

## CHAPTER 5

### Limitations, Weaknesses and Threats

In the previous chapter we tried to assess and compare the performance of UPSC with its mandated role as per the Constitution. We saw that UPSC generally came out trumps in our assessment from various angles. However from time to time policy makers, candidates, academicians and public at large have expressed their concerns and criticism on certain aspects. UPSC on its part has also been concerned about some limitations imposed or proposed on its functioning.

In this chapter we are going to look at the **limitations** imposed upon UPSC; **weaknesses** from both the point of view of UPSC and other side and possible **threats** arising out of reports of 2<sup>nd</sup> ARC. We will also see whether these affect the functioning of UPSC and if so how.

- I. Exemption from Consultation: Under Article 320 of the Constitution, Government can exempt posts/functions from the purview of UPSC.

Relevant experts are given below:

*Provided that the President as respects the all-India services and also as respects other services and posts in connection with the affairs of the Union, and the Governor, as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted<sup>31</sup>.*

Based upon above, Government enacted UPSC (exemption from consultation) Act, 1958<sup>32</sup> whereby over the years many posts have been exempted. In Annexure 'C' year wise list of posts exempted are given. From the perusal of the list we see a wide variety of posts have been excluded from the purview of UPSC. The posts excluded include some pertaining to judiciary and some others to the office of high dignitaries. These exclusions can be justified on the grounds of independence of judiciary and desire of high dignitaries to have men of their confidence. Another category that has been excluded is intelligence related posts. Ostensibly the reason is that these posts require special attributes which UPSC may not be capable of selecting the persons. The other reason put forth is that selection process requires utmost secrecy. The two reasons appear to be facetious as UPSC has been selecting officers for IPS and central police force. In

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<sup>31</sup> Accessed from [indiacode.nic.in/coiweb/welcome.html](http://indiacode.nic.in/coiweb/welcome.html)

<sup>32</sup> O.M. No.18/4/51-Estt.(B) Government of India Ministry of Home Affairs New Delhi, the 1<sup>st</sup> September, 1958

fact all selection boards are headed by Chairman/Members who are appointed from diverse background. Chairman/Member are assisted by 2-4 experts in the concerned areas and therefore the board is competent enough to appoint intelligence officers. Regarding secrecy, such selection board can meet outside, if required, although all selections made by UPSC are made under utmost secrecy.

Third categories of posts which are excluded by the Act are scientific/technical posts mainly relating to space, atomic energy etc. Apparently the reason is due to lack of expertise available with UPSC. As mentioned in previous paragraph in the present times there is expertise available with UPSC. Fourth category is that of Chief Economic Adviser and Consultants/Advisers for Planning Commission because UPSC takes long time in finalizing the case. Of course, the issue and publication of advertisements, scrutiny of these advertisements and fixing of interview will inherently take time but in the long run throw up better selection. Dr Manmohan Singh was selected by the Commission as economic adviser in 1970s. However Government also has a point since these are crucial posts and incumbent is required immediately. A via media could be considered like making ad hoc appointment (UPSC need not be consulted in such cases) with prior approval of UPSC can be done for a limited period of one year. Meanwhile UPSC can proceed with regular selections.

Finally in 2009, head of Culture Ministry's organizations like National Archive, National Museum, National Library, National Gallery of Modern Art etc. were taken out of purview of UPSC. Strangely enough earlier UPSC did the selection

of these posts but this was given to separate selection committee to be formed by the Government on case to case basis presumably to save time and have expert opinion. (Now it is believed that the Ministry is considering reverting to system of selection through the UPSC for these posts).

It may be noted that the desire of our Constitution makers was to have recruitment of higher civil service of Government of India by the UPSC. The proviso of Constitution to exempt certain post from purview of UPSC was apparently to give some leeway to Government in case of urgency and emergency. Unfortunately, this phenomenon has been used more often than what was envisaged. Over the years UPSC has gained tremendous expertise and respect in the field of recruitment and one feels, is a suitable body in recruiting many of the posts excluded from its purview by the Act. UPSC has repeatedly expressed its concern in the matter. Also there is a possibility of questions being asked about the motives of the Government in excluding certain posts.

- II. Ad hoc appointment: Another way of circumventing UPSC is by making Ad hoc appointment in which case UPSC need not be consulted. The exact provision of the UPSC (Exemption from consultation ) Act 1958<sup>33</sup> is

“ It shall not be necessary to consult the Commission in regard to the selection for a temporary or Officiating appointment to a post, if-

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<sup>33</sup> Ibid

(a) the person appointed is not likely to hold the post for a period of more than one year; and

(b) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay.

(i) such appointment shall be reported to the Commission as soon as it is made;

(ii) if the appointment continues beyond a period of six months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission.

(iii) if such estimate indicates that the person appointed is likely to hold the post for period of more than one year from the date of appointment, the Commission shall immediately be consulted, the Commission shall immediately be consulted in regard to filling up of the post.

Thus the appointments made by the Government to various Group 'A' and Group 'B' posts pending recruitment of candidates through the Commission are treated as ad-hoc appointments and are required to be reported to the Commission by all the ministries and departments through monthly and half yearly returns. However, monthly/half yearly returns from 60 ministries/departments and Union Territories were not received during the year 2010-2011. During the year 2010-11, 25 Ministries/Departments/Union Territories reported fresh ad-hoc appointments to 379 Group 'A' and 90 Group 'B' posts. During the year 2009-10, 18 Ministries/ Departments/Union Territories reported ad-hoc appointments to

281 Group 'A' and 555 Group 'B' posts. At the end of 2010-11, 115 cases of ad-hoc appointments were continuing for more than one year<sup>34</sup>.

Thus from above it is clear that many ministries/department takes the route of Ad hoc appointment without in many cases informing UPSC as per the Act. More worrying is the fact that a large number of cases (115 in 2010-2011) the ad hoc appointment has continued for over one year which is in direct contravention of the above stated Act which clearly specify that no ad hoc post can exist beyond one year and if so UPSC has to initiate selection proceedings.

- III. Regulations and staff management: Under Article 318(a) and (b), the President is given the power to make regulations regarding Members and the staff of the Commission. Therefore Government has issued UPSC (Members) Regulations 1969 and 2007, and UPSC (staff) Regulations 1958 as amended from time to time. These Regulations are regarding strength, service conditions and perks etc. pertaining to Members and staff respectively. Till 2007, the status of Members were equivalent to that of Secretary to the Government of India thereafter it became equivalent to that of CEC/EC who in turn are equivalent in status to Judges of Supreme Court of India. That is why there are two regulations. The Commission is assisted by the Secretariat in discharging its Constitutional duties. Secretariat is headed by a Secretary and comprises of other officers and staff who are regulated by UPSC (staff) Regulations 1958. These regulations

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<sup>34</sup> Taken from 61<sup>st</sup> Annual Report of UPSC

determine the structure, strength and duties at various levels in the Secretariat. Chairman, UPSC has been given the power of making ad hoc appointment up to Deputy Secretary Level so that time bound activities of the Commission especially pertaining to examination/selection processes are unaffected. However cadre strength is determined by DOP&T, Government of India.

The staff of the Secretariat is appointed in following ways:

- Secretary is appointed by the Commission on the basis of panel suggested by the Government. The Commission has the right to appoint any one to the post though till date only IAS officers have been appointed to the post.
- Other Senior level post up to Director/DS level are filled up by officers on central deputation through Central Staffing Scheme operated by DOP&T.
- Some Director/DS level posts, and all Under Secretary and Section officer level posts are filled up by officers of Central Secretariat Service (CSS). DOP&T is the cadre controlling authority of CSS.
- All posting of Assistant and clerk level are done by DOP&T from the appropriate Secretariat Services.
- There are some Cadre posts of UPSC also especially pertaining to IT section, Examination Reform section and Group D (now C). Although UPSC makes its own selection to these posts, their recruitment rules are framed by DOP&T (in some cases concurrence of UPSC is taken as per

its Constitutional role). Also overall sanctioned strength is finally by DOP&T<sup>35</sup>.

Thus we see that Government (through DOP&T) controls the staff directly or indirectly. All personnel policies of Government are applicable to UPSC as well. Through the policy of downsizing the sanctioned strength of staff of UPSC has come down from 3154 in 1981 to 2026 in 2011. Add to this a shortage of 25% the problem gets even more acute<sup>36</sup>. Also the rotational policy of Government means posting of new officers every few years which is harmful to an organization like UPSC as the institutional memory is lost which is very important to UPSC. We have seen in previous chapter (pages 75-78 *ibid*) that there has been significant increase in the workload. Thus the shortage of staff and positioning of newer employees may have effect of decline in quality and delay in finalizing of cases. Election Commission though has small cadre strength but during elections or voter list preparation/updation, they requisition any number of officers and staff. This facility however is not available with UPSC. It has to make do with IT initiatives (e.g. online applications, e-admit card etc.), outsourcing of non sensitive work and appointment of retired staff as consultants. However this is a source of concern for the Commission in discharging its functions.

IV. Delay in finalization of cases: We have seen in previous chapters, time and again references have made about delay in finalization of cases by UPSC. On the other hand even the Commission has

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<sup>35</sup> From the files of Admin I section of UPSC

<sup>36</sup> *Ibid*

expressed their unhappiness over delay in implementing their recommendations.

The complete cycle of UPSC's flagship exam—the civil services examination—takes almost 12 months. Earlier Prelims used to be held in first week of June and after Mains and interview, result would be announced in June next year just few days before next Prelims. Now Prelims are held in the third week of May and final result in first week of May next year--- i.e. 11 ½ months. Thus over the years the time cycle has come down by ½ month only. Time cycle in other exams like Engineering Services Exams, Indian Forest Service, Indian Economics/Statistics Service etc. also have long time cycle of 8-9 months. Such a long cycle deters many serious candidates to take these exams especially those who are pursuing some professional courses. Also during the period many bright candidates get good jobs elsewhere or admission in some prestigious universities of India or abroad. This leaves the vacancies unfulfilled and is a burden to both the Commission and the Government<sup>37</sup>. Defense of UPSC is that these exams are conducted all over the Country at hundreds of centers. Most of these centers are schools and hence their availability, vacations etc. have to be taken into account. This is more so since many of the exams are spread over few days. Also the effort of the Commission is to achieve zero error in the result hence there is lot of cross-checking in the system. However UPSC is also taking steps like reforms in

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<sup>37</sup> Facts are from internal files of exam branch of UPSC

Prelims exam, online applications and further computerization of internal processes to shorten the time cycle<sup>38</sup>.

Regarding other functions, UPSC has internal time for disposal of cases. For direct recruitment by interview cases a time limit of 9 months have been fixed which by itself is a long process. In 2010-11 average time taken was 11.1 months which is significantly higher than normal cases<sup>39</sup>. Although it is true that process of advertisement, scrutiny and interview takes time but the arguments put forth in preceding paragraph applies in this case also. Further powerful argument is that many of these posts are at higher level of the Government and any delay in finalization of such cases affects the functioning of the concerned ministry/department. Therefore we have seen many higher level posts have been brought under the UPSC (exemption from consultation) Act. On its part UPSC is introducing online recruitment application for certain posts as well as trying to have online test in bulk cases in order reduce the process time.

In cases of promotion, concurrence of Recruitment Rules and disciplinary cases the average time of disposal in 2010-11 came to 95days, 31.5 days and 170 days as against target time of 180 days, 30 days and 180 days respectively<sup>40</sup>. These areas relate to career progression and delay will frustrate the existing employees and is dangerous to the organization. In these cases we see that average time of disposal compares favourably with internally set target time. However there is further scope for reduction as can be seen from the introduction

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<sup>38</sup> UPSC in recent years is taking many steps to improve its processes by using IT

<sup>39</sup> From the internal files and 61<sup>st</sup> Annual report

<sup>40</sup> Ibid

of single window system in promotion cases wherein average time of disposal came further down to 60 days.

In preceding paragraphs we have seen delay on part of UPSC but it is only a recommending body. So what about the delay by the Competent Authority i.e. the Government? In respect of 89 cases of direct recruitment by interview mode, offers of appointment to candidates recommended by the Commission earlier were delayed by the Ministries/Departments for more than one year. Similarly Recruitment Rules approved by the Commission are required to be notified within 10 weeks. It is observed that there has been considerable delay on the part of the ministries/departments in notifying the Recruitment Rules finalized in consultation with them. During the year 2009-10, there were 734 cases pending notification for more than a year after these were approved by the Commission<sup>41</sup>. There were 74 cases, where offers of appointment to the candidates recommended by the Commission on the basis of results of various examinations were delayed by the ministries/departments. Of these 74 cases, as many as 31 cases were such where offers of appointments were yet to be made even though a period of more than one year had elapsed since the recommendations were made<sup>42</sup>. In the UPSC's 61<sup>st</sup> Annual Report (chapter 9) it is stated that "The Commission is of the firm view that candidates recommended by it should not be made to wait for years for the receipt of the offers of appointment from the concerned Ministries. It is also noted that in many cases, candidates selected by the Commission, in the meantime, secure placement elsewhere and do not

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<sup>41</sup> Ibid

<sup>42</sup> Ibid

become available for appointment under the Government thus rendering the whole exercise of selection of such candidates futile and in fructuous.”

Thus we can conclude that there is delay on part of both UPSC and Government which is a cause for concern. Both the parties have genuine reasons and justification of delay but as per the mandate timely completion of cases are the very basis of good recruitment policy. Also it goes against the principle of natural justice. Therefore the need is to minimize delay where ever possible by making suitable changes in the processes and use of IT.

V. Public Apathy: S.R. Maheshwari<sup>43</sup> in his book has stated that earlier political executive and media took keen interest in the functioning of UPSC but presently general apathy seems to have descended upon the opinion makers. Makers of Constitution had spent considerable time to make detailed provisions regarding UPSC. Since people reposes faith in UPSC's fair play and objectivity, it is too important a pillar of democracy and a custodian of merit system in the civil service to be allowed to fall wayside on account of public apathy.

We have also seen in our survey that majority of respondents not belonging to civil service were not aware of entire range of functions of UPSC nor about the exemptions from consultation of certain posts. APPPA participants are middle to senior level Government officers having on an average 20 years of service. When I made presentation regarding UPSC, many officers came to me and told that they were not aware of such wide range of mandate of UPSC. Thus there is

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<sup>43</sup> Supra N5

lack of awareness even among the stake holders. Political executive, media and public at large are generally unconcerned about the functioning of UPSC. Even in recent debate on Lokpal other Constitutional bodies like Election Commission and C&AG were discussed but not UPSC. This is a dangerous situation as public apathy or unconcern may weaken UPSC's image of an impartial, objective and merit oriented body.

UPSC recently as part of some project carried out a survey 3014 candidates and parents to know about their media habits. Some of the highlights of the survey are given below<sup>44</sup>:

- Age profile was Up to 20 Years: 34 (1.13%); 21-30 Years: 2260 (75.08%); 31-40 Years: 593 (19.7%); 41-50 Years: 74 (2.46%) Above 50 Years: 49 (1.63%)
- Category: General: 1489 (49.52%); OBC: 941 (31.29%); SC: 391 (13.01%); ST: 186 (6.18%)
- Area: Urban: 2159 (71.94%); Rural: 842 (28.06%)
- Medium of education: Hindi:710 (22.51%); English: 2291 (72.62%); Others:  
Rest in regional language
- Major states belongs to: Uttar Pradesh: 289 (19.81%); Delhi: 198 (13.57%); Rajasthan: 138 (9.46%); Andhra Pradesh: 122 (8.36%); Tamil Nadu: 113 (7.75%); Maharashtra: 112 (7.67%); Bihar: 77 (5.28%)

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<sup>44</sup> UPSC conducted this survey to find out media habits of candidates so that advertisement for different exams can be streamlined in a cost effective manner

- Major occupation of parents: Professional/ Technical: 638 (22.51%); Administrative: 289 (10.21%); Clerical: 121 (4.27%); Machine/ craft: 25 (0.88%); Labour/ farmer: 476 (16.81%); Service Worker: 159 (5.61%); Household worker/ Peon: 23 (0.82%); Government/ Defence: 775 (27.36%); Agriculture: 22 (0.77%); Business: 151 (5.33%); Teaching: 42 (1.48%); Accounting: 6 (0.21%); Banking: 8 (0.28%); Contractor: 5 (0.17%); Self employed: 13 (0.46%); Retired: 55 (1.94%); Shopkeeper: 4 (0.14%); Medical: 5 (0.17%); Merchant: 7 (0.23%); Irrigation: 2 (0.07%); Housewife: 6 (0.21%)
- Main source of information regarding UPSC: Newspaper: 1602 (41.78%); Internet (UPSC website and other job related websites): 972 (25.35%); Articles in magazines: 207 (5.40%); Government listing: 59 (1.54%); Professional associations: 63 (1.64%); Job aggregators/ Career counsellors: 45 (1.17%); Former applicants: 269 (7.01%); Employment service centres/ placement agencies: 44 (1.15%); Institutional sources (educational institutes and coaching centres): 47 (1.23%); Existing/retired officials: 22 (0.57%); Recommendations by family and friends: 504 (13.15%)
- Whether regular reader of Employment News: Yes: 1141 (38.28%); No: 1839 (61.72%)
- Access to internet: Yes: 2769 (92.76%); No: 216 (7.24%)

- Place of access of internet: Office: 152 (5.87%); Mobile: 269 (10.40%); Residence: 1112 (42.97%); University: 463 (17.89%); Cyber cafe: 592(22.87%)
- No. of times UPSC's website accessed: Nil: 131 (4.66%); Once: 345(12.27%); 2-5 times: 940 (33.43%); More than 5 times: 1396 (49.64%)
- Preference for easy and timely access to UPSC's advertisement: Print media: 1572 (48.05%); Electronic media: 1699 (51.95%)
- Criteria for choosing appropriate media: Speed: 861 (13.53%); Quick access: 1281 (20.13%); Information rich and relevance: 961 (15.10%); Language friendly: 498 (7.83%); Trustworthy: 617 (9.69%); Convenient: 642 (10.08%); Acceptable: 228 (3.58%); Reliability of information: 621 (9.76%); High level of exposure: 250 (3.93%); Less time consuming: 405 (6.36%)
- Type of communication preferred with UPSC: Personally addressed mail: 1237 (19.86%); E-mail: 1622 (26.04%); Phone: 548 (8.79%); SMS: 591 (9.48%); Radio: 90 (1.45%); Newspaper: 760 (12.20%); Magazine: 139 (2.23%); Internet website: 903 (14.49%); Informative programs in TV: 134 (2.15%); Career fairs: 50 (0.81%); Facilitation centres: 82 (1.32%); Catalogue size posters: 14 (0.23%); Information kiosks: 59 (0.95%)
- Suggestions by the respondents:

- UPSC Advertisements should be in regional news papers and also in regional language<sup>45</sup>.
- SMS facility should be provided.
- Notifications can also be provided on T.V. and Radio in predefined time slot e.g. evening news at 9:00 pm on all India radio and also in regional language channels in different parts of the country especially for rural areas
- More use of internet.
- Notification can be sent to personal e-mails.
- The existing website can be made more user-friendly by redesigning it.
- Educational institutes tie up and also with career related websites.
- Advertisements can be displayed at the notice boards of schools and colleges.
- UPSC coupon facility for mobile can be provided at a nominal cost
- Awareness programmes in schools and colleges.
- Make everything online.
- Options should be there on the website to access the previous information.
- Advertisements should also be there in leading magazines and on Social networking sites like orkut, twitter and facebook
- Toll free number should be provided along with the advertisements for resolving queries.

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<sup>45</sup> At present advertisements are published in around 237 newspapers almost divided equally in English, Hindi and regional newspaper. However the language is English or Hindi

- Advertisements should be more elaborative e.g. mention also the role one has to play in the job.
- Advertisements can be placed on the hoardings in the main parts of the cities.
- Online availability of admit card<sup>46</sup>.
- Awareness campaign should be there specifically in rural areas.
- UPSC facilitation centres can be opened in different parts of the country.
- Information kiosks should be placed in rural areas.
- UPSC should publish a monthly magazine in which all the coming advertisements as well as expert's views should be there.
- Village administration should also be encouraged to spread awareness about UPSC.
- Camps for increasing awareness about UPSC at the last year of degree course at different educational institutions.
- Information can also be provided through all state government offices and coaching centres for civil services.
- Advertisements can also be communicated through local post offices at rural level.

The above survey was taken among those candidates who come to UPSC for giving interview or to collect/submit applications etc. and the accompanying parents. It may be pointed out that this survey is specific to examination/recruitment advertisement but also be noted that these are

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<sup>46</sup> Has been started from 2009

major clients of UPSC. However it throws some interesting facts and suggestions. Majority of candidates were from urban areas and accessed internet from home. These findings may indicate urban and higher income bias.

Also the occupation of parent reveals that 50% were from professional/technical/ Government/defence services while around 16% were engaged as farmer and casual labour. This shows that while majority comes from urban middle class but significant minority belongs to poor and rural families.

The candidates indicated that media plan of UPSC should be speedy, have quick access, be Information rich, reliable, Language friendly and trustworthy. The respondents also gave some useful suggestions regarding media plan. These include use of internet, social networking sites, SMS and e-mails; to have awareness camps in schools/universities/educational institutes; use of local self government and post offices in rural areas and set up of information kiosks especially in rural areas.

At present, UPSC is publishing its advertisements regarding examinations/recruitment posts/results through DAVP in up to 237 newspapers of different states in English, Hindi and regional languages. Apart from this all advertisements appear in Employment News/ Rozgaar Samachar.

Thus there is a need for a more effective media plan which will reach out to more and more potential candidates especially in rural areas. The media plan should be such that it helps in reducing time-cycle. Apart from the core constituency of exam aspirants, UPSC should weave in its media plan suitable interaction with political executive, media and general public so that its activities are in public domain.

VI. 2<sup>nd</sup> ARC reports: Chapter 10 of 2<sup>nd</sup> ARC report<sup>47</sup> deals with recommendation regarding UPSC. We have seen these recommendations in Chapter 2 of this thesis. Now we may analyze them and see their impact on the functioning of UPSC.

- The suggestion of 2<sup>nd</sup> ARC to have common papers including one testing Aptitude in the civil services (preliminary) exams have been implemented in 2011 also based on the recommendation of CSAT committee set up by UPSC.
- 2<sup>nd</sup> ARC also suggested that Prelims and Mains should be held together and those who clear Prelims only their Mains papers should be checked. One feels this is an unworkable suggestion as around half apply for prelims. Mains exam contains 9 papers which are at present scheduled over a period of one month. Thus to both the exams together is not logistically and financially feasible. It is not desirable from candidates' point of view as the scope and syllabus of both are vastly different.

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<sup>47</sup> Supra N7

- Alternatively 2<sup>nd</sup> ARC recommended that candidates up to 2.5-3 times the vacancies and who have cleared Prelims should take both Mains interview together. However at the cut-off marks there are many deserving and perhaps suitable for civil services hence to restrict the number would not be appropriate.
- One major recommendation of 2<sup>nd</sup> ARC is the establishment of National Institutes of Public Administration to run Bachelors course in Public Administration/Governance/Management. It is expected that over a period of time these institutes will emerge as major source of civil service exam aspirant. Also they suggested that some university/institutes be nominated for running the same course so that a bigger pool of aspirants can be created. Apart from optional subjects, the course will include core subjects such as the Constitution of India, Indian legal system, administrative law, Indian economy, Indian polity, Indian history and culture. Students from other disciplines can also take civil services exam provided that they do a 'bridge' course from one of National Institutes of Public Administration or one of the nominated universities/institutes. Though UPSC will continue to conduct the civil service exam but if this scheme is implemented then it will change the very nature of the exam as it will impact the syllabus etc. Also one feels it will act against candidates from poor and rural background as these candidates prefer mastery over their subject

so that they can get jobs in teaching or subject-related posts if they do not get government job.

- 2<sup>nd</sup> ARC also suggested that promotion up to selection grade (Director Level) should be done by the department itself and UPSC should limit itself to post audit type of functions. This will be big departure from its existing role as envisaged by the Constitution.

Regarding disciplinary cases, 2<sup>nd</sup> ARC recommended that only those cases where disciplinary authority/Government decides to impose penalty of dismissal should be referred to the UPSC. If implemented, this will be in direct contravention of Article 320(3) of the Constitution which clearly states that all cases where President is the disciplinary authority should be referred to the UPSC.

- 2<sup>nd</sup> ARC also suggested that promotion from state services to All India Service or from group 'B' to group 'A' in other central services should be on the basis of competitive exam of eligible officers and existing basis of screening of ACRs. Though it is a good idea, but logistics of holding of such exams in different states for different services is nightmarish and will add tremendous burden to UPSC.

Thus the recommendations of 2<sup>nd</sup> ARC have the effect of changing the role and function of UPSC as envisaged in the Constitution.

- VII. Corruption in Bureaucracy: Recently there has been widespread outrage over high level scams in particular and corruption in general.

It is perceived that corruption is mainly at lower bureaucracy and political executive level. But there is concern regarding growing nexus between higher civil servant and political executive. Constitutional mandate of UPSC is to select civil servants without fear or favour purely on basis of merit albeit keeping Government's quota policy in mind. We have seen that the Commission has by and large fulfilled its mandate in this regard. However the other view is that the job of UPSC is to select the right 'timber' as civil servant. Therefore it is the duty of UPSC to select civil servants who are honest and committed to country's development. UPSC is doing its bit by selecting representative civil service. Regarding corruption, aptitude test has been introduced in Civil Services (Preliminary) examination 2011 which will also test integrity aspect. During interview also different aspect of personality is tested. However it is felt that the pattern of interview has become stereotyped and candidates are tested against these set patterns. Therefore there is need for relook at the interview patterns afresh. Psychological tests, stress tests and aptitude tests can be thought of as part of interview.

In this chapter we have seen the limitations of exemption of posts, shortage of staff and increase in ad hoc appointments on the functioning of the Commission. Apparent delay in finalizing of cases and public apathy and corruption in bureaucracy poses challenges to

UPSC. It also faces threats to its designated role from outside agencies like 2<sup>nd</sup> ARC.

We assessed the performance of UPSC in the last chapter and found it to be very good. However we also noted the limitations, weaknesses and threats that UPSC faces in our quest to find out whether it has fulfilled its Constitutional mandate