





# **UPSC**

## **UNION PUBLIC SERVICE COMMISSION**

→ CSE  
→ 26 posts

**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.**

Articles 315 to 323 in Part XIV of the Constitution contain elaborate provisions regarding the composition, appointment and removal of members along with the independence, powers and functions of the UPSC.

UPSC  
↳ Report  
↳ Pres. of India

**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.**

The chairman and members of the Commission hold office for a term of six years or until they attain the age of 65 years, whichever is earlier.

However, they can relinquish their offices at any time by addressing their resignation to the president.

They can also be removed before the expiry of their term by the president in the manner as provided in the Constitution.

## Removal

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

- (a) If he is adjudged an insolvent (that is, has gone bankrupt);**
- (b) If he engages, during his term of office, in any paid employment outside the duties of his office;**

**or (c) If he is, in the opinion of the president, unfit to continue in office by reason of infirmity of mind or body.**

**In addition to these, the president can also remove the chairman or any other member of UPSC for misbehaviour.**



<b>Article No.</b>	<b>Subject-matter</b>
315	Public Service Commissions for the Union and for the states
316	Appointment and term of office of members
317	Removal and suspension of a member of a Public Service Commission
318	Power to make regulations as to conditions of service of members and staff of the Commission

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

320 Functions of Public Service Commissions

321 Power to extend functions of Public Service  
Commissions

322 Expenses of Public Service Commissions

323 Reports of Public Service Commissions

# State Public Service Commission

**Parallel to the Union Public Service Commission (UPSC) at the Centre, there is a State Public Service Commission (SPSC) in a state.**

**The same set of Articles (i.e., 315 to 323 in Part XIV) of the Constitution also deal with the composition, appointment and removal of members, power and functions and independence of a SPSC.**

**Composition A State Public Service Commission consists of a chairman and other members appointed by the governor of the state.**

**The chairman and members of the Commission hold office for a term of six years or until they attain the age of 62 years<sup>1</sup>, whichever is earlier (in the case of UPSC, the age limit is 65 years).**

## Joint State Public Service Commission

Statutory  
Body

The Constitution makes a provision for the establishment of a Joint State Public Service Commission (JSPSC) for two or more states. While the UPSC and the SPSC are created directly by the Constitution, a JSPSC can be created by an act of Parliament on the request of the state legislatures concerned.

**Thus, a JSPSC is a statutory and not a constitutional body.**

**The chairman and members of a JSPSC are appointed by the president. They hold office for a term of six years or until they attain the age of 62 years, whichever is earlier.**



They can be suspended or removed by the president. They can also resign from their offices at any time by submitting their resignation letters to the president.

The UPSC can also serve the needs of a state on the request of the state governor and with the approval of the president.

UPSC (+)  
↳ SPSC  
    (+)  
    JSPSC  
    ↓  
    Resign

Pres'd India

As provided by the Government of India Act of 1919, a Central Public Service Commission was set up in 1926 and entrusted with the task of recruiting civil servants.

The Government of India Act of 1935 provided for the establishment of not only a Federal Public Service Commission but also a Provincial Public Service Commission and Joint Public Service Commission for two or more provinces.



सत्यमेव जयते

Finance Commission  
Of India

Artl-

→ 280

→ Parl. 12

1<sup>st</sup> FC ⇒ K.C. Niyogi

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 considers necessary.

President ⇒ 15<sup>th</sup> / N.K. Singh

## Composition

**The Finance Commission consists of a chairman and four other members to be appointed by the president.**

**They hold office for such period as specified by the president in his order.**

**They are eligible for reappointment.**

**The chairman should be a person having experience in public affairs and the four other members should be selected from amongst the following:**

- 1. A judge of high court or one qualified to be appointed as one.**

- 2. A person who has specialised knowledge of finance and accounts of the government.**
- 3. A person who has wide experience in financial matters and in 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 states, and the allocation between the states of the respective shares of such proceeds.**



**2. The principles that should govern the grants-in-aid to the states by the Centre (i.e., out of the consolidated fund of India).**

**3. The measures needed to augment the consolidated fund of a state to supplement the resources of the panchayats 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.**

**The commission submits its report to the president.**

**It must be clarified here that the recommendations made by the Finance Commission are only of advisory nature and hence, not binding on the government.**

# National Commission for SCs

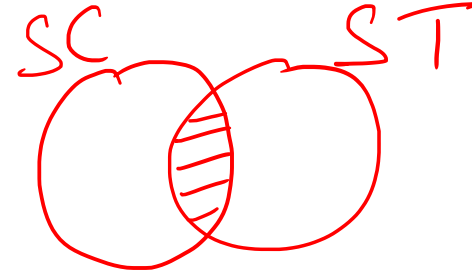
**The National Commission for Scheduled Castes (SCs) is a constitutional body in the sense that it is directly established by Article 338 of the Constitution.**

**The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:**

**(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;**

- (b) requiring the discovery and production of any document;**
- (c) receiving evidence on affidavits;**
- (d) requisitioning any public record from any court or office;**
- (e) issuing summons for the examination of witnesses and documents; documents; and**
- (f) any other matter which the President may determine.**

## National Commission for STs



Like the National Commission for Scheduled Castes (SCs), the National Commission for Scheduled Tribes (STs) is also a constitutional body in the sense that it is directly established by Article 338-A of the Constitution.



Ist - Narhari Rao  
2020  
C. Rajiv  
Maharishi



**The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (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 Centre and the state.**

## Appointment and Term

The CAG is appointed by the president of India by a warrant under his hand and seal.

The CAG, before taking over his office, makes and subscribes before the president an oath.

CAG → Report → Pres  
↳ Parliament

[ He holds office for a period of six years or upto the age of 65 years, whichever is earlier. ]

↓  
PAC  
Reviews Report of  
CAG

**Duties and Powers The Constitution (Article 149) authorises the Parliament to prescribe the duties and powers of the CAG in relation to the accounts of the Union and of the states and of any other authority or body.**

# Cag and Corporations

concept from Britain

The role of CAG in the auditing of public corporations is limited.

Broadly speaking, his relationship with the public corporations falls into the following three categories:

**(i) Some corporations are audited totally and directly by the CAG, for example, Damodar Valley Corporation, Oil and Natural Gas Commission, Air India, Indian Airlines Corporation, and others.**

**(ii) Some other corporations are audited by private professional auditors who are appointed by the Central Government in consultation with the CAG. If necessary, the CAG can conduct supplementary audit. The examples are, Central Warehousing Corporation, Industrial Finance Corporation, and others.**

**(iii) Some other corporations are totally subjected to private audit. In other words, their audit is done exclusively by private professional auditors and the CAG does not come into the picture at all.**



**The role of the CAG in the auditing of Government companies is also limited. They are audited by private auditors who are appointed by the Government on the advise of the CAG.**

**The CAG can also undertake supplementary audit or test audit of such companies.**

## Appleby's Criticism

USA

CAG of India

Paul H Appleby, in his two reports on Indian Administration, was very critical of the role of CAG and attacked the significance of his work. He also suggested that the CAG should be relieved of the responsibility of audit.

⑦

CAG of  
India

**148. Comptroller and Auditor-General of India.**

**149. Duties and powers of the Comptroller and Auditor-General**

**150. Form of accounts of the Union and of the States**

**151. Audit reports**

# Attorney-General Of India(Article-76)

भारत का महान्यायवादी

The Constitution (Article 76) has provided for the office of the Attorney General for India. He is the highest law officer in the country.

- ✓ No fix term ✓
- ✓ Cabinet Rank ~~is~~
- ~~is~~ Not member of parliament  
but can take part in parli. proc.

## Appointment and Term

The Attorney General (AG) is appointed by the president.

He must be a person who is qualified to be appointed a judge of the Supreme Court.

(Term & during pleasure of  
Pres.)

*I<sup>st</sup> AG = M.C. Selalvad*

**In other words, he must be a citizen of India and he must have been a judge of some high court for five years or an advocate of some high court for ten years or an eminent jurist, in the opinion of the president.**

**However, the Attorney General is not a full-time counsel for the Government. He does not fall in the category of government servants. Further, he is not debarred from private legal practice.**



**Solicitor General of India In addition to the AG, there are other law officers of the Government of India.**

**They are the solicitor general of India and additional solicitor general of India. They assist the AG in the fulfilment of his official responsibilities.**

**It should be noted here that only the office of the AG is created by the Constitution.**

**In other words, Article 76 does not mention about the solicitor general and additional solicitor general.**

# Advocate General of the State

**The Constitution (Article 165) has provided for the office of the advocate general for the states. He is the highest law officer in the state. Thus he corresponds to the Attorney General of India.**

## Appointment and Term

The advocate general is appointed by the governor.

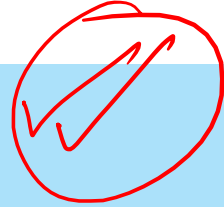
He must be a person who is qualified to be appointed a judge of a high court.

**In other words, he must be a citizen of India and must have held a judicial office for ten years or been an advocate of a high court for ten years.**

**The term of office of the advocate general is not fixed by the Constitution. Further, the Constitution does not contain the procedure and grounds for his removal.**

**He holds office during the pleasure of the governor.**

mim



<b>Article No.</b>	<b>Constitutional Bodies</b>
76.	Attorney-General of India
148.	Comptroller and Auditor-General of India



165.	Advocate-General of the State
243-I.	State Finance Commission
243-K.	State Election Commission
243ZD.	District Planning Committee
243ZE.	Metropolitan Planning Committee
263.	Inter-State Council
280.	Finance Commission
307.	Inter-State Trade and Commerce Commission
315.	Union Public Service Commission and State Public

*Handwritten notes:*  
 4-414d  
 ULB  
 (with arrows pointing to 243-I and 243-K)

*Handwritten note:*  
 minf

	Service Commission
324.	Election Commission
338.	National Commission for Scheduled Castes
338A.	National Commission for Scheduled Tribes
339.	Scheduled Areas and Scheduled Tribes Commission
340.	Backward Classes Commission
344.	Official Language Commission and Official Language Committee of Parliament
350B.	Special Officer for Linguistic Minorities

mp

MLA

Pres &

VP

mimp

# **Introduction and Overview of Non - Constitutional Bodies**





2014  
old is Planning  
Comm.

**Establishment On the 13th of August, 2014, the Modi Government scrapped the 65-year-old Planning Commission and announced that it would be replaced by a new body.**

Accordingly, on January 1, 2015, the NITI Aayog (National Institution for Transforming India) was established as the successor to the planning commission.

However, it must be noted here that the NITI Aayog, like that of the Planning Commission, was also created by an executive resolution of the Government of India (i.e., Union Cabinet).

Hence, it is also neither a constitutional body nor a statutory body. In other words, it is a non-constitutional or ~~extra-constitutional~~ body (i.e., not created by the Constitution) and a non-statutory body (not created by an Act of the Parliament).

**This will be built on the foundations of:**

**1. An empowered role of States as equal partners in national development; operationalising the principle of Cooperative Federalism.**



**2. A knowledge hub of internal as well as external resources; serving as a repository of good governance best practices, and a Think Tank offering domain knowledge as well as strategic expertise to all levels of government.**

**3. A collaborative platform facilitating implementation; by monitoring progress, plugging gaps and bringing together the various ministries at the Centre and in States, in the joint pursuit of developmental goals.**

## Composition

The composition of the NITI Aayog is as follows:

(a) Chairperson: The Prime Minister of India

+ Vice chair  
man →  
Rajiv  
Kumar

(b) Governing Council: It comprises the Chief Ministers of all the States, Chief Ministers of Union Territories with Legislatures (i.e., Delhi and Puducherry) and Lt. Governors of other Union Territories.

CEO →  
Amitabh  
Kant

## Planning Commission

The erstwhile Planning Commission was established in March 1950 by an executive resolution of the Government of India, (i.e., the Union Cabinet) on the recommendation of the Advisory Planning Board constituted in 1946, under the chairmanship of K.C. Neogi.

**Thus, the erstwhile Planning Commission was neither a constitutional body nor a statutory body.**

**In India, it was the supreme organ of planning for social and economic development.**



**The National Human Rights Commission is a statutory (and not a constitutional) body.**

**It was established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993. This Act was amended in 2006.**

## Composition of the Commission (old)

NHRC  
(2019)

The commission is a multi-member body consisting of a chairman and four members. The chairman should be a retired chief justice of India, and members should be serving or retired judges of the Supreme Court, a serving or retired chief justice of a high court and two persons having knowledge or practical experience with respect to human rights.



# Composition of the Commission (NEW)

The amendment provides for reduction in the tenure of chairpersons of national and state human rights bodies to three years from the current five years.

It also stipulates that besides a former chief justice of India, as is the current requirement, a former Supreme Court judge can also become NHRC chairperson.

**In addition to these full-time members, the commission also has four ex-officio members—the chairmen of the National Commission for Minorities, the National Commission for SCs, the National Commission for STs and the National Commission for women.**

**The chairman and members are not eligible for further employment under the Central or a state government.**