

**ESTIMATES COMMITTEE  
(1967-68)**

**FORTY-SEVENTH REPORT**

(FOURTH LOK SABHA)

**MINISTRY OF HOME AFFAIRS**

**Union Public Service Commission**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*March, 1968/Phalguna, 1889 (Saka)*

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CORRIGENDA

To

Forty-seventh Report of the Estimates Committee  
(Fourth Lok Sabha) on U.P.S.C.

.....

Page 6, para 1.17, line 22, after "which"  
insert "have".

Page 12, para 2.12, col. 2 of the table,  
for "22.5.1956 AN" substitute "22.5.1965 AN".

Page 22, para 2.40, line 3, for "1961"  
substitute "1951".

Page 41, para 3.4, line 2 from bottom,  
for "by" substitute "for".

Page 45, para 3.14, table, under the heading  
"Expenditure", for the sign "€" substitute "\*".

Page 67, para 3.75, line 2, for "stages"  
substitute "stage".

Page 91, para 4.44, line 12, after "are"  
insert "not".

Page 110, para 4.102, line 5, after "it"  
insert "is".

Page 115, para 5.6, line 13, for "institutions"  
substitute "instructions".

Page 137, para 6.44, line 16, after "abolition"  
insert "of".

Page 139, para 6.45, line 9, for "Babinet"  
substitute "Cabinet".

(P.T.O.)

Page 142, para 7.3, line 6, for "for"  
substitute "of"; line 7, for "and competence  
in its members. It is of utmost im-"  
substitute "of character and personal integrity  
This is necessary".

Page 145, para 3(c), line 2, for "measuring and  
checking the economical and efficient"  
substitute "method of conducting the business  
of each Department;"

Page 149, para 2, line 3, for "ought he"  
substitute "he ought".

Page 226, para 3.75, line 8, for "stat" substi-  
tute "stating why the attendant circumstances  
could not".

Page 226, para 3.75, line 11, delete "ing why  
the attendant circumstances could not".

Page 227, para 4.9, line 3, for "Eight" substi-  
tute "Eighth".

Page 228, para 4.10, line 10,  
after "examination", insert "is".

Page 228, para 4.28, line 4, for "Eight" substi-  
tute "Eighth".

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**ESTIMATES COMMITTEE**

(1967-68)

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**Shri B. B. Tewari—*Deputy Secretary.***

**Shri G. D. Sharma—*Under Secretary.***



## INTRODUCTION

I, the Chairman, Estimates Committee, having been authorised by the Committee to submit the Report on their behalf, present this Forty-seventh Report on the Ministry of Home Affairs—Union Public Service Commission.

2. The Committee took evidence of the Chairman, Union Public Service Commission on the 24th and 25th October, 1967 and of the representatives of the Ministry of Home Affairs on the 26th October, 1967. The Committee wish to express their thanks to the Chairman and other officers of the Union Public Service Commission and to the Secretary (Services) and other officers of the Ministry of Home Affairs for placing before them the material and information desired in connection with the examination of the estimates.

3. The Committee also wish to express their thanks to Sarvashri R. N. Banerjee and H. S. Hejmadi, former Chairmen of Union Public Service Commission, for giving evidence and making valuable suggestions to the Committee.

4. They also wish to express their thanks to all those who furnished memoranda on the subject to the Committee.

5. The Report was considered and adopted by the Committee on the 24th February, 1968.

6. A statement showing analysis of recommendations contained in the Report is also appended to the Report (Appendix XII).

NEW DELHI-1;  
March 8th, 1968.  
Phalguna 18th, 1889 (Saka).

P. VENKATASUBBAIAH,  
Chairman,  
Estimates Committee.

## I. INTRODUCTORY

### A. Historical Background

1.1. It is a universally accepted principle of democratic government that there should be some institution or authority, independent of the political executive, to deal with recruitment and management of public services. The basic intention is to ensure equality of opportunity and treatment for all citizens and to guard against the evil effects of nepotism or favouritism. One of the best statements of the purpose of these institutions (variously called as 'Civil Service Commission', 'Public Service Commission' or 'Public Service Board' etc.) is contained in the Report of the Commission on the Superior Civil Service in India, 1924 (Lee Commission). The Commission observed:—

“Whether democratic institutions exist, experience has shown that to secure an efficient Civil Service it is essential to protect it, so far as possible, from political or personal influences and to give it that position of stability and security which is vital to its successful working as the impartial and efficient instrument by which Government, of whatsoever political complexion, may give effect to their policies. In countries where this principle has been neglected, and where the “spoils system” has taken its place, an inefficient and disorganised Civil Service has been the inevitable result and corruption has been rampant”.

Thus, the institution of Public Service Commission supports and advances meaning and practice of democracy in providing a shield against corruptive influences over the public services and upholding the merit system.

1.2. The origin of the Public Service Commission in India is found in the First Despatch of the Government of India on the Indian Constitutional Reforms of the 5th March, 1919 which referred to the need for setting up some permanent office charged with the regulation of service matters. This concept of a body, intended to be charged primarily with the regulation of service matters, found a somewhat more practical shape in the Government of India Act, 1919. Section 96C of the Act provided:

- (1) There shall be established in India a Public Service Commission, consisting of not more than five members, of

whom one shall be Chairman, appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be reappointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council. The qualifications for appointment, and the pay and pension (if any) attaching to the office of chairman and member, shall be prescribed by rules made by the Secretary of State in Council.

- (2) The Public Service Commission shall discharge, in regard to recruitment and control of the public services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council.

1.3. In spite of the adequate protection given to them by the Government of India Act, 1919, the European element of the services remained dissatisfied. In fact, the dissatisfaction was accentuated because under the scheme of dyarchy introduced in the provinces, they along with other members of the public services were required to serve under the Ministers who were in charge of the transferred departments. They expressed their displeasure in various ways including mass voluntary retirements within the couple of years that followed the actual implementation of the reforms, leading to serious criticism of the British Policy. This, coupled with incessant demand for the Indianisation of the services over which stress was laid by the Act of 1919 itself, led, nearly five years later, to the appointment of the Royal Commission on the Superior Services in India (Lee Commission).

1.4. The Lee Commission in their report (1924) also laid special stress on the necessity for constituting a Public Service Commission under Section 96C of the 1919 Act and proposed that the following four main functions should be assigned to such body:—

- (i) Recruitment of personnel for public services;
- (ii) the establishment and maintenance of proper standards and qualifications for admission to the services;
- (iii) quasi-judicial functions connected with disciplinary control and protection of services;
- (iv) advisory functions in regard to general service problems.

1.5. A note worthy feature of the Lee Commission's recommendations on the subject of Public Service Commission was that they

avoided any suggestion for the establishment of similar Commissions in the provinces. While considering that any intrusion of the Public Service Commission in the provincial field would be a violation of the principle of provincial autonomy, the Lee Commission held that the knowledge and experience of the Public Service Commission should be placed at the disposal of Provincial Governments.

1.6. In spite of the provisions of Section 96C of the Government of India Act, 1919 and the strong recommendation made by the Lee Commission in 1924 for the establishment of a Public Service Commission, it was not until October, 1926 that the Public Service Commission was set up in India for the first time. The first Commission consisted of four members in addition to the Chairman appointed by the Secretary of State in Council. Sir Ross Barker, a member of the Home Civil Service of the United Kingdom, was the first Chairman and the Commission was built up by him and his successors on the model, and in accordance with the traditions, of the British Civil Service Commission.

1.7. The Commission as originally constituted had many limitations on their functions and powers which were regarded as inconsistent with the original purpose of the Public Service Commission. Thus, Sir Ross Barker, in his memorandum submitted to the Indian Statutory Commission in 1928 considered "the powers of the Commission to be defective" and said that the "original conception of a Public Service Commission was progressively whittled away till little of the original idea survived."

1.8. The next important development in the history of the Public Service Commissions in India took place with the issue of a White Paper in December, 1931 containing proposals for Indian Constitutional Reforms. This White Paper also included a blue print of the Public Service Commissions for the proposed Federation and the Provinces.

1.9. The report of the Joint Committee on Indian Constitutional Reforms (1934) was the next step in this direction. Spelling out the need for Public Service Commission in India, they said that the system of responsible government required a competent and independent Civil Service capable of giving advice to successive ministries and secure in its position during good behaviour. They further said: "since in India the whole machinery of Government depends so greatly upon the efficiency and contentment of the Public Services as a whole, especially during a period of transition, it is a matter in which no room should be left for doubt."

1.10. The proposals contained in the White Paper in regard to the Public Service Commissions, as further elaborated in the report of the Joint Committee on Constitutional Reforms (1934), were given concrete form in Sections 264 to 268 of the Government of India Act, 1935. The Act envisaged a Public Service Commission for the Federation and a Provincial Public Service Commission for each Province or group of Provinces. The Chairman and other Members of the Federal Commission were to be appointed by the Governor General in his discretion. At least one-half of the Members were to be those having at least 10 years service under the Crown in India. Upon retirement, the Chairman of the Commission was to be ineligible for further employment under the Crown in India. In the case of a Member, however, for his eligibility for any other employment on ceasing to hold office, approval of the Governor in his discretion was necessary, if the appointment was in the Provincial Service, while approval of the Governor General in his discretion was necessary if it was a federal appointment. The number of members of the Federal Commission and their conditions of service were to be laid down by the Governor General in his discretion by regulations. The expenses of the Federal Commission were charged on the revenues of the Federation and were not subject to a vote of the legislature.

1.11. The functions of the Federal Commission consisted of a duty to conduct examinations for appointments to the services of the Federation. Subject to exceptions that might be made by the Secretary of State and the Governor General in his discretion by regulations made in this behalf, the Federal Commission was required to be consulted, in respect of civil services and posts, on:

- (a) methods of recruitment;
- (b) (i) principles of making appointments and of promotions and transfers from one service to another,
- (ii) suitability of candidates for such appointments, promotions or transfers;
- (c) disciplinary matters;
- (d) cost of legal defence for acts done in execution of duty;  
and
- (e) pension for injuries sustained while in service.

The Governor General in his discretion could, besides, refer any other matter to the Commission for advice. Additional functions could be conferred upon the Commission by an Act of the Federal Legislature subject to certain conditions.

1.12. The Sections of the Government of India Act, 1935 relating to the Public Service Commissions were brought into force on the 1st April, 1937 and the then Public Service Commission at the Centre became the Federal Public Service Commission.

1.13. Normal recruitment to the All-India and central services was kept in abeyance as the second world war progressed. After the cessation of hostilities in 1945, recruitment was resumed and had to be conducted on a more intensive scale. A great increase in the work of the Commission followed. As compared with 1938, the last pre-war year, there occurred progressively a six-fold to ten-fold increase under the several heads of the work of the Commission. To cope with this increase in work, temporary members were added to the Commission from time to time and at one time in 1947-48, the strength of the Commission rose to eight members in addition to the chairman.

1.14. There were several unsatisfactory features in the position of members of the Federal Public Service Commission which were not without some bearing on the Commission's independence. Important matters such as the tenure of members and the method of the termination of their service were left to be determined by regulations to be framed by the executive government. Members were eligible for being given extension in their posts. Members other than the Chairman were also eligible for re-employment in Government service, after retirement, with the consent of the Government.

1.15. With the inauguration of the Constitution of India in 1950, the Federal Public Service Commission came to be known as the Union Public Service Commission. The relevant provisions governing Public Service Commission for the Union and Public Service Commissions in the State are contained in Articles 315 to 323 of Part XIV—Chapter II of the Constitution. On the 26th January 1950, the then Chairman and Members of the Federal Public Service Commission became Chairman and Members of the Union Public Service Commission by virtue of Clause (1) of article 378 of the Constitution. The Constitution has done away with such imperfections as have been pointed out in the foregoing paragraph and the position of the Union Public Service Commission is now broad based on a statutory foundation.

1.16. To sum up, two considerations governed the establishment of Public Service Commissions in India. One was the need for the Indianisation of the Services and another was to maintain efficient and contented public service free from political interference.

### B. Position in other countries

1.17. The credit of evolving the concept and institution of Civil Service Commissions goes to the United Kingdom where a Civil Service Commission was established in 1855 following the Northcote-Trevelyan Report. In 1868, Canada set up a Civil Service Board under the Act of that year. The United State established a Civil Service Commission in 1883 under the Pendleton Act of 1883 following the assassination of President Garfield by a disappointed job-seeker. Under the impetus of civil service reform movement provided by Britain, similar Commissions were established in the British Dominions. South Africa established her Public Service Commission in 1912, Australia in 1923, (there was a Public Service Commissioner since 1902), Northern Ireland in 1923, India in 1926, Ceylon in 1931 and New Zealand in 1946 (there was a Public Service Commissioner since 1912). Similarly, there are Civil Service Commissions in Egypt, Iraq, Isreal, Pakistan, Burma, Thailand and Phillipine. France does not have a Civil Service Commission, but recruitment to higher public services in France is made by the Ecole Nationale d' Administration which was established in 1945. These various Civil Service Commissions differ from one another with respect to their functions and powers. At one end there are the Civil Service Commissions of Britain and Northern Ireland which only the function of making selection for public services (the British Civil Service Commission also conducts limited competitive examinations for promotion). At the other end are the Civil Service Commissions of Canada, Australia, New Zealand, Egypt, Israel, Thailand and Phillipine which, in addition to making recruitment, have controlling functions in regard to promotion, discipline, pay and other condition of service, classification, organisation and methods, and training. The United States Civil Service Commission, before the second world war, also used to perform these functions but now it makes recruitment to the federal civil service, is responsible for the administration of some Federal Civil Service Acts and provides leadership in personnel administration. Then there are the Public Service Commissions of India and Pakistan which make recruitment to the higher public services and advise their respective governments on the principles of selection, promotion, and transfer and the suitability of candidates therefor and on confirmation, disciplinary cases, appeals, memorials, re-employment of retired government servants and other service matters.\*

1.18. It would be interesting to compare the position of the Union Public Service Commission in the scheme of public administration

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\*Bhalerao, Public Service Commissions of India, pp. xxi-xxii.

in our country with similar institutions in other countries. Details in regard to the powers, functions and positions of Civil Service Commissions/Boards in Australia, Canada, New Zealand, U.K., U.S.A. and U.S.S.R. have been collected and are given in **Appendix I**



## II. ORGANISATION AND FUNCTIONS

### A. Status of the Commission

#### *Relations of the Ministry with Commissions*

2.1. The UPSC is a body established under the Constitution. In providing for a Public Service Commission for the Union and for each of the States, the Constitution makers had kept in view the need for investing these bodies with a degree of independence. Asked to state their opinion as to whether the present constitutional safeguards were adequate to ensure the independence of the Commission from the executive, two former Chairmen of the Commission, who appeared before the Committee as non-official witnesses stated that they had nothing to complain of on this score. Giving his opinion on this question, the Chairman of the Commission stated during evidence that the statutory basis of the Commission was quite satisfactory. He, however, suggested that the conditions of service of members of the Commission e.g. salaries, pensions, T.A. etc. should be regulated, as in the case of the Judges of the High Court, by an Act of Parliament, rather than by means of regulations issued by the President. Under the existing provision of the Constitution, he held, it was left entirely to Government to change the conditions of service of members 'from time to time when they feel like doing so' and, he feared, there might be "attempts at eroding the importance of the Commission". In support of his view, he cited the recommendation of the Lee Commission (1924) and stated:

"When the Public Service Commission itself was proposed to be established in the country, the Royal Commission which made the recommendation said that this should be on par with the High Court. In fact it was one of the recommendations that the condition of service of the members of the Federal Public Service Commission in those days should in no way be less than the conditions of service of the High Court Judges. If it was considered important enough and necessary to regulate their conditions of service by an Act of Parliament, we should not deny the same privilege—if we can call it a privilege—to the members of the UPSC since both are bodies which are established under the Constitution."

The Chairman of the Commission added that this suggestion had not, however, found favour with the Government. This statement of the Chairman of the Commission was corroborated by the representative of the Ministry of Home Affairs who during evidence, maintained that the view of the Government was that it would be adequate if the number and conditions of service of members of the Commission were determined by regulations and that going in for legislation in that regard was not necessary.

2.2. Asked to cite instances, if any, of hinderance or interference on the part of the Ministry of Home Affairs in the day-to-day working of the Commission, the Chairman of the Commission stated during evidence that although there was no direct interference, there had been "acute differences of opinion on various matters."

2.3. In a written reply as to whether the Regulations laying down conditions of service of members of the Commission were ever laid before the Houses of Central Legislature or Parliament, the Ministry have stated that these were not laid before the Central Legislature, since section 265 of the Government of India Act, 1935, under which the Regulations were originally framed and issued, did not contain such a stipulation. These Regulations continued to be operative under article 372 of the Constitution and it was not necessary to place them before Parliament. Article 318 of the Constitution, it is maintained, enables the President, *inter alia*, to determine the number of members of the UPSC and their conditions of service and there is no stipulation that the Regulations framed in pursuance of this provision or amendments thereto are to be placed on the Table of both Houses of Parliament. Therefore, the amendments to the Regulations so made were not placed before Parliament.

2.4. Under the Constitution, the President is empowered to determine by regulations the number of members of the Commission and their conditions of service. There is no constitutional obligation upon the Government to lay these regulations before the Houses of Parliament. The Committee however suggest that a convention may be set up whereby Government lay these regulations and any modifications thereto before the Houses of Parliament so as to keep them informed in this regard.

#### *Functions of Ministry of Home Affairs in relation to UPSC*

2.5. The functions of the Ministry of Home Affairs in relation to the Commission are spelled out in a written note submitted to the Committee thus:

"The Ministry of Home Affairs advises the President regarding the exercise of the powers under the provisions of Chapter

II of Part XIV of the Constitution relating to the UPSC. Thus, action regarding appointments of member of the Commission, the determination of conditions of service of members and other staff of the Commission, functions of the Commission and extension of those functions, exclusion of matters and cases from the purview of the Commission, is initiated by the Ministry of Home Affairs. The reports presented annually by the UPSC to the President are laid by the Ministry of Home Affairs before each House of Parliament. The administrative matters relating to the UPSC are attended to by the Ministry of Home Affairs. The internal functions of the Commission including the manner in which the Commission should discharge their functions are determined by the Commission themselves. Ministry of Home Affairs provide the channel of communication in many matters between the UPSC and other Ministries/Departments of the Government of India. If there is a difference of opinion between a Ministry/Department of the Government of India and the UPSC, in regard to an appointment, the case is referred to the Establishment Officer for being placed before the Appointment Committee of the Cabinet consisting of the Prime Minister, the Minister of Home Affairs and the Minister administratively concerned. In any other case, where it is proposed not to accept the Commission's advice, the case is required to be shown to the Ministry of Home Affairs before orders are passed."

2.6. Asked whether Government had evolved any conventions in regard to such of the budgetary and staff proposals of the Commission as were required to be submitted to Government under the existing scheme of delgation of powers to the Commission, the Ministry of Home Affairs have stated that as a convention, the proposals of the Commission are, by and large, discussed with officers of the Commission before they are modified. They have further stated that under Article 318 of the Constitution, the President may, by regulations, make provision with respect to the number of members of the staff of the Commission and their conditions of service. In pursuance of this provision, all orders relating to the conditions of service of the staff of the Commission, etc. are issued by the Ministry of Home Affairs in the name of the President. The UPSC (Staff) Regulations, 1958, issued by the President, empower the Chairman of the Commission to sanction the creation of posts on the Commission's staff to the extent, and subject to the conditions, laid down in the First Schedule to the Regulations. Under the Schedule, the Chairman can sanction the creation of posts on

any scale or rate of pay approved by the President for posts of a similar character under the Central Government in Class I (not higher than on Senior Class I scale, viz. Rs. 700—1250 and not above that of a Deputy Secretary in the case of a Secretariat post), Class II, Class III and Class IV services, subject to funds being available.

2.7. Asked whether the Commission ever had any difficulty with the Government in regard to finances or staff for the Commission, the Chairman of the Commission during evidence stated that there had been no difficulty in recent years with regard to finances. He, however, pointed out:

“Today, the Commission is supposed to be a department of Government and has been given the same powers as are enjoyed by heads of departments and not that enjoyed by a Ministry of the Government. Therefore, sometimes, the Chairman has to refer the matter to the Ministry for sanction. I am suggesting that the Commission should be given the same financial powers as the Ministries of the Government of India. Otherwise, today, there is no difficulty. But this will be in consonance with the status of the Commission that it should not be relegated to the position of a Department of the Ministry of Home Affairs.”

2.8. Asked to give his reactions to the above suggestion of the Chairman of the Commission, the representative of the Ministry during evidence stated that the existing powers of the Chairman of the Commission were that of a Head of a Department and added that the enhancement of the status would make little material difference.

2.9. The Committee agree with the opinion expressed by the Chairman of the Commission with regard to giving the Commission the same financial powers as the Ministries of the Government of India and suggest that the relations between the Ministry of Home Affairs and the Commission should be established on the pattern of those existing between the Ministry of Finance and the Comptroller and Auditor General's organisation which has the same official status in relation to the Ministry of Finance as the Commission has in relation to the Ministry of Home Affairs.

## B. Composition

### *Size of the Commission*

2.10. The Public Service Commission set up in 1926 consisted of four members in addition to the Chairman. The Government of India Act, 1935 provided that the number of members of the Federal Public Service Commission shall be determined by the Governor General in his discretion by regulations. The regulations framed under the Act in 1937, however, retained the then existing strength

of the Commission. Like the Act of 1935, the Constitution also left it to the President to determine the number of members of the Commission by regulations. As the new regulations under the Constitution have not yet been finalised by the Government the old regulations framed in 1937 continue to be in force with modifications made from time to time. At the commencement of the Constitution, the strength of the Commission was, by an executive order, fixed as a Chairman and six members. In March, 1957, it was raised to 8 members, besides the Chairman.

2.11. During evidence, the Chairman of the Commission and the representative of the Ministry of Home Affairs both maintained that the existing sanctioned strength of 8 members, besides the Chairman, was adequate to cope with the present work-load and the plans of work drawn up for the future. In reply to the question whether the Commission had enough work to justify the existing size of the Commission, the Chairman of the Commission said that they had more than enough work on hand. He, however, pointed out that the Commission had only 7 members in position against the sanctioned strength of 8.

#### *Delays in filling up of vacancies*

2.12. In their 15th Report (1964-65) the UPSC have stated that "for the greater part of the year the Commission remained short of three members". In their 16th Report (1965-66) also, the Commission have the same complaint to make. From the statement furnished by the Commission (Appendix II), it is noticed that since 1960, except for a brief spell of less than 3 weeks during January, 1964, the Commission never worked with all the 8 members in position. The extent of delays by Government in filling up vacancies in the membership of the Commission occurring between July, 1964 and April, 1967 is indicated in the following data compiled from the statement furnished by the Commission:

Date of retirement of a Member	Date when a new Member took over charge	Time taken in filling up vacancy
6-7-1964 (AN)	9-12-1964	(About) 5 months
14-7-1964 (AN)	14-9-1965 (AN)	14 months
31-3-1964 (AN)	31-1-1966	17 months
14-1-1965 (AN)	22-5-1956 (AN)	28 months
15-3-1967 (AN)	29-9-1967	6 months
25-4-1967 (AN)	3-2-1968	9 months

2.13. Asked to state the reasons for delays ranging from 5 months to 28 months in filling up vacancies in the membership of the Commission, the Ministry of Home Affairs have, in a written note furnished to the Committee, admitted the delays, but have submitted that the selection of members of the Commission is governed chiefly by the essential requirement that there should be appropriate diversity of experience and talent in the Commission so as to enable expeditious and adequate handling of all the various problems which the Commission is expected to deal with. Government, it is stated, generally select only people of eminence in the various professions and with adequate background which is useful for the Commission and efforts are constantly made to secure the best available talent from all over the country. According to them, besides the field of selection being very limited, the ban imposed by Article 319 of the Constitution on the holding of office by members of the Commission on their ceasing to be such members acts as a deterrent on persons accepting membership of the Commission. Sometimes, delay is, it is held, also caused by reason of the selected person being unable to assume charge of the appointment due to his other commitments.

2.14. The Chairman of the Commission, during his evidence before the Committee, stated that the work of the Commission suffered on account of the positions on the Commission remaining vacant for long periods.

2.15. In a subsequent written communication, the Commission have stated that under the Constitution, appointment of members of the Commission is to be made by the President. Nevertheless, the need for filling vacancies in the Commission as and when they arise is brought to the notice of the Ministry of Home Affairs informally, or otherwise. Formal communications to the Ministry are not necessarily sent. The position regarding the strength of members of the Commission have, however, invariably been mentioned in the annual report of the Commission, year after year

2.16. The representative of the Ministry explained during evidence that "time was taken in consultation and examination of various proposals." In regard to the suggestion that there should be a well laid out procedure for filling up the vacancies so that the delays could be avoided, he said that even if there was a formal procedure, the Home Minister would have to be satisfied before he made a formal proposal to the Prime Minister.

2.17. The Committee note that there have been delays ranging from 5 to 28 months in filling up vacancies in the Commission since

July, 1964 which must have adversely affected the speed of the Commission's work. From a perusal of the earlier Reports of the Commission also it is evident that vacancies in the membership of the Commission have remained unfilled for considerably long periods. The Committee consider this state of affairs as very unsatisfactory. They are not satisfied by the reasons given by the representative of the Government during evidence that consultation and examination of various proposals took time.

2.18. The Committee recommend that, with a view to avoid delays in filling up vacancies in the membership of the Commission, the procedure in this regard should be brought on a formal footing and time schedule laid down for each stage in the process. In this connection, the Committee would like to make the following suggestions;

- (i) action to fill up a vacancy in the membership of the Commission should be initiated by the Commission in a formal communication to the Government at least six months before it occurs;
- (ii) The process of consultation, obtaining consent of those selected for consideration, obtaining approval of the Home Minister, the Prime Minister and of the President should be completed by the Ministry of Home Affairs at least two months in advance of the occurrence of the vacancy;
- (iii) the offer of appointment should be sent out to the person selected two months before the occurrence of the vacancy so that adequate margin is left for consideration of alternative names, in the event of the person selected expressing his inability to join;
- (iv) the Commission should keep a close watch on the action taken by Government in pursuance of their request for filling up the vacancy.

#### *Age composition of Chairmen and Members*

2.19. It is noticed from the details furnished by the Ministry (Appendix II) that out of a total of six Chairmen of the Commission who have so far held office since Independence, 3 were over 60 years of age at the time of their appointment while out of a total of 26 members who have held office between 1947—1967, 12 were over 60 years of age at the time of their appointment, 9 were between 50 and 59, 4 were between 30 and 54 and only one was less than 50

years of age. Half the number of non-officials appointed as members between January 1964 and July, 1967 were over 60 years while all of the officials appointed as members during that period were over 58 years in age, having reached superannuation in Government service.

2.20. The need for appointing younger men on the Commission has been ~~underlined~~ by a number of non-official organisations, retired administrators and public men who have sent memoranda to the Committee in pursuance of a ~~request~~ made to them. It has been represented that as energy, vigour and more living touch with and understanding of the younger generation are desirable qualities, a fair number of members of the Commission should be around the age of 50. The main reason for younger officers not being appointed on the Commission is attributed to their unwillingness to offer themselves for the position on account of a constitutional ban on future employment under Government for the Chairman and members of the Commission.

2.21. The Chairman of the Commission also pointed out during evidence that serving officers were hesitant to accept membership of the Commission in the midst of their career because the emoluments attached to the office of the member of the Commission were not attractive in that the pay of the member of the Commission was actually less than that of a Secretary of the Government.\* Besides, he held, no additional pension was admissible to an officer appointed as a Chairman or member of the Commission for his service on the Commission and therefore there was a natural desire on the part of serving officers to first complete their service under Government and earn their full pension. On the other hand, the Chairman of the Commission pointed out, a Judge of a High Court was entitled to an additional pension for his service as a Judge even if he had held that office for a single day.

2.22. Another point made by the Chairman of the Commission during evidence was that under the Constitution, future employment under Government was banned only for Chairman and members of the Commission and the Comptroller and Auditor General of India. Other constitutional appointments such as Judges of the High Court and Supreme Court, Chief Election Commissioner etc. were not subject to any such ban. While in the case of Comptroller and Auditor General of India, there was provision for an adequate salary in the Constitution itself, as well as for a proper

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\*At present the Chairman of the Commission is entitled to a pay of Rs. 3500 p.m. and the pay of a Member of the Commission is Rs. 3000 p.m. The pay of a Secretary to the Government of India is Rs. 3500 p.m. (Rs. 4000 p.m. in case he is from the I.C.S.) and that of an Additional Secretary, Rs. 3000 p.m.



pension which mitigates the disadvantages of the ban, in the case of the Chairman and member of the Commission no such provision has been made in the Constitution. The Chairman of the Commission, however, made it clear that he was not suggesting that the constitutional ban on future employment should be removed but was only drawing attention to the need of the conditions of service of members of Commission being so framed that the constitutional ban does not operate to their disadvantage.

2.22. A view has been expressed before the Committee that the constitutional ban on future employment under Government cannot really serve the purpose for which it is intended, namely to ensure that the Commission is uninfluenceable by Government as, according to them, paid employment under Government is by no means the only way in which a Government can bring influence to bear, should they choose to do so. They think that once the ban on future employment is given up, it should be possible to include in the Commission some younger elements.

2.24. The Committee feel that it would be generally beneficial if persons are appointed on the Commission at an age when they can render at least six years of service before they attain the prescribed age of superannuation i.e., sixty-five. They are inclined to agree with the opinion expressed before them that the constitutional ban on future employment under Government for the Chairmen and members of the Commission tends to discourage able and competent men from joining the Commission at a younger age. The Committee suggest that this aspect of the matter should be specially borne in mind by the Government while finalising the conditions of service of members of the Commission which are stated to be under their active consideration.

#### *Representation of various disciplines, regions and communities*

2.25. Government were asked to state whether they had ever considered which disciplines, professions and interests should find representation on the Commission and, if so, whether any guidelines had been evolved in that regard. They, in a written reply, have stated that, subject to the proviso to clause (1) of Article 316 which implies that it is necessary to have on the Commission persons with experience of Government service who can be expected to be conversant with service matters and problems, persons with wide experience in public life are appointed on the Commission. It is further stated that selection of members is made so as to ensure diversity of experience and talent in different fields to enable expeditious

and adequate handling of all the various problems which the Commission are expected to deal with, and with that end in view, persons with background of and experience in administration, education, legal profession etc. have been appointed.

2.26. A view has been expressed that the Commission should include, besides administrators and educationists, an engineer/scientist to deal with technical appointments, a jurist to handle disciplinary cases, a psychologist, a sociologist or a member from public life and a retired high ranking army or police officer. Asked to state his opinion in that regard, the representative of the Ministry stated during evidence that due to the small size of the Commission, the possibility of accommodating the various disciplines and professions was limited. The object, he said, was achieved by procuring the assistance of experts at the time of personality tests and interviews. The Chairman of the Commission also stated during evidence that representation on the Commission of persons of various disciplines, professions and backgrounds was not necessary as during the personality test/interview, the Boards only saw generally how the candidate reacted to the questions, whether the candidate was alert etc., which, he thought, could be assessed by any one who had received liberal education.

2.27 In the course of evidence the Chairman of the Commission also stated that, generally, the Commission had two members from South and two members representing the Scheduled Castes and Scheduled Tribes. Out of officials, one engineer and one person with legal knowledge were appointed. The remaining had general background and included professors and others. He as well as the representative of the Ministry made it clear that there was no reservation as such; but in making the appointments those factors were also taken into account to some extent. The Chairman of the Commission further stated that in making appointments, first priority always went to the quality of the persons and considerations of regional or communal representation came only afterwards.

#### *Non-officials as Chairmen*

2.28. Hitherto, except for a short period of seven months in 1955, the position of Chairman of the Commission has always been held by a person who belonged to the Indian Civil Service. It has been represented to the Committee that the Chairman of the Commission should be drawn from amongst the non-officials who can be expected to bring in a fresh approach to the personnel problems that confront the Commission. It has been stated that if UPSC is to serve the needs of a welfare State, it is necessary that persons, who have had

experience in the organisation and management of non-official agencies and voluntary associations should be invited to join the Commission since they can understand the aspirations of the people much better than those from the career services of Government.

2.29. Of the two ex-Chairman of the UPSC who appeared before the Committee for evidence, one thought the suggestion of a non-official being appointed as Chairman of the Commission as unwise while the other was of the view that it mattered very little as long as the person appointed was capable and qualified for the position. He, however, added that the non-official should have experience of public administration otherwise he would be handicapped when faced with the complicated rules and procedures for recruitment prevailing in the various Departments of Government.

2.30. The representative of the Home Ministry was also asked during evidence whether it would be possible to appoint eminent public men as Chairman of the Commission. He replied: "the Minister of State in the Ministry of Home Affairs has already said that this will be considered in future when there was a discussion on the report by the UPSC in the House."

2.31. The Committee welcome the assurance given by the Minister of State in the Ministry of Home Affairs in Parliament that Government will consider the question of appointing a non-official as Chairman of the Commission in future and hope that it will be implemented.

#### *Procedure of Appointment of Chairman and Members*

2.32. According to Article 316(1) of the Constitution, the Chairman and other members of the Commission are to be appointed by President subject to the condition that as nearly as may be one-half of the members shall be persons with ten years' service under Government. Describing the procedure for selection and appointment of Chairman and other members of the Commission, the Ministry of Home Affairs have, in a written note, stated that all papers and references relating to appointments of Chairman and members of the UPSC are handled personally by the Joint Secretary in-charge of Establishment Division in the Ministry of Home Affairs. In matters of such appointment, it is stated, action is initiated by Additional Secretary or Secretary (Services) and after informal consultations with the Home Secretary, the Chairman, UPSC (in the case of appointment of members), and with the approval of the Home Minister, all relevant information in regard to the persons under consideration for selection is gathered. The Secretary (Services) then obtains

the approval of the Home Minister for the appointment of a particular person as Chairman/member of the UPSC, and on the Home Minister's approval, the case is submitted to the Prime Minister. After the approval of Home Minister/Prime Minister is received, the matter is placed before the President for his consideration and approval. After the President is pleased to approve of an appointment, letters are written to the person selected and the Chairman U.P.S.C. The appointment is, however, notified only after the person has entered upon his office. The Ministry have also stated that no independent authority is, either formally or informally, consulted in the matter of appointment of Chairman of the Commission.

2.33. In a subsequent communication, the Ministry have elaborated that these appointments, like certain other appointments which are expressly required to be made by the President under specific provisions of the Constitution, are *not* within the purview of the Appointment Committee of the Cabinet and that these appointments are made on the advice of the Home Minister and the Prime Minister alone.

2.34. Asked during evidence to state their opinion in regard to the manner of appointment of the Chairman and other members of the Commission, the two ex-Chairmen of the UPSC were in favour of the appointments being made by the President on the advice of the Government. One of them, however, suggested that instead of the Minister of Home Affairs alone locating persons suitable for appointment as Chairman or member of the Commission, the whole Cabinet should deal with the matter. In support of his view against a rule or positive instructions being issued enjoining upon the President to consult any other authority before making an appointment, another non-official witness held that such a course would render the President's responsibility in that regard diffused. Besides, he thought, such a course was not necessary as, in actual practice, some such consultation was already taking place.

2.35. The representative of the Ministry stated during evidence that the procedure up to the level of obtaining the approval of the Home Minister was informal. In regard to appointment of members of the Commission, he said, the Chairman of the Commission was consulted, but there was no formal procedure of the type followed in the case of appointment of Judges of the High Court or Supreme Court. Asked to state the field of selection and the agencies by, or sources through, which suitable names were obtained at the time making the selection, the representative of the Ministry stated that there were names known to the Chairman of the Commission or the Ministry. Names were also, he added, occasionally suggested

from outside. According to him, the Chairman of the Commission also could *suo motu* suggest a name for appointment as a member of the Commission.

2.36. The Chairman of the Commission also corroborated the statement of the representative of the Ministry of Home Affairs during evidence that the initiative for filling up a vacancy could be taken either by the Government or by the Chairman of the Commission and held that he regarded the arrangement as satisfactory.

2.37. The Committee consider that the present arrangement for locating suitable persons for appointment as Chairman or members of the Commission is not satisfactory. In the absence of any definite procedure for selection of suitable names, the Committee feel, the procedure for appointment of members of the Commission cannot be considered as methodical. In order that appointments to these important positions are made after due consideration of the relative merits of persons of eminence in different fields, the Committee recommend that Government should devise some formal procedure of consultation with persons in high authority and of eminence such as the Chief Justice of India, the Chairman and ex-Chairman of UPSC, Chairman of the U.G.C., a few vice-chancellors of universities etc. for the purpose of drawing up a panel, before names are submitted for consideration by the Minister of Home Affairs and the Prime Minister.

### *Conditions of Service*

2.38. Clause (a) of Article 318 of the Constitution provides that the President may, by regulations determine the number of members of the Commission and their conditions of service. Government have stated that while fresh regulations regarding the conditions of service of the members of the UPSC have not been framed under the aforesaid provision, the regulations framed and issued under the Government of India Act, 1935 have been adopted with necessary modifications and continue to be in force. A copy of the UPSC (Conditions of Service) Regulations amended upto date as supplied by the Ministry of Home Affairs is at Appendix III. Revision of the regulations is said to be in hand. The delay is attributed to differences of opinion between the Government and the Commission. A revised draft of the regulation is stated to have been forwarded to the Commission in June, 1967 and their comments awaited.

2.39. Asked to state in chronological order the dates of communications exchanged between the Government and the Commission in this regard the Ministry have furnished the following note:

"The question of revising the Conditions of Service Regulations was taken up in 1954 on the basis of a draft furnished by the UPSC. The draft was examined in consultation with the Ministry of Finance and the Comptroller and Auditor General. The question was subsequently discussed with the Commission. On the basis of the discussions, the Commission forwarded in January 1959, a redraft of the regulations which was examined in consultation with the Finance Ministry, the Comptroller and Auditor General etc.

A revised draft of the regulations taking into account the discussions and decisions taken in regard to different matters was forwarded to the UPSC on the 18th February, 1961. On the 10th March, 1961, the UPSC forwarded a note containing their comments on the draft regulations. The comments of the UPSC were examined and on the 22nd June, 1964, a note setting out some of the important changes made in the draft after it was last seen by the Commission was sent to the Commission. These changes had been made after the matter was examined in great detail in consultation with the Ministry of Finance. On the 25th June, 1964, the UPSC raised certain points regarding the minimum qualifying service for the grant of pension to non-official members.

The final comments of the Commissions were sent to the Government on the 18th September, 1964. The comments of the UPSC were examined and a revised draft was prepared and sent to the UPSC on the 4th June, 1965 with the suggestion that the draft regulations may be examined and thereafter considered in a meeting in the Ministry of Home Affairs.

On the 5th July, 1965, the Commission forwarded a fresh note containing the Commission's views on the draft regulations and suggested that a meeting to discuss the draft regulations, as prepared by Government, might be held after the Government have had occasion to consider the Commission's views contained in that note. The Commission reminded the Ministry on the 17th January, 1966,

and were informed on the 31st January, 1966 that the matter was still under consideration. On 29th March, 1966, the comments of the Ministry of Home Affairs on the various points raised by the Commission were communicated to the Commission and they were requested to place the matter before the Commission, whereafter the draft regulations could be discussed at a meeting before finalisation. On the 23rd July, 1966, the Commission forwarded their comments on the draft regulations. These were examined and a revised draft regulation has been sent to the Chairman of the UPSC on the 2nd June, 1967, setting out the main points on which the Government and the Commission have not been able to agree and the views of the Government on these points. The Commission have been requested to agree to issue of the regulations as proposed. The Commission's reply is still awaited."

2.40. In their Second Report (1951-52) the Commission have stated that draft new regulations as regards the conditions of service of members were placed before Government in January, 1961 for the decision of Government thereon.

2.41. The Committee regret that Government have not been able to finalise the regulations regarding conditions of service of members of the UPSC under Article 318(a) of the Constitution even after a lapse of 18 years, though the Commission initiated action and submitted the draft regulations in the very first year of the commencement of the Constitution. While appreciating that Government is trying to reach agreement with the Commission in the matter, the Committee feel that it is not desirable to leave the conditions of service of members of the Commission uncertain for an unlimited period. The Committee therefore urge that the Government and the Commission should apply themselves seriously to the task of finalising the regulations without further loss of time and iron out their divergent view points by mutual discussions rather than by protracted correspondence.

2.42. As has been pointed out in para 2.10, the strength of the Commission at the time of the commencement of the Constitution was fixed as a Chairman and six members and in March, 1957 it was raised to a Chairman and eight members. Clause (2) of Article 316 prescribes the tenure of office of a member of the Commission as six years from the date on which he enters upon his office or until he attains the age of 65 years, whichever is earlier. Regulations Nos. 3 and 5 of the UPSC (Conditions of Service) Regulations,

which provide for a membership of 4 besides the Chairman and fix the term of office of members as 5 years, have thus not been brought in conformity with the Constitution and the existing practice in the matter of composition of the Commission and tenure of office of members.

2.43. Asked to explain the reasons for this anomalous position, the Ministry have stated:

“Although the provisions of the UPSC (Conditions of Service), regulations have not been formally amended in these respects, Regulations 3 and 5 of the Regulations have become inoperative by reason of the constitutional provisions and the orders issued by the President fixing the strength of the Commission firstly in 1950 and again in 1957. Action to amend the inoperative portions of the Regulations was not, however, taken as the question of issuing fresh consolidated regulations in the place of the existing regulations was under consideration of the Government in consultation with the UPSC. As the finalisation of these regulations is likely to take some time, steps are being taken to amend such of the regulations in the existing regulations as have been rendered inoperative by the provisions of the Constitution.”

2.44. The Ministry have further stated that apart from the UPSC (Conditions of Service) Regulations, the following orders have also been issued governing the conditions of service of members of the Commission:

- (a) application of the contributory health service scheme to members;
- (b) grant of travelling allowance to members on their retirement from service to enable them to proceed to their permanent residence;
- (c) grant of compensatory (city) allowance to members;
- (d) grant of motor car advance to members.

Copies of the above orders are at Appendix IV.

2.45. The Committee are surprised to note that the UPSC (Conditions of Service) Regulations are not in conformity with the provisions of the Constitution or orders issued by the President from time to time. They regard the explanation offered by the



Ministry that these regulations "have become inoperative by reason of the constitutional provisions and the orders issued by the President" as unsatisfactory.

2.46. The Committee would like Government to take immediate steps to bring these regulations up-to-date by including also the provisions of the orders issued by the President from time to time.

#### *Pay and Pension of Chairman and Members*

2.47. According to Regulation 4 of the UPSC (Conditions of Service) Regulations, the Chairman of the Commission is to receive a pay of Rs. 3,500 and each of the other members are to receive a pay of Rs. 3,000 a month. If an I.C.S. officer or a pre-1931 entrant to Government service is appointed to the Commission, he is entitled to receive in addition, a personal pay of Rs. 500 a month. If a person who has retired from service under the Government, a local body, a university or any other body wholly or substantially owned or controlled by the Government, is appointed to the Commission, his pay is to be reduced to the extent of his pension.

2.48. The pay scales of the Secretary and Additional Secretary to the Government of India are Rs. 3,500 and Rs. 3,000 respectively, while those for Schedule A and Schedule B posts in the public sector undertakings, these are Rs. 3500—125—4000 and Rs. 3000—125—3500 respectively. The Chief Justice of the Supreme Court gets Rs. 5000 p.m. and any other Judge of that Court Rs. 4,000 p.m. In the case of High Courts, the emoluments for respective positions are Rs. 4,000 p.m. and Rs. 3,000 p.m.

2.49. As regards pension, no additional pension is admissible to an officer of the Government appointed as a member of the Commission for his service on the Commission as such. All that Regulation 9 of the UPSC (Conditions of Service) Regulations provides is that such an officer will count his service on the Commission for pension under the rules applicable to the service to which he belongs, or, in the alternative, allows him to opt for the pension rules applicable to non-official members of the Commission.

2.50. Since July 1964, pension at a graduated scale is admissible to non-officials appointed as members of the Commission, provided that the member has completed not less than three years in office. The rates of pension, which is payable for life, are in the case of Chairman and a member of the Commission, Rs. 6,600 per annum and Rs. 6,000 per annum, respectively, if he has completed 6 years

of service. Pension to those who have not completed 6 years of service is admissible according to a prescribed formula.

2.51. The Committee are glad to note that provision has now been made for the grant of pension to non-officials appointed as members of the Commission. It has however been represented to the Committee that the scale of pay attached to the office of the Chairman or a member of the Commission is not adequate being, in the case of a member, even less than the scale admissible to a Secretary to the Government or that applicable to Schedule A posts in the public sector undertakings. They feel that the emoluments and other perquisites of office of the Chairman and members of the Commission need re-examination considering that it is necessary to attract men of high calibre with independence and impartiality to the Commission. The Committee therefore recommend that the Government, while finalising the conditions of service of members of the Commission, should pay due regard to these considerations.

### C. Functions

#### *Statutory and Non-statutory Functions*

2.52. The functions of the Commission are laid down in Articles 320 and 321 of the Constitution. These consist of a duty (i) to conduct examinations for appointments to the services of the Union, and (ii) to assist two or more States if requested by them to do so, in framing and operating schemes of joint recruitment for services for which special qualifications are required. The Constitution also provides that, in respect of civil services and posts or persons holding such posts, the Commission shall be consulted on:

- (a) methods of recruitment;
- (b) (i) principles of making appointments and of promotions and transfers from one service to another;
- (ii) suitability of candidates for such appointments, promotions or transfers;
- (c) disciplinary matters;
- (d) reimbursement of cost of legal defence for acts done in execution of duty; and
- (e) penion for injuries sustained while in service.

Besides, the President may refer any other matter to them and the Commission is duty bound to tender advice to him on that matter. The functions of the Commission can be extended by an

Act of Parliament as respect the services of the Union or any local authority or other body corporate constituted by law or any public institution. Accordingly, the Commission has been made responsible for recruitment to certain categories of posts in three statutory bodies, namely, the Delhi Municipal Corporation, the Employees State Insurance Corporation and the Employees Provident Fund Organisation by making provision in the relevant Acts under Article 321 of the Constitution. It is proposed to charge the Commission with similar responsibility in regard to Coal Mines Labour Welfare Fund Organisation.

2.53. The functions of the Commission have been further extended by regulations or administrative orders issued by Government from time to time to cover promotions, confirmations, re-employment of officers etc. The Commission is also required by Government to conduct examination for entry in the Armed Forces, certain departmental examination for promotion and type-writing tests. In addition, the Commission has been associated with the Central Advisory Committee set up under Section 115(5) of the States Reorganisation Act for handling representations by officers affected by the reorganisation of States. The secretariat functions in regard to this committee are performed by the secretariat of the Commission.

2.54. It is observed that the provisions regarding consultation with the Commission, extension of their functions and the procedure to be observed in consulting the Commission are scattered in numerous Office Memoranda issued by the Ministry of Home Affairs. An attempt was made in 1949\* to consolidate them and issue of a self-contained set of instructions for the guidance of all concerned. Since, then, new procedures have been established in regard to consultation. Besides, the UPSC (Exemption from Consultation) Regulations issued in 1958 have materially changed the position, necessitating a further attempt at consolidation and issue of a self-contained set of instructions for facility of reference.

2.55. Asked to state why it has not been possible to have these instructions consolidated, the Ministry have stated that the gists of the various orders issued from time to time on the subject have been given in the 'Hand Book for Establishment Officers'. The text of the orders themselves, it is stated, are given in the companion volume 'Compilation of orders referred to in the Hand Book'. Copies of these publications are stated to have been made available

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\* Ministry of Home Affairs: O.M. No. 18/18/49-Ext. dated the 26th August, 1949.

to all the Ministries and Departments. Revision of these publications, the Ministry maintain, has been undertaken. Copies of these publications placed before the Committee, however, reveal that the 'Hand Book for Establishment Officers' was published in May, 1956 while its companion volume 'Compilation of Orders, Instructions, etc., referred to in the Hand Book contains orders etc. issued upto September, 1957, only.

2.56. The Committee observe that there is no consolidated, self-contained and up-to-date set of instructions regarding consultation with the Commission. They feel that some of the breaches of instructions in this regard could have been avoided if these were readily available for guidance of officers concerned. The Committee, therefore, recommend that Government should take urgent steps to consolidate the instructions issued by them from time to time in regard to consultation with the Commission, extension of their functions and the procedure for consultation with the Commission.

#### D. Limitations on the Commission's Functions

##### *Constitutional Limitations*

2.57. The Constitution has imposed the following two limitations on the functions of the Commission:

- (i) reservations of appointments referred to in clause (4) of Article 16 and in Article 335; and
- (ii) exclusion of posts or services from the purview of the Commission through Regulations made by the President under the proviso to Article 320(3).

##### *Limitations in regard to Backward Classes*

2.58. The first two clauses of Article 16 of the Constitution confer on all citizens the right to equality of opportunity in matters of public employment and provide that no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth or residence, be ineligible for, or discriminated against in respect of, any public employment. Clause (4) of the Article, however, allows the Government to make any provision for the reservation of appointments or posts in favour of any backward class of citizens. Article 335 requires the Government to take into consideration the claim of members of the Scheduled Castes and the Scheduled Tribes, consistent with the maintenance of efficiency of administration, in the making of appointments.

2.59. The Commission, as a recruiting and advisory agency in service matters, is also bound by the provisions of the first two clauses of Article 16 and observe in matters of recruitment to public services and posts, the principle of open competition. Clause (4) of Article 320, however, exempts the Government from consulting the Commission in regard to the manner in which any provision for the reservation of appointments or posts in favour of any backward class of citizens may be made or as respects the manner in which effect may be given to the requirement of special claims of the members of the Scheduled Castes and Scheduled Tribes being taken into consideration in making appointments. However, once the manner of making reservation in respect of any backward class or of giving effect to the special claims of members of the Scheduled Castes and Scheduled Tribes has been determined by the Government, the Commission are at liberty to apply, within these limitations, the merit system even in regard to these categories of citizens.

#### *Exemptions from Consultation by Regulations*

2.60. Under the proviso to clause (3) of Article 320 of the Constitution which lays down the functions of the Commission, the President has been empowered to make regulations specifying the matters in which either generally, or in any particular class of cases or in any particular circumstances, it shall not be necessary for the Commission to be consulted. These regulations are, under clause (5) of the Article, required to be laid for not less than 14 days before each House of Parliament as soon as possible after they are made, and are subject to such modifications as both Houses may make during the session in which they are so laid. The President has framed the UPSC (Exemption from Consultation) Regulations, 1958 specifying the matters in respect of which it shall not be necessary to consult the Commission. So far, 13 amendments have been made to these regulations, the last being in June, 1966. The regulations as framed initially were laid before Lok Sabha on 11th September, 1958 and before Rajya Sabha on the 10th September, 1958. All the amendments made so far have also been laid before both the Houses of Parliament. The regulations, as amended upto 31st August, 1966 are at Appendix V.

2.61. A fear has been expressed that such a provision might defeat the very object of having the Commission at all, if the Executive freely resorts to the exclusion of matters from the purview of the Commission. The Commission in their first Annual Report said: "The Commission do not consider that the retention of all these limitations on their functions is justified in a democratic republic.

The Commission's proposals have...sought to confine the limitation of their functions to what is considered to be minimum necessary in the public interest." It is, however, understood that there is a well established convention that except for a very few sporadic cases, the Commission is invariably consulted by the President before any service matter is excluded from its purview.

*Cases where the Government and the Commission agree on Exemption*

2.62. Regulation 3 of the UPSC (Exemption from Consultation) Regulations, 1958 provides that it shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) and (b) of clause (3) of Article 320 of the Constitution in the case of the services and posts specified in the Schedule to the Regulations. Item 17 of the Schedule to the Regulations excludes from the purview of the Commission "any service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted." The implication of this provision is that cases where Government are able to obtain the agreement of the Commission are automatically exempted from the requirement of consultation with the Commission without the Government having any need to take Parliament into confidence in the manner required under clause (5) of Article 320 of the Constitution. Government have been frequently taking advantage of this provision in the Schedule to the Regulation and exempting posts and services from the requirement of consultation with the agreement of the Commission. An up-to-day list of posts/services excluded from the Commission's purview under Item 17 of the Schedule to the UPSC (Exemption from Consultation) Regulations, 1958 is at Appendix VI.

2.63. The Ministry was asked to state how far such a provision in the Schedule to the Regulations was consistent with the provisions of clause (5) of Article 320 of the Constitution. They have stated that the constitutional validity of this provision was raised during the debates in the Lok Sabha on the said regulations on the 18th November, 1958. The question was then examined in consultation with the Ministry of Law who advised for the reasons stated in the subsequent paragraphs that there was nothing unconstitutional in that regulation.

2.64. The Ministry have set out the question and the legal opinion obtained by them thereon as follows:—

"The proviso to clause (3) of Article 320 of the Constitution gives power to the President to make Regulations specify-

ing the matters in which consultations with the Commission is not necessary and clause (5) of that article provides that all such regulations should be laid before each House of Parliament and should be subject to such modifications, as both Houses of Parliament may make during the session in which they are laid on the Table. This means that any exclusion from the purview of the Commission should be subject to review by Parliament. Item 12\* of the Schedule referred to above, in so far as it enables any post or service to be automatically excluded from the purview of the Commission in the circumstances stated therein, and in so far as it covers also future posts and future exclusions removes this parliamentary review and is, therefore, unconstitutional.

The legal opinion obtained was that under the said proviso, regulations can be made '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 Public Service Commission to be consulted'. It follows that a general regulation excluding consultation in certain circumstances would be in order. The said item 12\* of the Schedule referred to only sets out that in case the Commission and the Government agree that consultation shall not be necessary in respect of any post etc., such consultation is dispensed with. This can be brought under the description of a general regulation excluding consultation on 'particular circumstances' and would thus seem to be within the competence of the President's Regulations. As regards review by Parliament, it is available at the time when such a general regulation setting out the circumstances under which consultation is not necessary, is before Parliament. At that time it is open to Parliament to object to the general Regulation and to either repeal or amend the particular Regulation. Once Parliament does not exercise its power to do so at the time when the said general Regulation is before it, it seems there is nothing unconstitutional in that Regulation. The constitutional position is that it is possible to make such a general Regulation excluding consultation in particular circumstances (such as when there is agreement between the Commission and the Government) subject to

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\*Item 17 of the Schedule to the UPSC (Exemption from Consultation) Regulations, 1958 at present in force.

any modification or repeal which the Parliament may make during the session in which any such Regulation is placed on the Table of the House."

2.65. The Committee feel that the constitutional validity of a provision on the lines of that contained in item 17 of the Schedule to the UPSC (Exemption from Consultation) Regulations, 1958 is not free from doubt. Further, such a provision appears undesirable in so far as it has the effect of abridging the right of Parliament to review the exceptions that may be made by the President to the express provisions of clause (3) of Article 320 of the Constitution. The view of the Government that the regulations, together with the schedule containing the provision in question, were duly laid before Parliament is too legalistic. They suggest that Government should reconsider the question of retaining such a provision in the schedule to the regulations.

#### *Exemption under Item 17 of the Schedule to the Regulations*

2.66. Government was asked to state the principles and considerations generally observed by them in making proposals for exemption from consultation with UPSC under item 17 of the Schedule to the UPSC (Exemption from Consultation) Regulations, 1958. They have stated that only such appointments as are not permanent or on long term basis and are for specific periods, are generally excluded from the purview of the Commission under that provision. It is further stated that, broadly speaking, exemption from consultation with the Commission is given in cases where appointments are required to be made in consultation with a foreign Government or a non-Governmental or international organisation like the UNESCO, or where the appointment in question falls within the personal choice of a high dignitary or where the nature of the duties attached to the post justify such exemption.

2.67. In reply to the question as to what principles and considerations are observed by the Commission in considering and agreeing to the proposals for exemption from the requirement of consultation under this provision, it has been stated that, broadly speaking, the Commission have concurred in the proposals of the Government for exemption in the following circumstances:—

- (a) To provide for the inevitable time lag between the taking of a decision in consultation with the Commission to exclude a certain post from their purview and the notification of the necessary amendment to the regulations.



- (b) Where the exclusion has been sought not on a permanent or long term basis but only for a specific period for which it may not be necessary to notify the formal amendment to the schedule to the regulations.

2.66. As stated above, one of the grounds on which exemption from consultation is sought by Government is stated to be cases where appointments are required to be made in consultation with a foreign Government or a non-governmental or international organisation. On this ground exemption has been made from the requirement of consultation with the Commission even in respect of such comparatively minor posts as that of Assistant Engineer (Works), Statistician, Assistant Engineer (Planning), etc. in the Indo-Norwegian Fisheries Project.

2.69. Asked for his reaction to the suggestion that in case of appointment to such a post, the Commission might be asked by Government to recommend, on a priority basis, if necessary, a panel of names and consultation between Government and the foreign agency being confined to selection out of such panel, the Chairman of the Commission stated during evidence that a separate regulation could be made requiring the Ministry, even in such cases, to consult the Commission in the matter of appointments to posts of gazetted character.

2.70. The representative of the Ministry was, during evidence, of the view that there was no great difficulty in adopting this procedure provided, in the event of the foreign partners desiring to go outside the panel, the case was not treated by the Commission as one where their advice was not followed.

2.71. The Committee recommend that in cases where appointments are required to be made in consultation with a foreign Government or a non-governmental or international organisation, Government should consult the Commission and obtain from them a panel of names out of which appointment could be made in consultation with the agency concerned. They further recommend that procedure in this regard may be evolved in consultation with the Commission.

#### *Delayed references and irregular appointments*

2.72. Clause (1) of regulation 4 of the UPSC (Exemption from Consultation) Regulations, 1958 provides that it shall not be necessary to consult the Commission in regard to selection of a candidate if:—

- (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 reference to the Commission will cause undue delay.

In such cases, however, it has been enjoined upon the appointing authorities:—

- (a) to report such appointment to the Commission as soon as it is made;
- (b) if the appointment continues beyond a period of six months, to make a fresh estimate as to the period for which the person appointed is likely to hold the post and report it to the Commission; and
- (c) if such estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment, to immediately consult the Commission in regard to the filling of the post.

Under clause (2) of the regulation, it is not necessary, under certain conditions, to consult the Commission in regard to temporary or officiating appointments to a post created in connection with the present Emergency.\* Such appointments are also required to be reported to the Commission as soon as may be after they are made.

2.73. It is noticed that cases of delayed references relating to temporary appointments and appointments made in irregular manner by the administrative authorities are on the increase despite the fact that Commission have been bringing these cases to notice in their Annual Reports year after year. The figures of such cases reported by the Commission during the last three years are as follows:

1963-64	35
1964-65	59
1965-66	103

2.74. Asked to state that the reasons for references to the Commission in regard to temporary appointments being delayed by the administrative authorities, it has been stated that, initially all temporary posts are sanctioned only for a period of one year and are continued on a year-to-year basis, if such continuance is considered necessary. Appointments to these posts are made on *ad hoc* basis for periods not exceeding one year. Continuance of the persons in

\*The Emergency came to an end on 10-1-1968

such appointments, therefore, depends on whether the posts themselves are continued or not beyond one year. A reference to the Commission is not normally made until it is known that the posts are likely to continue.

2.75. Stating the action taken by them to meet the problem, the Ministry of Home Affairs have stated that instructions have been issued to the Ministries/Departments of the Government of India by the Ministry of Home Affairs directing them to furnish to the Commission monthly returns, in the proforma prescribed by the Commission, showing all appointments and promotions made by various Ministries/Departments without reference to the Commission. These returns are required to be furnished to the Commission by the tenth of the month following the month to which the return relates. The UPSC watch the receipt of the monthly returns referred to above and ask the Ministries/Departments concerned, wherever there has been undue delay, to explain such delay. The UPSC also endorse to the Ministry of Home Affairs copies of the communications addressed by them to Ministries/Departments in regard to delayed references. On receipt of this endorsement, the Ministry of Home Affairs call for the facts of the case and the circumstances in which the reference to the Commission could not be made earlier. Ministries/Departments are also advised to take steps for fixing responsibility for the lapse and take appropriate action. Cases of delay in making references to the Commission are also reported by the Commission in their Annual Reports. The comments of the Ministries/Departments concerned are asked for and if facts so justify, they are asked to fix responsibility for the lapse and take suitable action against the officers concerned.

2.76. Under the UPSC (Exemption from Consultation) Regulations, 1958, in cases of *ad hoc* appointments against temporary posts, the question whether the person appointed is likely to hold the post for more than one year is to be examined "where the appointment continues beyond six months". If the appointment is then estimated as likely to continue for more than one year from the date of appointment, Commission is to be consulted in regard to filling up of the post. The Ministry were asked to state whether any general instructions had been issued by Government or the Commission to the Ministries/Departments laying down definite time limits for initiating the examination of the question, for completing the examination and for making a reference to the Commission, if necessary. In reply, the Ministry have stated that apart from the provisions contained in regulation 4(1) of the UPSC (Exemption from Consultation) Regulations, no other instructions have been issued by the

**Ministry of Home Affairs.** However, **Ministries/Departments of the Government of India** are, it is stated, expected to strictly follow the provisions of the Regulations and to make reference to the Commission as soon as possible.

2.77. The instructions requiring proper investigation of cases of delay in making references and irregular appointments and fixation of responsibility therefor for taking action against persons responsible, were issued in April, 1964. Since then, the Commission have reported 59 such cases in 1964-65 and 103 cases in 1965-66.

2.78. Asked whether the Ministry of Home Affairs had any information as to the number of cases in which the administrative Ministries fixed responsibility for lapses and took action against those responsible, the Ministry have stated that out of the 59 cases of delayed references relating to temporary appointments mentioned by the UPSC in their 15th Report for the year 1964-65, the Ministry of Home Affairs had requested the concerned Departments in seven cases to investigate the matter and fix responsibility for the lapse. In three cases the Ministries have explained the delays. In regard to the 193 cases of delayed references mentioned in the 16th Report of the Commission for the year 1965-66, the Ministry have stated that facts were called for from the various Ministries/Departments. On the basis of the facts reported, the Ministry have observed that in thirteen cases the reasons for not having made references to the UPSC in proper time are not convincing. The Ministries/Departments concerned were being requested by the Ministry of Home Affairs to look into these cases further with a view to fixing responsibility and to take action against the officials responsible.

2.79. In addition, the Ministry have stated that during the calendar years 1965 and 1966, the UPSC brought to the notice of the Ministry of Home Affairs 91 and 73 cases respectively, of delayed references by Ministries/Departments of the Government of India. In all these cases, the Ministry of Home Affairs have requested the authorities concerned to fix responsibility for the lapse and to take suitable action against the officer(s) found responsible for the lapse. Result of such action is being ascertained by the Ministry of Home Affairs from the Ministries/Departments concerned.

2.80. The Secretary of the Commission at the time of oral evidence stated that during the current year (i.e., 1967-68), according to the figures that the Commission had been able to collect, there had been a slight improvement and that more than six months old cases had come down from 103 in 1965-66 to 68.

2.81. During evidence, it was pointed out to the representative of the Ministry that there was an apprehension in the mind of the Committee that such references to the Commission were conveniently delayed by the appointing authorities so as to enable the person appointed on an *ad hoc* basis to gain some experience. Thereafter, tailor-made qualifications were prescribed so that at the time of interview, the departmental candidate was at an advantage as compared to other candidates. In reply, the representative of the Ministry referred to a suggestion about placing a restriction on the drawal of pay in respect of such persons by requiring the audit to insist on a certificate after they had continued in office beyond a period without the specific approval or acceptance of the Commission. This, he maintained, could be an automatic check but might be hard on the person who was not at fault. He, however, admitted that unless some system was devised, it might be difficult to check the inadvertent omissions to report and get the concurrence of the UPSC in time.

2.82. When his attention was drawn to a decision of a High Court that an appointment without consulting the Commission might be irregular but not illegal and as such the pay of the employee could not be withheld, he stated that audit was always entitled not to pass the pay bill of a person who had been appointed without competent sanction and by providing that the competency of the sanction would come to an end after a particular period because of non-observance of consultation provisions, it might be possible to have a check.

**2.83. The Committee regret that cases of delayed references and of irregular appointments by the Ministries/Departments of Government are persisting and were, in fact, until recently, on the increase. The Committee feel that the instructions issued in April, 1964 have not had the desired effect and recommend that Government should urgently devise some effective system of keeping these delays and irregularities under strict check.**

**2.84. The Committee further recommend that clear instructions should be issued by the Government to the Ministries/Departments of Government laying down definite time schedule for initiating the examination of the question whether the person appointed is likely to hold the post for more than one year, for completing the examination and for making a reference to the Commission, if necessary.**

*Cases of delayed references and irregular appointments pertaining to the Ministry of Home Affairs*

2.85. It is observed from Appendix XIX of the 16th Report of UPSC that out of 103 cases of delayed references to Commission regarding temporary appointments, in 50 cases involving 84 posts the

defaulters were either the Ministry of Home Affairs or their attached offices or Governments of Union Territories or the Municipal Corporation of Delhi. It is also noticed that out of 17 cases of delayed references and irregular appointments mentioned in the body of the report in 10 cases the defaulter was the Municipal Corporation of Delhi, while the Ministry of Home Affairs and the Government of Himachal Pradesh shared one case each. Government was asked to explain the large number of violations of regulations relating to consultation with the Commission regarding temporary appointments even by the Ministry of Home Affairs or Departments/Bodies for which they are administratively responsible. The Ministry of Home Affairs have, in a written note, furnished the break-up of the 50 cases as follows:

Organisation	No. of cases	No. of posts
Cabinet Secretariat . . . . .	1	7
Delhi Administration . . . . .	4	6
Himachal Pradesh Government . . . . .	7	8
Ministry of Home Affairs . . . . .	3	24
Registrar General's Office . . . . .	1	1
Government of Manipur . . . . .	5	8
Municipal Corporation of Delhi . . . . .	26	26
Government of Pondicherry . . . . .	2	3
Government of Tripura . . . . .	1	1
	50	84

2.86. The Ministry have explained that a majority of the cases of delayed references pertain to the Municipal Corporation of Delhi and other authorities e.g. Delhi Administration, Governments of Union Territories, etc., and that the number of cases pertaining to the Ministry of Home Affairs proper, in which such delays had occurred were only three in number, involving 24 posts. In the case of the Delhi Municipal Corporation it is stated, a reference to the UPSC can be made only after a decision has been arrived at by the deliberative wing of the Corporation. The delay in most of the cases is due to the time taken by the deliberative wing in taking decisions. In the case of the Union Territories, delay is attributed, more often than not, to misunderstanding or misinterpretation of the provisions relating to references to the Commission. It is further stated that,

although the Ministry of Home Affairs have an overall responsibility in regard to the administration of the Union Territories, the responsibility for the administration in respect of various subjects rests with the concerned Ministries/Departments of the Government of India (e.g. the Ministry of Health deal with Public Health in Union Territories, and so for posts pertaining to Health Department, the Ministry of Health will have to take up the case with the UPSC).

2.87. In regard to the three cases pertaining to the Ministry of Home Affairs proper, in one case, the delay is stated to have occurred on account of misunderstanding of the provisions relating to references to the Commission, that in the absence of recruitment rules, appointment could be made without consultation with the Commission.

2.88. In the other two cases, involving 23 posts, the position is stated as follows: "The rules constituting the Indian Economic Service and the Indian Statistical Service were promulgated in November 1961 and appointments to various grades of the two Services at the initial constitution were notified in February 1964 on the basis of the recommendations of the UPSC. In the intervening period, administrative Ministries/Departments continued to make appointments on *ad hoc* basis to various posts included in the two Services. In accordance with the rules of the Services, the Ministry of Home Affairs, advised by the Indian Statistical Service Board and the Indian Economic Service Board, is the controlling authority of the two Services. The Boards at the meeting held in November 1964 discussed the procedure for handling cases of *ad hoc* appointments and entrusted the work to two Sub-Committees. The Sub-Committees in addition to the review of *ad hoc* appointments made in various grades of the two Services, were also to prepare select lists for promotion to different grades of the Services. Information regarding *ad hoc* arrangements made by various Ministries/Departments was called for the consideration of the Sub-Committees which met in February, March and April 1965 and approved of certain *ad hoc* arrangements. The Sub-Committee's recommendations were placed before the Boards in May 1965 and approved by them. The Sub-Committee reviewed the remaining cases of *ad hoc* arrangements in June and July 1965 and submitted their recommendations. The recommendations were considered by the Board in July 1965 and approved by them. Only then, the *ad hoc* appointments made to Grade IV of the two Services could be referred to the UPSC for their concurrence, which was done in August 1965. The delay in making reference to the Commission was not on account of default on the part of any authority, but on

account of the peculiar circumstances, of the formation of the two Services and the procedural delay in the actual application of the Service Rules.”.

**2.89. The Committee are surprised to note that most of the bad cases of delayed references to the Commission and of irregular appointments specifically mentioned by the Commission in their 16th Report (1965-66) pertain either to Ministry of Home Affairs or Departments/Bodies for which they are administratively responsible. The Committee hope that the Ministry of Home Affairs would exercise stricter control to avoid recurrence of such cases.**



### III. ORGANISATION OF WORK

#### A. Internal Arrangements for disposal of work

##### *Allocation of work among Chairman and other Members*

3.1. The main functions of the Commission relate to recruitment by selection and by the method of competitive examinations. The other functions relate, broadly, to advise on disciplinary matters, promotions, appointments, reimbursement of legal expenses, method of recruitment to civil services/posts and principles to be followed in making appointments, promotions, transfers etc. The UPSC, it is stated, adopt their own procedure for the discharge of responsibilities entrusted to them.

3.2. Replying to the question as to how the work of the Commission is allocated among the Chairman and each of the existing member of the Commission, it has been stated in a note furnished to the Committee that there is no fixed allocation of work and the Chairman can, and in fact does, assign any particular work of the Commission to any member or a committee of members, assisted, if necessary, by other persons. The committee communicates its decisions to the Chairman who may place it before the Commission for further consideration and decision. The practice in this regard was stated by the Chairman of the Commission in the course of his evidence thus:

"We have some kind of convention by which a particular type of appointment is handed on to one particular Member, but there is no rigid rule. Many a time it so happens that we shift it from one Member to another. This is done just only a week before the actual interview is held. We say that 'X' will preside over such and such a Board and the list of candidates is given to him only on the previous day. There is no fixed division of work among the Members...The Chairman does it (the distribution of work) once in a month. He says that these ten recruitments will be done by 'X', these will be done by 'Y' and so on and so forth. He fixes the programme of work for each individual Member of the Commission. Similarly, when the Ministry sends a requisition for a Departmental Promotion Committee, the Chairman writes that 'X' may preside over the

committee meeting, 'Y' may preside over another committee meeting etc. There is nothing like a fixed rule that requisition from Ministry of Home Affairs will be presided over by Mr. 'X' and from External Affairs by Mr. 'Y' only."

3.3. The Chairman of the Commission was also asked to state whether, after a particular work was assigned or delegated to a member or a Committee of Members for decision, the decisions of the member or of the Committee within such assignment or delegation were final. He replied that in regard to proceedings of the Interview Boards presided over by a single member of the Commission, these were treated final after the Chairman of the Commission had ratified them. In case two or more members of the Commission were associated with the Interview Board and held varying opinions, the Chairman tried to reconcile them by personal discussion failing which, it was open to any member of the Commission to suggest that the matter should be placed before a meeting of the Commission for their final decision.

## B. Secretariat

### *Secretariat of the Commission*

3.4. UPSC have a separate secretariat to assist the Commission in the discharge of their functions, headed by a Secretary of the rank of Joint Secretary to the Government of India. The staff regulation issued in 1958 provide that the Secretary shall be appointed by the Commission. He need not necessarily be from any of the organised services. The regulations also provide that the Joint Secretary shall be appointed by the Commission from amongst officers approved for appointment to posts carrying the scale of Rs. 1800-100-2000 in the Government of India, and the Deputy Secretaries and the Under Secretaries from amongst officers approved for appointment to those posts under the Government of India. Section Officers, Asstts. & Stenographers are to be appointed by the Secretary from amongst officers belonging to the appropriate grade of the Central Secretariat Services. Amongst the senior officers, the Controller of Examinations in the scale of 1800-125-2250 is the only one who could be appointed by the Chairman of the Commission. In his case, there is also no requirement that he should be from amongst officers approved by appointment to posts carrying equivalent scale in the Government of India.

3.5. Describing the manner of appointment of the Secretary, the Chairman of the Commission stated during evidence that the Secretary of the Commission is a cadre officer belonging to an organised

service. The Government, he said, forwards the name of an eligible officer for the consideration of the Commission, who before taking a final decision, examine his previous record. The Commission could also, he held, reject the suggestion of the Government and call for any other name or even suggest any name *suo motu*.

3.6. As stated in the above paragraphs, the officers and staff of the Secretariat of the Commission mainly belong to the appropriate grade of the Central Secretariat Services. In their Second Annual Report for the year 1951-52, the Commission have referred to the amalgamation of the Secretariat staff of the Commission with the Secretariat of the Central Government as a result of which the members of the staff of the Commission are eligible for promotion to higher posts not only in the office of the Commission but also in the Central Secretariat. "This system", according to the report, "has certainly improved the prospects of the members of the staff of the Commission and it is expected that this improvement in their status and prospects should now have an invigorating effect on their work and morale."

3.7. A question was asked during evidence of non-officials whether the witness considered that the independence of the Commission was in any way compromised when their secretariat was manned by officers and staff drawn from the organised services of the Government of India which were under the overall control and management of the Ministry of Home Affairs. One of the non-official witnesses, who was an ex-Chairman of the Commission, was of the view that the present arrangements were most satisfactory as the kind of work in Commission was such that assistance of the departmental personnel was desirable.

3.8. Replying to the same question, during his evidence, the Chairman of the Commission said that he preferred the existing system under which the officers of the Commission could look forward to promotion in their own cadres while the Commission also could draw its personnel from a wider field by a system of rotation. He disagreed with the view that the staff of the Commission might be influenced by Government as, he held, the staff did not belong to any particular Ministry and could be transferred to any of the Ministries.

3.9. The Committee note that the Commission are satisfied with the present arrangement whereby the officers and staff of the Commission are drawn from the organised services of the Government of India and that the Commission are of the opinion that there is no

**likelihood of the independent functioning of the Commission being in any way affected on this account.**

### *Role of the Secretariat*

3.10. Asked to state the extent to which the secretariat of the Commission assisted the Chairman and Members of the Commission in the discharge of their functions and responsibilities, the Committee have been assured in a written reply that the Commission's powers in relation to the functions assigned to them under the Constitution or by general or specific order are exercised by the Commission only. The large magnitude of work of the Commission, it is held, however, envisages a secretariat equipped with the requisite expertise to deal with the specialised problems of the Commission, which can process the various items of work as thoroughly as possible with the resources available to the Commission and within the time schedule governing the work. It is further stated that having regard to the varied nature of the cases on which the Commission are required to be consulted—covering such diverse subjects as the conduct of examinations, references in connection with recruitment by selection, framing of recruitment rules, recognition of qualifications, references relating to quasijudicial cases like disciplinary matters and claims for reimbursement of legal expenses, seniority and general service matters and Departmental Promotion Committees/Selection Committees for promotions and confirmations—the assistance provided by the Secretariat necessarily varies according to the requirements of each case.

3.11. Describing the division of responsibility at various levels in the secretariat, the Commission have stated that, in order to expedite disposal of cases the system of cutting down to the minimum the stages through which a file normally has to pass, has been in operation in the office of the Commission. In considering the levels through which work in the secretariat has to pass, the following two aspects have been borne in mind:

- (a) The number of levels between the stage at which action is initiated and the stage at which decision is taken should, consistent with the thorough examination of the issues involved, be the minimum; and
- (b) For the action to be initiated on it, a receipt should not go down below the level appropriate to the nature and importance of the receipt.

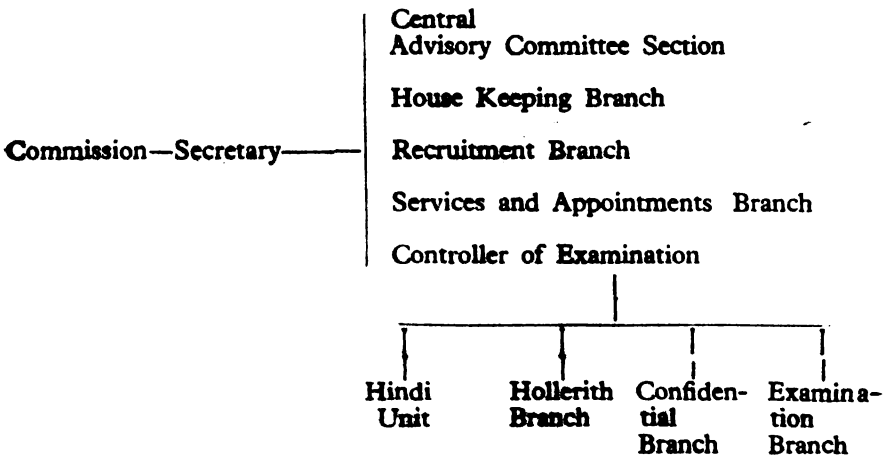
The Commission have further stated that the practice in their secretariat provides not only for the "jumping" of levels after

action has been initiated on a receipt but also for eliminating the lower levels altogether by ensuring that receipts relating to certain subjects are dealt with at a level not lower than that of a Deputy Secretary or Under Secretary. By a judicious sifting of the items of the work dealt with by the Commission, the Commission maintain, an attempt has been made to evolve a procedure which harmonises the two aspects mentioned above.

### C. Staff and Expenditure

#### Organisation Chart and expenditure of the Commission

3.12. The organisation chart of the Commission is given below:—



3.13. The receipts and expenditure of the Commission during the year 1965-66 has been indicated in the Sixteenth Report of the Commission as follows:—

#### Receipts

Nature of Receipts	Amount (In thousands of Rs.)
Application fees, etc. . . . .	20,86
Less refunds on account of examination/application fees, etc. . . . .	(—)2,26
<b>NET RECEIPTS</b>	<b>18,60</b>

*Expenditure*

Nature of Expenditure	Amount (In thousands of Rs.)
Pay of Members and Officers . . . . .	11,59
Pay of Establishments . . . . .	16,96
Allowances, Honoraria, etc. . . . .	11,25
Other Charges, e.g. expenditure on Examinations, T.A. to candidates, Contingent expenditure etc. . . . .	21,54
TOTAL . . . . .	61,34

3.14. The position regarding the receipt and expenditure of the Commission over the last five years has been as follows:—

(Rs. in lakhs)

	Receipt	Expenditure
1962-63 . . . . .	11.60	47.06
1963-64 . . . . .	9.47	49.15
1964-65 . . . . .	11.73	55.26*
1965-66 . . . . .	18.60	62.21*
1966-67 . . . . .	..	71.44*

Under Article 322 of the Constitution, the expenses of the Commission are charged on the 'Consolidated Fund of India' and as such are not subject to a vote in Parliament.

*Staff of the Commission*

3.15. The Commission had on 1st April, 1966, a total staff strength

\*As indicated in a written note furnished to the Committee.

of 1006 (Gazetted—105; Non-Gazetted—602; Class IV—209) and included the following on the Secretariat side:

Secretary . . . . .	1
Joint Secretary . . . . .	1
Controller of Examinations . . . . .	1
Deputy Secretaries . . . . .	8
Under Secretaries . . . . .	27
Section Officers . . . . .	50
Assistants . . . . .	225
U.D.Cs. . . . .	36
L. D. Cs. . . . .	249

3.16. It is observed from the figures given in the Annual Reports of the Commission for the last five years that the staff strength of the Commission has been increasing steadily from year to year as indicated below:—

	Sanctioned strength of staff as on 1st April			
	Gazetted	Non-Gazetted	Class IV	Total
1962 . . . . .	70	478	141	689
1963 . . . . .	77	477	154	708
1964 . . . . .	74	487	159	720
1965 . . . . .	87	594	189	870
1966 . . . . .	105	692	209	1006

3.17. A comparison of volume of work handled by the Commission during 1961-62 and 1965-66 has been made in the following table prepared out of the figures furnished to the Committee:—

	1961-62	1965-66
<i>Recruitment by Examination</i>		
Number of Centres . . . . .	192	209
By Written Examination and Interviews :		
No. of examinations held . . . . .	13	12
No. of posts . . . . .	1,902	1,478
No. of candidates . . . . .	28,402	20,806
No. of candidates interviews . . . . .	1,621	1,828

	1961-62	1965-66
<b>By Written Examination only:</b>		
No. of examinations held . . . . .	1	4
No. of posts . . . . .	770	2,654
No. of candidates . . . . .	6,816	10,201
<b>Probationers Examination/Re-examination :</b>		
No. of examinations held . . . . .	4	5
No. of candidates . . . . .	138	225
<b>Proficiency Tests in Typewriting/Stenography :</b>		
No. of tests held . . . . .	37	36
No. of candidates . . . . .	1,629	1,855
<i>Recruitment by Interview</i>		
No. of posts for which recruitment action was pending from previous year . . . . .	1,748	[ 2,511
No. of posts for which requisitions were received during the year . . . . .	3,045	2,693
No. of posts for which recruitment action was completed . . . . .	2,440	4,085
No. of posts for which recruitment action was pending at the close of the year . . . . .	2,353	1,119
No. of applications received during the year . . . . .	36,270	85,912
No. of candidates interviewed during the year . . . . .	6,894	13,156
<i>Miscellaneous</i>		
No. of officers involved (Promotion, disciplinary matters, seniority etc.) . . . . .	17,339	20,969

3.18. Justifying the increase in the staff strength of the Commission, it has been stated that there are certain aspects of the Commission's functions which are not reflected in the data furnished to the Committee. Studies relating to the review of syllabi for different examinations, the feasibility of introducing a particular language or languages as alternative media for examinations are indicated as examples of such functions. Increase in staff noticed between 1963 and 1966 is attributed mainly to specific reasons, e.g., the setting up of a special unit for exploring the feasibility of introducing Hindi



as an alternative medium for the Commission's examinations; creation of an organisation for dealing with the recruitment of about 200 Income Tax Officers on a priority basis; introduction of the cheque system of payment in respect of certain specified transactions in the Commission's office; and the recruitment of Engineering and Technical personnel required by the Ministries of Defence etc. on an overriding priority basis.

3.19. In reply to the question whether there is any system of reviewing the staff strength of the Commission from time to time and, if so, whether any norms of work have been laid down for the different categories of staff dealing with various matters, it has been stated that the strength of the staff required for the secretariat of the Commission is subjected to continuing review; and increase of staff in specific Sections/Branches is preceded by a thorough study. A considerable part of the work of the Commission, it is stated, is governed by a highly rigid time schedule, with reference to which certain norms are observed in each Section or Branch having regard to the nature of the assignment allotted to it. The normal work of the Commission, it is held, covers a large variety of functions which renders it impracticable to lay down any uniform or static norms of work for the different categories of staff. Any increase in the strength of the staff is sanctioned only after a study is carried out of the requirements. At the time when temporary posts thus sanctioned have to be extended, it is stated, careful consideration is given, on the basis of overall requirements, to the need for continuing them.

3.20. The representative of the Ministry, during evidence, stated that the staff strength of the Commission has not been reviewed by the Staff Inspection Unit of the Ministry of Finance.

3.21. The Committee suggest that the Commission should get the staff strength of their Secretariat examined, if necessary, by an agency other than that of the Commission or the Ministry of Home Affairs or experts well versed in work-study methods.

*Work relating to representations received under the S.R. Act, 1956*

3.22. Section 115(5) of the State Reorganisation Act, 1956 provides for the setting up of one or more Advisory Committees for the purpose of assisting the Government in regard to—

- (a) the division and integration of the services among the new States and the States of Andhra Pradesh and Madras; and

- (b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this section and the proper consideration of any representations made by such persons.

3.23. A Central Advisory Committee was established under the aforesaid provisions in 1958. The Chairman of the UPSC is the Chairman of the C.A.C. The representations received from the States with their comments are forwarded by the Ministry of Home Affairs to the C.A.C. for their advice. The processing of the representations is done in the Commission's secretariat for which a separate section has been created on a regular basis.

3.24. On account of there being no time limit for submission of representations under the States Reorganisation Act, 1956, Government have stated that it is not possible to prescribe statutory time limit for the submission of representations and in cases where there are sufficient reasons for an officer submitting his representation after the prescribed date and where on merits the representation is of such a nature that it would be inequitable not to consider it, the representation has to be entertained. The result is that representations are still being received by the C.A.C., although their number has gone down. The number of representations received by the Commission annually during the last 5 years are as follows:

1962-63	.	.	.	.	.	557
1963-64	.	.	.	.	.	346
1964-65	.	.	.	.	.	541
1965-66	.	.	.	.	.	316
1966-67	.	.	.	.	.	103

3.25. The strength of the CAC Section, which was set up on 1st November 1958, was as follows:

Under Secretary	.	.	.	.	.	1
Section Officer	.	.	.	.	.	1
Assistants	.	.	.	.	.	2
Stenographer	.	.	.	.	.	1
Upper Division Clerk	.	.	.	.	.	1
Lower Division Clerk	.	.	.	.	.	2

Although, work-load in the Section has been varying from time to time, this strength has remained unaltered except for the substitution of a post of Lower Division Clerk for the post of Upper Division

Clerk with effect from 1-5-1959. The strength of the Section was, the Commission have stated, reviewed from time to time but the Section could not be wound up, since the flow of representations from States had not ceased, nor could the extent of the work which would devolve on the Section from time to time be forecast with any approach to accuracy. In the circumstances, whenever it was found that the Under Secretary and staff sanctioned for this work were not fully occupied on the CAC's work, their services, to the extent available, were utilized for clearing up urgent work in certain other Branches of the Commission's Secretariat which needed help. The work-load of the C.A.C. Section is, however, stated to be continually under review.

3.26. In view of the fact that the number of representations under the States Reorganisation Act, 1956 has gone down appreciably, the Committee recommend that the existing arrangement for handling this work in the Commission should be reviewed early in the interest of proper utilization of surplus staff.

#### **D. Workload and Processes of work**

##### *Workload and the possibility of its reduction*

3.27. As stated in para 2.53 besides the functions assigned to them under Articles 320 and 321 of the Constitution, the Commission have been entrusted by the Government from time to time with additional functions so much so that the work of the Commission has increased considerably during recent years. It was likely to further increase as a result of setting up of new All India Services.

3.28. During evidence, the representative of the Ministry was asked whether he had any concrete suggestion to make as to the manner in which the work of the Commission could be reduced, so that the Commission might be enabled to concentrate on spheres which were comparatively more important. He stated that Government had considered that point but it was decided to await the report of the Administrative Reforms Commission who might have to make any recommendation in that regard. He, however, stated that if it was ultimately decided to take over certain responsibilities from the Commission, some lower level selection boards or departmental councils shall have to be constituted.

3.29. The Ministry of Home Affairs have, in a subsequent written note, stated that while Government have not received any general proposal from the Commission as to the manner in which the

urden of the Commission could be lightened, the Commission have made the following suggestions:

- (i) Commission need not be associated with the Special Selection Board for initial recruitment to the Indian Forest Service.
- (ii) Commission need not be entrusted with the job of verification of character and antecedents of the candidates who qualify in the written examination for the Indian Forest Service.
- (iii) Commission need not be required to conduct the Indian Forest Service Probationers' Examination.
- (iv) Commission need not be entrusted with the responsibility of conducting the examination for recruitment to Grade III of the proposed Central Secretariat Stenographers' Service.

The first two suggestions have been accepted by Government. In regard to the third suggestion, Commission's final reply to the views of the Government are being awaited by them while the fourth suggestion is under the consideration of Government.

3.30. The Chairman of the Commission was also asked a similar question during his evidence. He stated that the Commission have, in recent past, themselves agreed not to be associated with Departmental Promotion Committees for promotion from Class III to Class II posts and suggested that the Commission should divest itself of the responsibility for holding certain examinations and making recruitment for certain minor categories of posts.

3.31. In a subsequent written note, the Commission have suggested that it is not necessary that they should continue to deal with the following:

- (1) Conduct of examination for the lower services, e.g. the Clerks' Grade Examination, and Monthly and Quarterly Typewriting Tests.
- (2) Conduct of the departmental examinations, e.g.
  - (i) IAS/IPS Probationers' Final Examinations/Re-examinations;
  - (ii) Railway Board Secretariat Service Section Officers' Grade Limited Departmental Competitive Examination;
  - (iii) Indian Foreign Service 'B' Limited Departmental Competitive Examination;

- (iv) Central Information Service Grade III Limited Departmental Comp. Examination;
  - (v) Upper Division Grade Departmental Competitive Examination; and
  - (vi) Upper Division Grade (Intelligence Bureau) Limited Departmental Competitive Examination.
- (3) Conduct of the Army Medical Corps Examination, which the Commission had agreed some years ago to hold, by way of a special arrangement, on the request of the Ministry of Defence. Not many candidates have been forthcoming; and the work involved in making arrangements for the holding of this examination year after year has been found to be out of proportion with the number of candidates made available.
- (4) Pending decisions regarding (1) and (2) (i) above, the Commission may not be required to be consulted regarding grant of exemption from the requirements of passing in the typewriting test in certain types of cases, and from the requirements of passing certain qualifying tests prescribed for the I.A.S. Probationers.

These suggestions are stated to be under consideration of the Commission.

3.32. In reply to a question whether, even after these functions were taken away from the Commission, would the Commission like to retain some sort of supervisory control over the body that might be set up to discharge those functions, the Chairman of the Commission stated during evidence that all that the Commission would desire was to be associated with the recruitment of members of that body.

3.33. The Committee recommend that Government should urgently consider, in consultation with the Commission, the question of taking away from the Commission such portions of their existing functions as may be of minor nature so as to enable them to concentrate on spheres which are comparatively more important.

The Committee note that the Commission do not normally figure in recruitment to class III and class IV services and posts. The recruitment to the bulk of these services and posts is at present done by the Ministries/Departments independently of each other. Apart from the fact that such a procedure tends to compromise the merit system, it would be more economical and conducive to efficiency if the recruitment needs of different Ministries/Departments for these categories of staff are served by a central agency like the Railway

Service Commissions which have been established for centralised recruitment to class III and class IV categories of staff in the Railways. The Committee accordingly suggest that a Service Selection Board should be set up on the pattern of the Railway Service Commission to make selections for recruitment to class III services and posts under the Government of India. This Board could take over from the Commission the conduct of examinations for lower categories of services and such of the existing functions of the Commission as may be of minor nature. The appointment of members of such a Board should be made in consultation with the Commission.

#### *Time taken in Recruitment*

3.34. From Appendix V of the Sixteenth Report of the Commission for the year 1965-66, it is observed that during that year the Commission conducted as many as 57 examinations for 24 different types of services. 17 of these examinations are an annual feature; 4 are held bi-annually; 2 are held quarterly; and 2 are held every month. This appears to be a normal feature every year.

3.35. It has been stated that the holding of a large number of examinations during a year necessitates detailed programming of examinations in advance. This is done, the Commission state, by spreading the various examinations throughout the year in an even manner, keeping in view all the relevant considerations including the different stages of work connected with the conduct of each examination so that overlapping in the different wings of the Commission's secretariat in regard to the processing of different items of work is avoided as far as possible. With a view to ensuring that this detailed programme is adhered to, the Commission have stated that they themselves initiate action to ascertain long in advance from the respective departments making recruitment through their examinations, as to whether there would be vacancies for which it would be necessary to hold the examination.

3.36. The various stages of work connected with different items of work handled by the Commission are indicated in a note furnished to the Committee which is reproduced in Appendix VII. According to this note, the interval between the date of notification and the date of commencement of an examination varies generally between 10 to 28 weeks. The subsequent stages, namely, the compilation of the result of the written examination, conduct of inter-views/personality tests, if necessary, and the compilation of final results are, it is stated, compiled "with least possible delay."

3.37. The Chairman of the Commission was, during evidence, asked to state the minimum and maximum gap between the dates

of (i) notification and commencement of the examination, and (ii) conclusion of examination and declaration of results, in respect of examinations conducted by the Commission during 1966-67. He gave the figures of the gap at stage (i) as: minimum—20 weeks and 4 days; maximum—30 weeks. The gap at stage (ii) according to him was: minimum—4½ months; maximum—11 months. He maintained that the Commission themselves tried to keep a check on the delays by penalising the examiners for not sending the scripts in time.

3.38. In regard to recruitment by interview, the Commission have stated that they had occasion recently to review the average time taken in the disposal of a recruitment case dealt with by the Commission. As a result of various measures adopted by them in speeding up the examination of the recruitment case, the Commission maintain, it has been possible to reduce the average time which was over 8 months in 1961 to 4 to 5 months. The Break-up of the time required for finalising a recruitment under ideal conditions has been indicated broadly as follows:

	Days
Preparation of information for candidates and the advertisement.	10
Time for the advertisement to appear in a newspaper . . . . .	10
Receipt of applications . . . . .	30
Receipt of applications through proper channel and from overseas candidates . . . . .	14
Covering and sorting of applications, removal of postal orders and preparation of lists etc. . . . .	7
Scrutiny of applications . . . . .	15
Preparation of a case for interview . . . . .	15
Notice to candidates, interview arrangement etc. . . . .	15
Preparation of interview report, recommendation letter etc. . . . .	7
	123

All this pre-supposes, the Commission say, that the interview will be over in a day or so, whereas there are instances of over 1100 candidates being called for interview against a single requisition. In such cases, interviews against a single requisition may, the Commission maintain, last for as long as 110 working days or approximately 5½ months.

3.39. The main steps in recruitment cases are described as follows:

- (i) These recruitments are conducted by advertisement and interview. For recruitments of this type, a suitable advertisement has to be drawn up and published in all the leading newspapers in India. The Commission's advertisements are published in the Saturday issues of prominent newspapers. An advertisement which is to appear on a Saturday has to be sent for publication on the preceding Saturday.
- (ii) The candidates have to be given about 30 days' time from the date of publication of the advertisement for submitting their applications and a margin of another 14 days has to be left for receipt of applications from the candidates abroad and for candidates whose applications are forwarded through proper channel.
- (iii) Applications received for various recruitments have then to be segregated. Thereafter for each case the applications have to be properly scrutinised in order to decide how many of the applicants should be called for interview.
- (iv) A programme of interviews has then to be drawn up keeping in view the other work of the Commission connected with examinations, Departmental Promotion Committees etc. Suitable advisers to assist the Commission on the Interview Boards have to be selected and invited to participate in the proceedings of the Board.
- (v) At least two weeks' notice has to be given to the candidates while calling them for interview and about a week's time is required for the interviews and for the compilation and communication of the result of the interviews.

3.40. According to the Commission, if all the processes described above are completed with clock-wise regularity, the minimum time required for disposal of a recruitment case would be 4 months. However, there are many other factors because of which some cases take longer to be finalised and because of which the average time taken for disposal is increased. Some of these factors are indicated as follows:

- (i) In some cases, where requisitions are placed by the Ministries for a very large number of posts, a large number of candidates have to be interviewed. There are cases in which interviews themselves extend over a period of



2 to 4 months. On the other hand, there are cases in which the number of posts is few but the number of applications is very large. In such cases, preliminary selection of candidates for interview has to be made very critically, which involves time.

- (ii) In some cases proficiency tests are to be held before candidates are screened for interview. Such cases naturally take longer time.
- (iii) In cases in which the availability position of candidates is known to be unsatisfactory, personal contacts with knowledgeable sources are made in order to locate suitable candidates. Similarly, in cases in which an initial attempt at recruitment fails, personal contacts to locate suitable candidates are made and interviews held again after locating such candidates. Such cases take longer for finalisation.
- (iv) Sometimes interviews are to be postponed in order to accommodate the convenience of the eminent advisers who assist the Commission at the interviews or the Ministries' representatives who participate in the Boards' proceedings. On certain occasions, interviews are also to be postponed in public interest to accommodate some candidates returning from abroad or well qualified candidates in India who may have grave and genuine difficulties in attending the interviews on the scheduled dates.

3.41. Further, the Commission have pointed out that a good deal of time is lost in correspondence where the requisitions received from the Ministries are not complete or in finalising the qualifications required for the posts in cases where the requisitions are not preceded by personal discussion with a responsible officer of the Commission. (This matter has been discussed separately in later paragraphs). Sometimes the Commission have to postpone a recruitment even at the instance of the Government pending the decision regarding continuance of the post.

3.42. Even with the disadvantages explained above, the Commission have stated that they do their best to reduce the duration to the minimum. The requirements reported by the various Ministries and Departments in respect of posts requiring similar qualifications and experience are being coordinated by the Commission and the method of bulk recruitment for such posts, instead of dealing with each such requisition separately, is tried. For obvious reasons, the Commission state, top priority is accorded to recruitment for posts

connected with the Defence effort. Whenever necessary and practicable, arrangements are made by them with Ministries for the medical examination of the candidates simultaneously with the interviews held by the Commission. In some cases the Commission send their recommendations to the Ministries concerned at the end of each day so that medical examination is done on the following day with the result that no time is lost on this account in making appointments. The Commission further state that it has been their endeavour to plan recruitment work on an annual basis to the extent possible so that consolidated recruitments are conducted for posts requiring similar qualifications and experience and in which vacancies arise at different times in the same Ministry or under the different Ministries.

3.43. The Committee feel that the procedures of work of the Commission and the time taken by them for completing the various stages of work connected with recruitment and other matters needs to be examined. However, in view of the fact that the Administrative Reforms Commission may soon report about it, they consider that the question of re-examining the organisation and methods of work may be decided in the light of the report and recommendations of the Administrative Reforms Commission on the subject.

#### **E. Recruitment Rules and Requisitions for Recruitment**

##### *Scrutiny of Recruitment Rules*

3.44. The Constitution enjoins upon the administrative authorities to consult the Commission, subject to exceptions made in this behalf, in all matters relating to methods of recruitment to civil services and posts, and principles to be followed in making appointments, promotions and transfers in civil services and posts. This implies that it is incumbent upon the appointing authorities to consult the Commission in regard to the manner of appointment (i.e. by promotion or direct recruitment), minimum qualifications required etc. in respect of a post. This is done by means of recruitment rules which are required to be framed by the appointing authorities, where necessary, in consultation with the Commission, as soon as an isolated post or cadre is created. One of the functions of the Commission, therefore, is the proper scrutiny of the drafts of the Recruitment Rules sent to them by the various Ministries and Departments.

3.45. In reply to a question whether the Commission have evolved criteria and yardsticks for guidance while scrutinising the recruitment rules for a particular post or class of posts proposed by Government, it has been stated that the considerations that are generally

borne in mind in determining the method of recruitment are broadly—

- (i) Qualifications, experience and previous training required for the post having regard to the nature of the duties;
- (ii) availability in the open market of persons suitable for appointment to the posts;
- (iii) the need for providing adequate opportunities of promotion to persons employed in lower grades and for utilising their specialised experience in higher posts; and
- (iv) the need for an element of direct recruitment with a view to inducting fresh blood.

In considering such proposals, the Commission also examine whether the various posts under a Ministry/Department should not be constituted into a regular cadre or service. The exact methods to be laid down, it is stated, depend naturally on the requirements of each post/grade. Stating the criterion in regard to recruitment by promotion, the Chairman of the Commission said during evidence that the Commission did not insist on the qualification for the departmental candidates being the same as were prescribed for direct recruits.

3.46. Answering the question as to what was the incidence of cases in which the Commission's advice in regard to recruitment rules was not accepted by Government, he said that the Recruitment Rules were settled in consultation with the Ministry concerned.

3.47. In reply to a question as to what efforts have the Commission made to classify and group the posts and to standardise the qualifications therefor so as to avoid varying qualifications being prescribed for similar posts, it was stated by Government in a written reply that these points "are kept in view at the time the recruitment rules for various posts are framed." In view of the fact that UPSC were required to handle a large number of recruitment rules, the Chairman of the Commission was asked to state as to how was it ensured that those points did not escape notice and whether the Commission maintained an effective card index system to locate precedents. He replied that the Commission had already initiated a system of maintaining index cards in respect of Recruitment Rules framed in consultation with the Commission and that such cards had already been prepared in respect of 4,182 posts.

#### *Delay in framing Recruitment Rules*

3.48. It has been stated that there are an appreciable number of posts for which Recruitment Rules have not yet been framed by

the Government in consultation with the Commission. It is also stated that it takes considerable time from the stage of creation of a post to the stage of notification of Recruitment Rules. With a view to watching the progress in finalising the Recruitment Rules, the Ministry of Home Affairs have, it is stated, requested all the Ministries etc. on the 2nd March, 1967 to furnish a quarterly return indicating the services and posts in respect of which Recruitment Rules have not been framed. It was also stated during evidence that the Ministry of Home Affairs have, in consultation with the Commission, issued on the 11th August, 1967 detailed procedural instructions with regard to the framing of Recruitment Rules.

3.49. The Ministry were requested to furnish information showing the progress made in framing Recruitment Rules with a view to find out exactly the extent of work that remained to be done in regard to the framing of these rules. They have, however, expressed their inability to readily furnish the information asked for.

3.50. The Committee recommend that the Ministry of Home Affairs should keep a strict watch on the progress of framing of Recruitment Rules in regard to services and posts under the different Ministries/Departments of Government. They would suggest that the copies of quarterly returns may be called by the Commission to enable them to watch the progress in this regard.

#### *Scrutiny of Requisitions for Recruitment*

3.51. The Commission are also required to be consulted, save in cases exempted from such consultation, in regard to the suitability of persons for appointments to civil services and posts under the Government of India. The Ministries/Departments place upon the Commission requisitions for recruitment to posts which are required to be filled up in consultation with the Commission, in a proforma prescribed in this behalf. On the basis of the details indicated in the proforma, the Commission draft the advertisement for the post. The advertisement gives the terms and conditions of appointment but the most essential part of it is the drafting of qualifications. In many cases the qualifications are not drafted by the requisitioning authorities in a satisfactory form. One of the main functions of the Commission, it is stated, is to so draft the advertisements, without sacrificing the real requirement of the post, as to ensure a truly competitive selection for the post from the widest field. It has been the Commission's endeavour, it is held, to see that the advertisements do not restrict the recruitment to the limited circle

of persons already holding the posts advertised or analogous posts. Sometimes Ministries demand personnel with an ideal combination of qualifications; and sometimes superior talent is demanded on an inadequate scale of pay. In the light of their experience of recruitment during many years, the Commission are, it is stated, better able to assess the availability position of personnel of various kinds.

3.52. In reply to a question as to what efforts have been made by the Commission to classify and group the posts for which requisitions are received by them and to standardise the qualifications therefor, so as to avoid varying qualifications being prescribed and advertised for similar posts by different requisitioning authorities, it has been stated that these are kept in view at the time the recruitment rules for various posts are framed. Where the requisitions for recruitment are received for posts for which no recruitment rules have been framed, it is stated, the qualifications to be prescribed are discussed with the requisitioning authorities and modified to the extent necessary to conform to the pattern of qualifications prescribed for similar posts. When the requisitions received are examined, the Commission also endeavour to combine recruitments for posts for which the qualifications prescribed are similar.

3.53. Replying to a specific question, the Commission have said that the organisation and methods of processing the requisitions in the Commission are adequate to ensure that tailor-made qualifications or superior qualifications demanded on inadequate pay do not escape notice and unnecessarily restrict the field of selection.

3.54. At the instance of the Commission, the Government had issued instructions on the 8th September, 1954 that requisitions should be sent to the Commission only after a responsible officer of the Ministry had discussed it with the Secretary of the Commission or an officer nominated by him. These instructions were reiterated by the Government from time to time. It is however complained that there are cases in which discussion does not precede the receipt of a formal requisition and the drafting of qualifications in such cases has to be done by the Commission after a good deal of correspondence or by discussion after receipt of the requisition, causing delays in recruitment by the Commission.

3.55. An idea of the extent to which the requisitions placed upon the Commission needed revision would be had from the following

statement furnished by the Commission showing break-up of requisitions received during 1966-67:

Type of case	No. of cases	% to the total
Advertised cases without changing the qualifications as indicated by the requisitioning authorities . . . . .	543	60.13
Advertised cases with changed qualifications i.e. different from those indicated by the requisitioning authorities . . . . .	277	30.68
Cases where no advertisements were issued but the requisitions were linked with other advertised cases or candidates were recommended from the reserved list etc. . . . .	83	9.19
	903	100.00

The above figures suggest that during 1966-67, in about 30 per cent cases the repeated instructions of the Ministry of Home Affairs, that the requisitions should be sent to the Commission only after a responsible officer of the Ministry discusses it with the Secretary of the Commission or an officer nominated by him, were not followed, necessitating revision of the qualifications and consequent delay in recruitment.

3.56. It was suggested during evidence of the Chairman of the Commission that the Commission should refuse to entertain requisitions where previous consultation was not held. The Secretary of the Commission however stated that the suggested procedure would not secure the object, this is, to expedite the process of recruitment. He also maintained that he noticed a slight improvement in this regard since the last instructions were issued.

3.57. The Committee observe that one of the causes for delay in recruitment is the time taken in finalising the qualifications for posts where the requisition is not preceded by personal discussion between the authorities concerned and the officers of the Commission. The Committee note the observation of the representative of the Commission that the position has now improved. They nevertheless feel that the matter needs constant review.

#### *Special Recruitment of ITOs.*

3.58. The Commission was entrusted by the Ministry of Finance with the special recruitment of 200 I.T.Os on a priority basis which they notified in October, 1965. A written examination to screen can-

didates for interview was held in December, 1966. The result is yet to be announced. After the result is ready it is proposed to arrange interviews. The abnormal delay in this case has attracted the notice of the press and Parliament.

3.59. Asked to explain the reason for the inordinate delay in conducting the examination and in the publication of results on the part of the Commission, the Chairman of the Commission stated during evidence that one reason for the delay in conducting the examination was an order of the Andhra High Court requiring the Commission to allow a particular candidate to take the examination. This order, he said, enlarged the eligibility of candidates necessitating a review of rejected applications. The examination had therefore to be postponed from June, 1966 to December, 1966. The Commission received another injunction in December, 1966—this time from the Calcutta High Court—restraining them from declaring the result of the examination until the disposal by the Court of a petition submitted to them by one of the candidates. No further action, he held, could therefore be taken until the injunction was vacated. Vigorous efforts are being made, it is stated, to get the injunction vacated.

3.60. It was pointed out to the Chairman of the Commission that the type of experience prescribed in the case of this recruitment, namely 5 years' experience in a 'responsible capacity' was obviously too vague and there was scope for varying interpretations. That was why the Andhra Pradesh High Court held a view that was different from/that of the Commission. The Chairman replied: "...The wording is like that. If that can be said to be vague it was certainly vague . . ."

3.61. When it was suggested that in view of their experience in this case the Commission should make a deeper study of the requisitions, the Secretary of the Commission stated:

"In fact this is not a very normal recruitment if I may say so. Normally the recruitment should be for 10 or 20 or 30 posts each year but we were told that the Government had as many as 500 vacancies in the grades of Income Tax Officers which could not be filled all at once and they wanted them to be staggered over 3 or 4 years. It was quite clear that there would be a very good response from candidates. But as a result of our experience of this recruitment we have already written to Government that the normal pattern should be a regular intake year after year, rather than a sporadic intake once in 5 years or 3 years. If these posts had been properly calculated and planned, it was possible to take about 50 or 60 candidates

every year. In that case it would not have been necessary to conduct a special recruitment, and these difficulties would not have arisen. The rule should be amended in such a way that this kind of special recruitment does not become necessary."

3. 62. In regard to the staff sanctioned by the Commission for handling this recruitment and its further continuance in view of the injunction from the Calcutta High Court, the Commission have, in a written note, stated that the staff is being sanctioned "from time to time with due regard to the requirements at different stages of recruitment". Some of the posts sanctioned for the purpose are, it is stated, not being utilised for the present, but the Section will have to be brought to full strength as soon as court injunction is vacated.

3.63. The Committee regret that Government did not specify the qualifications for the L.T.Os. posts precisely and clearly. The expression "5 years' experience in a responsible capacity" is an ambiguous expression and capable of varying interpretations. The Commission could have scrutinized the requisition carefully and detected the lacuna. The result has been a lot of unnecessary inconvenience and suspense to a very large number of applicants besides the huge waste of manpower and loss of valuable time in the office of the Commission itself. They expect that the authorities concerned will learn from this experience and will in future ensure that advertisements for recruitment are drafted by Government more precisely, leaving no scope for any ambiguity and that these are also scrutinised by the Commission carefully.

3.64. The Committee agree with the view expressed by the representative of the Commission during evidence that the normal pattern of recruitment should be a regular intake on an annual basis. They recommend that suitable instructions should be issued by Government enjoining upon the Ministries/Departments not to make bulk and sporadic recruitment as has been done in the present case, save in exceptional cases where the circumstances make it absolutely necessary to do so.

*Advance intimation of vacancies to the Commission*

3.65. It has been stated that the Commission experience considerable difficulty whenever the Ministries/Departments concerned are not able to intimate to them in proper time the number of vacancies required to be filled through an examination. According to the Commission, it is necessary in the larger public interest that the vacancies should be computed as accurately as possible and intimated to the Commission well in time for being notified by them in their notice for the information of prospective candidates. Besides, the



Commission are of the considered view that the response of candidates to an examination depends in a large measure on the number of vacancies notified for being filled up on the results of the examination. The Ministry of Home Affairs have, it is stated, issued suitable instructions in this regard to all Ministries and Departments of Government on the 14th July, 1967 and the Commission propose to watch the effect thereof in coming years.

3.66. The Commission were asked to cite a few concrete instances with reference to the examinations held during the last three years. While citing these instances, they have classified the cases into the following five types:

- (i) where the vacancies in respect of service/posts included in the Notice for the examination are not intimated in time before issue of notice for the information of prospective candidates;
- (ii) where even the services/posts to which recruitment is later required to be made, are not intimated by the Department for being included in the Notice for the examination;
- (iii) where the number of vacancies is drastically revised at the time of declaration of results;
- (iv) where the number of vacancies is revised even after declaration of the results; and
- (v) where the departments delay intimation of the firm number of vacancies, and the results of the examination cannot be declared on schedule.

3.67. Some of the more glaring cases of drastic revisions in the number of vacancies, selected out of those indicated by the Commission, are mentioned below:

Ministry/Deptt.	Services/posts	No. of vacancies	
		Original	Revised
1	2	3	4
<i>Combined Engg. Service Examination, 1966</i>			
Ministry of Works, Housing and Supply.	Central Electrical En- gineering Service Class II	3	57
	Central Engg. Service Class II	9	150

1	2	3	4
<i>Clerk's Grade Examination, 1966</i>			
Ministry of Home Affairs	Central Secretariat Clerical Service	300	982
Chief Administrative Officer (Ministry of Defence)	L. D. Cs.	300	122
<i>Combined Engineering Service Examination, 1965</i>			
Ministry of Irrigation and Power	Assistant Director/Assis- tant Executive Eng- ineer/Research Officer (CWPC)	75	14
<i>Geologists' Examination, 1965</i>			
Ministry of Steel, Mines and Metals.	Assistant Geologist Cl. II, (Grade III)	9	39
<i>Assistants' Grade Examination, 1965</i>			
Ministry of Railways (Rly. Board).	Railway Board Secret- ariat Service	25	4
Ministry of External Affairs	Junior Assistant—Local Cadre in the High Commission of India, London.	30	Nil
<i>I.A.S. etc. Examination, 1964</i>			
Ministry of Home Affairs	I.A.S.	100	130
	Delhi and Himachal Pradesh Police Ser- vice Class II	4	14
	Delhi and Himachal Pradesh Civil Service Class II	4	12
Ministry of External Affairs	I.F.S. 'B'—Section Offi- cers	10	2

3.68. There are also cases in which no recruitment has been made on the result of an examination held by the Commission at the instance of the Government. One such case mentioned is that of the Geologists' Examination, 1966 on the result of which 107 candidates

were recommended by the Commission in August, 1966. The offers of appointment, it is stated, have not yet been issued by Government. This, the Commission say, involved an expenditure of Rs. 13,380, exclusive of overhead charges such as expenditure on establishment.

3.69. Asked to name the Ministries/Departments which had been persistently defaulting in this regard, the Commission have stated that for certain examinations, the Ministry of Home Affairs and the Intelligence Bureau have not been intimating the vacancies in time.

3.70. When the fact of these delays in intimation of vacancies was pointed out to the representative of the Ministry of Home Affairs during evidence, he admitted that every case was not justifiable and that in certain cases adequate care might not have been taken in sending estimates in advance.

3.71. The Ministry of Home Affairs were asked to indicate their reaction to the suggestion that executive instructions might be issued enjoining upon the Ministries/Departments to strictly limit the intake out of the successful candidates to the number of vacancies intimated by them earlier before the publication of the notification for the examination by the Commission. They maintain that this may not always be possible. According to them, it may become necessary to recruit a few more candidates than the number of vacancies earlier conveyed which is only an estimate, as there is considerable time lag between announcement of vacancies and publication of results after selection. Such a procedure would, they hold, cause a large number of vacancies remaining unfilled for a long period or being filled on *ad hoc* basis till the next examination, which is usually conducted annually. The Ministry at the same time agree that there should not be very large and glaring variations in the number of vacancies reported to the Commission and the number ultimately filled actually. The Chairman of the Commission, however, during evidence commended the suggestion and said that such a procedure would lead to better personnel planning.

3.72. The Committee recommend that suitable procedures should be evolved for ensuring that a reasonably accurate estimate of the vacancies is reported to the Commission well in advance so that there is no cause for complaint by the Commission in this regard.

*Requisitions cancelled at late stage*

3.73. The Commission have been reporting year after year cases of requisitions for recruitment being cancelled by the Ministries]

Departments at a late stage—some after advertisement but before interview and some even after interviews had taken place. This causes the entire work done in the Commission in relation to these requisitions infructuous. The Ministry have explained that in cases of appointments exceeding one year, the recruitment has to be made through the Commission. The recruitment takes time. Meanwhile, it oftens happens that, while recruitment action is pending with the Commission, the administrative department decides that, for consideration of economy or other valid reasons, the sanction for the posts should not be extended. In such cases, cancellation of the requisition becomes unavoidable, irrespective of the stage at which recruitment action is pending.

3.74. Indicating the steps taken to avoid infructuous work involved by cancellation of requisitions at late stage, the Ministry of Home Affairs have stated that they have issued instructions to the Ministries/Departments on 4th October, 1962 to take effective and adequate steps to eliminate such cases or at any rate to reduce their number to the minimum. It is however noticed that the number of cancellations have been increasing year after year from a total of 17 cases involving 18 posts in 1962-63 to 48 cases involving 69 posts in 1965-66. Of these 69 posts, 26 are said to be due to abolition/discontinuance of posts due to economy in expenditure and the remaining 43 due to other administrative reasons. In reply to the question as to what further steps are envisaged by the Government in this regard, the Ministry have stated that cases involving cancellation of requisitions placed on the Commission are included in the Annual Reports of the Commission. In the instances pointed out by the Commission in those Reports, the administrative Ministries/Departments concerned are requested by the Ministry of Home Affairs to furnish facts and explain reasons for such cancellations.

3.75. The Committee are unhappy that requisitions continue to be cancelled at a late stages causing not only inconvenience to the Commission and the candidates but also embarrassment to the Government. They, therefore, recommend that Ministries/Departments should be required to explain to the Commission in adequate detail the reasons for the requisition being cancelled stating why the attendant circumstances could not be foreseen at the earlier stages. Cases where the Commission are not satisfied with the explanation given by the Ministries/Departments should be reported by them to the Ministry of Home Affairs who should take up the matter with the Ministry|Department concerned.

## F. Research and Studies

### *Arrangements for research and collection of statistics*

3.76. The Commission have a 'Research and Statistics Section'. The present composition of the section is as follows:

Junior Research Officer	.. 1
Research Investigators	.. 2
Research Assistants	.. 6
Computors	.. 2
L.D.Cs.	.. 3

3.77. The section handles the following items of work:

- (i) Maintenance of Requisition and Ministry-wise Registers.
- (ii) Verification of previous candidature.
- (iii) Maintenance of a black list of candidates, etc.
- (iv) Maintenance of History of Recruitments.
- (v) Consolidation of material for the Commission's Annual Report and for inclusion in the Report of the Ministry of Home Affairs pertaining to Recruitment Branch.
- (vi) Analysis of Assessment Reports.
- (vii) Statistical information regarding Scheduled Castes and Scheduled Tribes candidates.
- (viii) Other *ad hoc* items of work relating to statistical data in respect of recruitment by open advertisement and selection.

3.78. Studies being conducted by the section have been described in a subsequent written note furnished to the Committee as follows:

- (i) Study of the recruitment experience of the Commission with regard to the posts requiring qualifications in different engineering subjects during the Third Five Year Plan. The study when complete would reveal the trend of:
  - (a) the demand for graduates in various branches of engineering;
  - (b) the response from candidates for the different grades of engineering posts;
  - (c) the extent to which the demand was being adequately met;

- (d) the possible reason for the failure to find suitable candidates for certain posts; and
- (e) the extent to which the Commission were able to meet the requirements of the vital sectors of the Union Government, viz., Defence, Railways and Transport and Communications.
- (ii) Sample study of the reasons for rejection of offers of appointment made to candidates.
- (iii) Study of the rate of utilisation of the reserved vacancies by the Scheduled Caste/Scheduled Tribe candidates.
- (iv) Subject-wise and grade-wise study of all cases relating to recruitment by interview handled by the Commission in a year.
- (v) Annual analysis of the performance of candidates recommended by the Commission on the result of recruitment by interview.

3.79. The Research and Statistics Section, it is stated, also handles the following items of work:

- (i) Compilation and categorisation of material relating to recruitments advertised viz., the qualifications prescribed, number of applications received, the result of interviews etc., to facilitate laying down appropriate qualifications and experience for posts for which requisitions are received.
- (ii) Preliminary work of location of suitable candidates from reserve lists for posts to be filled by the method of interview.
- (iii) Maintenance of information relating to results of previous candidature of candidates who reply in response to the Commission's advertisement.
- (iv) Maintenance of upto-date information in respect of candidates who have been debarred, permanently or temporarily, from employment under Government.
- (v) Information in respect of Recruitment Rules already framed in consultation with the Commission.

3.80. The Commission have stated that the work relating to the study of the methods of recruitment etc. is dealt with, not by their Research and Statistics Section which is headed by a comparatively junior officer, but at appropriate level by the respective branches of the Commission. Wherever necessary, the branches utilise the basic data available with the Research and Statistics Section.

3.81. The Chairman of the Commission was asked during evidence to give his opinion in regard to the suggestion that the Commission should undertake research in methods of recruitment and techniques of assessment of aptitude of candidates and for the purpose employ psychologists/psychiatrists with a view to supplement the existing system. In a written note, the Commission have pointed out that in the schemes of some examination viz. those for entry into Defence Services and for recruitment of Special Class Railway Apprentices, there already exists a provision for Intelligence and Aptitude Tests, which are administered by the Directorate of Psychological Research of the Ministry of Defence. In the view of the Commission "it would be premature to make more extensive use than at present of psychological tests in the schemes for personnel selection, particularly for the higher services."

3.82. The Committee recommend that research work, studies and collection of statistics on various aspects of the working of the Commission including methods of recruitment should be systematically organised on a centralised basis and the Research and Statistics Section of the Commission suitably strengthened so that the responsibilities in this regard are entrusted to persons who are competent and qualified for the job.

## IV. RECRUITMENT

### A. Recruitment by Written Examination and Interview

#### (a) *Written Examination*

##### *Revision of Schemes and Syllabi of Examinations*

4.1. It is important that the schemes and syllabi of the various examinations conducted by the Commission are framed with due care and attention and that they are constantly reviewed in the light of changes in the teaching programmes in the educational institutions and in the requirements of the services.

4.2. The Ministry have, in a written note furnished to the Committee, indicated the procedure in this regard as follows:

“The scheme and syllabi for an examination are necessarily determined *inter alia* by the following factors, *viz.*, the requirements of the service concerned, the basic academic qualification prescribed, the standard of the examination and the teaching programmes in the educational institutions at that level. Having regard to these considerations, the scheme and syllabi are framed by Government in consultation with the Commission. These are prescribed by Government in the examination rules notified by them. Proposals for amendments therein would emanate from Government, whenever it is felt that these have fallen out of step either with the requirements of the service or with the teaching programmes at the appropriate level in the educational institutions, which essentially provide the main material or source of recruitment. Scheme and syllabi of examinations in some of the services have been reviewed and revised by Government in consultation with the Commission from time to time.

The Commission endeavour to keep themselves informed of the developments and changes taking place in the teaching programmes in the educational institutions, and particularly the universities; and in this context, they keep the schemes and syllabi under constant review. They remain in touch with educationists and also keep a watch on the response of candidates to the various examinations; and



whenever the need for any change in the schemes and/or syllabi is felt, they invite the attention of Government to their observations in this regard. They also consider from time to time specific suggestions made to them in this regard by their examiners and other educationists, as also those made by the candidates. If the Commission feel that any of those suggestions need to be considered further, the attention of Government is invited to those suggestions with their own views thereon.

Proposals regarding revision of scheme and syllabi are examined by the Commission in consultation with experts, mostly university professors. While considering revision of syllabi of individual subjects, two or more experts are generally addressed for each subject. The experts are requested that while preparing the draft syllabus they may keep in mind the current teaching programmes in the universities in India at the relevant level, as also the recent developments in the subject. They are also requested to consult, if necessary their colleagues before formulating their proposals. They are further informed that while the syllabi should spell out the coverage in adequate detail for the information of prospective candidates, these should retain a certain flexibility so as not to hamper the discretion of the examiners in setting the question papers.

The drafts of the syllabi on receipt from the experts, are compared and collated in the Commission, and are carefully examined with reference to all relevant considerations, including the syllabi generally prescribed in the universities. On the basis of these, a draft is prepared in the Commission with due regard to all relevant considerations including the standard of the examination/requirements of the service. This draft is further discussed with experts before it is finally considered by the Commission. The draft is then referred to the Government. The comments of Government on the draft syllabus, if any, are carefully examined by the Commission, in consultation with experts, where necessary, before it is finalised."

4.3. Government was asked to state as to where exactly the responsibility for modifying the scheme and syllabi for the various examinations held by the Commission lay. In this connection they have stated that the administrative Ministries/Departments who control the services/posts are directly responsible for prescribing

the scheme and syllabi of the examinations to be held by the UPSC for recruitment to those services/posts. They do so in consultation with the UPSC. The Ministry of Home Affairs are consulted by the administrative Ministries/Departments only if they consider it necessary to do so on any specific point or points.

*Scheme and Syllabus of the I.A.S. etc. examination*

4.4. The scheme and syllabus for the written examination were first laid down in the Rules for the examination conducted by the late Federal Public Service Commission in 1947, which was the first combined competitive examination for the All India and higher Central Services. It was adopted in the Rules for the first examination held by the UPSC in 1950.

4.5. The scheme originally comprised 3 compulsory papers and 34 optional papers, out of which candidates were required to select 3 papers (2 in the case of Indian Police Service). The following are the more important changes made thereafter:

- (a) Two new subjects on (1) "World History" and (2) "International Law" were added to the list of optional subjects with effect from the examination held in 1948.
- (b) With effect from the examination held in 1951, candidates for the I.A.S. and the I.F.S. were required to offer two additional subjects of an advanced standard from a list of 21 additional subjects.
- (c) In 1962, 2 more subjects viz., "Sociology" and "Higher Geography" were added to the list of additional subjects.
- (d) "Hindi" was included in the list of optional subjects with effect from the examination held in 1961. The syllabus for the subject was recast with effect from the examination held in 1962.
- (e) The scheme and syllabi were thoroughly revised in connection with the examination held in 1966, as indicated below:
  - (i) A new paper on "European History" was included in the list of lower optional subjects.
  - (ii) Two new alternative papers on "Constitutional Law of India" and "Jurisprudence" were introduced in the list of additional subjects.

- (iii) The existing paper on "Indian History from 1600 to the present day" in the list of additional subjects was replaced by three alternative papers on Indian History covering 3 different periods.
- (iv) The syllabi for certain subjects—compulsory, optional and additional optional—were revised and recast.
- (f) The scheme and syllabi have further been revised for the 1967 examination, as indicated below:
  - (i) A new subject "Psychology" was included in the list of optional subjects;
  - (ii) The subject 'Prime Movers' was deleted from the list of optional subjects;
  - (iii) A new subject "International Relations" was included in the list of additional subjects; and
  - (iv) The existing syllabi for two subjects "Advanced Psychology including Experimental Psychology" and "European History" included in the list of additional subjects were revised.

4.6. Asked during evidence to state as to why subjects like Agricultural Science, Rural and Industrial Development and Planning, as would help the candidates to identify themselves with the problems of the country, have not been included in the syllabi for the I.A.S. etc. examination, the Chairman of the Commission stated:

"The examination for the I.A.S. and other allied services is intended primarily to test the intellectual calibre of the candidate; to find out whether the candidate has developed a certain measure of critical thought and has taken advantage of the liberal education which he has received. In fact, further identification with the problems of the country is to be taken care of in the training courses for probationers who have already passed the examination and have been selected for different services. . . . The examination curriculum and syllabi have got to be related to the type of teaching which is imparted at the various universities. After all, we also try to have our examinations based on the Honours standard or M.A. standard of the various Indian Universities. Therefore, the subjects for our examination will necessarily have to be related to the type of teaching given in the various universities."

4.7. It was pointed out to the Chairman of the Commission that while the syllabus included World History, European History and British History, it did not include the history of South India or of any of the South Asian countries or of any of our neighbouring Countries like Nepal, Cylone, Burma and Afghanistan. Nor did it include a subject like Linguistics which is taught in quite a few universities in India. The Chairman's reply was that the subjects included in the syllabi were those which were taught in universities. To the question as to why Hindi alone had been included as an optional subjects and not other regional languages some of which were sufficiently developed and had rich literature, the witness replied that "for the examinations to be held from next year I have recommended that all the languages which are put down in the Eighth Schedule to our Constitution should be permitted to be treated as optional subjects."

4.8. The Committee note that while World History, European History and British History have been included among the optional subjects in the syllabus of I.A.S. etc. examination, histories of countries nearer home or in the South-East Asian region do not find any place therein. Similarly, linguistics which, it is said, is being taught in many a university in the country finds no mention in the syllabus for the I.A.S. etc. examination. The Committee desire that the feasibility of including in the syllabus for the I.A.S. etc. examination these and such other subjects as are being taught in the universities may be considered by the Commission in consultation with the Ministry of Home Affairs and academic authorities, e.g., U.G.C. and Vice-Chancellors of Universities, at an early date.

4.9. The Committee are glad to note that the Commission have recommended the inclusion of all the languages mentioned in the Eighth Schedule to the Constitution as optional subjects in the syllabus for the I.A.S. etc. examination to be held this year and in future. They hope that a decision will be taken in the matter early.

4.10. The Committee observe that the work of reviewing the schemes and syllabi of the various examinations held by the Commission is of a continuous and complicated nature and calls for constant watch on the developments and changes taking place in the teaching programmes of schools and universities as also in the socio-economic scene in the country. The Committee therefore suggest that a standing committee may be set up by the Commission to review the syllabi of the various examinations periodically and, if necessary, suggest amendments or revisions of the same. The Committee may be composed of a member of the Commission as Chairman and a representative each from the U.G.C. and the Ministry of Home Affairs. A representative of the Ministry concerned and a

few experts from academic bodies and/or technical institution may be associated with the standing committee when the syllabus for a particular examination is under review.

### *Scheme and Syllabus of the Engineering Service Examination*

4.11. Like the I.A.S. examination, the Commission hold an Engineering Services Examination every year for recruitment to various engineering services/posts in the Ministries/Departments of Government of India. The Ministry of Railways/(Railway Board) coordinate the recruitment to Gazetted (Class I and II) posts on the basis of the Engineering Services Examination. Certain proposals regarding revision of the schemes and syllabi for this examination have been considered and adopted from time to time. It is stated that apart from these isolated proposals in respect of specific services, the general question of further rationalising the schemes and syllabi for the examination as a whole have been engaging the attention of the Commission for some years now in the light of experience and in the context of the advice tendered by certain experts in the various subjects. These matters were considered in 1964 at an inter-departmental meeting that had been convened by the Commission. The tentative conclusions arrived at during the course of these discussions were further discussed at a subsequent meeting convened by the Ministry of Railways (Railway Board). In this connection, it has been stated that the Commission have suggested to the Railway Board that before formulating their formal proposals in this regard, they may get the revised draft schemes etc. duly vetted from the academic angle in consultation with the Ministry of Education and the academic authorities, if necessary. The proposals of Government are still awaited by the Commission.

4.12. The Committee are unhappy that the revision of the schemes and syllabi of the Engineering Services Examination has not yet been finalised although the matter has been under correspondence between the Commission and the Ministry of Railways since 1964. They trust that energetic steps will be taken by the Ministry of Railways in consultation with the Ministries/Departments concerned and the Commission and the matter finalised without further delay.

### *Appointment of Examiners*

4.13. The Commission was asked to state as to how were the various categories of examiners selected by them and whether there was any system of rotation of examiners after a specified period. They

have stated that the Commission periodically invite recommendations from the universities and other authorities; and panels of examiners in the various subjects are prepared, with due regard to the standard of the examination on the one hand, and the academic and other distinctions of the persons concerned, their standing etc. in the respective fields on the other. On each occasion, while an endeavour is made to maintain continuity in the examination work relating to the same examination from year to year, changes are made with due regard to all relevant considerations. The Commission thus ensure that the work is entrusted to competent and able persons.

4.14. The Commission were also asked to state the remuneration payable to various categories of examiners for different jobs entrusted to them e.g., paper setting, script evaluation, moderation etc. This information has not been furnished to the Committee.

4.15. The Committee are constrained to observe that on account of inadequate information furnished to them in regard to the mode of appointment of examiners and remuneration payable to them, they are unable to offer any comments or suggestions in this regard. They, nevertheless, trust that the examiners are selected from all over India, that they are authorities of high standing in their subjects, that there is a system of rotation of examiners so that a few people do not enjoy the position for long and that the remuneration payable to them is adequate to attract competent men for the job.

*Uniformity of standard of assessment of performance.*

4.16. The Commission were requested to explain the procedures evolved by them to ensure uniformity of standard in the assessment of scripts. In a written communication to the Committee they have stated that the question relates to those aspects of the Commission's work which they regard as top secret. However, they have broadly explained the position as follows:

"With large number of candidates appearing at the examination it is no longer possible to leave the evaluation of all answer books in every subject to a single examiner who could ordinarily be expected to maintain uniformity of standards in their respective subjects. The work of evaluation of answer books has necessarily to be entrusted quite often to more than one examiner, for it is imperative that the work should be completed within a reasonable time, and at the same time there should be no undue strain to any examiner in this process. It is obvious that any situation involving undue strain or stress would have the inherent possibility of vitiating the uniformity of standard of marking of the scripts seen by the same examiner. Extreme care and planning are necessary to

eliminate such situations; and all possible steps are taken to ensure that, each examiner is able to work under conditions conducive to the maintenance of uniformity of standard in the scripts seen by him. In addition to ensuring proper conditions of work for the examiners, the Commission adopt certain techniques/steps to ensure that uniformity in the standard of marking by the different examiners is maintained. There is prior determination of the marking procedures and standards of answers. The Commission, for example, give to their examiners in all the subjects detailed secret instructions, which have been evolved through their long experience of examination work. The examiners appointed by the Commission are invariably persons of eminence in their respective fields; and with their experience, they are able to adhere to the instructions issued by the Commission. Thus, whatever be the subject, an outstanding answer is marked uniformly high, and a poor answer uniformly low. In other words, the standard of marking is directly correlated to the quality of answers irrespective of the subjects; and uniformity in the standards of marking in the various subjects is thereby ensured. Where necessary, there are detailed and often prolonged discussions among the examiners, before the answers are marked by them. Then, there are procedures/steps devised by the Commission over the years for a regular and systematic audit of the standard of marking of each examiner, and checks and balances for ensuring to the extent possible that all the examiners in all the subjects have followed uniformly the instructions given to them and the standard laid down. Thus, uniformity to the extent humanly possible is ensured."

**4.17. The Committee trust that the procedure adopted by the Commission for ensuring uniformity of standard in assessing the scripts is the best possible. They hope that the Commission will constantly endeavour to improve upon their methods in this regard in the light of experience gained and latest techniques evolved in other advanced countries.**

*Fall in response of candidates to Commission's Examinations*

**4.18. It is noticed from Appendix II of the 16th Report of the UPSC that the number of candidates where recruitment was by written examination only, has declined from 21,848 for 3 examinations held during 1962-63 to 10201 for 4 examinations held during 1965-66. It is also noticed that the number of candidates, where recruitment was by examination and interview/assessment of record, has declined from 28,402 for 13 examinations held during 1961-62 to 20606 for 12 examinations held during 1965-66. It was asked whether the UPSC/Government had made a study of the causes for the**

steep fall in the number of candidates for the various examinations held by the Commission and of the extent to which it had affected the general calibre of candidates finally recruited through these examinations.

4.19. It has been stated that the difference in the number of candidates, where recruitment was by examination only, referred to above, was essentially due to the variation in the number of candidates for the Assistants' Grade Examination and the Stenographers' Examination as indicated below:

	<i>No. of Candidates</i>	
	1962-63	1965-66
Assistants' Grade Examination . . . . .	11,455	3,054
Stenographers' Examination . . . . .	5,880	2,557

The Commission have stated that they have made a study of the reasons for the decline in the number of candidates for these examinations and that it is attributable mainly to the following reasons:

- (i) Both the Assistants' Grade and the Stenographers' Examinations had been held in abeyance during the two years preceding 1962-63.
- (ii) The normal upper age limit for admission to the Assistants' Grade Examination held during 1962-63 was 25 years, which was lowered to 24 years with effect from the examination held during 1963-64.
- (iii) In the case of the Assistants' Grade Examination held during 1962-63, the upper age limit of 25 years was relaxable by 3 years in favour of certain categories of serving officers, and there was no upper age limit in respect of certain categories of serving officers of the erstwhile Ministry of Rehabilitation. Both these concessions were withdrawn subsequently.
- (iv) Government have since withdrawn the age concession admissible to displaced persons from Pakistan, other than those who have migrated to India from East Pakistan on or after 1st January, 1964.
- (v) On the recommendations of the Public Services (Qualifications for Recruitment) Committee, Government have since decided to restrict the number of chances, which a candidate appearing at the Ministerial Services Examinations can avail himself of, to two, against the 5 and 6 chances which were formerly admissible under the normal age limits prescribed for the Assistants' Grade Exa-



mination and the Stenographers' Examination respectively.

4.20. The difference in the number of candidates, where recruitment was by examination and interview/assessment of records, as between the years 1961-62 and 1965-66, has been broadly explained as follows:

(a) *I.A.S. etc. examination*: The number of candidates who took the examination in the years 1961-65 year-wise is as under:

Year	No. of candidates
1961	5659
1962 . . . . .	5391
1963 . . . . .	4282
1964 . . . . .	4005
1965 . . . . .	4501

The decline, it is held, can to some extent, be due to the fact that in the 1963 examination the following changes were introduced in the rules relating to the eligibility of candidates:

- (i) age concessions to departmental candidates were withdrawn;
- (ii) age concessions admissible to displaced persons from Pakistan were withdrawn; and
- (iii) the chances that a candidate could take at the examination were restricted to two for each category of service for which the examination is held.

It is stated that a detailed study of the problem was made by Government and the following points emerged:

- (i) a fall in the number of candidates appearing at the All India Services and Central Services Class I examinations;
- (ii) a fall in the ratio of graduates with First Class Degree;
- (iii) better attraction of jobs in organised Indian industries;
- (iv) better remuneration in the private sector.

On these considerations, the pay scales at the senior levels were revised with effect from 1-9-1965. D.A. at Central Government rates has been made applicable to All India Services officers, whether

servicing under the Centre or the State Governments. With the progressive expansion of the cadres and public sector enterprises in industry, opportunities of All India Services officers for holding senior posts in the super-time scale as well as in the public sector undertakings have further improved.

(b) *Defence Services Examination*: Certain examinations which previously (including the year 1961-62) were being held twice a year, remained suspended on account of the Emergency. Besides, it is said, increased employment opportunities available in industry and commerce have also affected the response.

4.21. It is, however, maintained that the difference in the number of candidates for the examinations notwithstanding, the general calibre of candidates recommended for appointment has not been materially affected. Besides, it is pointed out, the response to some of the more important examinations, e.g., I.A.S. etc. examination, and the Combined Engineering Services Examination has shown improvement during recent years. The number of candidates in respect of some of the well-established examinations during the years 1964, 1965, 1966 and 1967 are indicated as follows:

	IAS etc.	Engg. Services	National Defence Academy
1964 . . . . .	6414	1969	6581
1965 . . . . .	7152	2078	7610
1966 . . . . .	8305	3161	8448
1967* . . . . .	8233	3498	8338

	Asstt. Grade	Steno- graphers	Clerks' Grade
1964 . . . . .	3040	2238	2675
1965 . . . . .	3054	2557	4040
1966 . . . . .	No exam. held	2800	3704
1967* . . . . .	4401	3216	7057

The Commission, it is stated, continuously review the response of candidates to the various examinations held by them and they try to locate causes, which it would be desirable to remove.

\*Provisional.

### *Medium of Examination*

4.22. The Commission have stated that the question of the medium of examinations for recruitment to the all-India and higher central services was referred to them in June, 1960, when they were informed that Government had accepted the recommendation, regarding the adoption of Hindi as alternative language medium for these examinations, that had been made by the Commission of Parliament on Official Language constituted in accordance with the provisions of clause (4) of Article 344 of the Constitution, and that an Order had been made by the President on the subject on April 27, 1960, in terms of clause (6) of Article 344 of the Constitution.

4.23. In March 1964, the Commission were requested by Government to proceed with the arrangements as expeditiously as possible for the implementation of the decision. It was also added that if the arrangements for the introduction of Hindi could be completed by February 1965 when the rules for the examination would be notified, Hindi should be introduced at the 1965 examination. The Commission were accordingly requested to apprise Government of the progress made in this direction by the end of 1964. The Commission undertook the work preparatory to the implementation of the decision and kept the Government informed of the possibilities and limitations of holding the examination in the manner contemplated. They advised that, to begin with, the option to use the Hindi medium be permitted in respect of certain subjects only. In February 1965, however, the Commission were informed that Government had decided to defer the introduction of Hindi as an alternative medium.

4.24. The Commission have further stated that they were informed in December 1966 that it was Government's decision that all the languages mentioned in the Eighth Schedule to the Constitution should be introduced simultaneously as alternative media, besides English, for the all-India and higher central services examination; that there was no objection to permitting the use of these additional media for certain specified subjects initially; and that as experience was gained this facility could be gradually extended to the remaining subjects also in a phased manner.

4.25. The Government were informed by the Commission that before the Commission could be in a position to advise Government regarding the practical aspects of the question including the possibilities and the limitations in the matter of making arrangements for holding the examinations in the manner contemplated, it would be necessary for them to undertake preparatory work in respect of all the languages, somewhat on the lines of the preparatory work

that had been undertaken by them in the context of the earlier decision of Government for introduction of Hindi as optional medium, in addition to English. The preparatory work involved in the scheme for the introduction of all the languages mentioned in the Eighth Schedule simultaneously as alternative media is, the Commission maintain, colossal both in terms of volume and complexity. The Commission have, however, stated that they were making every effort to proceed with the work as expeditiously as possible. Only when the preparatory work is completed satisfactorily, the Commission say, would they be in a position to indicate the details of the scheme. the **procedural aspects, timing etc.**

4.26. Elaborating on this matter, the Chairman of the Commission, in the course of his evidence, stated that the Commission had indicated to Government that at the end of 1968 the Commission would inform the Government as to whether it would be possible for the Commission to make a start in all the regional languages and also whether in all the subjects or in only a few subjects. He stated that the Commission would make a very intensive effort but he could not say whether they would succeed. "Now that it is the Government's decision", he said, "the Commission will certainly try to work out a scheme without lowering the standards and without, in any way, giving rise to the suspicion that there is no uniformity in marking of papers."

4.27. Answering the question as to whether the Commission was consulted by Government before taking the decision as regards the practicability of the scheme, the representative of the Ministry stated during evidence that it was a top level Government decision taken as a matter of policy. He further disclosed that the decision was taken in August, 1965 and the Commission was requested to work out the ways and means so that the decision could be implemented as early as possible. According to him, the Commission had intimated to the Government that they might be able to start with some subjects in 1969 but they were not definitely committed to that time-table.

4.28. The Committee appreciate the complexity of the problems involved in conducting the examinations with all the languages mentioned in the Eighth Schedule to the Constitution, besides English, being allowed as alternative media. They hope that the Government as well as the Commission will not venture to introduce the scheme unless the Commission have properly worked out the details of the arrangements to ensure that the existing standards of the examinations are maintained and there is uniformity in the standard of assessments of scripts in different languages. They apprehend

that a wrong move in the matter will destroy the competitive nature of the examinations and will lead to other serious complications.

(b) *Personality Test*

*Nature of Personality Test/Interview*

4.29. The following note furnished to the Committee states the nature, content and standard of (i) Personality Test where recruitment is by examination and interview, and (ii) Interview in case of recruitment by interview alone:

“A test of personal qualities through interview has become an integral part of the competitions for the higher civil services. The assumption that the securing of high marks in the written test is a decisive evidence of a candidate's mental calibre is not supported by the experience of the Commission or of other bodies elsewhere discharging similar functions. Experience has shown that sole reliance on the written examination has not always succeeded in throwing up candidates of the right calibre for the higher civil services. While it has been conceded that a written test is undoubtedly an evidence of the intellectual development of the candidate, it cannot be regarded as infallible. It was a quest for a more conclusive evidence of the mental calibre and the personal qualities of candidates that indicated the need for a personal interview in schemes of the competitive examinations in various countries. The additional test of a candidate through personal interview therefore has come to have its legitimate place as an invaluable complement to the assessment made through the written examination.

The object of the interview is to assess the personal suitability of the candidate for the service or services for which he has applied. The candidate is interviewed by a Board of competent and unbiased observers, who have before them a record of his career. Generally speaking, the technique of interview is not that of a strict cross-examination, but of a natural, though directed and purposive, conversation, which is intended to reveal the mental qualities of the candidate.

The Personality Test/Viva Voce in the case of each examination, the scheme of which provides for such a test, is devised with due regard to all relevant considerations, including the age and educational qualifications prescribed and requirements of the Service concerned. The nature and scope of such tests are invariably indicated

in the Rules for the Examination notified by Government. Thus, to quote the rules, the personality test for the I.A.S. etc. examination is 'not intended to be a test either of the specialised or general knowledge of the candidate which have been already tested through the written papers.' In broad terms, this is really an assessment of not only his intellectual qualities but also social traits and his interest in current affairs. 'Some of the qualities to be tested' to quote the Rules again, 'are mental alertness, critical powers of assimilation, clear and logical exposition, balance of judgment, variety and depth of interest, ability for social cohesion and leadership, intellectual and moral integrity'. Candidates are expected to have taken an intellectual interest not only in their special subject of academic study but also in the events which are happening around them both within and without their own State or country as well as in modern currents of thought and in new discoveries which should rouse the curiosity of well educated youth.

The Interview Board for the I.A.S. etc. (Released EC/SSC Officers) Examination have before them a record of the career of each candidate including service in the Armed Forces. The candidates are asked questions on matters of general interest as also on their experience in the Armed Forces.

As for the personality test in the scheme of examinations for recruitment to professional services/post e.g. the Engineering Services Examination and the Engineering Services (Electronics) Examination, special attention is paid to assessing not merely the candidate's capacity for leadership, initiative and intellectual curiosity, tact and other special qualities and integrity of character, but also mental and physical energy and powers of practical application.

Similarly, the *viva voce* in the scheme of the Indian Economic Service/Indian Statistical Service Examination has been designed to assess the suitability of a candidate for the service or services for which he competes, and is intended to supplement the written examination for testing the general and specialised knowledge and abilities of the candidates. The interview is intended to reveal the candidate's mental qualities and his grasp of problems. The Board will pay special attention to assessing the intellectual curiosity, critical powers of assimilation, balance of judgment and alertness of mind: the ability for social cohesion, integrity of character, initiative and capacity for leadership.

The personality test for the Indian Forest Service is equally comprehensive and broad-based. The Board will pay attention to assessing not merely the intellectual curiosity, critical power of observa-

tion and assimilation, balance of judgment and alertness of mind, initiative, tact, capacity for leadership, the ability for social cohesion, mental and physical energy and powers of practical application and integrity of character, but also to other qualities such as topographical sense, love for outdoor life and the desire to explore unknown and out of way places.

The candidates called for personality test in connection with the Special Class Railway Apprentices Examination are required to undergo psychological tests designed to assess their basic intelligence and mechanical aptitude. They are further interviewed by a Board who ask questions of general interest and assess their potential qualities of leadership, initiative etc.

Recruitment by selection is ordinarily made for posts which demand apart from certain basic academic, technical or professional qualifications specialised experience suited to the requirements of the post. The interview in such cases is intended to select the best available candidate for a job with particular reference to the duties attached to it and the qualifications and experience required for it. As there is ordinarily no written examination in this method of recruitment, the interview is directed to assess the suitability of candidates with particular reference to the qualifications and specialised experience required for a post.

It follows from what has been stated above that the content and standard of interview will differ with reference to the duties, responsibilities, grade, etc. of the different posts. For example, the qualities to be looked for in a candidate for a research/teaching job would be different from those which may be necessary for an executive/production job."

#### *Criticism of Personality Test*

4.30. It may be pointed out that till 1963, candidates competing for the various examinations had to pass a compulsory *viva voce* test, if prescribed, before they were selected. Those failing to reach a prescribed minimum standard at the *viva voce* examination were deemed to fail in the whole examination even though they might have attained a high standard in the written test. There were cases of candidates scoring high marks in the written test but failing to reach the minimum standard in the *viva voce* test. On this ground the *viva voce* test came in for a good deal of criticism both in the Press as well in the Parliament. There were complaints that something must be wrong with a system of interview in which candidates scoring high marks in the written examination failed to qualify

because of the interview. As a result of persistent criticism, Government had to relax the rule governing personality test and it is now no longer necessary for a candidate to attain a minimum standard at the personality test. Marks obtained by a candidate at the personality test are added up in the total even though he might have failed in the interview.

4.31. As from the combined competitive examination held for I.A.S. etc. in 1964, the Government decided to reduce the maximum marks for the personality test for the I.A.S. from 400 to 300 and for the I.P.S. and the Central Services from 300 to 200. The rules for the 1964 examination were notified by the Government on February 29, 1964. The maximum marks for the personality test for the Indian Foreign Service, however, continue to be 400.

#### *Personality Test Boards*

4.32. Where the scheme of an examination so provides, the written test is followed by personality test/interview. There were 10 such examinations held during 1965-66, viz, I.A.S. etc. examination; Combined Engineering Services Examination; Special Class Railway Apprentices' Examination; 6 examinations for Defence Services; and the Central Information Service (Grade III) Limited Competitive Examination. For interviewing the candidates declared qualified for the personality test as a result of the I.A.S. etc. Examination and the Engineering Services Examination, the Commission have been constituting every year two Boards.

#### *Division of Personality Test Boards into Sections*

4.33. Personality Test Board for the I.A.S. etc. examination has been working in two sections, members of the two sections being interchanged from time to time with a view to maintaining uniformity of standard. While candidates who are to be assessed for the Indian Administrative Service/I.F.S. are interviewed only at New Delhi, those who are to be assessed for the IPS/Central Services are interviewed at various regional centres as well.

4.34. The practice of interviews for I.A.S. etc. examination being conducted by more than one Board has come in for criticism. It has been stated by a former Chairman of the Commission who appeared before the Committee for evidence that in order that the assessment may be really competitive the same set of interviewers must interview all the candidates because, according to him, the grading of the same candidate by different interviewers varies by wide margin. He was therefore of the opinion that interview for the personality tests



for the all-India and Central services must be conducted by one and the same interview board consisting of the persons and the Chairman must always preside over these interviews to ensure a really high standard.

4.35. Asked about his views in this regard, the Chairman of the Commission stated during evidence that the division of the Personality Test Board into sections was due to the anxiety of the Commission to ensure that the examination results were published in time. He added: "We had to divide ourselves into sections. It was not as if there were two independent boards. Some people sat in Section A and after a week the same people in Section B and... we tried to finish the whole thing in half the time." The Chairman of the Commission did not think that under this system any candidate suffered.

*Appointment of members of the Personality Test Boards*

4.36. It is stated that the Commission themselves constitute the Personality Test Boards for interviewing candidates qualifying on the results of the written part of the examination and that the Ministry of Home Affairs is not connected with the selection or appointment of members of such Boards. The Commission select the members with great care and in the case of serving officers proposed to be invited to sit on the Board, the Commission request the Ministries/ Departments under whom they may be serving to spare their services for the purpose.

4.37. Some of the considerations that are borne in mind by the Commission in constituting the Boards, it is stated, are the requirements of the services recruitment to which is to be made on the results of the examination, availability of the persons for the duration of the interviews, and the desirability of maintaining a certain continuity from year to year. The Commission, it is held endeavour to ensure that the Board is as representative and highpowered as may be possible; and they associate with these Boards persons who have distinguished themselves in diverse fields of administration, education, science and technology, etc. The Commission are also stated to have a convention that no one should sit on the Board, who has a relation or anybody in whom he may be interested sitting in the examination and the persons who are invited to assist the Commission are invariably requested to confirm that there is no such difficulty in their cases.

4.38. The Board is presided over by the Chairman or a member of the Commission; and in some cases, the Board is assisted by other

member(s) of the Commission, as may be considered necessary. The Board for the I.A.S. etc. examination is assisted by eminent educationists, senior administrators, high ranking officers of the Police, and serving or retired diplomats. Similarly, in constituting the Board for the Engineering Services Examination, care is taken to ensure that the different branches of engineering are represented on the Board and eminent scientists invariably associated with it.

4.39. It is observed from the Annual Report of the Commission that while some of the members have been re-appointed on the successive Board, some others have been dropped after serving for one year only. In reply to the question as to the grounds on which members are re-appointed or dropped, it has been stated that the Commission endeavour to maintain a certain continuity in the membership of the Board from year to year as they consider it necessary to continue members with previous experience, subject to their being available. Further, it is stated that the Commission's experience is that sometimes a person with previous experience when invited for the second or third occasion, is not in a position to accept their invitation to assist them for a variety of personal reasons, e.g., official pre-occupation, personal difficulties, including indifferent health or illness in the family, inability to leave headquarters, a relation etc. in whom interested, sitting in the examination, etc.

4.40. Stating their reaction to the suggestion that the members of these Boards should enjoy some minimum tenure of say 3 years subject to one-third of them retiring every year and that members no longer available for service may be required to resign their appointment, the Commission have, in a subsequent written note maintained that a Board is constituted on each occasion of interview; and it is not as if the members are appointed on a continuing basis. Hence, the question of the members of such Boards enjoying a fixed tenure, and those no longer available resigning their appointments, does not arise. The Commission have reiterated that they endeavour to maintain a certain continuity in the membership of the Board from year to year; and while changes may be made, it is considered necessary to continue members with previous experience, subject to their being available. Having regard to the various considerations underlying the constitution of personality Test Board, the Commission feel, it is not considered desirable to prescribe any rigid principles in the matter of tenure of members of the Board.

4.41. The Committee note the point of view of the Commission that it would not be desirable to prescribe any rigid principle in the matter of tenure of members of the Personality Test Boards. They

would, however, like to point out that some of the members have been there far too long. While agreeing that there is need to maintain some continuity in the membership of the Board from year to year, the Committee feel that it would be desirable to induct from time to time fresh members whose experience in the field of administration, technology or public affairs may be more recent. They also feel that the Personality Test Boards for the I.A.S. etc. examination should consist of eminent members selected from various walks of life including high-ranking military officers.

*Remuneration admissible to members of the Personality Test Boards*

4.42. Another fact that was pointed out to the Chairman of the Commission during evidence was the preponderance on the Personality Test Boards of those who had held office under Government at one time or the other. Asked to state whether it was not desirable to find persons from public life such as an outstanding lawyer or a jurist or an eminent industrialist, man of letters or a sociologist, he stated that the Commission tried to do so but there were many limitations. One of them, he mentioned, was that the honorarium admissible to members of those Boards was inadequate. The Chairman added that till a few months back the honorarium was paid only for the days on which they worked; for example, on Sunday they were not paid anything although they had to stay on for the work on Monday. According to him, it was something like paying a casual labourer which was galling. He added that he had been able to persuade the Government to agree that members of the Board are paid something for the intervening Sundays and holidays also. The representative of the Ministry, however, stated during evidence that the proposal for increase in the rate of remuneration for such services was made to the Government earlier also. The Government then took a decision that the existing rate was adequate. In answer to another question, he stated that such decisions were taken by the Ministry of Home Affairs in consultation with the Ministry of Finance or the financial wing of the Ministry itself. He, however, promised that the matter would be re-examined. He also informed the Committee that during intervening Sundays and holidays, the members of the Board were paid only D.A. and no honorarium.

4.43. The present position in this regard has been indicated in a written note as follows:

**The Commission invite non-officials as well as officials of the Central or State Governments to assist them as advisers in their Selection/Personality Test Boards. The advisers**

who are non-officials are paid an honorarium, of Rs. 50 for each day they attend the interview/personality test. They are also paid travelling allowance for their journey from their permanent place of residence to the place of interview and back at a rate corresponding to that payable to Grade I officers of the Central Government. For the days on which there are no interviews (holidays, Sunday etc.) and on which the advisers are required to stay at the place of interview, they are paid daily allowance at the maximum rate admissible to an officer of Grade I. Advisers who are officials of the Central or State Governments are paid an honorarium of Rs. 20 per day for each day they attend the Commission's office/place of interview. In addition to the honorarium as stated above, such advisers are paid travelling allowance and daily allowance as admissible to them under the Central Government Rules for the journey from their headquarters to the place of interview and back."

If a retired member of the Commission is invited to assist the Commission in the Personality Test Boards, he is paid a sum of Rs. 40 as D.A. (including conveyance allowance) for each day of work he puts on the Interview Boards. This D.A. is also payable in respect of Sundays or other holidays intervening the days of work.

**4.44. The Committee appreciate the difficulty of the Commission in securing the services of distinguished and competent men for their Personality Test Boards because of the meagre remuneration they can offer to them under the existing rules. They are surprised that no honorarium is admissible to members of these Boards for an intervening Sunday or a non-working day. They are on those days entitled to D.A. only at a maximum rate admissible to Grade I officers of the Central Government which is less than Rs. 20. The Committee are convinced that in the interest of maintaining a high standard of selection for our public services it is essential that the rate of remuneration is adequate so that the persons who agree to serve on the Personality Test Boards are put to unnecessary inconvenience and expense to themselves as appears to be the case at present. In the opinion of the Committee this is one way to attract eminent men in public life, business and commerce, high-ranking retired diplomats and civil and military officers and educationists from all over the country. Unless this is done, only persons residing in and around Delhi are likely to be available to the Commission for the purpose. The Committee, therefore, recommend that the ques-**

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tion of raising the rates of remunerations to members of the Personality Test Boards should be taken up by Government with the least possible delay.

#### *Method of Assessment of Personality*

4.45. The Chairman of the Commission was, in the course of his evidence, asked to state the method of marking observed by the Boards at the time of interviewing candidates. He stated that there were at least five members in the Board. Each one of them asked questions from the candidate. After the interview of that candidate was over, the assessment of each member of the Board was discussed and a consensus of opinion in regard to the number of marks to be awarded to the candidate was arrived at. Clarifying further he held that the number of marks finally awarded to a candidate were not an average of the marks awarded by each of the members of the Board individually. The Chairman of the Commission further stated that the opinions of experts were given the same weight as that of a member of the Commission. Marks were awarded, he said, there and then by discussion immediately after the candidate left.

4.46. In reply to a question he assured that preference was not given to any candidate on account of his dress or physical features. He, however, admitted that there were no set rules for judging the personality of a person. Asked whether he thought it desirable to include in the advertisement that the candidate could appear for interview in any suitable dress, he said that there was no need for any such public announcement and that generally, the candidate who came for the interview tried to come tidily dressed.

4.47. Regarding the part played by knowledge of English in the Personality Test/Interview the Chairman of the Commission stated that replies to questions asked for in English had to be given in English; but where a candidate found any difficulty in framing proper sentences, the Board even allowed the candidate to answer the question in the language he knew.

#### *Marks for Personality Test*

4.48. The Committee desired to be furnished with a statement showing the marks allocated to the written examination and interview/assessment of confidential reports in respect of the services and posts for which recruitment is being held by a written examination and interview/assessment of record. The statement furnished to the Committee is at Appendix VIII.

**Engineering Services Examination**

4.49. It is observed from the statement furnished by the Commission that the maximum marks for written examination and for a personality test/*viva voce* in respect of the Engineering Services Examinations are as follows:—

Name of Examination	Maximum marks for written exam.	Maximum marks for P.T./Viva Voce
Engg. Services Exam.		
(i) All Services/posts excluding TES Class I	1000	300
(ii) TES Class I	900	300
Engg. Services (Elec.) Examination	800	200

4.50. The marks for personality test/*viva voce* in the case of the above examinations appeared to be on the high side as compared to examination for the All India Services like the I.A.S. and the I.P.S. The representative of the Ministry was therefore asked during evidence to state as to why such a large proportion of marks was continued to be reserved for interview in the case of recruitment to the Engineering Services. He did not give any reasons for this but stated that the matter would be considered by the Railway Ministry who were the coordinating Ministry in respect of the Engineering Services. They he stated, were already seized with the work of revising the entire scheme of the Engineering Services Examination. He however, assured that the matter would also receive the consideration of his Ministry when the matter came to them.

4.51. The Committee consider that the interview marks in the case of the examination for the various Engineering Services appear to be on the high side. They suggest that these should be reduced so that greater reliance is placed on the results of the written examination for these services.

**Special Class Railway Apprentices' Examination**

4.52. Still more striking are the marks for Personality Test laid down in the case of the examination for recruitment for Special Class Railway Apprentices. While the maximum marks for written

portion for this examination are 700, the maximum marks for Personality Test/*Viva Voce* are fixed as high as 500. The Ministry of Home Affairs were asked to state as to why the interview marks in this case were kept so high. Since the drawing up of the scheme for this examination was the responsibility of the Ministry of Railways, they have ascertained the position from that Ministry.

4.53: It is stated that the personality test consists of *viva voce* for which 300 marks are allotted and mechanical aptitude test for which 200 marks are allotted. The break-up of this, the Ministry maintain, is not indicated in the notification for the examination but is used for internal tabulation. The aptitude test, it is held, is a special feature of the Special Class Railway Apprentice recruitment scheme, because the competitive examination in their case is slightly different from the normal run of competitive examinations conducted by the UPSC. In the case of the Special Class Apprentices, it is maintained, candidates within the age group of 16-19 years are recruited and given intensive theoretical and practical training for a period of 4 years at the Indian Railway School of Electrical and Mechanical Engineering, Jamalpur. On completing this course, they have to appear for and qualify in the AMIME (London) Examination or the AMIE (India) Examination. A mere competitive written test, the Ministry of Railway hold, will not be sufficient to assess the aptitude of the boys in the age group referred to above. A special aptitude test has, therefore, become necessary and has been included in the scheme for examination so that only boys who possess the right aptitude are selected. It is further stated that leaving out the marks allotted for aptitude test, the *viva voce* carries only 300 marks out of a total of 1200 marks for the entire examination. The success of scheme of recruiting mechanical engineers initially as Apprentices, according to the Ministry, lies in the correct choice of the candidates at the time of their initial selection and if sufficient emphasis is not laid on personality, general intelligence and aptitude, it would be difficult to get boys who would eventually prove to be successful mechanical engineers on the railways. It has, therefore become necessary, the Ministry maintain, to lay greater emphasis on the personality and aptitude tests. The percentage of marks allotted for these tests is, therefore, not considered high by the Ministry of Railways. However, the Ministry of Railways (Railway Board) have assured that they would re-examine the whole position.

4.54. The Committee are not convinced by the reasons advanced by the Ministry of Railways for the marks for Personality Test in the

case of Special Class Railway Apprentices' Examination being fixed as high as 500 as against 700 for the written part of the examination. It is not as if the Railway Engineering Institute, Jamalpur is the only institute which produces mechanical engineers. There are other very good engineering colleges and institutes in the country which admit students for mechanical engineering course on the basis of higher secondary results or competitive examinations without a viva voce or aptitude test. The Committee have no reason to believe that mechanical engineers coming out of those are of lesser calibre than those coming out of the Railway Engineering Institute, Jamalpur. Nor is it a fact that mechanical engineers coming out of engineering colleges and institutes other than the Jamalpur Institute are not taken by Railways in their superior services. In these circumstances, the Committee apprehend that allocation of such high marks for interview for recruitment of Special Class Railway Apprentices is bound to create misgivings in the public mind. They accordingly recommend that the scheme of this examination should be reviewed so as to place greater reliance on the written part of the examination.

#### *Central Information Service Examination*

4.55. It is also observed from the statement furnished to the Committee that in the case of examinations for the Central Information Service (Grades III and IV) also, the marks for interview were high. The marks allocated for the written part of the examination and interview are as follows:

	Maximum marks for written examination	Maximum marks for P.T./Viva Voce
Central Information Service (Grade IV) Examination . . . . .	400	200
Central Information Service (Grade III) Ltd., Departmental Competitive Examination	400	200

4.56. It is also observed that, amongst the various departmental examinations being conducted by the UPSC, the Central Information Service (Grade III) Ltd. Departmental Examination is the only one where, besides the 200 marks allocated for interview, another 200 are earmarked for the evaluation of record of service.



4.57. In reply to the question as to why marks for interview have been kept so high in the case of examinations for these services, the Ministry of Home Affairs have stated that this matter has been brought to the notice of the Ministry of Information and Broadcasting who control these services and that they have assured that they will have the matter examined.

4.58. The Committee are of the opinion that the marks at present allocated for viva voce test/evaluation of record of service in the case of Central Information Service (Grade III) Limited Departmental Examination and (Grade IV) Examination are on the high side. They are not sure if a viva voce test for the aforesaid examinations is at all necessary. They, therefore, desire that the schemes for these examinations may be reviewed by Government in consultation with the Commission for rationalisation.

### B. Recruitment by Interview

#### *Reference of Select List for Interview to Ministry*

4.59. According to the procedure being observed by the Commission at present, in cases of appointments by interview, the select list for interview prepared by the Commission is referred to the Ministry concerned inviting their comments and suggestions for modification. Asked to state why such list is referred to the Ministry when it is drawn up by the Commission as a result of screening on the basis of job requirements and qualifications prescribed before hand by the Ministry in consultation with the Commission, the Chairman of the Commission maintained that the procedure "serves a good purpose on the whole". Explaining his view point, he stated that the Commission thought it best that Government might also be given an opportunity to indicate their views on the preliminary selection of the candidates who would be called for interview, so that any matter which related to the requirement of the Government was not left out. By way of illustration, he said, the Ministry might like to suggest some additions to the select-list for interview. He however, pointed out that the Commission, while eliciting the views of the Ministry concerned, made it clear that the final selection of candidates to be called for interview always rested with the Commission.

4.60. Asked whether the procedure in any way corroded the independent exercise of the discretion vested in the Commission, he stated that the preliminary scrutiny in any case was made in the Commission and a list of say 10 or 12 candidates who were proposed to be invited for interview was prepared. Then, those names together with names of all others who were not proposed to be called

were forwarded to the Ministry concerned so that in case, through oversight, any name had been dropped, the matter might be brought to the Commission's notice. He, however, admitted that it was not obligatory on the Commission at all to refer the list to the Ministry but added: "as a matter of abundant caution, one may say it is desirable to refer it."

*Presence of Ministry's representatives during interview*

4.61. In cases of recruitment by interview, the Commission invites a representative of the Ministry/Department concerned also to take part in such interviews in an advisory capacity. Asked to state the object of associating a representative of the Ministry/Department concerned with the Interview Board specially when job requirements and qualifications required were determined before hand by the Ministry/Department concerned in consultation with the Commission, the Chairman of the Commission replied that the representative of the Ministry was there to indicate to the Board the special needs of the Ministry and the type of work that the officer would be required to do in the Ministry. He added that sometimes, the expert associated with the Board might be only a pure academic expert. In that case, he would not be able to direct questions to the applied aspect of the particular branch of science. Moreover, according to him, there were departmental candidates also and he was able to say something about their previous work.

4.62. It was pointed to him that the Commission had its own mechanism to judge a candidate. If the association of the representative of the Ministry was sought to be justified on the ground that the Commission expected assistance from the Ministry for the recruitment to specialised jobs, the representative from the Ministry should be one who was conversant with the technical aspects of the subject for which interviews were taking place. However, normally, the representatives of the Ministries/Departments were non-technical men like Deputy Secretaries, Joint Secretaries etc. It was therefore superfluous to have a representative of the Ministry/Department on the Interview Board.

4.63. It was further pointed out that in case a departmental candidate called for interview was selected by the Interview Board which was assisted by a representative of the same Ministry/Department, the selection would not give an impression of being entirely free from influence. The Commission being an autonomous body, justice should not only be done but also appear to have been done. The Chairman of the Commission replied that there were hardly any complaints as to the manner in which the representatives of the

Ministries behaved in the Interview Boards. However, appreciating the argument that justice should not only be done but also appear to have been done, he agreed that, on that ground, the Commission could easily exclude Ministry's representative. He, however, maintained that the procedure to send the 'select-list for interview' to the Ministry concerned for their comments and suggestions for modifications was in his view really useful, because "it is process of consultation".

**4.64. The Committee recommend that, in order to avoid an impression that the selections by Interview Boards are not made independently because of the presence of a representative of the Ministry in an advisory capacity, the Commission should not in future invite any representative of the Ministry/Department concerned to participate in the proceedings of the Interview Boards.**

*Advisers assisting the Interview Boards*

4.65. The bulk of the recruitment by interview relates to engineering and technical posts. It has been the Commission's practice to associate one or more specialists or experts of standing, unconnected with the Ministry/Department concerned with the recruitment, with the Interview Boards as advisers. Apart from the T.A. and D.A. normally admissible they receive an honorarium of Rs. 50 per day if they are non-officials and Rs. 20 per day in the case of officials.

4.66. The Commission were asked to state whether they maintained a panel of experts in various disciplines out of which persons might be coopted to serve on the Interview Boards and, if so, how were selections made for inclusion in such panels. The Commission have stated that they do maintain a panel of experts in various fields. In regard to the manner of selection for inclusion in the panels, they have stated that they "obtain, on their own, particulars of specialists who are likely to be of assistance to them as advisers in their Interview Boards. The experts invited by the Commission include specialists not only belonging to universities and institutions of higher learning but also those belonging to learned societies, Government departments, public and private sector undertakings etc. For the purpose of drawing up panels of such experts, the Commission also consult, where necessary, authorities such as Vice-Chancellors of Universities. But a decision whether a particular person should or should not be invited to assist in an Interview Board naturally rests with the Commission."

4.67. The Commission were requested to furnish a list of members on the various panels maintained by them during 1965-66 as also information as to how many opportunities were available to each member during the year to serve on the Interview Boards. The intention was to find out whether the Commission were observing a system of rotation in inviting persons to assist the Interview Boards as advisers. The lists of names and the information asked for has not been furnished to the Committee. In reply the Commission have merely stated: "in certain specialised fields, posts requiring recruitment through the Commission arise comparatively rarely; while in others—such as certain specialities in medicine and health or engineering—requirements may be more frequent. The periodicity with which a particular expert or experts may assist the Commission thus depends on a variety of factors, such as the availability of other experts in the fields, the frequency with which posts requiring a particular type of qualifications and experience are entrusted to the Commission and the Commission's experience of the quality of assistance (including the extent of his objectivity) that a particular adviser may have given in the past."

4.68. The Commission maintain that the system of association of experts with the Interview Boards is serving a very useful purpose since, according to them, no Civil Service Commission can be expected to have on its strength members who can be said to be specialists in all the technical and non-technical subjects for which recruitment is required to be conducted.

4.69. The Committee recommend that before drawing up a panel of names of suitable persons for being invited as advisers to Interview Boards, the Commission should observe a proper system of consultation with appropriate authorities and that in placing names on the panel as also in inviting persons to assist the Interview Boards, due regard should also be paid to the need not only of continuity but also of inducting fresh blood from time to time.

4.70. Since the rate of remuneration admissible to advisers is at present the same as in the case of members of the Personality Test Boards, the Committee believe that any revision of the rate of remuneration in their case would be made applicable to advisers also.

### C. Interviews Abroad

4.71. It is stated that the Commission's weekly advertisements are publicised abroad through the Indian Missions. Indian candidates abroad apply in response to them. On an average about 400 applications are received every year from such candidates for posts in the fields of Medicine, Engineering, Science and Technology. It is, however, not generally possible for the overseas candidates

to come for interview in India for each of the posts for which they apply; nor is it possible for the Commission to hold separate interviews abroad for each post advertised by them. At the same time, year after year, a fairly significant number of posts remained unfilled because suitable candidates for such posts could not be found by the interviews held in India.

4.72. A beginning was made by the Commission in 1956 to tackle this problem. During the years 1956 to 1961, the Chairman of the Commission visited various countries and interviewed Indian candidates. The scope of these interviews was confined mainly to selections for posts for which recruitment had proved infructuous in India or for a few cases in which recruitment could be kept pending till interviews of overseas applicants on such cases were completed or for certain cases in which candidates were to be interviewed for placement in the Scientists' Pool. The number of candidates interviewed during the years 1956—61 varied between 58 and 180 each year.

4.73. It was then observed that not many candidates were interested in the posts for which recruitment had proved infructuous; nor could many cases of recruitment be kept pending till interviews of overseas applicants were completed. This system of interviews abroad left out of consideration many overseas candidates who wished to be considered for various posts arising throughout the year. It was found that only a comparatively small number of such candidates actually joined as a result of the efforts during these years, some of them having been placed in the Pool. The system followed and the results achieved suggested that a different approach to the problem was called for. A scheme was therefore prepared under which overseas candidates could be assessed (along with candidates in this country) not only for specific posts for which requisitions may be pending with the Commission at a point of time, but for all posts which may be entrusted to them for recruitment within a period of a year or so. For this purpose, a new scheme was drawn up during 1964.

4.74. Under the new scheme the posts under the Government of India was grouped into seven broad categories on the basis of the pay scales as indicated below.

Category 'A'	Rs. 1,600—1,800;	Rs. 1800—2000.
Category 'B'	Rs. 1300—1600 or	Rs. 1100—1600.
Category 'C-1'	Rs. 900—1400.	
Category 'C-2'	Rs. 700—1250.	
Category 'D'	Rs. 400—950.	
Category 'E'	Rs. 350—900.	
Category 'F'	Rs. 325—575.	

The minimum educational qualifications, experience and other requirements relating to age limits etc. were drawn up in a general way on the basis of requirements generally prescribed for posts in each category. A candidate could apply for one or more of these categories of posts according to his qualifications and experience. He was required to indicate in detail the different fields in which he had specialised and also the nature of the job, i.e. Executive, Research etc. for which he may have a preference. The Scheme was limited to candidates possessing qualifications in Engineering, Science, Technology and Medicine. Only those candidates who were planning to return to India during the next 12 to 14 months were to be considered. The scheme contemplated that while an overseas candidate may not be considered for a specific post at the time of interview, he would be assessed for one or more categories of posts for which he may apply depending upon his age, academic qualifications and experience so that his suitability or otherwise for actual recommendation against a particular post may be assessed along with that of other candidates interviewed in India for specific posts. The Scheme was publicised in India and abroad calling for applications from the prospective candidates

4.75. 1,487 applications from 27 countries were received in response to the advertisement. The bulk of the applications were from the United States of America, United Kingdom, Germany (East and West) and Canada. 893 candidates were considered suitable for being called for interview, 680 actually appeared for the interviews which were held by a member of the Commission in the Union of Soviet Socialist Republic, Germany, Switzerland, France, United Kingdom, Canada and in the United States of America, at convenient centres, during October 1964 to March 1965. Out of the 680 candidates interviewed, 11 were interviewed against specific posts on the pattern of interviews held during 1956—1961. Panels for each of the subjects (such as Mathematics, Physics, Chemistry, Botany, Zoology, Agriculture, Mechanical, Civil, Electrical, Mining, Aeronautical, Agricultural Engineering, Medicine etc.) were prepared.

4.76. Explaining the difficulties experienced in the working of the scheme, the Secretary of the Commission stated during evidence that details of the posts being not available at the time of interview, the candidates were merely kept on a panel and were considered for appointment against specific posts requisitions for which were received by the Commission subsequently. When the candidates were actually recommended for appointment and offers went out to them, they on many occasions replied that, although they were prepared to be considered for posts in India, they were not interest-

ed in the particular post offered. The preference indicated by them earlier, they held, was for a particular type of work.

4.77. In order to overcome this difficulty, the scheme is stated to have been recently reviewed. The salient features of the revised scheme are indicated as follows:

- (i) The candidates interviewed abroad will be informed of the result of the interview. They will not however automatically be considered for posts for which they possess the prescribed qualifications, but they will be required to intimate the Commission the posts advertised by the Commission which will be publicised through our Missions abroad for which they would like to be considered.

This change is stated to have been made in order to ensure that the candidates are considered for posts in which they are actually interested. The number of cases in which the overseas candidates might decline the offers made to them after selection will thus be reduced.

- (ii) The assessment made during the interviews may also be used for considering their cases for placement in the Scientists' Pool administered by the C.S.I.R.
- (iii) A list of posts for which recruitments in India proved infructuous, or posts for which candidates in India are not likely to be available, will be publicised through our Missions abroad and the overseas candidates would be requested to indicate whether they are interested in any such posts. Such of them, as are interested, are proposed to be interviewed specifically with reference to such posts if the recruitment for them is still open.

The revised scheme, it is stated, has been again referred in November, 1967 to the Ministry of Finance for final acceptance.

4.78. According to statements furnished by the Commission, during 1956—1961, tours abroad by the then Chairman of the Commission were an annual feature. Expenditure incurred on each of those tours, excluding the payment of honorarium to Advisers abroad, varied between about Rs. 16,000 in 1958 to about Rs. 20,000 in 1961. Maximum number of candidates were interviewed during the tour made in 1961 and the number was 125. Out of them, those selected (including those placed in reserve list) numbered 79 while the number of candidates actually recommended for appointment out of those selected did not exceed 54. How many out of those

recommended by the Commission were actually offered appointment and how many actually joined have not been indicated by the Commission.

4.79. Under the scheme introduced in 1964, only one tour is indicated to have been made in 1964-65 by one of the members of the Commission. The total expenditure incurred on this tour is stated to be Rs. 62,781, out of which allowances of the number totalled Rs. 37,886 while Rs. 22,895 were spent on payment of honorarium etc. to Advisers abroad. Foreign exchange involved in this tour was Rs. 49,000. The result of this tour are indicated as follows:

No. of candidates interviewed	— 680
No. of candidates selected	— 610
No. of candidates recommended for appointment	— 217
No. of candidates offered appointment	— 186
No. of candidates who accepted the appointment	— 34

4.80. In the course of his evidence, the representative of the Ministry stated that during 1958—1965, out of the total number of candidates called for interview, the number actually interviewed was 1,108; the number found suitable was 909; the number recommended was 414; those who were offered appointment numbered 372; and the number of those who actually joined was only 121.

4.81. Asked to state whether the scheme for interviews abroad was really serving a useful purpose commensurate with the expenditure involved, the Commission have stated that their weekly advertisements are publicised abroad through the Indian Missions. Indian candidates abroad apply in response to them. On an average about 400 applications are received every year from such candidates for posts in the fields of Medicine, Engineering, Science and Technology. It is, however, not generally possible, the Commission maintain, for the overseas candidates to come all the way to India for interviews for each of the posts for which they apply; nor is it possible for the Commission to hold separate interviews abroad for each post advertised by them. At present, the Commission say, they are authorised to pay Travelling Allowance contribution to overseas candidates at the rate of second class rail fare from the port of embarkation in India to the place of interview. A number of overseas candidates who are invited for interview represent that they cannot afford to pay air fare/sea fare for the journey to India and they request that the expenses may be defrayed by the Commission. This involves, according to the Commission, considerable expenditure and they have been refusing such requests from the



candidates as there is no Government sanction to meet such expenditure. The result is that a majority of the candidates, who are considered *prima facie* suitable for interview, are unable to attend interview in India. At the same time, year after year, a fairly significant number of posts remain unfilled because suitable candidates for such posts are not found by interviews held in India. In this context, the Commission consider, the scheme for interviews abroad as useful.

4.82. The Secretary of the Commission however, in the course of evidence, agreed that the number of candidates who finally accepted the offers was 'very very small' but was hopeful of better results forthcoming under the revised scheme.

4.83. Government was also asked to state whether they considered the usefulness of the scheme commensurate with the expenditure involved. They have stated that, although the response in previous years has not been quite encouraging, a trial could be given to the scheme which was being revised in the light of past experience. Under the revised scheme, they hold, it may prove possible to attract more candidates from abroad.

4.84. The Chairman of the Commission was also asked during evidence as to why the work of interviews abroad could not be entrusted to the Indian Embassies abroad. The Secretary of the Commission explained the following difficulties in this regard:

- (i) not all of our Missions abroad had Heads of that status who could be asked to perform that type of work;
- (ii) it would not be proper on the part of the Commission to delegate their functions to entirely new set of persons who had nothing to do with the Commission.
- (iii) if selections were made by different sets of people in different countries, there would be no possibility of ensuring uniformity of standard of selection.

4.85. In the course of evidence, another suggestion was made that the Commission should try the method whereby Indian Missions abroad might be asked to prepare panels of names of those who were prepared to be considered for posts in India, and send them to the Commission. The names could be arranged speciality-wise and considered against requisitions which might be received by the Commission from time to time. If a candidate was found suitable he could be addressed whether he was willing to be considered for the post. The Commission should arrange interviews only after the consent of the candidates was available, either by calling

them here or by a visit abroad by one of the members of the Commission. This method, it was stated, would minimise the work of the Commission and also avoid infructuous expenditure. To this, the Secretary of the Commission replied that all that the Mission could do was to give the particulars of the candidates. They could not, he held, make the assessment of the type which the Commission made for the purpose of selection. According to him, it was worthwhile to try the experiment with the revised scheme again. If it failed for the second time, then, alternatives might be considered.

4.86. The Committee feel that the results of the scheme for interviews abroad have, in the past, not been encouraging or commensurate with the expenditure involved and hope that the revised scheme would attract a larger number of candidates to posts in India. They recommend that the revised scheme may be tried for a couple of years and then reviewed.

#### D. Delayed Offers of Appointment

##### *Reasons for delay*

4.87. UPSC have been mentioning in their reports year after year cases where offers of appointment were delayed by the administrative authorities. Besides causing suspense and anxiety to those appearing before the Commission for interview, delays in making offers of appointment could also render the entire work of the Commission in regard to the recruitment for the particular post infructuous, because meritorious candidates could not be expected to remain available for appointment for a long time. The Annual reports of the Commission indicate that the cases of such delays are sizeable. The figures for the last three years are as follows:

1963-64—160 cases involving 422 candidates.

1964-65—171 cases involving 469 candidates.

1965-66—128 cases involving 329 candidates.

It is also noted that a majority of such cases pertained to technical personnel of whom there is considerable shortage in the country.

4.88. Government were asked to state the reasons for such delays and the steps taken by them in this regard. They have stated that certain essential formalities have to be completed before the candidates recommended by the UPSC can be appointed after the recommendations of the Commission have been received. Before issuing formal offer of appointment and before actual appointment of the

candidates, medical examination, verification of character and antecedents etc. have to be completed. The completion of these formalities takes time and the appointment of the candidates recommended by the Commission is delayed to this extent. Ministry of Home Affairs have further stated that they have issued instructions in 1960 whereby the State authorities are expected to complete verification of character and antecedents of candidates selected for appointment under the Government of India within a period of six to eight weeks. These instructions have been, it is stated, reiterated in February, 1965 and again in July, 1966.

4.89. The Ministry have pointed out that, as verification work has been constantly increasing on account of extension of the scheme of verification to the employees of quasi-Government and autonomous bodies and public undertakings also, the State authorities have been experiencing some difficulty in sticking to the time schedule. However, the Ministry have been reiterating their earlier instructions to the State Government with a view to reducing the period of delay to the minimum extent possible. Instructions are also stated to have been issued to all the Ministries and Departments of the Government of India in September 1966 that offers of appointments should be issued to all the candidates recommended by the Commission with the least possible delay.

4.90. Delays in making offers of appointment by the administrative authorities have been, in some cases, also attributed to the attestation forms of candidates being not received by the Ministries/Departments from the UPSC till the final recommendations were made by the Commission or a few days thereafter. The Commission were, it is stated, accordingly requested in September 1963 to ensure that attestation forms of candidates provisionally selected for interview were forwarded to the Departments concerned as soon as the preliminary selection was made. In regard to this, the Chairman of the Commission stated during evidence that the Commission tried to avoid all possible delays. He however maintained that it was not the function of the Commission to get the attestation done. It was, he held, undertaken by the Commission 10—12 years back purely as an experimental measure in order to show to the Ministries as to how it should be done. According to him, the Commission have now requested the Ministries to do the work themselves as it is their legitimate function.

4.91. The Committee are perturbed to note a sizeable number of cases of delayed offers of appointments. In this connection, they reiterate the suggestion made by them in paragraph 41 of their 33rd Report (Third Lok Sabha) on Public Services that cases of

delay beyond a specified period should be reviewed by the Secretary of the Ministry/Head of the Department concerned and that the Ministry of Home Affairs may also review the position once in six months to make sure that no holdups occur.

4.92. The Committee are also unhappy to learn about the misunderstanding between the Commission and Government regarding the responsibility for the attestation forms for verification of character and antecedents and would like that this matter as also any other snags in the procedure are sorted out without any further loss of time.

4.93. From a perusal of the Sixteenth Annual Report of the Commission for 1965-66, the Committee note that in order to reduce the time lag between the declaration of the final results of the I.A.S. etc. examination by the Commission and the appointment of selected candidates, arrangements were made by Government as in the previous two years, for the medical examination of all candidates called for interview simultaneously with the progress of interviews. This, in the opinion of the Committee, is a step in the right direction and helps in the early placement of the selected candidates. The Committee commend the arrangements made by Government to reduce the delay in the case of I.A.S. etc. examination and would like them to consider the feasibility of applying this system to other examinations conducted by the Commission as well.

#### *Verification of character and antecedents*

4.94. The Ministry of Home Affairs were asked to state what type of information was collected by the field officers on the basis of which character and antecedents of a candidate were verified and what were the considerations on which the suitability or otherwise of the candidate for public service was determined. They have stated that in order to ensure that persons entering Government service are of good character and loyal, it is essential for every appointing authority under Government to satisfy itself on the identity of the candidate and that he or she is suitable in all respects for appointment in the public service. Persons who may have been convicted of criminal offences involving moral turpitude, those who have indulged in mal-practices at examinations conducted by Public Service Commissions or Universities and who are debarred by them from consideration for employment, those likely to be disloyal to the State due to their anti-national or subversive activities and such other undesirable characters are screened in the process of verification of character and antecedents. The District Magistrates concerned are requested by the appointing authorities

to furnish information whether the candidates have come to adverse notice in respect of these matters.

4.95. In view of the fact that the Central Government was utilising the agency of the State Government for getting the character and antecedents of candidates verified, the Ministry was asked to state whether they envisaged any possible differences of opinion between the States and the Centre in regard to considerations on which the suitability or otherwise of a candidate for public service was determined. In reply they have stated that some State Governments might be adverse to carrying out verification of character and antecedents in respect of all the items covered in the preceding paragraph.

4.96. The Ministry were also asked to state the level of officers who were entrusted by the State Governments with the job of making enquiries in regard to character and antecedents. According to them, Government of India have not issued any specific instructions about the internal arrangements by the States for carrying out verification of character and antecedents, but the District Magistrates are addressed in the matter by the appointing authorities. It is for the District Magistrates concerned to consult the local Supdt. of Police or the Deputy Inspector General of Police, C.I.D. and forward the reports to the appointing authorities. It is also open to the District Magistrate, the Ministry maintain, to make such enquiries as may be considered necessary such as 'field enquiries' in case there are adverse reports against the candidates in the District records, so that fuller information is made available to the appointing authorities to determine the suitability of the candidates, in the light of such facts. The Ministry have, however, it is stated, made clear to the State Governments that when such field enquiries are made, enquiries should be made by a responsible officer and as discretely as possible.

4.97. The representative of the Ministry in the course of evidence stated that, so far as he was aware, in most States the verification was expected to be done by a gazetted officer. His report came through the District Officer who took the responsibility for the correctness thereof.

#### *Appointment before verification of character and antecedents*

4.98. The Ministry of Home Affairs were asked to state whether Government envisaged any serious harm in making the offer of appointment immediately subject to the character and antecedents of the candidate being found satisfactory. They have replied that.

appointments made pending verification of character and antecedents are likely to cause embarrassment both to Government and to the candidates so appointed, in case it becomes necessary to terminate the services of the persons concerned due to unsatisfactory antecedents etc. It is, therefore, necessary to observe, as a normal rule, that appointments may be made only after completion of formality such as verification of character and antecedents. The offers of appointment, the Ministry state, can be made, however, in respect of appointments which are required to be filled urgently in the public interest provided such offers are made on temporary basis subject to verification of the character and antecedents so that services of those who are not found suitable could be terminated without assigning any reasons under the Temporary Service Rules; but such a course, the Ministry maintain, can be possible only in respect of posts which are not security assignments or do not involve work of a top secret or secret nature or which are not sensitive posts. In respect of the latter type of posts, it is stated, it may not be desirable to employ undesirable characters even for a temporary period and permit them access to classified information.

The Ministry have, however, assured that the matter will be examined by them in all its aspects.

4.99. In order to find out the incidence of cases where appointments were not made on grounds of the character and antecedents being not found satisfactory, the Ministry were requested to state the number of candidates, out of those recommended by the Commission as a result of examinations held in 1965, who were not offered appointments on this ground. They have stated that on the results of the Combined Competitive Examination held in 1965, only one candidate out of 426 recommended for appointment was denied appointment on account of unsatisfactory character and antecedents reports, while on the results of 1966 examination, no candidate has been denied appointment on this account. As regards other examinations conducted by the Commission, the Ministry of Home Affairs have stated that the information is not readily available with them.

4.100. From the information furnished to the Committee it is evident that the number of cases where on the results of the I.A.S. etc. examinations appointments were denied on account of unsatisfactory character and antecedents is almost negligible. In view of this, the Committee consider that no serious harm would be done if offers of appointment are made immediately subject to the character and antecedents of the candidate being found satisfactory.

Before, however, giving this new experiment a trial, the Committee would like Government to examine the matter in all its ramifications in consultation with the Commission and come to a decision as early as possible.

### E. Follow-up of Candidates recruited by the Commission

#### *Assessment Reports*

4.101. It is stated that the Commission are interested in watching the performance of candidates recruited by them with the object of considering, with reference to the actual quality of officers as evidenced by their performance, whether it is necessary to readjust their methods of recruitment so as to secure progressively a better type of recruits. For this purpose, the assessment reports are called for by the Commission in respect of the work and conduct of candidates recruited by them. In the case of persons recruited through a competitive examination, these reports are called for for a period of first 5 years of their service while in the case of those appointed as a result of interview alone, these reports are required for the first two years of their appointment.

4.102. It has been complained that although the Commission require assessment reports to be furnished to them in every case where a candidate is recommended, these reports have not been received by the Commission very regularly in all cases. The appointing authorities are, it stated, reminded by the Commission from time to time to send these reports regularly.

4.103. In the course of his evidence, the Chairman of the Commission stated that the system of calling for assessment reports was introduced in 1957 when the importance of personality test in the scheme of the I.A.S. etc. examination was reduced by making a pass in that test as not obligatory. The idea, according to him, was to assess the suitability of the new system of recruitment. He, however, said that because the Commission had not been receiving those reports regularly, the Commission could not say to what extent the new method had succeeded.

4.104. In regard to candidates recruited by the method of selection otherwise than by examination, however, the 14th and 16th Reports of the Commission for the years 1963-64 and 1965-66 have stated that the assessment reports in their case continue to indicate that most of the selected candidates have been found by the appointing

authorities to be of the required standard. The performance-wise break-up is indicated in the Reports as follows:

	Thoroughly satisfactory	Un-satisfactory	Mixed
1963-64 . . . . .	97.31	1.49	1.20
1965-66 . . . . .	94.80	1.94	3.26

4.105. Stating the steps taken by Government in this regard, the Chairman of the Commission stated that circulars had been issued by the Railway Board in 1966 and later by the Ministry of Home Affairs impressing upon the various authorities concerned the necessity to send the assessment reports to the Commission. He hoped that as a result of those circulars, the position would improve and there will be greater observance of instructions to the employing Ministries.

4.106. It was stated by one of the representatives of the Commission that the few reports that the Commission had received were so sketchy that it was not possible to make any worthwhile analysis. In a subsequent written communication, however, the Commission have stated that no form as such has been prescribed for the purpose and that Ministries are ordinarily requested that the assessment reports should, *inter alia* indicate briefly the nature of duties performed by the persons and a general assessment of his overall performance, character, initiative etc.

4.107. The Committee need hardly emphasise the importance of regular submission by the appointing authorities to the Commission, of assessment reports of work done by officers recruited on their recommendation so as to enable the Commission to keep the schemes and procedures of recruitment under constant review and undertake studies in depth with a view to improve their *modus operandi*.

4.108. The Committee also consider that if the Commission are to really profit by these reports, these should be properly drawn up so that information on various aspects of the performance of an officer is available for analysis in the Commission. They, accordingly recommend that the Commission should devise a suitable proforma for calling assessment reports on the work and performance during the first five years of their service in the case of candidates



recruited on the basis of a competitive examination and first two years in the case of those recruited on the basis of interview alone. The proforma should be circulated to all the Ministries|Departments of the Government who should be asked to submit the reports to the Commission regularly in the prescribed manner.

## V. PROMOTION AND DISCIPLINE

### A. Promotion

#### *Association of Commission with DPCs.*

5.1. Following the recommendations of an inter-departmental committee, Government had, by instructions issued on 17th June, 1946, extended the functions of then Federal Public Service Commission to include *inter alia* association of a member of the Commission with the Departmental Promotion Committees set up for dealing with promotion. It was then decided that the Commission should be invited to depute one of its members to sit on all DPCs dealing with promotions to and within any Central Service Class I. As regards promotions to and within the Central Services Class II, it was left open to departments to enquire of the Commission whether they were able to depute a member, save in the case of the following services where such association of a member of the Commission was specifically enjoined:

- (i) Telegraph Engineering & Wireless Service, Class II, P&T Deptt.
- (ii) Telegraph Traffic Service, Class II, P. & T. Deptt.
- (iii) Postmasters, P&T Deptt.
- (iv) Preventive Service, Customs.
- (v) Appraisers' Service, Central Excise Deptt.
- (vi) Inspectors Service, Central Excise Deptt.
- (vii) Deputy Superintendents Service, Central Excise Deptt.
- (viii) Assistant Collectors, Central Excise Deptt. (if any left in Class II).

As regards promotions within subordinate services, it was then held as "clearly impracticable at the present time" to associate the Commission. The instructions issued in 1946 (as amended in September and July 1947) continue to be in force (Appendix IX).

5.2. The Ministry was asked to state whether they thought it desirable that the Commission should be associated with the DPCs. They have stated that association of the Commission with promotions lends objectivity and impartiality to the deliberations of the DPCs and therefore inspires a greater confidence.

*Exclusion of certain Class I Services from the purview of the Commission.*

5.3. It has been stated that the convention for the association of a member of the Commission with the DPCs set up to deal with promotions to and within Central Services Class I is not being followed in the following cases:—

- (i) Indian Foreign Service (A)
- (ii) Class I Railway Services
- (iii) Indian Audit and Accounts Service
- (iv) Central Secretariat Service
- (v) Indian Statistical Service
- (vi) Indian Economic Service

5.4. Explaining the reasons for not observing the convention in regard to these services, the Ministry of Home Affairs have stated that, so far as Indian Audit and Accounts Service is concerned, the Comptroller and Auditor General carries a special status and position. In regard to the other services, the Ministry maintain, the Selection Boards dealing with promotions are inter-departmental and are broad based.

5.5. Asked to state their reaction to the suggestion that even in the case of services where the Selection Boards may be "inter-departmental" and "broad based", a member of the Commission may be associated for lending objectivity and impartiality to the deliberations of the Board, the Ministry have stated that the main reason for associating the Commission for promotions is to have an outside representative on the DPC so that the deliberations of the Committee gain from contributions of a member who is not part of the department and who can therefore lend objectivity. In respect of Selection Boards which are inter-departmental and broad based, the Ministry maintain, this outside element is already provided for since the Promotion Committees are not confined to departmental members but already have outside representatives who will lend objectivity to the deliberations of the Selection Boards. The Ministry have further stated that there is a trend of thinking that the Commission's workload should be lightened and they should be relieved of non-essential functions as far as possible so that they have some more time to devote to the essential functions which are their constitutional responsibility. Government's view has, therefore, been that the Commission need not be associated with DPCs for promotions within Class I service which have inter-departmental and broad based Promotion Committees. The Ministry have, however, stated

that Government have not taken any final decisions on the question of association of Commission with promotions since the Administrative Reforms Commission are likely to have something to say on this subject.

*Procedure observed by DPCs.*

5.6. According to instructions issued by the Ministry of Home Affairs on the 17th June, 1946\* in every Department, a DPC (or committees) should be established to deal with all promotions that involve selection of best persons available (i.e. for selection posts or posts which are to be filled on the basis of merit with due regard to seniority)\*\*. A DPC, it is stated, should ordinarily consist of the head of the Office or Department concerned, or an officer nominated by him, and of other Officers of the Department who are familiar with the work of the persons who are candidates for promotion. The number of committees to be established and their composition has, however, been left to be decided by the Departments in the light of their own needs. The procedure to be followed by the DPC's has been dealt with in paras 5, 6 and 7 of the institutions as follows:

"5. With regard to the procedure to be followed by the Promotion Committees two suggestions have been made:

- (a) that the committee should meet periodically (perhaps annually) to prepare a list in order of merit of officers selected for promotion; or
- (b) in the alternative, the committee should hold *ad hoc* meetings for the purpose of making selections to particular posts whenever occasion arises.

Each Committee should decide its method and procedure for itself subject to consultation with the Commission where the Commission is represented on the Committees. Whenever the recommendations made by a Committee involves the supersession of an officer, the reasons for the supersession should be briefly recorded.

\*Ministry of Home Affairs O.M. No. 33/46-Ests. (R) dated 17-6-1946 to all Departments [as amended by Home Department O.Ms No. 32/46-Ests. (R) dated the 23rd September and 3rd July, 1947].

\*\*Under Ministry of Home Affairs O.M.No.1/9/58-RPS dated 16.5.1959, promotions to non-selection posts i.e. where the basis of promotion is seniority subject to the rejection of the unfit, are also required to be referred to the DPC.

6. It is unnecessary to submit for approval of the Commission recommendations made by a Committee on which member of the Commission is sitting except in those cases where:
- (i) consultation with the Commission is compulsory under Section 266 of the Government of India Act, 1935, read with the Federal Public Service Commission (Consultation by the Governor General in Council) Regulations, or
  - (ii) the member of the Commission requires that the Commission should be consulted before final recommendation is made.
7. Recommendations made by DPCs on which the Commission is represented should be treated as recommendations having the approval of the Commission, and the convention regarding acceptance of the advice of the Commission will apply. In cases where the Commission has been consulted the convention will similarly apply to the final recommendation made by the Commission.

Where a DPC follows the method of maintaining a list of officers selected for promotion, no departure from the order in that list should be made; provided that, where administrative exigencies require, an officer not in the list or not next in order on the list may be appointed for a period not exceeding 3 months."

5.7. The representative of the Ministry was asked during evidence whether it would not be desirable in the interest of bringing the system on a regular footing, to lay down precisely, in consultation with the Commission, the method and procedure of work to be observed by all the DPCs. He replied that a certain amount of flexibility had been left to each department depending upon the category of service. He added that mode of taking decision, casting vote etc. had not been laid down because normally it was expected that the DPC would come either to an unanimous conclusion or, if there was a dissent, it would be recorded in the proceedings of the DPC which would go to the Commission. Where supersession was involved, he said, the reasons were to be recorded for the same. He, however, admitted that instructions on the subject of DPCs have been issued at various times, but those had not been compiled into a single compendium.

*Functions of the Commission in relation to recruitment by promotion.*

5.8. The Commission are, subject to a few exceptions, associated with the DPCs dealing with promotion to and within Class I Services

and posts. It is, however, open to the Departments to enquire of the Commission whether they would like to be associated with DPCs to consider promotion to and within Class II Services and posts. The Commission have stated that they generally do not associate themselves with the DPCs to consider promotion to Class II posts and in such cases the Ministries are informed to proceed with the convening of the DPCs, without associating the Commission, and to refer the recommendations of the Committees to the Commission in due course, unless such consultation is not necessary under the provisions of the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

5.9. The procedure observed by the Commission in relation to recruitment by promotion where they are required to be associated has been described by them as under:

- (i) The DPCs consider selection of officers for promotion to the posts which fall in the promotion quota as prescribed in the recruitment rules. In case, however, recruitment rules for a post have not been finalised and the Ministry desire to fill a particular vacancy by departmental promotion, the proposal of the Ministry is examined on merits and *ad hoc* decision taken whether that particular vacancy should be filled by promotion pending finalisation of recruitment rules.
- (ii) All proposals for convening meetings of the DPCs are examined in the Secretariat of the Commission, with particular reference to the question whether appointments of the officers whose cases for promotion are to be considered are regular, whether seniority list have been properly drawn up and authenticated by the concerned officer of the Ministry/Department, etc.
- (iii) The proposals which are found in order are submitted to the Chairman for nomination of a member to preside over the DPC.
- (iv) The Chairman of the DPC decides whether an actual meeting of the Committee be held or a decision be taken by circulation of papers among the members of the Committee.
- (v) The recommendations made by the DPC are required to be referred to the Commission, before they are implemented, unless such reference is not necessary under the provisions of the UPSC (Exemption from Consultation)

Regulations, 1958 or in terms of the Ministry of Home Affairs O.M. No. 18/64/49-Ests dated 13th January, 1951.

- (vi) The notifications issued by the Ministries implementing the recommendations of the DPC are examined with a view to ensure that there is no departure from the recommendations of the DPC/Commission.

5.10. The Commission was asked to state whether they had, as a result of experience, standardised the methods and procedures to be observed by the DPCs for guidance at the time of scrutinising references from Ministries/Departments in that regard. In reply, they have stated that they have evolved a proforma which is required to be completed by the Ministries/Departments and enclosed with all proposals made to the Commission for convening meetings of the DPCs.

5.11. Dealing with this subject, the Chairman of the Commission stated in the course of his evidence that "to a considerable extent now every thing appears in some kind of an organised form."

5.12. In regard to the basis on which DPCs took decisions, the Chairman of the Commission stated that their decisions were purely on the basis of an assessment of record of the officers for a period of 5 or 10 years. In that connection he, however, mentioned that it was proposed to do away with the present system of categorisation of officers and the record would, under the new system, only indicate in a narrative form an account of the work of the officer and whether he had done any thing outstanding during the year under report. Besides, he stated, the Commission had recently made an attempt to assess the merit of candidates for departmental promotion of Section Officers to the post of Under Secretaries by a short interview in addition to assessment of their record. He added: "some kind of credit will have to be given for seniority as well as to the record of the officer as evidenced by his character roll. We can make an improvement by saying that we shall take these two things into consideration and on top of that impose the interview test also which attempt we are making at present."

5.13. Asked whether there was any provision for appeal against the decisions of the D.P.Cs., the Chairman of the Commission stated that, apart from the fact that the report of the DPC was subsequently received by the Commission for confirmation, there was no appeal against the decisions of the DPC. An aggrieved officer could, however, always submit a petition to the President.

5.14. The Committee consider that it is necessary to bring the system of Departmental Promotion Committees on a regular footing and lay down uniform procedures for their internal working. With that end in view, the Committee recommend that Ministry of Home Affairs should, in consultation with the Commission, lay down and circularise detailed instructions in regard to basic matters such as nature of cases to be referred to the Departmental Promotion Committees, cases where the Commission should be associated, authority empowered to appoint D.P.Cs., their precise functions and composition, and provisions regarding chairmanship, terms of office of Chairman/Member, quorum, interview of candidates by the D.P.Cs., mode of taking decisions, casting vote, record of decisions and of reasons in cases of supersessions etc.

*Association with Selection Committees in States*

5.15. IAS/IPS (Appointment by Promotion) Regulations provide that for making selection of persons for promotion to the service, there shall be constituted for each of the States or for the group of Union Territories, a committee consisting of the Chairman of the UPSC or where the Chairman is unable to attend, any other member of the Commission representing it and 3 to 5 members specified in the Schedules attached to the Regulations. The Chairman or the member of the Commission is to preside at all meetings of the committee at which he is present.

5.16. It is stated that for this purpose, the Commission have drawn up a phased programme of the meetings of the selection committee in consultation with the State Governments, as follows:

Name of the State	Month during which meeting will be held.	Month during which Conf. records are to be recd. in the Commission's office
1	2	3
Gujarat . . . . .	May	February
Andhra Pradesh . . . . .	June	March
Rajasthan . . . . .	July	April
Punjab . . . . .	July	April
Madhya Pradesh . . . . .	August	April
West Bengal . . . . .	August	May



1	2	3
Bihar . . . . .	September	June
Maharashtra . . . . .	October	July
Madras . . . . .	November	July
Mysore . . . . .	October	June
Kerala . . . . .	November	July
Assam . . . . .	December	August
Uttar Pradesh . . . . .	December	September
Orissa . . . . .	December	September
Haryana . . . . .	September	July
Jammu & Kashmir . . . . .	October	July
Delhi, H. P. & A. N. . . . .		

5.17. The Chairman of the Commission stated during evidence that the selection committees in the States are composed of the Chief Secretary of the State and two or three officers belonging to the State, a member of the UPSC and a representative of the Home Ministry. According to him, this committee assessed the confidential records of all the eligible candidates and on that basis and on the furnishing of integrity certificate by the State Government concerned, made recommendation for promotion from the Provincial Service to the All India Service concerned. In regard to the suggestion that the selection committees merely dittoed what the Chief Secretary and the officers of the Provincial Service suggested, he said:

"I would not say that. Our member and the representative of the Home Ministry go there and they also examine the confidential records of the officers. They are not supposed to ditto and they do not ditto also."

### B. Disciplinary Matters

#### *Reference to Commission*

5.18. Article 320(3)(c) provides that the Commission shall be consulted on all disciplinary matters affecting a person serving under the Government of India in civil capacity, including memorials or petitions relating to such matters.

5.19. The instructions in regard to the procedure to be followed in consulting the Commission in disciplinary and other cases and

also the convention in regard to the acceptance of their advise in cases referred to them were contained in the late Home Department O.M. No. 16/2/39-Ests. dated the 15th December, 1939. These instructions, which were reiterated by the Ministry of Home Affairs in an O.M. addressed to all the Ministries/Departments on the 20th August, 1949, are at Appendix X.

5.20. It is stated that suitable instructions have been issued to the Ministries/Departments that disciplinary cases should be referred to the Commission complete with all the records, in original, required for a proper examination of the cases. With a view to ensure that all the necessary papers are furnished and that the procedural formalities have been completed, the Commission have devised a proforma and suggested that the Ministries/Departments may be required to fill in the same, while forwarding disciplinary cases to the Commission. This proforma has been circulated by the Ministry of Home Affairs to all the Ministries/Departments.

*Procedure observed by Commission*

5.21. Describing the procedure observed by the Commission in dealing with disciplinary case, the Chairman of the Commission stated in the course of his evidence that when such a case was referred to the Commission, it was, in the first instance, ascertained whether a reference to the Commission was necessary under the rules; that all necessary papers and information had been furnished along with the reference; and that there were no procedural irregularities vitiating the disciplinary proceedings. After all that information was obtained, the Secretariat of the Commission prepared a summary of the entire evidence sent to the Commission, which together with original papers, was sent in the first instance to two members of the Commission designated by the Chairman for their advice. They took one or two weeks in giving their advice whereafter the case was circulated among other members of the Commission for recording their opinions. In case of any difference of opinion among members of the Commission, a formal meeting of the Commission was called at which the case was discussed and a conclusion arrived at whether some punishment should be imposed or not. The final decision of the Commission was then communicated to the Government.

*Personal hearing to persons involved*

5.22. A view has been expressed that the present procedure whereby the Commission do not conduct a hearing and have nothing but papers before them was a serious limitation of the Commission's functions in regard to disciplinary cases.

5.23. The instructions issued by the Ministry of Home Affairs to all the Departments etc. on the 17th June, 1946 *inter alia* state that the Commission shall have the right to call for any information which may be required by the Commission in discharge of their functions. The Chairman of the Commission was asked during evidence to state whether the Commission had also the power to hear the persons charged with breach of discipline or to call for witnesses and if so, whether the Commission had exercised the power. He stated: "In the whole history of the Commission there was one instance (of an accused having been called for personal hearing)—that was long before Independence. The officer is never called; every thing is determined on the basis of the records". In reply to the question as to whether the Commission could hear the person in cases of any doubt, the Chairman of the Commission stated: "We don't call him. If there is doubt we give the benefit of doubt to accused officer."

*Delay in disposal of cases*

5.24. It is noticed from the information supplied to the Committee that out of 48 disciplinary cases pending with the Commission on 31st March, 1966, 19 were more than 3 months old and in 5 cases the reference were as much as 6 months to one year old. Asked to state why the Commission were taking so long to tender advice on disciplinary matters, the Chairman of the Commission stated during evidence that delays were caused sometimes because the cases received by the Commission were not complete. Sometimes, he said, there were voluminous reports to be gone through which took time. He, however, assured that, normally, Commission's views would be communicated within three months.

**5.25. The Committee would emphasise the need for early disposal of disciplinary cases by the Commission. They recommend that internal procedures of the Commission should be streamlined to enable them to tender their advice normally in about a month's time.**

## VI. MISCELLANEOUS MATTERS

### A. Recruitment for Statutory Bodies

#### *Extension of functions of the Commission under certain Acts.*

6.1. Article 321 of the Constitution provides that an Act made by Parliament may provide for the exercise of additional functions by the UPSC as respects the services of the Union and the services of any local authority or other body corporate constituted by law or of any public institutions. Recruitment to certain categories of posts under Employees State Insurance Corporation, Delhi Municipal Corporation and the Employees Provident Fund Organisation is required to be made in consultation with the UPSC under the provisions of the relevant Acts made by Parliament. Further, according to the 16th Report of the Commission, the Commission have concurred in the proposal of the Government that a provision should be made in the relevant Act requiring that the Commission should be consulted in regard to recruitment to certain categories of posts in the Coal Mines Labour Welfare Fund after it is established as a body corporate.

6.2. The representative of the Ministry was asked during evidence to state the basis on which those statutory bodies alone were picked up for making consultation provisions in the relevant Acts while recruitment for a large number of such bodies set up from time to time was outside the purview of the Commission. He explained:

“When the relevant Acts were being framed, it was proposed either by the body concerned or by the Ministry concerned that specific provision may be made in the law. These are the cases where specific provision has been made in the respective statutes governing those bodies. The statutory provision is made with the concurrence of the UPSC at the initial stage, that is, when the law is being drafted.”

#### *Separate Recruitment Board for Statutory Bodies/Public Undertakings.*

6.3. There are by now a large number of statutory bodies, public sector undertakings and autonomous bodies which are outside the purview of the UPSC. The Government of India is committed to

the continual expansion of the public sector in our country. It is, therefore, obvious that the public sector offers immense scope for employment.

6.4. Time and again complaints of nepotism and favouritism in the public sector have been made in the Parliament and the Press. In the field of public enterprises and departmental undertakings there is conspicuous absence of adequate machinery to ensure the observance of merit principle through an impersonal and competitive recruitment procedure. Indeed complaints are rife that there is a strong element of patronage and preferment in the public enterprises which in turn are shielded and sheltered from fuller accountability by claims of autonomy.

6.5. Views differ on the question whether recruitment for statutory bodies should be entrusted to the Commission or whether a separate public service commission should be set up for the purpose. In the opinion of two Ex-Chairmen of the Commission who appeared as non-official witnesses there should be no objection to the Commission taking over the work for public undertakings also and undertaking the recruitment work through *ad hoc* recruitment boards of the Commission and by making necessary addition in the membership as well as secretariat staff of the Commission.

6.6. On the other hand, it is the view of some seasoned administrators that the Commission should not be saddled with recruitment work for public sector undertakings. The managerial autonomy of these bodies, on which so much stress is being laid, becomes heavily eroded if recruitment is entrusted to any other body. Public undertakings are responsible bodies and should be trusted to devise methods suitable to their organisation for ensuring best selection and maximum fairness. They, however, contend that the benefit of the advice of the Commission should be made available to the public undertakings for framing their recruitment procedure and promotion policies, and for laying down job specifications and the pay scales to attract suitable candidates for specific jobs.

6.7. Asked during evidence about his opinion as to whether the Commission should undertake recruitment for public sector undertakings, the Chairman stated that he would like to dissociate the Commission with this recruitment. He added, however, that instead of leaving it to the respective Ministries and public undertakings, it should be done by a separate body. All that he liked was to be associated with the recruitment of the members of that body as and when it was constituted.

6.8. The Committee note that the Central Government and the statutory bodies/public sector undertakings under their control are today the biggest employers in the country. Out of the total jobs available in this field, only a small percentage of the Central Government employment is processed by the Commission. This is because the Commission are being consulted only in regard to appointments in the higher services and posts, principally those in the gazetted ranks. For recruitment to statutory bodies/public undertakings there is no set uniform procedure and each body/undertaking recruits its personnel in its own way. With a view to put an end to the unsatisfactory state of affairs in this regard, the Committee urge that adequate machinery and procedures should be devised and brought into operation before long under the broad supervision of the Commission to regulate recruitment for the increasing number of statutory bodies and the steadily growing public sector of our economy.

#### B. Coordination with State Service Commissions

6.9. The Constitution does not provide for any formal relationship between the Union Public Service Commission and State Public Service Commissions. Both the Union as well as the State Commissions have, however, many problems and matters of common interest. The UPSC conduct many important competitive examinations at State capitals where the State Public Service Commissions and the State Governments undertake to provide all local facilities for conducting the examinations. In fact in all their Reports the UPSC have recorded their grateful thanks to the State Governments and State Public Service Commissions for their assistance and co-operation.

6.10. Unofficial contacts between the State Commissions and the Union Commission have long been in existence. A Conference of Chairmen had been held in December, 1949 and on their advice several suggestions were placed before Government regarding the status of these bodies in the new Constitution. A conference of Chairmen or representatives of all the 16 State Commissions was held in New Delhi in January, 1953 to discuss matters of common interest in the light of the experience gained by the Commissions, since the inauguration of the Constitution. The recommendations of the Conference were brought to the notice of the Government. It is understood that the second conference was held in January, 1958 and the third and last conference in March, 1961 in New Delhi. In a written note furnished by the Ministry of Home Affairs it has been stated that in view of the Emergency and also because there was no

immediate problem arising for discussion, no conference of the Chairman of the State Public Service Commission has been held during the past few years.

6.11. The Committee are of the view that notwithstanding the absence of any constitutional link between the Union and the State Public Service Commissions, such conferences do serve a useful purpose in that they facilitate exchange of views on matters of common interest and pooling of experience. Further, these conferences help to evolve a uniform approach and common work procedures in the Commissions throughout the country which is desirable, particularly because the Constitution envisages a single pattern for both the Union and the State Commissions and the functions of both are of similar character. The Committee commend the idea of periodical conferences of Chairmen of the UPSC and State Public Service Commissions, say once in three years. A simultaneous meeting of the Secretaries of the Union and State Public Service Commissions is also desirable.

### C. Annual Reports

#### *Annual Reports*

6.12. Under clause (1) of Article 323 of the Constitution, it is the duty of the Commission to present annually to the President a report as to the work done by the Commission. On receipt of such report, the President is required to cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non-acceptance to be laid before each House of Parliament.

6.13. While the Commission give a general survey of their work during the period covered in their annual reports, they deal at length with cases where their advice was not accepted by Government or where the Commission were not consulted on matters in which Government had a statutory obligation to consult the Commission or where the procedure prescribed for consultation was not observed. The annual reports of the Commission are thus a sort of a safety valve through which the Commission are able to bring to the notice of Parliament and the public the indiscretions and irregularities committed by the Executive. Speaking in the Constituent Assembly, Pandit Kunzru observed:

“If a case occurs in which the Executive rejects the Commission’s advice without justification the UPSC will be able to mention this in the Report which will have to be laid before the Legislature. There is a reasonable certainty,

therefore, that the Executive will be disposed to act with caution and not exercise its powers in an arbitrary fashion and act as if the Public Service Commissions did not exist."

6.14. Over the years a practice has developed whereby each House of Parliament is provided an opportunity to discuss these reports on a motion for consideration brought by Government. Dates when the annual reports for the last five years were presented to President, laid before the Houses of Parliament and discussed by the Lok Sabha have been indicated by the Ministry\* as follows:

	Date of presentation to President	Date on which laid in Lok Sabha Rajya Sabha	Date on which discussed in Lok Sabha
1962-63 . . . . .	3-7-1963	19-12-1963	24-12-1964
1963-64 . . . . .	6-10-1964	18-11-1964	Do.
1964-65 . . . . .	7-12-1965	2-3-1966	22-5-1967 (inconclusive)
1965-66 . . . . .	14-2-1967	14-6-1967	Not yet discussed
1966-67 . . . . .	20-11-1967	Not yet Laid	

#### *Presentation to President*

6.15. The annual reports of the Commission synchronise with financial years. Thus, the report for 1962-63 covers the period from 1st April, 1962 to 31st March, 1963. It is observed from the statement given in the preceding paragraph that the time taken by the Commission in presenting their annual report to the President has been steadily increasing from year to year. While the Commission took only 3 months in presenting the report for 1962-63, the presentation of the reports for 1963-64, 1964-65 and 1965-66 took 6 months, 8 months and 10½ months respectively. The report for the year 1966-67 had not been presented until the middle of November, 1967.

6.16. The Committee need hardly emphasise the importance of early presentation by the Commission of their annual reports to the President. They recommend that the Commission should so organise their work that their annual report is normally presented to the President not later than July of the following year.

\*At the time of factual verification, the Commission have indicated the dates of presentation to President of their Annual Reports as : 1962-63—15.5.1963 ; 1963-64—7.7.1964 ; 1964-65—17.7.1965 ; 1965-66—10.10.1966 ; 1966-67—20.11.1967.



*Laying before Parliament and discussion in the House*

6.17. It is also observed from the statement given in the earlier paragraph that the time taken by Government in laying the annual report of the Commission before Parliament has been rather long as follows: 1962-63=5½ months; 1963-64=1 month; 1964-65=3 months; and 1965-66=4 months. The Ministry of Home Affairs have explained that the bigger time lag between the presentation by the Commission and its laying before Parliament in the case of 1962-63, 1964-65 and 1965-66 reports was due to the "time taken for collecting the necessary material for preparation of the Memorandum explaining the reasons for non-acceptance of the Commission's advice and the printing thereof." Another reason given is that "sometimes the Parliament is not in session when the printed material is ready." In this connection, it would be relevant to point out that the Annual Report for 1963-64 did not report any case of non-acceptance of advice by Government while those for the years 1962-63, 1964-65 and 1965-66 reported only one case each requiring the preparation of an explanatory memorandum for being laid before Parliament along with the report.

6.18. It is further observed that the annual report for 1962-63, which was laid before Lok Sabha on the 19th December, 1963, was discussed in Lok Sabha only on the 24th December, 1964 along with the report for 1963-64, while discussion on the report for 1964-65, which was laid in Lok Sabha on the 2nd March, 1966 was taken up as late as 22nd May, 1967 and still remains unconcluded. The report for 1965-66, which was laid on the 14th June, 1967 has not been discussed in the House as yet.

6.19. The Committee are not satisfied with the explanation furnished by the Ministry and consider that the preparation of the memorandum in regard to a single case should not have taken so long. The Committee need hardly emphasise that annual reports of the Commission should be placed before the Houses of Parliament promptly and recommend that Government should endeavour to reduce the time lag between the presentation of the annual report by the Commission to the President and the laying of copies thereof before Parliament. They would suggest that every effort should be made by Government to lay the annual report of the Commission before the Houses of Parliament preferably in the autumn session of the following year.

6.20. The Committee attach great importance to discussion of annual report of the Commission in Parliament because the salient points made therein are highlighted during discussion and public

attention focussed on them. Assessment of the facts mentioned in the report and a searching examination of the irregularities committed by the executive on the floor of the Legislature is, the Committee feel, a most effective safeguard against bureaucratic indiscretions. They hope that adequate time would invariably be found by Government for discussion in the Houses of Parliament, preferably in the winter session of the following year.

*University-wise classification of successful candidates*

6.21. The annual reports of the Commission invariably contain a large number of Appendices giving detailed information and statistics on the various aspects of the Commission's work. It is observed that in the beginning, for some years, the Reports contained an Appendix showing successful candidates at the I.A.S., etc. examination held every year university-wise, subject-wise and degree-wise. Although subject-wise distribution of candidates included in the Recommended List as a result of competitive examination held for the I.A.S. etc. is still given in the Appendix, the practice of showing the number of successful candidates university and degree-wise seems to have been given up now.

6.22. Asked during evidence whether it would be desirable to append to the annual report a statement showing university-wise distribution of successful candidates in the I.A.S. etc. and Engineering Services Examination, the Chairman of the Commission stated: "My reaction is that it is not possible to do it in this fashion. A man may be a product of Allahabad University, London University or Cambridge University. . . . . It is a difficult suggestion."

6.23. The Committee consider that information showing University-wise classification of successful candidates in the I.A.S. etc. and Engineering Services Examinations would serve a useful purpose in that it would give to general public an idea of the performance of the universities inter-se, besides infusing a spirit of competition in the Alumni and stimulating thinking among universities to so adopt their curricula as to turn out a larger number of successful candidates at the examinations by the Commission. The Committee are unable to appreciate the difficulties pointed out by the Chairman of the Commission in this regard. They feel that those should not be insurmountable particularly when such information was already being given in the annual reports of the Commission during 1950—55. They, therefore, recommend that the previous practice of giving such information in the annual reports may be resumed even though it might involve some additional work for the Commission.

### D. Recruitment for Specialised Services and Posts

#### Cases where Commission are unable to find suitable candidates

6.24. The Commission have been reporting year after year cases where they are unable to find suitable candidates as a result of advertisement and interview. The number of cases reported in the annual reports of the last four years are as follows:

Year	No. of cases	No. of posts
1962-63	130	304
1963-64	169	440
1964-65	163	517
1965-66	162	683

The subject-wise break-up of posts is indicated as follows:

Subject	1962-63	1963-64	1964-65	1965-66
Accountancy	6	..	..	5
Administration	3	..	..	23
Anthropology	1	..	..	..
Architecture	3	5	3	2
Advertising and Publicity	..	..	..	1
Art	1	1	5	1
Aviation	2	1	..	..
Economics/Statistics	..	1	..	2
Cinematography	..	..	..	1
Educational/Teaching	35	74	43	57
Engineering	94	213	171	109
Gliding	..	..	..	24
Home Science	..	..	..	1
Journalism	..	..	..	3
Legal	2	..	..	2
Linguistic	..	..	..	2
Languages	..	3	5	5
Medical	105	92	233	401
Scientific and Technical	51	50	57	43
Technology	..	..	..	1
Sociology	1	..	..	..
	304	440	517*	683†

\*Includes 53 posts carrying a stipend of Rs. 300 p.m.

†Includes 8 posts carrying a stipend of Rs. 300 p.m.

It would be seen from the above statement that cases where the Commission have been consistently reporting failure of recruitment relate mainly to medical, engineering, scientific and technical, and educational/teaching fields.

*Reasons for Commission's inability to find suitable candidates*

6.25. The Ministry of Home Affairs were asked to state whether they or the Commission had analysed the reasons for the Commission's inability to find suitable candidates for such a large number of posts. They have, with reference to the position in 1965-66, explained that out of 683 posts for which suitable candidates could not be found by the Commission, 511 belonged to class II posts. Of the 511 class II posts, as many as 354 were of doctors. The sudden spurt in the demand for doctors, it is held, accounts largely for the deficiency in this category of posts. Further, Government have stated: "It seems also that class II services do not offer sufficient attraction to qualified candidates specially in the fields of medicine, engineering, science and technology and education/teaching."

6.26. The Commission were asked to state whether, at the time of reporting their inability to find suitable candidate for a post, the Commission recorded their opinion or observation as to the possible causes therefor for the information and guidance of the requisitioning authority. They have stated that in cases where an Interview Board is unable to find a suitable candidate for a particular post, the reasons are normally discussed by the member presiding at the Interview Board with the representative of the requisitioning authority and the experts invited to assist the Commission in interviews. The views expressed in these discussions are taken into account by the Commission while conveying their advice.

*Commission's advice where they are unable to find suitable candidates*

6.27. The line of action advised by the Commission, it is maintained, depends on the merits of each case. In cases where the failure of a recruitment cannot be ascribed to any specific cause—such as for instance, the inadequacy of the pay-scale, having regard to the qualification required for the post—the Ministry may be advised by the Commission to send a fresh requisition and in the meantime make, where necessary, *ad hoc* arrangements. There have been cases, it is stated, where repeated advertisements for a post did not bring forth a suitable candidate either because the pay scale attached to the post was inadequate or because the place of duty was such that suitable candidates were not prepared to offer themselves for

such posts or for other similar reasons. In such cases, the appointing authorities may be advised by the Commission to consider a suitable revision of the pay scale or in exceptional cases, to fill the posts themselves and refer the question of the continuance, on regular basis, of the candidates appointed by them after a period of time with a report on their work and conduct. If, however, the Commission observe that the recruitment has proved infructuous because of the paucity of candidates possessing the particular type of highly specialised training or experience they may even advice the requisitioning authority to train a candidate in the lower post before considering him for appointment to the post in question.

### *Procedure observed by the Ministries*

6.28. The procedure of filling up the post after the Commission have expressed their inability to recommend a suitable candidate for appointment has been described in a written note submitted to the Committee thus:

“No general orders have been issued by the Ministry of Home Affairs prescribing the procedure to be followed by administrative authorities in filling up posts in those cases in which the UPSC are unable to recommend suitable candidates. In cases where the recruitment rules prescribed in respect of a post provided for filling up of the post by any other method, besides direct recruitment e.g. promotion, transfer, etc., the post can be filled by such method in consultation with the Commission. In cases, however, where there is no other method of recruitment, resort may be had to the provisions relating to relaxation of age, educational qualifications, etc., such relaxation being given in consultation with the UPSC. If there is no provision for relaxation in the recruitment rules, then the administrative authorities may fill the posts, in consultation with the Commission, by deputation or by making *ad hoc* appointment, pending the availability of an officer to be selected by the UPSC. It will thus be observed that the statutory requirement of consultation with the Commission under article 320(3), other than those covered by the UPSC (Exemption from Consultation) Regulations, is required to be followed in making appointments even on *ad hoc* basis.”

6.29. The Committee consider that the Commission should have an adequate system of collection of statistics in regard to courses in medicine and different specialities in the field of engineering con-

ducted by the various institutions in the country. In cases where the Commission are unable to find suitable candidates by advertising the posts, they should address the heads of these institutions requesting them to contact the qualified candidates and ask them to apply for the posts.

### **E. Advertisement and Publicity**

#### *Publicity*

6.30. The fact that the Commission have been experiencing difficulty in making recruitment for posts in certain specialised fields brings to the fore the question of adequacy of publicity being given by the Commission to the various examinations conducted by the Commission or to posts which are to be filled up by them by interview alone.

#### *Publications brought out by Commission*

6.31. Apart from the annual reports, the Commission brings out the following publications:

- (i) 'Handbook of Examinations' conducted by the UPSC giving briefly all relevant information regarding the various open competitive examinations. This is a priced publication.
- (ii) Examination Pamphlets, containing rules and question papers for competitive examinations held by the Commission. These are priced publications.
- (iii) Result Pamphlet relating to the IAS etc. Examination, giving the detailed results of the candidates called for interview for personality test. This is a priced publication.
- (iv) Sets of documents comprising the Rules notified by Government, the Notice issued by the Commission, blank application form etc.. for supply to prospective candidates.

#### *Reviews of Examinations*

6.32. The Commission obtain from their examiners an assessment of the standard of knowledge and education reflected in the papers which they examine. On the basis of these reports, the Commission analyse the deficiencies in the performance of candidates at the examinations conducted by them. They have been making observations of a general nature in their annual reports from time to time in regard to the performance of candidates and the level of understanding and mental development displayed by them in the examinations.

Previously it was the practice of the Commission to publish the detailed results of all the candidates examined in the form of a pamphlet (on nominal price), which included also a review of the examination containing the comments of the examiners, etc. Later, however, the publication of the pamphlet was discontinued after the examination held in 1957 "as there was hardly any demand (therefor) . . . and it was considered wasteful to continue to publish it at considerable expense to Government." The Commission are circulating reviews of the examinations containing the comments of the examiners etc. among the important educational authorities in the country, e.g., the universities, Ministry of Education, University Grants Commission, Inter-University Board, Directors of Education in the States, Boards of Education, etc. "to enable them to consider measures for remedying the deficiencies in the educational equipment of the large majority of candidates indicated therein." The Commission also suggest to these authorities that after taking such other action as may be considered desirable, the reviews may be kept in the library of their office/department for the perusal of those who may be interested.

#### *Advertisements of the Commission*

6.33. The examinations conducted by the Commission and the posts required to be filled up by interview alone are publicised by the Commission through their weekly advertisements in the leading daily newspapers, published generally in their Saturday issues. The advertisements give in brief the terms and conditions of appointment and the qualifications required for the post and invite the candidates to obtain, in certain cases on payment of a nominal fee, a set of documents comprising of *inter alia* the Notice for information of candidates issued by the Commission giving detailed particulars in regard to the examination or post.

6.34. The representative of the Ministry stated during evidence that the advertisements of the Commission were sent to the Ministry of Information and Broadcasting and it was that Ministry which arranged publicity therefor in the various newspapers. According to him, copies of advertisements were also separately sent to over 500 institutions and organisations, including the national laboratories, universities, engineering and technical institutions, medical colleges, welfare organisations, employment offices, university employment bureaus, Indian Embassies and Missions abroad and so on, in order to give the widest possible coverage to the vacancies. He maintained that the existing method of publicity was adequate to attract as large a number of candidates as possible and in fact,

there had seldom been any complaint that the candidate was not aware of the advertisement.

6.35. In the course of discussion, it was asked whether the publicity of Commission's advertisements was made in regional languages also. The Chairman of the Commission replied that publication of the Commission's advertisements was the responsibility of the Ministry of Information & Broadcasting. He, however, assured that the Commission would write to that Ministry in that regard.

*Recruitment by personal contact*

6.36. Although, the normal method of recruitment by the Commission is through advertisement of the post in the newspapers, in cases where the availability position of candidates is known to the Commission to be unsatisfactory or where an initial attempt at recruitment through advertisement has failed, "personal contact with knowledgeable sources" are made by the Commission in order to locate suitable candidates. Describing the procedure in this regard, the Chairman of the Commission during evidence stated:

"We do write to various organisations for personal contact candidates; particularly if we find that the response to our advertisement is not sufficient or sometimes when we feel that really qualified persons do not want to become applicants in the form of a prescribed application. We write to people who are likely to know of candidates who may be suitable for filling up such posts, to the various organisations like universities, national laboratories and so on to indicate to us if they know of anybody. When such recommendations are received, then we send from our own side forms of application to these candidates, and ask them to fill them and send to us in case they are interested."

*Radio as medium of publicity*

6.37. The Chairman of the Commission was asked during evidence to state whether it was necessary or desirable to utilise the medium of Radio when some important posts were to be filled up. He said: "It should be possible. We will ask the Ministry of Information and Broadcasting to make an announcement on the Radio that such and such posts are being advertised by the Commission. It will mean reading out in the Radio the Saturday bulletin, which we publish in all newspapers." To the suggestion whether it would not be better if certain discussions were held on the radio spotlighting the activities of the Commission, the manner of recruitment and attractions of public service etc., the Chairman of the Commis-



sion stated: "We have generally tried to avoid publicity but we can do this kind of educative publicity."

6.38. The Committee observe that in a country like India where unemployment is widespread and where Government service still carries considerable prestige value, the task of the Commission in attracting candidates to public service should not be so difficult as it is in other industrially advanced countries. Even so, they feel that advertisements in the newspapers and sending circulars to certain institutions are, by themselves, not sufficient to attract as large a number of qualified candidates as may be desired. The prospective entrant to public service must also have a clear idea of the nature of civil service and the opportunities which it can offer.

6.39. The Committee, therefore, recommend that the Commission should make vigorous efforts to project a better image of the public service in general and of the individual services as against employment opportunities available outside, by designing, producing and widely circulating brochures, pamphlets and other literature in English, Hindi and all the regional languages with a view to educate the public as also inform the intending candidates of the various careers that public service offers. The get up of the Commission's publications, particularly of the 'Review of Examinations' can hardly be described as attractive.

6.40. The Committee also recommend that the Commission should, instead of leaving the publicity of their advertisements to the Ministry of Information and Broadcasting, themselves ensure that widest publicity is given to the advertisements, not only in the leading English newspapers but also in local and language newspapers and periodicals having wide circulation.

6.41. The Committee further recommend that the Commission should arrange to have their advertisements announced on the Radio. The Chairman and members of the Commission should also utilise the forum of Radio for publicising, by talks and discussions, the activities of the Commission and focussing public attention on the personnel problems experienced by them from time to time.

#### F. Non-acceptance of Commission's Advice

##### *Advisory nature of Commission's functions*

6.42. Ever since the Public Service Commission was set up for the first time in 1926, their functions have been of an advisory nature, though it has been all along obligatory upon the Executive to consult the Commission or seek their advice on certain specified mat-

ters. The case for giving the Public Service Commissions an advisory rather than an executive role was put forward by Sir Samuel Hoare, the then Secretary of State for India in 1935. "It was the definite view of the Joint Select Committee", he argued in the House of Commons during the passage of the Government of India Act of 1935, "and it is the definite view of my advisers here and in India that the Public Service Commissions had much better be advisory. Experience goes to show that they are likely to have more influence if they are advisory than if they have mandatory powers. The danger is that if you give them mandatory powers, you set up two Governments in a Province and two Governments at the Centre, and there is every thing to be said against a procedure of that kind. From many points of view, it is much better that they should be advisory."

6.43. The Constitution also provides an advisory status for the Commission. All that article 320 lays down is that the Commission "shall be consulted" on certain matters which have been specified therein. The advice of the Commission is not statutorily binding upon the Ministries or Departments of the Government of India.

*Convention regarding acceptance of Commission's advice.*

6.44. Although it is not statutorily obligatory upon the Government to accept the advice of the Commission, a convention has been established according to which it is accepted in all but exceptional cases. This convention is stated in the instructions issued by the Ministry of Home Affairs on the 20th August, 1949\* as follow:

"7. A convention has been established by the Government of India that in the following classes of cases referred to the Commission the recommendation made by that body shall be accepted save in exceptional circumstances:

(1) Quasi-judicial cases, i.e.—

- (a) Original orders, appeals, memorials, and petitions relating to disciplinary matters.
- (b) Interpretation of existing conditions of service.
- (c) Equitable treatment in the matters referred to the Commission in regard to payment of compensation to officers affected by abolition posts.

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\*Appendix II to Ministry of Home Affairs, O. M. No. 18/18/48—Ests. dated 20-8-1949.

- (2) Selection for appointment of candidates by nomination subject to any special directions that may be given to the Commission in the matter of the class of candidates to be nominated.

In the class of cases mentioned in clause (2), where the appointing authority considers the circumstances so exceptional as to justify a departure from the recommendation of the Commission, the reasons for that opinion should be stated and the Commission be given an opportunity, if they so desire, for further justifying their recommendation before a final decision is taken.

- (3) Recommendations made by the Commission for the appointment of a candidate on a higher initial pay than the minimum pay of the post, when the requisition for recruitment sent to the Commission admits of such higher initial pay being recommended by the Commission or where the Commission are consulted on the question of the initial pay to be given to any candidate.
- (4) Claims for cost incurred by Government servants in defending legal proceedings instituted in respect of acts done or purporting to be done in the execution of duty, referable to the Commission under Sec. 266(3)(d) of the Government of India Act.

- \* (5) Determination of domicile of Government servants.

Note.—It is also intended to bring within the scope of this convention awards of extraordinary, injury, and family pensions, whether covered by the rules or *ex-gratia*. The exact scope of the convention applicable in this regard is being examined separately and orders will issue separately on this point. In the meanwhile, such cases will continue to be dealt with in accordance with the Home Department Office Memorandum No. 16/5/43-Ests. dated the 7th March, 1944, as amplified by their Office Memorandum No. 16/5/43-Ests. dated the 11th June 1945. All such cases will be referred to the Ministry of Home Affairs and the Ministry of Finance before they are referred to the Commission.

8. The Government of India have decided that where the Federal Public Service Commission has been consulted in regard to any appointment(s), the recommendations made by the Commission should not be departed from unless in the opinion of the Honourable Minister concerned, exceptional circumstances exist which in the public interest require such departure. In such a case, the reasons for hold-

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\*At the time of factual verification, the Commission have pointed out that under Ministry of Home Affairs O.M. No. 18/12/62—Ests. (B) dated 12.3.1964, it is no longer necessary to consult the Commission on questions pertaining to determination of domicile of Government servant.

ing this opinion should be communicated to the Commission and the Commission given an opportunity of further justifying their recommendation. On the receipt of the observations of the Commission, their recommendations should be considered further by the Ministry concerned. If, after further consideration, the Ministry still considers that the recommendations made by the Commission should not be accepted, the case should be referred with a self-contained summary to the Ministry of Home Affairs who will place it before a Committee of the Babinet consisting of the Honourable the Prime Minister, the Honourable the Home Minister and the Honourable Minister administratively concerned with the appointment(s). In cases in which the Honourable the Home Minister or the Honourable the Prime Minister happens to be the Minister concerned with the appointment, the Honourable the Finance Minister should be added to the Committee. Final orders will be issued by the Ministry concerned in accordance with the decision reached by this Committee.

9. In any other case not covered by para 8 above in which it is proposed not to accept the advice of the Commission, the case should be shown to the Ministry of Home Affairs before orders are passed."

6.45. In their First Report, the Commission have also stated that ever since the inception of a Central Public Service Commission, the Central Government have followed the convention of accepting the recommendations made by the Commission. This convention continues to remain in force. The Commission's recommendation or advice has to be accepted save in exceptional circumstances. In any extremely rare instances in the past when any department of Government thought of not accepting the Commission's advice, the Chairman could place the Commission's point of view before the Governor General at a personal interview.

#### *Non-acceptance of Advice of Commission*

6.46. In spite of the convention regarding the acceptance of advice of the Commission, there are cases where the Government have not been able to accept their advice. Such cases are reported in detail in the annual reports of the Commission. Under article 323 of the Constitution, Government is required to lay before Parliament along with a copy of the annual report, a memorandum explaining the reasons for non-acceptance of advice of the Commission, if any. Cases of non-acceptance of advice of the Commission are, however,

not many. During the first 16 years of the life of the UPSC, the Commission have reported a total of 25 such cases as follows:—

1950-51	. . . . .	6
1951-52	. . . . .	1
1952-53	. . . . .	2
1953-54	. . . . .	4
1954-55	. . . . .	1
1955-56	. . . . .	1
1956-57	. . . . .	1
1957-58	. . . . .	Nil
1958-59	. . . . .	Nil
1959-60	. . . . .	1
1960-61	. . . . .	4
1961-62	. . . . .	1
1962-63	. . . . .	1
1963-64	. . . . .	Nil
1964-65	. . . . .	1
1965-66	. . . . .	1

6.47. The Committee are glad to note that the incidence of cases of non-acceptance of advice of the Commission by the administrative Ministries and Departments of Government of India is very small. They nevertheless hope that in years to come Government would endeavour to ensure that the Commission do not have even a single such case to report.

*Cases where advice of the Commission is not sought or procedure therefor is not observed*

6.48. Although cases of non-acceptance of advice of the Commission by the administrative Ministries/Departments of the Government of India are few, the Commission have been reporting in their annual reports year after year a large number of cases of irregular appointments and of delayed references to them regarding temporary appointments made by the administrative authorities. In these cases, either the Commission have not been consulted at all when such consultation was statutorily obligatory or the procedure prescribed for consultation with the Commission in the regulations made in this behalf has not been observed. As stated separately in earlier paragraphs, the incidence of such cases is increasing in spite of instructions issued by the Ministry of Home Affairs in this regard. Although such cases are serious enough and are dealt with in detail in the annual reports of the Commission, they do not attract as much

attention and publicity as cases of non-acceptance of advice because in the latter type of cases the Government is under constitutional obligation to lay a memorandum explaining the reasons therefor before each House of Parliament while there is no such obligation cast upon the Government in the former type of cases.

4.49. The Chairman of the Commission was asked in the course of evidence to state whether it was possible to call for an explanation from the defaulting Ministry/Department and place that on the Table of the House within a certain period of time. He stated: "The Ministry should be asked to make a report to Parliament of these things . . . Otherwise, the Commission could also ask them to indicate action taken and, if nothing has been done, include it specifically in the next year's report. . . . We will consult the Ministries whether they will themselves do this or we should do it in the course of our annual report."

6.50. During evidence, the representative of the Ministry of Home Affairs also was asked to state his reaction to the suggestion that the Government's view point in regard to irregular appointments and delayed references cited in the annual report of the Commission should also be included in the explanatory memorandum to be laid before Parliament along with the annual report.

According to him:

"This might make the memorandum somewhat bulky. What we thought was, subject to the approval of our Minister, in addition to the memorandum, a statement giving this information could be placed on the Table of the House, at any rate before the report came up for discussion."

6.51. The Committee consider that there is need for focussing greater attention on cases of irregular appointments and delayed references to the Commission regarding temporary and ad hoc appointments made by administrative Ministries/Departments. Besides, the Committee feel that Parliament should be informed of the view point of Government also in regard to such cases cited in the annual report of the Commission. They, therefore, recommend that the Ministry of Home Affairs may lay on the Table of each House of Parliament, before the report is discussed in either House, a statement explaining, as respect the cases, if any, of irregular appointments and delayed references cited in the annual report, the reasons for such appointments and delays.

## VII. CONCLUSION

7.1. The growth of Public Service Commission in India as an independent body to advise the executive in service matters like recruitment, discipline, promotions etc. is of comparatively recent origin. In fact, the idea of an independent service Commission in this country has grown along with the evolution of Indian Constitutional Reforms. The Public Service Commission (India) first set up in 1926 was established in accordance with the provisions of the Government of India Act, 1919 and the Federal Public Service Commission in 1937 was a by-product of the Government of India Act, 1935. With the coming into force of the Constitution in 1950, the Union Public Service Commission displaced the Federal Public Service Commission.

7.2. The institution of the Public Service Commission is looked upon as a bulwark of democracy. It is a symbol of merit system in public services and its avowed objective is to eliminate nepotism and political abuse from public administration. While the Public Service Commissions are a common feature of most of the democratic Governments today, it is to be particularly noted that the Public Service Commissions in India (Union and State) have been created by the Constitution itself and not as in most other countries by a mere Act of Legislature. Hence to assist Government to maintain and manage an efficient public service the founding fathers have endowed the Commissions with independence, status and dignity.

7.3. The vitally important role which the Constitution has assigned to the Union Public Service Commission underlines the need for independence and competence in its members. It is of utmost importance that the composition of the Commission should be sound and well-balanced. The members of the Commission should not only be persons for calibre and merit but of unimpeachable reputation for independence and competence in its members. It is of utmost importance not only to ensure that the Commission discharge their complex and delicate functions—objective and correct assessment of the suitability of candidates—efficiently but also to inspire public confidence in the Commission. The personal background of the members of the Commission, as indicated in the statement furnished to the Committee *vide* Appendix II, shows that the appointments made to the Commission have been commendable and in accordance with the spirit of the Constitution.

7.4. The Committee are glad to learn from the representative of the Government during evidence that the Commission have been able to fulfil their important role as an independent and expert adviser to the Government in service matters, and that Government are generally happy in regard to the calibre of candidates recommended for appointment. It is also gratifying to learn from the Chairman of the Commission that there has been no interference on the part of the executive in the functioning of the Commission and that he has had no difficulty with the Government in regard to finances or staff for the Commission.

7.5. The Constitution provides an avenue to the Commission through their Annual Report to bring to the notice of Parliament cases where Government have not accepted their advice. The Committee attach a great deal of importance to the timely publication of the Annual Report of the Commission and its early presentation to the President. It is also important that it is laid promptly before Parliament so as to enable Members of Parliament to have a comprehensive idea of the working of the Commission. The Committee hope that time and opportunity will invariably be found for a discussion of Annual Reports soon after they are laid on the Table of Lok Sabha so that cases where Government have not accepted the advice of the Commission are spotlighted and given publicity.

NEW DELHI;

*Dated the 8th March, 1968.*

*Phalgun 18, 1889 (Saka).*

P. VENKATASUBBAIAH,

*Chairman,*

*Estimates Committee.*



## APPENDIX I

(See para 1.18)

*Note indicating the powers, functions and position of the Public Service Commissions/Boards in Australia, Canada, New Zealand, U.K., U.S.A. and U.S.S.R.*

[This note is not intended to be comprehensive nor may it be up-to-date; the information has been culled out from such reports, publications etc. as were available from time to time].

### Commonwealth of Australia

1. The Public Service Board in the Commonwealth of Australia is established under the Public Service Act.

2. *Tenure of office of Members.*—Each appointment of a Member of the Board is for a term not exceeding 5 years. Every person who is appointed a Member of the Board is, on the expiration of his term of office, eligible for re-appointment.

A Member may be removed from office on an address praying for his removal being presented to the Governor General by the Senate and the House of Representatives, respectively in the same session of the Parliament.

A Member cannot during his term of office engage in any paid employment outside the duties of his office.

The Chairman of the Board who draws the same salary as heads of senior departments, is the head of the public service; the members rank with other heads of departments. The senior departments are those of Prime Minister, Defence, Treasury, Attorney General, Postmaster General. Salaries of heads of departments below the senior ones are fixed by the Government and vary from one department to another.

3. *Duties of the Board.*—Under Section 17 of the Act the Board has *inter alia* the following duties:—

- (a) to devise means for effecting economics and promoting efficiency in the management and working of Departments by—

- (i) improved organisation and procedure;
  - (ii) closer supervision;
  - (iii) the simplification of the work of each Department and the abolition of unnecessary work;
  - (iv) the co-ordination of the work of the various Departments;
  - (v) the limitation of the staffs of the various departments to actual requirements and the utilisation of those staffs to the best advantage;
  - (vi) the improvement of the training of officers;
  - (vii) the avoidance of unnecessary expenditure;
  - (viii) the advising upon systems and methods adopted in regard to contracts and for obtaining supplies, upon contracts referred to the Board by a Minister; and
  - (ix) the establishment of systems of check in order to ascertain whether the return for expenditure is adequate;
- (b) to examine the business of each Department and ascertain whether any inefficiency or lack of economy exists;
- (c) to exercise a critical oversight of the activities, and the measuring and checking the economical and efficient
- (d) to maintain a comprehensive and continuous system of measuring and checking the economical and efficient working of each Department, and to institute standard practice and uniform instructions for carrying out recurring work; and
- (e) such other duties in relation to the Public Service as are prescribed.

In relation to all matters specified above other than those under paragraph (e) the Board is required in the first place to advise the permanent Head of Department of its suggestions or proposals. If the permanent head does not concur in or adopt the suggestions or proposals, he is required, within a reasonable time, to inform the the Board of the reasons thereof. Thereupon the Board may, if it thinks fit, make a recommendation, report or suggestion to the Minister administering the Department and if the recommendation, report or suggestion is not approved or adopted by the Minister within a reasonable time, the Board may report the matter to both Houses of Parliament either in a special report or in its annual report.

4. *Powers of Board.*—The Board may at any time—

- (a) enter any Department for the purpose of carrying out its duties;
- (b) summon any person whose evidence appears to be material to the determining of any subject to inspection, inquiry, or investigation being conducted by the Board.
- (c) take evidence on oath;
- (d) require the production of documents.

5. *Submission of report.*—The Board is required to furnish reports or recommendations on all matters required to be dealt with by the Governor General under the Act or referred to the Board by the Governor General. If the Governor General does not approve of any recommendation he may require the Board to furnish a fresh recommendation which shall be considered and dealt with by the Governor General. If the Governor General does not approve of the fresh recommendation, a statement of the reasons for not approving shall be laid before both Houses of Parliament within 30 days of the receipt of the recommendation, if the Parliament is then sitting, and, if not, then within 14 days of the next meeting of the Parliament.

### Canada

1. *The Civil Service Commission in Canada is established under the Civil Service Act of 1961.*

2. *Tenure of office of Members.*—A Member (which term includes the Chairman) of the Civil Service Commission is appointed for a period of 10 years from the date of his appointment but on the expiration of his first or a subsequent term of office, he is eligible to be reappointed for a further terms not exceeding 10 years. A Member ceases to hold office on attaining the age of 65 years except that where the Governor in Council is of opinion that it would be in the public interest to extend the term of office of a Member beyond that age, he may, on the recommendation of the Prime Minister, extend the term of office beyond the age of 65 years for one period not exceeding 5 years.

A Member may be removed from office at any time by the Governor in Council upon address of the Senate and House of Commons.

A Member shall not hold any other office in the public service or engage in any other employment.

The Chairman is the Chief Executive Officer of the Commission. The Governor in Council may authorise any Member to act as Chairman for the time being in the event that the Chairman is absent or unable to act or if the office is vacant.

**3. Powers and duties.**—The Commission shall

- (a) appoint qualified persons to the Civil Service in accordance with the provisions and principles of the Act;
- (b) report to the Governor in Council upon such matters arising out of or relating to the Administration or operation of the Act and the Regulations as the Commission considers desirable and, at the request of the Governor in Council, upon any matter pertaining to organisation and employment in the public services;
- (c) at the request of a deputy head, report upon any matter pertaining to organisation and employment in the department;
- (d) obtain the assistance of competent persons to assist the Commission in the performance of its duties;
- (e) operate and assist departments in operating staff development training programmes; and
- (f) perform such other duties and functions with reference to the public service as are assigned to it by the Governor in Council.

**NOTE:** The term "Civil Service" has been defined in the Act as follows:

- "Civil Service means the positions in the public service for the appointment to which there is no authority in or under any Act of Parliament (other than this Act) except
- (i) the offices of Commissioner and the positions of persons appointed under Section 73 (i.e. the Clerk of the Privy Council, the Clerk of the Senate, the Clerk of the House of Commons and the Secretary to the Governor General);
  - (ii) prevailing rates positions (positions not being professional, semi-professional, managerial or clerical in character which may be declared as prevailing rates positions by the Governor in Council on the recommendations of the Commission) and the positions of persons appointed under sub-section (1) of Section 71 (i.e. Executive Assistant and Private Secretary to the Minister

appointed by him and other persons to be employed in the office of a Minister appointed by the Governor in Council);

- (iii) the positions of persons engaged locally outside Canada;
- (iv) positions in or in connection with Government Railways or Ships;
- (v) the positions of postmasters of any revenue post office the revenue of which does not exceed £3,000 per annum; and
- (vi) the officers, clerks and employees of both Houses of Parliament and of the Library of Parliament.

4. *Submission of report to Parliament.*—The Commission is required to transmit within 5 months after the 31st day of December, in each year to the Member of the Privy Council of Canada designated by the Governor in Council for the purpose, a report and statement of the transactions and the affairs of the Commission during the year, and the Member so designated is required to cause the report to be laid before Parliament within 15 days after the receipt thereof or, if Parliament is not then sitting, on any of the first 15 days next thereafter that Parliament is sitting.

### New Zealand

1. The State Service Commission in New Zealand has been established under Section 3 of the State Services Act, 1962.

2. *Tenure of office of Members.*—All the Commissioners are appointed by the Governor General in Council on the recommendation of the Prime Minister. One Commissioner is appointed by the Governor General in Council as the Chairman. The Deputy Chairman is appointed by the Commission from among its Members and has the power to act in place of the Chairman during the latter's absence. Every Member is appointed for a term of not more than 5 years and is eligible for reappointment provided that no person is appointed or reappointed to the Commission after he has attained the age of 60 years. There is no bar to the Commissioners taking other appointments after serving as Commissioners. The Governor General may suspend any Commissioner for misbehaviour or incompetence and shall cause to be laid before Parliament a full statement of the grounds of any suspension within seven days after date of that suspension if the Parliament is then in session or within seven days after the date of the commencement of the next ensuing session, if

the Parliament is not then in session. If the House of Representatives within twenty-one days from the date on which the statement is laid before it declares by resolution that ought he to be removed from office, he shall be removed by the Governor General from the date of suspension. In other cases he shall be deemed to be restored to office from the date of his suspension.

3. *Powers and duties.*—In respect of the Departments of the Public Service, as defined in the Act, the Commission is responsible for—

- (a) reviewing the machinery of Government including the allocation of functions to and between Departments, the desirability of or need for the creation of new Departments, and the amalgamation or abolition of existing Departments, the co-ordination of the activities of the Departments and the extent and nature of controls exercised by any one Department over the operations of another Department.
- (b) Reviewing the efficiency and economy of each Department including the discharge by the permanent head of the responsibilities placed on him under the Act.
- (c) The provision of suitable office accommodation and the prescription and supervision of physical working conditions of all employees in the Public Service.
- (d) Approving and reviewing establishments of staff.
- (e) Acting as the Central personnel authority for the Public Service.
- (f) Prescribing basic training programmes, furnishing advice on and assisting with the training of staff and making recommendations to the Minister on the facilities necessary for the proper training of staff.
- (g) Providing management consultation services including advice as to efficient work and control methods and techniques, data processing equipment and problems of organisation.

The Commission appoints permanent heads of departments, except the Secretary of Treasury, the Comptroller and Auditor General, the Solicitor General, the Secretary for External Affairs, the Commissioner for Works and the Director of Broadcasting.

In respect of certain specified Services/Departments, other than the Public Service in respect of which the Commission has functions,

the Commission is required, if so directed by the Minister to associate itself with the Head of the Service/Department etc. in the investigation of its organisation, methods or procedures. In respect of such Services/Departments the Commission is also required, if so requested by the Head of or the Minister of the Department/Service concerned to provide management consultation services and furnish advice and to assist with the training of staff.

4. *Powers.*—The Commission may from time to time, either generally or particularly, delegate any of its powers to any of its Members or to any other person or persons. In matters relating to decisions on individual employees (e.g. appointments, promotion, demotion, transfer, discipline etc.) the Commission acts independently but in other matters it is responsible to the Minister for the administration of the State Service Act.

5. *Submission of Annual Report.*—The Commission is required to submit to the Minister an Annual Report on the state of efficiency and economy of the Services with which it is directly concerned and on the operations of the Commission. The report of the Commission is required to be laid before the Parliament within 28 days after the date on which it is furnished to the Ministry if the Parliament is then in session and within 28 days after the date of commencement of the next ensuing session if Parliament is not then in session.

### United Kingdom

1. The Civil Service Commission in United Kingdom was first set up by an order in Council of the 21st May, 1855. According to the latest report available, the Commissioners are at present five in number.

2. *Terms of office.*—As individual the Commissioners (like their staff) are civil servants, and subject to the normal rules and discipline of the Service. The Commissioners are to hold office during Her Majesty's pleasure and have the power, subject to the approval of the Treasury, to employ from time to time such assistants as they may require for the discharge of the duties assigned to them. As Commissioners acting in a quasi-judicial capacity, testing and selecting candidates for the Civil Service, they are independent of control and subject to no influence or pressure from any source political or other. Their position in this respect is illustrated by the fact that their main functions derive from the Royal Prerogative; and by the fact that they themselves are appointed by the Queen in Council, though the Queen acts on the advice of the Prime Minister, who in turn usually consults the Permanent Secretary to the Treasury.

The Commission ranks as an independent Department, not controlled by a Minister. There is normally no right of appeal from the Commissioners' decisions; but it is the normal practice of the Commissioners to consider any cases in which a complaint is made, although they would not reverse a decision unless it was clear that mistake had been made or substantial new evidence were placed before them.

3. *Functions and powers.*—The functions of the Commissioners are constitutionally limited to the task of selection for recruitment. The actual appointment of an individual duly certified by them is the responsibility of the Department in which he is to be employed. The Commissioners are not normally concerned with the recruits' subsequent career in the Service which is the responsibility of the employing Department and the Treasury.

A person who has received a permanent appointment and who holds such an appointment may be transferred or promoted within Her Majesty's Home Civil or Foreign Service or otherwise receive a further permanent appointment therein without the issue of a further certificate of qualification, except in such circumstances as the Commissioners may, after consultation with the Treasury or Her Majesty's Secretary of State for Foreign Affairs, as the case may be, by regulations made from time to time prescribe.

The Commissioners may, subject to the approval of the Treasury or Her Majesty's Secretary of State for Foreign Affairs, as the case may be, from time to time make regulations—

- (a) prescribing the manner in which persons are to be admitted to Her Majesty's Home Civil or Foreign Service or to any situation or class of situation therein and the conditions on which the Commissioners may issue certificates of qualifications;
- (b) providing for the issue of certificates of qualification in favour of persons appointed or transferred to Her Majesty's Home Civil or Foreign Service by or in pursuance of any Act of Parliament and for the limitation if the Commissioners think fit, of the enquiries made by them in such cases to matters of age and health or otherwise as may be prescribed in the regulations.

In the re-certification regulation made by the Commission on 1st January, 1965, it has been provided that a person who has received a permanent appointment and who holds such an appointment may not be transferred or promoted within the Home Civil Service or



Diplomatic Service or otherwise receive a further permanent appointment without the issue of a further certificate of qualification by the Commission. Such re-certification is necessary usually in case of transfer from Home Civil Service to Diplomatic Service or *vice versa* or in case of transfer or promotion to another class where the Commissioners stipulated at or before the time of his certification that in such an event re-certification would be necessary.

In addition to their primary task of recruiting Civil Servants, the Commissioners have also acquired at various times other functions for which their experience is recognised to fit them *e.g.* the management of examinations for entry to the Navy, Army and Air Force. The First Commissioner is *ex-officio* Chairman of the Colonial Service Appointments Board.

5. *Submission of Annual Report.*—An annual report of their work is submitted by the Civil Service Commission.

### U.S.A.

1. The United States Civil Service Commission was created under the Civil Service Act, 1883. Under the Act the President is authorised to appoint, by and with the advice and consent of the Senate, three persons one of whom is designated as Chairman and another as Vice-Chairman of the Commission by the President, not more than two of whom shall be adherents of the same political party, as Civil Service Commissioners and these three Commissioners constitute the United States Civil Service Commission.

2. *Tenure of office Members.*—The term of office of each Commissioner is six years.

The President may remove any Commissioner; and any vacancy in the position of Commissioner caused in this manner is filled by the President, by and with the advice and consent of the Senate, for the unexpired period of the tenure of the Commissioner removed from office.

3. *Powers and duties.*—The principal activities of the Civil Service Commission are to—

1. provide for examinations to test the fitness of applicants for positions in the competitive service, and to establish qualification standards as a basis for reinstatement, promotion and transfer of Federal employees.
2. provide, in response to requests from appointing officers in the various Federal agencies, the best qualified available personnel to fill positions in those agencies.

3. administer the Veteran's Preference Act of 1944, which provides for the granting of preference to certain classes of persons because of military service.
4. provide for and regulate the appeals to which Federal employees are entitled by law or Executive order.
5. conduct national agency checks and inquiries on persons entering the Federal Service; conduct background investigations for security purposes of applicants or employees for certain agencies as required by law or as requested by agencies not having investigative facilities; and conduct investigations relative to enforcement of civil service laws and rules.
6. make a continuing study of the administration of the employee security programme for the purpose of determining whether there are any deficiencies inconsistent with or that might weaken the national security or any tendencies to deny to individual employees fair treatment or rights under law or the Constitution.
7. administer the classification Act of 1949, which provides for the classification of positions according to duties and responsibilities.
8. review and approve agency plans for rating employees' work performance.
9. administer the Federal Employees' Group Life Insurance Act of 1954.
10. administer statutory provisions and civil services regulations restricting political activity by Federal employees in positions in the competitive service and by certain State and local employees participating in federally financed activities.
11. administer the Civil Service Retirement Act.
12. administer the Federal Employees Health Benefits Act and the Retired Federal Employees Health Benefits Act.
13. administer the Government Employees' Incentive Awards Act.
14. exercise leadership in Federal personnel administration by stimulating and recommending improvements in personnel laws, regulations, policies and methods.

4. *Submission of Annual Report.*—The Commission are required to make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exception thereto in force, the practical effects thereof and any suggestions it may approve for the more effectual accomplishment of the purposes of the Civil Services Act.

### U.S.S.R.

The USSR do not have a Public Service Commission for selection of personnel for Central Services of the Government of USSR. The selection of such personnel is made by each Department/Ministry of the Government according to its requirements. The Personnel Division of the Department/Ministry concerned gives its requirements to Specialised Institutes turning out qualified men in the requisite field. These institutions are distributed all over the country and the Department/Ministry concerned may go to any or all of them to select personnel according to their requirement. On receipt of the request of the Department/Ministry the Institute/Institutes concerned forward their recommendations to the Department/Ministry with full details of the qualifications of the personnel recommended. The Personnel Division of the Department/Ministry goes through the recommendations of the Institute/Institutes and calls the recommended personnel for interview.

2. It will thus be observed that there are no written examinations conducted for the Central Services except those which the personnel would have undergone while obtaining diplomas/degrees from academic institutions. At the interview by the Personnel Division of the Department/Ministry concerned, no marks are given. Only the general suitability of each individual is examined and if the Personnel Division is satisfied, it sends the selected candidates for a final interview by the 'Territorial' Division or the Division which had originally placed the requisition for additional personnel. The senior officers in the Territorial Division including sometimes the Deputy Minister/Minister examine the candidates further. Again there are no marks allotted for the interview but if the senior members of the 'Territorial Division find the individuals suitable, they are finally selected.

3. The above procedure applies to the selection of personnel in the Foreign Office also. The institution from which the Foreign Service personnel is largely drawn is the USSR Institute for International Relations.

## APPENDIX II

(See paras 2.12 and 2.19)

*Statement showing particulars of persons who have served as Chairmen and Members of the UPSC since January, 1950*

Name	Date when took over charge	Age when took over charge	Whether official or non-official	Personal background
(1)	(2)	(3)	(4)	(5)
<b>CHAIRMEN</b>				
Shri R. N. Banerjee	14-1-49 (Chairman, FPSC) 26-1-50 (Chairman, UPSC)	53 years	Official	Member of the Indian Civil Service.
Shri N. Govindarajan	11-5-1955	64 years	Official	Was appointed as Member, UPSC, from 1-6-50. Retired from I.S.E. as Chief Engineer, Madras Government in March, 1946. Was re-employed as Special Chief Engineer, Madras Government.
Shri V. S. Hejmadi	10-12-1955	56 years	Official	Member of the Indian Civil Service.
Shri B. N. Jha	11-12-1961	60 years	Official	Member of the Indian Civil Service.

1	2	3	4	5
Shri K. R. Damle	18-4-1967	61 years	Official	Retired Member of the Indian Civil Service.
<b>MEMBERS :</b>				
Shri Javad Hussain	14-3-47 as Member, FPSC	54 years	Official	Member of the Madras Civil Service; Member, Madras PSC 1942; Member FPSC, 1947.
Shri W. R. Puranik	14-47 as Member FPSC.	60 years		Advocate General, C.P. & Berar, 1937; Judge High Court, Nagpur, 1942; Member, FPSC, 1947.
Shri G. C. Chatterji	1-8-49 as Member FPSC	55 years	Official	Member of the Indian Educational Service.
Shri C. B. Nagarkar	10-12-1950	56 years	Official	Member of the Indian Civil Service.
Shri N. K. Sidhanta	16-4-1951	60 years	Non-official	Dean, Faculty of Arts, Lucknow University from 1933; associated with Indian Universities as Member of University Bodies, Resigned from UPSC w.e.f. 31-7-1955.
Shri A. A. A. Pyyee	2-6-1952	33 years	Non-official	Member, Bombay Public Service Commission; Was Principal, Govt. Law College, Bombay; Also served as Ambassador. Resigned from UPSC w.e.f. 1-6-1957.

Shri S. V. Kanungo	.	29-9-1952	58 years	Served in Indian States; Minister, Kolkar and Udaipur States. Chairman, Madhya Bharat Public Service Commission.
Shri J. Sivashanmugam Pillai	.	17-8-1955	54 years	Mayor of Madras, 1937-38; Speaker, Madras Legislative Assembly, 1947-55.
Shri C. V. Mahajan	.	2-1-1956	61 years	Prof. of English, Vice-Principal, Principed St. John's College, Agra; Vice-Chancellor, Agra University.
Shri J. N. Mukherjee	.	1-9-1956	63 years	Director, I.A.R.I.; Director, Central Building Research Institute, Roorkee.
Shri P. L. Varma	.	24-11-1956	55 years	Chief Engineer, Chandigarh Capital Project.
Shri S. H. Zaheer	.	1-6-1957	58 years	Member of the Indian Civil Service.
Shri G. S. Mahajani	.	1-7-1957	59 years	Vice-Chancellor, Delhi University.
Shri A. T. Sen	.	1-9-1958	57 years	Was Chairman, West Bengal Public Service Commission.
Shri M. L. Chaturvedi	.	1-3-1960	61 years	Retired Judge, Allahabad High Court.
Shri M. A. Venkataramana Naidu	11-3-1960		60 years	Chief Presidency Magistrate; Madras Law Secretary to Government of Andhra Pradesh, 1953; Member and Chairman, Andhra Pradesh Public Service Commission—1954-60.

1	2	3	4	5
Shri A. V. Ramsawami	14-12-1961	62 years	Non-official	Retired Mechanical and Electrical Engineer.
Shri Batuk Singh	19-4-1963	60 years	Official	Joined Defence Accounts Deptt. 1928-1944 ; 1944-56—Was Dy. Financial Adviser, Joint Financial Adviser and Addl. Financial Adviser under the Ministry of Finance (Defence). In 1956 was appointed Controller General of Defence Accounts and retired in 1958. After retirement was Financial Adviser, Kosi Project.
Shri Nayer Laiq Ahmad	1-6-1963	61 years	Non-official	Member of Bihar & Orissa Educational Service 1927-30 ; Bombay Education Service 1930-57 ; Prof. of History, Ismailia Yusuf College, Jogeshwari; Prof. of History, Elphinstone College, Bombay; Prof. of History and Principal Gujarat College, Ahmedabad ; Professor of History and; Principal, Ismailia Yusuf College - Prof. of History and Principal, Elphinstone College, Bombay/Maharashtra Public Service Commission 1957-62.
Smt. B. Khongmen	9-1-1964	54 years.	Non-official	1932-45 Headmistress, Assamese Girls High School and Principal of the Non-

Sectarian School (now Basic Training Centre for Teachers) in the Khasi-Jaintia Hills Dist., 1946 Elected to Assam Legislative Assembly ; Deputy Speaker for 6 years. 1952 elected Member of Parliament and nominated to panel of Chairman of Lok Sabha; Member, Estimates Committee; attended Tenth General Assembly of U.N. as Delegate and served on Committee on Human Rights; Member, Assam Public Service Commission from 1-5-57; Chairman, Assam Public Service Commission from 1-10-1962.

Shri Desraj Mehra

, . 29-1-1964

63 years

Official

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Passed with distinction from Thompson Engineering College, Roorkee, claiming one of the guaranteed posts in the Indian Service of Engineers in 1925; Chief Engineer, Irrigation, Bihar 1950-56 ; Chief Engineer, Public Health Engineering Deptt. Bihar 1948-1950 ; Chief Engineer Floods (Central Water & Power Commission) 1956 ; Chief Engineer, Exploratory Tubewells Organisation, Min. of Food and Agri. March, 1958 ; Decorated with MBE in 1939 ; Awarded OBE in 1943; Awarded UNO Fellowship in Irrigation and Land Uses in Australia 1953-54.



1	2	3	4	5
Dr. A. Appadorai	. . . 9-12-1964	. . . 62 years	Non-official	Chief Lecturer in Politics, Loyola College, Madras, till 1944; Secretary-General, Indian Council of World Affairs July, 1944-September, 1955; Director, Indian School of International Studies and Professor of International Relations at the same School, New Delhi, from October, 1955 to December, 1964
Shri M. S. Doraiswami	. . . 14-9-1965	. . . 63 years	Non-official	Senior Lecturer in English; Lecturer, etc. 1924-39; Reader in English, Osmania University 1940-42; Professor of English and Head of Deptt. of English Osmania University 1942-49; Principal, University College of Arts & Commerce 1949-56; Visiting Professor at the Kenyon College, Gambier, Ohio, USA 1952-53; Member Universities Delegation to the Republic of China 1955; Vice-Chancellor Osmania University 1957; Director of Studies, Administrative Staff College, Hyderabad 1958 onwards. Published articles and edited a book of case-studies in Business Administration.
Shri R. C. S. Sankar	. . . 31-1-1966	. . . 58 years	Official	Joined Bengal Civil Service (Judicial) 1955; Did civil and criminal work; worked as Presidency Magistrate and

Spl. Officer, Legislative Deptt., West Bengal; Joined as Deputy Draftsman and ex-officio Deputy Secretary, Ministry of Law — Jan. 1949; Addl. Draftsman May, 1950; Offg. Joint Secy. May 1952; Confirmed as Jt. Secy. 1-3-57; Offg. Secretary, Ministry of Law, 1959; Secretary Legislative Deptt., Min. of Law from Aug. 1960 till 30th Jan. 1966.

Served in former Patiala State for over 13 years; Joined Government of India March, 1948; Deputed to Security Council in 1948 in connection with the Hyderabad State Affairs as Adviser to Government of India's representative; worked as Minister/Adviser/Counsellor, Rajasthan Government 1951-54; Jt. Secy., Addl. Secy, Special Secretary, Min. of Home Affairs April, 1954 to September, 1964; Lt. Governor, Goa, Daman and Diu, December, 1964 to February, 1965; Secretary, Union Territories, Min. of Home Affairs—July 1965 till appointed as Member UPSC.

Ph.D. from Cornell University; was Professor of Chemistry, Aligarh Muslim University; has published a large number of research papers; widely travelled abroad.

Shri Hapt Sharma . . . 22-5-1967 38 years Official

Shri A. R. Kidwai 29-9-1967 47 years Non-Official

## APPENDIX III

(See para 2.38)

*Home Department Notification No. F. 322/35-Ests. dated the 1st April, 1937 (corrected upto 30th April, 1967) containing UPSC (Conditions of Service) Regulations.*

### REGULATIONS

#### PART I—PRELIMINARY

1. These Regulations may be called the Union Public Service Commission (Conditions of Service) Regulations.

2. In these Regulations unless there is something repugnant in the subject or context—

- (a) "the Commission" means the Union Public Service Commission.
- (b) "compensatory allowance" means allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed;
- (c) "Member" means a Member of the Commission and includes the Chairman thereof; and
- (d) "Travel by air" means journeys performed in the machines of public air transport companies regularly plying for hire but does not include journeys performed by private aeroplanes or air taxis.

#### A. Members

#### PART II—COMPOSITION AND PAY AND TENURE

3. The Commission shall consist of a Chairman and such number of the other Members not exceeding four as the President may from time to time appoint.

4. The Chairman shall receive a pay of three thousand five hundred rupees and each of the other Members shall receive a pay of three thousand rupees a month:

Provided that—

- (i) an officer of the Indian Civil Service, or
- (ii) an officer who, at the date of his appointment to the Commission, is in the service of the Government of India and is entitled under the rules applicable to him immediately before his appointment to receive pay at pre-1931 rates,

shall receive, in addition, a personal pay of rupees five hundred a month on appointment to the Commission:

Provided further that in the case of an appointment as the Chairman or a Member of a person who has retired from service under the Government, a local body, a University or any other body wholly or substantially owned or controlled by the Government and who is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, contributory provident fund or otherwise, the President may direct that the pay specified in this regulation shall be reduced by such amount not exceeding the pension (including any portion of the pension which may have been committed) and the pension equivalent of other retirement benefits, if any, or, as the case may be, the pension equivalent of the employer's contribution to the contributory provident fund, interest on such contribution and other retirement benefits, if any.

*Explanation:* For the purposes of this regulation service under the Union or a State Public Service Commission shall be construed as service under the Government.

5. A Member shall hold office for five years, but in the case of a Member who at the date of his appointment is in the service of the Government of India and who does not, on the expiry of the aforesaid period of five years, reach the date of superannuation under the rules applicable to him immediately before his appointment such Member shall continue to hold office till the date of his superannuation as determined in accordance with those rules:

Provided that—

(a) the President may from time to time extend a Member's tenure of office by any period not exceeding five years;

(b) a Member may, by giving six months' notice in writing addressed to the President, resign his office and such resignation shall take effect immediately on the expiry of the period of the notice: provided that the notice may be for such shorter period as may, in any particular case, be approved by the President;

(c) the President may terminate the appointment of any Member (1) on the expiry of six months' notice in writing addressed to the Member or (2) at any time without notice, if the President is satisfied that the Member is for any reason unable or unfit to continue to perform the duties of his office.

6. An officiating appointment may be made by the President in the place of any Member absent on leave or on a special duty, or on the occurrence of a vacancy in the office of a Member until some person has been permanently appointed to the office and has entered upon the discharge of the duties thereon.

6A. (1) If by reason of any temporary increase in the business of the Commission or by reason of arrears of work it appears to the President that the number of Members of the Commission should be for the time being increased, the President may appoint such number of additional Members as appears to him to be necessary for such period not exceeding five years as he may specify:

Provided that if the period so specified is less than five years it may from time to time be extended to a period not exceeding five years in the aggregate.

(2) If a person for the time being serving as Additional Member is appointed to be a Member under Regulation 3 the period of five years referred to in Regulation 5 shall include the period of his service as Additional Member.

(3) Subject to the provisions of sub-regulations (1) and (2) these Regulations shall apply to the Additional Member appointed under sub-regulation (1) in like manner as they apply to Members appointed under Regulation 3.

### PART III—LEAVE

7. A member who at the date of his appointment was in the service of the Government in India may be granted leave by the President under the rules applicable to him immediately before his appointment, and his service as Member shall count for such leave.

8. (1) A Member who at the date of his appointment was not in the service of the Government in India may be granted leave by the President as follows:—

- (a) Earned leave at the rate of one-fifteenth of the period spent on duty, on leave salary equivalent to full pay;
- (b) Leave on medical certificate or on private affairs at the rate of one-fifteenth of the period spent on duty on leave

salary equivalent to half pay: Provided that commuted leave on full pay not exceeding half the amount of half-pay leave due, upto a maximum of 36 days in all during a Member's tenure, may be granted if the leave is taken on medical certificate and the authority competent to sanction leave has reason to believe that the Member will return to duty on its expiry;

- (c) extraordinary leave without allowances, subject to a maximum of three months at any one time.

*Explanation:* All, or any two, of these kinds of leave may be granted in combination at one time.

#### PART IV—PENSION

- (1) A Member who, at the date of his appointment as such, was in the service of the Union or a State Government, shall count his service as Member for pension and retirement benefits under the rules applicable to the Service to which he belongs:

Provided that if the amount of pension or the pension equivalent of other retirement benefits or both to which such Member is entitled under the rules applicable to the Service to which he belongs, falls short of the amount of the pension admissible to a Member in respect of the service rendered by him as such, he may, at his option, come under the pension schemes under regulation 9A:

Provided further that the option referred to in the preceding proviso may be exercised by every Member appointed as such on or after the 26th January, 1950 but no pension shall be payable to any Member exercising such option in respect of pay period prior to the 1st day of July, 1964.

*Explanation I:* In this sub-regulation, the expression "retirement benefits" does not include the benefits of any Contributory Provident Fund.

*Explanation II:* A Member exercising his option under the first proviso to this regulation shall communicate his option in writing to the President during his tenure as such Member, the option once exercised being final.

- (2) Every Member exercising his option under the second proviso to sub-regulation (1) shall communicate his option in writing to the President not later than the 31st December, 1964, the option once exercised being final, and if such Member has received any gratuity on retirement from service under the Union or a State Government, he shall refund—

- (i) the amount of the gratuity so received in lump sum,

- (ii) the pension, if any, drawn by him from the date of commencement of these Regulations, and
- (iii) where the pension has been commuted, the value of the amount of pension so commuted.

9A. (1) Subject to the provisions of these regulations every Member, who at the date of his appointment as such was not in service of the Union or a State Government, a local body, or any other body wholly or substantially owned or controlled by Government shall, on his ceasing to hold office as such Member, be paid a pension:

Provided that no such pension shall be payable to a Member:—

- (a) unless he has completed not less than three years of service for pension as such Member, or
- (b) if he has been removed from office as such Member.

(2) Pension under these regulations shall be payable to a Member for life:

Provided that no such pension shall be payable during any period for which such Member may, after his retirement as such, hold office as the Chairman of a State Public Service Commission.

(3) Pension under this Regulation shall be paid at the following rates, namely:—

- (i) in the case of the Chairman, Rupees six thousand six hundred per annum, if he has completed six years of service; and
- (ii) in the case of a Member, Rupees six thousand per annum, if he has completed six years of service:

Provided that where the service rendered by a Member is for a period of three years or more but less than six years, the amount of the pension shall be determined in accordance with the following formula, namely:—

Completed years of service for pension shall be multiplied by the amount of the maximum pension admissible under clause (i) or (ii), as the case may be, and shall be divided by six.

*Explanation 1:* Where a Member, who has completed not less than three years of service for pension, resigns from his post and such resignation is accepted by the President, pension shall be payable to such Member in accordance with these regulations.

*Explanation II:* When the total service for pension is rendered by a person partly as Member and partly as Chairman, the pension admissible to such person in each such term shall be calculated separately subject to the condition that the aggregate pension shall not exceed the pension admissible to a Chairman.

*Explanation III:* The duration of service of a person as Member shall be computed in terms of completed years; but if the service rendered is six months or more, additional benefit of half a year's pension may be allowed.

(4) Pension shall also be paid at the rates mentioned in sub-regulation (3) to every Member appointed on or after the 26th January, 1950, if such Member fulfils the conditions laid down in sub-regulation (1):

Provided that no pension shall be payable to any such Member in respect of any period prior to the 1st day of July, 1964.

9B. (1) No pension shall be payable under these regulations to a Member—

- (i) who, at the date of his appointment as such was in the service of a local body or any other body wholly or substantially owned or controlled by Government, or
- (ii) who, at the date of his appointment as such had retired from service under the Union or a State Government, a local body or any other body wholly or substantially owned or controlled by Government,

if he is in receipt of, has received or has become entitled to receive, any retirement benefit by way of pension, gratuity, payment from any Contributory Provident Fund or otherwise, but such person may, at his option, come under the pension scheme under these regulations, if the amount of the pension or the pension equivalent of the retirement benefits or both admissible to him in accordance with the rules and orders of the service to which he belonged falls short of the amount of the pension admissible to him under these regulations.

(2) A Member holding office as such shall communicate the option referred to in sub-regulation (1) in writing to the President during his tenure as such Member the option once exercised being final, and a Member who had retired from the service of the Commission before the commencement of these regulations shall communicate his option in writing to the President not later than the 31st December, 1964, the option so communicated being final.



(3) If a Member exercising his option under this regulation has received any gratuity on retirement from the service under the Union or a State Government, a local body or any other body wholly or substantially owned or controlled by the Government, he shall refund—

- (i) the amount of the gratuity so received in lump sum,
- (ii) the pension, if any, drawn by him from the date of commencement of these Regulations, and
- (iii) where the pension has been commuted, the value of the amount of pension so commuted.

(4) If a Member exercising his option under this regulation has received any benefits of Contributory Provident Fund on retirement from the service under the Union or a State Government, a local body or any other body wholly or substantially owned or controlled by the Government, he shall not become eligible for pension under these regulations unless he refunds in lump sum the Government's or employer's contribution, as the case may be, with interest thereon together with other retirement benefits, if any received by him.

9C. (1) A Member who immediately before the date of his appointment was in the service of any Government of India and who prior to that date had been admitted to the benefit of any Provident Fund maintained by that Government shall be eligible after appointment on the Commission to continue to subscribe to the said Fund on the same terms and conditions and subject to the same rules as previously:

Provided that on attaining the age of superannuation the amount standing to the credit of such Member in the said Fund, or the balance thereof after such deductions have been made as are authorised under the rules applicable to him shall, notwithstanding anything contained in the said rules, become payable to him and shall be paid by the Government concerned in the manner provided in section 4 of the Provident Fund Act, 1925, (XIX of 1925).

*Explanation:* "Age of superannuation" means the age at which the person concerned would have retired if he had not been appointed as a Member of the Commission.

(2) Where the Provident Fund referred to in sub-rule (1) is a Contributory Provident Fund, the contributions payable by the Government to the Fund shall, as from the date of the appointment of the Member on the Commission, be payable by the Central Government (if they are not already payable by that Government) on the

basis of the emoluments which the Member would have drawn in the post which he held immediately before such appointment:

Provided that if the pension equivalent of Government contribution to the Contributory Provident Fund together with the interest thereon falls short of the amount of the pension admissible to a Member in respect of the service rendered by him as such, such Member may, at his option, come under the pension scheme under Regulation 9A.

(3) The option referred to in the proviso to sub-regulation (2) may be exercised by every Member appointed as such on or after 26th January, 1950, but no pension shall be payable to any Member exercising such option in respect of any period prior to the 1st day of July, 1964.

*Explanation No. I.* A Member exercising his option under sub-regulation (2) shall communicate his option in writing to the President during his tenure as such Member, the option once exercised being final.

*Explanation No. II.* A retired Member exercising his option under this sub-regulation shall communicate his option in writing to the President not later than the 31st December, 1964, the option once exercised being final.

*Explanation No. III.* If a Member exercising his option has received any benefits of Contributory Provident Fund on retirement from service under the Union or a State Government, he shall not become eligible for pension under these regulations unless he refunds in lump sum the Government contribution to that Provident Fund with interest thereon together with other retirement benefits, if any.

#### PART V—OMITTED

#### PART VI—TRAVELLING ALLOWANCE

12. (1) A Member who at the date of his appointment was in the service of the Government in India, may, on a journey by railway to join his post at his option (a) draw travelling allowance at the rates provided for a journey on transfer by the rules applicable to him immediately before his appointment or (b) travel at Government expense in a reserved first-class compartment.

(2) A Member who avails himself of alternative (b) shall pay to Government the fare which he would have paid if no accommodation had been reserved and shall, in addition pay in cash, to the station master of the station from which the journey commences, the fares for any of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation all such fares shall be credited to Government.

13. When a person who is not in the service of the Government in India is appointed as a Member he may, when travelling by railway to join his post, travel in a reserved first-class compartment on the conditions prescribed in sub-rule (2) of rule 12:

Provided that a person who immediately before his appointment was a member of a State Public Service Commission and who but for his appointment would have continued as such member, may, if he so desires instead of travelling in a reserved first class compartment draw travelling allowance at the rate admissible to a Central Government, Grade I, on transfer.

14. A Member is entitled when travelling on duty—

- (i) When travelling by rail, to a reserved first class compartment, which term also includes an air-conditioned coupe where it is available, and fares (if actually paid) for four servants at the lowest class rates: provided that if the Member prefers to travel by a single first class berth in an ordinary or in air-conditioned coach, he shall be entitled to draw the actual fare for the berth plus "an allowance for incidental expenses calculated at the flat rate of 12 pies per mile" but not any fares for servants;
- (ii) When travelling by steamer, to a reserved cabin (if one is available) and to fares (if actually paid) for four servants at lowest class rates, but not to any allowance on account of messing charges.
- (iii) when travelling by road, to a mileage allowance at the rate of one rupee per mile; and where the road journey is performed between places connected by rail, subject to a maximum of one first class rail fare plus an allowance for the incidental expenses calculated at the flat rate of 12 pies per mile.
- (iv) When travelling by air, to a mileage allowance equal to one and one fourth of the standard air fare for the journey; and

- (v) To a daily allowance at the rate of Rs. 15/- per day for each day on which he is absent on duty from his headquarters:

Provided that no daily allowance shall be drawn for any day wholly spent in travelling:

Provided further that a Member who, while on tour, is allowed free board and lodging at the expense of the Government of the State visited, may draw only one-fourth of the daily allowance admissible under this regulation.

15. When a Member travelling by railway—

(i) When proceeding on or returning from leave; or

(ii) When retiring from the service or proceeding to join another post after resigning office,

he may travel in a reserved first-class compartment on the conditions prescribed in sub-rule (2) of rule 12.

15A. A Member may, in lieu of the concession admissible under regulation 15, when proceeding or returning from leave avail himself of the Travel Concession admissible to Central Government servants during regular leave.

**PART VII—OTHER COMPENSATORY ALLOWANCES AND PAYMENTS**

16. Subject to the general condition that the amount of compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, the President may, subject to any conditions which he sees fit to impose, grant to any Member any compensatory allowance other than travelling allowance and, in special circumstances, compensatory payment and to fix the amount thereof.

Part VIII—Omitted.

Part IX—Omitted.

Part X—Omitted.

Part XI—Omitted.

Part XII—Omitted.

Part XIII—Supplementary.

27. In respect of any matter for which special provision is not made by these regulations, the conditions of service of a person serving as a Member of the Commission shall be governed by the rules and order for the time being applicable to such classes of Government servants as shall be specified by the President.

## **APPENDIX IV**

(See para 2.44)

*Order issued by the President governing the Conditions of Service of Chairman and Members of the UPSC*

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### **I**

**MINISTRY OF HOME AFFAIRS NOTIFICATION No. F. 20/13/53-Ests. (B)  
DATED 30-8-1955**

The President has in pursuance of regulation 27 of the Union Public Service Commission (Conditions of Service) Regulations, made the following Order:—

### **ORDER**

In pursuance of regulation 27 of the Union Public Service Commission (Conditions of Service) Regulations, the President hereby directs that, if the Chairman or any Member of the Union Public Service Commission elects to be governed by the Contributory Health Service Scheme Rules, 1954, as amended from time to time, the said Rules shall apply to him.

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### **II**

**COPY OF MINISTRY OF HOME AFFAIRS LETTER No. 20/13/61-Ests. (B)  
DATED 11-8-61 TO THE SECRETARY, U.P.S.C., NEW DELHI**

With reference to the Union Public Service Commission's d.o. letter No. 1/29/59-Ests. (A) dated the 17th July, 1961 on the above subject, I am directed to convey the sanction of the President under Regulation 27 of the U.P.S.C. (Conditions of Service) Regulations to the grant of travelling allowance on the scale, and subject to the conditions prescribed in the Ministry of Finance O.M. No. 5(109)E. IV/57 dated the 11th July, 1960, to the Chairman and Members of the Commission on their retirement from service to enable them to proceed to the places where they intend to reside permanently.

## III

**COPY OF MINISTRY OF HOME AFFAIRS LETTER No. 19/2/62-Ests. (B) DATED 5TH SEPTEMBER, 1962 TO THE SECRETARY, U.P.S.C., NEW DELHI.**

I am directed to convey the sanction of the President under Regulation 16 of the Union Public Service Commission (Conditions of Service) Regulations promulgated in the late Home Department's notification No. F. 322/35-Ests. dated the 1st April, 1937, to the grant of Compensatory (City) Allowance to the Members of the Union Public Service Commission at the rates and subject to the conditions mentioned in the Ministry of Finance O.M. No. F. 2/22/E. II(B)/60 dated the 2nd August, 1960. These orders will have effect from the 1st July, 1961.

2. The sanction issues with the concurrence of the Ministry of Finance (Department of Expenditure) vide their U.O. No. 3739-E. II (B)/62 dated the 4th September, 1962.

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 IV

## GOVERNMENT OF INDIA

**MINISTRY OF HOME AFFAIRS, NOTIFICATION No. 19/2/65-Ests.(B), DATED 20TH OCTOBER, 1965**

The President has in pursuance of regulation 27 of the Union Public Service Commission (Conditions of Service) Regulation made the following order:—

**ORDER**

In pursuance of regulation 27 of the Union Public Service Commission (Conditions of Service) Regulations, the President hereby directs that the Chairman and Members of the Union Public Service Commission shall be entitled to the grant of an advance for the purchase of a Motor-car in accordance with the terms and conditions specified in Chapter 14 of the General Financial Rules, 1963 except in so far as any amendment therein may have the effect of varying to the disadvantage of the Chairman or the Member, the terms and conditions of his appointment.

## APPENDIX V

(See para 2.60)

*Ministry of Home Affairs Notification No. 18/4/51-Ests. (B) dated the 1st September, 1958 (corrected upto 31st August, 1966) containing the UPSC (Exemption from Consultation) Regulations, 1958.*

### NOTIFICATION

In exercise of the powers conferred by the proviso to clause (3) of article 320 of the Constitution and in supersession of all previous regulations on the subject, the President hereby makes the following regulations, namely:—

1. These regulations may be called the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

2. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) and (b) of clause (3) of article 320 of the Constitution in the case of the services and posts specified in the Schedule to these Regulations.

3. Save as otherwise expressly provided in the rules governing recruitment to the civil service or civil post concerned, it shall not be necessary to consult the Commission in regard to the selection for appointment—

- (a) to a post included in an all-India Service of any officer who is already a member of an all-India Service;
- (b) to a post included in Central Service Class I, of any officer in the Armed Forces of the Union or any officer who is already a member of an all-India Service or a Central Service, Class I;
- (c) to a Central Service, Class II, or to a post included in a Central Service Class II, of any officer who is already a member of a Central Service, Class II, or a Central Service, Class III, or of any officer of the Armed Forces of the Union; and
- (d) to a tenure post included in a Central Service Class I, or a Central Service Class II, of an officer of a State Service.

Note:—In this regulation—

- (i) the term “Central Service Class I”, “Central Service, Class II” and “Central Service, Class III” shall include the corresponding Railway Services and Defence Services (Civilian);
- (ii) the term “Officer” includes a person holding a permanent or quasi-permanent appointment, but does not include a person in temporary employment;
- (iii) the term “State Service” means service in a State appointments to which are made by the Governor;
- (iv) the term “tenure post” means a post, whether permanent or temporary, which has been classified as a tenure post in consultation with the Commission.

4. (1) It shall not be necessary to consult the Commission in regard to the selection for a temporary or officiating appointment to a post, if—

- (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 reference to the Commission will cause undue delay.

Provided that—

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

(2) It shall not be necessary to consult the Commission in regard to the selection for a temporary or officiating appointment to a post where the post is expressly created in connection with the present Emergency and the person to be appointed to such post is not likely



to hold the same longer than the period of the said Emergency or three years and nine months whichever is less:

Provided that it is certified—

- (i) by the Secretary to the Government of India in the Ministry concerned, or
- (ii) by the Head of the Department concerned under that Government where he or an authority subordinate to him is the appointing authority, that the post has to be filled up immediately;

Provided further that such appointment shall be reported to the Commission as soon as may be after it is made.

*Explanation:—*In this sub-regulation, “present Emergency” means the Emergency with respect to which a Proclamation under clause (1) of article 352 of the Constitution was issued on the 26th October, 1962.”

5(1) It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than—

- (a) an original order by the President imposing any of the following penalties:—
  - (i) censure;
  - (ii) withholding of increments or promotion;
  - (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders;
  - (iv) reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time scale;
  - (v) compulsory retirement;
  - (vi) removal from service;
  - (vii) dismissal from service;
- (b) an order by the President on an appeal against an order imposing any of the said penalties made by a subordinate authority;
- (c) an order by the President over-ruling or modifying, after consideration of any petition or memorial or otherwise, an order imposing any of the said penalties made by the President or by a subordinate authority;

- (d) an order by the President imposing any of the said penalties in exercise of his powers of review and in modification of an order under which none of the said penalties has been imposed.

(2) It shall not be necessary to consult the Commission in regard to any disciplinary matter affecting a person belonging to a Defence Service (Civilian).

(3) It shall not be necessary for the President to consult the Commission—

(a) in any case where the President proposes to make an order of dismissal, removal or reduction in rank after being satisfied that such action is necessary in the interest of the security of the State;

(b) in any case where the President proposes to make an order under rule 3 of the Central Civil Services (Safeguarding of National Security) Rules, 1953, or Rule 3 of the Railway Services (Safeguarding of National Security) Rules, 1964, as amended by the Railway Services (Safeguarding of National Security) Amendment Rules, 1960.

6. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clause (e) of clause (3) of article 320 of the Constitution in the case of—

(a) a person belonging to an all India Service or a Central Service, Class I or a Central Service, Class II, in so-far as claims arising out of injuries sustained at any time during which the proclamation, issued on 26th October, 1962, by the President under clause (1) of article 352 of the Constitution remains in operation, are concerned; and

(b) a person belonging to a Central Service, Class III, or a Central Service, Class IV.

## **SCHEDULE**

- (1) Posts in respect of which the authority to appoint is specifically conferred on the President by the Constitution.
- (2) Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar authority created by or under the provisions of a statute.
- (3) Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar body appointed by or under the authority of a resolution of either House of Parliament or by a resolution of Government for the purpose of conducting any investigations or enquiry into or for advising Government on specified matters.
- (4) Post of Heads of Diplomatic, Consular and other similar Indian Missions in countries abroad (e.g. Ambassadors, High Commissioners, Ministers, Commissioners, Consuls-General, Representatives, Agents.)
- (5) Posts on the personal staff attached to holders of posts mentioned in items (1) to (4) above.
- (6) Posts in the Secretariats of the Lok Sabha and the Rajya Sabha.
- (7) All technical and administrative posts in or under the Atomic Energy Commission.
- (8) Judicial Commissioners, Addl. Judicial Commissioners, District and Sessions Judges, Additional District and Sessions Judges, District Judges, Additional District Judges, Sessions Judges, Additional Sessions Judges, or any other corresponding posts in Union Territories.
- (9) Subordinate Judges and Munsifs in the Union Territories of Manipur, Tripura and Himachal Pradesh.
- (10) All Class III and Class IV services and posts save as otherwise expressly provided in the relevant rules or orders governing recruitment thereto.
- (11) Any service or posts concerned with the administration of the North East Frontier Agency or Naga Hills Tuensang Area.

(12) Posts in the Secretariat and personal staff of the President and the Vice-President, and posts in the Government Hospitality Organisation.

(13) Official Liquidator, attached to the High Court of Bombay under the Companies Act, 1956 (1 of 1956).

(14) National Research Professors under the Ministry of Scientific Research and Cultural Affairs.

(15) Posts of Consultants in the Planning Commission.

(16) Posts of Private Secretary to the Solicitor General for India and the Additional Solicitor General for India.

(17) Any service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.

**APPENDIX VI**  
(See para 2.62)

*Statement showing posts/services excluded from the Commission's purview under item 17 of the Schedule to UPSC (Exemption from Consultation Regulations 1958 and the periods for which excluded.*

S. No	Posts/Services	Period upto which the Commission agreed to the exclusion	Remarks
1	2	3	4
<b>1960-61</b>			
1	Posts in the Central Reserve Police.	21-7-1963.	
2	Class I and Class II posts in the Pondicherry State.	End of February 1962 or three months after the <i>de-jure</i> transfer, whichever is earlier.	
3	Post of Officer on Special Duty (Parliamentary Affairs in the Ministry of Home Affairs.	Indefinitely.	
<b>1961-62</b>			
4	Class I and Class II posts in Pondicherry State.	End of February 1963 or three months after the <i>de-jure</i> transfer, whichever is earlier.	
<b>1963-64</b>			
5	Recruitment to the posts of Deputy Superintendents of Police during the year 1963 in the Special Police Establishments and posts in the Union Territories.	31-12-63	

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1	2	3	4
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6 Posts in (i) Central Reserve Police Force and (ii) Indo-Tibetan Border Force. 21-7-66

7 Posts of Director, Deputy Director and Assistant Director in the Regional Centre for the training of Educational Planners, Administrators and Supervisors in Asia.

The Centre was expected to last for upto 10 years

8 Posts connected with Special Border Security Schemes under the Ministry of External Affairs.

#### 1964-65

9 Posts of Assistant Engineer (Electronics), Accounts Officer, Assistant Engineer, (Works), Assistant Engineer (Planning), Fishery Officer, Statistician & Mate under the Indo-Norwegian Fisheries Project, Ministry of Food and Agriculture. 31-12-1966.

10 Supernumerary posts created by Government for temporary appointment in Indian Institutions, of Indian Scientists, Technologists, Engineers and Medical Specialists studying or working abroad. 31-12-66 (2 years)

11 Post of whole-time Vice-Chairman of the Hindi Sahakar Samiti and Hindi Adviser to the Government of India. Exclusion for three years.

#### 1965-66

12 Post of Special Officer (Parliament), Ministry of Home Affairs. (From 16-8-65 the post at S. No. 3 which had been held in abeyance was revived). 16-8-1965

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1	2	3	4
13	Post of Refrigeration Engineer in the Indo-Norwegian Fisheries Project, Ministry of Food and Agriculture.	31-12-66	
14	Post of Statistician and Documentalist in the Asian Institute of Educational Planning and Administration.	..	See remarks against item 7.
15	Posts in the Border Security Force.	Exclusion for three years.	

## 1966-67

- |    |  |              |  |
|----|--|--------------|--|
| 16 | Information Adviser to the Prime Minister.   |              |  |
| 17 | Posts of Central Reserve Police and Indo-Tibetan Border Force.                                 | 21-7-1969    |  |
| 18 | Posts in the India-Aided Projects filled by the nominees of His Majesty's Government of Nepal. | Three years. |  |
| 19 | Post of Assistant Director in the Indo-Norwegian Fisheries Project.                            | 31-3-67      |  |

Posts of Assistant Engineer (Electronics), Accounts Officer, Assistant Engineer (Works), Assistant Engineer (Planning), Fishery Officer, Statistician, Mate and Refrigeration Engineer in the Indo-Norwegian Fisheries Project.

## 1967-68

- |    |  |   |  |
|----|--|---|--|
| 20 | Post of Secretary to the Government in the Ministry of Education, Incharge of C.S.I.R. | Excluded so long it is held by the present incumbent. |  |
|----|--|---|--|

1

2

3

4

- 
- 21 Supernumerary posts created 31-12-68  
by Government for temporary  
appointment in Indian Insti-  
tutions of Indian Scientists,  
Technologists, Engineers &  
Medical Specialists study-  
ing or working abroad.
- 22 Posts of Assistant Director, 31-3-1972  
Assistant Engineer (Electro-  
nics), Accounts Officer, Fish-  
ery Officer, Assistant  
Engineer (Works), Assistant  
Engineer (Planning), Statis-  
tician, Refrigeration Engineer  
and Mate in the Indo-Nor-  
wegian Fisheries Project.
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## **APPENDIX VII**

**(See Para 3.36)**

*Note indicating the various processes involved in the different types of work handled by the UPSC.*

### **Recruitment by Examination**

Under Article 320 of the Constitution, one of the functions of the Commission is to conduct examinations for appointment to the Civil Services of the Union. In addition, competitive examinations are also held by the Commission, under special arrangements with the Ministry of Defence, for certain Defence Services, viz. permanent Commissions in the Army Medical Corps, and Entry to the National Defence Academy, Indian Military Academy, Air Force Flying College (suspended for the duration of the emergency) and Indian Navy.

2. The various examinations are held by the Commission in accordance with the rules for the examination notified by the Government in the Ministry concerned. The examination rules are ordinarily based upon the provisions contained in the statutory Service Rules/Recruitment Rules notified by Government in respect of the concerned Services/Posts, or upon the provisions contained in the relevant Service Schemes etc. The Service Rules/Recruitment Rules/Schemes etc. providing *inter alia* the method of recruitment are framed in consultation with the Commission. The examination Branch of the Commission's Secretariat examine the draft provisions of these rules etc. i.e., whether recruitment should be through competitive examination or otherwise, and if so, what should be the conditions of eligibility (including the age limits and the educational requirements). To ensure speedy disposal of the cases, it often becomes necessary for the Secretariat of the Commission to discuss the draft provisions with the representatives of the Ministry/Department concerned before submission to the Commission.

3. Once it is decided that recruitment to a particular Service shall be through a competitive examination, it becomes necessary to draw up the scheme and syllabi for the examination. Proposals, in any, made by Government in this regard are examined by the Commission's Secretariat in consultation with experts, mostly University Professors, otherwise, action is initiated by the Commission's

Secretariat themselves to prepare the draft scheme and syllabi in consultation with the appropriate academic authorities, with regard to all relevant considerations, including the standard of the examination. The alternative drafts for each subject, as received from the different experts, are compared and collated, and examined, and a revised draft is prepared by the Secretariat of the Commission. This is further discussed personally with the experts, if necessary; and after suitably editing it in the light of the discussion, it is put up to the Commission for their consideration.

4. The examination rules laying down *inter alia* the conditions of eligibility, and the scheme and syllabi of the examination are required to be notified by Government. As the Commission are required to hold a large number of examinations during each calendar year, an annual programme is drawn up by the Secretariat of the Commission in advance, with due regard to all relevant considerations, indicating approximately the dates of notification, dates of holding the examinations, the dates of declaration of results etc. Well before it is time to notify a particular examination, the Secretariat of the Commission ascertains from Government whether any vacancies are likely to occur in the Services in the Services for which it would be necessary for the Commission to hold that examination. A detailed programme is also prepared by the Commission's Secretariat for each stage of work thereafter. The draft rules/comments on the draft rules referred to the Commission by Government are examined in the Commission's Secretariat, with reference to the Service/recruitment rules, the general orders of Government, and the relevant decisions of the Commission. The salient features of, and important changes in, the draft rules are highlighted and put up to the Commission for their consideration.

5. Further, a Notice for the examination, to be issued by the Commission simultaneously with the Ministry's Notification containing the rules is prepared by the Secretariat of the Commission, and put up to the Commission for approval. The Notice contains provisions relating to the date of commencement and centres of examination, the closing date prescribed for receipt of applications, the amount of fee prescribed, and the detailed instructions in regard to submission of applications.

6. The draft rules etc. thus finalised are sent to Government, and are simultaneously sent to the Press for printing of documents for being supplied to prospective candidates along with blank application forms. The rules for the examination are published by the Government in the Gazette of India; and the Commission's Notice for the Examination is issued at the same time in the Gazette of

India. The Examination is also advertised simultaneously by the Commission in leading dairies of India generally in the Saturday issues.

7. The copies of the rules and connected documents received from the Press are checked by the Commission's Secretariat, both at the proof stage as well as after final printing, and a corrigendum is issued, where necessary. These copies are supplied to prospective candidates along with blank application forms on payment of Re. 1 either by cash payment at the Commission's counter or by money order. A detailed account of the forms sold out as also of the amounts received for supply of the forms, is kept by the Commission's Secretariat. The documents are sent by registered post and inquiries and complaints about delay/non-supply of forms are attended to for prompt disposal by the Commission's Secretariat.

8. On receipt in the Commission's Secretariat, the applications are stamped in regard to the date of receipt, checked in regard to the receipt of prescribed fee and the documents, and acknowledged. The actual conduct of the examination involves the scrutiny of applications with a view to determining the eligibility of candidates for the examination and making arrangements for the physical conduct of the examination.

9. The scrutiny of applications is done by the Commission's Secretariat with a view to verifying whether the candidates satisfy the conditions of eligibility prescribed in the Rules notified by Government and whether they have complied with the requirements laid down. Relevant entries in the application forms are verified by the Commission's Secretariat with reference to the original documents submitted by the candidates along with their applications. Previous applications of candidates, if any, are invariably seen to ensure that there is no mis-statement/suppression of material information. Where the Rules for the examination provide for restriction on the number of chances, the statements made by the candidates are verified to the extent possible from the previous records of the Commission. The Commission's Secretariat also attends to correspondence with the candidates in regard to change of centre, change of address, change of subjects, requests for withdrawal, etc. The result of the application is communicated to each candidate in the form of an admission certificate issued to him well before the examination. Candidates who do not satisfy the prescribed conditions of eligibility are also likewise informed of the result of their applications well in time by the Commission's Secretariat; such cases are again reviewed carefully before the commencement of the examination.

10. In the generality of cases, the eligibility of candidates is determined with reference to the rules, as stated above; but there are cases which are not strictly covered by the provisions as defined in rules; these are examined by the Secretariat, and put up to the Commission for consideration. For example, the rules for the various examinations provide that in exceptional cases the Commission may treat a candidate who has not any of the prescribed educational qualifications as specified in the rules as a qualified candidate provided that he has passed examinations conducted by other institutions the standard of which in the opinion of the Commission justifies his admission to the examination. Thus, the cases of candidates who do not possess one of the qualifications specified in the Rules, but who claim eligibility on the basis of certain other qualifications possessed by them, are examined and analysed by the Secretariat with due regard to the standard of examination(s) passed by them, and the standard of the basic qualifying examination prescribed in the rules. Such cases are thereafter put up to the Commission for their orders.

Similarly, where a candidate claims a date of birth other than the one mentioned in his Matriculation or equivalent certificate, his case is examined by the Secretariat with reference to the evidence adduced by the candidate in support of the date of birth claimed by him, and then submitted to the Commission for their consideration and orders. There are other types of cases, which require to be examined by the Secretariat with due regard to all relevant considerations before these are submitted to the Commission for consideration and orders.

11. Cases also occur where candidates attempt to claim admission by producing false evidence (particularly age certificates) and making other misrepresentations like the previous attempts at the examination made by them, or where candidates resort to unfair means in the examination hall. Proceedings are initiated by the Commission's Secretariat against such candidates, on the basis of *prima facie* evidence available, by the issue of show-cause notices asking them why they should not be penalized in terms of the rules for the examination. On receipt of the candidate's reply to the show-cause notice, the case is examined by the Secretariat with reference to the evidence available and the explanation offered by the candidate, if any, and put up to the Commission for their consideration and orders regarding the penalty to be imposed.

12. The physical conduct of an examination involves the holding of the examination at various centres spread all over India and in some cases at foreign centres as well. For efficient conduct of an

examination, a detailed programme in regard to the various stages of work involved is drawn up, for facilitating proper coordination between the different Wings in the Commission's Secretariat concerned. In accordance with this programme, steps are taken to ascertain the number of candidates at each centre and at each session of the examination each day, and then to make arrangements for the conduct of the examination at the various centres. Arrangements for the conduct of examination at mofussil centres are made with the assistance of the respective State Governments/State Service Commissions, except at Nagpur where the Registrar, Nagpur University has been entrusted with this work. The Commission's Secretariat writes to these authorities as soon as the number of candidates at each centre/session is known, requesting them to indicate the venue(s) of the examination, and the name(s) of the officer(s) who will supervise the examinations. The Commission's Secretariat also works out, and remits to the supervisors concerned the amounts of advances considered necessary for meeting the expenditure on the conduct of the examination at the centres, within the ceiling sanctioned by Government. The requirements of stationery, including maps, graph papers, reference books required at each centre are determined, and arrangements are made to get them packed and despatched to the Supervisors well before commencement of the examination. The detailed instructions for the conduct of each examination are also sent to the Supervisors; and officers of the Commission occasionally pay visits to these centres with a view to ensuring that the examinations are conducted in accordance with the prescribed instructions.

At Delhi, all arrangements for the conduct of the examinations are made by the Commission's Secretariat itself; and wherever the number of candidates registered for Delhi exceeds 2,000, *inter alia* becomes necessary to fix up suitable additional venues for the examination. This is done in consultation with the appropriate local authorities. Then, the Supervisors are appointed from the panel maintained by the Commission's Secretariat; and to assist the Supervisors, invigilators and Class IV staff are also appointed for the days of the examination. In addition to the detailed written instructions that are issued, the invigilators are also invited to a meeting a day or two before commencement of each examination, when they are briefed by Officers of the Commission's Secretariat regarding their duties etc. Officers of the Commission personally inspect the arrangements made at each venue before the day of the examination, and also pay visits during the days of examination.

13. After the examination is over, the Commission's Secretariat receives and checks detailed account of stationery, watches the

receipt of balance of unused articles, scrutinises the expenditure statements submitted by the various Supervisors, conveys sanctions to the expenditure incurred (except where the amount of expenditure exceeds Rs. 5,000 in which case the sanction of the Chairman of the Commission is necessary), and ensures adjustment of advances paid to the Supervisors by remitting the balance amounts due, etc.

14. The conduct of the examination also involves the appointment of paper setters and examiners, the setting of question papers and their printing. The Commission maintain panels of experts in the various subjects. etc. and the Commission's Secretariat renders such assistance to the Commission in this confidential work, as is required by them. The Commission's Secretariat at the appropriate level is responsible for the receipt, accounting and custody of printed question papers, and their despatch to the various Supervisors according to the requirements at each centre.

After the examination, the scripts for the various papers are received from the Supervisors, and the Commission's Secretariat makes arrangement for their valuation by the examiners appointed by the Commission. The script duly valued are again received by the Commission's Secretariat; and the result of such valuation is processed and tabulated by the Secretariat, and submitted to the Commission for consideration and orders.

15. The Secretariat of the Commission attends to such miscellaneous matters as refund of fee to candidates wherever admissible, and review of cases of candidates provisionally admitted to the examination and their final disposal. The Secretariat also keeps in touch with the Ministries/Departments of Governments in regard to variations, if any, in the number of vacancies that may have been reported at an earlier stage, and ascertains before the declaration of the results, the firm number of vacancies to be filled on the results of the examination.

16. As soon as the result of the written part of the examination is ready, a press note is issued announcing the result. For some of the examinations, this is the final result.

Then, there are examinations in which the written examination is followed by personality test/*viva voce*/Services Selection Board tests/or by assessment of record of service/stenography test, etc. of candidates qualifying on the result of the written part of the examination. Services Selection Board tests in connection with the Defence Services are arranged by the Ministry of Defence; and as soon as the results of the written part of the examinations are declared, the dossiers etc. are sent by the Commission's Secretariat to the Ministry of Defence for arranging for the interviews/tests

of the qualified candidates. On receipt of the results of these tests/ interviews, the Commission's Secretariat process and tabulate the final results for submission to the Commission. After finalisation, these are intimated to Government, and released to the Press.

In the case of recruitments to civil services/posts the Commission themselves conduct the interviews/assess the records of service/hold stenography tests, etc. For purposes of holding interviews/assessing records of service, the Commission set up Boards; and for stenography tests, they appoint paper setters, dictators and examiners etc; and correspondence with them is processed by the Secretariat on high priority basis. The Secretariat assists the Commission in drawing up the programmes for these purposes and for physical conduct of these tests. If interviews are held also at certain regional centres, arrangements are made by the Secretariat in consultation with the appropriate authorities for the venue of interviews and for the stay of the visiting Members of the Board. The summons letters are issued to the candidates in accordance with the programme approved by the Commission, and interview papers including the summaries of candidates' applications, are prepared for supply to Members of the Board well in time. The Secretariat has also to make arrangements for payment to candidates of the Commission's contribution towards their travelling expenses. Likewise, the Secretariat attends to payment of honoraria and T.A. claims of Members of the Board, as the interviews progress. For facilitating the work of interviews at the regional centres, nucleus staff from the Commission's Secretariat proceeds to those centres in advance of the Board, and a Camp Office is run there for the duration of interviews.

For stenography tests, which are held at several mofussil centres, including Indian Missions abroad, arrangements are made by the Commission's Secretariat at all the centres, including venues, supervisors, dictators, invigilators etc. Arrangements are likewise made for typewriting tests at various centres.

17. After the declaration of results, the dossiers of candidates recommended for appointment, and connected papers, are prepared by the Secretariat, and sent to the Government along with the results of the examination. The individual marks sheets are also sent to the candidates by the Secretariat. If any complaint or representation is received from candidates in regard to the marks awarded/communicated to them in respect of the subjects that may be specified by them these are examined by senior officers of the Commission's Secretariat, and where necessary, by the Commission before replies are sent.

18. Some of the examinations are combined competitive examinations for recruitment to more than one Service; and the allocation of the successful candidates to the various Services as made by Government is invariably checked up by the Commission's Secretariat, with a view to ensuring that the well established procedure in regard to this matter based on the principle of ranks obtained by the candidates and the preferences expressed by them have been observed. Deviations, if any that may be observed by the Secretariat in the light of the information available with them are brought to the Commission's notice; and the Government's attention is invited to those irregularities. The offers of appointment and the appointment orders are issued by Government; and the Commission's Secretariat keeps a record of these appointments to watch that the candidates recommended by the Commission are appointed in accordance with the well established principles in this matter, and that there is no undue delay in doing so. The Secretariat also attends to such matters as requests from Government for replacements, where the candidates recommended by the Commission do not become available for one reason or the other. These requests are examined with due regard to all relevant considerations, including the availability position, and put up to the Commission for orders.

19. The Commission have been interested in watching the performance of candidates recruited through them for appointment to the higher civil services/posts. While they follow up the progress of officers selected through interview for a period of two years after appointment, they wish to follow up the progress of officers selected through open competitive examinations during the first five years of service. These five years would in most cases include the period spent in a training institution as well; and the Commission are particularly interested in obtaining detailed reports from the Principals of the training institutions of the progress of each recruit in various directions, especially in development of his personality to equip him for the discharge of his duties. For this purpose they have been calling for Assessment Reports on the work and performance of candidates during the first five years of their service, with a view to reviewing periodically their examination methods, and ensuring that progressively a better type of recruits is made available for the Services/posts, recruitment to which is made through them.

The receipt of these Assessment Reports is watched by the Commission's Secretariat; and the reports that are received are analysed and put up to the Commission. The receipt of these reports is, however, irregular/incomplete; and every effort is made by the Secretariat to obtain these reports, to the extent possible.



20. The Commission have been taking particular care to analyse the deficiencies in the performance of candidates at the examinations conducted by them. For this purpose, reviews containing the comments of the examiners etc. prepared by the Commission's Secretariat in respect of each open competitive examination conducted by the Commission. These reviews are submitted to the Commission for approval and then circulated for the information of appropriate educational authorities in the country to enable them to consider measures for remedying the deficiencies in the educational equipment of the candidates.

For the sake of facility to prospective candidates, pamphlets containing rules and question papers of the examinations held in previous years are prepared by the Secretariat for being published and put on sale by the Manager of Government of India Publications. In the case of the I.A.S. etc. Examination, the Secretariat also compiles the tables of detailed results of the candidates called for interview, for being published and put on sale.

#### **Recruitment by the method of interview**

Where direct recruitment is to be made for any post the appointing authority concerned sends a requisition to the Commission in a prescribed form. If the recruitment rules for the post exist it is ascertained that direct recruitment is the appropriate method in that particular case, and that all the educational qualifications, age limits etc., proposed are in accordance with such rules. If no recruitment rules have been framed the question whether the qualifications, experience and age limits proposed are appropriate to the duties prescribed for the post is considered and after discussion with the requisitioning authority they are brought as near as possible to the pattern for similar other posts. It is also checked that the position of reservation in favour of Scheduled Castes/Scheduled Tribes candidates, if any, is not vague. If there is any ambiguity in any item of information included in the requisition it is discussed with the representative of the Ministry/Department concerned before a final draft of the 'Information for candidates' (on the basis of which the post is advertised) is put up for the approval of the Commission.

Before actually advertising the post it is also considered whether a candidate is available in a reserve list of suitable candidates prepared as a result of interviews for comparable posts requiring similar qualifications and experience. If any such candidate is

available the matter is placed before the Commission for orders whether he may be recommended without the post being advertised.

On receipt of applications from the candidates in response to an advertisement preliminary work is required to be done by way of taking action to remove the postal orders (for their being credited to the appropriate head of account), preparing lists of candidates (alphabetical and roll number-wise) etc. they are placed under cover and allotted roll number. Thereafter applications are scrutinised and important information is tabulated on the cover of each application for easy reference of the Commission. The scrutiny involves a careful assessment of the relative suitability of candidates (on the basis of the factual information stated in the application forms) with a view to determining those who are considered most suitable for being called for interviews, having regard *inter alia* to the number of posts for which the recruitment is to be made. The result of this scrutiny is then submitted to the Commission for orders as to the candidates who should be called for interview. After the Commission have passed orders on the preliminary selection, the applications are referred to the Ministry's representative for his comments and the comments received are duly considered and the list of candidates called for interview is submitted to the Commission for their final orders.

A number of Interview Boards functions simultaneously on almost every working day throughout the year. For this purpose a draft programme of interviews is drawn up at intervals and submitted to the Commission. After the programme has been finalised, further action for the setting up of the Interview Boards with the necessary experts and the representatives of the Ministry is taken in hand accompanied with the action to issue summary to the candidates to be called for interview.

Confidential records of Government servants who are called for interview are obtained and made available to the Member presiding at the Interview Board. When the candidates come for interview, the original certificates etc. are checked before they are actually interviewed. After the report of the Interview Board has been finalised and approved, the names of the selected candidates are recommended to the Government for appointment; and those who are not found suitable are informed that it has not been possible for the Commission to select them for appointment. If there is delay in the offer of appointment being made to the recommended candidates, the appointing authority is requested to expedite the

offer; and it is also ensured that the terms and conditions of appointment offered to the candidates recommended are in accordance with those advertised for the post and advised by the Commission.

The appointing authorities are requested to forward annual assessment reports on the work and conduct of officers for the first two years of their appointment to enable the Commission to know how their nominees are faring in the post. The adverse remarks on the work and conduct of the recommended candidates are specially brought to the notice of the Commission. The assessment reports are analysed periodically by the Commission's Secretariat for the information of the Commission.

### **Framing of Recruitment Rules**

Article 320(3) of the Constitution lays down that the Commission should be consulted on the principles to be followed in making appointments to Civil Services and posts. Recruitment Rules for all Civil Services and posts which fall within their purview have, therefore, to be framed in consultation with the Commission. The draft Recruitment Rules referred to the Commission involve primarily a careful examination of the method of recruitment to the various posts and of the qualifications/experience and age limits to be prescribed with reference to the duties attached to the posts. These aspects are initially examined by the Secretariat in the light of all relevant considerations, including the past experience of actual recruitment for similar or analogous posts. The method of recruitment to be prescribed for posts may be direct recruitment through the Commission or transfer/deputation of officers of Central/State Governments etc. or promotion or a combination of two or more of these methods. For instance, if promotion or transfer is considered to be a suitable method of recruitment, the field from which such promotion or transfer can be made has to be carefully considered. Where direct recruitment is to be prescribed as a method, careful consideration has to be given to the qualifications and experience to be prescribed keeping in view a number of factors including the availability of candidates with the required qualification etc. on the pay scale prescribed for the post. All these aspects are examined by the Commission's Secretariat as a part of the work of processing the draft recruitment rules; and all points arising from such examinations are, to the extent possible, discussed with the concerned officers in the Ministries/Departments, before the matter is placed before the Commission for their consideration. Any suggestions for modification of the qualifications, experience and age limits and the method of recruitment proposed are likewise discuss-

ed with the Ministry before the final draft is put up for the consideration of the Commission and, in doing so, all points which require a decision are prominently brought out. If, in any case, the Commission desire further information, clarification before approving the Recruitment Rules, necessary action is taken to collect the same from the appointing authorities. A draft of the Recruitment Rules as finally approved by the Commission is communicated by the Secretariat to the Ministries/Departments concerned. A watch is kept that the Recruitment Rules as approved by the Commission are notified within a reasonable time. If there is delay in notifying the Recruitment Rules or if there is any variation in the notified rules, the matter is brought to the notice of the appointing authority concerned for ratification.

### **Recognition of qualifications**

The proposals regarding the recognition of qualifications of a general, academic or non-technical nature are initiated by the Ministry of Education. The Secretariat of the Commission examines the proposals and compares the detailed syllabi of the courses with those of the recognised Universities/Institutions with a view to enable the Commission to evaluate the standards of these courses and then equate them with the corresponding degrees/diplomas.

### **Quasi-judicial cases like Disciplinary cases and Claims for reimbursement of legal expenses**

A proper consideration of Disciplinary cases by the Commission can be possible only if all relevant records of the case are forwarded to the Commission. Although instructions have been issued by Government that all connected records in original should be referred to the Commission, more often, for a better appreciation of a case, it becomes necessary to call certain additional documents/information. A preliminary function of the Secretariat in these cases is to ensure that before the case is examined and put up to the Commission, all records/information relevant to the case are before them and that the prescribed procedure for conducting disciplinary cases has been followed by the disciplinary authority.

Thereafter, the Secretariat, at the appropriate level makes an analysis of the cases and puts them up to the Commission for examination.

In regard to the cases relating to the claims for reimbursement of legal expenses, the Secretariat examines the cases with reference to the judgments of the Courts, analyses whether the claims pre-

ferred by the Officers are admissible and if so to what extent, and submits recommendations in the light of past decisions and guiding principles evolved by the Commission.

#### **Seniority cases and general Service matters**

In seniority cases and reference on general Service matters the Secretariat examines the records/references and submits its views in the light of the rules/instructions on the subject and decisions taken or views held by the Commission in similar cases in the past. Wherever necessary, all points requiring clarification or discussion with the Ministry/Department concerned before the case is processed for the Commission's consideration.

#### **Association with Departmental Promotion Committee/Selection Committees for promotion and confirmation**

All proposals made to the Commission in this regard are thoroughly examined in the Secretariat of the Commission and additional information/clarification where necessary is obtained from the Ministry/Department making the reference. Such proposals involve a close examination to ensure that all the relevant records have been supplied by the Ministries, that seniority lists have been duly authenticated, that the material placed by the Ministry for consideration of the Departmental Promotion Committee is (in the light of the information available in the Commission) in order, and that any points requiring further clarification/correction are taken up with the Ministries and sorted out before the matter is placed before the Commission. If there are any points which require the orders of the Commission before the Departmental Promotion Committee can be held, these are examined in detail for their consideration before a Member is nominated by the Chairman to preside at the Departmental Promotion Committee. After the case is complete in all respects for consideration, it is put up to the Chairman for nominating a Member to preside over the Departmental Promotion Committee.

## APPENDIX VIII

( See para 4. 48 )<sup>2</sup>

*Statement showing marks allocated for (i) written part of the examination and (ii) interview/assessment of confidential reports, in the case of services recruited through a written examination and interview/assessment of confidential record*

Serial No.	Name of Examination	Maximum marks for written examination	Maximum marks for P.T./Viva Voce	Maximum marks for marks for evaluation of Record of Service	Remarks
1	2	3	4	5	6
	1. I.A.S. etc. Examination. :				
	Category I (i) Indian Foreign Service	1450	400	..	
	(ii) Indian Administrative service	1450	300	..	
	Category II I.P.S. and DHANI Police Service.	850	200	..	
	Category III Central Services Class I & Class II	1050	200	..	
	2. I.A.S. etc. (Released EC/SSC Officers) Examination.	450	250*	..	*Includes 50 marks assigned to the evaluation of the record of service in the Armed Forces.

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## 3. Engg. Services Examination :

(i) All Services/posts including T.E.S. Class I.	1000	300	..	..	
(ii) T.E.S. Class I.	900	300	..	..	
4. Engg. Services (Elec.) Examination	800	200	..	..	
5. I.E.S./I.S.S. Examination	1100	250	..	..	
6. Indian Forest Service Examination	700	200	..	..	
7. Survey of India Examination :					
Class I	1,950	300	..	..	Not held after 1962.
Class II	1,350	300	..	..	
8. Special Class Railway Apprentices Exam.	700	500*	..	..	*Includes Psychological tests.
9. Central Information Service (Gr. IV) Examination.	400	200	..	..	
10. Section Officers Grade Ltd. Departmental Competitive Examination.	400†	..	1200	..	†Since revised to 450 and 150 respectively.
11. Section Officers' Grade (Rly. Board) Ltd., Departmental Competitive Exam.	400	..	..	400	

12. Section Officers' Grade (Intelligence Bureau) Ltd., Departmental Comp. Exam.	400	..	200	
13. Central Information Service (Gr. III) Ltd., Departmental Competitive Exam.	400	200	200	
14. I.F.S.(B) Ltd., Departmental Competitive Examination.	400	200@	..	@Includes evaluation of record of Service.
15. National Defence Academy Exam.	900	900	..	Tests/Interviews conducted by the services Selection Board.
16. Indian Military Academy Exam.	900	900	..	Do.
17. Indian Navy Examination	900	900	..	Do.
18. Air Force Flying College Exam. %	900	900	..	%Suspended from 1962.
19. Army Medical Corps Examination	700	500	..	Practical & Oral professional tests and interview conducted by the A.M.C Services Board.



## APPENDIX IX

(See para 5.1)

*Home Department O.M. No. 33/46-Ests. (R) dated the 17th June, 1946 to all Departments etc. (as amended by the Home Department O.M. No. 32/46-Ests.(R) dated the 23rd September and 3rd July, 1967) extending the functions of the Federal Public Service Commission.*

The Government of India have been considering how far the Federal Public Service Commission could be more closely associated with matters affecting members of the Public Services. The question was examined by an Inter-Departmental Committee and the Government have accepted its recommendations as follows:—

### A. Promotions

2. It has been decided that in every Department a Departmental Promotion Committee (or Committees) should be established to deal with all promotions that involve selection of the best person available (i.e., for promotion to those appointments listed in accordance with paragraph 2 of the Home Department Office Memorandum No. 23/1/39-Ests.(S), dated the 4th September, 1942). This will include promotions within a Subordinate Service or a Central Service, Class II or a Central Service, Class I, and from any one of such Services to a higher Service. The Departmental Promotion Committee should ordinarily consist of the head of the Office of Department concerned, or an Officer nominated by him, and of other Officers of the Department who are familiar with the work of the persons who are candidates for promotion.

The number of committees to be established and their composition will be for the Departments to decide in the light of their own needs.

NOTE:—In the Office Memorandum No. C.44/CCC-463, dated the 1st March, 1946, from the Secretariat of Executive Council, the Establishment Committee and the Selection Board, which deal respectively with appointments to the Finance and Commerce Department's Pool Cadre and to Secretariat posts in other Departments (except Railway, External Affairs and Legislative) have been reconstituted under the Chairmanship of the Chairman Federal Public Service Commission. Postings that come under the jurisdiction of these committees are outside the scope of these orders.

3. The Federal Public Service Commission are at present responsible for only promotions to a Central Service Class I, whether from a Central Service Class II or from a Subordinate Service. It is considered that the Commission should be associated with all promotions to the greatest practicable extent.

The Federal Public Service Commission should be invited to depute one of its members to sit on all Departmental Promotion Committees dealing with promotions to and within any Central Service Class I.

As regards promotions to and within the Central Services Class II it is not practicable for the Commission to be represented on all Departmental Promotion Committees. It is however considered that a member of the Commission might sit on the Promotion Committee for the Central Services Class II noted in the attached list, and the Departments concerned are requested to consult the Federal Public Service Commission accordingly.

As regards Departmental Promotion Committee for other Central Services Class II, it will be open to Departments to enquire of the Commission whether they are able to depute a member.

It is clearly impracticable at the present time to associate the Commission with promotions within Subordinate Services.

4. In the General Central Service, Class II, and General Central Service, Class I, where the posts are distributed among a large number of Departments or authorities, it may not be possible for a Departmental Promotion Committee to co-ordinate all promotions. In such cases promotions may be made by *ad hoc* selection as at present. In the cases of promotion to the General Central Service Class I, the Commission must be consulted as provided by the existing rules. In the case of promotions within the General Central Service Class I, and to and within the General Central Service, Class II, it will be open to the Department concerned to consult the Commission where its advice is required.

5. With regard to the procedure to be followed by the Promotion Committee two suggestions have been made:—

- (a) that the committee should meet periodically (perhaps annually) to prepare a list in order of merit of officers selected for promotion; or
- (b) in the alternative, the committee should hold *ad hoc* meetings for the purpose of making selections to particular posts whenever occasion arises.

Each Committee should decide its method and procedure for itself subject to consultation with the Commission where the Commission is represented on the Committee. "Whenever the recommendations made by a Committee involves the supersession of an officer, the reasons for the suspension should be briefly recorded."

6. "It is unnecessary to submit for approval of the Commission recommendations made by a Committee on which member of the Commission is sitting except in those cases where:

- (i) consultation with the Commission is compulsory under Section 266 of the Government of India Act, 1935, read with the Federal Public Service Commission (Consultation by the Governor General in Council) Regulations, or
- (ii) the member of the Commission requires that the Commission should be consulted before final recommendation is made."

7. Recommendations made by Departmental Promotion Committees on which the Commission is represented should be treated as recommendations having the approval of the Commission, and the convention regarding acceptance of the advice of the Commission will apply. In cases where the Commission has been consulted the convention will similarly apply to the final recommendation made by the Commission.

Where a Departmental Promotion Committee follows the method maintaining a list of officers selected for promotion, no departure from the order in that list should be made; provided that, where administrative exigencies require, an Officer not in the list or not next in order on the list may be appointed for a period not exceeding 3 months.

### B. Appointments

8. (a) Consultation with the Commission is at present obligatory in making appointments to posts in the Central Services Class I and II except to those posts that are included in the Schedule to the Federal Public Service Commission (Consultation by the Governor-General) Regulations. It has been decided that only posts of an exceptional character should now be retained in the schedule and that no posts should be retained in it unless the Commission agree. Departments should at once examine in consultation with the Commission what posts under their control should be retained in the Schedule.

No change is proposed with regard to posts in the Subordinate Services that are now included in the Schedule:—

(b) Whenever the Commission are hereafter asked to make recommendations for the filling of a particular post they will furnish the name of only one candidate for each post instead of three names as at present. The person recommended by the Commission should be appointed to the post concerned, save in exceptional circumstances.

The Commission will, however, keep two or three names in reserve to fill the vacancy in case the candidate selected is subsequently found unfit or is unable to join the appointment for any other reason.

#### C. Extension of Service

9. In those cases in which the orders of Governments are now necessary for the grant of an extension of service (i.e., in respect of the Central Services, Class I and II) the Commission should be consulted before such an extension is granted, except where the extension is for a period of not more than six months.

#### D. Pensions

10. The Commission shall be consulted by the Governor-General in Council before passing an original order withholding an ordinary, special or additional pension or granting an officer any such pension less than the maximum payable by virtue of the length of his service or an order on an appeal from a Government servant against an order of a subordinate authority withholding ordinary, special or additional pension or granting any pension less than the maximum payable by virtue of his length of service.

#### E. Compulsory Retirement

11. No Officer belonging to a Central Service Class I or Class II should be compulsorily retired under Article 353A, 459, or Note I to Article 465A, Civil Service Regulations, without previous consultations with the Federal Public Service Commission.

#### F. Right of Commission to call for information

12. The Commission shall have the right to call for any information which may be required by the Commission in discharge of its functions.

13. The instructions contained in Home Department Office Memorandum No. 16/2/39-Ests., dated the 15th December, 1939, regarding the acceptance of the advice of the Commission will apply to any advice the Commission may give when it is consulted in pursuance of the above decisions.

14. Departments are requested to take action without delay to constitute Departmental Promotion Committees and to revise the schedule to the Federal Public Service Commission (Consultation by the Governor General) Regulations.

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## ANNEXURE

Central Services (Class II) within which promotion by Selection are Permissible.

- (a) Post and Telegraph Department . . . . .
1. Telegraph Engineering and Wireless Service Class II.
  2. Telegraph Traffic Service Class II
  3. Postmasters.
- (b) Central Board of Revenue.
- (i) Customs . . . . .
- Preventive Service.
  - Appraiser Service.
- (ii) Central Excise Department . . . . .
- Inspectors.
  - Deputy Superintendents.
  - Assistant Collectors.
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## APPENDIX X

(See para 5.19)

*Ministry of Home Affairs O.M. No. 18/18/48-Ests. dated the 20th August, 1949 to all Ministries etc. containing the instructions as regards cases in which consultation with the Federal Public Service Commission is obligatory and those in which it is not obligatory and procedure to be followed in the matter of consultation with the Commission.*

The Ministry of Home Affairs receive frequent references for advice as to whether it is necessary to consult the Federal Public Service Commission in regard to a particular matter, and whether the Commission having been consulted it is obligatory to accept their advice. This Ministry have issued instructions in the matter from time to time but it appears that being scattered and numerous they are frequently lost of sight of, and that it is, therefore, necessary to issue a self-contained set of instructions setting out clearly for the guidance of all concerned the correct position in the matter. The whole position is accordingly explained in the resume of the instructions appended as Annexure I to this Memorandum.

2. The instructions in regard to the procedure to be followed in consulting the Federal Public Service Commission in disciplinary and other cases and also the convention in force in regard to the acceptance of their advice in cases referred to them are at present contained in a revise of Appendix "F" to the Secretariat Instructions which was issued with Home Department Office Memorandum No. 16/2/39-Ests. dated the 15th December, 1939. These instructions on the subject is reproduced as Annexure II to this Memorandum.

3. References to the statutory provisions regarding consultation with the Federal Public Service Commission and instructions issued by this Ministry in the matter from time to time are given in Annexure III to this Memorandum.

4. It is requested that these instructions may be carefully noted for future guidance and should be scrupulously adhered to. The Federal Public Service Commission have frequently had occasion to complain that the requirements regarding consultation with them and the instructions regarding the acceptance of their advice are ignored by the various Ministries either through ignorance or neglect. This Ministry would accordingly urge that steps be taken to secure

strict compliance with these instructions so that the Commission may not have any cause to complain on this in the future.

5. It should be understood that the instructions in Appendix I to his Office Memorandum do not supersede the statutory provision relating to consultation with the Federal Public Service Commission. The authority for dispensing with consultation with the Commission in any particular case must, therefore, shall be found in the provisions of the Federal Public Service Commission (Consultation by the Governor-General) Regulations, or in sub-section (4) of section 266 of the Government of India Act, 1935, though these instructions may be taken to be a guide for all practical purposes.



## ANNEXURE I

*Instructions as regards the matters on which consultation with the Federal Public Service Commission is necessary.*

The matters in respect of which it is necessary to consult the Federal Public Service Commission are generally speaking, those detailed in clauses (a) to (e) of sub-section (3) of section 266 of the Government of India Act, 1935, save that it is not necessary to consult the Commission in regard to any of these matters excluded from the purview of the Commission by the Federal Public Service Commission (Consultation by the Governor General) Regulations, or by sub-section (4) of section 266 of the Government of India Act, 1935. Thus except in the case of services and posts included in the Schedule to the Federal Public Service Commission (Consultation by the Governor General) Regulations, and subject to the exceptions indicated below, it is necessary to consult the Commission on all matters relating to methods of recruitment, and the principles to be followed in making appointments to all civil services and posts and in making promotions and transfers from one service to another (i.e. framing or recruitment rules, etc.) and on the suitability of candidates for such appointments, promotions and transfers i.e. actual selection for appointments, promotions etc.).

### Exceptions

(a) It is not necessary to consult the Commission in regard to the manner in which posts are to be allocated between different communities, or in regard to any of the above matters in the case of subordinate ranks of the Police forces.

(b) It is not necessary to consult the Commission in regard to the selection for appointment:—

- (i) to a Central Service, Class I, of any officer of His Majesty's Forces or any officer who is already a member of an All-India Service, or a Central Service, Class I, or a Railway Service, Class I.
- (ii) to a Central Service, Class II, of any officer from another Central Service, Class I, or from a Central Service, Class III, or of any officer of His Majesty's Forces or of a Railway Service, Class II.

- (iii) to a tenure post in a Central Service, Class I, or a Central Service, Class II of an officer of a Provincial Service;
- (iv) to any post where the Commission have agreed that the post may be filled by recruitment from outside India; and
- (v) to any permanent or temporary post, if the officer to be appointed is not likely to hold the post for more than one year or if he is likely to hold it for more than one year but not more than three years, and the Commission advise or agree that the appointment may be made without consulting them.

2. It should be noted, however, that for any case to be covered by exception (b) (i), (ii) or (iii) above, the previous appointment held by the officer concerned in His Majesty's forces, or in a Central Service, Class I, Class II, or Class III, or in a Provincial Service, as the case may be, must be held by him in a substantive capacity. For instance, the appointment of an officer who had been initially appointed in a temporary capacity to a Class I post without consultation with the Commission under regulation 4(b) to another Class I post, will not be covered by exception (b) (i), (ii), (iii) in addition to the officer concerned being a substantive holder of a post in a Provincial Service, the "tenure post" in question must have been declared to be a tenure post before the time of the proposed appointment. The Commission should be consulted before a post is declared to be a tenure post for this purpose.

3. In regard to exception (b) (iv) of para 1 above, the procedure for recruitment outside India is that all vacancies should as a rule be first advertised in India through the Federal Public Service Commission and when the advertisements in India proves infructuous they may be advertised abroad. In cases, however, where the Federal Public Service Commission certify from their recent experience that suitable candidates will not be forthcoming in India, recruitment from abroad may be undertaken straightway without prior advertisement in India. There is another category of cases, viz., where there is reason to believe that suitable candidates will not be forthcoming but the Commission are unable to certify as to their non-availability without actual advertisement. In such cases the Ministry concerned can move the High Commissioner of India/Ambassadors abroad and the Commission in India to advertise the vacancies simultaneously. The panel of candidates from abroad received from the High Commissioner/Ambassadors in such cases should be forwarded to the Federal Public Service Commission who will compare

the qualifications of these candidates with those of any whom they may have found suitable as a result of the advertisement in India, and make a final recommendation to the Government of India.

In regard to exception (b) (v) of para 1 above, in any case in which an appointment is made without consulting the Commission in accordance with this exception, a reference to the Commission inviting them to undertake the necessary recruitment or seeking their approval to the officer concerned continuing to hold the appointment should be made as soon as it becomes known that he is likely to continue in the post for a period of more than three years or one year as the case may be. If this fact is known in advance, it would be irregular to make the initial appointments without consulting the Commission. Moreover, as this exception is intended to facilitate short term appointments, without the delays usually involved in recruitment through the Commission by open advertisement, the recruitment should be entrusted to the Commission if in any such case it is proposed to make a selection after open advertisement since the process of advertisement and selection by a Ministry etc. cannot be expected to take less time than advertisement etc. by the Commission. Even in respect of short term vacancies for period of less than one year appointing authorities should find out before making actual appointments whether the Commission have prepared an approved list of candidates considered suitable for the posts and, if so, to appoint the first person from that list if he is not otherwise disqualified for the post, in preference to any other candidates from an open market.

5. Recruitment to all posts which are temporary but are likely to be made permanent should be made through the Commission and resort to the exception referred to above should not be had in such a case since it would mean only waste of time and money for the Ministry to make the appointment on a temporary basis in the first instance and for the Commission to make recruitment on permanent basis subsequently. Such posts should be advertised as temporary but likely to become permanent so as to attract suitable candidates.

6. Since the question whether consultation with the Commission in making recruitment is necessary or not depends on many cases on the classification of the particular post, it is desirable to classify any new post in consultation with the Ministry of Home Affairs as soon as it is created and a pay scale for it determined. It should in any case be remembered that the mere fact that the post has not yet

been formally classified is itself not sufficient authority to dispense with consultation with the Federal Public Service Commission in making appointment thereto. In such case the classification of the post may be assumed, by comparison with any similar posts which have already been classified and the question whether consultation with the Commission is necessary decided on that basis.

7. In regard to disciplinary matters affecting persons serving His Majesty in a civil capacity in India, including memorials or petitions relating to such matters, it is necessary to consult the Federal Public Service Commission in cases where orders have to be passed by the Governor General as distinguished from any authority subordinate to him and such an order is of the following description:—

- (a) an original order imposing any of the following penalties on an officer, viz:—
  - (i) Censure,
  - (ii) Withholding of increments or promotion, including stoppage at an efficiency bar,
  - (iii) Reduction to a lower post of time-scale, or to a lower stage in a time-scale,
  - (iv) Recovery from pay of the whole or part of negligence or breach of orders,
  - (v) Removal from service,
  - (vi) Dismissal;
- (b) an order on an appeal, not being an appeal against an order of suspension pending enquiry into conduct; and
- (c) an order in response to any petition or memorial, overruling or modifying the order of a subordinate authority.

It is not obligatory to consult the Federal Public Service Commission in any other type of disciplinary cases.

8. It is also necessary to consult the Federal Public Service Commission (i) in regard to any claim by or in respect of a person who is serving or has served His Majesty in a civil capacity in India that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenue of the Dominion (*vide* section 266(d) of the Government of India Act, 1935) and (ii) in respect of any claim for the award of a pension in respect of injuries sustained by a person while serving His Majesty in civil capacity in India and any question as to the amount of any such

award (*vide* Section 266(3) (e) of the Statute). The Commission should be consulted even though such a claim is apparently not covered by any set of pension or gratuity rules. The Commission has also to be consulted in respect of any proposal to reduce or enhance or to continue or to discontinue any such pension or award.

9. Apart from the cases mentioned in the foregoing paragraphs, consultation with the Public Service Commission is necessary by convention also (i) where it is proposed to compulsorily retire from service such an officer under Articles 353-A, 459 or Note 1 to Art. 465-A of the Civil Service Regulations, (ii) where the Governor General proposed to pass an order, whether original or appellate, awarding a pension including a special additional pension, less than the maximum admissible under the rules and (iii) where there is a doubt as regards the domicile of a person who is or has been in service under the Government of India, or is a candidate for such service.

10. In cases in which it is not obligatory, statutorily, by convention or in accordance with any extent orders to consult the Commission, no reference to the Commission should be made by any authority without first obtaining the concurrence of the Ministry of Home Affairs both in regard to the fact of consultation, and the terms in which such consultation should be made.

## ANNEXURE II

*Procedure to be followed in consulting the Federal Public Service Commission in disciplinary and other cases and also in regard to the acceptance of their advice in cases referred to them in accordance with the convention.*

(The instructions contained in this Appendix are issued in supersession of the instructions contained in the Appendix to the Home Department Office Memorandum No. 16/2/39 Ests., dated the 15th December, 1939).

The following procedure shall be observed in dealing with any matter referred to the Federal Public Service Commission for advice:—

1. All references shall be made direct to the Commission by the administrative Ministry concerned in the form of an official letter with which all relevant papers or copies of papers should be forwarded, provided that no reference which is not obligatory under section 266(3) of the Government of India Act, 1935, or under any direction thereunder issued by the Governor-General shall be made save with the previous concurrence of:—

(1) the Ministry of Home Affairs, and

(2) in cases involving financial considerations, also of the Ministry of Finance.

In the case of the Ministry of Railways, the reference should be to the Financial Commissioner, Railways, it being left to him to consult the Ministry of Finance if he considers it necessary to do so.

2. When an appeal or memorial or a case relating to the rights of service or pension or compassionate allowance of an officer is to be referred to the Commission either by statutory obligation or by convention the action to be taken is to see whether the papers are complete and in order, and in cases relating to disciplinary enquiries, whether the statutory provisions relating to such disciplinary enquiries have been complied with. If necessary, the papers should be returned to the authority from whom they were received with instructions that they should be duly complied with. This should be done

immediately, and no examination of the merits of the case should be made at this stage. Such an examination should only be undertaken by the Ministry concerned after the case has been received back from the Commission in order to see whether any exceptional circumstances exist which would justify a departure in any respect from the advice of the Commission. It is essential that no delay should occur in the Ministry at any stage.

Where an original order in a disciplinary case is to be passed by the Governor General, care should be taken, so far as possible, to avoid expressing any opinion on the merits of the case while referring it to the Commission. In cases, however, where sub-section (3) of section 240 of the Government of India forming a provisional opinion for the imposition of one of the penalties and asking the officer concerned to show cause in accordance with that section. On receipt of the officer's reply, the Enquiry Officer's report together with the statement of the officer concerned should be forwarded to the Federal Public Service Commission for their advice. Such action will not be regarded as being inconsistent with the general position that the Governor General should not commit himself to any opinion on the merits of a case before referring it to the Commission.

3. On receipt of a reference, the Commission either may ask for the observations of other Ministries generally or on particular questions in writing, or may invite the Ministry or Ministries concerned to be represented at a personal consultation. Where the observations of a Ministry are made in writing they shall ordinarily be transmitted in such a form as can be communicated, if necessary, to the person or persons concerned.

4. When the Ministry concerned has received the recommendations of the Commission and has arrived at its own conclusions as to the orders which should issue, it shall, before the issue of such orders, in any cases where any general principle arises with which the Ministry of Home Affairs or any other Ministry is concerned consult such Ministry.

5. The Commission shall be informed of the action taken on their recommendations in all cases. Ordinarily, an endorsement forwarding copies of communications in which orders are conveyed, recommendations are made for other action taken, will suffice.

6. In any case in which the advice of the Commission is sought in regard to disciplinary matters the letter containing the findings of the Commission shall form part of the record of the case and shall be communicated to the officer or officers concerned along with the orders of the authority empowered to pass orders in the case.

7. A convention has been established by the Government of India that in the following classes of cases referred to the Commission the recommendations made by that body shall be accepted save in exceptional circumstances:—

(1) Quasi-judicial cases, i.e.:—

- (a) Original orders, appeals, memorials, and petitions relating to disciplinary matters.
  - (b) Interpretation of existing conditions of service.
  - (c) Equitable treatment in the matters referred to the Commission in regard to payment of compensation to officers affected by abolition of posts.
- (2) Selection for appointment of candidates by nomination subject to any special directions that may be given to the Commission in the matter of the class of candidates to be nominated.

In the Class of cases mentioned in clause (2), where the appointing authority considers the circumstances so exceptional as to justify a departure from the recommendation of the Commission, the reasons for that opinion should be stated and the Commission be given an opportunity, if they so desire of further justifying their recommendation before a final decision is taken.

- (3) Recommendations made by the Commission for the appointment of a candidate(s) of a higher initial pay than the minimum pay of the post, when the requisition for recruitment sent to the Commission admits of such higher initial pay being recommended by the Commission or where the Commission are consulted on the question of the initial pay to be given to any candidate.
- (4) Claims for costs incurred by Government servants in defending legal proceedings instituted in respect of acts done or purporting to be done in the execution of duty, referable to the Commission under Section 266 (3) (d) of the Government of India Act.

(5) Determination of domicile of Government servants.

“NOTE:—It is also intended to bring within the scope of this convention awards of extraordinary inquiry, and family pensions, whether covered by the rules or ex-gratia. The exact scope of the



convention applicable in this regard is being examined separately and orders will issue separately on this point. In the meanwhile, such cases will continue to be dealt with in accordance with the Home Department Office Memorandum No. 16/5/43-Ests. dated the 7th March, 1944, as amplified by their Office Memorandum No. 16/5/43-Ests. dated the 11th June, 1945. All such cases will be referred to the Ministry of Home Affairs and the Ministry of Finance, before they are referred to the Commission".

8. The Government of India have decided that where the Union Public Service Commission have been consulted in regard to any appointment(s), the recommendations made by the Commission should not be departed from unless, in the opinion of the Honourable Minister concerned, exceptional circumstances exist which in the Public interest require such departure. In such a case the reasons for holding this opinion should be communicated to the Commission and the Commission given an opportunity of further justifying their recommendations. On the receipt of the observations of the Commission, their recommendations should be considered further by the Ministry concerned. If, after further consideration, the Ministry still considers that the recommendations made by the Commission should not be accepted, the case should be referred with a self-contained summary to the Establishment Officer to the Government of India who will place it before the Appointments Committee of Cabinet consisting of the Hon'ble the Prime Minister, the Hon'ble Minister for Home Affairs and the Hon'ble Minister administratively concerned with the appointment(s). In cases in which the Hon'ble the Home Minister or the Hon'ble Prime Minister happens to be the Minister concerned with the appointment, the Honourable Finance Minister will be added to the Committee. The decision reached by the Appointments Committee in all such cases should be communicated to the Commission by the Ministry administratively concerned. Final orders in accordance with the decision will also be issued by the Ministry, copy being endorsed to the Commission.

9. In any other case not covered by para 8 above in which it is proposed not to accept the advice of the Commission, the case should be shown to the Ministry of Home Affairs before orders are passed.

### ANNEXURE III

*Reference to statutory provisions and Office Memorandum issued by Ministry of Home Affairs regarding consultation with the Federal Public Service Commission, on which the instructions in Appendix I are based.*

Name of paragraph of Instructions Number and date of order of statutory provision in Appendix I	(1)	(2)
Para I exception (a)	.	Sub-section (4) of section 266 the Government of India 1935.
Para I exception (b)(i)	.	Regulation 3(a) of the Federal Public Service Commission (Consultation by the Governor General) Regulations.
Para I exception (b)(ii)	.	Regulation 3(b).
Para I exception (b)(iii)	.	Regulation 3(c).
Para I exception (b)(iv)	.	Regulation 4(A)
Para I exception (b)(v)	.	Regulation 4(b)
Para 2	.	(i) O.M. No. 12/4/47-Ests. dt. 21-6-47. (ii) O.M. No. 12/3/48-Ests., dated 22-3-48.
Para 3	.	(i) O.M. No. 12/13/46-Ests. dated 3-1-47. (ii) O.M. No. 12/3/47-Ests., dated 16-4-47.
Para 4	.	(i) O.M. No. 16/4/42-Ests., dated 1-5-43 (ii) O.M. No. 18/7/48-Ests., dated 3-3-48 (iii) O.M. No. 12/1/48-Ests., dated 7-5-48. (iv) O.M. No. 12/14/48-Ests., dated 26th June, 48. (v) O.M. No. 12/12/48-Ests., dated 9-4-48.

(1)	(2)
Para 7	Regulation 5.
Para 8	O.M. No. 16/5/43-Ests. dated 11-6-44 and 7-3-44.
Para 9	(i) O.M. No. 33/46-Ests (R) dated 17-6-46. (ii) O.M. No. 16/10/38-Ests. dated 18-4-39.

## APPENDIX XI

### Statement showing summary of Recommendations/Conclusions

S. No.	Reference to Para No. in the Report	Summary of Recommendations/Conclusions
(1)	(2)	(3)
1.	2.4	Under the Constitution, the President is empowered to determine by regulations the number of members of the Commission and their conditions of service. There is no constitutional obligation upon the Government to lay these regulations before the Houses of Parliament. The Committee however suggest that a convention may be set up whereby Government lay these regulations and any modifications thereto before the Houses of Parliament so as to keep them informed in this regard.
2.	2.9	The Committee agree with the opinion expressed by the Chairman of the Commission with regard to giving the Commission the same financial powers as the Ministries of the Government of India and suggest that the relations between the Ministry of Home Affairs and the Commission should be established on the pattern of those existing between the Ministry of Finance and the Comptroller and Auditor General's organisation which has the same official status in relation to the Ministry of Finance as the Commission has in relation to the Ministry of Home Affairs.
3.	2.17 2.18	The Committee note that there have been delays ranging from 5 to 28 months in filling up vacancies in the Commission since July, 1964 which must have adversely affected the speed of the Commission's work. From a perusal of the earlier Reports of the Commission also it is evident that vacancies in the membership of the Commission have remained unfiled for considerably long periods. The Committee consider this state of affairs as very unsatisfactory. They are not satisfied by the reasons given by the representative of the Government during evidence that consultation and examination of various proposals took time.

(1)

(2)

(3)

The Committee recommend that, with a view to avoid delays in filling up vacancies in the membership of the Commission, the procedure in this regard should be brought on a formal footing and time schedule laid down for each stage in the process. In this connection, the Committee would like to make the following suggestion:

- (i) action to fill up a vacancy in the membership of the Commission should be initiated by the Commission in a formal communication to the Government at least six months before it occurs;
- (ii) the process of consultation, obtaining consent of those selected for consideration, obtaining approval of the Home Minister, the Prime Minister and of the President should be completed by the Ministry of Home Affairs at least two months in advance of the occurrence of the vacancy;
- (iii) the offer of appointment should be sent out to the person selected two months before the occurrence of the vacancy so that adequate margin is left for consideration of alternative names, in the event of the person selected expressing his inability to join.
- (iv) the Commission should keep a close watch on the action taken by Government in pursuance of their request for filling up the vacancy.

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The Committee feel that it would be generally beneficial if persons are appointed on the Commission at an age when they can render at least six years of service before they attain the prescribed age of superannuation i.e., sixty-five. The Committee are inclined to agree with the opinion expressed before them that the constitutional ban on future employment under Government for the Chairmen and members of the Commission tends to discourage able and competent men from joining the Commission at a younger age. The Committee suggest that this aspect of the matter should be specially borne in mind by the Government while finalising the conditions of service of members of the Commission which are stated to be under their active consideration.

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| 5.  | 2.31 | The Committee welcome the assurance given by the Minister of State in the Ministry of Home Affairs in Parliament that Government will consider the question of appointing a non-official as Chairman of the Commission in future and hope that it will be implemented.  |
| 6.  | 2.37 | The Committee consider that the present arrangement for locating suitable persons for appointment as Chairman or members of the Commission is not satisfactory. In the absence of any definite procedure for selection of suitable names, the Committee feel, the procedure for appointment of members of the Commission cannot be considered as methodical. In order that appointments to these important positions are made after due consideration of the relative merits of persons of eminence in different fields, the Committee recommend that Government should devise some formal procedure of consultation with persons in high authority and of eminence such as the Chief Justice of India, the Chairman and ex-Chairman of UPSC, Chairman of the U.G.C., a few vice-chancellors of universities etc. for the purpose of drawing up a panel, before names are submitted for consideration by the Minister of Home Affairs and the Prime Minister. |
| 7.  | 2.41 | The Committee regret that Government have not been able to finalise the regulations regarding conditions of service of members of the UPSC under Article 318(a) of the Constitution even after a lapse of 18 years, though the Commission initiated action and submitted the draft regulations in the very first year of the commencement of the Constitution. While appreciating that Government is trying to reach agreement with the Commission in the matter, the Committee feel that it is not desirable to leave the conditions of service of members of the Commission uncertain for an unlimited period. The Committee therefore urge that the Government and the Commission should apply themselves seriously to the task of finalising the regulations without further loss of time and iron out their divergent view points by mutual discussions rather than by protracted correspondence.  |
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| 8.  | 2-45-<br>2-46 | <p>The Committee are surprised to note that the UPSC (Conditions of Service) Regulations are not in conformity with the provisions of the Constitution or orders issued by the President from time to time. They regard the explanation offered by the Ministry that these regulations "have become inoperative by reason of the constitutional provisions and the orders issued by the President" as unsatisfactory.</p> <p>The Committee would like Government to take immediate steps to bring these regulations up-to-date by including also the provisions of the orders issued by the President from time to time.</p>   |
| 9.  | 2.51          | <p>The Committee are glad to note that provision has now been made for the grant of pension to non-officials appointed as members of the Commission. It has however been represented to the Committee that the scale of pay attached to the office of the Chairman or a member of the Commission is not adequate being, in the case of a member, even less than the scale admissible to a Secretary to the Government or that applicable to Schedule A posts in the public sector undertakings. They feel that the emoluments and other perquisites of office of the Chairman and members of the Commission need re-examination considering that it is necessary to attract men of high calibre with independence and impartiality to the Commission. The Committee therefore recommend that the Government, while finalising the conditions of service of members of the Commission, should pay due regard to these considerations.</p> |
| 10. | 2-56          | <p>The Committee observe that there is no consolidated, self-contained and up-to-date set of instructions regarding consultation with the Commission. They feel that some of the breaches of instructions in this regard could have been avoided if these were readily available for guidance of officers concerned. The Committee, therefore, recommend that Government should take urgent steps to consolidate the instructions issued by them from time to time in regard to consultation with the Commission, extension of their functions and the procedure for consultation with the Commission.</p>   |

(1)	(2)	(3)
11.	2.65	The Committee feel that the constitutional validity of a provision on the lines of that contained in item 17 of the Schedule to the UPSC (Exemption from Consultation) Regulations, 1958 is not free from doubt. Further, such a provision appears undesirable in so far as it has the effect of abridging the right of Parliament to review the exceptions that may be made by the President to the express provisions of clause (3) of Article 320 of the Constitution. The view of the Government that the regulations, together with the schedule containing the provision in question, were duly laid before Parliament is too legalistic. They suggest that Government should reconsider the question of retaining such a provision in the schedule to the regulations.
12.	2.71	The Committee recommend that in cases where appointments are required to be made in consultation with a foreign Government or a non-governmental or international organisation, Government should consult the Commission and obtain from them a panel of names out of which appointment could be made in consultation with the agency concerned. They further recommend that procedure in this regard may be evolved in consultation with the Commission.
13.	2.83	The Committee regret that cases of delayed references and of irregular appointments by the Ministries/Departments of Government are persisting and were, in fact, until recently, on the increase. The Committee feel that the instructions issued in April, 1964 have not had the desired effect and recommend that Government should urgently devise some effective system of keeping these delays and irregularities under strict check.
14.	2.84	The Committee further recommend that clear instructions should be issued by the Government to the Ministries/Departments of Government laying down definite time schedule for initiating the examination of the question whether the person appointed is likely to hold the post for more than one year, for completing the examination and for making a reference to the Commission, if necessary.
15	2.89	The Committee are surprised to note that most of the bad cases of delayed references to the



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		Commission and of irregular appointments specifically mentioned by the Commission in their 16th Report (1965-66) pertain either to Ministry of Home Affairs or Departments/Bodies for which they are administratively responsible. The Committee hope that the Ministry of Home Affairs would exercise stricter control to avoid recurrence of such cases.
16.	3-9	The Committee note that the Commission are satisfied with the present arrangement whereby the officers and staff of the Commission are drawn from the organised services of the Government of India and that the Commission are of the opinion that there is no likelihood of the independent functioning of the Commission being in any way affected on this account.
17.	3-21	The Committee suggest that the Commission should get the staff strength of their Secretariat examined, if necessary, by an agency other than that of the Commission or the Ministry of Home Affairs or experts well versed in work-study methods.
18.	3-26	In view of the fact that the number of representations under the States Reorganisation Act, 1956 has gone down appreciably, the Committee recommend that the existing arrangement for handling this work in the Commission should be reviewed early in the interest of proper utilization of surplus staff.
19.	3-33	The Committee recommend that Government should urgently consider, in consultation with the Commission, the question of taking away from the Commission such portions of their existing functions as may be of minor nature so as to enable them to concentrate on spheres which are comparatively more important.
20.	3-33	The Committee note that the Commission do not normally figure in recruitment to class III and class IV services and posts. The recruitment to the bulk of these services and posts is at present done by the Ministries/Departments independently of each other. Apart from the fact that such a procedure tends to compromise the

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|     |      | merit system, it would be more economical and conducive to efficiency if the recruitment needs of different Ministries/Departments for these categories of staff are served by a central agency like the Railway Service Commissions which have been established for centralised recruitment to class III and class IV categories of staff in the Railways. The Committee accordingly suggest that a Service Selection Board should be set up on the pattern of the Railway Service Commission to make selections for recruitment to class III services and posts under the Government of India. This Board could take over from the Commission the conduct of examinations for lower categories of services and such of the existing functions of the Commission as may be of minor nature. The appointment of members of such a Board should be made in consultation with the Commission. |
| 21. | 3-43 | The Committee feel that the proccdurcs of work of the Commission and the time taken by them for completing the various stages of work connected with recruitment and other matters needs to be examined. However, in view of the fact that the Administrative Reforms Commission may soon report about it, they consider that the question of re-examining the organisation and methods of work be decided in the light of the report and recommendations of the Administrative Reforms Commission on the subject.  |
| 22. | 3-50 | The Committee recommend that the Ministry of Home Affairs should keep a strict watch on the progress of framing of Recruitment Rules in regard to services and posts under the different Ministries/Departments of Government. They would suggest that the copies of quarterly returns may be called by the Commission to enable them to watch the progress in this regard.   |
| 23. | 3-57 | The Committee observe that one of the causes for delay in recruitment is the time taken in finalising the qualifications for posts where the requisition is not preceded by personal discussion between the authorities concerned and the officers of the Commission. The Committee note the observation of the representative of the Commission that the position has now improved. They nevertheless feel that the matter needs constant review.  |

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| 24. | 3 63 | <p>The Committee regret that Government did not specify the qualifications for the I.T.Os posts precisely and clearly. The expression "5 years" experience in a responsible capacity" is an ambiguous expression and capable of varying interpretations. The Commission could have scrutinized the requisition carefully and detected the lacuna. The result has been a lot of unnecessary inconvenience and suspense to a very large number of applicants besides the huge waste of manpower and loss of valuable time in the office of the Commission itself. They expect that the authorities concerned will learn from this experience and will in future ensure that advertisements for recruitment are drafted by Government more precisely, leaving no scope for any ambiguity and that these are also scrutinised by the Commission carefully.</p> |
| 25. | 3 64 | <p>The Committee agree with the view expressed by the representative of the Commission during evidence that the normal pattern of recruitment should be a regular intake on an annual basis. They recommend that suitable instructions should be issued by Government enjoining upon the Ministries/Departments not to make bulk and sporadic recruitment as has been done in the present case, save in exceptional cases where the circumstances make it absolutely necessary to do so.</p>   |
| 26. | 3 72 | <p>The Committee recommend that suitable procedure should be evolved for ensuring that a reasonably accurate estimate of the vacancies is reported to the Commission well in advance so that there is no cause for complaint by the Commission in this regard.</p>   |
| 27. | 3 75 | <p>The Committee are unhappy that requisitions continue to be cancelled at a late stage causing not only inconvenience to the Commission and the candidates but also embarrassment to the Government. They, therefore, recommend that Ministries/Departments should be required to explain to the Commission in adequate detail the reasons for the requisition being cancelled statbe foreseen at the earlier stages. Cases where the Commission are not satisfied with the explaining why the attendant circumstances could not nation given by the Ministries/Departments:</p>  |

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|     |      | should be reported by them to the Ministry of Home Affairs who should take up the matter with the Ministry/Department concerned.  |
| 28. | 3·82 | The Committee recommend that research work, studies and collection of statistics on various aspects of the working of the Commission including methods of recruitment should be systematically organised on a centralised basis and the Research and Statistics Section of the Commission suitably strengthened so that the responsibilities in this regard are entrusted to persons who are competent and qualified for the job.   |
| 29. | 4·8  | The Committee note that while World History, European History and British History have been included among the optional subjects in the syllabus of I.A.S. etc. examination, histories of countries nearer home or in the South-East Asian region do not find any place therein. Similarly, linguistics which, it is said, is being taught in many a university in the country finds no mention in the syllabus for the I.A.S. etc. examination. The Committee desire that the feasibility of including in the syllabus for the I.A.S. etc. examination these and such other subjects as are being taught in the universities may be considered by the Commission in consultation with the Ministry of Home Affairs and academic authorities e.g., U.G.C. and Vice-Chancellors of Universities, at an early date. |
| 30. | 4·9  | The Committee are glad to note that the Commission have recommended the inclusion of all the languages mentioned in the Eight Schedule to the Constitution as optional subjects in the syllabus for the I.A.S. etc. examination to be held this year and in future. They hope that a decision will be taken in the matter early.  |
| 31. | 4·10 | The Committee observe that the work of reviewing the schemes and syllabi of the various examinations held by the Commission is of a continuous and complicated nature and calls for constant watch on the developments and changes taking place in the teaching programmes of schools and universities as also in the socio-economic scene in the country. The Committee therefore suggest that a standing committee may be set up by the Commission to review the syllabi.   |

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		labi of the various examinations periodically and, if necessary, suggest amendments or revisions of the same. The Committee may be composed of a member of the Commission as Chairman and a representative each from the U.G.C. and the Ministry of Home Affairs. A representative of the Ministry concerned and a few experts from academic bodies and/or technical institution may be associated with the standing committee when the syllabus for a particular examination under review.
32.	4.12	The Committee are unhappy that the revision of the schemes and syllabi of the Engineering Services Examination has not yet been finalised although the matter has been under correspondence between the Commission and the Ministry of Railways since 1964. They trust that energetic steps will be taken by the Ministry of Railways in consultation with the Ministries/Departments concerned and the Commission and the matter finalised without further delay.
33.	4.15	The Committee are constrained to observe that on account of inadequate information furnished to them in regard to the mode of appointment of examiners and remuneration payable to them, they are unable to offer any comments or suggestions in this regard. They, nevertheless, trust that the examiners are selected from all over India, that they are authorities of high standing in their subjects, that there is a system of rotation of examiners so that a few people do not enjoy the position for long and that the remuneration payable to them is adequate to attract competent men for the job.
34.	4.17	The Committee trust that the procedure adopted by the Commission for ensuring uniformity of standard in assessing the scripts is the best possible. They hope that the Commission will constantly endeavour to improve upon their methods in this regard in the light of experience gained and latest techniques evolved in other advanced countries.
35	4.28	The Committee appreciate the complexity of the problems involved in conducting the examinations with all the languages mentioned in the Eight Schedule to the Constitution, besides English, being allowed as alternative media. They

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hope that the Government as well as the Commission will not venture to introduce the scheme unless the Commission have properly worked out the details of the arrangements to ensure that the existing standards of the examinations are maintained and there is uniformity in the standard of assessments of scripts in different languages. They apprehend that a wrong move in the matter will destroy the competitive nature of the examinations and will lead to other serious complications.

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The Committee note the point of view of the Commission that it would not be desirable to prescribe any rigid principle in the matter of tenure of members of the Personality Test Boards. They would, however, like to point out that some of the members have been there far too long. While agreeing that there is need to maintain some continuity in the membership of the Board from year to year, the Committee feel that it would be desirable to induct from time to time fresh members whose experience in the field of administration, technology or public affairs may be more recent. They also feel that the Personality Test Boards for the I.A.S. etc. examination should consist of eminent members selected from various walks of life, including high ranking military officers.

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4.44

The Committee appreciate the difficulty of the Commission in securing the services of distinguished and competent men for their Personality Test Boards because of the meagre remuneration they can offer to them under the existing rules. They are surprised that no honorarium is admissible to members of these Boards for an intervening Sunday or a non-working day. They are on those days entitled to D.A. only at a maximum rate admissible to Grade I officers of the Central Government which is less than Rs. 20. The Committee are convinced that in the interest of maintaining a high standard of selection for our public services it is essential that the rate of remuneration is adequate so that the persons who agree to serve on the Personality Test Boards are not put to unnecessary inconvenience and expense to themselves as appears to be the case at present. In the opinion

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|     |      | of the Committee this is one way to attract eminent men in public life, business and commerce, high ranking retired diplomats and civil and military officers and educationists from all over the country. Unless this is done, only persons residing in and around Delhi are likely to be available to the Commission for the purpose. The Committee, therefore, recommend that the question of raising the rates of remuneration to members of the Personality Test Boards should be taken up by Government with the least possible delay.   |
| 38. | 4.51 | The Committee consider that the interview marks in the case of the examinations for the various Engineering Services appear to be on the high side. They suggest that these should be reduced so that greater reliance is placed on the result of the written examination for these services.  |
| 39. | 4.54 | The Committee are not convinced by the reasons advanced by the Ministry of Railway for the marks for Personality Test in the case of Special Class Railway Apprentices' Examination being fixed as high as 500 as against 700 for the written part of the examination. It is not as if the Railway Engineering Institute, Jamalpur is the only Institute which produces mechanical engineers. There are other very good engineering colleges and institutes in the country which admit students for mechanical engineering course on the basis of higher secondary results or competitive examinations without a <i>viva voce</i> or aptitude test. The Committee have no reason to believe that mechanical engineers coming out of those are of lesser calibre than those coming out of the Railway Engineering Institute, Jamalpur. Nor is it a fact that mechanical engineers coming out of engineering colleges and institutes other than the Jamalpur Institute are not taken by Railways in their superior services. In these circumstances, the Committee apprehend that allocation of such high marks for interview for recruitment of Special Class Railway Apprentices is bound to create misgivings in the public mind. They accordingly recommend that the scheme of this examination should be reviewed so as to place greater reliance on the written part of the examination. |
| 40. | 4.58 | The Committee are of the opinion that the marks at present allocated for <i>viva voce test</i> /   |

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		evaluation of record of service in the case of Central Information Service (Grade III) Limited Departmental Examination and (Grade IV) Examination are on the high side. They are not sure if a <i>viva voce</i> test for aforesaid examinations is at all necessary. They, therefore, desire that the schemes for these examinations may be reviewed by Government in consultation with the Commission for rationalisation.
41.	4.64	The Committee recommend that, in order to avoid an impression that the selections by Interview Boards are not made independently because of the presence of a representative of the Ministry in an advisory capacity, the Commission should not in future invite any representative of the Ministry/Department concerned to participate in the proceedings of the interview Boards.
42.	4.69	The Committee recommend that before drawing up a panel of names of suitable persons for being invited as advisers to Interview Boards, the Commission should observe a proper system of consultation with appropriate authorities and that in placing names on the panel as also in inviting persons to assist the Interview Boards, due regard should also be paid to the need not only of continuity but also of inducting fresh blood from time to time.
43.	4.70	Since the rate of remuneration admissible to advisers is at present the same as in the case of members of the Personality Test Boards, the Committee believe that any revision of the rate of remuneration in their case would be made applicable to advisers also.
44.	4.86	The Committee feel that the results of the scheme for interviews abroad have, in the past, not been encouraging or commensurate with the expenditure involved and hope that the revised scheme would attract a larger number of candidates to posts in India. They recommend that the revised scheme may be tried for a couple of years and then reviewed.
45.	4.91	The Committee are perturbed to note a sizeable number of cases of delayed offers of appointments. In this connection, they reiterate



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the suggestion made by them in paragraph 41 of their 93rd Report (Third Lok Sabha) on Public Services that cases of delay beyond a specified period should be reviewed by the Secretary of the Ministry/Head of the Department concerned and that the Ministry of Home Affairs may also review the position once in six months to make sure that no holdups occur.

46.           4 92       The Committee are also unhappy to learn about the misunderstanding between the Commission and Government regarding the responsibility for the attestation forms for verification of character and antecedents and would like that this matter as also any other snags in the procedure are sorted out without any further loss of time.
47.           4-93       From a perusal of the Sixteenth Annual Report of the Commission for 1965-66, the Committee note that in order to reduce the time lag between the declaration of the final results of the I.A.S. etc. examination by the Commission and the appointment of selected candidates, arrangements were made by Government as in the previous two years, for the medical examination of all candidates called for interview simultaneously with the progress of interviews. This, in the opinion of the Committee, is a step in the right direction and helps in the early placement of the selected candidates. The Committee commend the arrangements made by Government to reduce the delay in the case of I.A.S. etc. examination and would like them to consider the feasibility of applying this system to other examinations conducted by the Commission as well.
48.           4-100       From the information furnished to the Committee it is evident that the number of cases where on the results of the I.A.S. etc. examinations appointments were denied on account of unsatisfactory character and antecedents is almost negligible. In view of this, the Committee consider that no serious harm would be done if offers of appointment are made immediately subject to the character and antecedents of the candidate being found satisfactory. Before, however, giving this new experiment a trial,
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| 49. | 4·107<br>4·108 | <p>the Committee would like Government to examine the matter in all its ramifications in consultation with the Commission and come to a decision as early as possible.</p> <p>The Committee need hardly emphasise the importance of regular submission, by the appointing authorities to the Commission, of assessment reports of work done by officers recruited on their recommendation so as to enable the Commission to keep the schemes and procedures of recruitment under constant review and undertake studies in depth with a view to improve their <i>modus operandi</i>.</p> <p>The Committee also consider that if the Commission are to really profit by these reports, these should be properly drawn up so that information on various aspects of the performance of an officer is available for analysis in the Commission. They, accordingly recommend that the Commission should devise a suitable proforma for calling assessment reports on the work and performance during the first five years of their service in the case of candidates recruited on the basis of a competitive examination and first two years in the case of those recruited on the basis of interview alone. The proforma should be circulated to all the Ministries/Departments of the Government who should be asked to submit the reports to the Commission regularly in the prescribed manner.</p> |
| 50. | 5·14           | <p>The Committee consider that it is necessary to bring the system of Departmental Promotion Committees on a regular footing and lay down uniform procedures for their internal working. With that end in view, the Committee recommend that Ministry of Home Affairs should, in consultation with the Commission, lay down and circularise detailed instructions in regard to basic matters such as nature of cases to be referred to the Departmental Promotion Committees, cases where the Commission should be associated, authority empowered to appoint D.P.Cs. their precise functions and composition, and provisions regarding chairmanship, terms of office of Chairman/Member, quorum, interview of candidates by the D.P.Cs. mode of taking decisions, casting vote, record of decisions and of reasons in cases of supersessions etc.</p>  |

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51.	5.25	The Committee would emphasise the need for early disposal of disciplinary cases by the Commission. They recommend that internal procedures of the Commission should be streamlined to enable them to tender their advice normally in about a month's time.
52.	6.8	The Committee note that the Central Government and the statutory bodies/public sector undertakings under their control are today the biggest employers in the country. Out of the total jobs available in this field, only a small percentage of the Central Government employment is processed by the Commission. This is because the Commission are being consulted only in regard to appointments in the higher services and posts, principally those in the gazetted ranks. For recruitment to statutory bodies/public undertakings there is no set uniform procedure and each body/undertaking recruits its personnel in its own way. With a view to put an end to the unsatisfactory state of affairs in this regard, the Committee urge that adequate machinery and procedures should be devised and brought into operation before long under the broad supervision of the Commission to regulate recruitment for the increasing number of statutory bodies and the steadily growing public sector of our economy.
53.	6.11	The Committee are of the view that notwithstanding the absence of any constitutional link between the Union and the State Public Service Commissions, such conferences do serve a useful purpose in that they facilitate exchange of views on matters of common interest and pooling of experience. Further, those conferences help to evolve a uniform approach and common work procedures in the Commissions throughout the country which is desirable, particularly because the Constitution envisages a single pattern for both the Union and the State Commissions and the functions of both are of similar character. The Committee commend the idea of periodical conferences of Chairmen of the UPSC and State Public Service Commissions, say once in three years. A simultaneous meeting of the Secretaries of the Union and State Public Service Commissions is also desirable.

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| 54. | 6.16 | The Committee need hardly emphasise the importance of early presentation by the Commission of their annual reports to the President. They recommend that the Commission should so organise their work that their annual report is normally presented to the President not later than July of the following year.   |
| 55. | 6.19 | The Committee are not satisfied with the explanation furnished by the Ministry and consider that the preparation of the memorandum in regard to a single case should not have taken so long. The Committee need hardly emphasise that annual reports of the Commission should be placed before the Houses of Parliament promptly and recommend that Government should endeavour to reduce the time lag between the presentation of the annual report by the Commission to the President and the laying of copies thereof before Parliament. They would suggest that every effort should be made by Government to lay the annual report of the Commission before the Houses of Parliament preferably in the autumn session of the following year. |
| 56. | 6.20 | The Committee attach great importance to discussion of annual report of the Commission in Parliament because the salient points made therein are highlighted during discussion and public attention focussed on them. Assessment of the facts mentioned in the report and a searching examination of the irregularities committed by the executive on the floor of the Legislature is, the Committee feel, a most effective safeguard against bureaucratic indiscretions. They hope that adequate time would invariably be found by Government for discussion in the Houses of Parliament, preferably in the winter session of the following year.   |
| 57. | 6.23 | The Committee consider that information showing University-wise classification of successful candidates in the I.A.S. etc. and Engineering Services Examinations would serve a useful purpose in that it would give to general public an idea of the performance of the universities <i>inter-se</i> , besides infusing a spirit of competition in the Alumni and stimulating thinking among universities to so adapt their curricula as to turn out a   |
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		larger number of successful candidates at the examinations by the Commission. The Committee are unable to appreciate the difficulties pointed out by the Chairman of the Commission in this regard. They feel that those should not be insurmountable particularly when such information was already being given in the annual reports of the Commission during 1950-55. They, therefore, recommend that the previous practice of giving such information in the annual reports may be resumed even though it might involve some additional work for the Commission.
58.	6.29	The Committee consider that the Commission should have an adequate system of collection of statistics in regard to courses in medicine and different specialities in the field of engineering conducted by the various institutions in the country. In cases where the Commission are unable to find suitable candidates by advertising the posts, they should address the heads of these institutions requesting them to contact the qualified candidates and ask them to apply for the posts.
59.	6.38 6.39	The Committee observe that in country like India where unemployment is widespread and where Government service still carries considerable prestige value, the task of the Commission in attracting candidates to public service should not be so difficult as it is in other industrially advanced countries. Even so, they feel that advertisements in the newspapers and sending circulars to certain institutions are, by themselves, not sufficient to attract as large a number of qualified candidates as may be desired. The prospective entrant to public service must also have a clear idea of the nature of civil service and the opportunities which it can offer.
		The Committee, therefore, recommend that the Commission should make vigorous efforts to project a better image of the public service in general and of the individual services as against employment opportunities available outside, by designing, producing and widely circulating brochures, pamphlets and other literature in English, Hindi and all the regional languages with a view to educate the public as also inform the

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|     |      | intending candidates of the various careers that public service offers. The get up of the Commission's publications, particularly of the 'Review of Examination' can hardly be described as attractive.  |
| 60. | 6.40 | The Committee also recommend that the Commission should, instead of leaving the publicity of their advertisements to the Ministry of Information and Broadcasting, themselves ensure that widest publicity is given to the advertisements, not only in the leading English newspapers but also in local and language newspapers and periodicals having wide circulation.   |
| 61. | 6.41 | The Committee further recommend that the Commission should arrange to have their advertisements announced on the Radio. The Chairman and members of the Commission should also utilise the forum of Radio for publicising, by talks and discussions, the activities of the Commission and focussing public attention on the personnel problems experienced by them from time to time.  |
| 62. | 6.47 | The Committee are glad to note that the incidence of cases of non-acceptance of advice of the Commission by the administrative Ministries and Departments of Government of India is very small. They nevertheless hope that in years to come Government would endeavour to ensure that the Commission do not have even a single such case to report.   |
| 63. | 6.51 | The Committee consider that there is need for focussing greater attention on cases of irregular appointments and delayed references to the Commission regarding temporary and <i>ad hoc</i> appointments made by administrative Ministries/Departments. Besides, the Committee feel that Parliament should be informed of the view point of Government also in regard to such cases cited in the annual report of the Commission. They, therefore, recommend that the Ministry of Home Affairs may lay on the Table of each House of Parliament, before the report is discussed in either House, a statement explaining, as respect the cases, if any, of irregular appointments and delayed references cited in the annual report, the reason for such appointments and delays. |

## APPENDIX XII

(Vide Introduction)

*Analysis of Recommendations/Conclusions contained in the Report.*

### I. CLASSIFICATION OF RECOMMENDATIONS

#### A. Recommendations for improving the Organisation and Working:

Serial Nos. 3, 16, 19, 20, 21, 28, 31, 33, 34, 36, 41, 42, 49, 50, 51, 54, 57, 58, 59, 60 and 61.

#### B. Recommendations for effecting economy:

Serial Nos. 17, 18 and 44.

#### C. Miscellaneous Recommendations:

Serial Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 29, 30, 32, 35, 37, 38, 39, 40, 43, 45, 46, 47, 48, 52, 53, 55, 56, 62 and 63.

### II. ANALYSIS OF THE RECOMMENDATIONS DIRECTED TOWARDS ECONOMY

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Serial No.	S.No. as per summary of recommendations Appendix XI	Particulars
1	17	Commission should get the staff strength of their Secretariat examined, if necessary, by an agency other than that of the Commission or the Ministry of Home Affairs or experts well-versed in work-study methods.
2	18	Existing arrangement for handling the work relating to representations under the States Reorganisation Act, 1956 should be reviewed in the interest of proper utilisation of surplus staff.
3	44	Results of the scheme for holding interviews abroad have not been commensurate with the expenditure involved. The scheme, as being revised, may be tried for a couple of years and then reviewed.

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Sl. No.	Name of Agent	Agency No.	Sl. No.	Name of Agent	Agency No.
27.	Bahree Brothers, 188, Lalpatrai Market, Delhi-6.	27	33.	Bookwell, 4, Sant Naraukari Colony, Kingsway Camp, Delhi-9.	96
28.	Iyana Book Depot, Chapparwala Kuan, Karol Bagh, New Delhi.	66			
29.	Oxford Book & Stationery Company, Scindia House, Connaught Place, New Delhi—1.	62			
30.	People's Publishing House, Rani Jhansi Road, New Delhi.	76			
31.	The United Book Agency, 48, Amrit Kaur Market, Pahar Ganj, New Delhi.	88			
32.	Hind Book House, 82, Janpath, New Delhi.	95			
				MANIPUR	
			34.	Shri N. Chaoba Singh, News Agent, Ramlal Paul High School Annex, Imphal.	77
				AGENTS IN FOREIGN COUNTRIES	
			35.	The Secretary, Establishment Department, The High Commission of India, India House, Aldwych, LONDON, W.C.—2.	