

## **CONSTITUTIONAL PROVISIONS ON THE FORMATION, FUNCTIONS AND POWERS OF PUBLIC SERVICE COMMISSIONS**

### **315. Public Service Commissions for the Union and for the States:**

1. Subject to the provisions of this article, there shall be a Public Service Commission for the Union and a Public Service Commission for each State.

2. Two or more States may agree that there shall be on Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or; where there are two Houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public Service Commission (referred to in this Chapter as Joint Commission) to serve the needs of those States.

3. Any such law as aforesaid may contain such incidental and consequential provisions as may be necessary or desirable for giving effect to the purposes of the law.

4. The Public Service Commission for the Union, if requested so to do by the Governor of a State may, with the approval of the President, agree to serve all or any of the needs of the State.

5. Reference in this Constitution to the Union Public Service Commission or a State Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Union or, as the case may be, the State as respects the particular matter in question.

### **316. Appointment and term of Office of Members:**

1. The Chairman and other Members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of a State Commission, by the Governor of the State.

Provided that as nearly as may be one-half of the members of every Public Service Commission shall be persons who at the dates of their respective

appointments have held office for atleast ten years either under the Government of India or under the Government of a State, and in computing the said period of ten years any period before the commencement of this Constitution during which a person has held office under the Crown in India or under the Government of an Indian State shall be included.

(1A) If the office of the Chairman of the Commission becomes vacant or if any such Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under clause (1) to the vacant office has entered on the duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one of the other members of the Commission as the President, in the case of the Union Commission or a Joint Commission, and the Governor of the State in the case of a State Commission, may appoint for the purpose.

(2) A member of a Public Service Commission shall hold office for a term a six years from the date on which he enters upon his office or until he attains, in the case of the Union Commission, the age of sixty – five years, and in the case of a State Commission or a Joint Commission, the age of Sixty – two years whichever is earlier:

**Provided that -**

(a) a member of a Public Service Commission may, by writing under his hand addressed, in the case of the Union Commission or a Joint Commission, to the President, and in the case of a State Commission, to the Governor of the State, resign his office;

(b) a member of a Public Service Commission may be removed from his office in the manner provided in clause (1) or clause (3) article 317.

(3) A person who holds office as member of a Public Service Commission shall, on the expiration of his term of office, be ineligible for re-appointment to that office.