

# Constitutional Bodies in India

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### What is a Constitutional Body?

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

### Important Constitutional Bodies of India

#### ELECTION COMMISSION

1. **Article 324** of the Constitution mentions the election commission mentioned in **part XV**.
2. The institution of the 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. The 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 the 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 the same as that of a chairman or a member of the UPSC.
4. **NOTE** – There is a provision for the 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 JSPSC 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 an 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 a 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 the 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 14<sup>th</sup> F.C whose chairman is **N.K Singh**.

Also, Check: [Tricks to Remember Indian Polity Schedules, Writs, Constitutional Bodies](#)



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## NATIONAL COMMISSION FOR SCs

- Mentioned in Article 338 of the Constitution of India.

## NATIONAL COMMISSION FOR STs

- Mentioned in 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 the 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 expenditures 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 the 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 the 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 **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. The 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 the 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



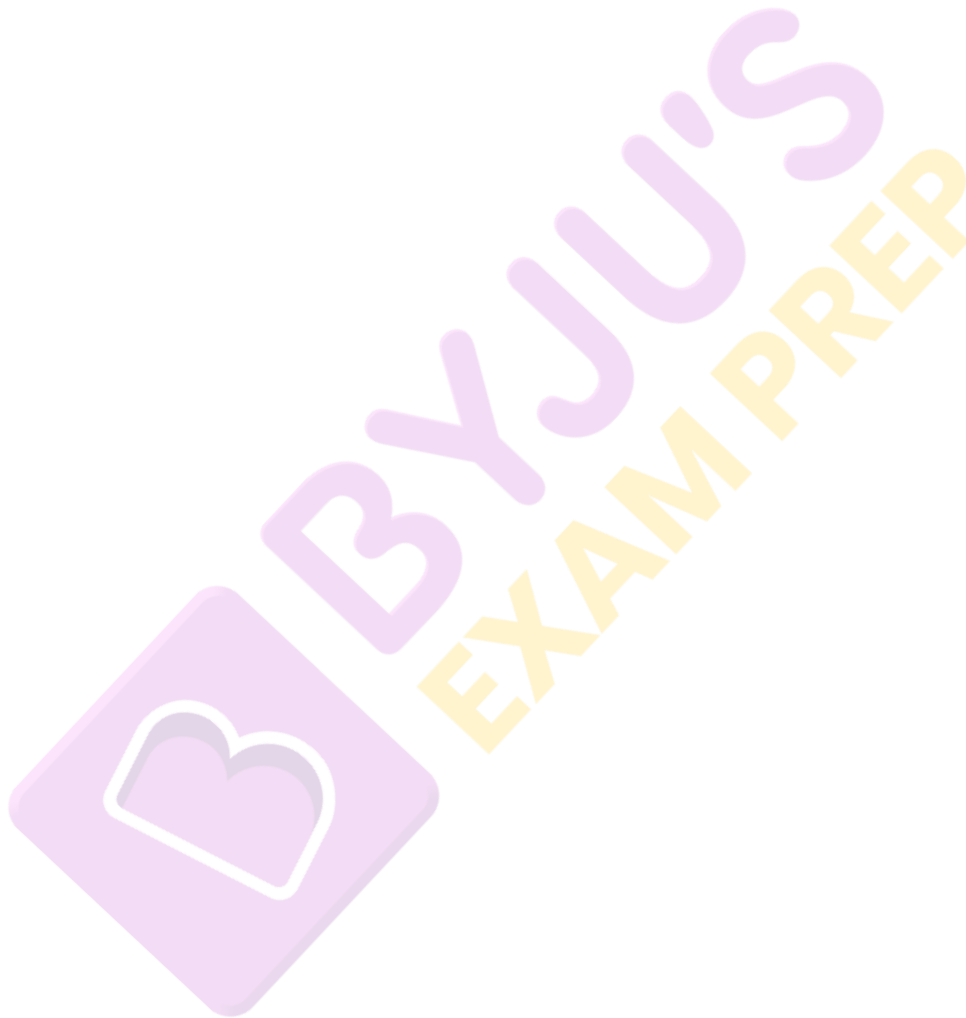
of the AG is created by the Constitution. In other words, Article 76 does not mention the solicitor general and additional solicitor general.

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.



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