

Y.A. Govt degree college for Women's

Department of Political Science
Project - 1

Constitutional bodies

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Election Commission:

The election commission is a permanent and an independent body established by the constitution of India directly to ensure free and fair elections in the country. Article 324 of the constitution provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice president of India shall be vested in the election commission.

* Composition:

Article 324 of the constitution has made the following provisions with regard to the composition of election commission.

1) The election commission shall consist of the chief election commissioner and such number of other election commissioners if any as the president may from time to time fix.

2) The appointment of the chief election commissioner and other election commissioners shall be made by the president.

3) When any other election commissioner is so appointed the chief election commissioner shall act as the chairman of the election commission.

Since its inception in 1950 and till 15 October 1989 the election commission functioned as a single member body consisting of the chief election commissioner. On 16 October 1989, the president appointed two more election commissioners to cope with the increasing work of the election commission on account of lowering of the voting age from 21 to 18 years.

The Election Commission (Conditions of Service of Election Commissioners) (shall have equal) and transaction of Business, act 1991 contains the following provisions.

* INDEPENDENCE.

Article 324 of the constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the election commission.

1) The chief election commissioner is provided with the security of tenure he/she cannot be removed from his/her office except in same manner and on the same grounds as a judge of the supreme court.

2) The service conditions of the chief election commissioner cannot be varied to his/her disadvantage after his/her appointment.

Though the constitution has sought to safeguard and ensure the independence and impartiality of the election commission some flaws can be noted viz.

1) The constitution has not prescribed the qualification of the members of the election commission.

2) The constitution has not specified the term of the members of the election commission.

3) The constitution has not debarred the retiring election commission from any further appointment by the government.

* Powers and functions:

The powers and functions of the Election Commission with regard to elections to the Parliament, state legislatures and offices of President and Vice President can be classified into three categories

- 1) administrative.
- 2) advisory
- 3) Quasi-judicial in detail these powers and functions are.

- 1) To determine the territorial areas of the electoral constituencies throughout the country on the basis of the Delimitation Commission act of Parliament.
- 2) To prepare and periodically revise electoral rolls and to register all eligible voters.

* VISION MISSION and PRINCIPLES:

The vision mission and guiding principles of the Election Commission are as follows.

vision: The Election Commission of India strives to be an institution of excellence by enhancing active engagement, participation and deepening and strengthening electoral democracy in India and globally.

mission: The Election Commission of India maintains independence, integrity and autonomy;

Guiding Principles: The Commission has laid down for itself guiding principles of governance.

Comptroller and Auditor General of India

The constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He/she is the head of Indian Audit and Accounts Department. He/she 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. The others being the Supreme Court, the Election Commission and the Union Public Service Commission.

APPOINTMENT AND TERM

The CAG is appointed by the President of India by a warrant under his/her hand and seal. The CAG, before taking over his/her office makes and subscribes before the President an oath or affirmation.

1. to bear true faith and allegiance to the constitution of India.
2. to uphold the sovereignty and integrity of India.
3. to duly and faithfully and to the best of his/her ability, knowledge and judgement perform the duties of his/her.

INDEPENDENCE

The constitution has made the following provisions to safeguard and ensure the independence of CAG:

1. he/she is not eligible for further office either under the government of India or of any state, after he/she ceases to hold his/her office.
2. his/her salary and other service conditions are determined by the parliament.

Duties and powers

The constitution (Article 149) authorises the Parliament to prescribe the duties and power of the CAG in relation to the accounts of the union and of the States and of any other authority or body. The powers and conditions of service Act, 1971.

Role

The role of CAG is to uphold the constitution of India and the laws of Parliament in the field of financial administration. The accountability of the executive to the parliament in the sphere of financial administration.

-tion is secured through audit reports of the CAG.

CAG and Corporations

The role of CAG in the auditing of public corporations is limited. Broadly speaking, his/her relationship with public corporations falls into the following ~~three~~ categories.

1. Some ~~other~~ corporations are audited totally and directly by the CAG.

Appleby's Criticism

Paul H Appleby (an American scholar of public administration) in his 2000 reports on Indian administration, was very critical of the role of CAG and attacked the significance of CAG's work. He also suggested that the CAG should be relieved of the responsibility of audit.

Challenges

The second administrative reform commission of India (2005-2009) has identified the challenges before the external audit conducted. The two reports are: Public Administration in India (1953) and Re-examination of India's Administrative System, 1956.

[UPSC] Union Public Service Commission

The Union Public Service Commission (UPSC) is the central recruiting agency in India. It is an independent constitutional body in the sense that it has been directly created by the Constitution. Article 315 to 323 in Part XIV

Composition: The UPSC consists of a chairman and other members appointed by the President of India. The Constitution, without specifying the strength of the Commission, has left the matter to the discretion of the President, who determines its composition.

(a) when the office of the chairman falls vacant; or

(b) when the chairman is unable to perform his/her functions due to absence or some other reason.

REMOVAL: The President can remove the chairman or any other member of upsc from the office under the following circumstances:

(a) If he/she is adjudged an insolvent [that is, has gone bankrupt];

(b) If he/she engages, during his/her term of office, in any paid employment outside.

(c) If he/she is, in the opinion of the President.

Independence as the chairman or a member of the upsc can be removed from office.

(b) the conditions of service of the chairman or a member.

(c) the chairman of the upsc is not eligible for further employment in the Government.

Functions The UPSC performs the following functions.

(i) It conducts examinations for appointments to the all-India Services, Central Services and Public Services.

(ii) It assists the states in framing and operating schemes of joint recruitment for any services.

(iii) It serves all or any of the needs of a state on the request of the state governor and with the approval of the President of India.



Finance Commission.

Article 280 of the Constitution of India provides for a finance commission as a quasi-judicial body. It is constituted by the President of India every fifth year or at such earlier time as he/she considers necessary.

Till now, fifteen finance commissions have been constituted. The name of the commissions, the years in which they were constituted and submitted their reports, and the names of the chairmen are given in Table 46.1

COMPOSITION

The Finance Commission consists of a chairman and four other members to be appointed by the President. They are eligible for reappointment.

1. A Judge of high court or one qualified to be appointed as one
2. A person who has specialised knowledge of finance and account of the government.
3. A person who has wide experience in financial matters and administration.
4. A person who has special knowledge of economics.

Functions :-

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

1. The distribution of the net Proceeds of taxes to be shared between the centre and the state, and the allocation between the state of the respective shares of such Proceeds.
2. The Principles that should govern the grants-in-aid to the states by the centre.
3. The measures needed to augment the consolidated fund of a state to supplement the resources of the Panchayat and the municipalities in the state on the basis of the recommendations made by the state finance commission.
4. Any other matter referred to it by the President in the interests of sound finance.

Till 1960, the commission also suggested the grants given to the states of Assam, Bihar, Odisha and West Bengal in lieu of assignment of any share of the net Proceeds in each year of export duty on jute and jute products. These grants were to be given for a temporary period of ten years from the commencement of the constitution.

ADVISORY ROLE

It must be clarified here that the recommendation made by the finance commission are only of advisory nature and hence, not binding on the government. It is up to the union government to implement its recommendation on granting money to the state
TO Put it in other words, It is nowhere

laid down in the Constitution that the recommendations of the Commission shall be binding upon the Government of India or that it would give rise to a legal right in favour of the beneficiary states to receive the money recommended to be offered to them by the Commission.

As rightly observed by Dr. P.V. Rajamannar, the chairman of the fourth finance commission, "since the finance commission is a constitutional body expected to be quasi-judicial, its recommendation should not be turned down by the Government of India unless there are very compelling reasons.

The Constitution of India envisages the finance commission as the balancing wheel of fiscal federalism in India. However, till 2014, a non-constitutional and a non-statutory body. In 2015, the Planning Commission was replaced by a new body called NITI Aayog.