

Chapter VI : SUMMARY

Chapter VI: The principle that the Public Service Commission should function independently of the executive is now universally accepted. The Constitution also visualised that the values, independence, impartiality and integrity are the basic ingredients of the Public Service Commissions. All the changes which were made in the Constitution were for the purpose of making the Members of the Public Service Commission independent of the executive and working of the Commission effective. With this in view, the term of their office was fixed, their tenure was secured, and a bar was placed against their re-appointment in the same office as also against further re-employment under Government. For the same purpose the Constitution also provided ^{for} the Annual Reports being laid before the Parliament/State Legislatures, together with a Memorandum explaining the reasons for non-acceptance of the Commission's advice.

2. As we have seen earlier the Constitution provides a fix term of six years limited to ~~the~~ ^{the} attaining ~~of~~ age of sixty years (raised to sixty-two years in 1976) for the Members and Chairmen of the State Public Service Commissions. However, this provision has not been fully made use of in some of the State Public Service Commissions because of the reasons that the Members attain the age of superannuation after completing two or three years of service with the Commission. This may have had some effect on the ^{stability} ~~suitability~~ and continuity of the Commission's functions.

3. The appointment of Members from the public field may be a controversial point, specially ^{as} it has been seen that the appointment of ex-M.L.As./M.Ps. is not infrequent in some of

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the State Public Service Commissions. It may be argued that persons belonging to a particular political party ^{owe} ~~bow~~ their allegiance to the Government (of the same party which is in power) and hence they would normally work on the dictates of the Government. On the other hand the appointment of non-official Members is provided in the Constitution with a view to give generalist advice to the Commission. The only stipulation is that such persons should be impartial and above board and their integrity and independence of thought and actions should not in the least be doubted.

4. The representation of the minorities/backward communities in the Membership of the two Public Service Commissions Bihar and U.P. has been fairly good. However, no such Member has so far been able to occupy the post of Chairman of the Bihar Public Service Commission.

5. A comparison of the work-load of Bihar and U.P. Public Service Commissions has revealed that statistically the work-load in U.P. appears to be much heavier compared to that of Bihar. However, the number of Members in the two State Commissions are almost equal. There also does not appear to have been made a systematic study of the work-load in the Commissions over the past twenty-five years because there does not appear to be a ^{direct} ~~reasonable~~ co-relation between the increase in the number of Members and the increase in the work-load.

6. It appears relevant to mention the experience of the Bihar Public Service Commission in the recruitment of Teachers of the Universities of Bihar. The Patna University and Bihar University Act, 1951, make it obligatory for the Commission to recommend two names for each post - a task difficult of achievement when there is only one applicant. There may also

be cases where the Commission may not find the second candidate suitable for the post, but they are bound to recommend two names in all the cases. Further the Act, do not specify the period within which the University must act on the recommendation of the Commission. It has happened that no action has been taken by the University even though the recommendation of the Commission has been with the University for nine or ten months. This tendency to ignore the opinion of the Commission by indefinitely postponing actions can be checked only by further legislation.

7. Finally we have noticed that in both the U.P. and Bihar Public Service Commissions the power of the Commission vests with all the Members including the Chairmen as a group, and the Chairman have got to take the opinions of the Members into consideration ~~xxx~~ in all important matters and business of the Commission. For a brief period in the U.P. Public Service Commission the Chairman virtually represented the Commission and the Members did not have much say. In 1976, the situation there also has changed and now Members and Chairman are more or less on equal footings.