

Unit- II Chapter 4 B: State Public Service Commission (SPSC): Structure, Functions and Role

(with special reference to Punjab Public Service Commission)

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

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

Introduction

Union and State Public Service Commissions (UPSC & SPSCs) 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. Union Public Service Commission undertakes recruitment and performs other personnel functions at the Union/Central level. The State Public Service Commissions look after the personnel functions of the State Civil Services. Joint Public Service Commissions are also set up in case two or more states request for the same.

Origin

The Government of India Act, 1935 advocated setting up 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 1st 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) were later named as State Public Service Commission.

After independence, when the Indian Constitution came into effect on the 26th of January, 1950, the Federal Public Service Commission was rechristened as the Union Public Service Commission. The Indian Constitution provided for three types of Public Service Commission - namely Union Public Service Commission caters to the needs of the Union Government; State Public Service Commission in case of a state; and Joint Public Service Commission for two or more states.

Origin of Punjab Public Service Commission

Joint Public Service Commission, the precursor of the Punjab Public Service Commission, with its writ running from the Khyber Pass to the Jamuna near Delhi, originated at Lahore on May 1, 1937. In the wake of the partition, the Punjab Public Service Commission resurged in February, 1948, at Shimla

with its revised jurisdiction extending over the then province of East Punjab. Following the merger of the states of Punjab and Pepsu, it shifted to Patiala on Nov 1, 1956. On Nov 1, 1966, its territorial jurisdiction again decreased due to the formation of the states of Haryana and Himachal Pradesh (Punjab Public Service Commission website)

State Public Service Commission (SPSC)

Both the Union Public Service Commission (UPSC) and State Public Service Commissions (SPSCs) are Constitutional bodies under Article 315-323 Part XIV, Chapter II of the Indian Constitution. They conduct examinations to make merit-based recruitment to Group A and Group B Services of the Government of India and the Government of the States. Article 315 of the Constitution of India provides for a Public Service Commission for the Union and Public Service Commissions 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.

Composition of SPSC

The State Public Service Commission comprises a Chairman and such number of other members as the Governor may appoint. The Constitution has not provided for a fixed number of members of the State Public Service Commission.

In July 2021, the Punjab Civil Service Commission consists of a Chairman and 10 Members. CM Punjab reduced the number of members from 10 to 5 in 2022. In July 2025 as per the PPSC Website there is a Chairman and one Member (On April 17, 2025: The Punjab Public Service Commission has invited applications from eminent persons having administrative experience to fill up two vacancies of Member (official) and two vacancies of Member (Non-official) to the Commission).

Appointment, Terms and Conditions

The Governor of the respective State appoints the Chairman and other Members of the State Public Service Commission (SPSC), as provided under Article 316 of the Constitution of India. As far as possible, at least one-half of the members of the Commission should be persons who have held office for at least ten years under the Government of India or the government of a state. A Member of the SPSC holds office for a term of six years, or until he or she attains the age of sixty-two years, whichever is earlier – Article 316(2).

Removal and Suspension of Members

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

- Subject to the provisions of clause (3) of Article 317, the Chairman or other members of a Public Service Commission can be removed from his office only by order of the President on the ground of misbehaviour. An order to this effect can only be passed after the Supreme Court has held an inquiry under article 145.
- The Chairman or any other members of the State Public Service Commission/Joint Public Service Commission may be suspended by the Governor of that State regarding whom a reference has been made to the Supreme Court. He remains suspended until the President passes an order, based on a report from the Supreme Court of India.

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- The Chairman or other members of a State Public Service Commissions may be removed by order of the President, due to the following reasons:
 - i They are adjudged as insolvent; or
 - ii They engage in any paid employment outside the duties of their office during their term of office; or
 - iii They are unfit to continue in office because of the infirmity of mind or body.

Conditions of Service

According to Article 318 of the Indian Constitution, the Governor of a state determines the number of members of the State Public Service Commission and the conditions of service of the staff. However, the government cannot vary the conditions of service to the members' disadvantage after their appointment.

Prohibition to Hold Office

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

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

Expenses of the State Public Service Commission

Article 322 of the Indian Constitution states that the expenses of the State Public Service Commission, comprising the salaries, allowances and pensions payable to the members and staff of the Commission, are to be charged upon the Consolidated Fund of the respective States.

Functions of the State Public Service Commission (SPSC)

Functions of the SPSC 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 State Civil Services Group A & B.
2. The State government consults the SPSC on:
 - a. All matters concerning methods 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 the Government of a State in their 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. Any claim for the award of pension by a person in respect of injuries sustained by him while serving, and the amount of any such award.
- f. Any matter which is referred to the SPSC by the Governor for advice.
- g. The SPSC is required to submit an annual report to the Governor of the state, who causes it to be laid before the state legislature; and
- h. The state legislature can assign additional functions to the SPSC.

Role of State Public Service Commission (SPSC)

- 1. **Recruitment to State Services:** SPSC conducts examinations and interviews for recruitment to the State Services (Group A and Group B) and ensures merit-based, transparent, and impartial selection of candidates for various state-level posts.
- 2. **Advisory Role to the Governor:** SPSC advises the Governor of a State on:
- 3. Matters of Recruitment: Principles to be followed in making appointments and promotions.
- 4. Disciplinary Cases: Punishments, appeals, or complaints against state civil servants.
- 5. Service Rules: Framing, amendments, and interpretation of rules regulating recruitment and conditions of service.
- 6. Compensation Claims: Cases involving reimbursement of expenses or damages to public servants,
- 7. **Conduct of Examinations:** SPSC holds State Civil Services Examinations (e.g., PCS, State Police Services, State Forest Services, etc.). It supervises recruitment through written exams, interviews, and screening tests.
- 8. **Safeguarding Neutrality in State Administration:** SPSC prevents political interference, nepotism, and favouritism in appointments and acts as a constitutional safeguard for fair recruitment at the state level.
- 9. **Annual Report to the Governor:** SPSC submits an Annual Report on its work to the Governor of the State, who places this report before the State Legislature for deliberations.
- 10. **Quasi-Judicial Functions:** SPSC deals with cases of disciplinary action and service disputes to ensure justice and impartiality in personnel matters.

Independence of the SPSC

The independence of the SPSC 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 SPSC Chairman and Members are as provided for in the Constitution to ensure transparency and merit-based selection. The Governor of a State appoints the Members and Chairman of the State Public Service Commission.
- 2. **Security of Tenure and Removal Procedure:** The Chairman and Members of the SPSC can be removed only by the President of India, after an inquiry by a judge of the Supreme Court of India into proven misbehaviour or incapacity. This ensures judicial oversight and protects against arbitrary dismissal. The Governor of the State can suspend a member.

3. **Financial Independence:** The salaries of the members of the SPSC are charged upon the Consolidated Fund of the State and can neither be increased nor decreased (except by law) to favour or disfavour a member/chairman.
4. **Restrictions on Employment (Chairman - SPSC):** The Chairman of a State Public Service Commission (SPSCs) can be appointed as the Chairman or a Member of the Union Public Service Commission. They can also be selected as the Chairman of any other State Public Service Commission. But they cannot take up any other employment either under the Government of India or under the Government of a State.
5. **Restrictions on Employment (Member-SPSC):** Members of a State Public Service Commission can be appointed as the Chairman or members of the Union Public Service Commission. The Members can also be appointed as Chairman of that or any other State Public Service Commission. But they cannot take up any other employment under either the Government of India or the Government of a State.
6. **Annual Report and Accountability:** The SPSCs give an annual report to the State governments wherein all the recommendations given by it are enumerated. In addition, the government is required to provide reasons if it did not follow the advice of the Commission.
7. **Independent Secretariat:** The SPSCs functions through their own secretariat, separate from the government, ensuring administrative autonomy and operational efficiency.

Critical Evaluation

While the State Public Service Commission (SPSC) 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 SPSC 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 SPSC Consultation:** The state governments often bypass the SPSC 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. **Delays:** Undue delays in recruitment, promotions, and other personnel functions are there in the SPSC. Sometimes in matters of promotion, delays cause hardships, harassment and loss of opportunity too. The affected person may have to run from pillar to post to get his rightful dues.
4. **Quality of Members:** Mainly due to political influence and subsequent corruption, the quality of members appointed to the SPSC is not high. The members appointed may not be from amongst the most distinguished individuals. It leads to mediocre decision making and a general lack of efficiency.
5. **Temporary Appointments:** The state governments resort to making temporary appointments and continuing with them for several years before getting sanctioned by the Commission. In this way, they can appoint/recruit people of their own choice and continue getting those people confirmed on the positions.
6. **Political Interference:** SPSC, a Constitutional body, though mandated to conduct recruitment and other personnel functions of the civil servants in an unbiased manner, is plagued by political interference in the appointment of members and its functioning.

7. **Limited Scope of Advisory Role:** Although the SPSC is constitutionally empowered to advise the state 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. **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

SPSC is an important Constitutional body that helps the State Governments handle personnel matters like recruitment by conducting examinations and interviews, promotion, inquiry and disciplinary issues. There is also a provision to constitute a Joint Public Service Commission at the request of two or more states. There are constitutional measures to ensure the independence of the SPSCs. Political interference prevalent in the SPSCs hampers their functioning in a significant way.

Important Terms/Concepts/Information

1. **State Public Service Commission: Conditions of Service** - According to Article 318 of the Indian Constitution, the Governor of a state determines the number of members of the State Public Service Commission and the conditions of service of the staff. However, the government cannot vary the conditions of service to the members' disadvantage after their appointment.
2. **Constitutional Bodies:** The Union Public Service Commission (UPSC) and State Public Service Commissions (SPSCs) are Constitutional bodies under Article 315-323 Part XIV, Chapter II of the Indian Constitution.
3. A Member of the SPSC holds office for a term of six years, or until he or she attains the age of sixty-two years, whichever is earlier – Article 316(2).
4. **Expenses of the State Public Service Commission:** Article 322 of the Indian Constitution states that the expenses of the State Public Service Commission, comprising the salaries, allowances and pensions payable to the members and staff of the Commission, are to be charged upon the Consolidated Fund of the respective States.

Short and Long Questions

Short Answer Type Questions

1. Write a note on the Composition of SPSC.
2. Write a note on the Functions of SPSC.
3. Write a note on the Independence of SPSC.
4. Critically evaluate the role of SPSC.

Long Question

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

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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/>