

Competitive Exams: Political Science Study Material Public Service Commissions

Public Service Commissions

- Provisions regarding the Public Service Commissions are contained from Article 315 to Article 323.
- There shall be a Public Service Commission for the Union and Public Service Commissions for the States.
- The SPSCs created, like UPSC, directly by the Constitution. A Joint State Public Service Commission (JSPSC) can be created by an act of the Parliament on the request of the Legislature of the State concerned.
- The UPSC can also serve the needs of a State on the request of the State Governor and with the approval of the President of India.
- The UPSC is the central recruiting agency in India.
- It is an independent Constitutional body in the sense that it is directly created by the Constitution of India.
- The members of the UPSC and the SPSCs are to be appointed by the President and the Governor respectively.
- The composition of the Commission is determined by the President or the Governors in case of the UPSC and the SPSCs respectively.
- The Constitution provides that one half of the members of the Commission should be such persons who have held any office for atleast ten years under the Government.
- The President or the Governor determines the conditions of service of the members of the commission
- The Chairman and the members of the UPSC shall hold office for a term of six years or until they attain the age of 65 years, whichever is earlier.
- The Chairman and the members of the SPSC and the JSPSC shall hold office for a term of six years or until they attain the age of 62 years, whichever is earlier.
- The Chairman and other members of a JSPSC shall be appointed by the President.

- By any reason, if the office of the Chairman of the Commission becomes vacant, and until the new Chairman has resumed, his duties be performed by such one of the other members of the Commission as the President, in the case of the UPSC and the JSPSC, and the Governor of the State in the case of the SPSC, may appoint for the purpose.
- The Chairman and the members of UPSC and JSPSC can relinquish their offices at any time by addressing their resignation to the President, and the Chairman and members of SPSC by addressing it to the Governor of the State.
- The Chairman and the members of the Public Service Commissions shall, on the expiration of their terms of office, be ineligible for reappointment to that office.
- The Chairman or any other member of a Public Service Commission shall only be removed from his office by an order of the President on the ground of misbehavior, after the Supreme Court, on reference being made to it by the President, has on inquiry held in accordance with the procedure prescribed in that behalf, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.
- The President may by an order remove from the office, the Chairman or any other member of the Public Service Commission if the Chairman or such other member, as the case may be-
- is adjudged an insolvent; or
- engaged during his term of office in any paid employment outside the duties of his office; or
- is, in the opinion of the President, unfit to continue office by reason of infirmity of mind or body.
- The Constitution has also defined the term 'misbehavior' in this regard.
- The Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government-of any State.
- The Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission, but not for any other employment either under the Government of India or any State.
- A member other than the Chairman of the Union Public Service Commission shall be eligible for appointment as the Chairman of the Union Public Service Commission or as the Chairman of the State Public Service Commission, but not for any other employment either under the Government of India or under the Government of any State.
- A member other than the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or the member of the Union Public Service Commission or as the Chairman of that or any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of any State.

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- No reference is needed to be made to a Public Service Commission on the issue of the reservation of posts for the Backward classes, the Scheduled castes and the Scheduled tribes.
- Additional functions may be assigned to the Union Public Service Commission by an Act of the Parliament, or in the case of a State Commission by an Act of the State Legislature.
- The expenses of the Union or a State Public Service Commission, including salaries, allowances and pensions payable to or in respect to the members or the staff of the Commission, shall be charged on the Consolidated Fund of India or, as the case may be, the Consolidated Fund of the State.
- The Union Public Service Commission will present annually, to the President, a report of the work done by the Commission. It shall be the duty of the President to lay the report before each House of the Parliament. The State Public Service Commission will present annually to the Governor, a report of the work done by the Commission. It shall be the duty of the Governor to lay the report before the State Legislature. The Joint State Public Service Commission will present annually, to the Governors of each of the States, the needs of which served by the Joint Commission, a report of the work done by the Commission in relation to that State. It shall be the duty of the Governor of each concerned State to lay the report before the State Legislature concerned. The Constitution visualizes the Union Public Service Commission to be the 'Watchdog of merit system' in India.
- The function of the UPSC is to advise, not to decide.

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