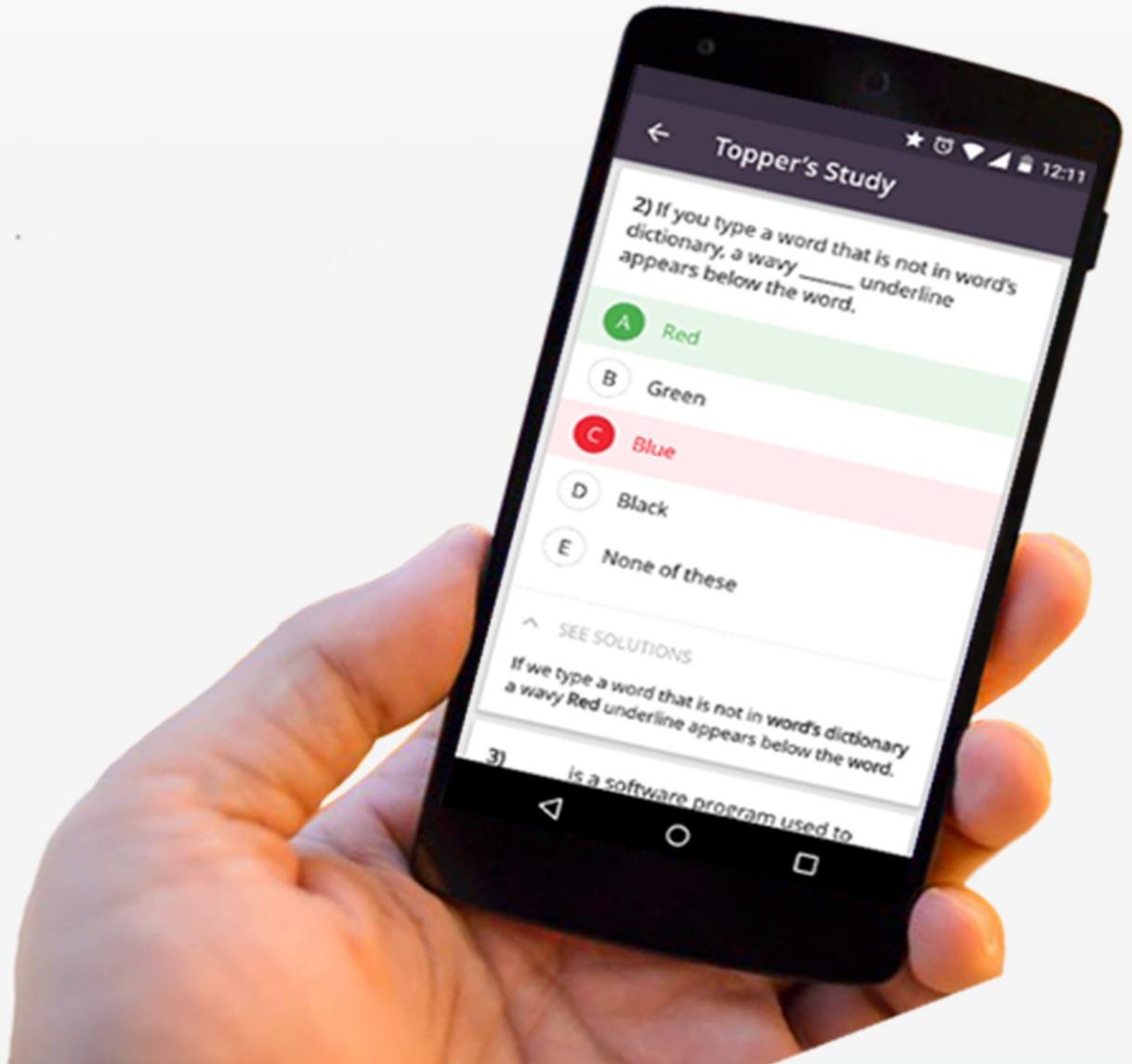




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Indian Polity Notes

Part - 5



CONSTITUTIONAL INSTITUTIONS

A constitutional body or an institution is the one which is specifically mentioned in the text of the constitution either originally or by virtue of some amendment, whereas a non-constitutional body is the one which isn't mentioned in the text of the constitution.

ELECTION COMMISSION

1. **Article 324** of the Constitution mentions about the election commission mentioned in **part XV**.
2. The institution of Election Commission presently consists of the chief election commissioner and two other election commissioners, appointed by the President.
3. They hold office for a term of **six years**. The age of retirement is **65 years**, whichever comes earlier.
4. The first election commissioner of India was **Sukumar Sen**.

UNION PUBLIC SERVICE COMMISSION

1. Mentioned under articles **315 to 323** in **Part XIV** of the Constitution (Article 315 mentions about the public service commission for the union and the states).
2. The UPSC consists of a chairman and other members appointed by the president of India.
3. Term is of **six years** or the retirement age is **65 years**, whichever is earlier.
4. The chairman of UPSC (on ceasing to hold office) is not eligible for further employment in the Government of India or a state.

STATE PUBLIC SERVICE COMMISSION

1. A State Public Service Commission consists of a chairman and other members appointed by the governor of the state.
2. The term of office is 6 years or retirement age is 62 years, whichever is attained earlier. They offer their respective resignations to the governor.
3. The chairman and members can be removed only by the President, though they're appointed by the Governor. The ground for removal is same as that of a chairman or a member of the UPSC.
4. **NOTE** – There is a provision for establishment of a Joint Public Service Commission (JPSC) for two or more states under the constitution.
5. A **JPSC** is/can be created by an act of parliament on the request of the respective states, unlike UPSC and SPSC which are constitutional bodies. Hence, a JPSC is a statutory body not a constitutional one.
6. The chairman and members of a JPSC are appointed by the president. The term of office is again six years or the age of retirement is 62 years, whichever comes earlier.

FINANCE COMMISSION

1. **Article 280** of the Constitution of India provides for a Finance Commission. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.
2. The Finance Commission consists of a chairman and four other members to be appointed by the president. They hold office for such period as specified by the president in his order. They are eligible for reappointment.

3. It is majorly an advisory body though and it advises on distribution of net proceeds of taxes to be shared between the centre and the states and the allocation between the states the respective shares of such proceeds.
4. The Chairman of the first finance commission was **K.C Neogi** and presently it is the 14th F.C whose chairman is **Y.V Reddy**.

NATIONAL COMMISSION FOR SCs

1. Mentioned in the Article 338 of the Constitution of India.

NATIONAL COMMISSION FOR STs

1. Mentioned in the Article 338-A of the Constitution of India.

SPECIAL OFFICER FOR LINGUISTIC MINORITIES

It is mentioned in **350-B** in **Part XVII** of the Constitution.

COMPTROLLER and AUDITOR GENERAL of INDIA

1. The Constitution of India (**Article 148**) provides for an independent office of the Comptroller and Auditor General of India (CAG).
2. He is the head of the Indian Audit and Accounts Department.
3. He is the **guardian of the public purse** and controls the entire financial system of the country at both the levels—the Centre and the state.
4. This is the reason why Dr B R Ambedkar said that the CAG shall be the **most important Officer under the Constitution of India**.
5. The CAG is appointed by the president of India by a warrant under his hand and seal.
6. He holds office for a period of **six years** or up to the age of **65 years**, whichever is earlier.
7. He can be removed by the President either on the grounds of proven misbehaviour or incapacity. The method of removal is same as that of a judge of the Supreme Court.
8. He is not entitled to hold any further employment after he retires or is removed, either at the centre or at the state government level.
9. The administrative expenses of the office of the CAG, including all salaries, allowances and pensions of persons serving in that office are charged upon the Consolidated Fund of India. Thus, they are not subject to the vote of Parliament.
10. He audits the accounts related to all expenditure from the Consolidated Fund of India, consolidated fund of each state and consolidated fund of each union territory having a Legislative Assembly.
11. He audits all expenditure from the Contingency Fund of India and the Public Account of India as well as the contingency fund of each state and the public account of each state.
12. He submits his audit reports relating to the accounts of the Centre to President, who shall, in turn, place them before both the Houses of Parliament (**Article 151**).
13. He submits his audit reports relating to the accounts of a state to governor, who shall, in turn, place them before the state legislature (**Article 151**).
14. The President lays the reports submitted by CAG before both the Houses of Parliament. The Public Accounts Committee then scrutinizes them and reports the findings to the Parliament.

ATTORNEY GENERAL OF INDIA

1. Mentioned in the **Article 76** of the Constitution of India.
2. Titled as the highest law officer in the country.
3. Appointed by the **President**.
4. An AGI is one who is qualified to be appointed a judge of the Supreme Court.
5. Term is not fixed and he holds office during the pleasure of the President.
6. In the performance of his official duties, the Attorney General has the right of audience in all courts in the territory of India. Further, he has the right to speak and to take part in the proceedings of both the Houses of Parliament or their joint sitting and any committee of the Parliament of which he may be named a member, but without a right to vote. He enjoys all the privileges and immunities that are available to a Member of Parliament.
7. **NOTE-** In addition to the AG, there are other law officers of the Government of India. They are the solicitor general of India and additional solicitor general of India. They assist the AG in the fulfilment of his official responsibilities. It should be noted here that only the office of the AG is created by the Constitution. In other words, Article 76 does not mention about the solicitor general and additional solicitor general.
8. The first and the longest serving AGI of India was **Motilal Chimanlal Setalvad**.

ADVOCATE GENERAL OF THE STATE

1. The Constitution (**Article 165**) has provided for the office of the advocate general for the states. He is the highest law officer in the state. Thus he corresponds to the Attorney General of India.
2. The advocate general is appointed by the governor. He must be a person who is qualified to be appointed a judge of a high court.

SOME IMPORTANT NON-CONSTITUTIONAL BODIES

PLANNING COMMISSION

1. Established in March 1950 by an executive resolution of the Government of India, (i.e., union cabinet) on the recommendation of the Advisory Planning Board constituted in 1946, under the chairmanship of K C Neogi. Thus, the Planning Commission is neither a statutory institution nor a constitutional one. In other words, it is a non-constitutional or extra-constitutional body (i.e., not created by the Constitution) and a non-statutory body (not created by an act of Parliament). In India, it is the supreme organ of planning for social and economic development. Now, it has been replaced by another body named NITI Aayog from 1st January, 2015.
2. The P.M of India is the *ex-officio* chairman of the commission. He presides over the meetings of the commission.
3. The commission has a deputy chairman. He is the *de facto* executive head (i.e., full-time functional head) of the commission. He is responsible for the formulation and submission of the draft Five-Year Plan to the Central cabinet. He is appointed by the Central cabinet for a fixed tenure and enjoys the rank of a cabinet minister. Though he is not a member of cabinet, he is invited to attend all its meeting (without a right to vote).

NATIONAL DEVELOPMENT COUNCIL

1. The National Development Council (NDC) was established in August 1952 by an executive resolution of the Government of India on the recommendation of the first five year plan (draft outline). Like the Planning Commission, it is neither a constitutional body nor a statutory body.
2. The NDC is composed of the following members.
 - A. P.M of India (as its chairman/head).
 - B. All Union cabinet ministers (since 1967).
 - C. Chief Ministers of all the states.
 - D. Chief Ministers/administrators of all the union territories.
 - E. Members of the Planning Commission.

NATIONAL HUMAN RIGHTS COMMISSION

1. The NHRC is a statutory (and not a constitutional) body. It was established in **1993** under a legislation enacted by the Parliament, namely, the **Protection of Human Rights Act, 1993**. This Act was amended in 2006.
2. The commission is a multi-member body consisting of a chairman and four members. The chairman should be a **retired chief justice of India**.
3. The chairman and members are appointed by the president on the recommendations of a **six-member committee** consisting of the prime minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Central home minister. Further, a sitting judge of the Supreme Court or a sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.
4. The chairman and members hold office for a term of **five years** or until they attain the age of **70 years**, whichever is earlier. They are not eligible for further employment under the Central or a state government.

CENTRAL INFORMATION COMMISSION

1. The CIC was established by the Central Government in **2005**. It was constituted through an Official Gazette Notification under the provisions of the Right to Information Act (2005). Hence, it is not a constitutional body.
2. The Commission consists of a Chief Information Commissioner and not-more-than ten Information Commissioners.
3. They are appointed by the President on the recommendation of a committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.
4. They should be persons of eminence in public life with wide knowledge and experience in social service, science and technology, mass media, management, journalism, law, or administration and governance.
5. They should not be M.Ps or MLAs of any State or Union Territory. They should not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
6. The term of office is 5 years and/or retirement age is 65 years, whichever comes earlier. They are ineligible for reappointment.
7. They can be removed by the President only as per the conditions as mentioned in the case of NHRC.

CENTRAL VIGILANCE COMMISSION

1. The CVC is the main agency for preventing corruption in the Central government. It was established in **1964** by an executive resolution of the Central government. Its establishment was recommended by the Santhanam Committee on Prevention of Corruption (1962–64).
2. Thus, originally the CVC was neither a constitutional body nor a statutory body. In **September 2003**, the Parliament enacted a law conferring statutory status on the CVC.
3. The CVC is a multi-member body consisting of a Central Vigilance Commissioner (chairperson) and not more than two vigilance commissioners.
4. They are appointed by the president by warrant under his hand and seal on the recommendation of a three-member committee consisting of the prime minister as its head, the Union minister of home affairs and the Leader of the Opposition in the Lok Sabha.
5. They hold office for a term of **four years** or until they attain the age of **65 years**, whichever is earlier. After their tenure, they are not eligible for further employment under the Central or a state government.



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