

Article 194 (1) of the 1992 Constitution states that “there shall be a Public Services Commission which shall perform such functions as assigned to it by this Constitution or by any other law. In article 196, it is stated that, “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, appointment into or promotions within the Public Services and the establishment of guidelines on the terms and conditions of employment in the public services”. In furtherance of its mandate and functions, the PSC has certain powers and privileges. Sections 10-13 of Act 482 among others state that a request on any public officer, corporation or board to supply relevant information or data on its work shall be binding on the person or organisation so requested. In the performance of the functions of the PSC, the Act 482 also authorises officers of the PSC to enter any premises of a Ministry, Department, and office of a Regional Co-ordinating Council, office of a District Assembly, or any public office to inspect and make copies of any records or documents kept there. The sanction available, according to the Act states that “A public officer who, without reasonable excuse, fails to appear before the Commission when notified do so, or who fails to comply with any request lawfully and properly made by or on behalf of the Commission, or who obstructs the Commission or any member or officer of the Commission in the performance of his functions under this section, shall be guilty of misconduct.

The security, autonomy and sanctity of the PSC are also reinforced in this section of the Act. The Act provides that “any report, statement or record of any meeting, enquiry or proceedings which the Commission may make in the exercise of its functions, or any member or officer of the Commission may make in the performance of his duties, shall be privileged in that its production may not be compelled in any legal proceedings, unless the Supreme Court certifies that the production is in the public interest.