AILET

Constitutional Bodies under the Constitution of India

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Constitutional bodies are the bodies set up under the Constitution of India. These are the bodies that are mentioned in the constitution of India and are considered as independent and more powerful.Since they get their power from the Indian Constitution, any change in the mechanism of the constitutional bodies would require a constitutional amendment.

Constitutional bodies are different from statutory bodies as statutory bodies are made by the order of law and Constitutional bodies derive their powers and authorities from the Constitution of India.

Following is the list of some of the Constitutional Bodies:

FINANCE COMMISSION

- Article 280 provides for a finance commission as a quasi-judicial body.
- It is constituted by the President every fifth year.
- The 1st Finance Commission was constituted in 1951 under the chairmanship of KC Neogy.
- It consists of a Chairman and 4 other members to be appointed by the President and are eligible for reappointment.
- Qualifications-The Chairman should be a person having experience in public affairs and the four others should be selected from amongst the following –
- A judge of HC or one qualified to be appointed as one.
- Have special knowledge of the finance and accounts of government; or
- Have special knowledge of economics.
- The commission submits its reports to the President. He lays it before both the houses of parliament.

- Recommendations made by the Finance Commission are only of advisory nature and hence, not binding on the government

FUNCTIONS

- To recommend to the President the basis for distribution of the net proceeds of taxes between centre and states.
- The principles that should govern the grant-in-aid to the state by the center (out of the Consolidated Fund of India).
- The measures needed to augment the consolidated fund of a state to supplement the resources of the panchayats and municipalities in the state on the basis of the recommendations made by the state finance commission.
- Any other matter referred to by the President.

COMPTROLLER AND AUDITOR-GENERAL OF INDIA (CAG)

- Article 148 of the constitution provides for an independent office of CAG.
- He is the head of the Indian Audit and Accounts Department.
- He is the guardian of the public purse and controls the entire financial system of the country at both the levels – the Center and the State.
- This is the reason why Dr. B.R. Ambedkar said that the CAG shall be the most important officer under the Constitution of India. He is the bulwark of the democratic system of government in India.
- Besides the executive, legislature and judiciary, he is the fourth pillar of the Indian constitution.
- He is the friend, philosopher and guide of the Public Accounts Committee of the Parliament.
- CAG is appointed by the President. Generally, a person with long administrative experience and knowledge is appointed to this office.
- He holds office for a period of 6 years or up to the age of 65 years, whichever is earlier – not subject to the pleasure of President.
- He can be removed by the President on same grounds and in the same manner as a judge of the SC.

- The constitution ensures the independence of the CAG –
- By charging his salary and other expenses for the maintenance of his office of the Consolidated Fund of India.
- Security of tenure – CAG does not hold his office till the pleasure of the President, though he is appointed by him.
- He is not eligible for further office.
- By giving him complete control over administrative staff.

DUTIES AND POWERS

1. He ensures that the appropriations made by the Parliament have not been exceeded without proper Sanction.
2. He audits the accounts related to all the expenditure incurred by the Central and state governments and ensures that they spend money in the manner authorized by the Legislature.
3. He audits the accounts of bodies and authorities financed from the central or state revenues like corporations, companies etc.
4. He submits his report to the President who causes it be laid before the Parliament.

ATTORNEY-GENERAL OF INDIA

- Article 76 of the Constitution provides for the office of Attorney-General of India.
- He is the highest legal officer in the country.
- He is also first law officer of the country.
- He is appointed by the President and holds office during his pleasure. He is entitled to such salary and allowances as may be determined by the President.
- To be eligible for appointment as Attorney-General, a person must possess qualifications prescribed for a judge of the Supreme Court.
- The Attorney General is entitled to audience in all courts in the country.
- He can take part in the proceedings of the Parliament. However, he is not given the right to vote.
- He is the chief legal advisor of the government of India on all such legal matters which may be referred or assigned to him by the President.

- The Attorney General appears before the SC and various HCs in cases involving the Government of India

ELECTION COMMISSION

- Article 324 of the Constitution provides that the power of superintendence, direction and control of
- Election to Parliament, State legislatures, the office of President and VP shall be vested in the Election Commission.
- Election to panchayats and municipalities shall be vested in the State Election Commission.
- The Election Commission shall consist of the CEC and such other number of other election commissioners as the President may from time to time fix.
- In 1989, the President appointed two more election commissioners to cope with the increased work of the election commission on account of lowering of the voting age from 21 to 18 years.
- The CEC and the other two election commissioners have equal powers and receive equal salary, allowances and other perquisites, which are similar to a judge of the SC.
- They hold office for a term of 6 years or until they attain the age of 65 years, whichever is earlier. Thus, not subject to the pleasure of the president.
- They are independent of executive control because their salary, tenure, conditions of service are provided for in the constitution.

POWERS AND FUNCTIONS

- To determine the territorial areas of the electoral constituencies throughout the country on the basis of the Delimitation Commission Act of Parliament.
- To prepare and periodically revise electoral rolls and register all eligible voters.
- To grant recognition to political parties and to allot election symbols to them.
- To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbols to them.
- To determine the code of conduct to be observed by the parties and the candidates at the time of the election.
- To advise the President on matters relating to the disqualification of the members of Parliament.

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