 | 58 | 52,429 | 1,739 | 57,129 | 12,180 |
| 1963 | 57 | 33,287 | 1,819 | 54,270 | 12,521 |

For such a heavy work the present staff of the Public Service Commission is not adequate. Paul H. Appleby in his report has suggested that, "Staff of the Public Service Commission should be enlarged so as to enable it to manage the larger recruitment programmes envisaged and thus to keep available long registers of eligible ready to be appointed as needed and
cadres reserves and trainees in employed preparation for later higher service or mobile assignment."

The Commission should carry on more reserve and development work. It should give proper advice in preparing standard job descriptions and specifications to guide the field agencies in allocating positions and in developing standards of experience and training. One writer has suggested that the Public Service Commission, should take part in the administration of the classification system and periodical review of payscales of civil servants as in Canada. It would be in the interest of a sound merit system.

The Commission should conduct research in checking whether the tests are able to measure the aptitude and abilities actually required for the service. Similarly it should be entrusted with the work of merit recognition among the civil servants. Outstanding civil servants can not be obtained by ordinary recruitment system. The Commission should envisage certain original competitions in the various fields of Public Administration in which all the public servants should be allowed to compete. Those who prove their ability in such competitions should be picked up and placed in position

according to their special calibre. A systematic review of the results of recruitment and of undertaking research in selection procedures requires establishment of a research cell in each Public Service Commission. The State Public Service Commissions are not paying proper attention to it. However the Union Public Service Commission has a Research Cell, but it is not staffed adequately to undertake intensive research studies. It is essential therefore, that each Public Service Commission should have a Research Cell adequately staffed to collect and interpret all data regarding recruitment.

Above all, there should be given utmost attention to the positive side of personnel management, how to motivate and channelise human effort in government in other words, how to overcome the evils of "bureaucracy", as that word is used by government's critics.

One of the important factors in the organisation and functions of Public Service Commission in India is the lack of arrangements for coordinating the personnel policies and procedures either at the Centre or the State or on a All India level. In U.K. there is a Standing Committee of

Establishment Officers to advise the Treasury on all personnel matters. The U.S.A. also has a Federal Council for this purpose. In India however, there is no such organisation. It is, therefore, essential that there should be a "Personnel Board" both at the centre and state levels. The members of the respective Public Service Commissions should be represented under the presidentship of the Chairman of the Public Service Commission concerned. An exchange of ideas and suggestions periodically at least once a month would ensure greater coordination and realism in the States.

Further, the experience and observations of the Union and State Public Service Commissions about the quality of candidates who have been interviewed by them or have applied to them should be analysed and brought before the universities and other educational authorities. These reports should be annually reviewed and should in turn be linked with programme of improvement in the field of education. Secondly, there is need of greater contact and exchange of opinion between the Public Service Commission and the department for which recruitment is undertaken. In this way the Public Service Commission could do much for the administrators by framing specifications for various posts. At the same it

would also be helpful to the Public Service Commission. A coordination between the Public Service Commission and the administrative authorities would lead to a marked reduction in temporary and ad hoc recruitments. Thirdly, the candidates who appear in the examination and are not selected for particular posts should be listed. The administrative authorities may consider them for temporary appointment to meet their emergencies. Fourthly, the methods and procedures of selection to different kinds of posts such as administrative, scientific and technical services should be continually re-assessed according to new requirements.

There are several complaints against the Public Service Commissions for delays in placing of the requisition and the final appointment. These delays occur due to various reasons. First of all, there is inadequate advance planning of recruitment. Pre-planning of recruitment would not only enable the Government to plan the requisition well but also allow Commission to carry out their work immediately. The requisition for recruitment should be made at sufficiently high levels in Government and in particular cases, informal consultation with the Public Service Commission would avoid delays.

Delay may be due to inadequate accommodation for conducting examinations. For this purpose the Public Service Commissions should have their own examination Halls. Further
there is delay in ascertaining the final preference of candidates in the case of common examinations, for a number of services. Considerable time is wasted in consulting candidates for their final preference. The Administrative Reforms Commission has proposed that "The practice in the Government of India for the combined competitive Examination should be introduced in the States. All successful candidates should automatically indicate their final preferences within 10 days of the publication of the result failing which, the preferences given in the application form will be treated as final."

There are also delays in matters relating to promotions. It is because that the cases are referred to the Public Service Commissions without complete or sufficient datas. Such delays can be avoided by enforcement of strict instructions regarding submission of all the relevant information in respect of cases in which the Public Service Commission is involved.

DEPARTMENTAL SERVICE COMMISSION

The Union Public Service Commission is not the sole recruiting authority. Recruitment to the posts excluded from

the purview of the Commission is made either by the ministers or by the departmental recruiting agencies. The operating departments or agencies have little direct concern with overall standards of personnel selection and administration. But they too have an important place in personnel management since they have to perform the task of initiation and supervision, and have to process, and terminate the employment of their personnel.

The Services in Class III and Class IV categories under Government at the Centre and in the States have been kept out of the purview of the Public Service Commission. Most departments do their recruitment to these posts independently of each other. In many cases individual officers make recruitment on their own. This practice is not sound as chances of favouritism and nepotism at the lower levels weaken the administrative edifice and due to the lack of efficiency at the lower echelous of the administrative hierarchy, the whole process becomes tardy and sluggish.

Until 1924 recruitment to Provincial and Subordinate Services was made partly by promotion and partly by nomination. Power of nomination was held by Governor, Executive Councillors, Secretaries or Heads of the departments. In 1915, the Islington

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Commission has recommended for the setting up of selection Committees for recruitment to the Provincial and Subordinate Services. On the recommendation of the Commission, Staff Selection Boards were set up for the Presidencies of Madras and Bombay. Staff Selection Boards conducted the qualifying examinations and interview for recruitment. In Bombay there were ad hoc selection Boards for making appointments to gazetted and clerical posts in the different departments.

Under the present procedure posts in class III and Class IV which are excluded from the direct recruitment by the Union Public Service Commission, are filled through the Employment Exchanges. The Employment Exchanges maintain a list of eligibles according to the qualifications of applicants. The recommendation for the candidates is made by the concerned ministries and then candidates are examined by a Departmental Selection Board or group of persons authorized for this work, who make final selection of the candidates.

RAILWAYS SERVICE COMMISSIONS

Generally, Ministry of Home Affairs is responsible for rules and regulations regarding all public services. However


the services under the control of the Railways Ministry and the Department of the Atomic Energy have been kept out of the purview of the Ministry of Home Affairs. These services are excluded from the control of the Ministry of Home Affairs partly due to historical reasons and partly because they are commercial departments. Railways Ministry has full authority of rule making on all personnel matters relating to railway servants. However it has to take advice from the Ministry of Home Affairs on important matters which are similar to the other services in order to keep maximum uniformity in the general procedures and principles of the Public services.

For appointments to Class III services in the Railways, there are four zonal headquarters of the Commissions located at Madras, Bombay, Allahabad and Calcutta which work for six railway zones. Railway Service Commissions perform two types of functions. First, they make recruitment to a certain classes of railway employees and second, they are responsible for appointment of candidates selected for non-gazetted services. Further, the Commissions are also responsible for disciplinary matters and for actions against these employees.

The Railway Service Commissions confine themselves only to the recruitment of Class III employees both technical and non-technical. Recruitment to class IV employees is left in the hands of departmental authorities. The Commissions have
also authority to make recruitment from outside the existing services, and have no relation with the departmental promotion committees and their work.

A Railway Board at the Central level makes appointments of the members of the Commissions after consultation with the U.P.S.C. Most of the members are very senior retired railway officers. There are, however, a few exceptions when some appointments are made from among eminent public men and educationists. They hold their offices for a term of three years.

**ORGANISATION AND OPERATION**

The Secretariate of the Railway Commission is headed by a Secretary who will be a serving officer of the Railway Service. Other staff is borrowed from the other railway offices on a deputation basis. Each of the Commissions is assisted by a small subordinate staff.

Ministry of Railways is one of the largest employers in the governmental sector. In the year 1963-64, the Railway Service Commissions made recruitment to about 28097 vacancies in the non-technical services and about 2980 vacancies in technical services. In order to fill these vacancies, the Commissions hold competitive written examinations and oral
interviews. The Railway Service Commissions have to face some difficulties in finding out the suitable candidates for technical posts reserved for scheduled caste and tribes.¹

THE POSTS & TELEGRAPHS SERVICE BOARD

Besides Ministry of Railways the Posts & Telegraphs Department of the Ministry of Transport and Communication also has a separate agency for recruitment to its subordinate services.

A senior retired officer of the department was appointed in 1961 to enquire into the need for creating a posts and Telegraphs Service Commission.² On the recommendation of the report of the officer a Posts & Telegraphs service Board was formed. Before creation of this Board recruitment was made by different departmental authorities and different methods were followed.

The Post & Telegraph Service Board is intended to recruit employees to class III services both technical and non-technical and not for recruitment to class IV employees. In practice, this Board however, does not exercise these functions and is

¹ Pai Panandikar, op.cit., p. 71.
concern merely with departmental promotion system. The selection Board in the administrative offices continue to follow the procedures in recruitment and selections which previously existed.

However, there is no full utilization of the Service Board. It is not in its full operation. The traditional procedures of recruitment waste a good deal of time of senior officers in making appointments to these services. Therefore, until and unless the Board is given its full authority it is not possible to assess its success and failure.

As far as departmental recruitment is concerned, there is not a single central agency to serve the recruitment needs of different departments. Often the qualifications of posts of different departments are identical. It would be more economical and efficient if Departmental Service Commissions were set up on the pattern of the Railway Service Commissions to serve the needs of the other departments. The members of such commissions may be appointed in the same way as the members of Railway Service Commissions after consulting with the Public Service Commission concerned. It will speed up the work of recruitment, make better coordination possible and minimise unnecessary duplication.
PERSONNEL AGENCIES

All rules and regulations with regard to the services at the Central level are under the jurisdiction of the Parliament and the President is authorized to exercise over all managerial and supervisory functions. In actual practice however, functions at the highest level are performed by a few organisations - the Ministry of Home Affairs, the Union Public Service Commission, Departmental Selection Board, Establishment Offices and Ministry of Finance. However the Central Personnel Agency of Ministry of Home Affairs occupies highest position among the personnel units of the Government of India. The higher classes of the Central Services are dealt with centrally while all matters concerning class III and class IV services are assigned to executive ministries.

CENTRAL PERSONNEL AGENCY

Central Personnel Agency is to provide staff assistance at the central level. It is an operating personnel unit which has been placed under the executive arm of the Government of India. Central Personnel Agency is concerned with the formulation of personnel rules generally applicable to all the services in personnel matters. It gives suggestions to the departments in dealing with individual cases, and induces the departments to recognise personnel problems and for making provision to meet them.
It also maintains detailed confidential records on the members of the All India Services and of Central Secretariat services at and above the level of under-Secretaries. Until recently it was also concerned with posting and records of lower employees. But owing to heavy load of work the decision was taken to decentralize all records keeping and postings of central secretariat service personnel up to the level of section officers to the executive ministries.

Besides these functions central Personnel Agency is also responsible for some progressive aspects of personnel administration like career development, talent hunting, research etc. which do not receive adequate attention at present.

Administrative Reforms Commission recommended that Central Personnel Agency should be entrusted with following work:

1. Personnel Policies;
2. Manpower Planning;
3. Career Development;
4. Overall aspects of training;
5. Service Rules;
6. Management of All India and Inter-Ministry Services;
7. Posting to Key positions;

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8. Welfare;


Central Personnel Agency does not carry out its functions single handed. It shares responsibility in a number of important matters with other units. For example, it consults Finance Ministry regarding financial implications. Though it is not necessary to refer every single case to it but if there is a question of revising or changing the entire salary structure in a department, it has to be referred to the Finance Ministry. Central Personnel Agency shares responsibility in matters of appointments to key positions with the cabinet secretary. And the Union Public Service Commission is also authorized in certain matters of personnel management. Thus there is multiple control on some important aspects of personnel management. The Estimate Committee while reviewing this position pointed out:

"We do not consider that such an arrangement is conducive to efficient personnel management. We find that there is no single point in the administrative machine where experienced administrators may be put together who may devote attention in uniform way to all service problems which lead to administrative efficiency. There should be such a focal point

which may enable them to play their role in the administration and if they fail to do so they may be held responsible for it. We, therefore, recommend that the primary responsibility for all personnel matters should squarely rest in one organisation."

It is said that single organisation is necessary for securing uniformity and for proper control and regulation. But it seems impossible to secure uniformity in action because administration has to perform various functions dissimilar to each other in different conditions. Therefore, it is desirable to delegate discretionary powers to subordinate authorities even at a little risk. The Central Personnel Agency should be entrusted with the development of proper personnel policies and practices and not to burden itself with detailed control.

It is suggested that personnel units working under different ministries should be bodily transferred to the Central Personnel Agency. However, care should be taken that it should not burden itself with deep rooted prejudices and routine and time consuming procedures which these units have to conform to. The structure and functions of the new agency, therefore, should be formulated with care.

ORGANISATION

The Central Personnel Agency is functionally grouped into two main units each under a joint Secretary. One of them is entrusted with the postings to the higher secretariat posts. For this purpose it maintains detailed confidential records of members of All India Services and of Central Secretariat service above the rank of Section Officers.

Actually, appointments are made by the Central Establishment Board of three ex-officio members and three relating members. The Board is headed by Joint Secretary as the ex-officio Secretary who prepares list of eligible, suitable and available officers for appointment to the Central Secretariat posts.

The Establishment Officer also provides help to the Secretary of Appointments Committee of the Cabinet. The Appointments Committee is generally, responsible for appointments to posts carrying a salary of Rs.2,000 per month and above. The Joint Secretary of the Establishment Division has has power over seven establishment sections in which four are responsible for recruitment of personnel to all central Services, allocation of personnel selected through the competitive examination, matters pertaining to discipline in the services, control over the service personnel, and the conditions of service in the central Government. The other three sections
are concerned with All India Services.¹

The Administrative Reforms Commission has made some recommendations regarding the structure of new personnel agency. It has suggested that a top man on personnel should be appointed as an expert immediately after a decision to constitute this agency. His service term should be sufficiently long. A senior and experienced Secretary should act as head of the agency. The expert may be appointed as an of Additional Secretary and might work as an Advisor to the Government of India on Personnel. A small Advisory Unit consisting of 5 to 6 experts in various branches of personnel administration should assist this Advisor.²

PERSONNEL UNIT IN DEPARTMENTS

Further there are personnel agencies at the level of individual ministries and departments. The agencies still deal with some high policy matters. But they do not maintain records of the members of All India Services or the higher grades of the Central Secretariat Service. Actually the role of Departmental Personnel Units is more important in the

¹ Pai Panandikar, Personnel System for Development Administration, op.cit., p. 77.
² Report, Study Team on Personnel Administration, op.cit., p. 366.
subordinate and attached offices than at the Secretariat. Agencies are responsible for personnel matters like recruitment of non-gazetted staff which is not within the purview of the Union Public Service Commission, transfers, service conditions, and maintaining of confidential records on all its personnel up to Section Officers level at the secretariat and up to the higher levels in the executive departments. Departmental personnel Agency have various sections. Each of them is connected with one aspect of establishment work.

However, the developmental functions of personnel management like personnel planning, career development, long term policy about training, are not fully realised. The Heads of Departments do not take interest in personnel problems because they have no proper staff assistance in specialised fields. Therefore, it is essential to establish a properly staffed personnel unit in each department. The Personnel units should deal only with policy questions and the day-to-day problems should be handled by the Head Quarters Organisations. There should be two distinct wings for these functions.

PERSONNEL UNITS IN STATE GOVERNMENTS

The State Government does not have single agency for all personnel functions, as in the case of the central Government. All the developmental personnel functions such as career developmental schemes, overall aspects of training, research in
personnel administration are mixed with the day-to-day administration. Manpower planning is made on a general basis in planning and development departments in some states and by the Administrative Department of the Secretariat/others.

Under the present system in State, most administrative powers are vested in the Secretariat Departments. In some states, even powers relating to class II posts have not been delegated to Heads of Departments. They are responsible only for non-gazetted and subordinate service staffs. It would be in the interest of strengthening of personnel departments and efficiency to delegate the functions in regard to postings transfers officiating appointments, to the Heads of Departments even in respect of the gazetted posts. Personnel management is a specialized branch of administration. Therefore, it is expected that the different wings of these Personnel Agencies should be manned by persons having the requisite professional skills. The days of a generalist administrators are dwindling fast and the age of technocracy in place of bureaucracy is gradually emerging. In the Industrial state of the present age, even bureaucracy operating in the 'law and order' state is becoming out of. Even the mere consideration of efficiency and public spiritedness bring out a welfare state would not be sufficient.
A proper system of specialised recruitment is therefore the need of the hour, where knowledge and competence occupies pride of place in every scheme of recruitment. The authorities to which the power of recruitment is assigned should work at various levels taking into account the demands of the services and the need of the situation. Concentration of this authority where millions are involved would not only lend the system to abuses, it will facilitate the entry of unfit and undesirable persons. It would also cause inordinate delays. Moreover the specialised types of services would require specialised types of recruiting agencies. For purposes of securing coordination, providing for unity of command and facilitating span of control, some central agency should be invariably provided.