NATIONAL
IAS ACADEMY

CONSTITUTIONAL BODIES

VIJAYANAGAR BRANCH: #3444, 'KARMA KOUSHALYA BHAVAN', CHORD ROAD, OPPOSITE TO ATTIGUPPE METRO STATION, VIJAYANAGAR, BANGALORE – 540040

JAYANAGAR BRANCH: LUCKY PARADISE, 2ND FLOOR, 8TH F MAIN ROAD, 22ND CROSS, OPPOSITE TO ICICI BANK, 3RD BLOCK, JAYANAGAR, BANGALORE -560011

TABLE OF CONTENTS

1. **Public Service Commissions ……..… 03**
2. **Election Commission ……..… 05**
    - **Elections**
3. **Finance Commission ……. 09**
4. **Comptroller and Auditor General of India …… 11**
5. **Attorney General and Advocate General of State ……..…… 13**
6. **National Commssion for SC and ST ……..... 15**
7. **Special Officer for Linguistic Minorities ……...…..... 16**
8. **Quick Revision Table ……..…….. 17**

NATIONAL
ENTRANCE OF SUCCESS

1.PUBLIC SERVICE COMMISSIONS

BASES	UPSC	SPSC	JPSC
Creation	Constitution of India	Constitution of India	Created by the **Law of Parliament** if agreed by the concerned states and requested for creation by the resolution of the state.
Appointment of Members	President of India	Governor of State	President of India
Condition for Appointment	One half of members shall have held office for atleast 10 years either under government of India or government of a state.	Same	Same
Term of Office	6 years or 65 years	6 years or 62 years	6 years or 62 years
Resignation from Office	Addressed to President	Addressed to President	Addressed to President
Removal Grounds Method of Removal	➢ Misbehavior ➢ On report of SC on inquiry held in accordance with procedure prescribed under Article 145	Same	Same
Removal Without report of SC	Applies to any member or chairman of Public Service Commission. ➢ Adjudged an Insolvent ➢ Engages in paid employment outside the duties of office ➢ In opinion of President unfit to continue in office due to infirmity of body	Same	Same
Prohibition to	**Chairman**	**Chairman**	**Chairman**

holding of office	Ineligible for further employment either under GOI or government of a state. **Members** Ineligible for further appointment either under GOI or government of state Eligible for ➢ Chairman of UPSC ➢ Chairman of SPSC/JPSC	Eligible for appointment as ➢ Chairman of UPSC ➢ Member of UPSC ➢ Chairman of any other SPSC **Members** Eligible for ➢ Chairman of UPSC ➢ Chairman of SPSC/JPSC ➢ > Member of UPSC	Eligible for appointment as ➢ Chairman of UPSC ➢ Member of UPSC ➢ Chairman of any other SPSC **Members** Eligible for ➢ Chairman of UPSC ➢ Chairman of SPSC/JPSC ➢ > Member of UPSC
Power to extend the tenure of the office (Article 321)	Parliament by law	State Legislature by law	Parliament by law
Power to Remove	President	President	President
Expenses of Commission	Charged on Consolidated fund of India (Article 322)	Charged on consolidated fund of state (Article 322)	Charged on consolidated fund of state concerned and shared between the states
Report of commission	Submitted to the **President** and then it is laid before each house of parliament	Submitted to **Governor** and he lays it before the state legislature.	Submitted to **governors of the state concerned.** Governors lay it before their state legislatures
Functions of PSC	Conduct Examinations for appointments	Same	Same

Obligations on the State

UPSC/SPSC shall be consulted on all matters relating to

- The methods of recruitment to civil services.
- On suitability of candidates for such appointments, promotions or transfers.
- On disciplinary matters affecting a person serving under the Government of India.

2.ELECTION COMMISSION

Article 324 –

- Power of superintendence, direction and control of elections to
- Parliament
- State Legislatures
- President and Vice President

Note:

- Election to Panchayats and Municipalities in States held by State Election Commission.
- EC assisted at state level by Chief Electoral Officer appointed in consultation with State Government.
- District Level – Collector is the returning officer.
    - He appoints the returning officer and presiding officer for each constituency.

Composition:-

- EC comprises of **CEC and such number of election commissioners** as the president from time to time fix.
- **CEC and 2 other election commissioners** have equal powers, pay, salary and requisites.
- Salary corresponds to **Judge of a Supreme Court**
- CEC shall act as the chairman of EC
- In case of difference of opinion, the matter in commission is determined by **Majority.**
- Appointment of CEC and other election commissioners **made by President of India.** President of India may consult such regional commissioners as he may consider necessary by the EC
- Conditions of the office of EC **determined by President.**

Independence of Election Commission :-

Article 324 provides the following safeguards for independent and impartial functioning of EC

- Security of Tenure
- Service conditions of CEC cannot be varied
- Other EC can only be removed with prior recommendation of CEC.

Some flaws noted :-

- Constitution has **not prescribed the qualifications** of the members of the EC
- Constitution **not specified the term** of the members of EC

However, Parliament has decided the term of office **6 years and 65 years**

- Constitution has **not debarred the EC from any further appointment** by the government.

Powers and Functions:-

Administrative Functions

- To **determine the territorial areas of the electoral constituencies** on the basis of delimitation commission Act of parliament.
- Prepare and revise **electoral rolls** and register eligible voters
- Notify **dates for elections** – scrutinize nominations
- **Recognition to political parties** and allotting **election symbols**
- Preparing **roster for publicity**
- **Supervise** the machinery of elections throughout the country

Quasi-Judicial Functions

- **Settle disputes** related to recognition of political parties and allotment of election symbols

Recognition of national and State parties
Recognition of political parties as national and state parties will ensure
> Right to certain priveleges like allocation of party symbols
> Provision of time for political broadcasts
> Access to electoral rolls
To be recognized as national party

1. Secure **6% valid votes polled in 4 or more states** at Loksabha or legislative assembly 4 seats in loksabha from any state
2. **2% seats in LokSabha** , these candidates can be **selected from 3 states**
3. The party should be **recognized as state party in 4 states.**

National Parties in India
BSP – Elephant
BJP – Lotus
CPI – Corn and Sickle
CPI (M) – Hammer, Sickle and Star
INC – Hand
NCP – Clock
RJD – Hurricane Lamp

- For **inquiring into disputes** related to election arrangements
- To **determine code of conduct** during elections for parties and candidates

Advisory Functions:-

>**Advise President/ Governor** on matters **relating to disqualifications of the members** of Parliament/ State Legislature
> To advise President whether **elections to beheld in state under President rule** or extent the period of emergency.
> To **register political parties** and grant them status of national and state parties.

Elections

(324-329) of Part 15 deals with regarding to electoral system in our country.

1. Article 324 provides for a Independent Election Commission.

2. There is **one general electoral role** for every territorial constituency.
   - This electoral role is **used for both center and state legislatures**.
   - Constitution has **abolished the system of communal representation** and separate electorates.

3. Constitution has accorded equality to every citizen in the matter of electoral franchise.

4. Elections are done on the basis of **adult franchise**
   (**61st Amendment Act 1988** reduced the voting age from 21 to 18 years)
   Conditions to vote:-
   - Citizen of India
   - 18 years of age
   - Should not be disqualified on grounds of **Non Residence, Unsound Mind, Crime or corrupt or illegal practice.**

5. Parliament **can make provision** relating to electoral rolls, delimitation of constituencies and other matters necessary.

A) In this regard government has enacted **Representation of People Act 1950** dealing with:-
- Qualifications of voters
- Preparation of electoral rolls
- Delimitation of constituencies
- Allocation of seats in Parliament and State Legislatures

B) Parliament has also enacted **Representation of People Act 1951** dealing with
- Administrative machinery dealing with elections

- Election offenses
- Election Disputes
- By-elections
- Registration of Political Parties

C) Delimitation Commission Act 1952

- The allotment of seats done under this law cannot be questioned in any court.

6. Election petitions since 1966 are triable by high court alone.
   Appellate jurisdiction lies with Supreme Court alone.

NATIONAL
ENTRANCE OF SUCCESS

3.FINANCECOMMISSION

Article 280 of the constitution of India provides for a Finance Commission.
It acts a quasi-judicial body.

Composition

>Comprises **of Chairman and 4 members**
>Appointed by the President.
>Hold office for such period as **specified by the President.**
>Eligible for **reappointment.**
>Constitution authorizes parliament to determine the **qualifications** of members of the commission and the manner in which they should be selected.

Qualifications :-

>Chairman – Person having experience in public affair
Members :-
>**Judge of a high court** or qualified to appointed as one.
>Specialised knowledge of **finance and accounts** of the government.
>Wide experience in **financial matters and In administration**
>Special knowledge of **economics**.

Functions :-

FC needs to make the following recommendations to the President

1) **Distribution of net proceeds of taxes** to be shared between the centre and the states, and allocation between the states.
2) **Principles governing the grant in aid** (Out of the consolidated fund of India)
3) Measures needed to **augment the consolidated fund of state** to **supplement the resources of Panchayat and Municipality** on the basis of recommendation made by Finance Commission.
4) Any other **matter to refer to it by President**.
   Commission submits report to the President.

Advisory Role

>Recommendations made by FC are advisory and hence **not binding on the government.**

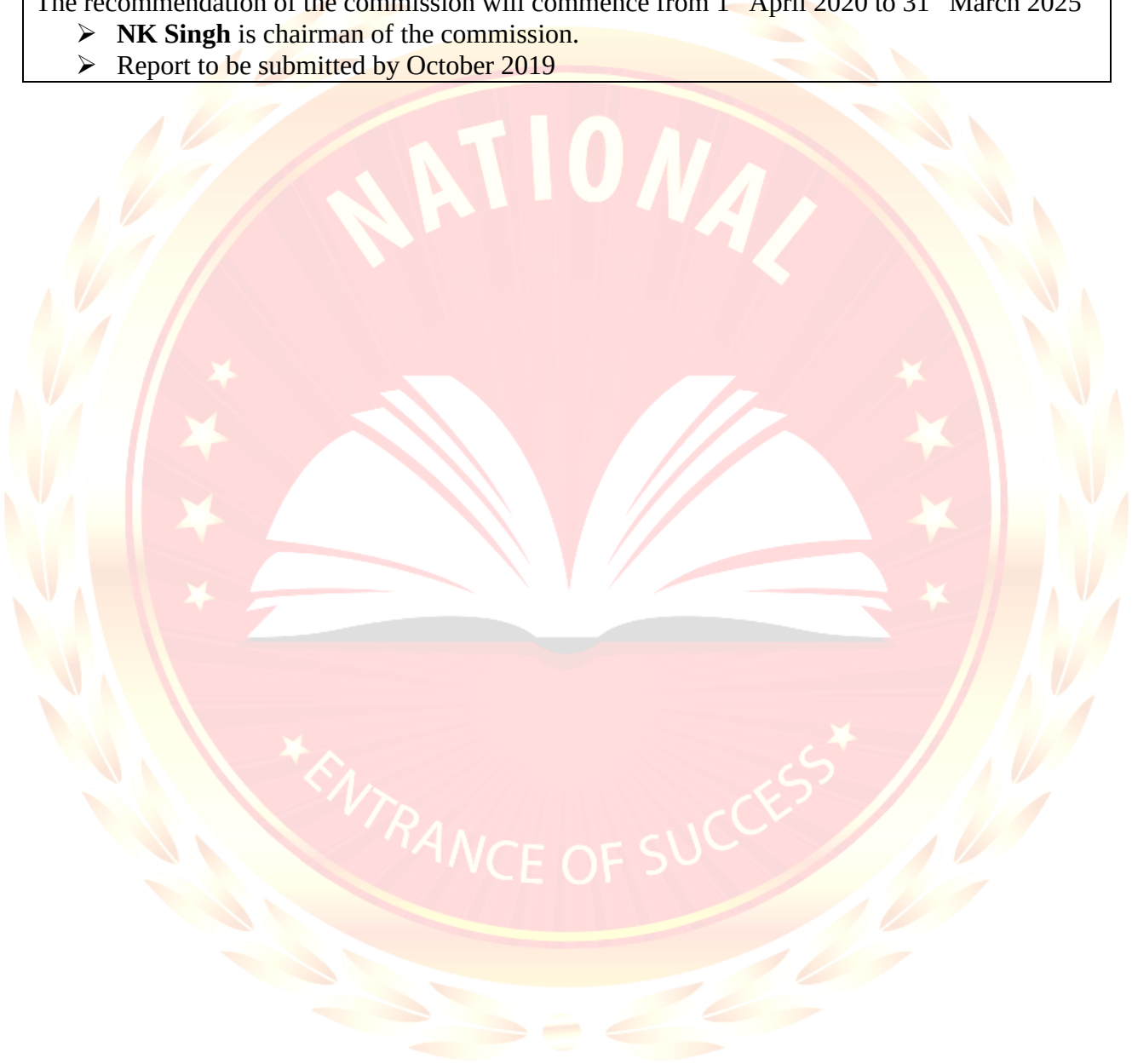
14th Finance Commission
Accepted recommendations of 14th FC

- Increase the devolution of tax receipts from centre to states from **32% to 42%.**
- Higher tax devolution will allow **states more autonomy** – in financing and designing of

schemes
- Recommended **distribution of grants of 2.88Lakh Cr.**
- FC has recognized 11 revenue deficit states and has funded them additional resources.
- No sector specific recommendations have been made.

15 th Finance Commission constituted

The recommendation of the commission will commence from 1st April 2020 to 31st March 2025
- **NK Singh** is chairman of the commission.
- Report to be submitted by October 2019



4.COMPTROLLER AND AUDITOR GENERAL OF INDIA

Art 148 – Provides for an independent office of CAG

- Guardian of Public Purse
- Duty is to uphold the constitution of India and laws of parliament in the **field of Finance Administration**
- He is one among the **bulwarks of democratic system of government** – Others being the Supreme Court, Election Commission, and Union Public Service Commission

Appointment and Term:-

- CAG appointed by the President under his warrant and seal.
- 6 years or 65 years
- Resigns by giving the resignation letter to the President.
- Removal on similar grounds as the Judge of Supreme Court.

Independence

- Security of tenure – Do not hold **office till the pleasure of President** though appointed by him.
- **Not eligible** for further office *
- Salary and other **conditions determined by the Parliament**. Salary equal to **judge of SC**
- Salary or rights cannot be altered to his disadvantage
- Conditions of service of persons in Indian Audit and Account service **prescribed by the President** after consultation with CAG
- Administrative expenses charged **upon the Consolidated Fund of India**

Duties and Powers:-

- **Article 149** discusses the duties and powers of CAG.
- The duties are prescribed by the **law made by Parliament.**
- CAG Act 1971 was amended in **1976** to separate account from audit in the Central Government.

1) **Audits accounts of**

- Consolidated fund of India
- Consolidated fund of each state
- Consolidated fund of each Union Territory

2) **Audits expenditure of**

- Contingency fund of each state
- Public Account of each state

3) Audits all the **subsidiary accounts** of state and central governments

4) Audits **receipts and expenditure** of state and central government

5) Audits receipts and expenditure of
- **Bodies financed by Central and State revenues**
- Government companies
- Other corporation and bodies required by laws

6) Advices the president to prescription of the **form in which accounts** of the center and state shall be kept

7) **Submits audits and report to President** who shall place them before both houses of parliament.

8) Submits audits and **reports to state governor**

9) Ascertains and **certifies the net proceeds of any tax or duty**.

10) Acts as friend philosopher and guide of the PAC

11) He **compiles and maintains the accounts** of state government

12) Submits audit reports
- Audit report on appropriation
- Audit report on finance
- Audit report on public undertakings

Role:-

- **Accountability of the executive** in the **sphere of financial administration**
- **Does proprietary audit** – wisdom, faithfulness and economy of government expenditure
- Proprietary audit is **discretionar**y.
- CAG has **no control over the issue** of money from consolidated fund of India.

5. Attorney and Solicitor General of India / Attorney General of State

Attorney and Solicitor General	Advocate General of State
Article 76	Article 165
Highest law officer of the country	Highest law officer of the state
Appointed by **President** - He must be qualified to be the **Judge of Supreme Court** (citizen of India, Judge of HC for 5 years, advocate for 10 years or an **eminent jurist** in the opinion of president)	Appointed by **Governor** - qualified to be **judge of High Court** (Citizen of India, held judicial office for **10 years** or advocate of HC for **10 years**)
Term of office **not fixed by constituton**	Same
Constitution has **no procedure for his removal** Holds **office during the pleasure** of the President.	Constitution has no procedure for his removal. Holds office during the **pleasure of the Governor**
Recieves**renumeration as president** may determine	As **Governor** may determine
Chief Law officer of government of India ➢ Give advice to GOI on legal matters ➢ Perform duties of a legal character ➢ Discharge functions conferred on him by constitution. President may assign the following duties to AG:- ➢ To appear on behalf of government ➢ To represent the government ➢ To appear when required by the government in any high court	Here instructions is given by the government of state and the governor
Rights and Limitations ➢ >**Right of audience** in all courts. ➢ >**Right to speak** and **take part in the proceedings** of both the houses of parliament, joint sitting , or any committee proceedings. ➢ >**Does not have the right to vote**	Same

➢ He **enjoys all priveleges and immunities** that are available to a member of parliament. **Limitations** >**Should not advice** against the government of India >**Should not defend** accused persosn in criminal proceedings >**Should not accepts appointment** as director in any company or corporation without government permission.	
Soliciter General of India They assist the attorney general in fulfillment of official responsibilities. Article 76 does not mention about such a office hence office not created by constitution.	No such office

NATIONAL
ENTRANCE OF SUCCESS

6.NATIONAL COMMISSION FOR SC ,NATIONAL COMMISSION FOR ST

National Commission for SC	National Commission for ST
Article 338	Article 338A (89th Constitutional Amendement)
Consist of Chairperson, Vice Chair Person and 3 other members. Appointed by **President** by warrant under his hand and seal.	Same
Tenure of office **determined by President**.	Same
Functions :- ➢ To investigate and monitor matters relating to SC ➢ Inquire specific complaints relating to deprivation of rights ➢ Participate and advice on the planning process. ➢ To present the President the reports ➢ To make recommendation for effective implementation of safeguards	Caters to functions related to ST

NATIONAL
ENTRANCE OF SUCCESS

7.SPECIAL OFFICER FOR LINGUISTIC MINORITIES

Inserted by **350B(7th Constitutional Amendment 1956)**

- Should be special officer for Linguistic Minorities
- Appointed by the **President of India**
- Duty is to investigate all matters relating to safeguards for linguistic minorities
- Place the report to the President.

Note: - Constitution does not specify qualification, tenure, salaries, and procedure for removal of Special Office for linguistic minorities.

8.QUICK REVISION TABLE

Office	Term	Appointment	Removal	Warrant under his Hand and Seal
Election Commission	6 years or 65 years	President	Similar to removal of Judge of Supreme Court	No
UPSC	6 years or 65 years	President	President	No
SPSC	6 years or 62 years	Governor	President	No
JPSC	6 years or 62 years	President	President	No
Finance Commission	As determined by Parliament	President	NA	No
CAG	6 years or 65 years	President	Similar grounds as Judge of Supreme Court	Yes
Attorney General	3 years	President	President	No
Advocate General	3 years	Governor	Governor	No
National Commission for SC	As determined by President (Not mentioned in the constitution)	President	President	Yes
National Commission for ST	As determined by President (Not mentioned in the constitution)	President	President	Yes
Special Officer for Linguistic Minorities	Not mentioned in the constitution	President	President	No

NATIONAL
ENTRANCE OF SUCCESS