

## UNION PUBLIC SERVICE COMMISSION

- The **Union Public Service Commission (UPSC)** is the **central recruiting agency** in India.
- It is an independent constitutional body in the sense that it has been directly created by the constitution.
- **Articles 315-323 in Part XIV** of the constitution contains elaborate provisions regarding the composition, appointment and removal of members along with the independence, powers and functions of the UPSC.

<b>Articles related to UPSC</b>	
<b>315</b>	Public Service Commission for the Union and for the states
<b>316</b>	Appointment and term of office of members
<b>317</b>	Removal and suspension of a member of a Public Service Commission
<b>318</b>	Power to make regulations as to conditions of service of members and staff of the commission
<b>319</b>	Prohibition as to the holding of office by members of commission on ceasing to be such members
<b>320</b>	Functions of Public Service Commissions
<b>321</b>	Power to extend functions of Public Service Commissions
<b>322</b>	Expenses of Public Service Commissions
<b>323</b>	Reports of Public Service Commissions

## COMPOSITION :-

- The UPSC consists of a chairman and other members appointed by the President of India. (**Article 316**)
- The Constitution, without specifying the strength of the Commission has left the matter to the discretion of the President, who determines its composition. Usually, the Commission consists of 9 to 11 members including the chairman. (**Article 318**)
- Further, no qualifications are prescribed for the Commission's membership except that one-half of the members of the Commission should be such persons who have held the office for at least 10 years either under the Government of India or under the government of the state.
- The Constitution also authorizes the President to determine the conditions of service of the chairman and other members of the Commission. (**Article 318**)
- The Chairman and members of the Commission hold office for a term of 6 years or until they attain the age of 65 years., whichever is earlier.
- However they can relinquish their office at any time by addressing their resignation to the President.
- They can also be removed before the expiry of their term by the President in the manner as provided in the Constitution.
- The President can appoint one of the members of the UPSC as an acting chairman in the following 2 circumstances :
  1. When the office of the chairman falls vacant; or
  2. When the chairman is unable to perform his functions due to absence or some other reason.

The acting chairman functions till a person appointed as Chairman enters on the duties of the office or till the Chairman is able to resume his duties.

## REMOVAL :-

- As per **Article 317**, The President can remove the Chairman or any other member of UPSC from the office under the following circumstances:
  1. If he is adjudged an insolvent (i.e. has gone bankrupt);
  2. If he engages, during his term of office, in any paid employment outside the duties of his office; or
  3. If he is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.
- In addition to these, the President can also remove the Chairman or any other member of UPSC for misbehavior. However, in this case, the President has to refer the matter to the Supreme Court for an enquiry. If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, the President can remove the chairman or a member.
- Under the provision of the Constitution, the advise tendered by the Supreme Court in this regard is binding on the President. During the course of enquiry by the Supreme Court, the President can suspend the chairman or the member of UPSC.

## INDEPENDENCE :-

- The Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the UPSC:
  1. The chairman and member of the UPSC enjoy security of tenure as they can be removed from the office by the President only in the manner and on the grounds mentioned in the Constitution.
  2. The conditions of service though determined by the President, cannot be varied to his disadvantage after his appointment.
  3. The entire expenses including the salaries, allowance and pensions of the chairman and members of the UPSC are charged on the Consolidated Fund of India. (**Article 322**)

4. The Chairman of UPSC (on ceasing to hold office) is not eligible for further employment in the Government of India or a state. (**Article 319**)
5. A member of UPSC (on ceasing to hold office) is eligible for appointment as the chairman of UPSC or a State Public Service Commission (SPSC), but not for any other employment in the Government of India or a State. (**Article 319**)

## **FUNCTIONS :-**

- The functions of the UPSC are mentioned in the **Article 320** of the Constitution.
- The UPSC performs the following functions:
  1. It conducts examinations for appointments to the All-India Services, Central Services and public services of the centrally administered territories.
  2. It assists the states (if requested by two or more states to do so) in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.
  3. It serves all or any need of a state on the request of the State Governor and with the approval of the President of India.
  4. The Union Public Service Commission shall be consulted:
    - on all matters relating to
      - methods of recruitment to civil services and for civil posts.
      - making appointments to civil services and posts.
      - making promotions and transfers from one service to another.
      - the suitability of candidates for such appointments, promotions or transfers.
    - on all disciplinary matters against a civil servant serving in a civil capacity, including memorials or petitions relating to such matters.
    - on any claim by or in respect of a person who is serving or has served in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of India.
    - on any claim for the award of a pension in respect of injuries sustained by a person while serving in a civil capacity, and any question as to the amount of such award.
- As per **Article 321**, an Act made by Parliament may provide for the exercise of additional functions by the Union Public Service Commission with respect to services of the Union.
- As per **Article 323**, it will be the duty of the Union Commission to annually present a report to the President of the work done by the Commission. On receipt of such report, the President shall present a copy before each House of Parliament; together with a memorandum, if any, explaining the reasons where the advice of the Commission was not accepted by him.

## **ROLE OF UPSC IN INDIA:-**

- The Constitution visualizes the UPSC to be the ‘watch-dog of merit system’ in India.
- But the role of UPSC is not only limited, but also recommendations made by it are only of advisory nature and hence, not binding on the government.
- It is upon the Union government to accept or reject that advise.
- The only safeguard is the answerability of the government to the Parliament for departing from the recommendations of the Commission.

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