PARMAR SSC

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Constitutional & Non- Constitutional Bodies



Bodies

1. Constitutional Bodies

Mentioned in Constitution under Articles.

2. Statutory Bodies

Created by Laws

3. Non-Constitutional / Executives

Created by any Executive Resolution / Resolution of Government.

Constitutional Bodies

1. Election Commission of India (ECI)

- **Articles 324-329 (Part XV)**
- Permanent & Independent body
- Administers the election to the LS, RS, LA, LC, President, VP, but not for Panchayat & Municipality elections.
- Composition: Chief Election Commissioner (CEC) + 2 Election Commissioners (as determined by the President)
- **Appointment**: By President, Serves till the pleasure of the President.
- **Tenure**: 6 years or until 65 years of age
- **Removal**: By President, Similar to the removal procedure of a Supreme Court Judge (CEC), other ECs are removed by President on the advice of CEC.
- **Salary**: Same as a Supreme Court Judge
- **Nature of functions**: Administrative, Advisory, Quasi-judicial.

- 1st CEC: Sukumar Sen
- Originally it was a single-membered body.
- It became a Multi-membered Commission since: 1989
- 61st Amendment of 1988 reduced the voting age from 21 years to 18 years.

Important Articles:

Article 324
Superintendence, direction and control of elections

Article 325
No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.

Article 326
Elections on the basis of adult suffrage, Representation of People Act.

Article 327
Powers of Parliament to make provisions with respect to elections to legislature.

Article 328
Power of Legislature of a State to make provisions with respect to elections to such legislature.

Article 329
Prohibits interference by courts in electoral matters.

2. Union Public Service Commission (UPSC)

- Articles 315-323 (Part XIV)
- Independent Constitutional body; known as "Watchdog of Merit System"
- Composition: In discretion of the President
- Qualification: ½ of members must have held Government office for 10 years
- Term: 6 years or until 65 years of age
- Recruitment: All India Services and Central Services



Chairman of UPSC :
Dr. Ajay Kumar
(as of Dec 2025)

Removal by President if:

- Found insolvent.
- Found holding any office of profit.
- Having an infirmity of mind or body.
- Misbehaviour (as recommended by SC through an enquiry board).

Articles Related to UPSC

Article 315
Public Service Commission for the Union and for the States.

Article 316
Appointment and term of office of members.

Article 317
Removal and suspension of a member of PSC.

Article 318
To make regulations as to conditions of service of members and staff of the Commission.

Article 319
Prohibition as to the holding of office by members of commission on ceasing to be such members.

Article 320
Function of PSCs.

Article 321
Power to extend functions of PSCs.

Article 322
Expenses of PSCs.

Article 323
Reports of PSCs.

3. State Public Service Commission (SPSC)

- **Articles 315-323 (Part XIV)**
- Same structure as UPSC
- Term: 6 years or until 62 years of age.
- Qualification: 1½ of members must have held Government office for 10 years
- **Recruitment**: State Services
- **Appointed by**: Governor of the State.
- **Removal**: same as UPSC

Though UPSC and SPSC are constitutional bodies but Joint Public Service Commission is Statutory in nature.

4. Finance Commission (FC)

- Article 280-a Quasi-judicial body
- Composition: Chairman + 4 Members (Constituted by President in every 5 years.
- Constitution has authorised Parliament to determine the Qualifications of member of Financial Commission.

Qualifications:

- Chairman - must be experienced in Public affairs.
- Members - A judge of HC or Qualified to be appointed as a HC judge.
- Special knowledge of finance and Accounts of government and Economics.
- Members are eligible for re-appointment.

- 1st FC (1951): K. C. Neogy
- 14th FC: Y.V. Reddy
- 15th FC: N. K. Singh
- 16th FC: Arvind Panagariya
- Members: Ajay Narayan Jha, Annie George Mathew, Manoj Panda, Soumya Kanti Ghosh (Part-time)

Articles related to Finance Commission (FC)

Article 280
Defines Finance Commission.

Article 281
Submission of recommendations of FC.

GST Council

Article 279A

- Inserted via 101st CAA, 2016
- Composition: Joint forum of Centre & State.
- Chairperson: Union Finance Minister.

- It makes recommendation to the President on the Net Proceeds of taxes to be shared between Centre & State. (Not binding)
- Union Revenue Secretary acts as the ex-officio Secretary to the Council.

5. National Commission for SCs & STs

- SCs-Article 338
- STs-Article 338A
- Composition: Chairperson + Vice-Chairperson + 3 members
- All members appointed by President.

- Originally, Article 338 provided for a Special Officer for SCs and STs.
- Later, the 65th CAA, 1990 replaced the Special Officer with a multi-member National Commission for SCs and STs under Article 338.
- Finally, the 89th CAA, 2003 bifurcated it into 2 separate commissions:
- National Commission for Scheduled Castes (NCSC)- Article 338
- National Commission for Scheduled Tribes (NCST) - Article 338A

6. National Commission for Backward Classes (NCBC)

Article: 338B

- Established in: 1993
- Originally it was a statutory body.
- Mandal Case, 1992: SC directed Central government to constitute a permanent statutory body for Backward Class.

102nd Amendment Act of 2018 conferred the constitutional status and added a new article 338B to the constitution.

7. Special Officer for Linguistic Minorities

Part XVII

Article 350B

- Inserted via 7th Amendment Act, 1956
- **Appointed by**: President
- **Article 350A:** providing adequate facilities at primary level education in Mother tongue to children belonging to linguistic minority groups.

8. Comptroller and Auditor General of India (CAG)

Part V, Chapter V, Article 148-151

- Head of the Indian Audit & Accounts Department.
- Appointed by: President
- Term: 6 years or till 65 years of age
- A Single-membered body.
- Removal: Done in the same manner as that of SC Judge.
- Known as: "Guardian of Public Purse"
- B.R. Ambedkar mentioned CAG as the "Most important officer under the Constitution"
- He acts as a Guide and Philosopher to Public Accounts Committee.
- He compiles and maintains the accounts of State government, not central government.

Articles Related to CAG

Article 148

- Office of Comptroller and Auditor General of India (CAG), appointment, removal, salary and other conditions of service.

Article 149

- Duties and powers of CAG.

Article 150

- Form of accounts of the Union and of the States.

Article 151

- Audit reports must be submitted to President.

9. Attorney General of India

Article 76

- Highest Law Officer of India
- Appointed by: President
- Qualification: Should be eligible to become a SC Judge.
- Assisted by: Solicitor General (Not a constitutional body)

10. Advocate General of India

Article 165

- Appointed by: Governor
- Qualification: must be eligible for a HC Judge
- Advices State Government in legal matters referred to him by the Governor.

Statutory / Executive Bodies

National Human Rights Commission (NHRC)

- Established under Protection of Human Rights Act, 1993

Composition:

- Chairperson (Retired CJI or SC Judge) + 5 full-time members
- Appointed by: President (based on 6-membered committee recommendation)
- Members are eligible for re-appointment after completing their current term.
- Tenure: 3 years or 70 years of age.
- Also known as the "Watchdog of Human Rights"



Current Chairperson:
Justice V. Ramasubramanian

State Human Rights Commission

- Established under Protection of Hunan rights Act, 1993

Composition:

- Chairperson (Retired CJI or HC Judge) + 5 full-time members
- Appointed by: Governor (based on 6-membered committee recommendation)
- Removal by: President
- Tenure: 3 years or 70 years of age.
- Members are eligible for re-appointment after completing their current term.

Chief Information Commission (CIC)

- Established in 2005 under Right to Information Act, 2005
- Tenure: 5 years or 65 years of age
- Not eligible for Re- appointment under Central/State Government
- Current Chief : Heeralal Samariya

Central Vigilance Commission (CVC)

- Established: 1964 by Executive Resolution
- Initial Status: Neither constitutional nor statutory.
- Statutory Status granted in 2003
- Recommended by: Santhanam Committee
- Appointed & Removed by: President
- Current Chairman: Praveen Kumar Srivastava (Dec 2025)

Central Bureau of Investigation (CBI)

- Established: 1963 by Executive Resolution
- Derive its power from Delhi Special Police Establishment Act, 1946.
- It is an Executive body.
- Recommended by: Santhanam Committee

Law Commission of India

- Status: Executive body
- 1st Law Commission (Pre-Independence): 1834, headed by Lord Macaulay)
- 1st Law Commission: 1955 (Post-Independence)
- 1st Law Commissioner: M. C. Setalvad (Post-Independence)
- Function: Legal reform advisory

Lokpal and Lokayuktas

- Established under Lokpal and Lokayuktas Act, 2013
- Status: Statutory body
- Lokpal: For Centre
- Lokayukta: For States
- 1st Chairperson: Pinaki Chandra Ghose
- Current Chairperson: Ajay Manikrao Khanwilkar

Composition:

- Chairperson (Retd. CJI or SC Judge) + Maximum 8 Members
- 50% Judicial members + 50% from SC, ST, OBC, minorities, and women

National Institution for Transforming India (NITI Aayog)

- Formed on 1st Jan 2015 (replaced Planning Commission)
- Status: Executive Body
- Chairman: Prime Minister
- Governing Council: CMs of all States + Lt. Governors of UTs
- CEO: BVR Subrahmanyam
- Vice Chairman: Suman K Bery
- Provides recommendations to the Government.
- Serves as an advisory think tank to the government.

Governing Council of NITI Aayog consists of :-

1) Chief Minister of all states and UTs.
2) Lieutenant Governors of other UTs

NITI Aayog publishes:

- SDG India Index
- National Multidimensional Poverty Index
- India Innovation Index.

National Commission for Women

- Established on 31st January 1992 under the provisions of NCW Act, 1990.
- Current Chairman of NCW is Smt. Vijaya K. Rahatkar

Tribunals

Central Administrative Tribunal (CAT)
- Established: 1985
- Jurisdiction/Domain: Service disputes of government employees
- Main Functions: Settlement of disputes related to promotion, transfer, termination, and other service matters

Income Tax Appellate Tribunal (ITAT)
- Established: 1941
- Jurisdiction/Domain: Income tax and direct tax disputes
- Main Functions: Settlement of disputes under the Income Tax Act

National Company Law Tribunal (NCLT)
- Established: 2016
- Jurisdiction/Domain: Company law, insolvency, and restructuring
- Main Functions: Resolution of company disputes and insolvency cases

National Green Tribunal (NGT)
- Established: 2010 (NGT Act, 2010)
- Jurisdiction/Domain: Environmental protection, pollution, natural resources
- Main Functions: Rapid settlement of disputes related to environmental damage and pollution; ensuring environmental justice

Armed Forces Tribunal (AFT)
- Established: 2007
- Jurisdiction/Domain: Service disputes of the Army, Navy, and Air Force personnel
- Main Functions: Settlement of service-related matters of armed forces personnel

Securities Appellate Tribunal (SAT)
- Jurisdiction/Domain: Appeals against SEBI orders
- Main Functions: Settlement of disputes related to securities and capital markets

River Water Disputes Tribunal (RWDT)
- Established: 1956 (under Inter-State River Water Disputes Act, 1956)
- Jurisdiction/Domain: Disputes related to the distribution and use of river water between states

Main Functions:
  - Resolution of disputes between states regarding water distribution and use
  - Mediation and fair decision-making on inter-state water agreements
  - Decisions approved by the Supreme Court are binding