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Guarding the Gatekeepers: Article 317 and the Independence of Public Service Commissions

THE HINDU

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CURATED & WRITTEN BY

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Guarding the Gatekeepers: Article 317 and the Independence of Public Service Commissions

 **The Hindu**

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THE LIFT LINE

A Public Service Commission is the gatekeeper of the merit on which the entire administrative state rests, and the Constitution guards it with a removal process so exacting that even a credible allegation of nepotism must travel to the Supreme Court before the office can be lost, precisely so that neither politics nor scandal can move it lightly.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

In July 2026, the Karnataka Governor suspended the chairman of the Karnataka Public Service Commission and recommended to the President that the matter be referred to the Supreme Court under Article 317(1), following allegations that he failed to recuse himself while his dependants took part in a KPSC recruitment. Pending the President's decision and the Court's inquiry, the senior-most member was directed to discharge the chairman's functions. The episode is a live illustration of the constitutional architecture that protects Public Service Commissions from both capture and casual removal, and of why the integrity of recruitment bodies is a foundational governance concern.

GS Paper 2: Statutory (<https://ujjyari.com/vocab/statutory/>), regulatory and quasi-judicial bodies, appointments to constitutional posts, and the structure and functioning of constitutional bodies.

For **Prelims**, hold the specifics: Articles 315 to 323, which establish and govern the Union and State Public Service Commissions; Article 316 on appointment and term; Article 317 on removal, under which a Chairman or member of a State PSC can be removed only by the President, and only on a report of the Supreme Court after inquiry finding misbehaviour, with the Governor empowered to suspend pending that report; and Article 320 on the functions of PSCs in recruitment and advice. For **Mains**, argue that the elaborate removal shield exists to protect independence, but that the same independence obliges members to the highest personal integrity, since a compromised recruitment body corrupts the administrative state at its root.

BACKGROUND AND CONTEXT

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Public Service Commissions recruit for the civil services and advise governments on service matters. Because they stand between political power and public employment, their independence is essential, for a commission that can be pressured or removed at will cannot guarantee fair selection. The Constitution therefore insulates PSC members with security of tenure comparable to that of higher judiciary in its rigour.

The insulation works in two directions. It protects members from arbitrary removal by the executive, and it demands that removal for genuine misconduct pass through a neutral, judicial filter. Article 317 embodies this balance. A member cannot be dismissed by a mere executive order. The allegation must be referred to the Supreme Court, which inquiries and reports, and only on its adverse finding can the President remove the person. Suspension pending that inquiry is permitted so that the process is not obstructed, but suspension is not removal.

THE CORE ARGUMENT / ISSUE

The removal shield under Article 317

The core safeguard is that removal is neither political nor summary. It requires a Supreme Court inquiry into defined grounds, chiefly misbehaviour, and a presidential order acting on the Court's report. This makes the PSC member's tenure secure against executive whim while keeping a rigorous route open for genuine misconduct.

STAGE	AUTHORITY	CONSTITUTIONAL BASIS
Suspension pending inquiry	Governor (State PSC)	Article 317(2)
Reference for inquiry	President	Article 317(1)
Inquiry and report	Supreme Court	Article 317(1)
Final removal	President, on the Court's report	Article 317(1)

Independence and integrity as two sides of a coin

The strong protection is justified only if members hold themselves to a matching standard of conduct. A conflict of interest, such as a chairman not recusing while relatives compete in a recruitment the body oversees, strikes at the very trust the office exists to preserve. Independence is a shield for fairness, not for **impunity** (<https://ujiyari.com/vocab/impunity/>).

The wider problem of recruitment scams

Examination and recruitment irregularities across several states have eroded public confidence in selection bodies. The Article 317 process is the constitutional answer to serious allegations, but the deeper cure lies in transparent procedures, robust conflict-of-interest rules, and credible grievance mechanisms.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Read the episode as a test of institutional design rather than of any individual. The Constitution deliberately makes PSC members hard to remove so that they can act without fear, and then routes serious allegations to the Supreme Court so that the same protection cannot become a wall against accountability. The transferable rule for GS2 is that independence and accountability are complementary, not opposed, and a well-designed office secures both, tenure to guarantee fearlessness and a judicial removal filter to guarantee integrity. The examiner rewards the candidate who explains why suspension is permitted but removal is reserved to a Supreme Court finding, and who links the safeguard to the larger goal of protecting merit-based recruitment.

THE DIAGRAM IN WORDS

PSC recruits civil servants -> independence essential for fair selection -> Constitution shields members (Articles 315 to 323) -> removal only via Article 317 -> allegation of nepotism against KPSC chairman -> Governor suspends pending inquiry (Art 317(2)) -> President refers to Supreme Court (Art 317(1)) -> Court inquires and reports -> only an adverse finding lets the President remove -> senior-most member acts meanwhile -> balance: tenure secures independence, judicial filter secures accountability -> goal: protect integrity of merit-based recruitment

WAY FORWARD

- ① **Let the constitutional process run.** The Article 317 route, suspension, presidential reference, and Supreme Court inquiry, should be allowed to proceed without prejudgement, since due process protects both the office and the individual.
- ② **Codify** (<https://ujiyari.com/vocab/codify/>) **conflict-of-interest rules.** PSCs should adopt binding recusal norms so that members with a personal stake in any recruitment step entirely aside, closing the gap that allegations exploit.
- ③ **Strengthen recruitment transparency.** Publish selection criteria, marks, and processes to deter manipulation and to restore confidence shaken by recruitment scams across states.
- ④ **Insulate appointments to PSCs.** Ensure that appointments of chairpersons and members are made on merit and integrity, since the strength of the removal shield makes the quality of the initial appointment decisive.

PYO LINKAGE AND PRACTICE

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UPSC has repeatedly examined constitutional bodies, the balance between independence and accountability, and the safeguards for tenure of high offices. This editorial turns a live case into an applied study of Article 317, which is exactly the analysis the examiner rewards over a static list of PSC functions.

Practice question: “The strong removal shield around Public Service Commission members protects their independence but presumes their integrity.” Examine with reference to Article 317 and the challenge of recruitment irregularities. (250 words, 15 marks)

Sources: *The Hindu* (<https://www.thehindu.com/>), *The Tribune* (<https://www.tribuneindia.com/>), *Constitution of India* (<https://legislative.gov.in/constitution-of-india/>)

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