



SNS COLLEGE OF ENGINEERING



Coimbatore-107

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COURSE NAME : INDIAN CONSTITUTION

I YEAR/ I SEMESTER

UNIT –V

Constitutional Bodies - Election Commission – Finance Commission –
National Commission for SCs and STs – NITI Aayog – Non-Constitutional
Bodies - National Human Rights Commission – Central Vigilance
Commission – Lokpal and Lokayuktas

Constitutional Bodies:

Constitutional bodies are institutions with powers, duties, and structures that are explicitly defined in the Constitution of India. They are designed to protect democracy by ensuring fairness, transparency and accountability. They play a pivotal role in the administration and ensure the smooth functioning of the democracy.

Some of the key constitutional bodies in India are listed below:

- Election Commission of India (ECI)
- Union Public Service Commission (UPSC)
- State Public Service Commission (SPSC)
- Finance Commission of India (FCI)
- Goods and Services Tax Council (GST Council)
- National Commission for Scheduled Castes (NCSC)
- National Commission for Scheduled Tribes (NCST)
- National Commission for Backward Classes (NCBC)
- Special Officer for Linguistic Minorities (SOLM)
- Comptroller and Auditor General of India (CAG)
- Attorney General of India (AGI)
- Advocate General of the State (AGS)

Topic1-The Election Commission of India (ECI)

- The Election Commission of India (ECI) is an **autonomous and permanent constitutional body** for organizing free and fair elections in the Union and States of India.
- It was established on **25th January 1950**.

- **Articles 324 to 329 contained in Part XV of the [Constitution of India, 1950 \(COI\)](#) contains provision in relation to ECI.**

What is Election Commission of India?

- The body administers elections to the **Lok Sabha, Rajya Sabha, and State Legislative Assemblies in India**, and the offices of the President and Vice President in the country.
- It is **not concerned with the elections to panchayats and municipalities** in the states.

Articles related to Election Commission:

- **Article 324:** control and direction of national and state-level elections are to be directly handled by the ECI
- **Article 325:** Inclusion and exclusion of names in electoral rolls are based on Indian Citizenship based criteria such as race, caste, religion or sex.
- **Article 326:** Defines universal adult franchise norms and policies.
- **Article 327:** Defines responsibilities of the ECI and Parliament for the conduct of national elections.
- **Article 328:** Defines the role and responsibilities of the state legislatures with respect to state-level elections.

Background of ECI:

- Originally, the commission had only **one election commissioner**.
- The **Election Commissioner Amendment Act, 1989** was adopted on 1st January 1990 which turned the **commission into a multi-member body**.
- Presently, it consists of a **Chief Election Commissioner (CEC) and two election commissioners**.

Appointment and Conditions of Service:

- The **President of India** appoints the Chief Election Commissioner and Election Commissioners.
 - The President fixes the service condition and tenures.
- They have tenure of **six years, or up to the age of 65 years**, whichever is earlier.

- They enjoy the same status and receive salary and perks as available to **Judges of the Supreme Court of India.**
- They **can resign at any time** by addressing the resignation letter to the President or can also be removed before the expiry of their term on the grounds of proved misbehavior or incapacity.
- CEC can be removed from his office by the President on the basis of a resolution passed to that effect by both the **houses of Parliament with a two-thirds majority in both the Lok Sabha and the Rajya Sabha.**

Powers and Functions of ECI:

- To determine the territorial areas of the electoral constituencies throughout the country.
- To prepare and periodically revise electoral rolls and to register all eligible voters.
- To grant recognition to political parties and allot election symbols to them.
- It decides the election schedules for the **conduct of elections** whether general elections or bye-elections.
- It has **advisory jurisdiction** in the matter of post-election disqualification of sitting members of Parliament and State Legislatures.
- The opinion of the Commission in all such matters is **binding on to the President** or to the Governor.
- It is vested with quasi-judicial power to settle disputes relating to splits/ mergers of recognized political parties.
- It has the **power to disqualify a candidate** who has failed to lodge an account of his election expenses within the time and in the manner prescribed by law.

Topic 2-Finance Commission of India (FCI)

- The Finance Commission in India is a **quasi-judicial body** constituted by the President of India under the provisions of the Constitution of India.
- It is **not a permanent body** and **constitutes** the Finance Commission **every fifth year** or at such earlier times while considered necessary.

- The primary function of the Finance Commission revolves around **making recommendations on the distribution of financial resources** between the Union Government and the State Governments.

Constitutional Provisions Related to the Finance Commission of India (FCI)

Article No.	Subject Matter
Article 280	Finance Commission
Article 281	Recommendations of the Finance Commission

Composition of Finance Commission of India (FCI)

- The Finance Commission consists of a **Chairman** and **four other members** to be **appointed by the President**.
- The Chairman and other members of the Commission **hold office** for such **period** as **specified by the President** in his/her order.

Qualifications of Members of Finance Commission (FC)

- The Constitution **authorizes the Parliament that** enacted the **Finance Commission Act, of 1951** to determine the qualifications of members of the Commission.
- The **Chairman** should be a person having **experience in Public Affairs**.
- The **four other members** should be selected from amongst the following:
 - a **judge of the High Court**
 - a person who has **specialized knowledge of finance and accounts of the government**.
 - a person who has **wide experience in financial matters and administration**.
 - a person who has **special knowledge of Economics**.

Functions of Finance Commission (FC)

- The Finance Commission of India is required to **make recommendations** to the President of India **on the following matters**:

- The **distribution of the net proceeds of taxes** to be shared between the Centre and the States. **Vertical Devolution** – It refers to the share of States in the divisible pool of Central taxes.
- The **principles** that should **govern the grants-in-aid to the States** by the Centre, i.e., out of the Consolidated Fund of India. **Grants-in-aid** – It refers to the additional transfers of financial resources to specific states or sectors
- The **measures needed to augment the Consolidated Fund of a State** to supplement the resources of the Panchayats and the Municipalities are recommended by the State Finance Commission.
- **Addressing Contemporary Challenges:** The Commission also aids in addressing contemporary fiscal challenges and the changing dynamics of the Indian Economy. For example, considering the impact of new financial arrangements and policies, such as the introduction of the [Goods and Services Tax \(GST\)](#).

Report of Finance Commission (FC)

- The Finance Commission submits its report to the President of India.
- The President of India lays the report of the Finance Commission before both Houses of Parliament along with an explanatory memorandum.

Finance Commission and Fiscal Federalism

Fiscal Federalism refers to the division of fiscal responsibilities and financial resources between different levels of government within a federal system. It deals with the distribution of revenue-raising powers, expenditure responsibilities, and fiscal transfers between the Central Government and subnational entities, such as States or Provinces.

Topic 3-The National Commission

The **National Commission for Scheduled Castes (NCSC)**, a constitutional body in India ensures the welfare and empowerment of the Scheduled Castes. It stands as a guardian of equity and inclusion to uplifting the marginalized and underserved sections of society.

- It has been established with a view to **provide safeguards against the exploitation of the Scheduled Castes and Anglo-Indian Community** as well as to **protect their social, economic, educational, and cultural interests**.

- The **Headquarters** of NCSC is in **New Delhi**.

Composition of NCSC

- It consists of a **Chairperson**, a **Vice-Chairperson**, and **three other members**.
- They are **appointed by the President** and conditions of service and tenure of office are **determined by the President**.

Tenure of Members of NCSC

- The **Chairperson, the Vice-Chairperson, and other Members** of the National Commission for SCs shall hold office for a **term of three years** from the date on which he/she assumes such office.
- They shall **not be eligible for** appointment for **more than two terms**.

Functions of the NCSC

The major functions of the National Commission for SCs include:

- **To investigate and monitor** all matters relating to the constitutional and other legal safeguards for the Scheduled Castes and to evaluate their working.
- **To inquire into specific complaints** with respect to the deprivation of rights and safeguards of the Scheduled Castes.
- **To participate and advise on** the planning process of **socio-economic development** of the Scheduled Castes under the Union or a State.
- **To present to the President about** annual reports upon the working of those safeguards.

Powers of the NCSC

- The Commission is vested with the **power to regulate its own procedure**.
- While investigating any matter or inquiring into any complaint, it **has all the powers of a Civil Court**, viz.
 - Summoning and enforcing the attendance of any person from any part of India and examining him.
 - Requiring the discovery and production of any document,

- Receiving evidence on affidavits,
- Requisitioning any public record from any court or office,
- Issuing summons for the examination of witnesses and documents,
- The **Central Government and the State Governments** are required to consult the Commission on all major policy matters affecting the Scheduled Castes.

Non-constitutional bodies

Non-constitutional bodies are organizations that are not established by the Constitution of India, but are instead created through legislation or executive resolutions.

There are nine non-constitutional bodies in India. They are NITI Ayog, Lokpal and Lokayuktas, Central Bureau of Investigation, State Human right commission, National Development Council, Central Vigilance Commission, National Human right commission, Central Information Commission and State Information Commission.

Non-constitutional bodies have a significant impact on policy-making and governance. They:

1. Provide recommendations to the government on various issues.
2. Conduct inquiries and investigations to ensure accountability.
3. Raise public awareness about important social issues.
4. These bodies are created through laws passed by the Parliament or state legislatures.

Topic 4-NITI Aayog (National Institution for Transforming India)

- The Planning Commission was a government institution in India that formulated the country's Five-Year Plans and other functions. It was established in New Delhi on March 15, 1950 by Jawaharlal Nehru.
- **The Planning Commission's objectives** included: Increasing production, Improving the standard of living, providing employment opportunities, and reducing economic and social inequality.
- The Planning Commission also conceived the Unique Identification (UID) project, which is now known as Aadhaar.

- The Planning Commission ceased operations on December 31, 2014. Planning Commission was replaced by a new institution – NITI Aayog on January 1, 2015

NITI Aayog
It serves as an advisory Think Tank.
It draws membership from a wider expertise.
It serves in spirit of Cooperative Federalism as states are equal partners.
Secretaries to be known as CEO appointed by Prime-Minister. Recently, Parmeswaran Iyer became the CEO of NITI Aayog.
It focuses upon 'Bottom-Up' approach of Planning.
It does not possess mandate to impose policies.
It does not have powers to allocate funds, which are vested in Finance Minister.

Composition of NITI Aayog:

- **Chairperson:** Prime Minister
- **Vice-Chairperson:** To be appointed by Prime-Minister
- **Governing Council:** Chief Ministers of all states and Governors of Union Territories.
- **Regional Council:** To address specific regional issues, comprising Chief Ministers and Governors Chaired by Prime Minister or his nominee.
- **Adhoc Membership:** 2 member in ex-officio capacity from leading Research institutions on rotational basis.
- **Ex-Officio membership:** Maximum four from Union council of ministers to be nominated by Prime minister.
- **Chief Executive Officer:** Appointed by Prime-minister, in rank of Secretary to Government of India.

- **Special Invitees:** Experts, Specialists with domain knowledge nominated by Prime-minister.

NITI Aayog Hubs:

- **Team India Hub** acts as interface between States and Centre.
- **Knowledge and Innovation Hub** builds the think-tank acumen of NITI Aayog.
- The Aayog planned to come out with three documents — 3-year action agenda, 7-year medium-term strategy paper and 15-year vision document.

Importance of NITI Aayog:

- To foster cooperative federalism through structured support initiatives and mechanisms.
- To formulate credible plans at the village level and aggregate these progressively at higher levels of government.
- To ensure that national security is incorporated in all government strategy and policy.
- To provide advice and encourage partnerships between key stakeholders and national and international educational and research institutions.
- To create entrepreneurial support system through a national & international experts and practitioners.
- To offer a platform for resolution of inter-sectoral and inter-departmental issues.
- To maintain a state-of-the-art Resource Centre

What Major Initiatives have been taken by NITI Aayog?

- [SDG India Index](#)
- [Composite Water Management Index](#)
- [Atal Innovation Mission](#)
- [SATH Project.](#)
- [District Hospital Index](#)
- [Health Index](#)

- [Agriculture Marketing And Farmer Friendly reform Index](#)
- [India Innovation Index](#)
- [Women Entrepreneurship Platform \(WEP\)](#)
- [Strategy for New India at 75](#)
- ['Methanol Economy' programme](#)

Topic 5- National Human Rights Commission

- *The National Human Rights Commission (NHRC), a statutory body in India safeguards, protects and promotes human rights across nation, guaranteed by the Constitution of India.*
- It was established under the provisions of the **Protection of Human Rights Act of 1993**. The Headquarters is in New Delhi. The Commission can also establish **offices** in other places in India.
- As per the UN definition, 'Human rights are those rights that are **inherent to all human beings, regardless of race, sex, nationality, language, religion**.
- Human rights include the right to life and liberty of individuals who have
 1. freedom from slavery and torture
 2. freedom of opinion and expression
 3. the right to work and education
- **Human Rights Day** is observed on **10 December** every year.

Composition of National Human Rights Commission (NHRC)

The commission is a multi-member body consisting of the following **full-time members**:

- A Chairperson, and
- 5 other members

In addition to these full-time members, the commission also has the following **7 ex-officio members**:

- Chairperson of the National Commission for Minorities,

- Chairperson of the National Commission for SCs,
- Chairperson of the National Commission for STs,
- Chairperson of the National Commission for Women,
- Chairperson of the National Commission for BCs,
- Chairperson of the National Commission for the Protection of Child Rights, and
- The Chief Commissioner for Persons with Disabilities.

Qualifications of Members of NHRC

The qualifications of full-time members of the National Human Rights Commission (NHRC) are as follows:

Chairperson	A retired Chief Justice of India or a Judge of the Supreme Court.
1st Member	A serving or retired Judge of the Supreme Court
2nd Member	A serving or retired Chief Justice of a High Court
3rd, 4th and 5th Member	Persons having knowledge or practical experience with respect to human rights. Note: Out of these three members, one should be a woman.

Functions of the NHRC

- If there exists any violation of human rights, NHRC can protect individuals, by issuing either suo motu or on a petition presented to it or on an order of a court.
- They can intervene in any proceeding involving an allegation of violation of human rights pending before a court.
- To visit jails and analyse living conditions of inmates and make recommendations, if there is any violation of human rights for them.
- To review the constitutional for the protection of human rights and recommend remedial measures for their effective implementation.
- To encourage the efforts of non-governmental organizations (NGOs) working in the field of human rights.

Powers of NHRC

- The Commission **may take any of the following steps** during or upon the completion of an inquiry:
 - To recommend to the concerned government or authority to make payment of compensation or damages to the victim.
 - To recommend to the concerned government or authority for prosecution or any other action against the guilty public servant.
 - To approach the Supreme Court or the High Court concerned for issuing necessary directions, orders, or writs.

Issues Addressed by the NHRC

Below are some examples of the issues taken up by NHRC across the country.

- Arbitrary arrest and detention
- Custodial torture and deaths
- Fake Encounters
- Communal Violence
- Atrocities committed on women and children and other vulnerable sections
- Non-payment of retiral benefits
- Child labour
- Extra-judicial killings
- Sexual violence and abuse
- SCs/STs, disabled people, and other religious minority issues
- Labour rights and the right to work
- Manual Scavenging

Topic 6- Central Vigilance Commission

The Central Vigilance Commission (CVC), a statutory body in India, stands at the forefront of the fight against corruption in the Central Government.

- It is conceived as the apex vigilance institution, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organizations in planning, executing, reviewing, and reforming their vigilance work.
- The Headquarters of CVC is in New Delhi.

Establishment of the Central Vigilance Commission

- The Central Vigilance Commission (CVC) was established in 1964 by an Executive Resolution of the Central Government on the recommendation of the Santhanam Committee on Prevention of Corruption (1962-64).
 - Thus, originally, the Central Vigilance Commission (CVC) was neither a constitutional body nor a statutory body.
- Later, it was conferred statutory status by the Central Vigilance Commission Act, (CVC Act) 2003.
 - Thus, at present, it is a Statutory Body.

Composition of Central Vigilance Commission

The Central Vigilance Commission is a multi-member body consisting of:

- A Central Vigilance Commissioner – as the Chairperson of the CVC, and
- Not more than two Vigilance Commissioners (VCs).

Appointment to Central Vigilance Commission (CVC)

The Central Vigilance Commissioner and other Vigilance Commissioners are appointed by the President of India on the recommendation of a three-member Committee consisting of:

- The Prime Minister – as the Chairperson,
- A Union Minister of Home Affairs, and
- The Leader of Opposition in the Lok Sabha.

Tenure of Members of Central Vigilance Commission

- The Central Vigilance Commissioner (CVC) and Vigilance Commissioner (VCs) hold office for a term of four years or until they attain the age of 65 years, whichever is earlier.
- The Central Vigilance Commissioner (CVC) and Vigilance Commissioner (VCs) are not eligible for further employment after their tenure under the Central Government or the State Government.

Removal of Members of Central Vigilance Commission

- The President of India can also remove the Central Vigilance Commissioner (CVC) or any Vigilance Commissioner (VCs) on the grounds of proven misbehavior or incapacity.
 - However, in these cases, the President has to refer the matter to the Supreme Court for an inquiry.
- If the Supreme Court, after the inquiry, upholds the cause of removal and advises so, then the President can remove him/her.

Functions of Central Vigilance Commission

- If a public servant has committed an offense of corruption, under the Prevention of Corruption Act, 1988, CVC can inquire or investigate that matter. They can investigate following officers,
 - Members of All-India Services (AIS) serving in the Union and Group 'A' officers of the Central Government
- To give directions to the Delhi Special Police Establishment (CBI) for superintendence
- To review the progress of investigations conducted by the Delhi Special Police Establishment
- To tender advice to the Central Government and its authorities on such matters as are referred to it by them. The Central Government is required to consult the CVC in making rules and regulations governing the vigilance and disciplinary matters.

Working of Central Vigilance Commission

- The Central Vigilance Commission (CVC) has all the powers of a Civil Court and its proceedings have a judicial character.
- It may call for information or reports from the Central Government to general supervision over the vigilance and anti-corruption work.

Topic 7-Lokpals & Lokayuktas

The Lokpal and Lokayuktas Act, 2013, can receive complaints related to corruption from individuals or through any other source.

- **Lokpals** have jurisdiction over the Prime Minister, Union Ministers, MPs, and Group A officers of the Central Government.
- Lokayuktas have jurisdiction over public functionaries at the state level.

About Lokpal and Lokayuktas.

- Lokpal and Lokayukta are statutory bodies without any constitutional status.
- The Act aims to establish Lokpal at **the Centre** and Lokayuktas in **each state** to inquire into allegations of corruption against public servants.

Powers and Functions of Lokpal and Lokayukta

- The Lokpal and Lokayuktas have the power to conduct independent investigations into allegations of corruption against public functionaries.
- At the beginning, they can conduct preliminary inquiries of the complaint and gather initial evidence.
- If Preliminary inquiries are proved to be true, the Lokpal or Lokayuktas can initiate a full-fledged investigation. They have the power to summon witnesses, examine evidence, and take necessary action.
- If the investigation reveals evidence of corruption, the Lokpal or Lokayuktas can initiate prosecution against the accused public functionaries.
- They can recommend disciplinary action against public functionaries found guilty of corruption or misuse of power. This can include removal from office, too.
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Term and Appointment to the office of Lokpal

- The Chairman and Members of the Lokpal can serve for a maximum of 5 years or until they reach the age of 70, whichever comes first.
- The president appoints the members and chairperson of Lokpal based on the recommendations of a selection committee.
- The selection committee consists of:
 - The Prime Minister of India;
 - The Speaker of Lok Sabha;
 - The Leader of Opposition in Lok Sabha;
 - The Chief Justice of India or any Judge nominated by the Chief Justice of India;
 - One eminent jurist.
- The Prime Minister is the Chairperson of the selection committee. The selection of the chairperson and the members is carried out by a search panel of at least eight persons constituted by the selection committee.

Features of Lokayuktas

Here are some key features of Lokayuktas:

- Lokayuktas are state-level institutions. They deal with complaints related to corruption against public functionaries at the state level.
- The Lokayuktas are appointed by the Governor of the state. The appointment process ensures their independence and impartiality.
- They have jurisdiction over public functionaries in the state. This includes ministers, MLAs, government officials, and local government representatives.
- The Lokayuktas have powers similar to the Lokpal. This includes the power to receive complaints, conduct investigations, and recommend action against corrupt officials.