



INDIAN POLITY BY- SUJEET BAJPAI SIR



C.A.T. १८

अधिकरण

Reason

Justice
Process ++



Tribunals and Tribunalisation

NGT - 2010

323A

323B]

- मज - (14A)
=

The original Constitution did not contain provisions with respect to tribunals.

The 42nd Amendment Act of 1976 added a new Part XIV-A to the Constitution.

14-A ~~14-A~~

This part is entitled as 'Tribunals' and consists of only two Articles—Article 323 A dealing with administrative tribunals and Article 323 B dealing with tribunals for other matters.

मूल संविधान में अधिकरणों के संबंध में प्रावधान नहीं थे ।

१९७६ के 42 वें संशोधन अधिनियम ने संविधान में एक नया भाग XIV-A जोड़ा ।

यह भाग अधिकरणों के रूप में हकदार है और इसमें केवल दो अनुच्छेद हैं-अनुच्छेद ३२३ ए प्रशासनिक अधिकरणों और अनुच्छेद ३२३ बी से संबंधित अन्य मामलों के लिए अधिकरणों से संबंधित है ।

In other words, Article 323 A enables the Parliament to take out the adjudication of disputes relating to service matters from the civil courts and the high courts and place it before the administrative tribunals.

In pursuance of Article 323 A, the Parliament has passed the Administrative Tribunals Act in 1985.

दूसरे शब्दों में, अनुच्छेद 323 ए संसद को सिविल न्यायालयों और उच्च न्यायालयों से सेवा मामलों से संबंधित विवादों के न्यायनिर्णयन को बाहर निकालने और इसे प्रशासनिक अधिकरणों के समक्ष रखने में सक्षम बनाता है।

अनुच्छेद 323ए के अनुसरण में संसद ने 1985 में प्रशासनिक अधिकरण अधिनियम पारित किया है।



They hold office for a term of five years or until they attain the age of 65 years, in case of chairman and 62 years in case of members, whichever is earlier.

The appointment of Members in CAT is made on the basis of recommendations of a high powered selection committee chaired by a Sitting Judge of Supreme Court who is nominated by the Chief Justice of India

वे पांच वर्ष की अवधि के लिए या 65 वर्ष की आयु प्राप्त करने तक, अध्यक्ष के मामले में और सदस्यों के मामले में 62 वर्ष, जो भी पहले हो, पद धारण करते हैं।

कैट में सदस्यों की नियुक्ति उच्चतम न्यायालय के एक वर्तमान न्यायाधीश की अध्यक्षता वाली उच्चाधिकार प्राप्त चयन समिति की सिफारिशों के आधार पर की जाती है, जिसे भारत के मुख्य न्यायाधीश द्वारा नामित किया जाता है ।

After obtaining the concurrence of Chief Justice of India, appointments are made with the approval of Appointments Committee of the Cabinet (ACC).

The CAT is not bound by the procedure laid down in the Civil Procedure Code of 1908. It is guided by the principles of natural justice.

भारत के मुख्य न्यायाधीश की सहमति मिलने के बाद कैबिनेट की नियुक्ति समिति (एसीसी) की मंजूरी से नियुक्तियां की जाती हैं।

कैट 1908 की सिविल प्रक्रिया संहिता में निर्धारित प्रक्रिया से बाध्य नहीं है।

यह प्राकृतिक न्याय के सिद्धांतों से निर्देशित है।

Originally, appeals against the orders of the CAT could be made only in the Supreme Court and not in the high courts.

However, in the Chandra Kumar case (1997), the Supreme Court declared this restriction on the jurisdiction of the high courts as unconstitutional, holding that judicial review is a part of the basic structure of the Constitution.

मूल रूप से कैट के आदेशों के खिलाफ अपील केवल सुप्रीम कोर्ट में की जा सकती थी न कि उच्च न्यायालयों में। हालांकि, चंद्र कुमार मामले (1997) में सुप्रीम कोर्ट ने उच्च न्यायालयों के अधिकार क्षेत्र पर लगे इस प्रतिबंध को असंवैधानिक करार देते हुए कहा कि न्यायिक समीक्षा संविधान के मूल ढांचे का हिस्सा है।

Tribunals for Other Matters Under Article 323 B, the Parliament and the state legislatures are authorised to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters:

- (a) Taxation**
- (b) Foreign exchange, import and export**
- (c) Industrial and labour**
- (d) Land reforms**

अनच्छेद 323 बी के तहत अन्य मामलों के लिए अधिकरण, संसद और राज्य विधानसभाएं निम्नलिखित मामलों से संबंधित विवादों के न्यायनिर्णयन के लिए अधिकरणों की स्थापना के लिए प्रदान करने के लिए अधिकृत हैं:

- (क) कराधान
- (ख) विदेशी मुद्रा, आयात और निर्यात
- (ग) औद्योगिक और श्रम
- (घ) भूमि सुधार

- (e) Ceiling on urban property**
- (f) Elections to Parliament and state legislatures**
- (g) Food stuffs**
- (h) Rent and tenancy rights**

- (ड) शहरी संपत्ति की अधिकतम सीमा
- (च) संसद और राज्य विधानसभाओं के चुनाव
- (छ) खाद्य सामग्री
- (ज) किराया और किरायेदारी अधिकार



Panchayat Raj in India

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पंचायती

Const.

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DPSP

The term Panchayati Raj in India signifies the system of rural local self-government.

It has been established in all the states of India by the Acts of the state legislatures to build democracy at the grass root level.

It is entrusted with rural development. It was constitutionalised through the 73rd Constitutional Amendment Act of 1992.

भारत में पंचायती राज शब्द ग्रामीण स्थानीय स्वशासन की प्रणाली का प्रतीक है। जमीनी स्तर पर लोकतंत्र का निर्माण करने के लिए राज्य विधानसभाओं के अधिनियमों द्वारा भारत के सभी राज्यों में इसकी स्थापना की गई है ।

इसका जिम्मा ग्रामीण विकास का जिम्मा है।

इसे 1992 के 73 वें संविधान संशोधन अधिनियम के माध्यम से संवैधानिक बनाया गया था।

DN

Evolution of Panchayati:

1. Raj Balwant Rai Mehta Committee (Jan-1957)

The committee submitted its report in November 1957 and recommended the establishment of a three-tier panchayati raj system—

gram panchayat at the village level,
panchayat samiti at the block level and
zila parishad at the district level.

त्रिस्तरीय

पंचायती राज का विकास:

1. राज बलवंत राय मेहता समिति (जनवरी-1957) समिति ने नवंबर 1957 में अपनी रिपोर्ट सौंपी और त्रिस्तरीय पंचायती राज प्रणाली की स्थापना की सिफारिश की-

✓
ग्राम स्तर पर ग्राम पंचायत,
ब्लॉक स्तर पर पंचायत समिति और
जिला स्तर पर जिला परिषद।

Rajasthan was the first state to establish Panchayati Raj. The scheme was inaugurated by the prime minister on October 2, 1959, in Nagaur district.

Rajasthan was followed by Andhra Pradesh, which also adopted the system in 1959.

Thereafter, most of the states adopted the system.

पंचायती राज की स्थापना करने वाला राजस्थान पहला राज्य था। इस योजना का उद्घाटन प्रधानमंत्री ने 2 अक्टूबर 1959 को नागौर जिले में किया था।

इसके बाद राजस्थान आंध्र प्रदेश ने भी 1959 में इस व्यवस्था को अपनाया। इसके बाद ज्यादातर राज्यों ने इस व्यवस्था को अपनाया।

②

→ 2 Tier

Ashok Mehta Committee

In December 1977, the Janata Government appointed a committee on panchayati raj institutions under the chairmanship of Ashok Mehta.

It submitted its report in August 1978 and made 132 recommendations to revive and strengthen the declining panchayati raj system in the country.

अशोक मेहता समिति दिसंबर 1977 में जनता सरकार ने अशोक मेहता की अध्यक्षता में पंचायती राज संस्थाओं को लेकर एक समिति का गठन किया गया ।

इसने अगस्त 1978 में अपनी रिपोर्ट साँपी और देश में गिरती पंचायती राज व्यवस्था को पुनर्जीवित और मजबूत करने के लिए 132 सिफारिशें कीं।

Ashok Mehta said The three-tier system of panchayati raj should be replaced by the two-tier system, that is, zila parishad at the district level, and below it, the mandal panchayat consisting of a group of villages.

अशोक मेहता ने कहा कि पंचायती राज की त्रिस्तरीय व्यवस्था को बदलकर जिला स्तर पर जिला परिषद और उसके नीचे मंडल पंचायत गांवों का समूह बनाकर होनी चाहिए।

3

(1985)

G V K Rao Committee

The Committee to review the existing Administrative Arrangements for Rural Development and Poverty Alleviation Programmes under the chairmanship of G.V.K. Rao was appointed by the Planning Commission in 1985.

जी वी के राव समिति जीवीके राव की अध्यक्षता में ग्रामीण विकास और गरीबी उन्मूलन कार्यक्रमों के लिए मौजूदा प्रशासनिक व्यवस्थाओं की समीक्षा करने वाली समिति की नियुक्ति योजना आयोग ने 1985 में की थी।

4

(1986)

L M Singhvi Committee

In 1986, Rajiv Gandhi government appointed a committee to prepare a concept paper on 'Revitalisation of Panchayati Raj Institutions for Democracy and Development' under the chairmanship of L M Singhvi.

एल एम सिंघवी समिति

1986 में राजीव गांधी सरकार ने एल एम सिंघवी की अध्यक्षता में लोकतंत्र और विकास के लिए पंचायती राज संस्थाओं के पुनरुद्धार पर एक अवधारणा पत्र तैयार करने के लिए एक समिति नियुक्त की।

Singhvi said The Panchayati Raj institutions should be constitutionally recognised, protected and preserved.

सिंघवी ने कहा कि पंचायती राज संस्थाओं को संवैधानिक रूप से मान्यता, संरक्षित और संरक्षित किया जाना चाहिए।



Thungon Committee

In 1988, a sub-committee of the Consultative Committee of Parliament was constituted under the chairmanship of P.K Thungan.

Thungon to examine the political and administrative structure in the district for the purpose of district planning.

थुंगन समिति 1988 में पी.के. थुंगन की अध्यक्षता में संसद की सलाहकार समिति की एक उप समिति का गठन किया गया था।

थुंगन जिला योजना के उद्देश्य से जिले में राजनीतिक और प्रशासनिक ढाँचे की जांच रत हैं।

73rd Amendment Act of 1992

पंचायती राज दिवस

This bill finally emerged as the 73rd Constitutional Amendment Act, 1992 and came into force on 24 April, 1993.

1992 का 73 वां संशोधन अधिनियम

यह विधेयक अंततः 73वें संविधान संशोधन अधिनियम, 1992 के रूप में उभरा और 24 अप्रैल, 1993 को लागू हुआ।

~~DR~~

This act has added a new Part-IX⁹ to the Constitution of India.

This part is entitled as 'The Panchayats' and consists of provisions from Articles 243 to 243 O.

In addition, the act has also added a new Eleventh Schedule to the Constitution.

This schedule contains 29 functional items of the panchayats. It deals with Article 243-G.

इस अधिनियम ने भारत के संविधान में एक नया पार्ट-9 जोड़ा है ।

यह भाग पंचायतों के रूप में हकदार है और इसमें अनुच्छेद 243 से 243 ओ तक के प्रावधान हैं।

इसके अलावा इस अधिनियम में संविधान में एक नई ग्यारहवीं अनुसूची भी जोड़ी गई है ।

इस शेड्यूल में पंचायतों की 29 फंक्शनल आइटम्स हैं। यह अनुच्छेद 243-जी से संबंधित है ।

Reservation of Seats

The act provides for the reservation of seats for scheduled castes and scheduled tribes in every panchayat (i.e., at all the three levels) in proportion of their population to the total population in the panchayat area.

Further, the state legislature shall provide for the reservation of offices of chairperson in the panchayat at the village or any other level for the SCs and STs.

mfy →
 ⇒ 33% (Women ⇒ SC + ST +
 OBC +
Gen)

सीटों का आरक्षण

इस अधिनियम में पंचायत क्षेत्र में कुल आबादी को अपनी आबादी के अनुपात में हर पंचायत (यानी तीनों स्तरों पर) में अनुसूचित जाति और अनुसूचित जनजातियों के लिए सीटों का आरक्षण करने का प्रावधान है।

इसके अलावा राज्य विधानमंडल में पंचायत में अध्यक्ष के कार्यालयों को गांव में या किसी अन्य स्तर पर अनुसूचित जाति व अनुसूचित जनजाति के लिए आरक्षण की व्यवस्था की जाएगी।

The act provides for the reservation of not less than one-third of the total number of seats for women (including the number of seats reserved for women belonging the SCs and STs).

Further, not less than one-third of the total number of offices of chairpersons in the panchayats at each level shall be reserved for women.

इस अधिनियम में महिलाओं के लिए कुल सीटों की संख्या (अनुसूचित जाति और अनुसूचित जनजाति की महिलाओं के लिए आरक्षित सीटों की संख्या सहित) के एक तिहाई से कम आरक्षण का प्रावधान है।

इसके अलावा प्रत्येक स्तर पर पंचायतों में अध्यक्षों के कुल पदों की संख्या का एक तिहाई से भी कम महिलाओं के लिए आरक्षित नहीं किया जाएगा।

Panchayat (extension to
Sch. Areas)

Pesa Act of 1996 (Extension Act)

5th Sch.

10
142

The provisions of Part IX of the constitution relating to the Panchayats are not applicable to the Fifth Schedule areas.

However, the Parliament may extend these provisions to such areas, subject to such exceptions and modifications as it may specify.

पेसा अधिनियम 1996 (विस्तार अधिनियम)

पंचायतों से संबंधित संविधान के भाग 9 के प्रावधान पांचवीं अनुसूची के क्षेत्रों में लागू नहीं होते हैं।

हालांकि, संसद ऐसे अपवादों और संशोधनों के अधीन ऐसे क्षेत्रों में इन प्रावधानों का विस्तार कर सकती है जैसा कि यह निर्दिष्ट कर सकता है ।

Under this provision, the Parliament has enacted the “Provisions of the Panchayats (Extension to the Scheduled Areas) Act”, 1996, popularly known as the PESA Act or the Extension Act.

इस प्रावधान के तहत संसद ने "पंचायतों के प्रावधान (अनसूचित क्षेत्रों में विस्तार) अधिनियम, 1996 लागू किया है, जिसे पेसा अधिनियम या विस्तार अधिनियम के नाम से जाना जाता है।

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MUNICIPALITIES

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OF INDIA

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(1687-
88)
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74th Amendment Act of 1992 This Act has added a new **Part IX-A** to the Constitution of India.

This part is entitled as 'The Municipalities' and consists of provisions from Articles 243-P to 243-ZG.

In addition, the act has also added a new **Twelfth** Schedule to the Constitution.

This schedule contains **18** functional items of municipalities. It deals with Article 243-W.

1992 के 74 वें संशोधन अधिनियम इस अधिनियम ने भारत के संविधान में एक नया भाग नौवीं-ए जोड़ा है।

यह भाग नगर पालिकाओं के रूप में हकदार है और इसमें अनुच्छेद 243-पी से 243-ZG तक के प्रावधान शामिल हैं।

इसके अलावा इस अधिनियम में संविधान में एक नई बारहवीं अनुसूची भी जोड़ी गई है।

इस अनुसूची में नगरपालिकाओं के अठारह कार्यात्मक आइटम शामिल हैं। यह अनुच्छेद 243-डब्ल्यू से संबंधित है।

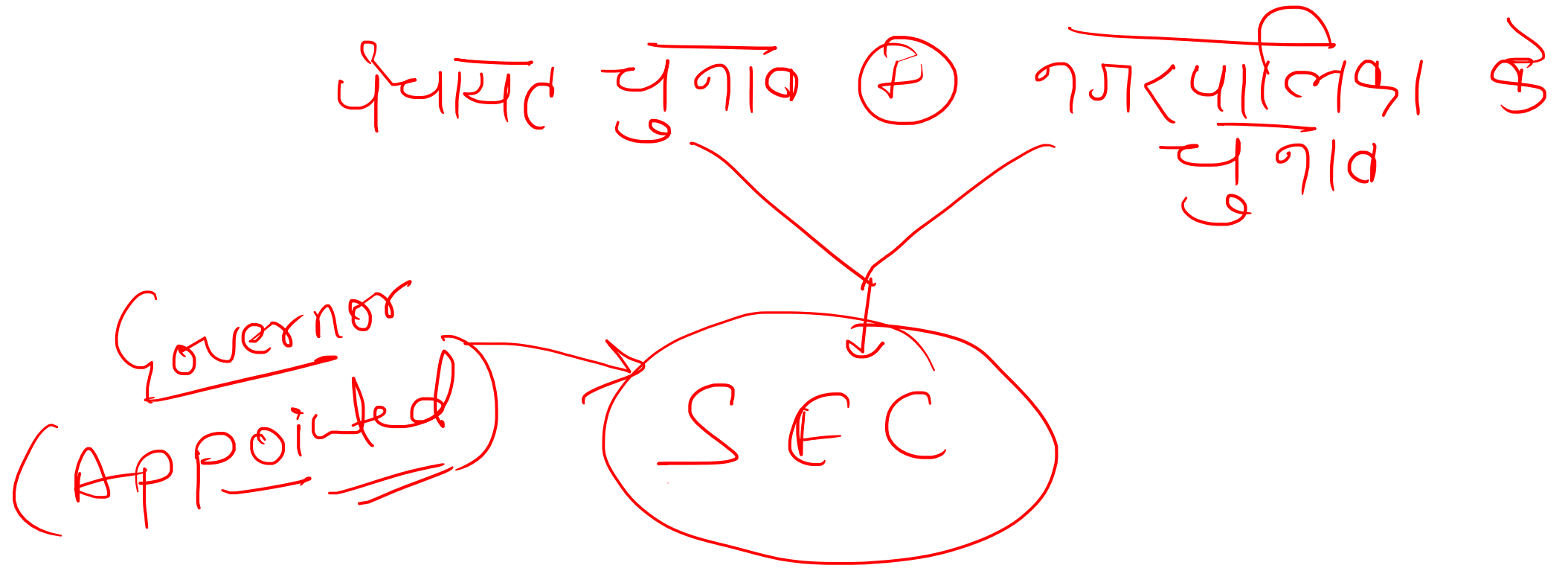
Three Types of Municipalities

The act provides for the constitution of the following three types of municipalities in every state.

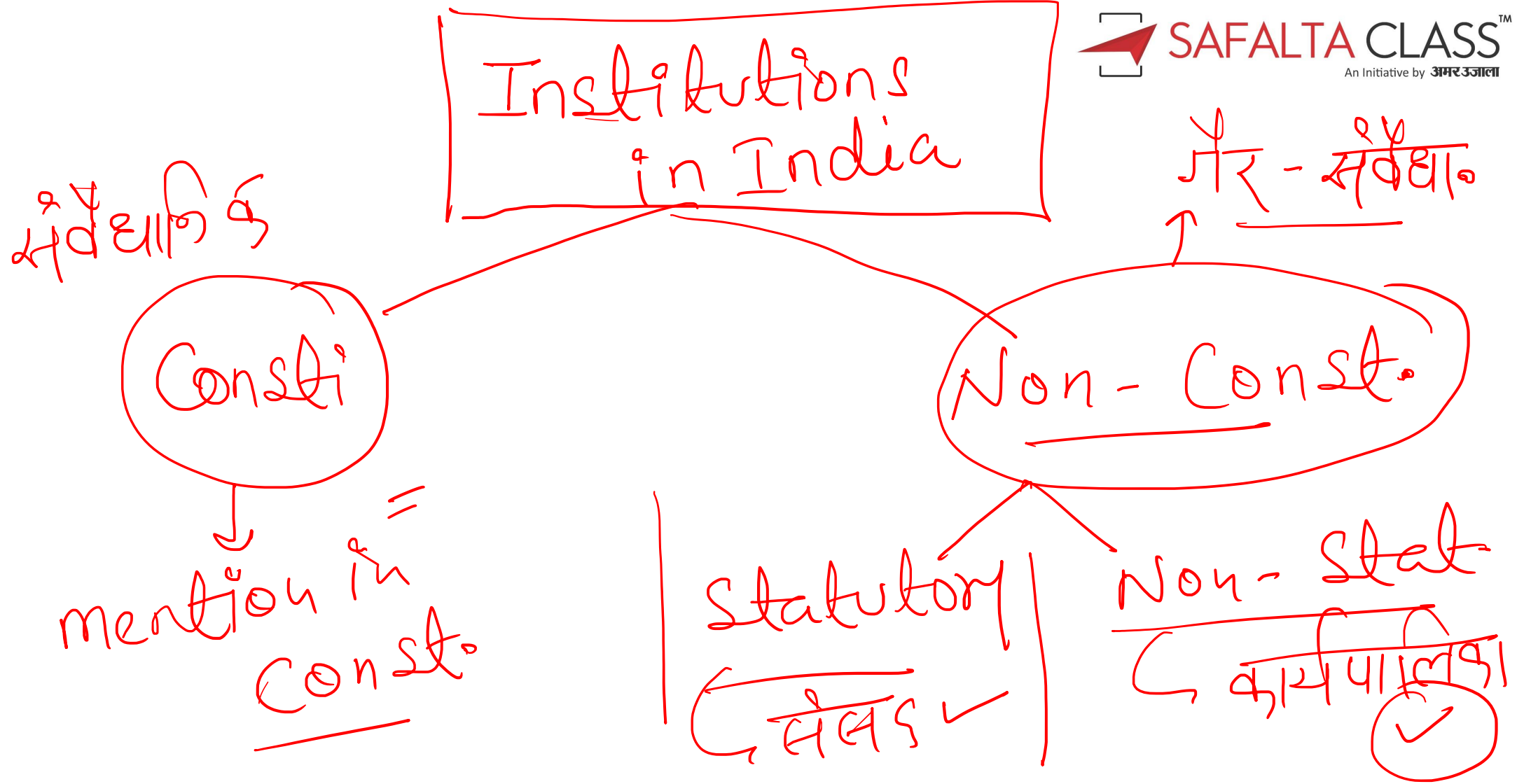
1. A nagar panchayat (by whatever name called) for a transitional area, that is, an area in transition from a rural area to an urban area.
2. A municipal council for a smaller urban area.
3. A municipal corporation for a larger urban area.

नगर पालिकाओं के तीन प्रकार इस अधिनियम में प्रत्येक राज्य में निम्नलिखित तीन प्रकार की नगरपालिकाओं के गठन का प्रावधान है।

1. एक नगर पंचायत (जो भी नाम से कहा जाता है) एक संक्रमणकालीन क्षेत्र के लिए, यानी, एक ग्रामीण क्षेत्र से शहरी क्षेत्र में संक्रमण में एक क्षेत्र।
2. एक छोटे शहरी क्षेत्र के लिए एक नगर परिषद।
3. एक बड़े शहरी क्षेत्र के लिए एक नगर निगम।



CONSTITUTIONAL & NON CONSTITUTIONAL BODIES IN INDIA





ELECTION COMMISSION OF INDIA (ECI)

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.

चुनाव आयोग देश में स्वतंत्र और निष्पक्ष चुनाव सुनिश्चित करने के लिए सीधे भारत के संविधान द्वारा स्थापित एक स्थायी और स्वतंत्र निकाय है ।



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.

संविधान के अनुच्छेद 324 में प्रावधान है कि संसद, राज्य विधानसभाओं, भारत के राष्ट्रपति के पद और भारत के उपराष्ट्रपति के कार्यालय के चुनावों के अधीक्षण, दिशा और नियंत्रण की शक्ति चुनाव आयोग में निहित होगी।

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.

संविधान के अधिनियम 324 में चुनाव आयोग के गठन के संबंध में निम्नलिखित प्रावधान किए गए हैं:

1. चुनाव आयोग में मुख्य चुनाव आयुक्त और अन्य चुनाव आयुक्तों की इतनी संख्या शामिल होगी, यदि कोई हो, जैसा कि राष्ट्रपति समय-समय पर तय कर सकते हैं ।

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.

2. मुख्य चुनाव आयुक्त और अन्य चुनाव आयुक्तों की नियुक्ति राष्ट्रपति द्वारा की जाएगी।

3. जब किसी अन्य चुनाव आयुक्त की नियुक्ति की जाती है, तो मुख्य चुनाव आयुक्त चुनाव आयोग के अध्यक्ष के रूप में कार्य करेगा।

4. The president may also appoint after consultation with the election commission such regional commissioners as he may consider necessary to assist the election commission.

5. The conditions of service and tenure of office of the election commissioners and the regional commissioners shall be determined by the president.

4. राष्ट्रपति चुनाव आयोग के साथ परामर्श के बाद ऐसे क्षेत्रीय आयुक्तों की नियुक्ति भी कर सकते हैं क्योंकि वह चुनाव आयोग की सहायता के लिए आवश्यक विचार कर सकते हैं ।

5. चुनाव आयुक्तों और क्षेत्रीय आयुक्तों के पद की सेवा और कार्यकाल की शर्तें राष्ट्रपति द्वारा निर्धारित की जाएंगी ।

3 member

1
(1950-1989)

2

SAFALTA CLASS™
An Initiative by अमर उजाला
(विद्यार्थी-शिक्षक)

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 increased work of the election commission on account of lowering of the voting age from 21 to 18 years.

१९५० में अपनी स्थापना के बाद से और 15 अक्टूबर १९८९ तक चुनाव आयोग ने मुख्य चुनाव आयुक्त से मिलकर एक संसदस्य निकाय के रूप में कार्य किया।

16 अक्टूबर 1989 को राष्ट्रपति ने मतदान की आयु 21 से घटाकर 18 वर्ष करने के कारण चुनाव आयोग के बड़े हुए काम से निपटने के लिए दो और चुनाव आयुक्तों की नियुक्ति की।

Thereafter, the Election Commission functioned as a multimember body consisting of three election commissioners. However, the two posts of election commissioners were abolished in January 1990 and the Election Commission was reverted to the earlier position.

इसके बाद चुनाव आयोग ने तीन चुनाव आयुक्तों से मिलकर एक बहुसदस्य निकाय के रूप में कार्य किया ।

हालांकि जनवरी 1990 में चुनाव आयुक्तों के दो पद समाप्त कर दिए गए थे और चुनाव आयोग को पहले की स्थिति में वापस कर दिया गया था।

Again in October 1993, the president appointed two more election commissioners.

Since then and till today, the Election Commission has been functioning as a multi-member body consisting of three election commissioners.

अक्टूबर १९९३ में फिर से राष्ट्रपति ने दो और चुनाव आयुक्तों की नियुक्ति की ।

तब से लेकर आज तक चुनाव आयोग एक बहुसदसीय निकाय के रूप में काम कर रहा है जिसमें तीन चुनाव आयुक्त शामिल हैं ।

X ⇒ 63 — 2 yrs

They hold office for a term of six years or until they attain the age of 65 years, whichever is earlier.

They can resign at any time or can also be removed before the expiry of their term.

वे छह वर्ष की अवधि के लिए या 65 वर्ष की आयु प्राप्त करने तक, जो भी पहले हो, पद धारण करते हैं।

वे तरह-तरह के समय इस्तीफा दे सकते हैं या फिर उनका कार्यकाल खत्म होने से पहले हटाया भी जा सकता है।

Article 324 of the Constitution has made the following provisions to safeguard and ensure the independent and impartial.

The chief election commissioner is provided with the security of tenure.

He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court

संविधान के अनुच्छेद 324 में स्वतंत्र और निष्पक्ष की रक्षा और सुनिश्चित करने के लिए निम्नलिखित प्रावधान किए गए हैं।

मुख्य चुनाव आयुक्त को कार्यकाल की सुरक्षा मुहैया कराई जाती है। उन्हें उसी तरीके से और उच्चतम न्यायालय के न्यायाधीश के समान आधार पर छोड़कर उनके पद से नहीं हटाया जा सकता है।

In other words, he can be removed by the president on the basis of a resolution passed to that effect by both the Houses of Parliament with special majority, either on the ground of proved misbehaviour or incapacity.

Thus, he does not hold his office till the pleasure of the president, though he is appointed by him.

दूसरे शब्दों में, उन्हें राष्ट्रपति द्वारा विशेष बहुमत के साथ संसद के दोनों सदनों द्वारा इस आशय के पारित संकल्प के आधार पर हटाया जा सकता है, या तो साबित दुर्यवहार या अक्षमता के आधार पर ।

इस प्रकार, वह राष्ट्रपति की खशी तक अपना पद धारण नहीं करते हैं, हालांकि उनके द्वारा नियुक्त किया जाता है ।



UPSC

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.

संघ लोक सेवा आयोग (यूपीएससी) भारत में केंद्रीय भर्ती एजेंसी है। यह इस अर्थ में एक स्वतंत्र संवैधानिक निकाय है कि इसे सीधे संविधान ने बनाया है ।

15

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.

संविधान के भाग XIV में अनुच्छेद 315 से 323 में संघ लोक सेवा आयोग की स्वतंत्रता, शक्तियाँ और कार्यों के साथ-साथ सदस्यों की संरचना, नियुक्ति और उन्हें हटाने के संबंध में विस्तृत प्रावधान हैं।

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.

यूपीएससी में भारत के राष्ट्रपति द्वारा नियुक्त एक अध्यक्ष और अन्य सदस्य होते हैं ।

आयोग की ताकत निर्दिष्ट किए बिना संविधान ने इस मामले को राष्ट्रपति के विवेक पर छोड़ दिया है, जो इसकी संरचना निर्धारित करता है ।

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.

आयोग के अध्यक्ष और सदस्य छह वर्ष की अवधि के लिए या 65 वर्ष की आयु प्राप्त करने तक, जो भी पहले हो, पद धारण करते हैं। हालांकि, वे राष्ट्रपति को अपने इस्तीफे को संबोधित करके किसी भी समय अपने पद त्याग सकते हैं ।

संविधान में दिए गए तरीके से राष्ट्रपति द्वारा उनका कार्यकाल समाप्त होने से पहले उन्हें हटाया भी जा सकता है।

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;**

हटाना राष्ट्रपति निम्नलिखित परिस्थितियों में यूपीएससी के अध्यक्ष या किसी अन्य सदस्य को पद से हटा सकते हैं:

- (क) अगर वह एक दिवालिया चुना है (यानी, दिवालिया हो गया है);
- (ख) यदि वह अपने कार्यकाल के दौरान, अपने कार्यालय के कर्तव्यों के बाहर किसी भी सशुल्क रोजगार में संलग्न है;

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.

या (ग) यदि वह राष्ट्रपति की राय में मन या शरीर की दुर्बलता के कारण पद पर बने रहने के लिए अयोग्य है ।

इनके अलावा राष्ट्रपति यूपीएससी के अध्यक्ष या किसी अन्य सदस्य को भी दुर्व्यवहार के लिए हटौ सकते हैं।

<i>Article No.</i>	<i>Subject-matter</i>
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, whichever is earlier (in the case of UPSC, the age limit is 65 years).

Joint State Public Service Commission

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.

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.



Finance Commission Of India

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.

Composition

15th F.C.

N.K. Singh

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.

F.C. → Prez →

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.



Art-148

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.

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

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

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

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.

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

~~☆~~ Highest Law Officer

Attorney-General Of
India (Article-76)

भारत का महान्यायवादी

→ Temp
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अ-फ़े

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

Appointment and Term

fix term (X)



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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.

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.

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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.

Art-165
mark

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.

<i>Article No.</i>	<i>Constitutional Bodies</i>
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

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

Introduction and Overview of Non - Constitutional Bodies





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

(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.

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)

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.

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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.



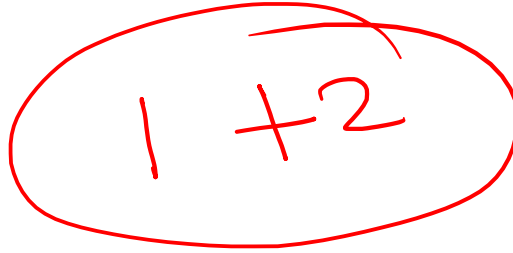
The Central Vigilance Commission (CVC) is the main agency for preventing corruption in the Central government.

It was established in 1964 by an executive resolution of the Central government.

Its establishment was recommended by the Santhanam Committee on Prevention of Corruption (1962–64).

Thus, originally the CVC was neither a constitutional body nor a statutory body. Later, in 2003, the Parliament enacted a law conferring statutory status on the CVC.

Composition


$$1 + 2$$

The CVC is a multi-member body consisting of a Central Vigilance Commissioner (chairperson) and not more than two vigilance commissioners.

They are appointed by the president by warrant under his hand and seal on the recommendation of a three-member committee consisting of the prime minister as its head, the Union minister of home affairs and the Leader of the Opposition in the Lok Sabha.

They hold office for a term of four years or until they attain the age of sixty five years, whichever is earlier.

After their tenure, they are not eligible for further employment under the Central or a state government.

Organisation

The CVC has its own Secretariat, Chief Technical Examiners' Wing (CTE) and a wing of Commissioners for Departmental Inquiries (CDIs).

Working

The CVC conducts its proceedings at its headquarters (New Delhi).

It is vested with the power to regulate its own procedure.

It has all the powers of a civil court and its proceedings have a judicial character.

The CVC has to present annually to the President a report on its performance.

The President places this report before each House of Parliament.



The Central Bureau of Investigation (CBI) was set up in 1963 by a resolution of the Ministry of Home Affairs. Later, it was transferred to the Ministry of Personnel and now it enjoys the status of an attached office.

The Special Police Establishment (which looked into vigilance cases) setup in 1941 was also merged with the CBI.

The establishment of the CBI was recommended by the Santhanam Committee on Prevention of Corruption (1962-1964).

The CBI is not a statutory body. It derives its powers from the Delhi Special Police Establishment Act, 1946.

Composition of CBI The CBI is headed by a Director. He is assisted by a special director or an additional director.

The Director of CBI as Inspector-General of Police, Delhi Special Police Establishment, is responsible for the administration of the organisation.



The institution of Ombudsman was first created in Sweden in 1809.

‘Ombud’ is a Swedish term and refers to a person who acts as the representative or spokesman of another person.

He submits his annual report to the Parliament and hence, is also known as ‘Parliamentary Ombudsman.’

But he is independent of the Parliament (legislature) as well as the executive and judiciary.

Lokpal

The Administrative Reforms Commission (ARC) of India (1966–1970) recommended the setting up of two special authorities designated as ‘Lokpal’ and ‘lokayukta’ for the redressal of citizens’ grievances.

According to the ARC, the Lokpal would be appointed by the president after consultation with the chief justice of India, the Speaker of Lok Sabha and the Chairman of the Rajya Sabha.

The Lokpal and Lokayuktas (Amendment) Bill, 2016

- This Bill was passed by Parliament in July 2016 and amended the Lokpal and Lokayukta Act, 2013.
- It enables the leader of the single largest opposition party in the Lok Sabha to be a member of the selection committee in the absence of a recognized Leader of Opposition.

- It also amended section 44 of the 2013 Act that deals with the provision of furnishing of details of assets and liabilities of public servants within 30 days of joining the government service.
- The Bill replaces the time limit of 30 days, now the public servants will make a declaration of their assets and liabilities in the form and manner as prescribed by the government.

Structure of Lokpal

Lokpal is a multi-member body, that consists of one chairperson and a maximum of 8 members.

Out of the maximum eight members, half will be judicial members and minimum 50% of the Members will be from SC/ ST/ OBC/ Minorities and women.

Chairperson of the Lokpal should be either the former Chief Justice of India or the former Judge of Supreme Court or an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

The term of office for Lokpal Chairman and Members is 5 years or till the age of 70 years.

The members are appointed by the president on the recommendation of a Selection Committee.

The selection committee is composed of the Prime Minister who is the Chairperson; Speaker of Lok Sabha, Leader of Opposition in Lok Sabha, Chief Justice of India or a Judge nominated by him/her and One eminent jurist.

Tenure

In most of the states, the term of office fixed for lokayukta is of 5 years duration or 65 years of age, whichever is earlier.

He is not eligible for reappointment for a second term.

हिंदी

~~National Language~~
Official Language
of India

(No Nat'l
Lang.)

लक्ष्मी

ENF
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Part XVII of the Constitution deals with the official language in Articles 343 to 351.

**Its provisions are divided into four heads—
Language of the Union, Regional languages,
Language of the judiciary and texts of laws and
Special directives.**

Hindi written in Devanagari script is to be the official language of the Union.

But, the form of numerals to be used for the official purposes of the Union has to be the international form of Indian

In 1955, the president appointed an Official Language Commission under the chairmanship of B G Kher.

The commission submitted its report to the President in 1956.

