

INDIAN CONSTITUTION

19MC004

UNIT-V CONSTITUTIONAL AND NON-CONSTITUTIONAL BODIES

Constitutional Bodies

List of Constitutional Bodies in India:

- The Constitution is the source of the authority and powers for Constitutional Bodies in India.
- An institution created by the Indian Constitution is the constitutional body in an Indian government.
- These bodies may be formed and then destroyed without reference to the Constitutional Amendment Bill.
- The provision mentioned in the Indian constitution served as the foundation for the creation of the constitutional bodies.
- For various competitive exams, it is important to have in-depth understanding of the Indian Constitutional Bodies because each one of them contributes significantly to the growth of the nation by upholding its polity, economy, and law and order.
- Read the article to learn about all of the constitutional bodies of India, as well as their roles and responsibilities.

List of Indian Constitutional Bodies:

- The Government of India has several constitutional bodies formed specifically to maintain appropriate law and order in the nation, which is its top priority.
- In India, there are numerous constitutional bodies, some of which are notable are listed below.

To learn more about the various constitutional bodies of India, refer to the table provided below.

Serial Number	Name of Constitutional Bodies of India	Article Number	Duties
1	Attorney General of India	76	<p>To advise the government on the legal matters referred to him by the president.</p> <p>To appear on behalf of the government in the Supreme Court in all the cases concerning the government.</p> <p>To represent the government in the references made by the president to the Supreme Court as per Article 143.</p> <p>To appear in HC in the cases concerning government.</p>
2	Comptroller and Auditor General of India	148	<p>All accounts related to the expenditures of the Consolidated Fund of India, Consolidated Fund of the States, and Union Territories are audited by the CAG.</p> <p>The expenditures of the Emergency Fund and the Public Account of India and the States are audited by the CAG.</p>

Serial Number	Name of Constitutional Bodies of India	Article Number	Duties
3	Advocate General of State	165	<p>The CAG serves as the guide, friend, and philosopher of the Public Accounts Committee. All income and expenditure of the bodies financed from central or state income are also checked by the CAG.</p> <p>It submits reports to the President.</p> <p>Advice to the state government on matters assigned to it by the state governor.</p> <p>To carry out the duties assigned to him by the Constitution of India.</p>
4	State Finance Commission	243-I	<p>The determination of taxes, rates, and tolls that are assigned to local entities.</p> <p>Measures to improve the financial situation of local units.</p>
5	State Election Commission	243-K	<p>It is responsible for carrying out elections to the panchayats and municipalities</p>

Serial Number	Name of Constitutional Bodies of India	Article Number	Duties
6	Inter-State Council	263	<p>This is responsible for the coordination between the Centre and states as well as among the different states.</p>
7	Finance Commission	280	<p>It is responsible for the distribution and allocation of the net proceeds of the taxes between the center and states and also among different states.</p> <p>It laid down the principles that should govern the grants-in-aid to the states.</p>
8	Goods and Service Tax Council	279A	<p>It is responsible for making recommendations to central and state governments regarding GST.</p>
9	UPSC Public Service Commission	315-323	<p>UPSC conducts recruitment of All India Services, Central Services, and Union Territories Utilities.</p> <p>All disciplinary matters affecting a person in a civilian capacity are dealt with by the UPSC.</p>

Serial Number	Name of Constitutional Bodies of India	Article Number	Duties
10	State Public Service Commission	315-323	<p>It assists States in matters related to joint recruitment.</p> <p>It conducts all the exams for the appointment to the services of the state.</p>
11	Election Commission of India	324	<p>It is responsible for conducting elections to parliament, state legislatures, the office of president, and vice president.</p>
12	National Commission for Scheduled Castes	338	<p>It Investigates issues related to various safeguards for scheduled castes.</p>
13	National Commission for Scheduled Tribes	338A	<p>It investigates matters related to Schedule Tribes.</p>
14	National Commission for Backward Classes	338B	<p>It investigates the matters related to socially and educationally backward classes.</p>

Serial Number	Name of Constitutional Bodies of India	Article Number	Duties
15	Scheduled Area and Scheduled Tribes Commission	339	It submits the report concerning the administration of scheduled areas and the welfare of the scheduled tribes to the President.
16	Special Officer for Linguistic Minorities	350B	It looks after matters related to the various safeguards provided for linguistic minorities are looked into by the Commissioner. It is responsible for providing equal opportunities to the linguistic minorities.

Constitutional Bodies:

- Election Commission of India
- State Election Commission's Autonomy
- Need to set up State Finance Commission
- Constitutional Status for National Commission for Backward Classes
- National Commission for Scheduled Tribes (NCST)
- Comptroller and Auditor-General of India (CAG)
- Attorney General of India
- Tribunals
- Supreme Court of India

- Constitutional bodies derive their powers and authorities from the Constitution of India.
- They are mentioned in the Constitution.
- Since they get their power from the Indian Constitution, any change in the mechanism of the constitutional bodies would require a constitutional amendment.

List of Constitutional Bodies:

The list of constitutional bodies in India along with the article pertaining to it in the Constitution and other details are given below:

- Attorney General of India

Attorney General	
Article in the Constitution	76
Tenure & Removal	Holds office during the pleasure of the President
Further Appointment	Yes
Powers	<ul style="list-style-type: none"> • Privileges of an MP • Right of an audience in all Indian courts • Can attend both Lok Sabha and Rajya Sabha but cannot vote

- Comptroller & Auditor General of India

Comptroller & Auditor General of India	
Articles	148
Tenure & removal	<ul style="list-style-type: none"> • Holds the office for six years or 65 years (whichever comes earlier) • Removal is the same as for a judge of the Supreme Court
Further appointment	No
Powers	<ul style="list-style-type: none"> • Audits accounts concerned with the Contingency Fund, the Consolidated Fund of India and states, and the Public Accounts Fund of the states and centre. • Advisory function with respect to accounts to the country's President

- Election Commission

Election Commission of India	
Article	324
Composition	CEC/Chief Election Commissioner, Other Election Commissioners
Tenure & removal	Presently for 6 years or 65 years, whichever is earlier

Further appointment	Yes
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Powers	<ul style="list-style-type: none">• Conduct of free and fair elections in India• Political parties' registration• Overseeing elections
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- Finance Commission

Finance Commission of India

Article	280
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Composition	Chairman, Four members
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Further appointment	Yes
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Powers	<ul style="list-style-type: none">• Decides the basis for sharing the divisible taxes by the centre and the states• Any matter in the interest of sound finance can be referred to the President• evaluates the rise in the Consolidated Fund of a state in order to affix the resources of the state Municipalities and Panchayats• FC has the powers of a civil court
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- National Commission for Scheduled Castes

National Commission for Scheduled Castes	
Articles	338
Composition	Chairman, Vice-chairman, 3 other members
Tenure & removal	3 years
Further appointment	Yes
Powers	<ul style="list-style-type: none"> • It is a quasi-judicial body • Monitoring and reporting about the implementation of constitutional safeguards for Scheduled Castes • It has a civil court's powers

- National Commission for Scheduled Tribes

National Commission for Scheduled Tribes	
Articles	338-A
Composition	Chairman, Vice-chairman, 3 other members
Tenure & removal	3 years

Further appointment	Yes
Powers	<ul style="list-style-type: none"> • It is a quasi-judicial body • Monitoring and reporting about the implementation of constitutional safeguards for Scheduled Tribes • It has a civil court's powers

- National Commission for Backward Classes

National Commission for Backward Classes	
Articles	338-B
Composition	Chairman, Vice-chairman, 3 other members
Tenure & removal	3 years
Further appointment	Yes
Powers	<ul style="list-style-type: none"> • Examine complaints and welfare measures regarding socially and educationally backward classes • It has a civil court's powers

- Special officer for Linguistic Minorities

Special officer for Linguistic Minorities	
Articles	350 B
Composition	Commissioner, Deputy Commissioner, Assistant Commissioner
Tenure and removal	Pleasure of the President
Further appointment	Yes
Powers	Monitoring and reporting the working of constitutional safeguards for linguistic minorities

- Union Public Service Commission

Union Public Service Commission	
Articles	315 – 323
Composition	9 to 11 members
Tenure & removal	Presently for 6 years or 65 years (whichever is earlier) whichever is earlier

Further Appointment	UPSC Chairman is not eligible for a second term. Other members are eligible only for an appointment within SPSC and UPSC
Powers	Recruitment of All India Services, public services of centrally administered territories, Central services, advisory powers

- State Public Service Commission

State Public Service Commission	
Articles	315 – 323
Tenure & removal	Presently for 6 years or 62 years, whichever is earlier

Election Commission

Election Commission of India:

- The Election Commission of India is an independent constitutional body that helps and supervises the election process across the nation.
- Election commission supports the democratic principles of the nation by conducting elections in an unbiased and transparent manner.
- The Election Commission under Article 324 make sure the Protection of the rights of voters, and maintaining the integrity of the electoral process.
- Election Commission of India organizes elections at various levels, including the revision of the voter list and candidate nominations, polling, and result declaration.

What is the Election Commission of India?

- The Election Commission of India under Article 324 is an liberated constitutional regime responsible for assisting Union and State election operations in India.
- The Election Commission of India was established on January 25, 1950, under Article 324 of the Constitution of India.
- Its primary role election commission is to ensure the conduct of free and fair elections for the Parliament, offices of the President and Vice-President in a democratic and transparent manner.
- However, the electoral processes for local rural and urban bodies within the states are not undertaken by the ECI.
- State Election Commission is formed the carry out elections for this purpose.
- The Election Commission operates autonomously, free from political interference, to ensure the integrity of the electoral process under Article 324.

Constitutional Provisions of ECI?

- The Election Commission was specified in agreement with the Constitution on 25th January 1950.
- On 16 October 1989, The age of voting was changed from 21 to 18 years. f
- In Article Part- XV, Indian constitution deals with elections, and establishes a commission for these matters.
- From Article 324 to 329 Indian constitution deals with powers, function, term, eligibility, etc of the election commission and the associate.
- 324 – Superintendence, guidance and authority of elections to be granted in an Election Commission.
- 325 – No person to be ineligible for inclusion in, or to argue to be contained in a special, electoral roll on bases of religion, race, caste or sex.
- 326 – Elections to the House of the People and to the Legislative Assemblies of States to be on the foundation of adult franchise.
- 327 – Power of Parliament to make condition with respect to elections to Congresses.
- 328 – Power of Legislature of a State to make provision with regards to elections to such Legislature.

- 329 – Bar to interference by courts in electoral matters.

What is Article 324?

- Election Commissioners and Present Appointment Process – Article 324
- As per Article 324, the Election Commission consists of the CEC and other members of ECs, as the President may decide.
- Current Selection Process Of CEC and Other Members of ECs
- The Law Minister proposes a list of suitable candidates to the Prime Minister.
- The Prime Minister reviews the list for consideration.

Appointment Authority:

- CEC and other Election Commissioners are appointed by the President based on recommendations from the Prime Minister.
- Judicial Ruling – Anoop Baranwal Vs. Union of India (Regarding Appointment Procedure)
- The Supreme Court ruled that the President’s appointment should follow the advice of a Committee.
- The Committee comprises the Prime Minister, the Leader of Opposition in the Lok Sabha, and the Chief Justice of India.

Composition of Election Commission of India:

Here is the composition of Indian Election Commission:

- At the time of its formation in 1950, the Election Commission was one member body, That was only the Chief Election Commissioner (CEC).
- In 1989, the Election Commissioner Amendment Act 1989 was passed, and ECI was made a multi-member entity. It stated that the Election Commission would comprise the Chief Election Commissioner (CEC) and an additional number of election commissioners, as determined by the President as needed.
- At present, the Election Commission comprises the Chief Election Commissioner (CEC) along with two Election Commissioners.
- The president makes the appointment of the chief election commissioner and other election commissioners. When any other election commissioner is appointed, the chairman of the election commission is the chief election commissioner.

- The power and remuneration, including the salaries of the Chief Election Commissioner and the two remaining election commissioners, are equivalent to those of a judge in the Supreme Court.
- In situations where the opinion of the members differs, the Commission arrives at decisions following the principle of majority.

Tenure of Election Commission:

- Both CEC and other Election Commissioners hold the office for 6 years, or up to the age of 65 years, whichever is earlier.
- They may be removed or can resign before the completion of their term.
- The removal process of CEC is the same as that of the removal of a Supreme Court judge by the Parliament.

Limitation of Election Commission:

- Qualification of the members of ECI is not mentioned in the Constitution.
- The Constitution does not define the service duration of the members of the Constitution.
- The Constitution of India does not restrict retired election commissioners from future government appointments.

Independence of the Election Commission:

Article 324 of the Constitution of India provides for the independence and impartial functioning of the Election Commission.

The various provisions are as follows:

- Security of tenure is provided to the Chief Election Commissioner. He can be removed from his office only on a similar ground and similar manner as that of a judge of the Supreme Court.
- The appointment of an Election Commissioner is made by the President, and he does not hold office until the pleasure of the President.
- The Chief Election Commissioner is only authorized to propose the removal of another Election Commissioner or a Regional Commissioner.
- Once appointed, any changes to the Chief Election Commissioner's service conditions cannot be made to his disadvantage.

Functions and Powers of the Election Commission:

- The Election Commission is regarded as the protector of elections in the country.
- In each election, it administers a Model Code of Conduct for political parties as well as candidates to conduct elections in a free and fair manner.

The Election Commission's functions and powers are as follows:

1. Administrative
2. Advisory
3. Quasi-judicial

1. Administrative:

- The Election Commission organises elections at various levels, including the revision of the voter list and candidate nominations, polling, and result declaration.
- The Commission enforces the Model Code of Conduct, which regulates the behavior of the political parties, government officials, and candidates during election periods to maintain a level playing field.
- The Commission regulates the registration, recognition, and functioning of political parties.
- It monitors the elections pending of candidates and political parties to prevent excessive spending, thereby promoting fair competition.
- It establishes the territorial boundaries of electoral constituencies across the nation according to the provisions outlined in the Delimitation Commission Act of Parliament.

2. Advisory:

- The Election Commission provides advice to the President and Governors on matters of disqualifications concerning members of Parliament and that of state legislatures.
- It provides advice to the President regarding the feasibility of conducting elections in a state placed under the President's rule.
- In cases of conflict after election results involving candidates and political parties, the Election Commission gives advice to the High Courts and Supreme Court.

3. Quasi- Judicial:

- The Election Commission functions as a judicial body to resolve disputes related to the recognition of the political parties and the allocation of election symbols to said parties

Importance of the Election Commission of India:

- EC takes judgments on every part of conduct and management of elections from the notification of elections to the declaration of results.
- It implements the Code of Conduct and punishes any candidate or party that breaks it.
- The Election Commission of India (ECI) acts as a guardian of democratic principles, ensuring the integrity, impartiality, and fairness of the election process.

The importance of the election commission can be defined as follows:

- The ECI is responsible for organizing and conducting elections at the national and state levels, ensuring a smooth and fair electoral process.
- It enforces the Model Code of Conduct, setting standards for political behavior, which prevents malpractices during elections.
- It encourages citizens to exercise their democratic rights and participate in the electoral process.
- It serves as a dispute resolution body, settling electoral disputes among candidates, political parties, and stakeholders.
- The ECI regulated political parties, ensuring compliance with rules and regulations, promoting transparency in party finances, and creating a level playing field.

Challenges of the Election Commission of India:

The Election Commission of India (ECI) faces several challenges in its role to conduct free, fair, and transparent elections. Some key challenges are as follows:

- Political criminalization in the form of misuse of money and resources, voter fraud, and intimidation during elections, undermine the fairness of the process.

- Ensuring higher voter turnout, especially among marginalized communities and younger citizens, remains a challenge.
- Coordinating the logistics of elections, especially in a diverse and populous country like India, presents significant challenges in terms of infrastructure, manpower, and transportation.
- The influence of the executive on the election commission (ECI losing its independence) has negatively impacted its image.
- EVM malfunctioning, hacking concerns, and failure to record votes erode public trust in the Election Commission.
- Monitoring campaign expenditures and party funding to prevent the influence of money in politics remains a continuous challenge.
- Instances of violence and unrest during elections pose a significant challenge to the ECI.

Election Commission gave the following suggestions:

- Not to allow individual candidates to contest from more than one constituency.
- Election to the Parliament and legislative assembly should be conducted simultaneously.
- Paid news should be made an offence.
- Establish an autonomous national election fund to receive tax-free donations, administered either by the ECI or an independent entity.
- Election commissioners should be provided with security of tenure.
- Statutory backing to Model code of conduct.

Proposed Appointment Process of Chief Election Commissioner (CEC) and other Election Commissioners (ECs):

- After the commencement of this bill (if enacted), the President of India will appoint the Chief Election Commissioner (CEC) and other Election Commissioners (ECs) based on recommendations from a Selection Committee.

Selection Committee for the appointment of Chief Election Commissioner (CEC) and other Election Commissioners (ECs)

- The Prime Minister will be the Chairperson of this committee.
- A Leader of the Opposition in Lok Sabha/leader of the largest opposition party.
- A Union Cabinet Minister is nominated by the Prime Minister.

Search Committee for Nomination of CEC and other Election Commissioners (ECs)

- It will be headed by the Cabinet Secretary.
- It will prepare a list of 5 candidates for the Selection Committee to consider.

Qualification of Chief Election Commissioner (CEC) and other Election Commissioners (ECs) for Appointment

- CEC and ECs should have held positions equivalent to the rank of a Secretary to the central government.

Salary and Allowances:

- They will receive the same salary and allowances as the Cabinet Secretary.

Term of Office

- The term is 6 years or until the age of 65, with no chance for reappointment.

Conduct of Business

- Decisions should ideally be unanimous. In case of disagreements, the majority vote will prevail.

Way Forward -ECI

- While the concerns regarding EVM persist, the commission must enhance public trust by expanding the implementation of the Voter Verifiable Paper Audit Trail System (VVPATS) across a wider range of constituencies.
- Evaluate the possibility of holding simultaneous elections for various levels of government to reduce election-related costs and disruptions.
- Consider reforms such as proportional representation or mixed-member electoral systems to ensure more accurate representation of voters' preferences.

Finance Commission Of India

- The Finance Commission is a constitutional body, formed under Article 280 of the Indian Constitution.
- The main purpose of forming the Finance Commission is to give its recommendations on the distribution of Tax revenues between the Centre and the states as well as among the states.

On November 22, 1951, the first Finance Commission was established under the The a.

a. Indian constitution establishes a Finance Commission as a quasi-judicial entity under Article 280. It is established by the President of India every fifth year, or sooner if he deems it necessary.

b. Finance Commission consists of a chairman and four additional members, who are selected by the president of India. They serve for the length of time indicated by the president in his order. They have a chance to be re-appointed.

c. On the 2nd of January 2013, the president issued an order to form the 14th Finance Commission whose term will run from 1st April 2015 to 31st March 2020. Y.V. Reddy is the commission's chairman. The 13th Finance Commission recommended that the state's part of the union tax be increased from 32 per cent to 42 per cent.

d. The Finance Commission proposes a principle for the grant-in-aid of revenues from the consolidated fund of India to states. The president receives the commission's report.

e. The Finance Commission's job is to recommend how the net revenues of taxes should be distributed between the union and the states; the interstate council is in charge of state coordination and cooperation, and the planning commission's job is to allocate resources between the centre and the states. "NITI AAYOG" has taken over the planning commission (National Institution for Transforming India).

Roles of Finance Commission:

Union list

State list

Concurrent list

Functions of Finance commission:

According to Article 280(3) of the constitution, the main function of the Finance Commission is-

1. To make recommendations for the division of tax revenue between the union and the states.
2. To establish the criteria that shall govern the grants in aid of revenues to states from the India Consolidated Fund.
3. On the basis of the finance commission's suggestion, suggest the appropriate measures to raise the consolidated fund of the states for the development of Panchayats in the state.
4. Any other subject that the president refers to the panel in the interest of prudent financial management. The parliament's role is to authorise withdrawals from India's consolidated fund. The finance ministry's job is to make sure that the federal government and state governments are collecting taxes in accordance with the budget's stipulations.

The Finance Commission of India makes recommendations under article 280(3) of the constitution in the following cases:

- Distribution of federal tax receipts between the union and the states;
- Aid in the revenue of the states under articles 275
- Any other topic that the president recommends to the commission.

On the proposal of the Finance Commission, income tax is levied and split between the union and the states under article 270, while central excise tax is shared under article 272. The Financial Commission also calculates state grants-in-aid under article 275, but the trade tax is imposed and collected by the states, whose distribution is not the finance commission's responsibility.

According to Article 243(1) of the constitution, the governor of a state shall establish a Finance Commission to review the financial position of the panchayats and make recommendations to the governor as soon as possible, but no later than one year after the constitution (73rd amendment act) 1992 takes effect, and then every fifth year. As a result, the state Finance Commission is a legal entity. The finance commission is required by Article 280(3) (bb) of the constitution to give recommendations to the panchayats and municipalities "on the basis of the recommendations made by the state finance commission."

The provisions of Articles 268 to 279 relating to the division of taxes between the union and the states can be suspended by parliament's order during a national emergency, subject to specified modifications as necessary by the order, as stipulated in Article 354(1) of the Indian constitution.

The Finance Commission is made up of four members, including the chairperson, who is selected by the president of India, as per article 208(1) of the constitution.

State Finance Commission:

The State Finance Commission (SFC) is a Constitutional body, formed under the 73rd and 74th Constitutional Amendment Act, 1992. It recommends the transfer of funds from the State Government to the Panchayati Raj Institutions and provides suggestions for augmenting their resources. Municipalities and city councils are also brought under the purview of the State Finance Commission as per Article 243-Y.

Who Appoints the State Finance Commission?

- The Governor of a State appoints a Finance Commission, every five years in accordance with Article 243-I of the Indian Constitution.
- Every recommendation of the State Finance Commission and subsequent action taken by the State Government must be brought before the State legislature by the Governor.

Functions of the State Finance Commission:

State Finance Commission's functions are comparable to that of the Central Finance Commission, which, in accordance with Article 280 of the Indian Constitution, is appointed by the President of India and is in charge of allocating central revenues to the Union and state governments.

The functions of the State Finance Commission are:

- A State Finance Commission examines the financial position of the panchayats and municipal organizations in a state and offers recommendations to the Governor.
- It gives suggestions to the Governor regarding the policies that should control how taxes, tariffs, levies, and toll fees collected by the state are divided between the state and its Panchayati Raj Institutions at all levels.
- To implement numerous measures to enhance the financial conditions of various local authorities and Panchayati Raj Institutions.
- To serve as a liaison for financial matters between the Union and State governments for local bodies.

- The Grant-in-Aid to Local Bodies from the consolidated fund of the state.
- Utilising the funds that the state government receives from the Union government.
- Disbursement of funds from the State's consolidated fund to various municipal organizations and Panchayati Raj Institutions of the state.
- Measures for the overall advancement of Panchayat's finances.

Measures Need to be Taken for State Finance Commission:

To strengthen the State Finance Commission, various measures need to be taken. The 6th report of the 2nd ARC also states some steps. These are

- The states should periodically constitute State Finance Commission, in line with Constitutional requirements.
- To support cooperative federalism and deepen participatory democracy, the SFCs must be strengthened urgently.
- Implementation of recommendations of SFCs by the state government must be ensured.
- State Finance Commissions should not just be composed of bureaucrats, but also include members of intellectual civil society and professors.
- It is crucial to acknowledge the functions of SFCs and it should not be seen as inferior when compared to the Central Finance Commission.
- The majority of states should recognize the significance of this institution in terms of its ability to further the democratic decentralization process.

National Commission For Scheduled Castes

- Article 366 of the Indian Constitution defines 'Scheduled Castes' as those castes, races, tribes, or parts of all groups within such caste, race, or tribes as mentioned under Article 341(1) of the Constitution.

Article 338 of the Indian Constitution deals with National Commission for Scheduled Castes.

- National Commission for Scheduled Castes is a constitutional body.
- It safeguards the interest of the Scheduled Castes in India.
- The commission is committed to the full implementation of various acts like the Scheduled Castes and Scheduled Tribes (POA) Act, 1989, PCR Act, 1955, etc.
- It also offers protection to the Scheduled Castes community from exploitation and discrimination and provides facilities to uplift the community.



Evolution of the National Commission for Scheduled Castes:

- In order to implement the safeguards properly which are provided for Scheduled Castes and Scheduled Tribes in the Constitution, a special officer was appointed under Article 338 of the Indian Constitution.
- The special officer is designated as a Commissioner for Scheduled Castes and Scheduled Tribes and was assigned the responsibility to look into all the matters relating to the safeguards for the Scheduled Castes and Scheduled Tribes.
- He is also empowered to report about it to the President.
Later on, members of the Parliament made a demand to amend Article 338 of the Constitution.
- According to them, the special officer was not enough to look after the implementation of the safeguards for the Scheduled Castes and Scheduled Tribes.
- As a result, the one-member system was replaced with a multi-member system. Therefore, in 1978 the first Commission for the Scheduled Castes and Scheduled Tribes was set up.
- After the passing up of the 65th Amendment Bill in 1990, constitutional recognition was provided to the National Commission for Scheduled Castes and Scheduled Tribes, and the first Commissioner for Scheduled Castes and Scheduled Tribes was abolished.

- With the 89th Constitutional Amendment Act 2003, the National Commission for Scheduled Castes and Scheduled Tribes was bifurcated into National Commission for Scheduled Castes and National Commission for Scheduled Tribes.
- In 2004, under the chairmanship of Suraj Bhan, the first National Commission for Scheduled Castes was formed.

Six National Commissions for Scheduled Castes:

Between 2004 to 2021, around 6 National Commissions for Scheduled Castes were constituted namely,

- 1) The first National Commission for Scheduled Castes- 24th February 2004
- 2) The second National Commission for Scheduled Castes- 25th May 2007
- 3) The third National Commission for Scheduled Castes- 15th October 2010
- 4) The fourth National Commission for Scheduled Castes- 22nd October 2013
- 5) The fifth National Commission for Scheduled Castes- 1st June 2017
- 6) The sixth National Commission for Scheduled Castes- 24th February 2021

Composition of the National Commission for Scheduled Castes:

- It consists of a chairman, vice-chairman, and three other members appointed by the President by warrant under his hand and seal.
- Among the three members, one member shall be appointed from amongst women.
- The status of the chairman is that of a cabinet minister and the vice-chairman holds the rank of a minister of State.

Powers of the National Commission for Scheduled Castes:

It has the power to regulate its own procedure for the purpose of investigation and enquiry the commission has the power of the Civil Court and has the authority to do the following:

- 1) It can examine a person on oath.
- 2) In order to examine witnesses and documents, it can issue Commissions.
- 3) It can receive evidence on affidavits.
- 4) It can discover and produce any documents.
- 5) It can summon and enforce the attendance of any person and examine on oath.

Functions of the National Commission for Scheduled Castes:

Under Article 338(5) of the Constitution, the following functions of the National Commission for Scheduled Castes have been enumerated:

- To monitor and investigate all the matters which are related to the safeguards of the Scheduled Castes and to evaluate the working of such safeguards. These safeguards can be provided either in the Constitution of India or under any law or under any order of the Government.
- To present reports to the President annually or at other times as and when needed regarding the working of those safeguards.
- To make recommendations in the above-mentioned reports regarding the effective implementation of the safeguards and the protection, welfare, and socio-economic development of the Scheduled Castes.
- It can examine any person on oath and can summon and enforce the attendance of any person belonging to any part of India.
- To evaluate, participate, and advise on the planning process and progress of the socio-economic development of the Scheduled Castes under the Union or any State.
- To fulfill the functions related to the protection, welfare, development, and advancement of the Scheduled Castes as deemed fit by the President or any law.
- To look into the specific complaints related to the deprivation of rights and safeguards of the Scheduled Castes.

NITI Aayog

NITI Aayog Evolution:

- The NITI Aayog was formed on January 1, 2015. In Sanskrit, the word “NITI” means morality, behaviour, guidance, etc.
- But, in the present context, it means policy and the NITI stands for “National Institution for Transforming India”.
- It is the country’s premier policy-making institution that is expected to bolster the economic growth of the country.

- It aims to construct a strong state that will help to create a dynamic and strong nation.
- This helps India to emerge as a major economy in the world.
- The NITI Aayog's creation has two hubs called "Team India Hub" and "Knowledge and Innovation Hub".

1. **Team India:** It leads to the participation of Indian states with the central government.
2. The Knowledge and Innovation Hub: it builds the institution's think tank capabilities.

NITI Aayog is additionally creating itself as a State of the Art Resource Center, with the essential resources, knowledge, and skills that will empower it to act with speed, advance research and innovation, bestow crucial policy vision to the government and manage unforeseen issues. The reason for setting up the NITI Aayog is that people had expectations for growth and development in the administration through their participation. This required institutional changes in administration and active strategy shifts that could seed and foster substantial scale change.

Objectives of NITI Aayog:

1. The active participation of States in the light of national objectives and to provide a framework 'national agenda'.
2. To promote cooperative federalism through well-ordered support initiatives and mechanisms with the States on an uninterrupted basis.
3. To construct methods to formulate a reliable strategy at the village level and aggregate these gradually at higher levels of government.
4. An economic policy that incorporates national security interests.
5. To pay special consideration to the sections of the society that may be at risk of not profiting satisfactorily from economic progress.
6. To propose strategic and long-term policy and programme frameworks and initiatives, and review their progress and their effectiveness.
7. To grant advice and encourage partnerships between important stakeholders and national-international Think Tanks, as well as educational and policy research institutions.

8. To generate knowledge, innovation, and entrepreneurial support system through a shared community of national and international experts, etc.
9. To provide a platform for resolution of inter-sectoral and inter-departmental issues to speed up the accomplishment of the progressive agenda.
10. To preserve a state-of-the-art Resource Centre, be a repository of research on good governance and best practices in sustainable and equitable development as well as help their distribution to participants.
11. To effectively screen and assess the implementation of programmes and initiatives, including the identification of the needed resources to strengthen the likelihood of success.
12. To pay attention to technology improvement and capacity building for the discharge of programs and initiatives.
13. To undertake other necessary activities to the implementation of the national development agenda, and the objectives.

Also, learn the objectives of the following bodies:

Central Bureau of Investigation	Lokpal and Lokayuktas
National Legal Services Authority	Central Vigilance Commission

Verticals of Niti Aayog:

The supportive bodies or verticals of Niti Aayog help in smooth functioning of the requisite tasks by the organization.

Niti Aayog has the following verticals under it:

- Administration and Support Units
- Agriculture and Allied Sectors
- Aspirational Districts Programme Cell
- Communication and Social Media Cell

- Data Management and Analysis, and Frontier Technologies
- Economics and Finance Cell
- Education
- Governance and Research
- Governing Council Secretariat and Coordination
- Industry-I
- Industry-II
- Infrastructure-Connectivity
- Infrastructure-Energy
- Micro, Small and Medium Enterprises
- Natural Resources and Environment, and Island Development
- Project Appraisal and Management Division
- Public–Private Partnership
- Rural Development
- Science and Technology
- Social Justice and Empowerment, and Voluntary Action Cell
- Social Sector-I (Skill Development, Labour and Employment, and Urban Development)
- Social Sector-II (Health and Nutrition, and Women and Child Development)
- State Finances and Coordination
- Sustainable Development Goals
- Water and Land Resources

7 pillars of effective governance envisaged by NITI Aayog

The NITI Aayog is based on the 7 pillars of effective Governance. They are:

1. **Pro-people:** it fulfils the aspirations of society as well as individuals
2. **Pro-activity:** in anticipation of and response to citizen needs
3. **Participation:** involvement of the citizenry
4. **Empowering:** Empowering, especially women in all aspects

5. **Inclusion of all:** inclusion of all people irrespective of caste, creed, and gender
6. **Equality:** Providing equal opportunity to all especially for youth
7. **Transparency:** Making the government visible and responsive

NITI Aayog Composition

The NITI Aayog will comprise the following:

1. Prime Minister of India is the Chairperson
2. Governing Council consists of the Chief Ministers of all the States and Lt. Governors of Union Territories in India.
3. Regional Councils will be created to address particular issues and possibilities affecting more than one state. These will be formed for a fixed term. It will be summoned by the Prime Minister. It will consist of the Chief Ministers of States and Lt. Governors of Union Territories. These will be chaired by the Chairperson of the NITI Aayog or his nominee.
4. **Special invitees:** Eminent experts, specialists with relevant domain knowledge, which will be nominated by the Prime Minister.
5. The full-time organizational framework will include, in addition to the Prime Minister as the Chairperson:
 1. **Vice-Chairperson** (appointed by the Prime Minister)
 2. **Members:**
 - Full-time
 - Part-time members: Maximum of 2 members from foremost universities, leading research organizations, and other innovative organizations in an ex-officio capacity. Part-time members will be on a rotational basis.
 3. **Ex Officio members:** Maximum of 4 members of the Council of Ministers which is to be nominated by the Prime Minister.
 4. **Chief Executive Officer:** CEO will be appointed by the Prime Minister for a fixed tenure. He will be in the rank of Secretary to the Government of India.

Importance of Niti Aayog in India

- NITI Aayog was established on January 1st, 2015. The term “NITI” signifies morality, behavior, guidance, etc. in Sanskrit.
- It refers to policy in the current context, and NITI stands for “National Institution for Transforming India.”
- It is the leading institution for determining policy in the nation and is anticipated to accelerate economic expansion and to build a powerful state that will aid in building a vibrant and powerful country.
- This aids India’s emergence as a significant global economy.
- The NITI Aayog is the organization behind the “Team India Hub” and the “Knowledge and Innovation Hub”.
- In addition to developing long-term, strategic plans and initiatives for the Government of India, NITI Aayog also offers the Center, states, and Union Territories pertinent technical guidance.
- NITI Aayog’s CEO at the moment is Mr. Parameswara Iyer .

The NITI Aayog is an Executive Body:

- Prime Minister Narendra Modi announced the abolition of the Planning Commission in 2014 and established NITI Aayog by an executive order.
- It is not a statutory or constitutional body.

Documents Published by NITI Aayog:

The following are the documents that NITI Aayog has published.

- Fifteen-Year Vision: The first is a “vision” for the next 15 years that includes the overarching aims and objectives of the nation.
- Seven-Year Strategy: The second is a seven-year “Strategy,” which establishes the development roadmap for the following seven years and splits those aims and objectives into two categories.

- Three-Year Action Agenda: The third and last step is a “Three Year Action Agenda,” which further divides the plan into two sections by listing the actions and goals that must be achieved over the following three years.

The Fifteen-Year Vision and Seven-Year Strategy papers are now being created at the NITI Aayog.

NITI Aayog`’s entire gamut of activities can be divided into four main heads:

1. Framework for policy and programs
2. Federalism in cooperation
3. Evaluation and Monitoring
4. Knowledge and Innovation Hub and Think Tank

NITI Aayog Strategy for New India:

- In order to realize India’s full potential, the paper has highlighted 41 distinct sectors that call for either a tighter focus on implementing the flagship initiatives already in place or a new design and effort.
- It then finds the binding limitations and suggests solutions to deal with them.
- The strategy is thought to give the government departments and agencies, both at the federal and state levels, a list of easily implementable actions.
- In order to fulfil the objectives set forth for New India, the emphasis is on improving the policy environment. This will maximize the involvement of private investors and other stakeholders.

Objectives of NITI Aayog:

1. States’ active engagement serves as a framework or “national agenda” in light of national objectives.
2. To continuously advance cooperative federalism through well-planned support systems and activities with the states.
3. To develop techniques for creating a trustworthy plan at the village level and subsequently combine these at higher tiers of government
4. An economic strategy that takes national security issues into account.

5. To provide the societal groups who might not be able to fully benefit from economic advancement additional consideration.
6. To put forth long-term, strategic frameworks for policies and programs and activities, and to assess the efficacy of such frameworks and efforts.
7. To create a common network of national and international professionals, as well as an entrepreneurial support system.
8. To provide a platform for the settlement of cross-departmental and cross-sectoral disagreements in order to advance the progressive agenda more quickly.
9. To maintain a cutting-edge Resource Center, serve as a repository for research on good governance and best practices in sustainable and equitable development, and assist in participants' access to these resources.
10. To efficiently evaluate the execution of projects and programs, including the determination of the resources required to increase the chance of success.
11. Must pay attention to programs and efforts for capacity growth and technological enhancement.

Achievements of NITI Aayog:

The Report 2019- 2020 mention the achievement of NITI Aayog:

1. Monitoring and evaluating the MAFAP program in India's food and agricultural policies: NITI Aayog and the United Nations Food and Agriculture Organization collaborated on the research (FAO).
 1. Its primary objective is to track, evaluate, and change food and agricultural policy.
 2. The first phase of the (MAFAP) program lasted from 23 September to 31 December 2019.
 3. Selected agricultural products marketing committee and districts, as reported, are subject to national agricultural pricing policy and national food security policy
 4. The MAFAP program's second phase is slated to run from January 1 through January 31, 2021.
2. Zero Budget Natural Farming was supported by the NITI Aayog governing council.
3. In addition, the Paramparaget Krishi Vikas Yojana's "Bhartiya Prakritik Krishi paddhati" initiative promotes natural farming (PKVY).
4. A concept for a village storage scheme has been developed. The Dhaanya Lakshmi Village Scheme was also suggested in the Union Budget for 2021.

NITI Aayog has Identified Seven Pillars for Good Governance:

The 7 pillars of successful governance form the foundation of the NITI Aayog. As follows:

1. Pro-people: It satisfies both societal and personal objectives.
2. Pro-activity: Being proactive means being aware of and responding to public demands.
3. Participation: Public participation
4. Empowering: Specifically, empowering women in all spheres.
5. Including everyone: Including everyone, regardless of caste, creed, or gender
6. Quality: Opportunity for all, especially for young people
7. Transparency: Making the government accessible and responsive.

Non-Constitutional Bodies

Non-Constitutional Bodies Of India

Non-Constitutional Bodies:

- Unconstitutional or extra-constitutional bodies are authorities or agencies that are not defined or mentioned in the Indian Constitution.
- It does not derive its powers from the Indian Constitution.
- Generally, a non-constitutional body derives powers from relevant laws passed by the Indian Parliament.
- Extra-constitutional bodies are also given power based on executive resolutions by the Indian government.

List of Non-Constitutional Bodies:

Serial No.	Name of the Body	Chairperson	Function
1	NITI Aayog	Prime Minister	<ul style="list-style-type: none">• It works as an advisory body to provide direction and strategic input to the Union government and also to state governments that request it.• It can speed up late policy implementation by promoting inter-ministerial, inter-governmental and inter-governmental coordination.• The promotion of cooperative federalism is based on the principle that “strong states make a strong nation”.• To change the top-down development approach with a bottom-up development approach.

			<ul style="list-style-type: none"> • Shaping policy frameworks for the most vulnerable sectors of society that may not have benefited from economic progress. Create a support system for knowledge, innovation, and entrepreneurship through a community of experts, professionals, and national and international partners.
2	Central Information Commission	Chief Information Commissioner	<ul style="list-style-type: none"> • It gives a yearly report to the central government on the implementation of the Act
3	National Human Rights Commission	Chief Justice of India(Retd.)	<ul style="list-style-type: none"> • To deal with the matter related to human rights violations. • To Visit jails and detention places with respect to living conditions of prisoners. • To aware people with respect to human rights.
4	State Human Rights Commission	Chief justice of concerned High court(Retd.)	<ul style="list-style-type: none"> • To deal with the matter related to human rights violations.

			<ul style="list-style-type: none"> • To Visit jails and detention places with respect to living conditions of prisoners. • To encourage NGOs with respect to human rights.
5	State Information Commission	The State Chief Information Commissioner	<ul style="list-style-type: none"> • It gives an annual report to the state government over the implementation of provisions of the Act.
6	Central Vigilance Commission	Central Vigilance Commissioner	<ul style="list-style-type: none"> • Giving Instructions to the Delhi Special Police Establishment (CBI) • Reviewing the progress of pending applications to the relevant authorities for sanctioning of prosecution under the Anti-Corruption Act 1988 into a central government referral under the Anti-Corruption Act 1988.
7	Central Bureau of Investigation	Director (Inspector-General of Police, Delhi)	<ul style="list-style-type: none"> • Investigate cases of corruption, bribery, and misconduct by central government employees.

			<ul style="list-style-type: none"> • Investigation of serious crimes with national and international implications committed by organized gangs of professional criminals. • Participate in any case of public importance for investigation at the request of a state government. • Keeping crime statistics and disseminating crime information.
8	National Investigation Agency	Director General	<ul style="list-style-type: none"> • Investigating and prosecuting criminal offenses relating to the NIA Act. • Providing assistance and requests for assistance from other investigative and intelligence agencies of the central government and state governments. • Taking actions that may be necessary for implementing NIA Act

9	National Disaster Management Authority	The Prime Minister	<ul style="list-style-type: none"> • To provide guidelines for disaster management. • Approval of the National Plan. • Approval of the plans prepared by the Government of India Ministries or Departments in accordance with the National Plan. • To Establish the guidelines to be followed by State Disaster Management Services in developing State Plan • To establish guidelines to be followed by the various ministries or departments of the Government of India with the aim of integrating measures to prevent disasters or mitigate their effects on the progress of projects. • Coordinate the application and implementation of the Disaster Management Policy
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			<p>and Plan.</p> <ul style="list-style-type: none"> • It Recommends the allocation of funds for mitigation purposes. • It gives assistance to other countries affected by major disasters determined by the central government. • Setting up policies and general guidelines for the operation of the National Institute for Disaster Management
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Types of non-constitutional bodies:

- There are two significant classifications of non-constitutional bodies, one based on how they obtain their power and the second based on their responsibilities and duties.
- The second classification is the division of statutory non-constitutional bodies depending on their contribution.

Based on the procurement of power:

- Depending on how non-constitutional procure their power, there are two types of non-constitutional bodies – non-statutory bodies and statutory bodies.
- Statutory bodies obtain power from a statute, i.e., an act enacted by the legislature.
- National investigation agency, national human rights commission, and Lokpal are some of the best examples of statutory non-constitutional bodies.
- Non-statutory non-constitutional bodies, on the other hand, obtain their power from executive power.

- The national development council is an example of a non-statutory non-constitutional body.

Based on responsibilities (classification of statutory bodies):

- One can further bifurcate statutory non-constitutional bodies into two parts based on their responsibilities and roles, regulatory bodies and quasi-Judicial bodies.
- Regulatory, statutory non-constitutional bodies exert power around some aspects of human lives in supervisory ability.
- However, their regulatory interventions are not under the executive resolution.
- Examples of regulatory bodies could be the Biodiversity Authority of India and even the department of Pension fund Regulatory and Development Authority.
- On the other hand, quasi-judicial statutory non-constitutional bodies happen to be judicial organisations that interpret the laws.
- Compared to other legal bodies in their field, judicial organisations, and even a court, their ability to exert power is complicated.
- National human rights commission, national green tribunals, and even Central Information Commission are examples of quasi-judicial statutory non-constitutional bodies in India. Likewise, RBI and SBI are examples of non-constitutional bodies that fall under regulatory and quasi-judicial bodies.

Major non-constitutional bodies in India:

- National Human Rights Commission and State Human Rights Commission
- Despite being two different non-constitutional bodies in India, their duties and responsibilities remain vaguely similar.
- While the national human rights commission is concerned with central affairs, the state human rights commission deals with the states' matters.
- Both the non-constitutional bodies were founded and established by the parliament of India under the national protection act of 1993.
- It intervenes and inquires into any state and state situation that supposedly violates human rights.
- If so, both the organisations take up the suo moto.
- The organisations also work extensively towards providing human rights literacy across the country and have numerous NGOs working under them simultaneously.

Central Bureau of Investigation (CBI):

- CBI is a product of a resolution by the home affairs ministry, which is now under the personnel ministry.
- The foundation of the investigative bureau focused on preventing corruption and is on the recommendations of the Santhanam Committee.
- The present composition of CBI starts with the director who heads the entire bureau, followed by either an additional director or a special director.
- After which, several officers are working under the head depending on the ranks in the police department.
- There are seven divisions in the central bureau of investigation: economic offences division, anti-corruption division, policy & coordination division, special crimes division, the directorate of prosecution, administration division, and central forensic science laboratory.
- The primary responsibility of the CBI is to conduct investigations and intervene in the specific investigations, which are referred to the organisation by the state, high or Supreme Court.

State Information Commission and Central Information Commission:

- Both these non-constitutional bodies are different. However, they perform the same task in state and centre respectively.
- These organisations were founded and developed based on passing the action right to information act, 2005. The act was passed in 2005 by the then parliament.
- Both the organisations are responsible for catering to complaints relevant to information requests.
- In addition to that, both the non-constitutional bodies power the civil courts in those interventions.

NITI Ayog:

- The 65 years long planning commission was scrapped by the government in 2014 to establish the National Institution for Transforming India or NITI.
- According to the government in 2015, NITI Ayog is the successor of the planning commission.
- However, it is a non-constitutional body because it was not created after an act was passed nor by the constitution.

The responsibilities of this organisation are classified into four significant divisions:

- program framework and design policy, monitoring and evaluation, fostering cooperative federalism, and knowledge and innovation think tank.

National Human Rights Commission

- The National Human Rights Commission or NHRC is a standalone entity of the Government of India with the mission of promoting and protecting human rights.
- It is a statutory body mentioned in the Constitution of India that was established in 1993 under the 'Protection of Human Rights Act.' This act was further amended in 2006.

The National Human Rights Commission (NHRC) established in 1993, is an independent statutory body as per the provisions of the Protection of Human Rights Act of 1993 which was amended in 2006.

- Human Rights are an indispensable part of society and Human Rights in India are watched by NHRC.
- NHRC acts as a watchdog of human rights in the country.
- NHRC looks over the rights that are related to life, dignity, liberty and equality of the individual that is defined in Section 2(1) of the PHR Act.
- They are guaranteed by the Constitution of India, embodied in the international covenants and are enforceable by the courts of India as well.
- NHRC was established in compliance with the Paris Principles of Human Rights, 1991 which were adopted for the promotion and protection of Human Rights and were endorsed by the United Nations at its General Assembly of 1993

NHRC History :

- In 1948, the UN adopted the UDHR (Universal Declaration of Human Rights).
- In 1991, the Paris Principles were established by the National Human Rights Institutions (NHRIs).
- In 1993, the UN adopted these Paris Principles at its General Assembly.
- In 1993, India enacted the Protection of Human Rights Act.

- This led to the formation of the National Human Rights Commission (NHRC).
- The Protection of Human Rights Act also allowed state governments to establish the State Human Rights Commission.

NHRC Composition – Members of NHRC :

- The National Human Rights Commission (NHRC) is composed of a Chairperson and eight other members.
- **Those eight members are:**
 - Four full-time members.
 - Four deemed members.

Composition of NHRC	
Chairman of NHRC	Retired Chief Justice of India
Member 1	One who is/has been a Judge of Supreme Court of India
Member 2	One who is/has been a Chief Justice of a High Court
Two Members	Candidates with the knowledge or practical experience in the matters of Human Rights
Deemed Members (Ex-officio Members)	Deemed members are chairpersons of the below national commissions: <ol style="list-style-type: none"> 1. National Commission for Minorities 2. National Commission for Scheduled Castes 3. National Commission for Scheduled Tribes 4. National Commission for Women

Appointment of NHRC Members:

- A Selection Committee will recommend the candidates to the President.
- The Selection Committee includes:
 - Prime Minister (Chairman)
 - Speaker of Lok Sabha
 - Union Home Minister
 - Deputy Chairman of Rajya Sabha
 - Leaders of the Opposition in both Houses of the Parliament

Functions & Powers of NHRC:

The functions of the National Human Rights Commission (NHRC) as stated in Section 12 of the Protection of Human Rights Act, 1993 includes enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant.

The Commission also studies treaties and international instruments on human rights and makes recommendations for their effective implementation to the Government.

- NHRC can investigate any complaints related to violations of Human Rights in India either suo-moto or after receiving a petition.
- NHRC can interfere in any judicial process that involves any allegation of violation of Human Rights.
- It can visit any prison/institute under the control of the state governments to observe the living conditions of inmates. It can further make recommendations based on its observations to the authorities.
- NHRC can review the provisions of the Constitution that safeguard Human Rights and can suggest necessary restorative measures.
- Research in the field of Human Rights is also promoted by the NHRC.
- Human Rights awareness and literacy through different media are promoted by NHRC in various sectors of society.
- NHRC has the power to recommend suitable steps that can prevent violation of Human Rights in India to both Central as well as State Governments.

- The President of India gets an annual report from NHRC which is laid before both the Houses of the Parliament.

Limitations of NHRC :

It is important to know the limitations of NHRC for the UPSC exam. They are mentioned below:

- The Recommendations made by the NHRC are not binding.
- Violation of Human rights by private parties cannot be considered under NHRC Jurisdiction.
- NHRC doesn't have the power to penalise the authorities that don't implement its recommended orders.
- 3 of the NHRC members are judges which give the functioning of the Commission a judicial touch.
- The other members that are recommended by the Selection Committee may not necessarily be Human Rights experts.
- **The NHRC does not consider the following cases:**
 - Cases that are older than one year.
 - Cases that are anonymous, pseudonymous or vague.
 - Frivolous cases.
 - Cases pertaining to service matters.
- The NHRC has limited jurisdiction over cases related to armed forces.
- The NHRC faces other issues like excess cases/complaints, insufficient funds, bureaucratic functioning style, etc.

Major Issues related to NHRC:

India faces Human Rights violations on a large scale due to various reasons. The National Human Rights Commission (NHRC) takes up most of the issues around the country.

Some of them are mentioned below:

- Arbitrary arrest and detention
- Custodial torture
- Child labour
- Violence and discrimination against women and children
- Extrajudicial killings
- Excessive powers
- Sexual violence and abuse
- LGBTQ community rights
- SC/ST, disabled people and other religious minority issues
- Labour rights and right to work
- Conflict induced internal displacement
- Manual scavenging

Term & Removal of Chairperson of NHRC:

- The Chairperson or the Members of the National Human Rights Commission holds office for a term of three years or until they attain the age of 70 years, whichever is earlier.
- Earlier the tenure of office was 5 years or 70 years whichever is earlier but the Protection of Human Rights (Amendment) Bill 2019 brought in certain changes.

Central Vigilance Commission

- The Indian government introduced the Central Vigilance Commission (CVC) in the year 1964.
- The commission was set up on the recommendation of K. Santhanam Committee on Prevention of Corruption.
- It was originally introduced through an executive resolution.
- The Central Vigilance Committee's role is to advise and guide the Central Government in the field of surveillance.

- The topic ‘Central Vigilance Commission’ is important for IAS Exam as it forms an important part of the Political Science subject for prelims, mains GS-II, and optional papers.

Latest Context:

- The Central Vigilance Commission had specified the eligibility criteria for empanelment of eminent persons for nomination as Independent External Monitors (IEM) for adoption and implementation of Integrity Pact.
- Subsequently, the Commission has received feedback and suggestions from Chief Vigilance Officers and other individuals, regarding the eligibility criteria.
- On consideration and analysis of the same, the Commission has decided to modify the eligibility criteria.
- The zone of consideration of eminent persons for empanelment as IEMs to oversee implementation of Integrity Pact would now consist of –
 - Officer who has held the post of Additional Secretary to Government of India or were in equivalent or higher pay scale, at the time of retirement (whether serving with Government of India or any State Government).
 - Persons who have held the post of CMD of Schedule ‘A’ Public Sector Enterprise and were equivalent or higher to Additional Secretary to Government of India at the time of retirement.
 - Persons who have held the post of CMD/MD and CEO of Public Sector Banks, Insurance companies and other financial institutions, at the time of retirement.
 - Chief Executive Officer of an organisation (other than listed above), who were equivalent or higher to Additional Secretary to Government of India, at the time of retirement.
 - Officers of Armed Forces, who were in the pay scale of equivalent or higher to Additional Secretary to Government of India, at the time of retirement.
- Further, the commission has decided that the proposal for nomination of IEMs in the respective organisations should be sent by the concerned department responsible for

ensuring implementation of the Integrity Pact in the organisation after taking approval from the competent authority.

- The proposal for nomination of IEMs should preferably be sent 3 months prior to the completion of tenure of the existing IEMs, failing which the commission would nominate IEMs on its own, from the panel, being maintained by it.

What is the Central Vigilance Commission (CVC)?

- It is an agency constituted to curb corruption in offices of the Indian government. Complaints from whistleblowers (an employee of the firm/public office informing the public about frauds/wrongdoings in the office) under ‘Whistleblower Resolution’ are received by CVC after which the commission can take actions on motivated acts.
- CVC is called the apex vigilance institution.
- It is free of control from any executive authority. Its role is to monitor all vigilance activity under the Central Government and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work.

Facts about the Central Vigilance Commission (CVC) for UPSC:

- Since 25 August 1998, CVC is a multi-member commission having a statutory status.
- Central Vigilance Act came into effect in the year 2003 after CVC bill was passed by both Lok Sabha and Rajya Sabha.
- First Chief Vigilance Commissioner of India was Nittoor Srinivasa Rau.
- Since 2004, the commission receives complaints under Public Interest Disclosure and Protection of Informers’ Resolution” (PIDPI), also called Whistleblowers’ Resolution.
- Sanjay Kothari is the Central Vigilance Commissioner of India 2021.
- It works on the policy of ‘Zero Tolerance Against Corruption.’

CVC Annual Report 2019 Facts:

The Central Vigilance Commission is expected to release its annual report for the year 2020 in June 2021. The latest data is from its annual report 2019 that was made available in June 2020:

1. CVC recommended the initiation of criminal proceedings in 72 cases in 2019.
2. CVC rendered its advice in a total of 3157 cases in the year 2019:
 - **493 cases** – First Stage Advice – CVC advised initiating major penalty proceedings
 - **193 cases** – First Stage Advice – CVC advised initiating minor penalty proceedings
 - **110 cases** – Second Stage Advice – CVC advised imposition of major penalty
 - **96 cases** – Second Stage Advice – CVC advised imposition of minor penalty
3. CVC disposed off 34813 complaints out of the total 35649 complaints received by it in 2019. The complaints against the public servants working in the state government/organizations were in large numbers.

It is important for IAS aspirants to know about facts related to CVC as they are important for UPSC Mains and interview too.

How many members are there in Central Vigilance Commission?

CVC has three members:

1. Central Vigilance Commissioner
2. Two Vigilance Commissioner (Maximum number of commissioners is 2)

Facts about CVC Members:

- President of India appoints CVC members by warrant under his hand and seal

The President's appointment comes after the recommendation by a three-member committee:

1. Prime Minister
2. Minister of Home Affairs (MHA)
3. Leader of Opposition in Lok Sabha

- **Term of Office:** Four years or if they attain 65 years of age (whichever is earlier)
- After they retire, they are not eligible for reappointment in any central or state government agency.

The Organisation of Central Vigilance Commission:

There are three departments under the commission, given in the table below:

The organisation of the Central Vigilance Commission (CVC)		
Secretariat	Chief Technical Examiners' (CTE) wing	Wing of Commissioners for Departmental Inquiries (CDIs)
<ul style="list-style-type: none"> • Secretary • Joint Secretary • Deputy Secretary • Under-Secretary • Office Staff 	<p>It is the technical wing, having:</p> <ul style="list-style-type: none"> • Chief Engineers • Supporting Engineers 	<ul style="list-style-type: none"> • Inquiry Officers

What is the work of the Central Vigilance Commission (CVC)?

The following are the works of CVC members:

- They inquire or investigate whenever a public servant (Central Government employee) commits an offence under the Prevention of Corruption Act, 1988.
- They inquire or investigate against following officials who commit an offence under the Prevention of Corruption Act, 1988:
 - Members of all-India services serving in the Union and Group 'A' officers of the Central government
 - The specified level of officers of the authorities of the Central government
- They superintend the functioning of the Delhi Special Police Establishment (CBI) in cases related to the Prevention of Corruption Act, 1988

- They direct Delhi Special Police Establishment in investigative cases related to the Prevention of Corruption Act, 1988
- They review the progress of investigations conducted by the Delhi Special Police Establishment in cases related Prevention of Corruption Act, 1988
- They review the progress of those applications that are pending with competent authorities for sanction under the Prevention of Corruption Act, 1988
- Central Government and its authorities are advised on matters as they refer to CVC members
- They also superintend vigilance departments of government ministries
- They undertake or cause an inquiry into complaints received under Whistleblower Resolution and recommend appropriate action.
- Whenever the central government makes rules and regulations governing the vigilance and disciplinary matters relating to members of Central Services and All-India Services, CVC is consulted.
- CVC members are part of the selection committee which is responsible to recommend the appointment of the Director of Enforcement (ED.)
- CVC is a part of the selection committee that recommends officers for appointments to the posts above the level of Deputy Director of Enforcement.
- The Commission acts as an authority to receive information that is related to suspicious transactions under the Prevention of Money Laundering Act, 2002
- It recommends to Central Government for the appointment of Director of Prosecution in Central Bureau of Investigation
- CVC members are part of a selection committee that is responsible to recommend the appointment of officers to the posts of the level of SP and above in the CBI except for the Director of CBI
- Lokpal refers complaints to CVC who initiate a preliminary inquiry in respect of officers and officials of Groups A, B, C & D

Jurisdiction of Central Vigilance Commission

CVC can extend its jurisdiction to the following:

Jurisdiction of Central Vigilance Commission (CVC)

Union Government Officers/ Group A officers of All India Services

Public Sector Bank Officers of the rank of Scale V and above

RBI, NABARD and SIDBI officers in Grade D and above

- PSUs officers in Group 'A' and Group 'B' and also it's Chief Executives and Executives on board
- Chief Executives and Executives on the Board and other officers of E-7 and above in Schedule 'C' and 'D' Public Sector Undertakings of the Central Government

General Insurance Companies' officers in the position of managers and above

Life Insurance Companies' officers having the designation of Senior Divisional Managers and above

Officers drawing a salary of `8700/- per month (pre-revised) and above on Central Government D.A. pattern, as may be revised from time to time, in societies and local authorities owned or controlled by the Central Government

CVC – Vigilance Awareness Week:

This awareness week is observed by the Central Vigilance Commission every year in the month of October. The week includes Sardar Vallabhbhai Patel's birth anniversary which is on October 31.

The motive of Vigilance Awareness Week is to:

- Take an Integrity Pledge by all government ministries and organisations
- Spread the words on prevention of corruption across the nation
- Conduct workshops and campaigns for government employees and other stakeholders on policies/procedures of the organization and preventive vigilance measures
- Establish Integrity Clubs in schools and colleges
- Aware Gram Sabhas to sensitize the rural citizens about the ill-effects of corruption

Note: The theme of the 2020 Vigilance Awareness Week is “Satark Bharat, Samriddh Bharat (Vigilant India, Prosperous India)”.

The Whistleblowers Protection Act:

- The Act came on the heels of “The Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010” in the Lok Sabha on August 26, 2010.
- The Bill as passed by Lok Sabha and Rajya Sabha on 21st February 2014 and received the assent of the President on May 9, 2014. (To read how a bill is passed in Indian Parliament, check the linked article.)
- The act has provided mechanisms to secure the identity of public employees who expose corruption in government ministries and departments.
- It also aids the intention to expose corruption by public servants, including ministers.

Lokpal and Lokayuktas.

- The Lokpal and Lokayuktas Act, 2013, commonly known as The Lokpal Act, is an anti-corruption Act of the Indian Parliament in India.
- The Bill was tabled in the Lok Sabha on 22 December 2011 and was passed by the House on 27 December as The Lokpal and Lokayuktas Bill, 2011.
- It was subsequently tabled in the Rajya Sabha on 29 December.
- It was passed in the Rajya Sabha on 17 December 2013 after making certain amendments to the earlier Bill and in the Lok Sabha the next day.

- It received assent from the then President Pranab Mukherjee on 1 January 2014 and came into force on 16 January.

Background of the Lokpal and Lokayukta Act, 2013

- The word ‘Lokpal’ was first used by a member of parliament, Laxmi Mall Singhvi in 1963 during a debate on grievance redressal mechanisms. Administrative Reforms Commissions under Morarji Desai submitted a report which recommended the creation of two special authorities: Lokayukta and Lokpal for the purpose of redressing citizen grievances.
- Maharashtra was the first state to introduce Lokayukta through The Maharashtra Lokayukta and Upa-Lokayuktas Act in 1971. Presently, there are no Lokayuktas in the states of Andhra Pradesh, Arunachal Pradesh, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tamil Nadu, Tripura.
- The Lokpal Bill was first introduced in the Lok Sabha in 1968. The version enacted in 2013 was from a draft prepared in 2010. The bill is an implementation of the Prevention of Corruption Act, 1988.
- The bill was passed following the backdrop of huge anti-corruption protests led by Anna Hazare that shook the nation.

Features of Lokpal and Lokayukta Act 2013:

The salient features of the Lokpal and Lokayukta Act (2013) are as follows:

- It seeks to establish the institution of Lokpal at the centre and Lokayuktas at the state level and thus provide an anti-corruption roadmap for the nations at the Centre and at the States. The jurisdiction of lokpal includes the Prime Ministers, Ministers, Members of Parliament and Groups A, B,C and D officers and officials of the Central Government
- The Lokpal Consists of a chairperson with a maximum of 8 members of which 50% shall be judicial members.
- About 50 % of members of the Lokpal shall come from amongst the SCs, the STs, the OBCs, minorities and women.

- The selection of the Chairperson and the members of Lokpal shall be through a Selection Committee consisting of the Prime Minister, the Speaker of the Lok Sabha, the Leader of the Opposition, the Chief Justice of India or a sitting Supreme Court Judge nominated by the Chief Justice of India and an eminent person nominated by the President of India.
- A Search Committee will assist the Selection Committee in the process of selection. 50% of the members of the Search Committee shall also be from amongst the SCs, the STs, the OBCs, minorities and women
- The Prime Minister has been brought under the purview of the Lokpal with subject matter exclusions and specific process for handling complaints against him/her
- Lokpal's jurisdiction will cover all categories of public servants including Group A, Group B, Group C and Group D officers and employees of the government
- The Lokpal will have the power of superintendence and direction over any investigative agency including the CBI for cases referred to by the Lokpal.
- A High-Powered Committee chaired by the Prime Minister will recommend the selection of the Director of the CBI.
- It lays down clear timelines. For preliminary enquiry, it is three months extendable by three months. For investigation, it is six months which may be extended by six months at a time. For trial it is one year extendable by one year and to achieve this, special courts are to be set up.
- It enhances maximum punishment under the Prevention of Corruption Act from 7 to 10 years. The minimum punishment under sections 7,8,9 and 12 of the Act will now be three years and the minimum punishment under section 15 (punishment for attempt) will now be two years.
- Institutions that are financed fully or partly by the Government are under the jurisdiction of the Lokpal, but institutions aided by the governments are excluded
- All Entities receiving donations from a foreign source within the context of the Foreign Contribution Regulation Act in excess of Rs 10 Lakhs per year are brought under the jurisdiction of Lokpal
- It contains a mandate for setting up of the institutions of Lokayukta through enactment of law by the State Legislature within a period of 365 days from the date of commencement of this Act.

Drawbacks of the Lokpal and Lokayukta Act 2013

The following are the drawbacks of the Lokpal and Lokayukta Act 2013:

- Lokpal cannot suo motu proceed against any public servant
- Emphasis on form of complaint rather than substance
- Heavy punishment for false and frivolous complaints against public servants may deter complaints being filed to the Lokpal
- Anonymous complaints not allowed – Can't just make a complaint on plain paper and drop it in a box with supporting documents
- Legal assistance to public servant against whom complaint is filed
- Limitation period of 7 years to file complaints
- Very non-transparent procedures for dealing with complaints against the PM

Brief Overview about Lokayuktas

- Even much before the enactment of the Lokpal and Lokayukta Act (2013) itself, many states had already set up the institution of lokayuktas.
- It must be noted that the institution of Lokayukta was first established in Maharashtra in 1971.
- Although Odisha had passed an Act in this regard in 1970, it came into force only in 1983.
- Till date 20 states and 2 Union Territories (Delhi, Jammu and Kashmir) have established Lokayukta.

They are listed in the table below:

States/UTs	Year of Establishment
Odisha	1970
Maharashtra	1971

Rajasthan	1973
Bihar	1974
Uttar Pradesh	1975
Madhya Pradesh	1981
Andhra Pradesh	1983
Himachal Pradesh	1983
Karnataka	1985
Assam	1985
Gujarat	1986
Punjab	1995
Delhi	1995
Kerala	1999
Jharkhand	2001
Chattisgarh	2002

Haryana	2002
Uttarakhand	2002
Jammu and Kashmir	2002
West Bengal	2003
Tripura	2008
Goa	2011

Salient Features of Lokayuktas

The following are the features of Lokayukta:

Structural Variations: The structure of the lokayukta is not the same in all states. Some states like Rajasthan, Karnataka, Andhra Pradesh and Maharashtra have created the lokayukta and as well as upalokayukta while Himachal Pradesh, Bihar and Uttar Pradesh have created only the lokayukta. There are states like Punjab and Orissa that have designated officials as Lokpal. This was not as per recommendations of the ARC reports

Appointment: The Lokayukta and Upalokayukta are appointed by the governor of the state. While appointing them, governor in most of the states consults:

1. The Chief Justice of the state high court
2. The leader of the Opposition in the state legislative assembly