



Non-Constitutional Bodies (PDF)

SSC GK Polity Notes: Non-Constitutional Bodies

Non-Constitutional bodies, as the term implies, are institutions or organisations that are not mentioned in the Constitution or are not granted constitutional status. Non-constitutional bodies can thus be established through legislation or executive resolution, which are referred to as Statutory and Non-statutory bodies, respectively. Non-constitutional organisations include the National Human Rights Commission (NHRC), NITI Aayog, and the Telecom Regulatory Authority of India (TRAI), among others.

Non-Constitutional Bodies are a crucial subject for the SSC Exams. Let us look at the various kinds of non-constitutional bodies with some examples in this article.

What are Non-Constitutional Bodies?

- A non-constitutional body is an organisation or entity that is not mentioned in the Indian Constitution.
- Unlike a constitutional body, a non-constitutional entity does not have powers drawn from the Indian Constitution.
- The powers of a non-constitutional body are typically derived from legislation passed by the Indian Parliament. As an example, consider the Central Information Commission. (CIC).
- There are also non-constitutional bodies that gain authority from Indian government orders. (Executive Resolution). NITI Aayog is an example.

Non-Constitutional Bodies: Types

1. Non-constitutional bodies are broadly classified into:
 - Statutory Bodies and
 - Non- Statutory Bodies
2. Based on how the body gets its powers and functions. Bodies that are not required by law Statutory Bodies are institutions whose authority is typically derived from legislation enacted by the Indian Parliament. As an example, consider the Central Information Commission (CIC), Lokpal, and Lokayukta.
3. However, Statutory bodies are further classified depending on their function:
 - Regulatory Bodies
 - Quasi-Judicial Bodies
4. A regulatory body is a government entity that has autonomous authority over some element of human action in a regulatory or supervisory capacity. Examples include the Reserve Bank of India (RBI) and the Telecom Regulatory Authority of India. (TRAI).
5. Quasi-judicial bodies are non-judicial officials that can interpret the law, such as commissions or tribunals. They vary from judicial entities in that their jurisdiction is more limited than that of a court. As an example, consider the National Human Rights Commission. (NHRC).
6. Non-Statutory Bodies are institutions whose powers and duties are drawn from executive orders and resolutions rather than from laws. NITI Aayog and the Central Bureau of Investigation are two examples. (CBI).



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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 KC 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 PM 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 cabinet minister. Though he is not a member of the cabinet, he is invited to attend all its meeting (without a right to vote).
4. It is discontinued in 2015 and replaced by NITI Aayog.

NITI (National Institution for Transforming India) Aayog

1. It is established in 2015 by the government to replace the Planning Commission (based on a top-down model).
2. It is based on the bottom-up model.
3. It is the policy-making body for the whole of India.
4. The Ex-officio chairman of Aayog is the prime minister.
5. The current Vice President of Aayog is Rajiv Kumar.
6. Permanent members of the governing council-
 - (a) All state Chief Ministers
 - (b) Chief ministers of Delhi and Puducherry
 - (c) Lieutenant Governor of Andaman and Nicobar
 - (d) Vice-chairman nominated by the Prime Minister.

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 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 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 the 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 carry on any business or pursue 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 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 state government.

CENTRAL BUREAU OF INVESTIGATION

1. The Central Bureau of Investigation (CBI) is the country's anti-corruption agency. It investigates criminal issues and is also India's Interpol agency.
2. The CBI Academy is situated in Ghaziabad, Uttar Pradesh. The school was founded in 1966. It has grown into a significant police training facility over the years.
3. In addition, the CBI has established three Regional Training Centers (RTC) in Kolkata, Chennai, and Mumbai.
4. Motto of CBI: "Industry, Impartiality and Integrity"
5. Structure:
 - Prime Minister (chairperson)
 - Leader of Opposition
 - Chief Justice of India or a Supreme Court Judge recommended by the Chief Justice.

Conclusion

The Constitution could not fit every existing institution. Furthermore, because it is costly to keep their operations and functions, not all bodies require constitutional status. Many institutions are ad hoc in nature and may not require complete constitutional status to carry out their functions.



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