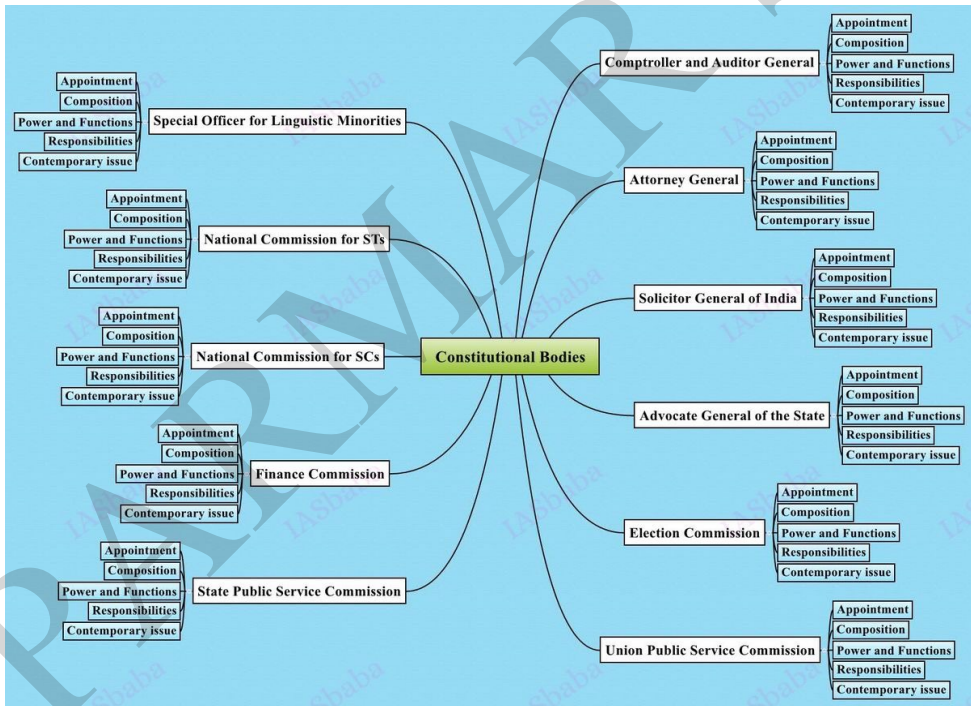


CONSTITUTIONAL BODIES





Constitutional Bodies

Constitutional body is a body or institute established by Constitution of India. They are specifically mentioned in the Constitution, meaning they have dedicated articles

Constitutional Bodies	Article
1. Attorney General of India	76
2. Comptroller and Auditor General of India	148
3. Advocate General of State	165
4. State Finance Commission	243-I
5. State Election Commission	243-K
6. Inter - State Council	263
7. Finance Commission	280
8. Goods and Service Tax Council	279A
9. UPSC Public Service Commission	315-323
10. State Public Service Commission	315-323
11. Election Commission of India	324
12. National Commission for Schedule Castes	338
13. National Commission for Backward Classes	338B
14. Scheduled Area and Scheduled Tribes Commission	339
15. Backward Classes Commission	340
16. Special Officer for Linguistic Minorities	350B

**
More imp

Non-constitutional Bodies

Statutory

Non-statutory bodies OR Executive OR Extra Constitutional

NON CONSTITUTIONAL BODIES

1. National Human Rights Commission
2. National Consumer Disputes Redressal Commission
3. Competition Commission of India
4. Income Tax Appellate Tribunal
5. National Company Law Tribunal
6. Appellate Tribunal for Electricity
7. Railway Claims Tribunal
8. Intellectual Property Appellate Tribunal
9. Banking Ombudsman
10. National Green Tribunal
11. Central Information Commission
12. SEBI
13. RBI

Non-constitutional Bodies

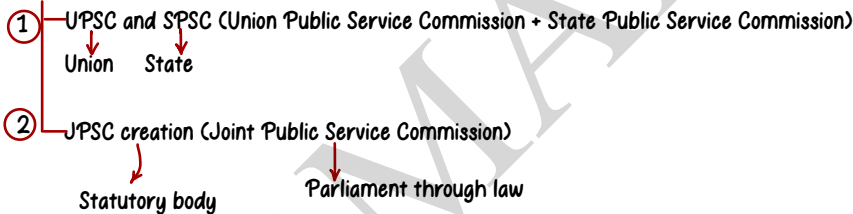


Part 14

- Art 315-323
- UPSC, SPSC, JPSC

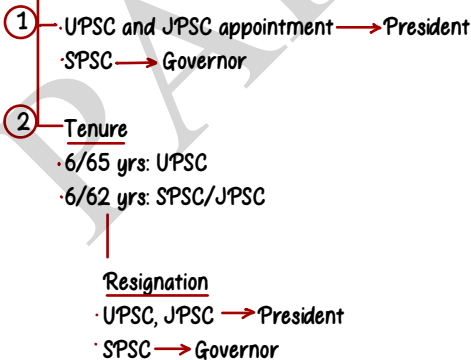
Art 315

- Public Service Commissions for the Union and for the States

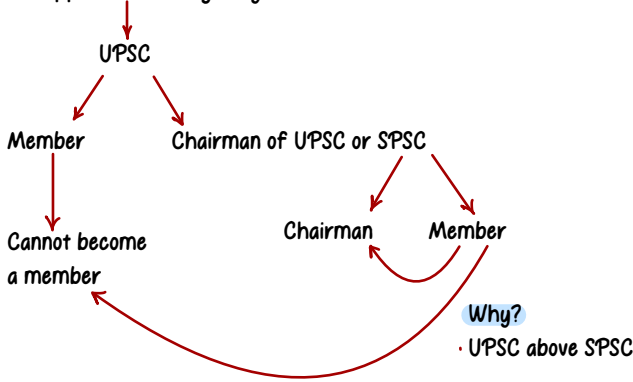


Art 316

- Appointment in term of office of members



③ Reappointment ineligibility



Art 317

Removal and suspension of a member of Public Service Commission

Removal authority → President

How?

- If he is an insolvent
- If he is engaged in paid employment
- If he is of unsound mind
- On grounds of misbehaviour

Bankrupt

Written in Constitution
President conveys to SC

Committee formation

Removal

Art 318

Power to make regulations as to conditions of service of members and staff of the Commission

Rules of condition of service

UPSC — President

JPSC — President

SPSC — Governor

Art 319

Prohibition as to the holding of officers by members of Commission on ceasing to be such members

Art 320

Functions of PSCs

By UPSC

To conduct exams of: CSE, CDS, CAPF AC, NDA



Art 321

- Power to extend functions of PSCs

Parliament through Act/Law → UPSC

OR

State Legislature → SPSC

Art 322

- Expenses of PSCs

Will be charged on:

- Consolidated Fund of India → UPSC
- Consolidated Fund of State → SPSC

Art 323

- Reports of PSCs

UPSC → President

SPSC → Governor

JPSC → Governor

.Part XIV A: About Tribunals

.Part XV: Election Commission of India → Art 324-329

Art 324

- Superintendence, direction, and control of elections
- Election of Parliament, State Legislature, President, and Vice President

LS, RS

LA, LC (not done by State elections)

Art 325

- Composition

Shall be determined by the President

Appointment by President

Condition of service by President

Earlier, only one Chief Election Commissioner (CEC) → Multimembered body

• ECI: 1989

Why?

• 1988, 61st CA → Voting age was reduced from 21 to 18

Increase in strength

Universal Adult Suffrage

.Current CEC: Rajiv Kumar

.1st CEC: Sukumar Sen

.Composition: 1 + 2
(1 CEC + other ECs)



Term

- 6/65 yrs; whichever is earlier

Removal

- Same as SC Judge

Removal of other ECs

- After the recommendation of CEC, then President can remove other ECs

Points to be noted

- No qualification prescribed in the Constitution
- Constitution has not debarred the retiring EC for any further appointment by government
- In case of difference of opinion between CEC and other ECs — Matters to be decided by the majority

Finance Commission

- Art 280
- Quasi-judicial body
- Constituted by President → Every five years; however, last Finance Commission was formed on 2017 to 2022. Till now, no Finance Commission.
- Composition: 1 + 4
- Eligible for reappointment
- Parliament determines their qualifications

— Chairman having experience in Public Affairs

15th Chairman: N K Singh

— Four other members

- A judge of HC/one qualified to be appointed
- A person having specialised knowledge in finance and accounts
- A person having specialised knowledge in economics
- A person having specialised knowledge and financial matters

- Functions — Recommendation to President (the recommendation is not binding on President)
 - Distribution of net proceeds of taxes between the Centre and the States
 - How the grants will be added to State by Centre
 - States consolidated fund and changes made to them → For equal distribution of resources between Panchayat and Municipalities

*1st Finance Commission Chairman: K C Neogy

- Art 324: Superintendence, direction, and control of elections
- Art 325: No person to be in eligible for inclusion in electoral rule, only on ground of religion, race, cast
- Art 326: Election to LS and LA
- Art 327: Power of Parliament to make provisions w.r.t elections to legislature
- Art 328: Power of Legislature of a State to make provisions w.r.t election to such Legislature
- Art 329: Bar to interference by courts in electoral matters



Comptroller Auditor General (CAG)

- Single membered body
- 1st CAG: V Narhari Rao
- Current CAG: G C Murmu

Art 148

- Head of Indian Audit and Accounts Department
- Guardian of public purse
- Appointment by President
- Term: 6/65 years
- Removal: Same manner as a judge of SC
- Not eligible for reappointment
- Salary determined by President

Art 149

- Parliament can prescribe duties and powers of CAG
 - Audits the accounts related to all expenditure from Consolidated Fund of India and Contingency Fund of India
 - Ascertains and certifies the net process of any tax and duty
 - Compile and maintains the accounts of State government

In 1976, removed from maintenance of accounts of Union government

Art 150

- Accounts of Union and State shall be kept in such form as President may on advice of CAG may prescribe

Art 151

- Audit reports to President

Attorney General of India

- Part V
- Art 76

- He is the highest law officer in the country (Advocate of Central government)
- Can participate in debate of Lok Sabha
- Assisted by Solicitor Generals (not a Constitutional body)
- Appointment by President
- Qualification: Qualified to be appointed as SC judge
- Holds office during the pleasure of President
- Salary and condition of service determined by President



- Appears on behalf of GOI in SC/HC (to advise GOI on legal matters)
- Should not:
 - └ Hold a brief against government
 - └ Defend an accused person
- Not a full-time counsel of government → can be removed any time by President
- Not from private legal practice

- *1st AGI: MC Setalvad (also, the first Law Commissioner of post Independence)
- *Current: R Venkatramani

Advocate General (Art 165)

- Highest law officer in a State
- Qualification: Qualified to be appointed as HC judge
- Appointment by Governor

Constitutional Bodies

- National Commission for Scheduled Caste (NCSC) and National Commission for Scheduled Tribes (NCST)

Functions

- To preserve the rights of SC/ST

- 65th CA → Officers to Commission
- 89th CA 2003 → Separated NCSC (Art 338) and created NCST (Art 338A)
- 102nd CA 2018 → Status to National Commission for Backward Classes (NCBC) (Art 338B)

Composition (NCSC and NCST)

- Chairman + Vice Chairman + 3 other members

Special Officer for linguistic minorities

- Part XVII
- Art 350B

Non-constitutional Bodies

Statutory

National Human Rights Commission

- Created for: Protection of Human Rights Act 1993
- Composition: Chairman + 5 other members

- Should be retired Chief Justice
- *1st Chairman: Ranganath Mishra
- *At present: Arun Kumar Mishra



Term
3/70 yrs of age

Central Vigilance Commission

Statutory body

- Job: To stop corruption
- Establishment: 1964, as an Executive Body

↓
2003, CVC Act: Now a Statutory Body

- Composition: Chairman + 2 other members
- Term: 4/65 years
- Formed on recommendation of Santhanam Committee
- Appointed by President on recommendation of a committee

- PM
- Home Minister
- Opposition in Lok Sabha

- Not eligible for further appointment under GOI/Government of State

Sub-body

Central Bureau of Investigation (CBI)

- Establishment: 1963 on recommendation of Santhanam Committee
- Moto: Industry, Impartiality and Integrity
- It is an Executive Body
- It derives its power from Delhi Special Police Establishment Act 1946
- Director: 2 yrs

Statutory

- Lokpal and Lokayukta → Inspired by Ombudsman from Sweden
- Lokpal: For Centre
- Lokayukta: For different States, it's different
- Functions: An Anti-corruption authority → For PM + Group A, B, C, D
- Composition: 2013 Lokpal and Lokayukta Act → 1 Chairman + 8 other members

- 50% members
- Shall be judicial members
- 50% members
- From SC/ST/OBC/minorities

- Appointment: By President on the basis of recommendation of a committee
- *1st Lokpal: Pinaki Chandra Ghosh
- *1st State to bring Lokayukta: Maharashtra



NITI AAYOG (National Institute for Transforming India)

- Executive body
- Establishment: 1st Jan 2015
- Replaced Planning Commission of India
- Composition: Chairman + Vice Chairman + CEO



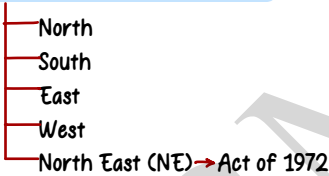
• 1st Attorney General: M C Setalvad

Art 263

- Establishment of Inter-State Council
- Members: PM (Chairman) + CM of all States + CM of UTs having LA + Administer of UTs not having LA + 6 ministers of Union Cabinet rank
- Establishment: On recommendation of Sarkaria Commission, June 1983 regarding Centre-State relations by President

Zonal Council

- Through State Reorganisation Act 1956
- Statutory body
- Chairman: Home Minister
- 5 Zonal Council + NE Zonal Council



- CEC: Removed by Special Majority from both the Houses of Parliament By President
- 1st women CEC of India: Rama Devi 1990
- GST of India: 101st CA
- NITI AAYOG/Planning Commission/NIC/NDC/NDMA/ISC Chairman: PM
- The Securities and Exchange Board of India (SEBI) became an autonomous body in 1993

- Estd: 12th April 1988 (Executive Body)
- 1992 SEBI Act → Statutory Body