

Chapter 4

Principle 4: Goal-oriented
Competencies and Skills
Development

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4.1 India: The Union Public Service Commission

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Overview

The basic reason for the setting up of public service commissions (PSCs) has been to ensure political neutrality, accountability and integrity of the public services, and to enhance the capability of institutions to carry out the public sectors' development-related state policies.

India's Union Public Service Commission (UPSC) has often been credited with the promotion of a professional, apolitical civil service in the country. This case study examines the origin and history of UPSC and its structure and functions as specified in the Constitution of India.

This study compares and contrasts the structure and functions of UPSC with those of the state-level PSCs and also discusses the relationships between UPSC and the state-level PSCs. The PSCs at the centre and in the states are creations of the Constitution of India and as such derive their right and privilege from this.

The case study also compares and contrasts the structure and functions of UPSC with those of other South Asian Association for Regional Cooperation (SAARC) countries, followed by recommendations based on the comparative study of PSCs in SAARC countries. The study also cites examples from Singapore, Australia, Malaysia and the UK to strengthen the functioning of PSCs.

India's UPSC is considered a success story by many informed observers. This is derived from the stellar reputation of the highly regarded Indian Administrative Service (IAS), which has famously been described as India's steel frame (Sengupta, 1995) and is often credited with the success of India's democracy.¹

4.1.1 Origin and history of UPSC

India gained independence from Great Britain on 15 August 1947. The origin of the PSC in India, however, predates India's independence. The first Despatch of the Government of India on the Indian Constitutional Reforms on the 5 March 1919 referred to the need to set up some permanent office charged with the regulation of service matters. A relevant extract from it is given below:

In most of the Dominions where responsible Government has been established, the need has been felt of protecting the Public Services from

political influence by the establishment of some permanent offices, primarily charged with the regulation of service matters. We are not prepared at present to develop the case fully for the establishment in India of a Public Service Commission, but we feel that the prospect that the services may come more and more under ministerial control affords strong ground for instituting such a body.

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 provided for the establishment in India of a PSC that should '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'.

Box 4.1 Government of India Act 1919

The Government of India Act 1919 was an Act of the Parliament of the UK. It was passed to expand participation of Indians in the Government of India. The Act embodied the reforms recommended in the report of the Secretary of State for India, Edwin Montagu, and the Viceroy, Lord Chelmsford. The Act covered 10 years, from 1919 to 1929. This Act represented the end of benevolent despotism and was the genesis of responsible government in India.

The Act received royal assent on 23 December 1919. On the same day, the king-emperor issued a proclamation that reviewed the course of parliamentary legislation for India and the intent of the act:

The Acts of 1773 and 1784 were designed to establish a regular system of administration and justice under the Honourable East India Company. The Act of 1833 opened the door for Indians to public office and employment. The Act of 1858 transferred the administration from the Company to the Crown and laid the foundations of public life which exist in India to-day. The Act of 1861 sowed the seed of representative institutions, and the seed was quickened into life by the Act of 1909. The Act which has now become law entrusts the elected representative of the people with a definite share in the Government and points the way to full responsible Government hereafter.

The Act provided a dual form of government (a 'diarchy') for the major provinces. In each such province, control of some areas of government, the 'transferred list', was given to a government of ministers answerable to the provincial council. The transferred list included agriculture, supervision of local government, health and education. The provincial councils were enlarged.

At the same time, all other areas of government (the 'reserved list') remained under the control of the viceroy. The reserved list included defence (the military), foreign affairs and communications.

The Imperial Legislative Council was enlarged and reformed. It became a bicameral legislature for all India. The lower house was the Legislative Assembly of 144 members, of whom 104 were elected and 40 were nominated, with tenure of 3 years. The upper house was the Council of States consisting of 34 elected and 26 nominated members and tenure of 5 years.

After the passing of the Government of India Act 1919 (Box 4.1), prolonged correspondence took place between the then-secretary of state of the Government of India and local governments regarding the functions and machinery of the body to be set up. This continued for over four years. No decision was arrived at, and the subject was referred to the Royal Commission on the Superior Civil Services in India (Lee Commission). In its report dated 27 March 1924, the Lee Commission recommended that the statutory PSC contemplated by the Government of India Act 1919 be established without delay. In this report, the Lee Commission made the following observations in 1924:

Wherever 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 Governments, of whatever 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. In America, a Civil Service Commission has been constituted to control recruitment of services, but, for purpose of India, it is from the Dominions of the British Empire that more relevant and useful lessons can perhaps be drawn. Canada, Australia and South Africa now possess Public or Civil Service Acts regulating the position and control of the Public Services and a common feature of them all is the constitution of a Public Service Commission, to which the duty of administering the Acts is entrusted. It was this need which the framers of the Government of India Act had in mind when they made provision in Section 96(c) for the establishment of a Public Service Commission to 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 (Lee Commission Report, para. 24).

In spite of the provisions of the Section 96(C) of the Government of India Act 1919 and the strong recommendations made by the Lee Commission in 1924 for the early establishment of a PSC, it was not until October 1926 that the PSC was set up in India for the first time.

The first PSC was established on 1 October 1926. It consisted of four members in addition to the chair, appointed by the secretary of state in council. Sir Ross Barker was the first chair, and he and his successors built up the PSC on the model and in accordance with the traditions of the British Civil Service Commission.

The functions of the PSC were not laid down in the Government of India Act 1919, but were regulated by the Public Service Commission

(Functions) Rules 1926 framed under Sub-section (2) of Section 96 (C) of the Government of India Act 1919. These rules provided for consultation with the PSC on questions connected with recruitment to All-India Services and to the Central Services Class I and Class II, on questions of drawing up of syllabi for examinations and of qualifications for recruitment by selection, on promotions to these services, on disciplinary cases and on questions connected with pay and allowances, pension, provident or family pension funds, leave rules and conditions of service.

The secretary of state in council for India subsequently made a rule authorising the Madras Legislature to make laws for the establishment of a commission to regulate the public services of the Presidency of Madras (now called Tamil Nadu). The Madras Services Commission Act 1929 set up such a commission for the province of Madras. Punjab passed similar legislation, but no commission was set up there because of lack of finance.

The Simon Commission recommended the setting-up of service commissions in all the provinces in order to relieve ministers from the technical work of recruitment and to prevent them from being exposed to the charge (however ill-founded) of using their positions to promote family or communal interest at the expense of efficiency or just administration of the services. This recommendation was eventually accepted by the British government and was included in the White Paper of December 1931, which contained proposals for Indian constitutional reforms. The White Paper also included a blueprint of the PSCs for the proposed federation and the provinces. The report of the Joint Committee on Indian Constitutional Reforms (1934) was the next step in this direction.

The proposals contained in the White Paper with regard to the PSCs, as further elaborated in the report of the Joint Committee on Constitutional Reforms (1934), were given concrete form in Sections 264–68 of the Government of India Act 1935. The Act envisaged a PSC for the federation and a provincial PSC for each province or group of provinces. Provision was also made whereby the same provincial commission would be able to serve the needs of two or more provinces jointly; alternatively, the PSC for the federation, if requested so to do by the governor of a province, might, with the approval of the governor-general, agree to serve all or any of the needs of a province.

The sections of the Government of India Act 1935 relating to the PSCs were brought into force on 1 April 1937, and the then-PSC at the centre became the Federal PSC. The Constituent Assembly saw the need to give a secure and autonomous status to PSCs at both federal and provincial levels to ensure unbiased recruitment to civil services and also for the protection of service interests. After independence, with the promulgation of the new Constitution for independent India on 26 January 1950, the Federal PSC was accorded a

constitutional status and was renamed UPSC. The chair and members of the Federal PSC became the chair and members of UPSC by virtue of Clause (1) of Article 378 of the Constitution (Box 4.2).

Box 4.2 Article 378 of the Constitution

378. Provisions as to Public Service Commissions

1. The members of the Public Service Commission for the Dominion of India holding office immediately before the commencement of this Constitution shall, unless they have elected otherwise, become on such commencement the members of the Public Service Commission for the Union and shall, notwithstanding anything in clauses (1) and (2) of Article 316 but subject to the proviso to clause (2) of that article, continue to hold office until the expiration of their term of office as determined under the rules which were applicable immediately before such commencement to such members.
2. The members of a Public Service Commission of a Province or of a Public Service Commission serving the needs of a group of Provinces holding office immediately before the commencement of this Constitution shall, unless they have elected otherwise, become on such commencement the members of the Public Service Commission for the corresponding State or the members of the Joint State Public Service Commission serving the needs of the corresponding States, as the case may be, and shall, notwithstanding anything in clauses (1) and (2) of Article 316 but subject to the proviso to clause (2) of that article, continue to hold office until the expiration of their term of office as determined under the rules which were applicable immediately before such commencement to such members.

4.1.2 Structure and functions of PSCs

The PSCs at the centre and in the states are creations of the Constitution of India. As constitutional authorities, they derive their right and privilege from the Constitution of India. The legislature and the executive cannot change the structure and functions of these PSCs. To appreciate the beauty and strength of the constitutional design requires faithful reproduction of the constitutional provisions. Any change in words can be misinterpreted. Hence, in this section we reproduce the relevant articles of the Constitution (Articles 315 through 323).

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 need 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 State as respect the particular matter in question.

Article 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 date of their respective appointments have held office for at least ten years either under the Government of India or under the Government of the 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.

(I-A) 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 (I) to the vacant office has entered on the duties, thereof, 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 the State Commission may appoint for the purpose.

2. A member of a Public Service Commission shall hold office for a term of 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) of Article 317.
3. A person who holds office as a member of a Public Service Commission shall, on the expiration of his term of office, be ineligible for re-appointment to that office.

Article 317: Removal and suspension of a member of a Public Services Commission

1. Subject to the provisions of Clause (3), the Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President has on inquiry held in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.
2. The President, in the case of the Union Commission or a Joint Commission, and the Governor, in the case of a State Commission, may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court under Clause (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
3. Notwithstanding anything in clause (1), the President may by order remove from office the Chairman or any other member of a Public Service Commission if the Chairman or such other member, as the case may be –
 - a. is adjudged as insolvent; or
 - b. engages during his term of office in any paid employment outside the duties of his office; or
 - c. is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

4. If the Chairman or any other member of a Public Service Commission is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of Clause (1), be deemed to be guilty of misbehaviours.

Article 318: Power to make regulations as to conditions of Service Condition of members and Staff of the Commission

In the case of the Union Commission or a Joint Commission, the President and, in the case of a State Commission, the Governor of the State may by regulations –

- a. determine the number of members of the Commission and their conditions of service; and
- b. make provision with respect to the number of members of the staff of the Commission and their conditions of service: Provided that the conditions of service of a member of a Public Service Commission shall not be varied to his disadvantage after his appointment.

Article 319: Prohibition as to the holding of offices by members of Commission on ceasing to be such members

On ceasing to hold office:

- a. the Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government of a State;
- b. the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Commission, but not for any other employment either under the Government of India or under the Government of a State;
- c. a member other than the Chairman of the Union Public Service Commission shall be eligible for appointment as the Chairman of a State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;
- d. a member other than the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman

or any other member of the Union Public Service Commission or as the Chairman of that or any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a State;

Article 320: Functions of Public Service Commissions

1. It shall be the duty of the Union and the State Public Service Commission 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 principals 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 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, 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 15 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 of 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 Houses or both Houses of the Legislature of the State may make during the session in which they are so laid.

Article 321: Power to extend functions of Public Service Commission

An act made by Parliament or, as the case may be, the Legislature of a State may provide for the exercise of additional functions by the Union Public Service Commission or the State Public Service Commission as respects the services of the Union or the State and also as respects the services of any local authority or other body corporate constituted by law or of any Public Institution.

Article 322: Expenses of Public Service Commission

The expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members of staff of the Commission, shall be charged on the consolidated Fund of India or, as the case may be, the Consolidated Fund of the State.

Article 323: Reports of Public Service Commission

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.

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 States, 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.

Conclusion

It is clear from the above reading of the Constitution that the powers of UPSC are confined within its advisory activities only. In the famous case of *D. Silva vs. the Government of India (1962)*, the Supreme Court of India has also upheld this view. It is interesting to note that nowhere in the whole Constitution of India is anything said that gives USPC advice a binding effect on the government at the centre.

The Constitution of India has made the PSC a mere advisory institution, required to give advice on the subject sent to it by the president of India or by state governors. Accepting or refusing their advice is at the absolute discretion of the respective governments. This is because India has adopted a form of responsible democratic government whereby the Council of Ministers cannot delegate its responsibilities to employees of any other organisation but at the same time cannot neglect the advice given by a commission consisting of experienced and expert persons. Since the Council of Ministers is responsible to the legislature, ministers themselves, rather than any commission, should shoulder responsibility for the task of keeping up the standard of the images and activities of civil servants before the people.

In order to prevent ministers from taking any undue advantages or using UPSC for their own personal and party interests, the Constitution has taken two precautionary measures.

1. The government must consult UPSC regarding the appointment of its employees and other matters relating to its interest.
2. If the recommendation or advice of UPSC is not accepted, the government is to explain the reason for such non-acceptance to Parliament.

The government of India can appoint an employee without the recommendation of UPSC but such an employee cannot be appointed for more than a year. If such an employee is to be appointed for more than a year,

the approval of UPSC is needed. Moreover, if the government does not take the recommendations or advice of the UPSC or refuses or neglects it, the reasons for this are to be reported to Parliament.

4.1.3 Functioning and performance of UPSC

As mentioned above, the functions of UPSC are prescribed in Article 320 of the Constitution. These include:

1. Conduct of examinations for appointment to the Services of the Union.
2. Direct recruitment by selection through interviews.
3. The Commission shall also be consulted on:
 - a. Appointment of officers on promotion/deputation/absorption.
 - b. Framing and amendment of Recruitment Rules for various Services and posts under the Government of India and Union Territories.
 - c. Disciplinary cases relating to different Civil Services.
 - d. On any matter referred by the President of India.

Performance of UPSC over the years against its functions

It is clear UPSC has done a good job of making use of limited resources to deliver an ever-increasing volume of work. An increase in applications for various positions is a good proxy for an increase in all other related areas of work. When more people apply, more people are hired. With an increase in the number of civil servants, we have a larger number of grievances and issues to handle. We describe some of the parameters below.

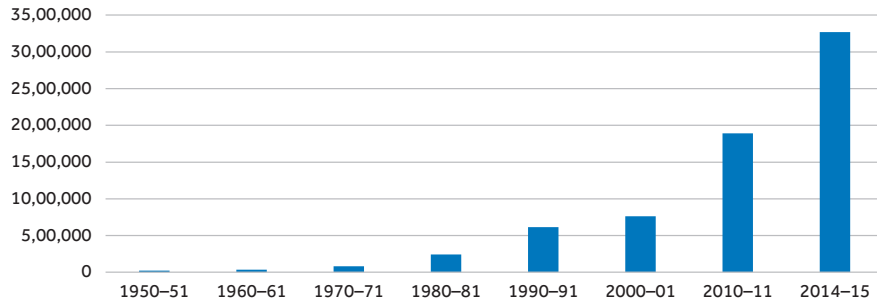
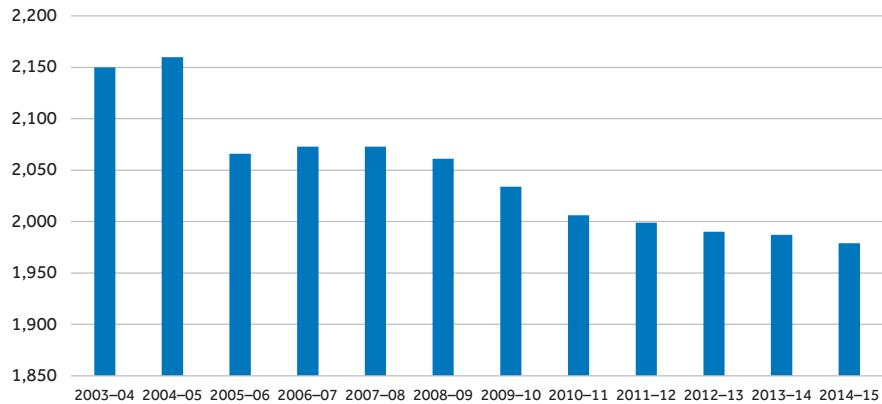
Single Window System

The Single Window System was first adopted in the PSC in the year 2011 and has been extended in a phased manner to cover the various functions. It is intended to expedite the processing of promotion/deputation cases, selection committee meetings, disciplinary cases, recruitment rules proposals and direct recruitment cases.

Ministries/departments/state governments are required to bring their proposals in person to the PSC. A designated official of the rank of under-secretary in the respective branch of the PSC scrutinises the proposal.

Table 4.1 Applications received, candidates interviewed/service records evaluated and candidates recommended over the years

Year	No. of applications received		Candidates interviewed/service records evaluated		No. of candidates recommended		None found suitable	Total
	Exam	Recruited	Exam	Recruited	Exam	Recruited		
1950–51	24,680	18,047	3,383	6484	2,780	883	120	3,783
1960–61	34,349	36,833	4,862	9078	3,298	1,727	249	5,274
1970–71	81,539	65,197	3,473	13706	4,187	2,059	190	6,436
1980–81	243,374	58,748	9,256	14090	4,093	2,591	361	7,045
1990–91	615,850	72,079	13,838	16788	4,609	2,341	655	7,605
2000–01	762,501	48,019	3,351	5662	4,177	1,050	179	5,406
2010–11	1,893,030	106,083	5,342	4083	4,896	1,117	155	6,168
2014–15	3,267,794	121,420	9,792	5480	5,969	2,303	241	8,513

Figure 4.1 Applications received**Figure 4.2 Total staff strength****Table 4.2 Disciplinary cases**

Year	Number of disciplinary cases disposed of during the year	Number of disciplinary cases in which advice was tendered	Deficient proposals returned
1950-51*	53	53	—
1960-61	101	64	37
1970-71	161	102	59
1980-81	381	260	121
1990-91	489	195	294
2000-01	815	566	249
2010-11	826	417	409
2014-15	567	463	104

Table 4.3 Recruitment rules cases (1950–2015)

Year	Recruitment rules cases received	Recruitment rules cases advised on
1950–51	–	–
1960–61	332	299
1970–71	934	907
1980–81	1241	1359
1990–91	1660	1659
2000–01	1209	1233
2010–11	1386	1372
2011–12	1306	1335
(Note: The Single Window System was introduced with effect from 1 September 2011. Therefore, the analysis has been done in two stages, i.e. prior to the introduction of Single Window System [i.e. up to FY 2011/12] and post-introduction [i.e. from FY 2012/13 to FY 2014/15].)		
2012–13	696	726
2013–14	642	648
2014–15	604	601

Table 4.4 Induction into All India Services

Year	No. of records examined for induction into All India Services (officers recommended)
1950–51	–
1960–61	2,054
1970–71	1,617
1980–81	2,010 (499 officers)
1990–91	1,488 (543 officers)
2000–01	840 (268 officers)
2010–11	1,105 (418 officers)
2014–15	1,149 (394 officers)

Table 4.5 Deputation/absorption cases

Year	No. of records examined for promotion/deputation/absorption cases (officers recommended)
1950–51	–
1960–61	5,200
1970–71	12,924
1980–81	20,711
1990–91	35,645 (4,100 officers)
2000–01	32,726 (6,221 officers)
2010–11	17,574 (3,978 officers)
2014–15	12,064 (7,055 officers)

Table 4.6 Reduction in proposal processing time in PSC after adoption of Single Window System

Year	Direct recruitment	DPC	Deputation	Disciplinary cases	Recruitment rules
2007–08	397 days	133 days	180 days	180 days	33 days
2014–15	261 days	62 days	79 days	114 days	20 days
Effective reduction in time (%)	36.5%	53.4%	56.1%	36.6%	39.4%

4.1.4 Review of existing literature

This study fills an important gap in the literature. It represents the first comprehensive description and analysis of UPSC in India. The available literature on this topic can be classified into three broad categories: studies that focus directly on the Indian PSC itself; papers that focus on the civil service and tangentially on PSCs; and official documents on PSCs.

The first-category studies are essentially descriptive in nature and generally deal with historical developments leading up to the setting up of PSCs in India (Ali, 2001; Pradhan, 2005; Tangirala, 2009); descriptions of the Civil Service Examination in India and its relevance in the current settings (Ligairi et al., 1971); the significance of vernacular languages in the Civil Service Examination; and the qualification of PSC members at personal and professional level (Tyagi et al., 1959).

Studies exploring historical developments give insights on the underlying spirit/objectives behind PSC advocacy in the pre- and post-independence eras. In the pre-independence period, the prime objective was Indianisation of the civil services to make inroads into the administrative decision-making machinery (Pradhan et al., 2005). However, during the post-independence period, the objectives were changed to securing independence of the civil service from the executive; custodian of merit in the civil services; and a balanced membership of the commission (Tyagi, 1959). Bhalerao (1958) agrees to these objectives and observes that one of the key objectives of establishing a PSC was to ensure a position of stability and security for the civil service, qualities that are fundamental to its successful in working as a neutral, impartial and efficient instrument of the government in implementing public policies.

Tangirala (2009) explores the sociological dimension associated with the PSC and analyses the intervention of UPSC in reintroducing the knowledge of vernacular in 1979 in keeping with the recommendations of the Kothari Committee. He concludes that the preferences of candidates taking this exam in vernacular reflect a new confidence in the linguistic landscape of India, and that this shift has helped people realise their right to equal

opportunity *vis-à-vis* taking the examination and has made the examination more inclusive. Moreover, he highlights one of the key determinants of the prevailing social stratification system in India — that entry into the civil service makes it possible to scale the higher echelons of the social class system. The growing trend in the number of candidates validates this claim (Davis and Moore, 1945).

Studies falling under the second category — the Indian civil service — comprise the larger part of the available literature. Here, the literature does not directly describe performance management and the impacts of the PSC. These studies focus on the role and rationale of All India Services (Sinha et al., 1959; Smith et al., 2005); civil/public service reforms (Pradhan, 2005); and the merit system in the civil service (Jain, 1972). Although these studies give an account of the Indian civil service's elevated status, which is arguably an outcome of the PSC's efforts, no serious attempt has been observed that explicitly establishes correlation/a causal relation between PSC efforts and the status of the services in India. Rather, most studies explore the interface of public services and the PSC. For instance, merit, a key principle adopted by the PSC in India in the recruitment of civil servants, is explored and given various interpretations in different studies. It has been considered achievement-based selection and performance-based progress (Stahl, 1962); an orderly recruitment/promotion of public servants based on ability (Lomax, 1950); and equality of opportunity and the doctrine of competition (Roy, 1941).

However, a few studies on the operation of the merit system in India highlight the limitation of the PSCs *vis-à-vis* reservation of seats in the civil service for certain communities; the constitutional provision of exemption from consultation with the PSC; and the temporary appointments that flout the merit principle, which comes under the protection of the Constitution of India (Jain, 1972).

The third-category literature comprises annual reports and various reports on the PSC at state, national and international level. UPSC annual reports validate the fact endorsed by most of the earlier mentioned studies that the Indian PSC at the federal level has been successful in conducting examinations regularly, on a merit basis and in a time-bound manner. This disciplined carrying-out of its key function in a fair manner has earned UPSC a fair amount of respect and trust in India as well as abroad (UPSC, 2015).

A comparative study of the PSCs of SAARC member nations (2014) reveals a key fact about the Indian PSC: unlike some of the other PSCs in the world, it does not have direct executive powers to control or regulate the Indian civil service. Rather, most of its powers are advisory in nature, and have been

largely ignored by the government of late. This dilutes the position of the commission as a guardian of the civil service.

4.1.5 Comparison of UPSC with state-level PSCs

The following paragraph from Assam state conveys this comparison eloquently:

The Assam Public Service Commission has to discharge the duties and functions specified in Article 320 of the Constitutions. The Commission apart from conducting examinations for appointments to the services of the state, is required to advise Government on all matters relating to framing of Recruitment Rules, Principle to be followed in making appointments, promotions and in respect of disciplinary matters affecting Civil Servants. Hence it is required to consult the Commission in the matters of recruitment, promotions; Disciplinary matters, framing of Recruitment Rules and other Service matters of the Assam State Services (Namely ACS, APS, AFS, AESS, Ranger course in Forestry, B.D.O. etc.). One of the major functions of the Commission is to conduct its Combined Competitive Examination regarded as the most prestigious examination, for selection to Assam Civil Services & Other allied categories. The Commission could also be consulted in respect of appointment to certain categories of posts of a local authority statutory corporation, or a public institution under the provisions of Article 321 of the Constitutions.

It is clear that state-level PSCs in India derive their structure and functions from the same articles of the Indian Constitution. Hence, they are replicas of UPSC. The main difference is in their functioning. UPSC enjoys relative autonomy, as it is under the national spotlight and the executive knows not to interfere with it. The story in the states is quite different. State PSCs are prone to greater political interference. Their functioning depends on the quality of the leadership. If they get a competent chair, they can work well for some time.

The Constitution endows these commissions with a purely advisory role. However, over the years, a convention has developed that the state and central governments accept their recommendations. The PSCs in their mandatory annual report to the president or the governor, as the case may be (Article 323), are expected to highlight cases in which governments do not accept their advice. Reports on this are then laid on the table of the Parliament/state legislature. There are, however, instances of delays in the acceptance of commission recommendations. This is particularly true for state-level PSCs.

In short, the system of recruitment at both centre and state levels is more or less the same. The state governments have followed the central government, *mutatis mutandis*, in all respects.

4.1.6 Comparison of UPSC with other SAARC PSCs

SAARC came into being when its Charter was formally adopted on 8 December 1985 by the Heads of Government of seven countries: Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Afghanistan was added to the regional group in April 2007. SAARC is a manifestation of the determination of the peoples of South Asia to work together towards finding solutions to their common problems in a spirit of friendship, trust and understanding and to create an order based on mutual respect, equity and shared benefits. The main goal is to accelerate the process of economic and social development in member states, through joint action in the agreed areas of cooperation.

Public/civil service commissions in SAARC

A public/civil service commission is a government agency, established under the provision of Constitution or law or executive order. The commissions are important pillars of the national integrity system and have a very significant role in promoting excellence in the public administration by selecting the most competent persons to render public services. The commissions attempt to attract the best talent by upholding the principles of merit, professionalism, equality and fair play. This is a challenging task and demands the availability of adequate institutional and human capacities in the region.

The areas of cooperation of the public/civil service commissions of the SAARC member states include sharing of experiences and expertise in civil service matters, such as recruitment and selection, exchange of resource persons and development of professional skills of officers and staff through attachment and training programmes. In the first Meeting of Chiefs of the Public/Civil Service Commission of SAARC Member States, held in New Delhi on 20–22 November 2010, delegates from all SAARC PSCs participated and delivered presentations on the role and functions of their commission. The meeting decided the SAARC Secretariat should carry out a detailed study of SAARC commissions to identify similarities and dissimilarities, including their operational status and challenges faced, so as to arrive at possible best practices.² Attracting the best talent, upholding the principles of merit, professionalism, equality and fair play, is a challenging task: good practices adopted by the PSCs of the SAARC region need to be shared for benefit of other commissions.

In any governance system, the quality of public servants is critical; in this context, recruitment of suitable persons is of great importance. Those aspiring to be civil servants must have not only the required skills and knowledge but also the right values: integrity, commitment to public service and, above all, dedication to the ideas and philosophy embodied in the Constitution. Therefore, the recruitment process, apart from being transparent, objective, fair and equitable, should also ensure the right type of person joins the civil services.

Similarities and dissimilarities between UPSC and other SAARC PSCs

In order to understand the similarities and dissimilarities prevailing in the functioning and establishment of the public/civil service commissions of the region, a questionnaire was designed to gather the required information from all the commissions. Some important findings are summarised below:

Establishment, terms and conditions of the commission

- UPSC as it is known today was rechristened after India's independence and accorded constitutional status in January 1950. Among the SAARC commissions, that of Maldives, established in 2007, is the youngest among the SAARC member states.
- Bangladesh's PSC is the largest, with 14 members. The Civil Service Commission of Maldives is the smallest, with three members.
- The president/king of the respective country appoints the chair and members in all commissions.
- The tenure of chairs and members varies from three to six years or up to the maximum age of sixty-five years. In Afghanistan, Pakistan and Sri Lanka, tenure is three years. In Bangladesh, Bhutan and Maldives, it is five years. In India and Nepal, it is six years. Sri Lanka has not imposed a maximum age limit.
- The appointment period of the chair and members is protected under the law, and an oath is mandatory for the chair and members on taking office in all commissions, except in Afghanistan.
- After completing the tenure of chair/member, re-employment in any other service is permissible in Afghanistan, Bangladesh, Maldives, Nepal and Sri Lanka; it is not permissible in Bhutan, India and Pakistan.
- As per the perks and privileges in terms of salary and allowances payable to chair and members, Pakistan PSC ranks the highest, followed by Afghanistan and India. Maldives is the lowest and Sri Lanka is second lowest.
- In Afghanistan, India and Pakistan, the country president is the competent authority to formulate terms and conditions for the commission. In Bangladesh, Bhutan, Maldives and Nepal, authority rests with the Parliament. In Sri Lanka, the commission itself is the authority.
- In making terms and conditions for commission staff, authority in Bangladesh, India and Pakistan rests with the president. In Nepal, it is with the Parliament. In Afghanistan, Bhutan, Maldives and Sri Lanka, the respective commissions enjoy this authority.

- To formulate business rules, in Afghanistan and Bangladesh the president is the competent authority. The commissions in Bhutan, India, Maldives and Nepal have the same authority, but in Pakistan approval of the federal government is required.
- The Indian PSC has the highest numbers of officers and staff, followed by the commissions in Pakistan and Bangladesh. The commissions of Maldives and Bhutan have the lowest strength of employees.
- In India, Pakistan and Sri Lanka, there are PSCs at the state/provincial level as well. Such commissions do not exist in other SAARC countries.

Functions of civil/public service commission

- The main functions of the PSCs of Bangladesh and Pakistan are limited and similar in nature. They are restricted to recruitment and selection, besides an advisory role on certain matters. Functions assigned to the Indian UPSC are also extended to disciplinary matters.
- The functions of the Royal Civil Service Commission of Bhutan as the central personal agency of the government include recruitment, appointment, training, transfer and promotion of civil servants. The PSCs of Nepal and Sri Lanka play the role of appointment, promotion, transfer and disciplinary action against civil servants. The tasks of the Afghanistan commission are advisory and also entail policy formulation on civil service matters, as well as training and capacity-building. The Maldivian Civil Service Commission functions include appointment, dismissal from service and determination of salary and other financial benefits for civil servants.
- Almost all the commissions of SAARC member states have provision under the law to design syllabi for the examinations/tests conducted by the respective commission.
- The commissions in Afghanistan, Bhutan, Maldives and Pakistan have the provision by law to conduct post-training examinations. However, in Bangladesh, India, Nepal and Sri Lanka there is no provision.
- For the promotion of civil employees to higher posts, the commissions of Bangladesh, Bhutan, India, Nepal and Pakistan conduct promotional examinations. In the commissions of Afghanistan, Maldives and Sri Lanka, there is no such provision by law.
- In Afghanistan, Bhutan and Maldives, the commissions have a provision to design training courses for personnel recruited through

the respective commission. There is no such provision in the commissions of Bangladesh, India, Nepal, Pakistan and Sri Lanka.

- For nomination of personnel for training, the commissions of Afghanistan, Bhutan and Maldives have the provision to make suggestions; in the rest of the commissions, there is no provision to interfere in the process of nomination.
- All the commissions in the region have the provision under law to play a role in disciplinary cases initiated by the government against civil servants recruited through the commission, except in Pakistan.
- Review of the advice tendered by the commissions in any matter under their purview is mandatory in Afghanistan, Maldives, Pakistan and Sri Lanka. It is advisory in Bangladesh and Nepal. India's UPSC is a recommendatory body and in Bhutan the commission takes decisions on its own on all civil service matters except those specified in the Constitution.
- In relation to recruitment rules for civil servants, the commissions of Afghanistan, Bangladesh, Bhutan, India, Maldives, Pakistan and Sri Lanka have a mandatory role in framing and finalising these. In Nepal, the commission has an advisory role.
- In Afghanistan, Bhutan, India and Maldives, the commissions are competent to recruit officers/staff of institutions, and this is established under the law. In Bangladesh, Nepal, Pakistan and Sri Lanka, the commissions do not have this authority.
- All the commissions have an obligation to submit an annual report on functions performed either to the president or to Parliament, as required under the law.
- In the case of the Nepal PSC and the Maldives Civil Service Commission, the chair is an *ex-officio* member of the Judicial Service Commission, as provided for under the Constitution. In Pakistan, the chair is the head of the Central Selection Board for Promotion of Civil Officers to BS-20 and BS-21, under provision of the Civil Servant Act 1973. No other commission has such provision under the respective country's law.
- There is no provision that members of the commissions become *ex-officio* members of the selection boards of other institution except in Bhutan, Maldives, Nepal and Pakistan.

Methods of recruitment

- The methods of recruitment adopted by the commissions of the SAARC countries include written examinations and interviews

according to the job requirements. There is no dissimilarity on such procedures in any of the commissions.

- In Afghanistan, Bhutan, India, Maldives and Sri Lanka, the government can make *ad hoc* appointments without prior approval of the commission. In Bangladesh, Nepal and Pakistan, there is provision by law to make *ad hoc* appointments with prior approval of the commission. Contract appointments can be made by the governments in all SAARC countries without prior approval of the commission, except in Maldives.
- Shortlisting of candidates in larger recruitment cases in the commissions of Bangladesh, Nepal and Pakistan is carried out through written tests only. In Afghanistan, Bhutan, India and Sri Lanka, the academic record of candidates is also taken into account. In Maldives, shortlisting of candidates is carried out only on the basis of academic record.
- All commissions have assigned weightage to the academic record of the candidates in their selection criteria, except in Bangladesh, Nepal and Pakistan.
- In the selection process, weightage assigned to interviews varies, from 10 to 20 per cent, or higher for a certain level of posts. The Pakistan commission has assigned the highest weightage to interviews in the selection process. It is worth mentioning that, during the selection of BS-20 and above posts, Pakistan assigns 100 per cent weightage.
- The average time taken to complete the recruitment process in Bhutan and Maldives is a minimum of one month for selection by interview and six months for selection through examination + interview; this is the lowest time span among the SAARC countries. Bangladesh and Pakistan see the highest time span, ranging from eight to ten months or even more in certain recruitment cases.
- The annual receipt and processing of applications for various jobs is highest in terms of number in Bangladesh, followed by India and Pakistan. The number of applications is lowest in Bhutan.
- In India, applications for jobs are received online. Both online and paper-based applications are received in all other commissions.
- In Bangladesh, India and Pakistan, facilities for centralised data processing of applications are available, with databases in place for the past four to fifteen years. Such a facility is not present in other commissions of the region.

- Withdrawal of requisition for recruitment is admissible in all the commissions of SAARC countries but at different stages. In Afghanistan, Bhutan, Maldives and Nepal, requisitions can be withdrawn by the concerned ministry/organisation before advertisement of the post. In other commissions, they can be withdrawn before conducting tests or interviews.

Conduct of tests and examinations

- For shortlisting of candidates, objective type tests are used by the commissions in Bangladesh, Bhutan, India, Nepal and Pakistan. Maldives and Sri Lanka use a combination of both objective and subjective tests. In Afghanistan, only descriptive tests are in practice.
- Shortlisting of candidates is done by the commissions in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal and Pakistan. Sri Lanka's commission seeks assistance from the administrative authorities or other agencies in shortlisting candidates.
- In all the commissions, staff administer tests and examinations, except in Sri Lanka, where other organisations are hired to conduct the tests/examinations.
- The Nepalese commission conducted the highest number of tests and examinations during the years 2010 and 2011. The commissions in Bhutan and India conducted the lowest number of tests/examinations during this period.
- To conduct tests and examinations, all commissions follow a paper-based system. However, some commissions, like India, Pakistan and Sri Lanka, are planning to undertake computer-based testing for certain jobs, with an objective test (MCQ) administered for shortlisting and selection of candidates.
- The commissions in Afghanistan, Bhutan, India, Nepal and Sri Lanka maintain a data bank of questions for tests and examinations; in Bangladesh, Maldives and Pakistan, no such data bank exists.
- In Bhutan and Maldives, the commissions are the appointing authorities of officers/officials. In other countries, appointing authorities are specified under the civil service laws/rules of the respective country.

Conduct of interviews

- Commissions in India and Sri Lanka have a larger board/committee for interviews as compared with other countries.

- In Afghanistan, Bhutan and Pakistan, interviews for certain posts are conducted by one and the same committee. However, in Bangladesh, India, Maldives and Nepal, there can be more committees if there are more candidates to be interviewed for certain jobs. In Sri Lanka, the administrative authority and not the commission conducts the interview.
- In all the commissions, members award marks separately to the candidate during interviews, except in Bangladesh, India and Pakistan, where the interviewing committee/board collectively awards marks.
- In Bangladesh, India and Maldives, the interview committees write a report on the strengths and weaknesses of the candidates observed during the interview. This system does not prevail in any other commission.
- There is uniformity in all the commissions that interviews are conducted on the physical appearance of candidates before the committee/board.
- All the commissions are in practice able to invite subject specialists/departmental representatives to assist in conducting interviews.
- The commissions of Bangladesh and Sri Lanka have allocated some weightage in terms of marks to be awarded on the recommendations of departmental representatives or subject specialists. In all other commissions, no weightage is given to them in terms of marks.

Provision of quotas in recruitment

- In Bangladesh, Nepal and Pakistan, the quota for various provinces/regions of the country is prescribed under the law to ensure their participation in the civil services of the country. There is no such provision in Afghanistan, Bhutan, Maldives and Sri Lanka. In India, reservation is prescribed for Scheduled Castes, Scheduled Tribes, Other Backward Classes and physically handicapped persons for participation in the services.
- In Afghanistan and Bhutan, there is no quota system and recruitment is made on open merit. In Bangladesh and Pakistan, the quota system in the services is based on the population ratio of various regions of the countries. In India, Nepal and Sri Lanka, some representation in the services is given on other grounds, as specified in the service requirements.

Provision of age relaxation in recruitment

- The commissions of Afghanistan, Bhutan and Maldives do not provide any age relaxation. In Bangladesh, age relaxation is given to freedom fighters and their children, doctors and tribals. In India and Sri Lanka, there is provision for age relaxation for government servants. Age relaxation is given to minorities, women, widows and disabled persons in Nepal and Pakistan. In Bangladesh and Sri Lanka, age relaxation is not considered for women, widows and disabled persons. In India, while age relaxation is not considered for women and widows, the same is provided to disabled persons.
- In Afghanistan, Bangladesh and Pakistan, the president of the country is competent to grant age relaxation to applicants. In Bhutan and India, the commission allows age relaxation following the relevant rules. In Nepal and Maldives, age relaxation is not applicable for recruitment purposes.

Psychological tests

Psychological testing is not carried out for all posts recruited through the commissions. In Afghanistan, Bangladesh, India and Maldives, there is no system of psychological testing of candidates. In Nepal and Pakistan, different types of tests (verbal and non-verbal, problem-solving, personality tests, pictorial reasoning and ability tests) are used.

Representations and appeals against decisions of the commissions

- In Bangladesh and Nepal, there is no quasi-judicial function; the rest of the commissions have been assigned this function to redress the grievances of candidates.
- Candidates have the right of representation against any decision of the commission in the entire SAARC region, except in Bangladesh and Sri Lanka.
- The number of court cases filed by aggrieved candidates against the decisions of the commissions during the years 2010 and 2011 was highest in India, followed by Pakistan. Such cases were lowest in number in Nepal, followed by Bangladesh.

Communication with applicants

- The different commissions follow different modes of communication with candidates. Afghanistan and Bhutan communicate through telephone and e-mail. Bangladesh, Maldives and Pakistan use the postal service, SMS, the website, telephone and e-mail. In India communication is through e-mail and the website. Sri Lanka communicates through the post and courier services.

- The commissions in Bangladesh, Bhutan, India, Nepal and Pakistan have a helpline/call centre for candidates, providing the required information and enabling the submission of applications. This facility is not available in Afghanistan, Maldives and Sri Lanka.

Challenges to commissions

Challenges faced by commissions in performing their duties are numerous. The commissions address these according to their local requirements. The main constraints include lack of adequate infrastructure, non-availability of a question data bank, lack of information, communication and technology (ICT) facilities (except in India and Pakistan), manual marking of answer scripts, which is a time-consuming activity, insufficient opportunities for training and development of commission staff, etc.

Recommendations based on the comparative study of PSCS in SAARC

After detailed study of the functioning and structure of all public/civil service commissions of the SAARC member states, the following findings were derived, along with practical recommendations on each finding for improvements in their functioning and recruitment system:

- The tenure of office of the chair and members ranges from three years to six years; this could be uniform and increased up to a maximum period of five years.
- There should be no provision for any further extension or re-employment after completing the tenure of five years or attaining the maximum age of sixty-five years, whichever is earlier.
- There is wide-ranging variation in perks and privileges offered to chairs and members of the commissions in the region. This gap needs to be minimised, keeping in view the economic and social conditions of the respective country.
- The functions assigned to all the commissions also vary widely in terms of recruitment, promotion, transfer, training, disciplinary actions and decisions on pension benefits. The functions need to be uniform, through amendments in the prevalent constitutions and laws, etc.
- The different commissions administer different types of tests and examinations. There is a need for consistency in types of test/examinations and methods of recruitments adopted by commissions across the region.
- The test and examination systems of the commissions of Bangladesh, India and Pakistan are well organised and should be followed by the commissions of the other countries.

- There are gross dissimilarities in the formulation of interview boards. To select the most suitable candidates and to uphold merit, fairness and transparency, a minimum of three commission members should constitute the board in commissions.
- Wide dissimilarities are observed in commission selection processes. All commissions should assign weightage to academic record, shortlisting/screening tests and interviews.
- For maximum use of ICT, an online system of recruitment (receipt of applications, conduction of MCQ tests, communication with candidates through e-mails/SMS, etc.) may be adopted step by step and encouraged. There is a priority need to strengthen ICT facilities in the commissions that are lacking such services.
- The commissions provide for right of representation and appeals for aggrieved candidates to all candidates. Representations should rest with the commission and appeals to the higher courts of law.
- The establishment of commissions in the SAARC region needs to be strengthened, keeping in view the functions assigned and the workload of each commission. This will automatically discourage outsourcing of the work of the commissions.
- To share the experiences of officers dealing with recruitment, ICT, research and development, all member state commissions can arrange workshops and conferences on a rotating basis. This will be beneficial to redress the challenges facing the commissions and staff members. In this context, India, Pakistan and Bangladesh need to play leading roles.
- According to Bangladesh's Recruitment in Non-Cadre Posts (Special) Rules 2010, examinees who pass the Bangladesh Civil Service Examination but are not recommended finally in any cadre owing to the limited number of available posts will be given opportunities for recruitment in Class I non-cadre posts of the same level according to their qualifications and willingness. The Royal Civil Service Commission of Bhutan has a similar practice. Other commissions should follow this good practice adopted by Bangladesh and Bhutan.
- In India, all female candidates have been exempted from payment of fees for commission examinations. This is a good incentive to promote female participation in the civil service. There is a need to replicate this practice in other commissions as well.
- With the launch of the interactive voice response (IVR) system by UPSC, India, candidates have access to information on the telephone relating to the schedule of the examinations, the status

of the application, the venue and the result of the examination. The IVR system can gradually be introduced into other commissions in the region.

- No serving officer can become chair/member of Pakistan's commissions. There is a need to explore the advantages and disadvantages of this aspect before adopting it.
- Disabled candidates in the categories of the physically impaired, the hearing/speech impaired (deaf and dumb) and the visually impaired (blind) are allowed to compete in the Competitive Examination in Pakistan against four occupational groups/services: the Commerce and Trade Group; the Pakistan Audit and Accounts Service; the Information Group; and the Postal Group. Other commissions can follow this good practice.
- The Sri Lanka PSC remained non-functional for two years (2009–11), and the Cabinet of Ministers performed its functions. In such circumstances, the functioning of the commission is hampered and it takes time to resettle. There is a need to discourage such practice in future.
- In the UK Commission, audit recruitment policies and practices within the service establish whether the appointing authority is observing the recruitment code. Bhutan has also a system, as per Section (9) of the Civil Service Act, to conduct periodic human resources auditing across all agencies to ensure not only recruitment but also appointment, staffing, training, transfers and promotions of civil servants are as per the prescribed codes (particularly the Civil Service Act and the Bhutan Civil Service Rules) and, if not, to revoke (Section 28b of the Act) any human resources actions taken by implementing agencies. All commissions of the region should adopt this practice.
- In UK, for in-service candidates, there is no age or educational qualification restriction for those appearing in the Competitive Examination through the Fast Stream Assessment System. Two years of service is a mandatory requirement. Commissions in SAARC could review this practice for adoption.
- The Singapore Civil Service is one of the most efficient and least corrupt in the world, with the highest-paid civil servants. This system needs in-depth study so that commissions in SAARC can follow its good practices.
- In Australia, there is no maximum age limit for all posts, as the country does not discriminate on the basis of age. All commissions could consider this age relaxation.

- In Malaysia, candidates can register their application at any time of the year without waiting for posts to be advertised. Final-year students in private and public institutions of higher learning are interviewed, to fill vacancies in advance, so as to save time in recruitment. Commissions in SAARC need to look into this good practice.
- Commissions can consider the Fast Stream Assessment System in the UK for implementation to streamline recruitment for the career-based system.
- In Singapore, recruitment is based on open competition: individuals are inducted through psychometric tests rather than narrative written examinations. This practice may be given due consideration for adoption by all commissions in SAARC.
- Singapore implements different scholarships/awards, such as the President Scholarship, the Singapore Armed Forces Scholarship, the Singapore Police Scholarship, local/overseas merit scholarships (open/tied) and scholarships for general recruitment, depending on the job requirement. SAARC commissions could consider this exercise for replication so as to create competition and help uplifting merit among youth.

4.2 The Ghana Public Services Commission

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Overview

The Ghana Public Services Commission is one of the most independent service commissions in Commonwealth Africa. Its independence is derived directly from the Constitution and this has been instrumental in insulating it from any political interference in its work. The commissioners enjoy exemplary security of tenure, which enables them to carry out their work without fear or favour.

Terms and conditions of service for the chair and vice-chair are set as equivalent to those of a justice of the Court of Appeal and those of a justice of the High Court, respectively. Compulsory retirement age is set at 70 for the chair and 65 for the vice-chair, as with the chief justice and the justice of the High Court, respectively.

4.2.1 Introduction

This study offers a detailed look at Ghana's Public Services Commission. The Commission is considered the central management agency responsible for providing supervisory, regulatory and consultative functions pertaining to human resources within the country's public services.³ Its emphasis on

leadership stability, as outlined in the 1992 Constitution of the Republic of Ghana and the Public Services Commission Act (1994), is extolled as a case for best practice, particularly in setting strategic policy direction for effective human resource development in the public service. The study draws on various documents, archival research and field-based interviews with members and staff of the Public Services Commission conducted in June 2016, to explore the effects of the Commission's independence and leadership stability on the management of human resources in Ghana.

The next section traces the evolution of the Commission — which was specifically designated as a public services commission — from the period of British Colonial rule through various regimes after independence. This is followed by an account of the current structure and composition of the Commission, with an emphasis on its mandate and mode of appointments and engagements since 1992. The last section reflects on some of the challenges the Commission faces in steering the management and development of human resources within the public services.

4.2.2 Historical background

The British colonial period

The structures, strengths and challenges of Ghana's Public Services Commission are largely rooted in a long history, dating back to the colonial period. This history can be traced to various reforms in the public services undertaken in the wake of World War II across several African countries, which began with the establishment of various.⁴ In British West Africa, the **Commission on the Civil Services of British West Africa (1945–46)** was established to enquire into the structure, remuneration and superannuation arrangements of the civil service (The National Archives, 1945–48). This Commission, led by Sir Walter Harragin, recommended the creation of a public services commission as an advisory body to the governor to consolidate services and to secure confidence, fairness and impartiality of the public service, in general, and government appointees (Murray and Ashton, 1992: lxxiv). Subsequently, within the Gold Coast (as Ghana was then called), an Interim Public Services Commission, comprising two Europeans and an African, was established in 1948. This received constitutional backing in the 1950 Gold Coast (Constitution) Order-in-Council. Its broader mandate was set out under Article 68 of the 1950 Constitution:

The Governor, acting in his discretion, may refer to the Commission for their advice any question relating to the appointment (including promotion and transfer) or to the dismissal or other disciplinary control of public officers or of any public officer, or to any other matter which, in his opinion, affects the public service.

The 1950 Constitution also set out the Commission's mandate, in purely nominal forms, with no binding effects on the governor. In addition, the terms and conditions for members of the Commission, including appointments, dismissals and sanctions, were entrusted to the governor (Articles 67, 69).

The advisory nature of the Commission's mandate and its nominal form did not escape criticism. Most significantly, the Coussey Committee, established after investigations into the 1948 riots in the Gold Coast, called for more specified roles for the Commission in the appointment of chief commissioners and regional administrators (Paras 339, 433).⁵ Another Commission on the Civil Service of the Gold Coast (1950–51), led by Sir David Lidbury, recommended a more enhanced 'judicial authority' for the Public Services Commission. This was considered a safeguard against the 'evils of political interference,' while promoting meritocracy and inspiring confidence in the services. Specifically, the Commission's report observed:

Nothing can be more damaging to a successful administration than a service whose moral is undermined by political intrigue and interference, or even the suspicion that success or failure depend less on work and ability than on political influence. The evils of political interference do not only affect the public servant; they can be a source of serious embarrassment to the politician. In a country like the Gold Coast where patronage is still something of a tradition, unless Members of the Legislative Assembly are in a position to state clearly that individuals in the Public Service are none of their concern, and that they are in fact powerless to influence individual prospects, their lives may well be made a burden to them by an ever-increasing flow of applications, interviews, prayers and petitions directed to securing their good offices in the matter of the advancement of quite minor officials.

Some notable revisions to the Commission's mandate were made under the Gold Coast Constitution in 1954, which included provisions for the governor to act on the recommendations of the Public Services Commission concerning his/her mandate in respect of the public services. With regard to the position of permanent secretaries and heads of department, appointments were conferred on the governor, acting on the recommendations of the prime minister — a position created under the 1954 Constitution — in consultation with the Public Services Commission. The governor was also to appoint members of the Commission, after consultation with the prime minister. Nonetheless, in effect, prospects for the emergence of a Public Services Commission unfettered by political control and 'undue influence from any quarter,' as suggested by the Lidbury Commission, remained generally weak under the colonial regime.

For the most part, colonial administrators and emerging domestic political elites rarely relinquished control over the public services. As revealed in a memo from the Colonial Office in March 1955, ministers were generally unhappy about their lack of control over staff who worked in their ministries (Vile, 1955, in Rathbone, 1992: 114). The colonial government also maintained that the drive towards self-rule required a functioning public service, which could be built only with significant input from the government, acting in concert with domestic political leaders. As vehemently asserted by Sir Charles Arden-Clark, on the colonial government's stance on the independence constitution, the public service must be under political control, with the Public Services Commission charged with advising the governor in his responsibility for the appointment, promotion, transfer, dismissal and disciplinary control of various public servants (Rathbone, 1992: 51).

Among its challenges, as hinted above, the nascent colonial Public Services Commission faced a potential overlap of responsibilities with various ministers and other governmental agencies related to the administration of human resources in the public services. The colonial government largely addressed these issues by confining the Commission to an advisory and consulting role, while marking out its mandate on issues related to clerical, executive and higher grades of the public services. A position of chief establishment officer was subsequently created to provide technical assistance to the Commission on establishment matters and routine management on what was regarded as the establishment services.

One of the areas where the colonial Public Services Commission assumed much prominence related to the 'Africanisation' of the public services. This issue took on greater political significance in the late 1940s, when various headcounts revealed a disproportionate rise in the number of expatriates against a handful of Africans within the senior ranks of the public services. Notably, an official **Statement on the Programme of Africanisation** in 1954 revealed that, whereas the number of Africans had increased proportionally, there were only 13 among the ranks of the 298 most senior officials by 1950 (see Gold Coast, 1954).

As African politicians took on the issue of Africanisation, the Interim Public Services Commission was tasked with implementing a policy of Africanisation to ensure all suitable and qualified African candidates received preference over expatriates in recruitment to senior positions (Gold Coast, 1954). Consequently, a full-time commissioner for Africanisation, who acted as an executive officer of the Public Services Commission, was appointed (*ibid.*). This position later morphed into the position of director of recruitment and training in the Establishment Secretariat of the Civil Service (Wereko, 2009: 14). Some notable initiatives, such as public advertisement of

vacant senior positions, preferential treatment for Africans over expatriates, inputs into the development of the curricula for secondary, technical and tertiary education and the provision of scholarships for entry of qualified Africans, added great impetus to the Commission's presence in the Gold Coast in the run up to independence (Gold Coast, 1954).

The post-independence period

Many of the challenges associated with the colonial Public Services Commission, particularly the reluctance of political leaders to relinquish control, crossed over into the independence period. Ghana attained independence on 6 March 1957 with a Constitution that set up the governmental machinery along the Westminster model, with a prime minister, as leader of government, and a governor-general, who represented the British Crown on a largely ceremonial basis, sharing executive authority. Under the 1957 Constitution, the Public Services Commission was maintained as a fully independent body not subject to control by the executive. Similar to in the 1954 Constitution, the governor-general was to act on the advice of the Commission on matters related to appointments, transfers and disciplinary control of public servants and schemes of recruitment and service, as well as vacancies and supervised examinations (see Gabah, undated). Furthermore, in the case of 'special posts' under the 1957 Constitution approved by the Public Services Commission came under persistent attacks from the ruling Convention People's Party (CPP). Soon after independence, the CPP—permanent secretaries and heads of department—the prime minister were required to advise the governor-general in consultation with the Public Services Commission (ibid.).

Soon after independence, the CPP government published a **New Charter for the Civil Service** in April 1960, which, among other things, called for the president to be vested with control of the civil service (Paras 2, 3) (in Gabah, undated). This move, according to the New Charter, was needed to remove the 'last vestiges of the Colonial Civil Service', and, in its place, institute an Africanised service fully loyal to the Ghanaian state and put into effect the new nation's developmental agenda (Wereko, 2009: 15). The Civil Service Act 1960, the Civil Service Interim Regulations (1960) and the 1960 Republican Constitution reinforced the New Charter (ibid.).

The new Constitution abolished the Commission. In its place, the Civil Service Act in 1960, created a Civil Service Commission (CSM) with a mandate confined to appointments, promotions and discipline with respect to lower ranks of the service (also known as Category C posts). Under the changes, ministers were directly entrusted with responsibilities for appointing and disciplining civil servants in Category B positions. With respect to other high-grade officials, the CSM was required to make recommendations

to the president, who had absolute power to make appointments to the principal secretary grades without consulting the Commission (Constitution Review Commission, 2011, Para. 607). Various changes under the Civil Service (Amendment) Act (1965) abolished the CSM and its functions were transferred to the Establishment Secretariat.

The dissolution of the Public Services Commission, and the weakened CSM that replaced it, was part of a broader trend towards centralisation of state institutions, which was firmed up by the declaration of a one-party state under Ghana's First Republic. Under the CPP government, mainstream institutions of the bureaucracy came under attack for being 'anti-CPP', 'technocratic', 'selfish' and 'money-minded' (Nkrumah, 1970; Marshall, 1976). The CPP government's expressed preference was an alternative stream of institutional structures that were amenable to the political directorate to drive its socialist development programme (Bennett, 1973; Hutchful, 2002; Biney, 2008). These politically responsive institutions included central planning units, such as the Planning Commission, and other industrial holding entities for various state engagements like the State Hotels Corporation (see Killick, 1978; Frimpong-Ansah, 1991). The effects of this drive for centralised agencies placed mostly at the Office of the President largely accounted for contestations to gain control over the human resource framework, especially between the Establishment Secretariat and the Public Services Commission, when it was subsequently restored.⁶

When the National Liberation Council toppled the CPP government on 24 February 1966, the new regime took immediate steps to restore the Public Services Commission. A year after the coup, the National Liberation Council established the **Commission on the Structure and Remuneration of the Public Service**, principally to examine the civil service and make recommendations that could enhance its efficiency and effectiveness for national development (Mills-Odoi, 1967, in Ohemeng and Anebo, 2012). The Commission, led by Justice Mills-Odoi, made a number of proposals, including for a realignment of ministries to focus on sector planning, coordination and monitoring and the empowerment of decentralised units for policy implementation (Ayee, 2001). Most importantly, the Mills-Odoi Commission recommended the establishment of a Public Services Commission with 'executive responsibility' for recruitment in respect of all senior positions and a variety of other posts, like teachers and nurses, for which pre-entry training is required (Mills-Odoi, 1967, Para. 100). Regarding appointments of junior staff to management, the Commission also recommended that the Public Services Commission delegate its recruitment responsibility to another body, based on its selection methods and procedures. Another recommendation from the Mills-Odoi Commission was that the Public Services Commission become the 'final disciplining authority for all public servants' (Mills-Odoi, 1967, Para. 101).

Following from the Mills-Odoi Commission, a Public Services Commission Decree created an Executive Public Services Commission (Para. 98), which was later enshrined in the 1969 Second Republican Constitution. The new Constitution vested the power to appoint persons to hold or act in any office in the public services in the president, acting in accordance with the advice of the Public Services Commission.⁷ It also empowered the president to delegate this power to the Public Services Commission or to a committee of that Commission or to any of its members. Moreover, the 1969 Constitution gave public officers tenured office by providing that no member of the public services be victimised or discriminated against for having discharged his/her duties faithfully, in accordance with the Constitution without regard to party considerations; dismissed; reduced in rank; or otherwise punished without just cause (Constitution Review Commission, 2011, Para. 11).

The provisions of the 1979 Constitution, as well as the 1992 Constitution, invariably reflected the provisions for the Public Services Commission as stated in the 1969 Constitution (Constitution Review Commission, 2011: 270).

Whereas the CPP period dramatised the adverse repercussions of partisan intrusion into the public services in the absence of a functioning Public Services Commission, subsequent decades pointed to the importance of constitutional and legislative interventions. The lessons learnt from the experience of the CPP in many ways accounted for the endurance of the Commission over the decades after independence. Nonetheless, beyond setting the institutional landscape under which the Public Services Commission could thrive, the post-independence period in Ghana also demonstrated the limits of constitutional interventions, especially when they conflict with the interests of incumbent political actors. As demonstrated by the infamous Apollo 568 under the Second Republic (see Goldsworthy, 1973),⁸ and subsequent policy interventions that sought to side-step the Commission on critical areas of human resource management, particularly around public sector reforms from the 1980s, political actors and donors agencies have managed to carve out and compromise different aspects of the Commission's mandate. Consequently, any realistic account of the current structure and role of the Commission in Ghana needs to interrogate both the realm of formal constitutional/legal provisions and the actual operations of the Commission in order to ascertain its true value for the human resources of the public services.

4.2.3 Current framework of the Public Services Commission in Ghana

In 1992, after almost a decade-long military rule under the Provisional National Defence Council, Ghana returned to constitutional rule and

multi-party democracy. In many ways, this transition was anchored in the twin tracks of political and economic liberalisation, with an impressive history of democratic growth, witnessing six successful elections and alternation of political power in 2000 and 2008 (Smith, 2002; Gyimah-Boadi, 2009, 2015; USAID Ghana, 2011). At the political level, the 1992 Republican Constitution set up a host of institutional arrangements that espoused key democratic norms, such as checks and balances, free press and open debate, openness and accountability in public affairs, judicial independence and fundamental human rights (Ninsin, 2007). These norms were followed by the creation of independent state institutions such as the Electoral Commission and the Commission of Human Rights and Administrative.

Composition, appointments and responsibilities

The Public Services Commission fits into the broader scheme of independent constitutional bodies, guaranteed under the 1992 Constitution. It is charged primarily with offering consultative, regulatory and supervisory services in matters relating to human resource management and development in the public services of Ghana (Public Services Commission, 2014: 6). As with previous commissions, the overarching framework of the current Public Services Commission is set by the 1992 Fourth Republican Constitution. In line with Chapter 14 of the Constitution, there is also a Public Services Commission Act 1994, which further consolidates the mandate, structure and operations of the Commission.

Article 94 of the 1992 Constitution establishes the Public Services Commission as comprising a ‘chair’, a ‘vice-chair’, three other members, who shall be full-time members of the Commission,⁹ and other members as Parliament, subject to Article 70, by law prescribes.¹⁰ Under the same Article, only persons who are qualified to be elected as MPs and hold public office can be appointed onto the Commission. The president, acting in consultation with the Council of State, appoints the chair and other members of the Commission.¹¹

Once the chair and vice-chair are appointed, their terms and conditions of service, including for retirement and removal, are set as equivalent to those of a justice of the Court of Appeal and those of a justice of the High Court, respectively. Under the Constitution, a justice of the Superior Courts of Ghana — the Supreme Court, Court of Appeal, High Court and Regional Tribunals — can be removed from office only on the basis of ‘stated misbehaviour or incompetence or on ground of inability to perform the functions of his office arising from infirmity of body or mind’. Moreover, the compulsory retirement age is set at 70, for a justice of the Court of Appeal, and 65, for a justice of the High Court.

Box 4.3 Article 127 of the Constitution

1. In the exercise of the judicial power of Ghana, the Judiciary, in both its judicial and administrative functions, including financial administration, is subject only to this Constitution and shall not be subject to the control or direction of any person or authority.
2. Neither the President nor Parliament nor any person acting under the authority of the President or Parliament nor any other person whatsoever shall interfere with Judges or judicial officers or other persons exercising judicial power, in the exercise of their judicial functions; and all organs and agencies of the State shall accord to the courts such assistance as the courts may reasonably require to protect the independence, dignity and effectiveness of the courts, subject to this Constitution.
3. A Justice of a Superior Court, or any person exercising judicial power, shall not be liable to any action or suit for any act or omission by him in the exercise of the judicial power.
4. The administrative expenses of the judiciary, including all salaries, allowances, gratuities and pensions payable to or in respect of, persons serving in the judiciary, shall be charged on the Consolidated Fund.
5. The salary, allowances, privileges and rights in respect of leave of absence, gratuity, pension and other conditions of service of a Justice of the superior court or any judicial officer or other person exercising judicial power, shall not be varied to his disadvantage.
6. Funds voted by parliament, or charged on the Consolidated Fund by this Constitution for the Judiciary, shall be released to the Judiciary, in quarterly instalments.
7. For the purposes of clause (1) of this article, 'financial administration' includes the operation of banking facilities by the Judiciary without the interference of any person or authority, other than for the purposes of audit by the Auditor-General, of the funds voted by Parliament or charged on the Consolidated Fund by this Constitution or any other law, for the purposes of defraying the expenses of the Judiciary in respect of which the funds were voted or charged.

The salaries, allowances, facilities and privileges payable and available to members of the Commission, other than the chair and vice-chair, are to be determined by the president in accordance with Article 71 of the Constitution, which marks them as expenditure charged to the Consolidated Fund (See Section 3(2) of the Public Services Commission Act 1994).

The mandate of the Commission is set out under Article 196 of the Constitution as follows:

The Public Services Commission shall have such powers and exercise such supervisory, regulatory and consultative functions as Parliament shall, by law, prescribe, including as may be applicable, the supervision and regulation of, entrance and promotion examinations, recruitment and appointment into or promotions within, the public services, and the

establishment of standards and guidelines on the terms and conditions of employment in the public services.

This mandate, as specified by Article 4 of the Public Service Act, comprises the following functions:

1. Advise government on the criteria for appointment to public offices as well as persons to hold positions in public offices;
2. Promote efficiency, accountability and integrity in the public services;
3. Prescribe appropriate systems and procedures for the management of personnel records within the public services;
4. Identify, explore and promote the recruitment of suitable personnel into the public services acting in collaboration with educational authorities;
5. Undertake planning of the manpower requirements of the public services, using data from the educational institutions and other sources;
6. Improve recruitment policies and techniques for introducing modern methods of judging suitability of officers;
7. Conduct examinations and interview for appointments to posts and for promotion in the public services or within public corporations to ensure uniformity of standards of selection and qualifications;
8. Provide a standard framework for evaluating and classifying jobs in the public services;
9. Review the organisation, structure and manpower requirements of agencies and bodies in the public services and advise government on such manpower rationalisation as may be necessary for maximum utilisation of human resources in the public services;
10. Oversee the human resources development activities of the public services organisations to ensure career planning and career development in the public services;
11. Advise government on the principles and procedures for determining salaries and other conditions of service within the public services;
12. Prescribe a standard framework for the provision of incentive schemes to promote higher productivity;
13. Conduct in collaboration with training institutions personnel research into human resource management in the public services in order to improve personnel practices and their utilisation in the public services;
14. Perform any other duties assigned to it under the Constitution or any other enactment.

In discharging these functions, the Constitution, under Article 198, instructs that, 'Except as otherwise provided in this Constitution, or any other law not inconsistent with this Constitution, the Public Service Commission shall not be subject to the control or direction of any person or authority in the performance of its functions.' To give meaning to its independence, both the Constitution and the Public Services Commission Act have given the Commission a range of instruments, including powers of entry and inspection, as well as the power to set regulations, request information and compel witnesses and appearances.

Structure and capacity

The operations of the Public Services Commission cover about 200 entities that fall under the classification of 'public services' in Ghana. As spelt out in Article 90 of the 1992 Constitution, the public services comprise the Civil Service, the Judicial Service, the Audit Service, the Education Service, the Prisons Service, the Parliamentary Service, the Health Service, the Statistical Service, the National Fire Service, the Customs, Excise and Preventive Service, the Internal Revenue Service, the Police Service, the Immigration Service and the Legal Service.¹² They also include public corporations, other than those set up as commercial ventures, and other public services established by the Constitution or others that Parliament may prescribe.

The apex of the structure of the Public Services Commission, as outlined in the Constitution and its Act, is the chair, his/her vice-chair and three other commissioners. Decisions by the five-member Commission are taken through 'plenary' meetings (joint meetings to discuss broad issues) or 'working' meetings (convened for normal transactions of the business of the Commission, attended only by the commissioners). The Commission requires a quorum made up of the chair or vice-chair and two members for its meetings. They are presided over the chair, and, in his/her absence, the vice-chair, and, in the absence of both, a member elected from among the members (Public Services Commission Act 1994, Section 65). Decisions of the Commission are taken by a majority of members present and voting, with a casting vote for the chair, or the person presiding over a meeting, in the case of equality of votes.

The Commission is supported by a Secretariat, headed by the secretary. The secretary, who is appointed by the president, acting in accordance with the advice of the Commission, is responsible for 'the day-to-day administration of the secretariat of the Commission' and is in charge of keeping records of the meetings of the Commission (Public Services Commission Act 1994, Article 9(1)). His/her responsibilities entail providing technical and administrative support to the Commission to enable it to make informed and fair decisions relating to human resource management practices in the public service (Public Services Commission, 2014: 10).

Members of the Secretariat are designated as ‘public servants’ and cannot be transferred or seconded without the consent of the Commission. The number of personnel at the Commission, excluding the five commissioners, was given at about 67 (interviews, 2016). The Secretariat is structured along four main divisions: Finance & Administration; Human Resources Policy; Management Services; and Research, Information, Monitoring and Evaluation. A director, assisted by a deputy director, heads each division. Some proposed changes to the organisational structure of the Commission, if effected, would see the appointment of two deputy secretaries, to assist the secretary in overseeing different directorates of the Secretariat.

During an interaction with the Secretariat, it was reported that only three positions — those of the deputy directors in charge of Finance & Administration, Management Services and Research, Information, Monitoring and Evaluation — were yet to be filled. Members of the Commission expressed much confidence in the knowledge, expertise and commitment of the Secretariat’s staff. Nonetheless, in addition to a shortfall in the management staff, outlined earlier, they indicated that there was a need to expose more of them to best practices across the world through participation in international conferences and workshops.

The Public Services Commission in action: Driving innovation and performance

The main activities of the Public Services Commission under Ghana’s Fourth Republic have evolved through the prism of the ‘consultative’, ‘regulatory’ and ‘supervisory’ dimensions of its mandate, as spelt out by the 1992 Constitution and the Public Service Act 1994.

For the most part, the Commission’s activities align with conventional responsibilities, especially in terms of recruitments, appointments and promotions within the public services. Specifically, the Commission appoints all Category A and B officers in the public services — chief directors, chief executives, deputy chief executives and directors of various public organisations. As outlined in Article 195 of the Constitution, whereas the president is the final authority on these appointments, he/she is required to act on the advice of the governing council of the service concerned in consultation with the Public Services Commission. Field interviews revealed that there were disagreements between the President’s Office and the Commission as to how and when these consultations should be conducted. Nonetheless, in effect, the Commission advertises, shortlists, interviews and makes recommendations for such appointments, including those to ‘acting’ positions. The Commission’s role in appointments and promotions below senior management levels takes the form of representations on selection, assessment and interview panels

generally to ensure due process and the ‘best human resource practices’ are followed.

Another interesting aspect of the Commission’s work concerning appointments relates to inputs that it offers, upon request, to recruitment processes in areas that fall outside its marked mandate. As some commissioners interviewed indicated, different public sector organisations, such as universities, private sector agencies like commercial banks and various regional organisations, including the African Union, have often engaged the services of the Commission on various recruitment processes. These requests are often based on what is considered the integrity and independence that the Commission often brings to bear on recruitment processes.

Other traditional dimensions of the Commission’s engagements could be presented in terms of giving meaning to the provisions of the Constitution, as spelt out under Article 191, to protect the public servant from victimisation or discrimination, unjust dismissal or removal from office and reduction in rank or punishment, in the discharge of his/her duties. In this sense, as noted by Commissioner Kofi Gabah during an interview, people expect the Commission not only to be the ‘leader’ of the public service but also to ‘defend’ civil servants from ‘outsiders’.

These ‘outsiders’ include politicians, commercial interests and even ‘insiders’ whose actions do not match the ethics and ethos of the public service. In this regard, a significant component of the Commission’s work involves receiving and acting on petitions, appeals, grievances and requests from individual public servants and organisations. In 2013, for instance, the Commission received 84 such petitions (16) and requests (68), of which 67 were sorted (Public Services Commission, 2014: 3).

In the past decades, there have been mounting questions about the traditional role of the public services, largely because of emerging complexities associated with globalisation, democratisation, technology and expanding calls for accountable, responsive and innovative delivery of services (see Stoker, 1998; Pollitt and Bouckaert, 1999; Klijn and Koppenjan, 2000; Salamon, 2002; Jooste, 2008; World Bank-IEG, 2008; Flynn, 2014). As the policy pendulum continues to swing between ‘responsiveness’ and ‘independence’ of the public sector, questions have been mounted against the traditional roles played by public services commissions, with a vigorous debate as to whether they are capable of engineering innovation and reform (see Jahan and Shahan, 2008; Francesco, 2013).

In Ghana, similar questions have been asked, especially since the 1980s, when market reforms under structural adjustment programmes were pursued alongside efforts to reposition the public sector for the effective delivery of services. The widely held view among key reformers was that the

Public Services Commission is often locked in a traditional public service ethos of permanence and bureaucratic rigidities that often serve as obstacles to, rather than precursors of, reform. Consequently, most donor-funded public sector reform efforts have been overseen and coordinated by *ad hoc* bodies, like the Oversight Committee of Civil Service Reform for the **Civil Service Reform Programme (1987–93)**, the National Overview Committee of the **National Institutional Renewal Programme (1994–2003)** and the Ministry of Public Sector Reform in 2003, without a frontal role for the Public Services Commission (Wereko, 2009; Ohemeng and Ayee, 2016).¹³

One of the ways the Public Services Commission has reinvented itself in recent times, as disclosed by its chair, Mrs Bridget Katsriku, is by moving beyond the traditional roles that confine it only to recruitments and appointments (interview, 6 June 2016). The Commission has succeeded in this endeavour largely by taking advantage of its broader mandate in setting and enforcing standards to offer leadership and direction for the management of human resources in the public service. Beyond reliance on the ‘hard core’ institutional guarantees of independence, the Commission has also undertaken various initiatives that have sought to build on the ‘soft elements’ of institutional performance: trust, comradeship and professionalism. We discuss some of these initiatives below.

Performance management: Prior to the 1990s, organisational and individual performance assessments in the public services in Ghana were undertaken through annual reports and financial audits by the Auditor-General’s Department (Ohemeng, 2011: 473). The main challenge of this system of appraisal was that it was fraught with abuses and questionable standards of credibility (Ayee, 2001; Ohemeng, 2011). The post-1990 period has witnessed the introduction of a series of programmes for performance management.

Notably, as part of the **Civil Service Reform Programme (1987–93)**, a Performance Evaluation System was introduced in 1992. In 1997, a Performance Agreement System was introduced to provide an objective means of assessing the performance of senior managers and chief directors in the ministries and regional coordinating councils (Allotey, 2014). Nonetheless, these efforts suffered weaknesses fuelled by the absence of a clearly defined implementation framework, poor executive buy-in, weak understanding of the role of governing councils in the appraisal system, absence of rigour and objectivity, non-linkages with enforceable rewards and sanctions mechanism and lack of understanding by public servants (*ibid.*).

Recently, the Public Services Commission has led in efforts towards the development and management of a new performance management system in Ghana. Based on technical inputs from the Australian Public Service

Commission, and through consultations with various stakeholders, directly or indirectly linked to the public services, including universities and management development institutions, it developed a **Performance Management Policy for the Public Services of Ghana**, which commenced in January 2012. The new framework seeks to offer a more integrative, sustained and objective instrument that combines rewards and sanctions at both individual and organisational levels for performance management and monitoring. As part of the new framework, performance agreements and contracts have been introduced for senior managers. Besides, the Commission has been conducting promotion examinations to evaluate the competence and general disposition of specified categories of public servants to enable them to assume higher responsibilities and undertake more assignments in the services (Public Service Commission, 2014: 3).

Standards of good human resource management: The Commission has developed a range of policy documents and manuals to guide human resource management and development in the public services. Formerly, these were contained in circulars to different agencies under the services, but there have been attempts to systematise them into comprehensive policy statements and guidelines. These include the **Corporate Governance Manual for Governing Boards/Councils of the Ghana Public Services (2015)** and the **Human Resource Management Policy Framework and Manual for the Ghana Public Services (2015)**, as well as a **Revised Policy Framework on Leave Entitlements and Management for the Public Services of Ghana**.

Among others, these policy documents have contributed towards standardising the rules and guidelines that pertain to the public services. While it may be too early to assess the effects of these guidelines on the service, the signals so far are positive. An assessment in November 2015, for instance, revealed widespread awareness and usefulness of the Human Resource Policy Framework and Manual among public servants: 82 per cent indicated they were aware and 67 per cent considered it 'very relevant' to their work (Public Services Commission, 2015a: 36–7).

These policy guidelines are complemented by the Commission's engagements in training programmes. These include various refresher courses on topics such as financial management, procurement, auditing, leadership and governance. Many of the commissioners who were interviewed maintained that the courses are tailored to fill real capacity gaps, since they are organised in response to questionnaires, sent to various officials across the public services.

Building openness and integrity: The Commission has undertaken various initiatives meant to promote credibility, transparency and accountability

within the public services. Recently, the Commission, in collaboration with Ministry of Finance and the Controller and Accountant-General's Department, rolled out a Human Resource Audit of the Public Service as part of an ongoing sub-project on **Human Resource Management Information System** under the **Government Integrated Financial Management Information System**.¹⁴ The audit is envisaged to go beyond a general headcount to ascertain general workload, various competencies and gaps among the services. As explained by Mrs Bridget Katsriku, the three-pronged objective of the audit is:

1. To obtain more accurate and scientific data on human resources in the public services for decision-making and planning purposes;
2. To determine the optimum number of positions and the right human resource establishment levels/ceilings for each ministry, department and agency and metropolitan/municipal district and assembly in order to facilitate effective position management around entry, progression and exit in the public service; and
3. To identify excess labour force for development to other relevant organisations in deficit (see Public Services Commission, 2015c).

Most recently, in 2015 the Commission published its first **State of the Public Service Report of Ghana**, for 2014. This report forms part of broader efforts by the Commission to fill information and knowledge gaps by providing yearly data on competencies, practices, organisational culture, attitude, behaviour and ethics in the public service (Public Services Commission, 2015a: xvi).

Building trust and comradeship: Another dimension of the Commission's engagement has been to foster dialogue and interactions that engender learning, trust and comradeship across different segments of the public services. Since 1994, the Commission has undertaken periodic visits to various ministries, departments and agencies to hold discussions with ministers and senior officials on matters relating to human resources in the public services. Moreover, there is an **Annual CEOs Conference**, where chief directors, chief executives and chairs of governing boards/councils exchange ideas and make recommendations for improvements in the delivery of services in the public service (Public Services Commission, 2015d). In 2015, the Commission also launched a **Human Resource Management Practitioners Network**, to provide a platform for human resource managers to share ideas and engage one another (Public Services Commission, 2015b).

4.2.4 Critical reflection

The presentation in this study inspires a reasonable measure of optimism in the effects of leadership stability and independence, as enshrined in the

institutional arrangements that underpin the Public Services Commission. During various interactions with the commissioners and other officials from the Commission as part of this study, there was a strong sense that they felt emboldened to take on matters relating to human resource management and development, largely because of the provisions of the 1992 Constitution and the Public Services Commission Act 1994.

A strong sense of mandate could be sensed from interacting with the commissioners, which has proven pivotal in asserting key principles of best practice in the public services that are unfettered by undue partisan intrusions. A case in point relates to how members of the Commission asserted its independence related to attempts by various sector ministers to engage in the appointment of officers within their respective sectors of control, although the 1992 Constitution does not assign them such roles. A commissioner also noted that, from the perspective of individual public servants, the Commission's independence has led to a general expectation that they could rely on it to 'fight for them' (interview, 3 June 2016).

Beyond the optimism, a number of challenges remain:

Reality and perception of political interference: First and foremost, there is a widespread perception in Ghana that the public service is highly 'politicised', with difficulty in drawing a distinction between professionalism and partisan activity (USAID Ghana, 2011; Gyimah-Boadi and Brobbey, 2012; Ohemeng and Anebo, 2012). This widespread perception is backed by a reasonable measure of reality. As a seasoned public servant poignantly observed:

In Ghana, politicians have sought to directly manage resources – human, financial and material in the civil service. They are not simply content to lay the ground rules regarding recruitment, promotions and placement. They are eager to determine who gets recruited, who gets promoted or how placements are done, and who gets trained and where (Quartey, 2007: 22).

In spite of the institutional and legislative guarantees for independence and leadership stability, it appears unlikely that the Commission can substantively alter this perception. As observed earlier, Ghana's executive president wields enormous power as the final authority for all appointments within the public services. As in its historical roots, the Commission's mandate in recruitments and appointments, as outlined in Article 195 of the Constitution, is still framed in advisory terms to the president, who is not necessarily obliged to comply. Members of the Commission who were interviewed maintained that this arrangement had not undermined their relationship with the President's Office.

They pointed out that, under their stewardship, apart from disagreements about administrative processes, none of the Commission's recommendations

had been challenged or rescinded (various interviews, 2016). However, whereas this may be true on outcomes, processes of recruitment are still laced with openings for political interventions. Notably, apart from the powers wielded by the president in appointments, the Commission is required to make recommendations for appointments in consultation with governing councils/boards of various public service organisations. The main challenge is that, while the Commission is structured to be politically neutral, the same cannot be said of these governing councils and boards.

Indeed, as Gyimah-Boadi and Brobbey (2012) observe, over the past decades successive governments have loaded the management and boards of state organisations, such as the National Health Insurance Scheme, the Ghana Youth Employment and Entrepreneurial Agency and the Ghana Education Trust Fund, with political appointees without serious consideration to technical competencies. This trend has led to governing councils becoming outlets for increased political patronage, which has adversely influenced the development of critical competencies within the service (Ohemeng, 2011; Ohemeng and Anebo, 2012).

Competing leadership on public sector reform: Another area where the Commission's mandate has come under severe scrutiny relates to its role in various public sector reform programmes, which have received much attention, especially since the 1980s. For the most part, these reforms have been dependent largely on donor support and 'consultant-driven' (Quartey, 2007: 42; Wereko, 2009: 27), thereby depriving domestic agencies, particularly the Public Services Commission, of significant leadership.

As noted earlier, over the past decades, a number of *ad hoc* bodies, such as the erstwhile Ministry of Public Sector Reform set up in 2005, have been created to oversee such reforms. While the relationship between the Commission and these bodies has been poorly defined, there is a general sense of competition among so-called central management agencies over reform processes. One of these agencies, whose tense relationship with the Commission has deep historical roots, is the Office of the Head of the Civil Service. Whereas, under Article 190(1) of the 1992 Constitution, the 'civil service' is one of those that come under the supervisory jurisdiction of the Commission, it prides itself as having a long history and extensive coverage within the services. Consequently, various donors have often placed it at the forefront of civil service reform initiatives.¹⁵ There was no indication during the study that this had created much friction. However, implications for effective coordination, especially among the central management agencies around public sector reforms, have been well documented (see Wereko, 2009: 40–1).

Salary administration and human resource management: Other central government policy interventions have led to the emergence of other

new agencies that have created overlap and potential conflict with the Commission's mandate in human resource management in the public service.

An area where this issue has taken on a more contentious dimension is the decision of the central government to cede salary administration to the Fair Wages and Salaries Commission (FWSC) in 2007, as part of measures to implement a new public service pay and salary policy known as the Single Spine Pay Policy (SSPP). As various members of the Public Services Commission indicated, the Commission played a lead role in kick-starting the Ghana Universal Salary Structure in the mid-1990s as way of resolving inequalities and discrepancies in pay across the public service in a more systematic manner (various interviews, 2016). As attempts to place all public servants under the Ghana Universal Salary Structure failed, concerns were raised about the absence of legal backing and inadequate resources for its implementation.

The creation of the FWSC, through an Act of Parliament in 2007, and the adoption of the SSPP were considered a more effective and sustainable way to address these problems. In effect, however, both the FWSC and the Commission's roles appear poorly demarcated. Whereas various members of the Commission acknowledged this overlap, they maintained that there appeared to be a mutually evolved understanding that the FWSC's mandate fell within salary-related conditions of the human resources in the public services, while the Public Services Commission addresses 'general human resource issues that are non-monetary' (interview, Allotey, 3 June 2016).

As these mutual roles continue to evolve, they could present an opportunity for both commissions to complement each other for the effective human resource management and development of the public services. Nonetheless, passionate supporters of the Public Services Commission would hope that the FWSC is going to be the last intervention from Ghanaian policy-makers that could undercut critical components of its mandate.

Endnotes

- 1 The term 'Steel Frame' was first used in this context by India's first Home Minister, Sardar Patel.
- 2 This section is based primarily on the findings of this study.
- 3 The public services in Ghana comprise the Civil Service, the Judicial Service, the Audit Service, the Education Service, the Prisons Service, the Parliamentary Service, the Health Service, the Statistical Service, the National Fire Service, the Customs, Excise and Preventive Service, the Internal Revenue Service, the Police Service, the Immigration Service and the Legal Service. It also includes public corporations, other than those set up as commercial ventures, and other public services established by the Constitution or others that Parliament may prescribe (Article 190 of the 1992 Constitution).
- 4 Three main commissions established primarily to enquire into the structure, remuneration and superannuation arrangements of the civil services in various British colonies in Africa

- were the Fitzgerald Commission, covering Northern Rhodesia and Nyasaland, the Holmes Commission, for the territories in East Africa, and the Harragin Commission (West Africa) (The National Archives, 1945–48).
- 5 Following widespread looting and riots in the Gold Coast in 1948, the colonial government established the Watson Commission of Enquiry into Disturbances in the Gold Coast (Col. 231, 1948). The Commission, among other things, recommended constitutional reform and a graduation process of self-government in the Gold Coast.
 - 6 Following calls by another Commission for the Public Service in 1976, the Establishment Secretariat, together with the Management Services Division and the Establishment Unit of the Office of the President, were merged into the Office of the Head of the Civil Service (Ayee, 2001: 5).
 - 7 The Second Republican Constitution reverted to the Westminster model, with a prime minister as leader of government and a president, who took on largely ceremonial duties.
 - 8 The Apollo 568 saga began in 1970, when the government, citing transitional provisions in the 1969 Constitution, carried out a purge of the civil service and dismissed 568 employees without recourse to the Commission. The main reason for the purge, according to the government, was that it was part of drive against overstaffing and inefficiency. One of the victims, E.K. Sallah, appealed to, and received judgement from, the courts against his dismissal. However, the prime minister refused to reinstate him, accusing the judiciary of overstepping its jurisdiction (see Goldsworthy, 1973).
 - 9 The Public Commission Act 1994 makes provision for ‘part-time’ members. However, a Constitutional Review Commission, formed in 2010, advised that all commissioners serve on a full-time basis. Following this, the practice of appointing ‘part-time’ commissioners was stopped and current commissioners serve on full-time basis.
 - 10 Article 70 speaks to the president’s power of appointments, in consultation with the Council of State, in the appointment of independent constitutional bodies including the Electoral Commission, the Public Services Commission and the Lands Commission.
 - 11 The Council of State is created under Chapter 9(89) of the 1992 Constitution of Ghana, primarily to ‘counsel the President in the performance of his functions’.
 - 12 In 2009, the Excise and Preventive Service and the Internal Revenue Service, together with the Value Added Tax Service and the Revenue Agencies Governing Board Secretariat, merged into the Ghana Revenue Authority through Act 791. This led to calls by the Constitutional Review Commission in 2010 to recommend the definition of ‘public services’ along various thematic areas, other than the specific list as outlined in the Constitution (Constitution Review Commission, 2011, Para. 23).
 - 13 Indeed, during interviews for this study, the general complaint was that external donors often involve the Office of the Head of Civil Service, partly because they misunderstand the distinctions between ‘public service’ and ‘civil service’, which does not apply in the Ghanaian context.
 - 14 The Government Integrated Financial Management Information System was launched in September 2009, as part of public financial management reforms. It seeks among other things to promote efficiency, transparency and accountability in public financial management through rationalisation and modernisation of budgeting and public expenditure management; promote the timely dissemination of information for financial management; rationalise the financial Administrative Decree and Regulations; improve the efficiency and effectiveness of revenue collection; and maximise payment and commitment control.
 - 15 Officials of the Commission interviewed for this study indicated that many of the reasons for donors’ selection of the Office of the Head of the Civil Service for reforms came down to weak appreciation of the Ghanaian context. In many countries, such as Nigeria and Canada, the two terms are used interchangeably, with the head of the civil service in charge of the entire government machinery. However, in Ghana, the civil service is considered a component of a larger public service. This confines the civil service to only central ministries, departments and agencies. In 2003, Act 656, which created the Local Government Service, hived off local government agencies from the civil service (Quartey, 2007: 6–7; Werekó, 2009: 4–5).

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