

UNIT 22 – UPSC - Statutory, Regulatory and Various Quasi-Judicial Bodies

Statutory Bodies

Statutory bodies are established by acts which Parliament and State Legislatures can pass. These bodies are entities shaped by an Act of Parliament or state legislatures and set up by the government to consider the data and make judgments in some arena of activity. Basically, a statutory body is an organisation of government which is not demarcated in Constitution of India but it gets its powers, service rules, authority by an act of parliament or state legislatures. They are generally established to perform specific functions which a government considers effectively performed outside a traditional departmental executive structure. They fulfil the requirement for some operational independence from the government; funding arrangements that are not dependent on the annual appropriations processes; or to establish a separate legal body. Statutory bodies are normally set up in countries which are ruled under parliamentary democracy form of political setup. Under law, statutory bodies are organisations with the authority to monitor that the activities of a business and check whether these institutions are legal and follow official rules. For example, the General Medical Council is the statutory body which regulates doctors.



The statutory bodies may be established to permit a certain level of independence from government, the government is still accountable to guarantee that taxpayers funds expended in the operations of statutory bodies are spent in the most, effective and economic way. These bodies are subject to varying degrees of ministerial control which are identified in the statutory body's enabling legislation. Ministers are accountable to Parliament for the operation of all government boards and agencies within their portfolios, and are necessary to table their annual reports in Parliament. A state representatives have authority for many reasons such as transparency, accountability, effectiveness, and bipartisanship.

The meaning of a 'statutory body' may change depending upon the legislation. For example, a local council is not a statutory body for the purposes of the Financial Accountability Act, but it is for the purposes of the Statutory Bodies Financial Arrangements Act. All statutory bodies are established and operate under the provisions of their own enabling legislation, which sets out the

purpose and specific powers of the agency. The enabling legislation may also include provisions for the levels of fees to be charged for services / products provided by the statutory body, the power of the statutory body to borrow or invest funds, whether the board can delegate powers to officers of the statutory body and whether the body represents the State .

The example of statutory body is The University Grants Commission, a statutory organization established by an Act of Parliament in 1956 for the coordination, determination and maintenance of standards of university education. Apart from providing grants to eligible universities and colleges, the Commission also recommends the Central and State Governments on the measures which are necessary for the development of Higher Education. It functions from New Delhi as well as its six Regional offices located in Bangalore, Bhopal, Guwahati, Hyderabad, Kolkata and Pune.

Important Statutory Bodies:

- National Human Rights Commission
- National Commission for Women
- National Commission for Minorities
- National Commission for Backward Classes
- National Law Commission
- National Green Tribunal
- National Consumer Disputes Redressal Commission
- Armed Forces Tribunal

Regulatory Body

A regulatory body also called regulatory agency is a public authority or a government agency which is accountable for exercising autonomous authority over some area of human activity in a regulatory or supervisory capacity. It is established by legislative act in order to set standards in a specific field of activity, or operations, in the private sector of the economy and to then implement those standards. Regulatory interventions function outside executive observation. Because the regulations that they adopt have the force of law, part of these agencies' function is essentially legislative; but because they may also conduct hearings and pass judgments concerning adherence to their regulations, they also exercise a judicial function often performed before a quasi-judicial official called an administrative law judge, who is not part of the court system. Some independent regulatory agencies perform investigations or audits, and some are authorised to fine the important parties and order certain measures.

The notion of the regulatory agency was initiated in the USA and it has been basically an American establishment. The first agency was Interstate Commerce Commission (ICC), established by Congress in 1887 to control the railroads. It was stopped in 1996 but long served as the model of such an agency. Initially, the ICC was to serve only as an advisory body to Congress and the courts, but it was soon granted these powers itself. Furthermore, an independent commission could be unbiased and nonpartisan, a necessity for impartial regulation. The ICC was the first step taken to control industries instead of taking each on a case-by-case basis, as had been previously done.

The proclamation of governmental control in other industries led to the formation of many other regulatory agencies modelled upon the ICC, chief among these being the Federal Trade Commission (FTC, 1914), Federal Communications Commission (FCC, 1934), and Securities and Exchange Commission (SEC, 1934). Additionally, regulatory powers were convened upon the

ordinary executive departments. The functions of the FTC illustrate those of regulatory agencies in general. It supervises the packaging, labelling, and advertising of consumer goods. It applies broadly stated legislative policies to concrete cases of trade competition by a procedure patterned after that of the courts. It grants licenses to those interested in export business. It also regulates collection and circulation of credit information. Regulatory agencies use a commission system of administration, and their terms of office are fixed and often very long.

All nations outside the USA, the role of regulatory agencies is taken by the regular administrative departments of government and, in the case of utilities and public transportation, often by means of state ownership. Regulatory agencies are generally a part of the executive branch of the government, or they have statutory authority to execute their functions with oversight from the legislative branch. Their actions are generally open to legal review. Regulatory authorities are usually established to implement standards and safety, or to oversee use of public goods and regulate business.

Important Regulatory bodies are as under:

- Advertising Standards Council of India
- Competition Commission of India
- Biodiversity authority of India
- Press council of India
- Directorate General of Civil Aviation
- Forward Markets Commission
- Inland Waterways Authority of India
- Insurance Regulatory and Development Authority
- Reserve Bank of India
- Securities and Exchange Board of India
- Telecom Disputes Settlement and Appellate Tribunal
- Telecom Regulatory Authority of India
- The Food Safety and Standards Authority of India (FSSAI)
- Central pollution control board
- Financial Stability and Development Council
- Medical Council of India
- Pension fund regulatory and development authority

Quasi Judicial Bodies:

Quasi-judicial bodies are institutes which have powers analogous to that of the law imposing bodies but these are not courts. They primarily oversee the administrative zones. The courts have the power to supervise over all types of disputes but the quasi-judicial bodies are the ones with the powers of imposing laws on administrative agencies. These bodies support to lessen the burden of the courts. Quasi-judicial activity is restricted to the issues that concern the particular administrative agency. Quasi-judicial action may be appealed to a court of law.

These organizations generally have authorities of settlement in matters like breach of discipline, conduct rules, and trust in the matters of money or otherwise. Their powers are usually limited to a particular area of expertise, such as financial markets, employment laws, public standards, immigration, or regulation.

Awards and judgements of a quasi-judicial bodies often depend on a pre-determined set of rules or punishment depending on the nature and gravity of the offence committed. Such punishment may be legally enforceable under the law of a country, it can be challenged in a court of law which is the final vital authority.

Important quasi-judicial bodies in India are as under:

- National Human Rights Commission
- State Human Rights Commission
- Central Information Commission
- State Information Commission
- National Consumer Disputes Redressal Commission
- State Consumer Disputes Redressal Commission
- District Consumer Disputes Redressal Forum
- Competition Commission of India
- Appellate Tribunal for Electricity
- State Electricity Regulatory Commission
- Railway Claims Tribunal
- Income Tax Appellate Tribunal
- Intellectual Property Appellate Tribunal
- Central Excise and Service Tax Appellate Tribunal
- Banking Ombudsman
- Insurance Ombudsman
- Income tax Ombudsman
- Electricity Ombudsman
- State Sales tax Appellate Tribunal