

UNION PUBLIC SERVICE COMMISSION

Presentation By

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COMPOSITION, POWERS AND FUNCTIONS OF UNION PUBLIC SERVICE COMMISSION

Introduction The first Public Service Commission was set up on October 1st, 1926. However, its limited advisory functions failed to satisfy the people's aspirations and the continued stress on this aspect by the leaders of our freedom movement resulted in the setting up of the Federal Public Service Commission under the Government of India Act 1935. Under this Act, for the first time, provision was also made for the formation of Public Service Commission at the provincial level.

Composition of UPSC:

The UPSC consists of a Chairman and other members who are appointed by the President of India. Generally there are nine to eleven members including the Chairman.

Presently there is a sanctioned strength of –
One Chairman and Ten members.

Qualification : The Constitution mentions that – 50% of the members of UPSC should be those who have **held government office for at least 10 years**. It mentions no other qualification.

The President of India is empowered by the Constitution to determine the conditions of service of the Chairman and other members of the public service commission at the time of their appointment. All the members (including the Chairman) hold office for a **six years term**, or until they attain the **age of 65 years**. The members can also be removed by the President before the expiry of their term on the basis of either of the following four circumstances:

He/she goes **bankrupt**(insolvent).

He/she engages in any **paid employment outside the official duties**.

He/she becomes **mentally or bodily infirm**.

For **misbehaviour**. (In this, the matter is **enquired** by the **Supreme Court**, if he/she is found guilty the President can remove him/her).

Independence of the UPSC :

The following provisions have been made in the Constitution to ensure the impartial and independent functioning of the UPSC.

Security of Tenure : The chairman and other members of UPSC can only be removed on the basis of grounds mentioned in the constitution only.

Security of Job conditions : Even though the President decides the conditions of service of the chairman and the members but he cannot change them afterwards to their disadvantage.

Expenses : This is because the entire expenses of salaries, allowances and pensions of all the members including the chairman are charged on Consolidated fund of India.

Chairman cannot be re-employed in the Government, not even on same post : This provision is with the exception of any constitutional post, which is not considered a job under the constitution.

The members can be re-appointed to UPSC or any State PSC though, but not anywhere else.

Functions of UPSC :

Functions of the **Union Public Service Commission (UPSC)** are explained below:

It conducts exams for appointment to the All-India Services, Public services of centrally administered territories and central services.

It assists the States(if requested by 2 or more states) in formulating and implementing the schemes of joint recruitment for any services for selecting special qualification from candidates.



It can serve any or all needs of the state upon their Governor's request by permission of the President.

The UPSC consults the government upon matters related to personnel management. It presents, annually, a report on its performance to the President. The President then places this report before both the houses of Parliament, along with a memorandum which explains the cases where the Commission's advice was not accepted by the government with reasons for such non-acceptance.



It is clear by the above mentioned provisions that the UPSC makes recommendations which are only advisory in nature, hence, they are not binding on the government. However, there is a safeguard – the answerability of the Government to the Parliament for not heeding the recommendations of the commission.

The Duties and Functions of the UPSC are Mentioned Below:

(i) It conducts examinations for appointments to the services of the union, which includes all India services, central services and public services of the union territories.

(ii) It assists states in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required, if requested by any two or more states do so.

(iii) It is consulted on the following matters:

(a) All matters relating to methods of recruitment to civil services and for civil posts.

(b) The principles to be followed in making appointments to civil services and posts and in making transfers and promotions from one service to another and on the suitability of the candidates for such appointments, transfers and promotions.

(c) All disciplinary matters affecting a person serving under the Government of India in a civil capacity, including memorials or petitions relating to such matters.

(d) Any claim of costs incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his official duty.

(e) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India and any question as to the amount of any such award.

(f) Any matter related to personnel management referred to it by the president.

(g) It presents annually to the president a report as to the work done by the commission



However, the parliament can confer additional functions to the UPSC relating to the services of the union. It can also extend the function of the UPSC by placing the personnel system of any local authority or other body corporate constituted by law or of any public institution under it.



The annual report of the UPSC regarding its performance is submitted to the president. The president then gets this report laid before both the Houses of the parliament, together with a memorandum explaining the cases where the advice of the commission was not accepted and the reason for such non acceptance.



Thank You