

## **Unit- II**

### **Chapter 4 A: Union Public Service Commission (UPSC): Structure, Functions and Role**

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**Objective:** The objective of this chapter is to make the students understand:

1. Origin of UPSC;
2. Organisational Structure, Composition, Functions and Role of UPSC;
3. Independence of UPSC; and
4. Critical Evaluation.

#### **Introduction**

The Recruitment system of the civil services needs to be impartial to ensure that people have faith in it. Therefore, it needs to have a body or Commission to undertake the recruitment process. Such a body/commission also needs to have Constitutional safeguards to ensure that it can function impartially. The Constitution of India provides for setting up Public Service Commission to look after personnel aspects of the civil services. Both the Union Public Service Commission and State Public Service Commission are Constitutional bodies responsible for recruiting personnel through competitive examination and interviews, promotion, transfer, framing recruitment rules, dealing with disciplinary matters and other personnel matters of the civil services.

#### **Origin**

The Government of India Act 1919 first recommended the setting up of a Public Service Commission in India, but a decision to set it up was not taken. In 1924, the Royal Commission on the Superior Civil Services in India – Lee Commission – also recommended the setting up of a Statutory Public Service Commission without delay. Thus, the Public Service Commission, having a Chairman and four other members, was set up on October 1, 1926, for the first time. Sir Ross Barker was appointed as the first Chairman of the Commission.

The Government of India Act, 1935, advocated setting up the Public Service Commission at the Federal and Provincial levels, i.e. Federal Public Service Commission at the Federal Level and Provincial Public Service Commission for a Province or group of Provinces. On the 1<sup>st</sup> of April 1937, when the Government of India Act, 1935, came into effect, the Public Service Commission became the Federal Public Service Commission. Seven provincial Public Service Commissions were also set up in 1937. The Federal Public Service Commission continued to function after independence till 1950. The Provincial Public Service Commission set up at the provincial level (state level) was later named as the State Public Service Commission.

After the Constitution of India came into effect on January 26, 1950, the Federal Public Service Commission was rechristened as the Union Public Service Commission. The Indian Constitution provided for three types of Public Service Commissions - namely, Union Public Service Commission

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cater to the requirements of the Union Government; State Public Service Commission in case of a state; and Joint Public Service Commission for two or more states.

### **Union Public Service Commission (UPSC)**

The Union Public Service Commission is constituted under Article 315-323 Part XIV, Chapter II of the Indian Constitution. It conducts examinations for making merit-based recruitment to Group A and Group B Services of the Government of India. Article 315 of the Constitution of India likewise provides for a Public Service Commission for each state. If two or more states agree, then a Joint Public Service Commission can be set up if such a resolution is approved by the State Legislative Assembly/State Legislative Assembly and State Legislative Council of the concerned states. The Parliament then, by law, provides for the setting up of a Joint Public Service Commission. On the request of the Governor of a State, and with the prior approval of the President, the Union Public Service Commission caters to the needs of a state.

### **Composition of UPSC**

The Constitution does not specify a fixed number of UPSC members—it simply empowers the President of India to determine the Commission's strength. Under the UPSC (Members) Regulations, 1969, the Commission may have up to 10 members in addition to its Chairperson. Actual Strength (as of May 2025): According to recent data, the UPSC currently operates with 8 members, including the Chairperson

### **Appointment, Terms and Conditions**

The Chairman and Members of the Union Public Service Commission (UPSC) are appointed by the President of India. As per Article 316, one-half of the members should be from people who have held office under the government for at least ten years.

A member of the UPSC holds office for six years or until the age of sixty-five years, whichever is earlier.

### **Removal and Suspension of Members**

Article 317 deals with the suspension and removal of members of UPSC-

- Subject to the provisions of clause (3) of Article 317, the Chairman or a member of a Public Service Commission can be removed from his office only by order of the President on the ground of misbehaviour. Such an order can only be given after the Supreme Court has held an inquiry under Article 145.
- The President may suspend the Chairman or a member of the Commission based on a report received from the Supreme Court of India.
- The Chairman or a member of a Public Service Commission may be removed by an order of the President due to the following reasons:
  - i. He/she is adjudged an insolvent; or
  - ii. He/she engages during his term of office in any paid employment outside the duties of his office; or
  - iii. He/she is unfit to continue in office because of the infirmity of mind or body.

## **Conditions of Service**

In the case of Union Public Service Commission (UPSC) or a Joint Public Service Commission (JPSC), the President can make regulations to determine the number of members and the staff of the Commission and their conditions of service. However, the conditions of service cannot be varied to members' disadvantage after their appointment.

## **Prohibition to Hold Office**

As per Article 319 of the Constitution of India, the following provisions are there regarding prohibition to hold office if a member ceases to be a member (Union Public Service Commission):

1. The Chairman of the UPSC is ineligible for further employment under the Central or State level governments.
2. A Union Public Service Commission (UPSC) member, can be appointed as the Chairman of the UPSC or as the Chairman of an SPSC. He cannot be employed by the Central or State governments.
3. The Chairman of an SPSC can be appointed as Chairman or member of the Union Public Service Commission (UPSC). He can also be appointed as the Chairman of any other State Public Service Commission (SPSC). But he cannot be employed under the Central or State governments.
4. A member of an SPSC is eligible for appointment as the Chairman or member of the UPSC. He can also be appointed as the Chairman of that or any other SPSC. However, he cannot be employed under the Central and State Governments.

## **Expenses of the Union Public Service Commission**

Article 322 of the Indian Constitution states that the expenses of the Union Public Service Commission, including the salaries, allowances and pensions due to the members and staff of the Commission, is charged on the Consolidated Fund of India.

## **Functions of the Union Public Service Commission**

Functions of the UPSC are provided for in Article 320 of the Constitution of India. Following is a brief review of the same:

1. To conduct examinations for appointments to the All India Services and Central Civil Services Group A & B.
2. To assist States on their request in framing and operating schemes of joint recruitment for any services where candidates possessing special qualifications are required.
3. The government consults the UPSC on:
  - a. Matters relating to procedures of recruitment to civil services and civil posts.
  - b. The principles to be followed for:
    - i. Appointing people to civil services and posts.
    - ii. Promoting and transferring personnel from one service to another; and
    - iii. Determining the suitability of candidates for such appointments, promotions or transfers.
- c. All disciplinary matters affecting persons serving under the Government of India/State in a civil capacity, including petitions relating to such matters.
- d. A claim of costs incurred by a civil servant in defending legal proceedings instituted against him during the performance of his duties.
- e. A claim for the award of a pension by a person in respect of injuries sustained by him while serving and the amount of any such award.

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- f. A matter which is referred to the UPSC by the President for advice.

### Organisational Structure & Functions

The UPSC has a Secretariat headed by a Secretary, assisted by four Additional Secretaries. Besides the Secretary and Additional Secretaries, there are Joint Secretaries and other functionaries who are main various divisions in the Secretariat.

**Divisions:** The UPSC has the following divisions (Union Public Service Commission):

1. Administration
2. All India Services
3. Appointments
4. Examinations
5. General
6. Recruitment
7. Recruitment Rules
8. Services I
9. Services II

**Functions:** Functions of various divisions of the UPSC are as follows:

**1. Administration:** The main functions of this branch are to deal with matters related to:

- i. The creation of posts; framing and amendment of Recruitment Rules for all the Executive Cadre posts.
- ii. The personnel matters of the Chairman, Members and other officers /staff of the UPSC Secretariat.
- iii. The preparation of the annual budget; pay bills; and issues of the audit.
- iv. Co-ordination, compilation and disposal of all the applications received under RTI Act, 2005.
- v. The recording and Maintenance of Annual Performance Appraisal Reports of the staff of the Secretariat.
- vi. The allocation of subjects amongst different Branches; modernisation of office; monitoring of public grievances; and prevention of sexual harassment of women at workplaces.

**2. All India Services:** The All India Service Branch is primarily concerned with the promotions to the three All India Services - Indian Administrative Service, Indian Police Service and India Forest Service. Following are the main functions of this branch:

- i. Promotions of State Civil Service officers to the IAS, IPS and IFS.
- ii. Selection of Civil Service officers (Non-State) for appointment to the IAS under the IAS (Appointment by Selection) Regulations, 1997.
- iii. Court Cases related to AIS promotions/ selections.
- iv. Policy matters relating to AIS and amendments in the Promotion Regulations.
- v. The Commission is consulted while appointing State Service officers to the AIS Cadre posts if such an appointment is made for a period exceeding six months.

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3. **Appointments:** As per the Constitutional provisions, work related to promotions/deputations/absorption to various Civil Services and posts of the Central Government and the Union Territories is undertaken by the UPSC.
4. **Examinations:** This branch conducts various direct and departmental examinations and performs all examination-related activities.
5. **General:** This division looks after the general administration of the UPSC and performs several functions, including:
  - i. Security of the office and inspection.
  - ii. Housing for the Chairman and members.
  - iii. Procurement of office equipment and other stationery.
  - iv. Posting and transfer of Group D staff.
  - v. Printing of Annual Report of the UPSC; and
  - vi. Hosting of UPSC Website.
6. **Recruitment:** Recruitment by selection is made by either of the following two methods:
  - (i) By Interview only
  - (ii) By Recruitment Test (RT) followed by Interview:  
Most of the recruitment is handled by the Recruitment Branch by Interview only. A recruitment test is conducted when the number of posts is 15 or more, and the number of applicants is also high. It is also conducted when there is a need to assess some skill or proficiency of the candidates.
7. **Recruitment Rules:** This branch frames and amends the Recruitment and Service Rules for Group A and Group B posts under the Government of India; and other autonomous organisations.
8. **Services I:** This division deals with disciplinary cases relating to imposing penalties. Article 320 (3) c states that the UPSC should be consulted on all disciplinary matters affecting an individual serving the Government of India or a State in civil capacity. It also deals with cases concerning officers belonging to All India Services in light of All India Services (Discipline and Appeal) Rules, 1969.
9. **Services II:** This division deals with matters related to seniority, extraordinary pension, reimbursement of legal fees, and annual reports of the UPSC & SPSC.

## **Role of the Union Public Service Commission**

The Union Public Service Commission has the following role:

1. **Recruitment to All-India and Central Services:** UPSC conducts examinations for recruitment to the Civil Services Examination (IAS, IPS, IFS, etc.), Engineering Services, Combined Defence Services, and others.
2. **Advisory Role to the Government:** UPSC advises the President and Governors on matters related to:
  - i. Methods of Recruitment and laying down principles for recruitment to civil services.
  - ii. Appointments, Promotions, Transfers: Deciding the suitability of officers for promotion and transfers.

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- iii Disciplinary Matters: Handling cases of misconduct, penalties, or appeals of government servants.
- iv Service Rules Framing/Amendment: Advising on formulation and amendment of rules for civil services.
- v Compensation: Advising on claims for costs or damages in service matters.

3. **Conduct of Examinations:** UPSC conducts written tests, interviews, and other competitive examinations to ensure a fair, impartial, and merit-based selection system.
4. **Safeguarding Meritocracy:** UPSC acts as a constitutional watchdog against political influence, nepotism, or corruption in recruitment and maintains the independence of the civil services system.
5. **Annual Report to the President:** UPSC submits an Annual Report to the President of India on its functioning, who places this report before Parliament, along with government responses.
6. **Quasi-Judicial Functions:** UPSC decides on cases of disciplinary action against civil servants and ensures that natural justice is followed in service matters.
7. **Advisory in State Services:** The UPSC assists in recruitment for State services on their request in framing and operating schemes of joint recruitment for any services where candidates possessing special qualifications are required.

### Independence of the UPSC

The independence of the UPSC is safeguarded through multiple constitutional and procedural provisions to ensure autonomy, impartiality, and protection from executive influence. These safeguards include:

1. **Appointment Based on Constitutional Criteria:** The qualifications and mode of appointment of the UPSC Chairman and Members are clearly defined in the Constitution, ensuring transparency and merit-based selection.
2. **Security of Tenure and Removal Procedure:** The Chairman and Members of the UPSC can be removed only by the President of India, and that too on the basis of a report from the Supreme Court, following an inquiry into proven misbehavior or incapacity. This ensures judicial oversight and protects against arbitrary dismissal.
3. **Financial Independence:** The salaries, allowances, and pensions of the Chairman and Members of the UPSC are charged on the Consolidated Fund of India, meaning they are not subject to parliamentary vote. These financial terms cannot be varied to their disadvantage during their tenure, except by constitutional amendment or specific legislation.
4. **Ineligibility for Further Employment (Chairman - UPSC):** The Chairman of the UPSC is not eligible for any further employment under the Government of India or any State Government after demitting office. This provision ensures the neutrality and independence of the officeholder. The Chairman of the Union Public Service Commission (UPSC) is ineligible for further employment either under the Government of India or a State.
5. **Restrictions on Employment (Chairman - SPSC):** The Chairman of a State Public Service Commission (SPSC) is eligible for appointment as the Chairman or Member of the UPSC or as the Chairman of another SPSC, but not for any other employment under the Union or any State Government.
6. **Restrictions on Employment (Member-UPSC):** A Member of the Union Public Service Commission (UPSC) can be appointed as the Chairman of the Union Public Service Commission (UPSC). He can also be appointed as the Chairman of a State Public Service Commission (SPSC).

But he/she is not eligible for any other employment either under the Government of India or under the Government of a State.

7. **Restrictions on Employment (Member-SPSC):** A member of a State Public Service Commission can be appointed as the Chairman or a member of the Union Public Service Commission. He can also be appointed as the Chairman of that or any other State Public Service Commission. But he cannot take up any other employment either under the Government of India or a State.
8. **Annual Report and Accountability:** The UPSC is required to submit an annual report to the President of India, detailing its activities and recommendations. The government must lay this report before Parliament, along with reasons for any non-acceptance of the Commission's advice. This promotes transparency and accountability.
9. **Independent Secretariat:** The UPSC functions through its secretariat, separate from the government, ensuring administrative autonomy and operational efficiency.

The appointment process, financial independence, and tenure safeguards together ensure that the Commission remains free from political pressures and executive dominance, allowing it to function fairly, efficiently, and independently.

### Criticism

While the Union Public Service Commission (UPSC) is a constitutionally mandated autonomous body tasked with ensuring impartial and merit-based recruitment to the civil services, its functioning has attracted criticism on several fronts:



1. **Bureaucratisation of the Commission:** Although the UPSC is meant to operate independently, it has gradually started functioning like an extended arm of the government. This has led to bureaucratic inefficiencies such as red-tapism, rigidity, corruption, and lack of innovation, which undermine the Commission's credibility and effectiveness.
2. **Lack of Mandatory Consultation:** The government often bypasses the UPSC by keeping certain key posts outside its purview. This selective approach to consultation weakens the role of the Commission and dilutes its oversight in ensuring transparency and fairness in recruitment.
3. **Delay in Processes:** The UPSC has been frequently criticised for significant delays in conducting recruitment examinations, interviews, and promotions. Such delays can cause career stagnation,

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financial loss, and emotional distress to the affected candidates, who may have to undergo prolonged and unnecessary bureaucratic procedures to claim their rightful position.

4. **Compromised Quality of Appointments:** Due to political interference and lack of transparency in the appointment process, the quality of individuals selected as members of the Commission has sometimes been questioned. Instead of choosing eminent and experienced professionals, appointments are occasionally made on non-meritorious or political grounds, leading to ineffective leadership and substandard decision-making.
5. **Misuse of Temporary Appointments:** The government occasionally makes temporary appointments to key positions without consulting the UPSC, and continues these appointments for extended periods. These individuals are often later regularised without following proper procedures, thereby compromising merit and fairness in recruitment.
6. **Political Interference in Functioning:** Although the UPSC is expected to be free from political control, there are increasing instances of political interference in its functioning and member appointments. Such interference can seriously erode the autonomy and impartiality of this constitutional body, affecting its overall integrity.
7. **Limited Scope of Advisory Role:** Although the UPSC is constitutionally empowered to advise the government on recruitment and personnel matters, its recommendations are not binding. The government may accept or reject them without explanation, which reduces the Commission's authority and impact.
8. **Inadequate Focus on Contemporary Skills:** UPSC examinations still rely heavily on traditional academic knowledge. There is insufficient emphasis on practical administrative skills, digital literacy, behavioural competence, and modern governance tools, which are essential for 21st-century civil service.
9. **No Formal Review or Audit of Selection Outcomes:** There is no mechanism for a systematic audit or review of the quality of selections made over time. The absence of performance tracking of selected officers prevents learning and improvement in the recruitment criteria or process.

### Conclusion

Union Public Service Commission is an important Constitutional body that helps the Union Government handle personnel matters like recruitment by conducting examination and interviews, promotion, inquiry and disciplinary matters. There are constitutional measures to ensure the independence of the UPSC. Political interference prevalent in the UPSC hampers its functioning in a significant way.

#### Important Terms/Concepts/Information

1. **Union Public Service Commission:** The Union Public Service Commission is constituted under Article 315-323 Part XIV, Chapter II of the Indian Constitution.
2. **Expenses of the Union Public Service Commission:** Article 322 of the Indian Constitution states that the expenses of the Union Public Service Commission, including the salaries, allowances and pensions due to the members and staff of the Commission, is charged on the Consolidated Fund of India.
3. **Union Public Service Commission: Appointment: Terms and Conditions** - The Chairman and Members of the Union Public Service Commission (UPSC) are appointed by the President of India. As per Article 316, one-half of members should be from people who have held office

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under the government for at least ten years. A member of the UPSC holds office for six years or until the age of sixty-five years, whichever is earlier.

4. **Union Public Service Commission (UPSC): Composition** - The Constitution does not specify a fixed number of UPSC members—it simply empowers the President of India to determine the Commission's strength. Under the UPSC (Members) Regulations, 1969, the Commission may have up to 10 members in addition to its chairperson. Actual Strength (as of May 2025): According to recent data, the UPSC currently operates with 8 members, including the Chairperson

### **Short and Long Questions**

#### **Short Answer Type Questions**

1. Write a note on the Origin of UPSC.
2. Write a note on the Composition of UPSC.
3. Write a note on the Appointment of the Members of UPSC.
4. Write a note on the Removal and Suspension of the chairman and members of the UPSC.
5. Write two measures to ensure the impartiality of UPSC.
6. Write any two functions of UPSC.
7. Critically evaluate the role of UPSC.

#### **Long Question**

1. Discuss the Composition and Functions of UPSC.
2. Critically evaluate the functioning of UPSC.

#### **Suggested Readings**

1. Sharma, Vibha. Public Personnel Administration – with Special Reference to India, Jalandhar: New Academic Publishing Co, 2025
2. R.K. Sapru (1985). Civil Service Administration in India, Deep and Deep, New Delhi.
3. R.K. Arora (2006). Public Administration and Civil Services, Rajat Publication, New Delhi
4. S. L. Goel (2003). and Shalini Rajneesh. Public Personnel Administration. New Delhi: Deep and Deep.
5. M. P. Sharma, B. L. Sadana and Harpreet Kaur (2011). Public Administration in Theory and Practice. Allahabad: Kitab Mahal.
6. Relevant reading material from Egyankosh - <http://egyankosh.ac.in/>
7. Relevant reading material from e PG Pathshala - <https://epgp.inflibnet.ac.in/>