

**ADMINISTRATION & PUBLIC
POLICY IN INDIA**

STATE PUBLIC SERVICE COMMISSION

INTRODUCTION

- ❖ **PARALLEL TO THE UNION PUBLIC SERVICE COMMISSION (UPSC) AT THE CENTRE, THERE IS A STATE PUBLIC SERVICE COMMISSION (SPSC) IN A STATE. THE SAME SET OF ARTICLES (I.E., 315 TO 323 IN PART XIV) OF THE CONSTITUTION ALSO DEAL WITH THE COMPOSITION, APPOINTMENT AND REMOVAL OF MEMBERS, POWER AND FUNCTIONS AND INDEPENDENCE OF A SPSC.**

COMPOSITION

A State Public Service Commission consists of a chairman and other members appointed by the governor of the state. The Constitution does not specify the strength of the Commission but has left the matter to the discretion of the Governor. 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 office for at least ten years either under the government of India or under the Government of a state. The Constitution also authorises the governor to determine the conditions of service of the chairman and members of the Commission.

- ❖ The chairman and members of the Commission hold office for a term of six years or until they attain the age of 62 years¹, whichever is earlier (in the case of UPSC, the age limit is 65 years). However, they can relinquish their offices at any time by addressing their resignation to the governor.
- ❖ The governor can appoint one of the members of the SPSC as an acting chairman in the following two circumstances²: (a) When the office of the chairman falls vacant; or (b) When the chairman is unable to perform his functions due to absence or some other reason. The acting chairman functions till the person appointed as chairman enters on the duties of the office or till the chairman is able to resume his duties.

REMOVAL

Although the chairman and members of a SPSC are appointed by the governor, they can be removed only by the president (and not by the governor). The president can remove them on the same grounds and in the same manner as he can remove a chairman or a member of the UPSC. Thus, he can remove him under the following circumstances:

- (a) If he is adjudged an insolvent (i.e., has gone bankrupt); or
- (b) If he engages, during his term of office, in any paid employment outside the duties of his office; or
- (c) If he is, in the opinion of the president, unfit to continue in office by reason of infirmity of mind or body³ .

INDEPENDENCE

As in the case of UPSC, the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of a SPSC:

- (a) The chairman or a member of a SPSC can be removed from office by the president only in the manner and on the grounds mentioned in the Constitution. Therefore, they enjoy the security of tenure.
- (b) The conditions of service of the chairman or a member, though determined by the governor, cannot be varied to his disadvantage after his appointment.
- (c) The entire expense including the salaries, allowances and pensions of the chairman and members of a SPSC are charged on the consolidated fund of the state. Thus, they are not subject to vote of the state legislature.
- (d) The chairman of a SPSC (on ceasing to hold office) is eligible for appointment as the chairman or a member of the UPSC or as the chairman of any other SPSC, but not for any other employment under the Government of India or a state.
- (e) A member of a SPSC (on ceasing to hold office) is eligible for appointment as the chairman or a member of the UPSC, or as the chairman of that SPSC or any other SPSC, but not for any other employment under the Government of India or a state.
- (f) The chairman or a member of a SPSC is (after having completed his first term) not eligible for reappointment to that office (that is, not eligible for second term).

FUNCTIONS

A SPSC performs all those functions in respect of the state services as the UPSC does in relation to the Central services:

- (a) It conducts examinations for appointments to the services of the state.
- (b) It is consulted on the following matters related to personnel management:
 - (i) All matters relating to methods of recruitment to civil service and for civil posts.
 - (ii) The principles to be followed in making appointments to civil services and posts & in making promotions and transfers from one service to another.
 - (iii) The suitability of candidates for appointments to civil service and posts; for promotions and transfers from one service to another; and appointments by transfer or deputation. The concerned departments make recommendations for promotion and request the SPSC to ratify them.

FUNCTIONS

- (iv) All disciplinary matters affecting a person serving under the government of the state in a civil capacity including memorials petitions relating to such matters. These include: – Censure (severe disapproval) – Withholding of increments – Withholding of promotions – Recovery of pecuniary loss – Reduction to lower service or rank (demotion) – Compulsory retirement – Removal from service – Dismissal from service
- (v) Any claim for reimbursement of legal expenses incurred by civil servant in defending legal proceedings instituted against him in respect of acts done in the execution of his official duties
- (vi) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the government of the state and any question as to the amount of any such award
- (vii) Any other matter related to the personnel management.

LIMITATIONS

The following matters are kept outside the functional jurisdiction of the SPSC. In other words, the SPSC is not consulted on the following matters:

- (a) While making reservations of appointments or posts in favour of any backward class of citizens.
- (b) While taking into consideration the claims of scheduled castes and scheduled tribes in making appointments to services and posts.

The governor can exclude posts, services and matters from the purview of the SPSC. The Constitution states that the governor, in respect to the state services and posts may make regulations specifying the matters in which, it shall not be necessary for SPSC to be consulted. But all such regulations made by the governor shall be laid before each House of the state legislature for at least 14 days. The state legislature can amend or repeal them.