

## ANNEXURE -I

Articles relevant to the Process of Appointment in Civil Service in the Constitution of India

### **Right to Equality**

#### **Article 14.**

Equality before law.—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

#### **Article 15.**

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—
  - (a) access to shops, public restaurants, hotels and places of public entertainment; or
  - (b) wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
- (3) Nothing in this article shall prevent the State from making any special provision for women and children.
- (4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

#### **Article 16.**

Equality of opportunity in matters of public employment.—

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.
- (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- (4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.
- (4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.
- (5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

### **Article 309**

Recruitment and conditions of service of persons serving the Union or a State —

Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State: Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor of a State or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act”.

### **Article 310**

"Except as expressly provided by this Constitution, every person who is a member of a Defence service or of a civil service of the Union or of an All India Service or holds any post connected with Defence or any civil post under the Union holds office during the pleasure of the President, and every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor of the State.

"Notwithstanding that a person holding a civil post under the Union or a State holds office during the pleasure of the President or, as the case may be of the Governor of the State, any contract under which a person, not being a member of a Defence service or of an All-India service or of a civil service of the Union or a State, is appointed under this Constitution to hold such a post may, if the President or the Governor, as the case may be, deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation, if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate the post".

### **Article 311**

(1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges: Provided that where, it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed: Provided further that this clause shall not apply —

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.

(3) If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

### **Article 313**

Transitional provisions.-

Until other provision is made in this behalf under this Constitution, all the laws in force immediately before the commencement of this Constitution and applicable to any public service or any post which continues to exist after the commencement of this Constitution, as an all-India service or as service or post under the Union or a State shall continue in force so far as consistent with the provisions of this Constitution.

### **Article 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 one 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) References 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.

### **Article 320**

**Functions of Public Service Commissions.-** (1) It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.

(2) It shall also be the duty of the Union Public Service Commission, if requested by any two or more States so to do, to assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.

(3) The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted-

(a) on all matters relating to methods of recruitment to civil services and for civil posts;

(b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;

(c) on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters;

(d) on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, 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 Consolidated Fund of India, or, as the case may be, out of the Consolidated Fund of the State;

(e) on any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, and any question as to the amount of any such award, and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the President, or, as the case may be, the Governor of the State, may refer to them: Provided that the President as respects the all-India services and also as respects other services and posts in connection with the affairs of the Union, and the Governor as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted.

(4) Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of article 16 may be made or as respects the manner in which effect may be given to the provisions of article 335.

(5) All regulations made under the proviso to clause (3) by the President or the Governor of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State, as the case may be, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they are so laid.

**Article 323**

**Reports of Public Service Commissions:-**

(1) It shall be the duty of the Union Commission to present annually to the President a report as to the work done by the Commission and on receipt of such report the President shall 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. (2) It shall be the duty of a State Commission to present annually to the Governor of the State a report as to the work done by the Commission, and it shall be the duty of a Joint Commission to present annually to the Governor of each of the States the needs of which are served by the Joint Commission a report as to the work done by the Commission in relation to that State, and in either case the Governor shall, on receipt of such report, 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 the Legislature of the State.

## ANNEXURE II

Structures of grades followed in most of the organized cadres. The apex post in the cadre could be at SAG, HAG or Secretary level.

Grade	Pay Band	Corresponding Pay Bands	Grade Pay
Junior Time Scale (JTS)	PB-3	15600-39100	5400
Senior Time Scale (STS)	PB-3	15600-39100	6600
Junior Administrative Grade (JAG, Deputy Secretary equivalent)	PB-3	15600-39100	7600
JAG, Nonfunctional Selection Grade(JAG, NFSG), (Director equivalent )	PB-4	37400-67000	8700
Senior Administrative Grade (SAG), (Joint Secretary equivalent)	PB-4	37400-67000	10000
Higher Administrative Grade (HAG) ( Additional Secretary equivalent)	PB-4	37400-67000	12000
HAG+ Scale	-	75000( Annual increment @ 3%)- 80000	-
Apex scale ( Secretary equivalent)	-	80000 fixed	-
Cabinet Secretary	-	90000 fixed	-

## ANNEXURE IV

**Table 9.1: Country-wise Features of the SES**

	Australia	Canada	France	Malaysia	India	New Zealand	Singapore	U.K	USA
<i>Structure</i>									
Is it mainly a career position?	Career	Career	Career	Career	Career	Position	Career	Career	Position
Does it play any special features of the recruitment system?	Yes, in open recruitment of heads of departments	Yes, in allowing external applicants for top posts	No, except for few political appointments	No	No	No, except for centralised selection of Chief Executives	No	Yes, contract appointment of some SES	Yes, in rank-in-person for SES and in OPM oversight
Are agencies employed nationally only or sub-national as well?	National agencies	National agencies but scope for secondment provinces	National and local agencies	National and provincial agencies	National, provincial and local agencies	National agencies	National agencies and statutory bodies	National agencies and executive agencies	National agencies
Are generalists or specialists?	Generalists	Generalists	Generalists, except for top posts	Generalists	Generalists	Generalists and specialists	Generalists	Generalists and specialists	Generalists and specialists
	NA	3600	5360	3700	5000	300	490	3200	7000
<i>Recruitment</i>									
Is it early or mid-career?	Mid-career	Early, but selection for SES in mid-career	Early	Early	Early	Mid-career	Early	Early, but selection in mid-career	Mid-career
Is it merit based?	Merit and open to all within and outside government	Merit and open	Merit (political decision for top posts)	Merit	Merit	Merit and open	Merit- closed system	Merit and open; Fast Stream Programme to identify candidates	Merit and open except for 10% political appointees

Table 9.1: Country-wise Features of the SES

(Contd.)

	Australia	Canada	France	Malaysia	India	New Zealand	Singapore	U.K	USA
<i>Structure</i>									
Transparency in selection process	Complete, supervised by PSC	Complete, supervised by PSC	Based on merit-based competition transparent except for political appointments	Merit-based competition through PSC and selection committees for top posts	Merit-based competition through PSC and selection committees for top posts	Open competition through SSC and Chief executives	Merit-based competition through PSC	Merit-based competition through PSC and selection for top posts by separate process	Merit based selection and certification except for political appointments
Affirmative actions	Non-discriminatory	Non-discriminatory	Non-discriminatory	Ethnic quotas with special provisions for disabled persons	Quotas for disadvantaged groups and disabled persons	Non-discriminatory	Non-discriminatory	Non-discriminatory	Equal Opportunity Act and affirmative action for minorities
<i>Managing the SPS for distinctively higher performance</i>									
Who manages the SPS?	Public Service Department and PSC	Treasury Board and PSC	Civil Service Department	Civil Service Department and PSC	Department of Personnel	State Service Commissioner and Chief Executive	PSC and PS Division in PM's Office	Cabinet Office	Office of Personnel Management and Agency heads
Centralisation/Management	Considerable decentralisation	Considerable decentralisation	Considerable decentralisation	Centralised management with limited delegation to departments and provinces	Shared control of federal and provincial governments	Decentralised management with mandated consultation with State Service	Centralised management by PSC and Personnel Board	Centralised management by Cabinet Office	Yes, by agencies in consultation with OPM
Personnel Management	Yes	Yes	No Specific strategy	No specific strategy	No specific strategy. Recent interest in domain specialisation	Yes, by chief executives in consultation with State Service Commissioner	Yes, by PS division	Yes, by Senior Civil Services Group in Cabinet Office	Yes, by agencies in consultation with OPM

Table 9.1: Country-wise Features of the SES

(Contd.)

	Australia	Canada	France	Malaysia	India	New Zealand	Singapore	U.K	USA
<i>Structure</i>									
Training	Comprehensive strategy overseen by PSC and departments	Comprehensive	In-service training regulated by laws and regulation	Centralised	Centralised	Supervised by State Service Commissioner	Mandated minimum training each year	Training for skill-building and policy analysis, overseen by cabinet office	Joint involvement of Agencies and Federal Executive Institute
Employment arrangements: tenure or contract?	Contract	Tenure	Tenure, except for political appointments	Tenure	Tenure	Contract	Tenure	Indefinite contract	Indefinite contract
Separate code of conduct?	Yes	Yes in the form of corecompetencies	Common code of conduct for all civil servants	Special code of conduct rules	Special code of conduct rules	Special code of conduct based on State Service Act	Special code of conduct	Special code of conduct	Special code of conduct and core qualifications
Performance appraisal	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Career Progression dependent on performance?	Clear Link	Clear Link	Clear Link	Link to higher posts within closed system	Link to promotion and preferred posts	Yes	Yes	Yes	Yes
Pay component determined by performance?	Rules for performance pay; use of broadband system of pay	Discretionary lump sum amounts of 10 to 25 per cent of pay	No	Annual salary progression determined by performance	No	Yes	Yes	Yes; use of overlapping pay bands and performance pay	Yes; use of overlapping pay bands; special fund for payment of performance boluses and departments, flexibility to operate special packages

Compiled by S.K. Das, Consultant ARC.

**ANNEXURE- V**

<b>S. No.</b>	<b>Years</b>	<b>Group 'A'</b>	<b>Group 'B'</b>
1	Between 1-2 years	14	5
2	Between 2-3 years	4	11
3	Between 3-4 years	9	12
4	Between 4-5 years	3	11
5	Between 5-10 years	8	13
6	More than 10 years	13	25
	<b>Total</b>	<b>51</b>	<b>77</b>

Chapter-5, UPSC report 2008-09

Number of ad-hoc appointments at the end of 2008-09. Chapter-6, UPSC Report 2008-09

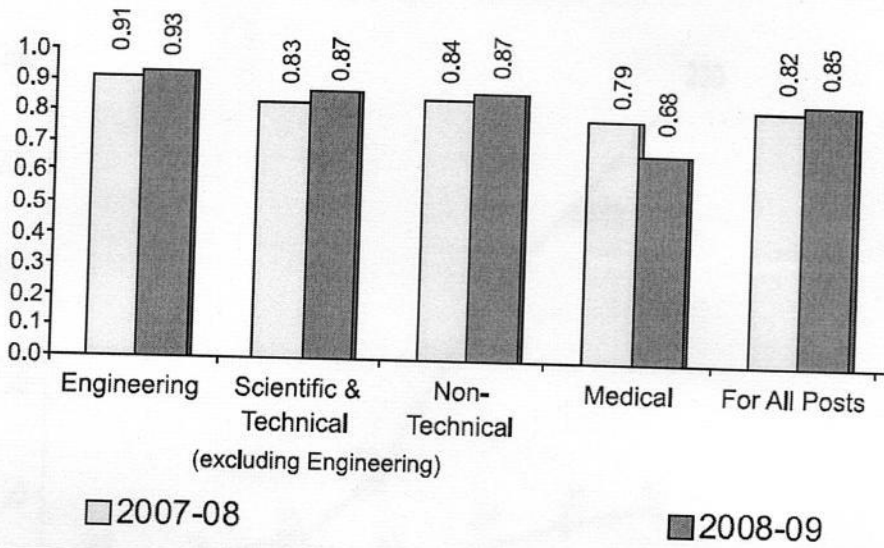
## ANNEXURE-VI

Table 1				
Year	Brought forward	Reference received	Reference disposed of	Balance at the end of the year
2006-07	107	936	973	70
2007-08	70	822	795	97
2008-09	97	755	807	45

No. of references received for framing amendment and one time mode of appointment.  
Chapter -5, UPSC report 2008-09

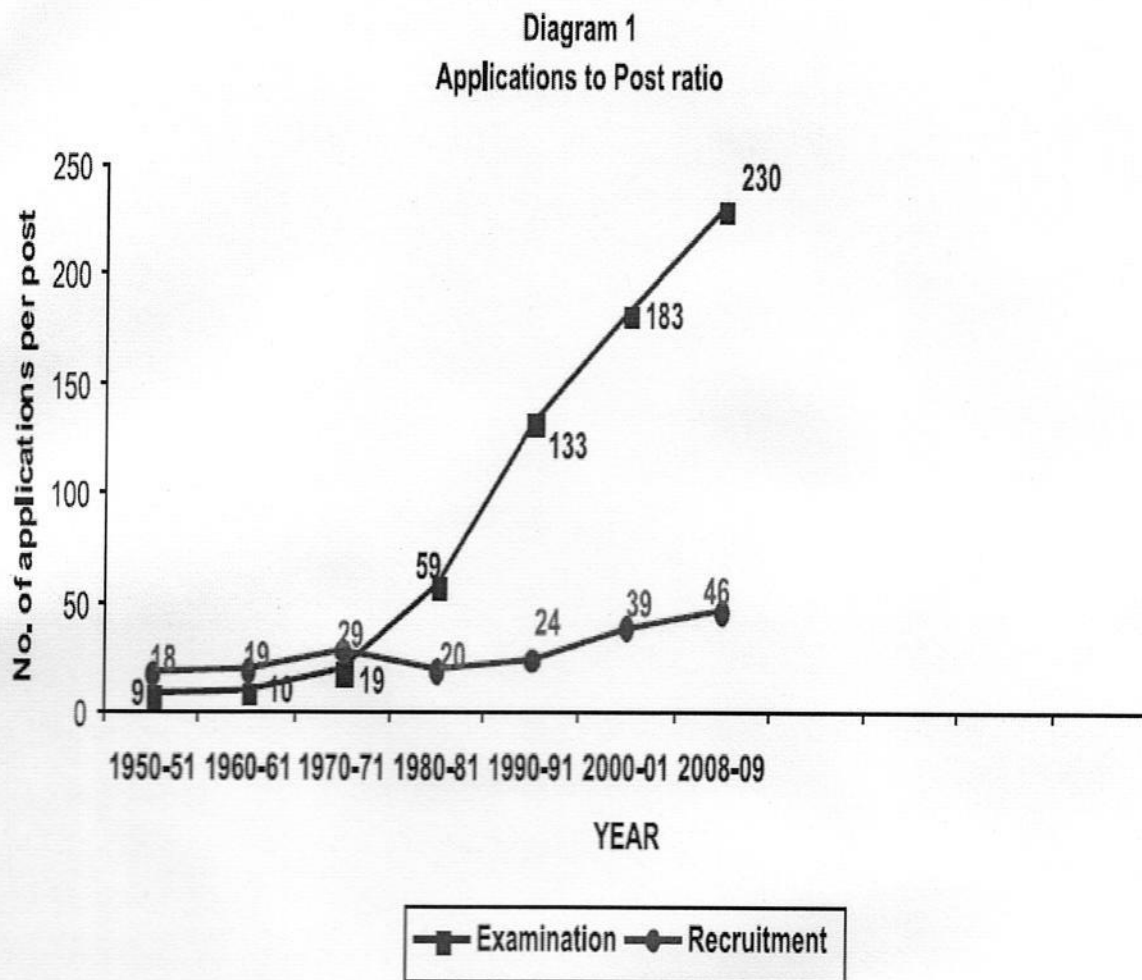
## ANNEXURE - VII

**Diagram 4 : Year-wise Recommendation to Post Ratio**



Chapter 4 UPSC 2008-09

## ANNEXURE-VIII



Chapter-1 of Annual Report of UPSC 2008-09. The diagram illustrates the number of applications received per post separately for competitive examination system of induction into civil service and independent selection method.

