

ADDITIONAL GOVERNANCE TOPICS IN BRIEF

Special Provisions relating to certain Classes

Article 330 to 342 make special provisions for safeguarding the interest of Scheduled castes, Scheduled Tribes, Anglo-Indians and Backward Classes.

Articles 330 and 332 deals with the reservation of seats in Lok Sabha and State Assemblies respectively. Article 330 provides for the reservation of seats in the Lok Sabha for Scheduled Castes and Scheduled Tribes. The number of seats reserved in any State or Union territory for such castes and tribes will be made on the population basis.

Similarly, Article 332 provides for the reservation of seats for Scheduled Castes and scheduled tribes in the legislative assemblies of every state. The constitution 58th amendment act 1987 has amended article 332 of the constitution which provides for reservation of seats for “STs” in Arunachal, Meghalaya, Mizoram and Nagaland.

The Constitution (79th Amendment) Act 1999:

The seats are reserved for the SCs and STS and they are elected by all the voters in the constituency. There is no separate electorate for SCs and STs. Article 325 expressly provides that there shall be one general electoral roll. This means that a member of SC and ST may contest any seat other than reserved.

Article 335 makes it clear that the claims of the members of the SC/ST shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointment to services and posts in connection with the affair of the Union or of a State.

National Commission of Schedule Caste and Schedule Tribes:

The constitution (65th amendment) Act 1990, has amended article 338 of the constitution. The amended article 338 provides for the establishment of National Commission for Scheduled Castes and Scheduled Tribes in place of a Special Officer.

Constitution of Commission: The commission shall consist of a chairman, vice chairman and five other members. The chairman, vice chairman and the members of the commission shall be appointed by the President.

Duties of Commission:

- To investigate and monitor all matters relating to the safeguards for SCs and STs under the constitution and any other law or any order of the Government and to evaluate the working of such safeguards.
- To inquire into specific complaints with respect to the deprivation of rights and safeguards of SCs and STs.
- To participate and advice on planning process of socio economic development of SCs and STs and to evaluate the progress of their development under the Union and any State.
- To present to the President reports upon the working of those safeguards annually and at such other times as the commission deems fit.
- To make recommendations as to the measures that should be taken by the Centre and State for the effective implementation of those safeguards and other measures for the protection, welfare and socio economic development of SCs and STs.
- Article 338 provided for the appointment of the special officer by President for the Scheduled Castes and STs. The special officer was required to investigate all matters relating to the safeguards

provided for these classes and to report to the President upon the working of those safeguards at such intervals as president would direct.

The President was to cause all such reports to be laid down before each house of Parliament. The President may at any time and shall at the expiration of ten years from commencement of the constitution, appoint a commission to report on the administration of the Scheduled areas and the welfare of the STs in the State. The Central government is also authorized to give directions to the State as to the drawing up an execution of Scheduled specified in the direction to be essential for the welfare of ST in the State.

Anglo-Indians- according to article 366 (2) an Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India or born within such territory and whose parents habitually were resident in India and not established for temporary purposes only.

Backward Classes-Under article 340 (1), the President is empowered to appoint the commission consisting of such persons as he thinks fit to investigate the conditions of the socially and educationally backward classes within the territory of India.

Linguistic Minorities:

Linguistic minority is a class of people whose mother tongue is different from that of the majority in the State or part of a State. Article 350-A, imposes a duty on the State to endeavor to provided adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority.

Article 347 provides for the use of majority language in the administration.

Article 350 gives right to every person to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the Language used in the Union or a state, as the case may be.

Article 350-B, empowers the President to appoint a special officer for linguistic minorities. It is the duty of the special officer to investigate all matters relating to the safeguards provided for linguistic minorities under this constitution and report to the President upon those matters at such intervals as the President may direct.

Official Languages in Indian Constitution

Article 346 of the Indian Constitution recognizes Hindi in Devanāgarī script as the official language of central government India. The Constitution also allows for the continuation of use of the English language for official purposes. Article 345 provides constitutional recognition as Official languages of the union to any language adopted by a state legislature as the official language of that state.

Indian Constitution has different languages to deal with various institutions, i.e. Language of the Union, Regional Languages, Language of the judiciary and texts of law and special directives. In constitution, its provisions have been mentioned as follows –

Official Language of the Union:

(1) The official language of the Union shall be Hindi in Devanagari script. The form of numerals to be used for the official purposes of the Union shall be the international form of Indian numerals.

(2) Notwithstanding anything, for a period of fifteen years from the commencement of this Constitution, the English language shall continue to be used for all the official purposes of the Union for which it was being used immediately before such commencement: Provided that the President may, during the mentioned period, by order authorise the use of the Hindi language in addition to the English language and of the Devanagari form of numerals in addition to the international form of Indian numerals for any of the official purposes of the Union.

(3) Notwithstanding anything in this article, Parliament may by law provide for the use, after the said period of fifteen years, of the English language, or the Devanagari form of numerals, for such purposes as may be specified in the law.

Regional Languages in India

Official Language or Languages of a State

Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State: Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution.

Official Language for Communication Between One State and Another or Between a State and the Union

The language for the time being authorised for use in the Union for official purposes shall be the official language for communication between one State and another State and between a State and the Union: Provided that if two or more States agree that the Hindi language should be the official language for communication between such States, that language may be used for such communication.

Special Provision Relating to Language Spoken by a Section of the Population of a State

On a demand being made in that behalf the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify

Languages Used in Judiciary and Laws:

Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc-

(1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—

(a) All proceedings in the Supreme Court and in every High Court,

(2) The authoritative texts

(3) The Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State

The Parliament has not made any law prescribing Hindi to be used as a language of Supreme Court, and hence the sole language of Supreme Court has been English. Incidents have occurred in the past, wherein a petition in Hindi was rejected by Supreme Court on the ground that the language of court was English and allowing Hindi would be unconstitutional.

Special Directives

Language is to be used in representations for redressal of grievances to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.

Special Officer for Linguistic Minorities:

There shall be a Special Officer for linguistic minorities to be appointed by the President. It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters.

Directive for Development of the Hindi Language:

It shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule

Currently, the Eighth Schedule of the Constitution contains 22 languages-Assamese, Bengali, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telugu, Urdu, Bodo, Santhali, Maithili and Dogri.

However, no time frame can be fixed for consideration of the demands for inclusion of more languages in Eighth Schedule to the Constitution of India.

Pressure Groups in India

The term 'pressure group' originated from in the USA. A pressure group is a group of people who are organised actively for promoting and defending their common interest. They are a vital link between the government and the governed. They keep governments more responsive to the wishes of the community, especially in between elections. They are different from the political parties in that they neither contest elections nor try to capture political power but their activism influence the public policy (Government Decision).

These groups promote a specific issue and raise it up the political agenda or may have more general political and ideological objectives in mind while campaigning. These groups make efforts to bring government into the podium of accountability.

Characteristics of Pressure Groups

1. Pressure groups may operate at local, regional, national or even international level, depending upon the cause and notice.
2. All interest groups share a desire to affect government policy to benefit themselves or their causes.
3. They are usually non-profit and volunteer organization
4. They seek to influence political or corporate decision makers to achieve a declared objective.

5. Pressure groups are collections of individuals who hold a similar set of values and beliefs on the basis of ethnicity, religion, political philosophy, or a common goal.
6. Pressure groups often represent viewpoints of people who are dissatisfied with the current conditions in society.
7. These are a natural outgrowth of the communities of interest that exist in all societies.
8. They never form government of contest election but influence the decision of Government or public policy. They seek to create change by being elected to public office, while pressure groups attempt to influence political parties. Pressure groups may be better able to focus on specialized issues, whereas political parties tend to address a wide range of issues.
9. Pressure groups are widely recognized as an important part of the democratic process.

Types of Pressure groups in India

A large number of pressure group exists in India but unfortunately they are not developed as compare to the Western Countries like England, France and USA. It can be classified into following categories.

Business Groups

The Business group is one of the most important, influential and organised pressure groups in India. Examples of business groups- Confederation of Indian Industry (CII), Federation of Indian Chambers of Commerce and industry (FICCI), Associated Chamber of Commerce (ASSOCHAM) – major constituents are the Bengal Chamber of Commerce Calcutta and Central commercial organisation of Delhi.

Trade Unions

Trade unions cater to the demand of workers and labours of the industries. Alternatively, they are also known as labour groups. In India, different trade unions represent different political parties. Examples- The All India Trade Union Congress (AITUC), All India Trade Union Congress (Communist Party of India)

Agrarian Groups

These groups represent the farmer community of India and works for their well-being. Example- Bhartiya Kisan Sangh, Hind Kisan Panchayat (control of socialist).

Professional Association

Such association, raise the concern of working professional in India ranging from lawyers and doctors, journalists and teachers. Examples include Association of Engineers, Bar Council of India (BCI), and Dental Council of India.

Student Organisations

There are various organisations present to represent the causes and grievances of students in India. Examples are National Students Union of India (Congress), All Assam Students Union (Asom Gan Parishad), Chhatra Yuva Sangharsh Samiti (Aam Admi Party).

Religious Organisations

The organisations based on religion have come to play an important role in Indian Politics. They represent the narrow perspective and are often termed as anti-secular. Examples of these organisations are Rashtriya Swyam Sevak Sangh, Vishwa Hindu Parishad, Brahma Samaj.

Caste Groups

Caste has been one of the salient features of Indian Society. However, it has always been one of the ideologies discouraging the aspiration of people and constitution of India. The caste factor is always prevalent in elections of India. Examples of caste groups are Marwari Association, Harijan Sewak Sangh.

Tribal Organisation

Tribal in India are prominent in Central India and North East India, and are also active in Central Indian Tribal belt and in north east India. These organisations include National Socialist Council of Nagaland, All-India Jharkhand, and Tribal Sangh of Assam

Linguistic Groups

There are 22 scheduled languages in India. However, there have been many groups and movements working for the welfare of languages in India. For example- Hindi Sahitya Sammelan and Tamil Sangh etc.

Ideology Based Group

Ideology based groups have been recently formed. Some examples of these groups include Environment Protection Groups like Narmada Bachao Andolan and Chipko movement, Democratic rights organisation, Gandhi Peace Foundation, Woman rights organisation, Civil liberties associations.

Anomic Groups

Anomic pressure groups refer to those spontaneous groups which are formed with a collective response through riots, demonstrations, assassinations, etc. The Indian government and bureaucratic elite overwhelmed by the problem of economic development and scarcity of resources available to them, inevitably acquires a technocratic and anti-political frame of mind, particularistic demands of whatever kinds are denied legitimacy. As a consequence, pressure groups are alienated from the political system. Some of the anomic pressure groups are- Naxalite groups, United Liberation Front of Assam, All Assam Student's Union, Jammu and Kashmir Liberation Front.

Rights and liabilities of the Government

Part XII from Article 294 to 300 deals with the property, contracts, rights, liabilities, obligations and suits of the centre and the states. Article 294 states that all the property and assets which immediately before the commencement of the constitution were vested with the Dominion of India or a province or a princely state of India became vested in the Union or its corresponding state.

Article 296 states that any property in the territory of India which, if this Constitution had not come into operation, would have accrued to the king of England or to the Ruler of an Indian State by escheat or lapse or as bona vacantia for want of a rightful owner would vest in the Union or the state, as the case may be.

According to Article 297, things of value within territorial waters or continental shelf and resources of the exclusive economic zone of India vest in the Union.

It also empowers the parliament to make law for the limits of the territorial waters, the continental shelf, the exclusive economic zone and other maritime zones of India. At present, India's territorial zone and exclusive economic zone extends up to 12 nautical miles and 200 nautical miles from the baseline respectively.

Acquisition under executive power: The executive power of the Union and of each State extends to the,

(i) Carrying on of any trade or business

(ii) Acquisition, holding and disposal of property and the making of contracts for any purpose

Acquisition by law: The parliament and the state legislatures can enact laws related to compulsory acquisition and requisitioning private property by the government. The 44th Amendment Act, 1978 deleted the Right to Property as a fundamental right from the constitution. Though, it was added as a legal right under Article 300A. So, the government is under no constitutional obligation to pay compensation except in two cases:

(i) When the government acquires the property of a minority educational institution

(ii) When the government acquires the land held by a person under his personal cultivation and the land is within the statutory ceiling limits.

1. Liability for Contracts

Under Article 299, the central or a state government can enter into contracts for the acquisition, holding or disposal of property, or to carry out a business or trade or for any such purpose. All contracts made in the exercise of the executive power of the union or of a state are to be expressed to be made:

(i) By the president, or by the governor of the state, as the case may be

(ii) On behalf of the president or the governor

(iii) By such persons and in such manner as the president or the governor direct or authorize.

2. Liability for Torts

The government cannot be sued for torts in respect of its sovereign functions. However, it can be sued for torts committed by its officials while exercising non-sovereign functions. Same rule was applied during the company's rule in India. It could not be sued as a sovereign but only as a trader.

After the *Kasturilal* case (1965), the Supreme Court has narrowed the scope of sovereign functions of the government. This has enabled the apex court to provide compensation to victims in number of cases.

Suits against public officials

1. President and Governor

The constitution provides certain immunities to the president and governors of the state. The immunities such provided may be divided into official acts and personal acts.

(a) Official Acts: The president and the governors cannot be sued for their official acts during their terms of office or thereafter. However, an aggrieved person can sue the government instead of president or governor of the concerned state.

(b) Personal Acts: Criminal proceedings cannot be initiated against the president and the governors in relation to their personal acts. They cannot be arrested or limited. The immunity is provided for the period of the terms of their office.

2. Ministers

Ministers are not provided any immunity in personal as well as official acts. They can be sued for crimes as well as in civil cases like any other ordinary citizen. The courts are barred from enquiring into the advice of ministers on which the president and the governors have done official act.

3. Judicial Officers

The judicial officers cannot be sued for their official acts. They have immunity from any legal liability for an act done during the discharge of their official duty.

4. Civil Servants

The constitution provides personal immunity to civil servants from any legal liability. An aggrieved person can sue the government for any contract made by a civil servant in his official capacity. However, the contract made by the civil servant should abide by the constitution and comply with the conditions specified in the constitution. Otherwise, the civil servant who made the contract is personally liable. He is also immune from liability for torts while exercising sovereign functions of the government. Proceeding in civil cases related to official acts of civil servants can be started after two months advance notice. This immunity is not provided in their personal acts. Proceeding in criminal cases related to official acts of civil servants can be started only with the prior permission of the president or the governor.

Features of the Representation of People Act, 1951

Article 324 to 329 of Part XV of the Constitution deals with the electoral system in our country. Constitution allows Parliament to make provisions in all matters relating to elections to the Parliament and State Legislatures.

In exercise of this power, the Parliament has enacted laws like Representation of the People Act 1950 (RPA Act 1950), Representation of the People Act 1951 (RPA Act 1951).

The act was passed by the parliament under Article 327 of the constitution. It provides for the conduct of election to the parliament and state legislatures. It also clarifies about the qualifications and disqualifications for membership of those Houses.

1. According to the act, a person shall not be qualified to be chosen to fill a seat in the Lok Sabha unless:

i. He is a member of any Scheduled Caste of any state and is an elector for any Parliamentary constituency; in the case of a seat reserved for the Scheduled Castes in any State.

ii. He is a member of any Scheduled Tribe of any state and is an elector for any Parliamentary constituency in the case of a seat reserved for the Scheduled Tribes.

iii. He is an elector for any Parliamentary constituency; in case of any other seat.

2. Qualification for membership of the Rajya Sabha: A person shall not be qualified to be chosen as a representative of any State or Union territory in the Rajya Sabha unless he is an elector for a Parliamentary constituency.

3. Also, a person can be disqualified on below grounds:

- a) Disqualification on conviction for certain election offences and corrupt practices in the election.
- b) A person convicted of any offence and sentenced to imprisonment for not less than two years
- c) Disqualification on ground of corrupt practices
- d) Disqualification for dismissal for corruption or disloyalty
- e) Disqualification for office under Government Company
- f) Disqualification for failure to lodge account of election expenses
- g) Disqualification for promoting enmity between different groups or for the offence of bribery
- h) A person must not have been punished for preaching and practicing social crimes such as Untouchability, Dowry, Sati etc.

The Act provides guidelines to the Election Commission for free and fair conduct of election. The Representation of the People (Amendment) Act, 1966 abolished the election tribunals. It transferred the election petitions to the High Courts whose orders can be appealed to Supreme Court. However, election disputes regarding the election of President and Vice-President are directly heard by the Supreme Court.

Co-operative Societies

A co-operative society is a type of volunteer association. Article 19 states that the Right to form co-operative societies is a fundamental right and Article 43-B provides for the promotion of co-operative societies (DPSP).

Co-operative Societies

The main purpose of co-operative societies is to provide service to its members. It is a kind of business where individuals belonging to the same class and similar profession join their hands for the promotion of their common goals.

Constitutional Provisions

Article 19 states that the Right to form co-operative societies is a fundamental right. Article 43-B provides for the promotion of co-operative societies (DPSP) and states that the State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.

243ZH deals with Definitions

243ZI deals with the in-corporation of Co-operative Societies

243ZJ deals with the number and term of members in board and its office bearers

243ZK-Election of members of board
243ZL-Suppression and suspension of board and interim management
243ZM-Audit and accounts of co-operative societies
243ZN-Convening of general body meetings
243ZO-Right of a member to get information
243ZP>Returns
243ZQ-Offences and penalties
243ZR-Application to multi-state co-operative societies
243ZS-Application to Union Territories
243ZT-Continuance of existing laws

Operating of the Model and Analysis of the Situations of Cooperative in India

Cooperatives are by default very prevalent in India, as being a developing country. Cooperative is a cause as well as consequences of rural development in India. At present there are more than 5 lakhs rural cooperatives existing in India. Now, they occupy an important place in India's rural economy and development in terms of their membership, business turn over, and contribution to the socio-economic welfare of their members. Rural development has had tremendous dependency on the success of cooperative societies in India. They have performed well in some sectors in some places and badly in many other places. Its analysis can be thus understood by the following points:

- Majority of the co-operatives in India are small-scale enterprises and even the big ones were small when they started.
- The leadership of small cooperatives are looked after by managers and secretary level officers.
- Other members look after daily chores of the cooperatives
- Discipline and punctuality is not visible in most of the cooperatives
- Cooperatives also lack in proper sanitation and basic infrastructural aspects.
- Working efficiency and standard procedure are also well below the normal level.
- Chairman and managers have the last say in the operation of cooperatives in India. They keep interfering in the matters of cooperative.
- Similar interferences can also be seen in larger cooperatives by local politicians.
- At times, these cooperatives are overstaffed just to have electoral benefits by politicians
- Even skilled personals are underpaid and hence the efficiency goes down gradually.
- Relation between board and managers are not good
- Rewards are not based on the performance.
- Working conditions are very poor

Anti-Defection Law

The Anti-Defection Law was passed in the year 1985 through the 52nd Amendment to the Constitution, which added the Tenth Schedule to the Indian Constitution. A Member of Parliament or state legislature was deemed to have defected if he either voluntarily resigned from his party or disobeyed the directives of the party leadership on a vote.

Anti-Defection Law:

The Anti-Defection Law amended articles 101, 102, 190 and 191 of the Constitution regarding vacation of seats and disqualification from membership of Parliament and the State Legislatures and setting out certain provisions as to disqualification on ground of defection.

Features of the Act

The features of the Anti-defection law can be explained as follows:

- A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.
- A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.
- Addition of Tenth Schedule-After the Ninth Schedule to the Constitution, the tenth Schedule was incorporated, which included Articles 102(2) and 191(2).

Following are the constitutional provisions:

Article 75(1A) states that the total number of Ministers, including the Prime Minister, Council of Ministers shall not exceed fifteen per cent of the total number of members of the House of the People.

Article 75(1B) states that a member of either House of Parliament belonging to any political party who is disqualified for being a member of that House shall also be disqualified to be appointed as a Minister for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to either House of Parliament before the expiry of such period, till the date on which he is declared elected, whichever is earlier.

102 (2) states that a person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule

164(1A) states that the total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen per cent of the total number of members of the Legislative Assembly of that State:

164 (1B) states that a member of the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council belonging to any political party who is disqualified for being a member of that House shall also be disqualified to be appointed as a Minister for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such member would expire or where he contests any election to the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council, as the case may be, before the expiry of such period, till the date on which he is declared elected, whichever is earlier

191 (2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.

361-B Disqualification for appointment on remunerative political post

Critical Appraisal of the Act

Anti-defection law has been considered as a watershed in the ethical politics of India. It has coerced legislators to be moral and synchronised with a political mind set. Anti-defection law has discouraged politicians to shift gears for their personal gain. However, it also revealed many deficiencies in the act and even at times failed to prevent defections. In light of this, following statements can further be seen critically:

Advantages –

- Provides stability to the government by preventing shifts of party allegiance.
- Ensures that candidates elected with party support and on the basis of party manifestoes remain loyal to the party policies.
- Also promotes party discipline.

Disadvantages –

- By preventing parliamentarians from changing parties, it reduces the accountability of the government to the Parliament and the people.
- Interferes with the member's freedom of speech and expression by curbing dissent against party policies.

Therefore, the main intent of the law was to combat “the evil of political defections”. A member would incur a disqualification when he “voluntarily gives up his membership of a party” and when he/she votes (or abstains from voting) contrary to the directive issued by the party.

Prime Minister's Office of India

The Prime Minister's Office (PMO) consists of the immediate staff of the Prime Minister of India, as well as multiple levels of support staff reporting to the Prime Minister. The PMO is headed by the Principal Secretary, currently Nripendra Misra. The PMO was originally called the Prime Minister's Secretariat until 1977, when it was renamed during the Morarji Desai administration

It is known from the above discussion the importance of the office of Prime Minister and his responsibilities. Hence to fulfill his huge responsibility he is assisted by the Prime Minister's office. Hence it can be defined as the administrative agency created under the provision of Article 77 (3) in order to provide secretarial assistance. It was initially created in 1947 under the name Prime Ministerial secretary later in 1977 renamed as PMO. It got the status of department under Allocation of Business rules 1961. This staff agency is mainly concerned with providing assistance in decision making at top level of government of India. But even though its importance it is accorded as extra constitutional body.

Composition –

- Politically headed by Prime Minister
 - Administratively headed by Principal Secretary
 - One or two additional secretaries
 - 5 joint secretaries
 - A number of directors/ deputy secretaries and under secretaries
- (The personnel are generally drawn from civil services and appointed for varying periods)

Roles and Functions of PMO:

According to Allocation of business Rules 1961 there are 5 basic functions of PMO

- To provide secretarial assistance to PM and act as a think tank
- To help the PM in discharge of his overall responsibilities as chief executive including his relation with union ministers and state governments for all the matters in which the PM is interested.
- To help PM in discharge of his responsibility as chairman of planning commission

- To deal with public relation side of PM, which is related to intellectual forums and Civil Societies? So acts as public relations office to get feedback of administration by considering public grievances against malfunctioning of administrative system
- To provide Prime Ministerial assistance in examination of cases submitted to him for orders under described rules so it acts as settlement house to finalize decision concerning to administrative doubts.

Evolutionary Trend from Various Prime Ministers

The degree of centralization of India administration in the hands of PMO has been influenced by the nature of PM and influencing position of his / her secretary. It is illustrated as below:

- Jawaharlal Nehru -- A Jain PMS had to provide procedural assistance to PM. At that time PMS was not think tank of PM.
 - Lal Bahadur Shastri --L K Jha PMS concentrated more powers on economic affairs
 - Indira Gandhi --L K Jha PMS got strengthened in terms of political as well as economic affairs. It was this time PMS was assumed as super-cabinet of Indian administration
 - Indira Gandhi --- P N Haskar PMS became so influenced that it acted as micro cabinet of Indian administration. Garibi hatao programme was drafted without consultation with other cabinet ministers. At this time the influential position of PMS was stronger than cabinet secretariat.
 - Indira Gandhi --P N Dhar in this period stability in composition was maintained
 - Morarji Desai --- P N Dhar PMS was renamed as PMO. At this time the powers and influences of PMO was undermined to make cabinet secretary strong.
 - Indira Gandhi -- P C Alexander PMO got strengthened by putting necessary infrastructure. Thus it became stronger than cabinet secretary.
 - Rajiv Gandhi -- P C Alexander PMO got full fledged administrative infrastructure with three additional secretaries, 5 joint secretaries. it got the status of department under allocation of business rules
 - Rajiv Gandhi -- Sarla Grewal She maintained stability in office
 - Rajiv Gandhi -- B G Deshmukh P.M.O. got apex level of centralization in terms of government functions
 - Narasimha Rao ----A N Verma Political executive was attached to PMO. Also centralization was maintained in order to cope with problems arising from coalition government
 - Atal Bihari Vajpayee-- Brijesh Mishra P.M.O. got further strengthened to cope with rising functional demands of Prime ministerial democracy. Its role was extended to many parallel organizations
 - Manmohan Singh -- A Nair P.M.O. was made separate institution in functional terms. Its responsibility was separated from security aspects according to k Subramanian committee recommendation
 - Narendra Modi -- Nripendra Mishra
- Thus the degree of status and influence of PMO has been a reflection of personal nature of PM and responsive nature of politico- administrative situation.

PMO and Cabinet Secretary

The Cabinet Secretariat is responsible for the administration of the Government of India (Transaction of Business) Rules, 1961 and the Government of India (Allocation of Business) Rules 1961, facilitating smooth transaction of business in Ministries/ Departments of the Government by ensuring adherence to these rules. The PMO provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to the Prime Minister. The PMO includes the anti-corruption unit and the public wing dealing with grievances.

The Secretariat assists in decision-making in Government by ensuring Inter-Ministerial coordination, ironing out differences amongst Ministries/ Departments, evolving consensus through the instrumentality of the standing/ ad-hoc Committees of Secretaries.

The PMO provides secretarial assistance to the Prime Minister. It is headed by the Principal Secretary to the Prime Minister. The PMO includes the anti-corruption unit and the public wing dealing with grievances.

Having seen the powers and composition of PMO, cabinet secretariat is also similar institution but it aids in decision making particularly with the cabinet. Similar to PMO cabinet secretariat is politically headed by Prime Minister but it is administratively headed by cabinet secretary. Unlike as PMO a single institution cabinet secretary has 3 subdivisions namely civil, military and intelligence. It is said that cabinet secretary serves as eyes and ears for PM.

Comparisons from various countries

• **United Kingdom** – The legislative system of UK consists of 3 components i.e.

1. **The Crown**– Hereditary head (king or queen) with virtually no power of administration
2. **House of Lords** – Made up of house and appointed members. All the bills except money bills are debated and voted in this house. It can delay any bill for only maximum of 2 parliamentary sessions over a year. Highest English court consists of members from this house. To some extent it is comparable to Rajya Sabha of Indian legislative system, but our judiciary is completely devoid of political members.
3. **House of Common** – This 3rd element of UK legislature consists of members directly elected by the people for a period of 5 years, unless dissolved earlier. It can be said that it is comparable to Indian Lok Sabha. All legislation must be passed through house of common to become law and it controls taxation and supply of money to the government. There are many select committees to scrutinize any issues affecting their constitution or working of constitution.

UK has adopted bi-party system, though there are many other political parties, it is Labour Party and conservative parties usually share power alternatively. In India we don't have such fixed norm. In India party which secures majority in House of Commons forms government. Leader of party is appointed as PM by king. However members of House of Lords cannot become PM. Ministers are individually and collectively responsible to House of Commons and they remain in office till they enjoy the majority support in the house. King (similar to President in India) can dissolve House of Commons on advice of PM.

United States of America –

US congress legislature is a federal government with bicameral government consisting of senate (Upper House) and House of Representatives (Lower House). Senate consists of 100 members elected from each state (2 members from each state). House of representatives consists of 435 members for a fixed period of 2 years. Senate is most powerful than house of representatives and is presided over Vice-President. USA follows Presidential government hence US President is comparable to Indian PM in respect to powers. The President of US acts as both head of state and head of government. He is the chief real executive. He is elected by an electoral college for a fixed period of 4 years. He can be impeached only by congress for grave unconstitutional act. He governs the country with the help of small body called kitchen cabinet but it is only advisory body selected and appointed by him. The members of kitchen cabinet are not members of congress whereas in India the members of cabinet are only the members of either house of Parliament.

France

The constitution of France has a unique mix of chief elements of British Parliamentary system and the American Presidential system. It can be said that France is more unitary than Britain. There is no division of powers and all the powers are vested in the single supreme central government. It provides for directly elected President and a nominated council of ministers headed by PM. The PM is appointed by President. All the powers of President after appointing PM have to be countersigned by President. Legislature of France consists of senate and the National Assembly. The National Assembly may force resignation of the cabinet including PM by voting a motion of censure. For this reason PM and cabinet are necessarily from dominant party coalition in assembly.

Japan

The constitution of Japan is called MacArthur or Showa constitution. It also follows unitary government with no division of powers and all the powers are vested in the single supreme central government. Provisions are subordinate units and enjoy those powers conferred by central government. It has adopted Parliamentary form of government with Emperor as nominal head while the cabinet headed by PM and 20 other ministers of state as real executives. The party that secures majority in House of Representatives forms the government. Cabinet is collectively responsible for Diet (in India it is Lok Sabha) and resigns if house of Representatives passes no-confidence motion.

Cabinet Committees in India: Meaning, Functions and Types

Cabinet Committees are extra-constitutional. There are two types of cabinet committees-standing and ad-hoc. Standing cabinet committees are permanent whereas ad-hoc cabinet committees are temporary and deals with special issues. Recently the NDA government reconstituted 8 committees on different aspects. Read this article and know different types committees and their functions.

Cabinet committees are established to reduce the workload of the **Cabinet Ministers**. These committees facilitate deep examination of the policy issue and effective coordination. Such committees are based on the principal of division of labour. Recently NDA government added two new committees to generate employment and promote skill development in the country.

1. Appointments Committee of the Cabinet (ACC)
2. Cabinet Committee on Accommodation (CCA)
3. Cabinet Committee on Economic Affairs (CCEA)
4. Cabinet Committee on Parliamentary Affairs (CCPA)
5. Cabinet Committee on Political Affairs (CCPA)
6. Cabinet Committee on Security (CCS)

Two new committees are;

1. Cabinet committee on investment & growth
2. Cabinet Committee on Employment and skill development

Features of Cabinet Committees

1. The cabinet committees are an extra-constitutional body, which means they are **not mentioned in the constitution**.
2. The Prime Minister sets up different cabinet committees with selected members of the Cabinet and assigns specific functions to these committees. The Prime Minister may even change the numbers of committees and modify the functions assigned to them.
3. If the **Prime Minister** is a member of any such committee, he acts as the head of the committee.
4. The membership varies from three to eight. Usually, only cabinet ministers are the member of these committees. But, sometimes non- cabinet ministers may also be the member or may be special invitees to the committee.
5. They solve issues and formulate proposals for the consideration of the cabinet and take decisions on matters assigned to them. However, the cabinet is empowered to review such decisions.

The composition and functions of various cabinet committees are mentioned below:

1. Appointments Committee of the Cabinet

The committee is headed by the Prime Minister. The Minister of Home Affairs and Minister in-charge of the concerned Ministry are the members of this committee. The important functions of the committee are:

- (i) To take decision regarding all higher level appointments in the Cabinet Secretariat, public enterprises, banks and financial institutions.
- (ii) To decide all cases of disagreement relating to appointments between the Department or Ministry concerned and the Union Public Service Commission.
- (iii) To consider and decide representations, appeals and memorials from officers of the rank or pay equivalent to or higher than a Joint Secretary in the Central Government.

2. Cabinet Committee on Accommodation

The committee is composed of cabinet ministers from various ministries with one of them as the head. The important functions of the committee are:

- (i) To determine the guidelines or rules and terms and conditions to govern out-of-turn allotment of government accommodation and allotment of accommodation to the members of the parliament
- (ii) To decide upon the allotment of government accommodation to various categories of non-eligible persons and organizations and the rate of rent to be charged from them
- (iii) to consider proposals regarding shifting of the existing Central Government Offices to places outside Delhi and the location of new offices in Delhi.

3. Cabinet Committee on Economic Affairs

The Prime Minister is the head of this committee. Cabinet ministers of various ministries are its members. Its important functions are:

- (i) To direct and coordinate the governmental activities in the economic sphere.
- (ii) To review economic trends and evolve consistent and integrated policy framework in the country.
- (iii) To review progress of activities related to rural development including those concerning small and marginal farmers

(iv) To deal with industrial licensing cases involving proposals from the Ministries for the establishment of Joint Sector Undertakings

(v) To consider issues relating to disinvestment

Other functions which have been allotted to the committee are:

(i) To consider and decide on issues pertaining to the World Trade Organization.

(ii) To consider issues relating to the Unique Identification Authority of India

(iii) To monitor general prices, assess availability and export of essential and agricultural commodities and to take measures for efficient Public Distribution System

4. Cabinet Committee on Political Affairs

The committee is headed by the Prime Minister. Cabinet ministers of various ministries are its members. Its important functions are:

(i) To deal with problems relating to **Centre-State relations**

(ii) To consider economic and political issues which have to be judged with a wider perspective

(iii) To deal with policy matters concerning foreign affairs which do not have external or internal security implications

5. Cabinet Committee on Parliamentary Affairs

This committee is composed of cabinet ministers from various ministries. The Union Home Minister is the head of the committee. The functions of the committee are:

(i) To watch the progress of Government business in **Parliament** and to give directions necessary to secure smooth and efficient conduct of such business

(ii) To scrutinize and to consider the attitude of the government on non-official bills and resolutions to be presented to Parliament

(iii) To review legislations undertaken by State Legislatures from an all-India point of view

(iv) To consider proposals to summon or discontinue the Houses of Parliament

6. Cabinet Committee on Security

The Prime Minister is the head of this committee. Cabinet ministers of Finance, Defense, Home Affairs and External Affairs are its members.

The important functions of the committee are:

(i) To deal with all Defence related issues

(ii) To deal with issues relating to law and order, and internal security

(iii) To deal with policy matters concerning foreign affairs on security related issues

(iv) To deal with economic and political issues impinging on national security

(v) To review the manpower requirements relating to national security

(vi) To consider all matters relating to atomic energy

7. Cabinet Committee on Infrastructure

The committee is headed by the Prime Minister with various cabinet ministers as its members. The functions of the committee are as follows:

(i) To consider and take decisions in respect of all infrastructure related proposals costing more than rupees three hundred crores

(ii) To consider and decide measures to facilitate private sector investment in specific projects

(iii) To lay down annual parameters and targets for performance and review the progress of infrastructural projects

(iv) To consider cases of increase in the firmed up cost estimates/revised cost estimates due to various reasons

District Collector/Magistrate in India

The position of District Collector was created by Warren Hastings in 1772. The main functions of the district collector were to supervise general administration, to collect land revenue and to maintain law and order in the district. He was the head of the revenue organization. He was responsible for registration, alteration, and partition of holdings; the settlement of disputes; the management of indebted estates; loans to agriculturists, and famine relief.

All the other officials in the district were subordinate to him and were responsible to inform him of every activity in their respective departments.

He was also vested with the functions of the District Magistrate. As a District Magistrate, he supervised the police and inferior courts in the district. Along with these, he also performed judicial functions.

After the independence of the country, the judicial powers of the collector were transferred to the judicial officers of the district. With the launch of Community Development Programme, the collector was also entrusted with the additional work of implementing the government's development programmes in the district.

Powers, Duties and Responsibilities District Magistrate/Collector

The District Magistrate or the Collector is the chief executive and chief administrative and revenue officer of a district. He makes necessary co-ordination of the official agencies functioning within the district. The functions and responsibilities of the District Magistrate Collector may be broadly classified as follows:

- Collector
- District Magistrate
- Deputy Commissioner
- Chief Protocol Officer
- Chief Development Officer
- Returning Officer

Duties and responsibilities of a collector are as follows:

- Land assessment
- Land acquisition
- Collection of land revenue, maintenance of land records, land reforms, consolidation of holdings etc
- Collection of income tax dues, excise duties, irrigation dues etc.
- Distribution of agricultural loans
- Disaster management during natural calamities such as floods, famines or epidemics
- Crisis management during riots or external aggression
- Chairman of the District Bankers Coordination Committee
- Head of the District Industries Centre

Following are the duties and responsibilities of a District Magistrate:

- Maintenance of law and order
- Supervision of the police and jails
- Supervision of subordinate Executive magistracy
- Hearing cases under the preventive section of the Criminal Procedure Code
- Supervision of jails and certification of execution of capital sentences
- To submit the annual criminal report to the government

The duties and responsibilities of a Deputy Commissioner are as follows:

- Report to divisional commissioner on all matters
- Act as ex-officio chairman of the District Development Authority in absence of divisional commissioner

Following are the duties and responsibilities of a Chief Protocol Officer:

- Conducts the census work
- Look after the supply and proper distribution of daily necessity good
- Hears and takes adequate steps to redress the grievances of the local people
- Supervises the activities of the young government officers in the district and arrange for their training etc.

The duties and responsibilities of a Chief Development Officer are as follows:

- conduct all the development plans and projects of the district
- Put into effect the policy of democratic decentralization
- Act as the chief liaison officer of the state government within the district

Following are the duties and responsibilities of a Returning Officer:

- Conduct all the election works in the district
- Supervise and coordinate election in the district

Election Commission of India

The constitution under article 324 provides for an Election Commission for the superintendence, direction and control of the preparation of the electoral rolls for the conduct of elections to parliament, state legislatures and to the offices of president and vice president. Thus, the Election Commission is responsible for both the centre's and the states' elections.

Composition Election commission of India:

The constitution provides for the following provisions in relation to the composition of the election commission:

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

2. The appointment of the chief election commissioner and other election commissioners shall be made by the president.
 3. When any other election commissioner is so appointed the chief election commissioner shall act as the chairman of the election commission.
 4. The president may also appoint after consultation with the election commission such regional commissioners as he may consider necessary to assist the election commission.
 5. The conditions of service and tenure of office of the election commissioners and the regional commissioners shall be such as the president may by rule determine.
- Though the chief election commissioner is the chairman of the election commission, however his powers are equal to the other election commissioners. All the matters in the commission are decided by the majority amongst its members. The chief election commissioner and the two other election commissioners receive equal salary, allowances and other benefits.

Tenure Election commission of India:

The chief election commissioner and other election commissioners hold office for 6 years or till they attain the age of 65 years, whichever is earlier. They can resign at any time by addressing their resignation to the president. The president can remove any of the commissioners following the procedure provided in the constitution.

Powers and Functions Election commission of India:

The powers and functions of the election commission are mentioned below:

1. It determines the territorial area of the electoral constituencies in accordance with the Delimitation Commission Act.
 2. It prepares the electoral rolls and revises them from time to time. It registers all the eligible voters.
 3. It prepares and notifies the schedule of the election.
 4. It receives and scrutinizes the nomination papers from all the candidates in the elections.
 5. It registers political parties and grants recognition to them. It provides election symbols to the political parties.
 6. It provides the status of national or state parties to the political parties on the basis of their performance in the elections.
 7. It acts as court to look into disputes regarding recognition of political parties and allotment of symbols to them.
 8. It appoints officers to enquire into disputes relating to electoral arrangements.
 9. It prepares the time table for the publicity of the policies and programmes of political parties through TV and radio.
 10. It ensures that the model code of conduct is followed by all the political parties and all the candidates.
 11. It advises the president on matters relating to the disqualification of the members of the parliament.
 12. It advises the governor of the state on matters relating to the disqualification of the members of the state legislature.
 13. It requests the president or the governor for the necessary staff required for conducting elections.
 14. It supervises election machinery and conduct of elections to ensure free and fair elections.
 15. It cancels polls in the event of irregularities and wrongdoings during an election.
 16. It advises the president whether the elections can be held in a state under president's rule.
- In addition to the three member election commission, there are deputy election commissioners who assist the election commissioners. These officers are drawn from the civil services and are appointed

by the election commission with fixed tenure. They, in turn, are assisted by the secretaries, joint secretaries, deputy secretaries and under secretaries deputed in the commission's secretariat.

The chief election commissioner, in consultation with the state government, appoints the chief electoral officer at the state level. The collector acts as the chief returning officer at the district level. Returning officer is appointed for every constituency in the district and presiding officer is appointed for every polling booth in the constituency by the chief returning officer.

Therefore, the election commission is the watch-dog of electoral system in India. It is mandatory for the political parties to file their income tax returns. This move was intended to reduce the use of money and power in elections.

Now, it is mandatory for every candidate who contests elections to file an affidavit giving details of his property and criminal cases pending against him. The only positive impact of this is that the information regarding the candidates is easily available to the voters.

Recognition to the Political Parties

The Election Commission is responsible to register political parties in India. It gives recognition to political parties as national or state political parties on the basis of their performance in the elections. These parties are called recognised parties.

The election commission allots a symbol exclusively to every national political party, which is reserved for the party to be used throughout the country. Likewise, every state political party is allotted a symbol which is reserved for that party to be used throughout that state. These symbols are known as reserved symbols, which cannot be used by any other candidate/party. Other candidates can choose from the free symbols.

Power and Functions of Union Public Service Commission

The first Public Service Commission was set up on October 1st, 1926. However, its limited advisory functions failed to satisfy the people's aspirations and the continued stress on this aspect by the leaders of our freedom movement resulted in the setting up of the Federal Public Service Commission under the Government of India Act 1935. Under this Act, for the first time, provision was also made for the formation of Public Service Commission at the provincial level. On 26th January, 1950, the Federal Public Service Commission was accorded a constitutional status as an autonomous entity and given the title – Union Public Service Commission.

Article 315 of the Indian Constitution deals with Public Service Commissions for the Union and for the States. The UPSC is a constitutional body.

Composition- *Article 316 deals with the appointment and term of office of members.*

The UPSC comprises of a chairman and other members appointed by the president. One half of the appointed members of the commission should have held office for at least ten years either under the government of India or under the government of a state.

The president can appoint one of the members of the commission as an acting chairman if:

(i) The office of the chairman of the commission becomes vacant; or

(ii) The chairman of the commission is unable to perform the duties of his office due to absence or for any other reason.

Such a member functions as an acting chairman till a person appointed as chairman enters on the duties of the office or till the chairman resumes his duties, as the case may be.

Tenure of Chairman and Members:

The chairman and members of the commission hold office for a term of six years or until they attain the age of 65 years, whichever is earlier. The members can resign in between the term by addressing their resignation to the president. They can also be removed by the president following the procedure provided in the constitution.

Duties and Functions

The Duties and Functions of the UPSC are Mentioned Below:

- (i) It conducts examinations for appointments to the services of the union, which includes all India services, central services and public services of the union territories.
- (ii) It assists states in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required, if requested by any two or more states do so.
- (iii) It is consulted on the following matters:
 - (a) All matters relating to methods of recruitment to civil services and for civil posts.
 - (b) The principles to be followed in making appointments to civil services and posts and in making transfers and promotions from one service to another and on the suitability of the candidates for such appointments, transfers and promotions.
 - (c) All disciplinary matters affecting a person serving under the Government of India in a civil capacity, including memorials or petitions relating to such matters.
 - (d) Any claim of costs incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his official duty.
 - (e) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India and any question as to the amount of any such award.
 - (f) Any matter related to personnel management referred to it by the president.
 - (g) It presents annually to the president a report as to the work done by the commission

However, the parliament can confer additional functions to the UPSC relating to the services of the union. It can also extend the function of the UPSC by placing the personnel system of any local authority or other body corporate constituted by law or of any public institution under it.

The annual report of the UPSC regarding its performance is submitted to the president. The president then gets this report laid before both the Houses of the parliament, together with a memorandum explaining the cases where the advice of the commission was not accepted and the reason for such non acceptance.

Role Analysis of UPSC

The UPSC is the central recruiting agency. It is responsible to maintain the meritocracy system and bring in the best suitable people for the posts. It conducts the examination and sends its recommendation to the government for the recruitment of the personnel for all-India services and central services in group A and group B. The role of the UPSC is advisory in nature and not binding on the government. However, the government is answerable to the parliament, in case, it rejects the advice of the commission.

Moreover, the UPSC is only concerned with the examination process and not with the classification of services, cadre management, training, service conditions etc. These matters are handled by the Department of Personnel and Training under the Ministry of Personnel, Public Grievances and Pensions. The government consults the UPSC on promotion and disciplinary matters.

State Public Service Commission

The Government of India Act, 1935 provided for the establishment of the Public Service Commission at the Provincial level known as the State Public Service Commission and the constitution of India gave it a constitutional status as autonomous bodies. The State Public Service Commissions were constituted under the provisions of the Constitution of India

Composition State Public Service Commission (SPSC)

A State Public Service Commission (SPSC) comprises of a chairman and other members appointed by the governor of the state. One half of the appointed members of the commission should have held office for at least ten years either under the government of India or under the government of a state. The constitution has not specified the strength of the commission. The governor is empowered to determine the number of members as well as staff of the commission and their conditions of service.

The governor can appoint one of the members of the SPSC as an acting chairman if:

- (i) The office of the chairman of the commission becomes vacant; or
- (ii) The chairman of the commission is unable to perform the duties of his office due to absence or for any other reason.

Such member functions as an acting chairman till a person appointed as chairman enters on the duties of the office or till the chairman resumes his duties, as the case may be.

Tenure:

The chairman and members of the SPSC hold office for a term of six years or until they attain the age of 62 years, whichever is earlier. The members can resign in between the term by addressing their resignation to the governor.

Duties and Functions

The duties and functions of the SPSC are follows:

- (i) It conducts examinations for appointments to the services of the state.
- (ii) It is consulted on the matters below:
 - (a) All matters relating to methods of recruitment to civil services and for civil posts.
 - (b) The principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers.

- (c) All disciplinary matters affecting a person serving under the Government of India in a civil capacity, including memorials or petitions relating to such matters.
 - (d) Any claim of costs incurred by a civil servant in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his official duty.
 - (e) Any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India and any question as to the amount of any such award.
 - (f) Any matter related to personnel management.
 - (g) It presents annually to the governor a report as to the work done by the commission.
- The state legislature can confer additional functions to the SPSC relating to the services of the state. It can also extend the function of the SPSC by placing the personnel system of any local authority or other body corporate constituted by law or of any public institution under it.

The annual report of the SPSC regarding its performance is submitted to the governor. The governor then gets this report laid before the state legislature, together with a memorandum explaining the cases where the advice of the commission was not accepted and the reason for such non acceptance.

National Finance Commission

Composition of the National Finance Commission

The first finance commission was constituted on November 1951.

The Finance Commission is a body of five experts composed of one chairman, four members and a secretary. The Finance Commission is appointed by the President under Article 280 of the Constitution. As per the provisions contained in the Finance Commission [Miscellaneous Provisions] Act, 1951 and The Finance Commission (Salaries & Allowances) Rules, 1951, the Chairman of the Commission is selected from among persons who have had experience in public affairs, and the four other members are selected from among persons who—

- (a) Are, or have been, or are qualified to be appointed as Judges of a High Court; or
- (b) Have special knowledge of the finances and accounts of Government; or
- (c) Have had wide experience in financial matters and in administration; or
- (d) Have special knowledge of economics

The main responsibilities of a Finance Commission are as follows:

- The distribution between the Union and the States of the net proceeds of taxes which are to be divided between them and the allocation between the States of the respective shares of such proceeds.
- Determination of principles and quantum of grants-in-aid to States which are in need of such assistance.
- Measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats and Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State.
- The last function was added following the 73rd and 74th amendments to the Constitution in 1992 conferring statutory status to the Panchayats and Municipalities.
- These Constitutionally mandated functions are the same for all the Finance Commissions and mentioned as such in the terms of reference (ToR) of different Finance Commissions.
- To enable the Finance Commission to discharge its responsibilities in an effective manner, the Constitution vests the Finance Commission with power to determine its procedures.
- Under the Constitution, the President shall cause every recommendation made by the Finance Commission together with an explanatory memorandum as to the action taken thereon to be laid before each House of Parliament. So far, twelve Finance Commissions have given their reports.

- The Union government has always been accepting the recommendations of the Finance Commissions, exception being the recommendations of the Third Commission relating to Plan grants.
- There have been major changes in the public finances of the Union and the States during the period of over 55 years covered by the Finance Commissions.
- A number of new matters have been referred to the Commissions in consonance with these developments.

Composition of 14th Finance Commission -

1. Chairman - Dr. Y.V.Reddy, Former Governor Reserve Bank of India

2. Members:

- Prof Abhijit Sen, Former Member, Planning Commission
- Ms. Sushama Nath, Former Union Finance Secretary
- Dr. M.Govinda Rao, Director, National Institute for Public Finance and Policy, New Delhi
- Dr. Sudipto Mundle, Former Acting Chairman, National Statistical Commission

3. Secretary - Shri Ajay Narayan Jha

Moreover, it is the duty of the Commission to make recommendations to the President as to-

- The distribution between the Union and the States of the net proceeds of taxes which are to be, or may be, divided between them and the allocation between the States of the respective shares of such proceeds;
 - The principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India;
 - The measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats in the State on the basis of the recommendations made by the Finance Commission of the State;
 - The measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;
 - Any other matter referred to the Commission by the President in the interests of sound finance.
- Thus, the Commission determines its procedure and has such powers in the performance of their functions as Parliament may by law confer on them.

State Finance Commission

Article 243-I of the Indian Constitution prescribes that the Governor of a State shall, as soon as may be within one year from the commencement of the Constitution (Seventy-third Amendment) Act, 1992, and thereafter at the expiration of every fifth year, constitute a Finance Commission to review the financial position of the Panchayats and to make recommendations to the Governor.

Similar to the Finance Commission under article 280, for the centre, since 1993, we also have State Finance Commission in all the states of India to review the financial position of the Panchayats and to make recommendations as to –

- The distribution between the State and the Panchayats of the net proceeds of taxes, duties, tolls and fees leviable by the State which may be divided between them and how allocation would be made among various levels of Panchayats
- What taxes, duties, tolls and fees may be assigned to the Panchayats;

- Grant-in-aid to the Panchayats
- **The Functions of the State Public Commission are as Follows:**
- • Reviewing the economic condition of the various Panchayati raj institutions and municipal bodies that are there in the state
- • Taking such steps that help in boosting the financial condition of the various municipal bodies and Panchayati raj institutions in the state
- • Allotting the funds to the various Panchayati raj institutions and municipal bodies in the state from the Consolidated Fund of the State
- • Acting as an arbiter between the central and the state governments with regard to issues that are of financial nature
- • Transferring funds that are granted by the central government to the state government
- • Distributing between the various municipal bodies and Panchayati raj institutions that are there within the state and the state government the total proceeds of taxes, fees, tolls, and duties that are charged by the state government
- • Determining the taxes, tolls, duties, and fees that may be levied by the various Panchayati raj institutions and municipal bodies that are there within the state
- **Critical Appraisal**
- To harness the concept and aspiration of Panchayati Raj Institution in India, the role of State Finance Commission has to be very critical. The devolution of power can be realised if the finances are prudently available till the last rank officials with ample autonomy and authority. It is in these aspects, that the role of State Finance Commission can be looked into.
- **Positives facts about States Finance Commission:**
- • Enhanced the idea of democracy
- • Greater devolutionary aspects of the government and governance.
- • Empowerment of local people and local leaders.
- • Efficient and timely accessibility of funds to remote corners
- **Negatives Facts about States Finance Commission:**
- • States are too reluctant to let loose their financial authority
- • Too much of interference and encroachment in the autonomy and working of State Finance Commission
- • States themselves do not have ample funds at their disposal; hence even sharing that meagre amount is always resisted by the state government.
- • The idea of State Finance Commission has not has not been implemented in true spirit

National Commission for Scheduled Castes

Article 338 of the Constitution provides for the setting up of a National Commission for Scheduled Castes to investigate all matters relating to the safeguards provided for the Scheduled Castes under the Constitution. National Commission for Scheduled Castes is committed to the full implementation of the various Acts like the PCR Act, 1955 and SC and ST (POA) Act, 1989.

National Commission for Scheduled Castes is committed to the full implementation of the various acts like the PCR Act, 1955 and SC and ST (POA) Act, 1989. The NCSC will endeavor to ensure that the economic development schemes for SC population are implemented as per guidelines and every penny of SCP/SCSP is spent appropriately exclusively for the benefit of Scheduled Castes.

National Commission for Scheduled Castes

National Commission for Scheduled Caste is a constitutional body under article 338 appointed by the President. It has been established with a view to provide safeguards against the exploitation of Scheduled Caste. In addition, to promote and protect their social, educational, economic and cultural interests, special provisions were made in the Constitution.

Constitutional Provisions

- There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.
- It shall be the duty of the commission to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution
- To enquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes
- To participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State
- To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards
- To make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes.
- To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by the rule specify.

Powers of the Commission:

- (a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath
- (b) Requiring the discovery and production of any documents
- (c) Receiving evidence on affidavits
- (d) Requisitioning any public record or copy thereof from any court or office
- (e) Issuing commissions for the examination of witnesses and documents
- (f) Any other matter which the President may by rule, determine

The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes

However, as per our constitution and the rules and orders mentioned above, SCs in India have been categorized in various ways state wise. For instance, in Andhra Pradesh- adi-andhra and adi-dravida etc; Assam- hira, kaibartta etc

A critical appraisal

- The commission has from time to time set up various committees and published many reports to show the lacuna and weak link in terms of protection for the scheduled castes.

- The National Commission for Scheduled Castes in a special report has stated that ignorance of law, fear of reprisals and lack of faith in the enforcement system, often compels victims to acquiesce in the existing unjust situation.
 - Though the article 338 provides for setting up of Special Courts for trying offences, the Supreme Court has held that such courts can take cognizance of a case only after it has been committed to it by the jurisdictional Magistrate. As a result, a complaint or a charge sheet cannot be filed before the Special Court. This has added one more step to the trial process. The National Commission for Scheduled Castes has recommended an amendment to the Act to remove this lacuna.
 - On various accounts they have questioned the policy of executives and policy formulations.
 - The commission has given voice to the vulnerable communities and has acted as a guardian for the protection and welfare of the Scheduled Castes.
- However, some of the issues have persisted even after so much of dedicated effort can be enlisted as follows –

- Untouchability is still practiced in many forms throughout the country.
- The crimes against these vulnerable groups of SCs are on an increase.
- Scheduled Castes have lagged behind even in terms of poverty, illiteracy, health, social set up etc.

National Commission for Scheduled Tribes

Article 338 A states that there shall be a Commission for the Scheduled Tribes (ST) known as the National Commission for the Scheduled Tribes. It is the duty of the commission to investigate all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution. However, there are various functions and powers of the commission mentioned in the Constitution.

National Commission for Scheduled Tribes

Article 366 (25) of the Constitution of India refers to Scheduled Tribes as those communities, who are scheduled in accordance with Article 342 of the Constitution. This Article says that only those communities who have been declared as such by the President through an initial public notification or through a subsequent amending Act of Parliament will be considered to be Scheduled Tribes.

338 A states that there shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.

The term of office of Chairperson, Vice-Chairperson and each member in the National Commission of SC's is three years from the date of assumption of charge. The Chairperson has been given the rank of Union Cabinet Minister, and the Vice-Chairperson that of a Minister of State and other Members have the ranks of a Secretary to the Government of India.

Constitutional Provisions

As per the constitution:

- There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.
 - The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
 - The Commission shall have the power to regulate its own procedure.
- However, the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

For example, the ST's of India are Gond, Bhil in Andhra Pradesh; Apatani, Adi in Arunachal Pradesh etc.

Powers and functions of the Commission are mentioned as follows:

Powers –

- a. Summon and enforce attendance of any person and examine on oath;
- b. Discovery & production of any documents;
- c. Receive evidence on affidavits;
- d. Requisition any public record or copy thereof from any court or office;
- e. Issue Commissions for examination of witnesses and documents; and
- f. Any matter which President, by rule, may determine.

Functions of the Commission:

- (a) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
- (b) To participate and advise on the planning process of socioeconomic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- (c) to make in such reports recommendation as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and
- (d) To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (e) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to the Scheduled Tribes living in forest areas.
- (f) Measures to be taken to safeguard rights to the Tribal Communities over mineral resources, water resources etc. as per law.
- (g) Measures to be taken for the development of tribes and to work for more viable livelihood strategies.
- (h) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- (i) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.

(j) Measures to be taken to elicit maximum cooperation and involvement of Tribal Communities for protecting forests and undertaking social afforestation.

Special Officer for Linguistic Minorities

It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.

Article 350 B deals with the provision for Special Officer for linguistic minorities.

It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.

State's Reorganization Commission (1953-55), made a recommendation regarding Special Officer for Linguistic Minorities.

Vision –

Efficient and prudent implementation of constitutionally approved linguistic minority safeguards has been the basic parameter in establishing the vision of Special Officer for Linguistic Minorities.

Their vision revolves around providing protection to the minorities in terms of language speakers. The vital vision is to provide equal and justified opportunities for inclusive and integrated development.

Mission –

The mission of Special Officer for Linguistic Minorities is adhered to the successful and efficient implementation of constitutional safeguards and nationally agreed scheme of safeguards for the linguistic minorities for providing them equal opportunities for inclusive development.

Constitutional Provisions

Article 350 B of the Constitution provides for the appointment by President of a Special Officer for Linguistic Minorities. This Officer is known as National Commissioner Linguistic Minorities and following are the provisions:

- There shall be a Special Officer for linguistic minorities to be appointed by the President.
- It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.
- His seat is at Allahabad.
- He is assisted by deputy commissioners and assistant commissioner
- He maintains liaison with the state governments and Union Territories through nodal officers appointed by them.
- The commissioner falls under the ministry of Minority Affairs at central level.

- He submits the annual reports or other reports to the President through the Union Minority Affairs Minister.

Objectives

- To provide equal opportunities to linguistic minorities for inclusive development and national integration.
- To spread awareness among the linguistic minorities about the safeguards available to them.
- To ensure effective implementation of the safeguards provided to linguistic minorities in the constitution and other safeguards agreed to.
- To handle the representations for the redress of grievances related to safeguards for linguistic minorities

Role of the Officer:

To take up all the matters pertaining to the grievances arising out of the non-implementation of the Constitutionally and Nationally Agreed Scheme of Safeguards provided to linguistic minorities that come to its notice or are brought to its knowledge by the linguistic minority individuals, groups, associations or organisations at the highest political and administrative levels of the state governments and union territory administrations and recommends remedial actions to be taken.

- To promote and preserve linguistic minority groups, the Ministry of Minority Affairs has requested the State Governments / Union Territories to give wide publicity to the constitutional safeguards provided to linguistic minorities and to take necessary administrative measures.
- The state governments and UT Administrations were urged to accord priority to the implementation of the scheme of safeguards for linguistic minorities.
- The Commissioner launched a 10 point programme to lend fresh impetus to Governmental efforts towards the preservation of the language and culture of linguistic minorities.

Functions of the officer:

- To investigate all matters related to safeguards provided to linguistic minorities.
- To submit to the president the reports on status of implementation of constitutionally and nationally agreed safeguards to linguistic minorities.
- To monitor the implementation of safeguards through questionnaires, visits, conferences, seminars, meetings, etc.

A Critical Appraisal

In order to uphold the vision, Mission and objectives of the organization, Special Officer for Linguistic Minorities have always made endeavors to adhere by constitutional safeguards. Various institutions, organizations and promotional events have been established to preserve and protect the languages of minorities. However, sporadic incidents of denigrating minority languages have been noticed, which must be avoided so as to serve the linguistic minority's purpose in letter and spirit.

National Institution for Transforming India (NITI) Aayog: Composition and Objectives

The NITI Aayog (National Institution for Transforming India), is a think tank of the Government of India established on 1 January 2015 as a replacement for the Planning Commission to give suggestions to the Governments at the central and state levels with relevant strategic, directional and technical advice across the spectrum of key elements of policy / development process. The Prime Minister of India heads the Aayog as the Ex-officio Chairperson. Currently Rajiv Kumar is the vice chairman of the NITI Aayog.

About National Institution for Transforming India (NITI) Aayog

NITI Aayog was established on 1st January 2015, which was a replacement of the Planning Commission. It serves as an advisory body or a "Think Tank" of the government of India to advice on social and economic issues.

Composition of NITI Aayog:

The NITI Aayog comprises the following:

1. Prime Minister of India as the Chairperson
2. Governing Council comprising the Chief Ministers of all the States and Lt. Governors of Union Territories
3. Regional Councils will be convened to address specific issues and contingencies impacting more than one state or a region by the Prime Minister and will comprise of the Chief Ministers of States and Lt. Governors of Union Territories in the region.
4. Experts, specialists and practitioners with relevant domain knowledge as special invitees nominated by the Prime Minister
5. The full-time organizational framework will comprise of, in addition to the Prime Minister as the Chairperson:
 - i. Vice-Chairperson to be appointed by the Prime Minister
 - ii. Full-time members
 - iii. Maximum of 2 part-time members from leading universities research organizations and other relevant institutions in an ex-officio capacity
 - iv. Maximum of 4 members of the Union Council of Ministers to be nominated by the Prime Minister as Ex Officio members
 - v. Chief Executive Officer to be appointed by the Prime Minister for a fixed tenure, in the rank of Secretary to the Government of India.
 - vi. Secretariat as deemed necessary.

Current Composition of NITI Aayog is as follows;

Chairperson:-Shri Narendra Modi, Hon'ble Prime Minister

Vice Chairperson:-Dr. Rajiv Kumar

Full-Time Members

1. Dr. Bibek Debroy
2. Shri V.K. Saraswat
3. Prof. Ramesh Chand
4. Dr. V. K. Paul

Objectives of NITI Aayog

The major objectives of NITI Aayog are mentioned below:

1. To evolve a shared vision of national development priorities, sectors and strategies with the active involvement of States in the light of national objectives.
2. To foster cooperative federalism through structured support initiatives and mechanisms with the States on a continuous basis, recognizing that strong States make a strong nation.
3. To develop mechanisms to formulate credible plans at the village level and aggregate these progressively at higher levels of government.
4. To ensure that the interests of national security are incorporated in economic strategy and policy.
5. To pay special attention to the sections of our society that may be at risk of not benefitting adequately from economic progress.
6. To design strategic and long term policy and programme frameworks and initiatives, and monitor their progress and their efficacy.

7. To provide advice and encourage partnerships between key stakeholders and national and international like-minded Think Tanks, as well as educational and policy research institutions.
8. To focus on technology up gradation and capacity building for implementation of programmes and initiatives.

Planning Commission and NITI Aayog

The Planning Commission was a non-constitutional and non-statutory institution of the Government of India, which formulated India's five-year plans. However, this commission was replaced by the NITI Aayog, an advisory body on social and economic issues.

Planning Commission

The Commission comprised of Prime Minister as its chairman, a deputy chairman, appointed by central executive, half a dozen members and important cabinet ministers.

Following are the functions and objectives of the Planning Commission –

- Make an assessment of the material, capital and human resources of the country, including technical personnel, and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nation's requirement;
- Formulate a Plan for the most effective and balanced utilisation of country's resources;
- On a determination of priorities, define the stages in which the Plan should be carried out and propose the allocation of resources for the due completion of each stage;
- Indicate the factors which are tending to retard economic development, and determine the conditions which, in view of the current social and political situation, should be established for the successful execution of the Plan;
- Determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of the Plan in all its aspects;
- Appraise from time to time the progress achieved in the execution of each stage of the Plan and recommend the adjustments of policy and measures that such appraisal may show to be necessary; and
- Make such interim or ancillary recommendations as appear to it to be appropriate either for facilitating the discharge of the duties assigned to it, or on a consideration of prevailing economic conditions, current policies, measures and development programmes or on an examination of such specific problems as may be referred to it for advice by Central or State Governments

NITI Aayog:

NITI Aayog is a dynamic institution, which replaced the Planning Commission to play a significant role in providing strategic and technical advice to the central and state governments.

NITI Aayog comprises of Chairperson: Prime Minister of India, CEO, Vice Chairperson, Ex-Officio Members – important Cabinet ministers (Home, Finance, Railway, and Agriculture), Special Invitees – some other cabinet ministers, Full-time Members and Governing Council comprising the Chief Ministers of all the States and Union Territories with Legislatures and Lt. Governors of other Union Territories.

Following are the objectives and functions of NITI Aayog:

- The institution serves as a 'think tank' of the government
- It acts as a directional and policy dynamo.
- NITI Aayog provides governments at the Central and State levels with relevant strategic and technical advice across the spectrum of key elements of policy.
- NITI Aayog, instead of being in the controlling seat, is going to provide a direction. It is going to be an 'enabler' instead of a 'provider of first and last resort.

- Instead of control, the focus will be on being a catalyst and providing a platform for the States and the Centre to come together and discuss matters of economic policies and development plans
- It will develop mechanisms to formulate credible plans to the village level and aggregate these progressively at higher levels of government. It will ensure special attention to the sections of society that may be at risk of not benefitting adequately from economic progress.
- NITI Aayog will evolve a shared vision of national development priorities.

National Development Council: Composition, Objectives and Functions

National Development Council (NDC) is an executive body established by the Government of India in August 1952, which is neither a constitutional nor a statutory body. It is the apex body to take decisions on matters related to approval of five year plans of the country. Prime minister is the ex-officio chairman of the NDC.

National Development Council (NDC) is an executive body **established by the Government of India in August 1952**, which is neither a constitutional nor a statutory body. It is the apex body to take decisions on matters related to approval of five year plans of the country. Prime minister is the ex-officio chairman of the NDC.

Composition

National Development Council is composed of the members mentioned below:

- (1) Prime Minister of India (Chairman of NDC)
- (2) Chief Ministers of all states
- (3) Administrators of all Union Territories
- (4) All cabinet ministers
- (5) Members of the Planning Commission

The secretary of the Planning Commission is also the secretary of the NDC. The administrative assistance is also provided by the Planning Commission.

Objectives

NDC is an advisory body to the Planning Commission. The major objectives of NDC can be listed below:

- (1) To strengthen and mobilize the effort and resources of the nation in support of the Plan.
- (2) To promote common economic policies in all vital spheres.
- (3) To ensure the balanced and rapid development of all parts of the country.

In addition to this, NDC provides a platform to all the states to discuss their problems and issues related to development. Thus, it secures the cooperation of the states in the execution of developmental plans.

Functions

To meet its objectives, the NDC has been assigned below functions:

- (1) To prescribe guidelines for the formulation of the National Plan, including the assessment of resources for the Plan
- (2) To consider the National Plan as formulated by the Planning Commission
- (3) To make an assessment of the resources required to implement the plan and the way to augment the resources.
- (4) To consider important questions of social and economic policy affecting national development
- (5) To review the working of the Plan from time to time
- (6) To recommend such measures that are necessary for achieving the aims and targets set out in the National Plan.

National Human Rights Commission

National Human Rights Commission is a statutory body responsible for the protection and promotion of human rights in the country. The National Human Rights Commission was established in the year 1993 by the Protection of Human Rights Act, 1993 passed by the Parliament. It must be headed by the retired chief justice of India.

National Human Rights Commission:

The National Human Rights Commission is responsible for the protection and promotion of human rights in India. The Protection of Human Rights Act, 1993 states that the commission is the protector of "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants".

Composition of NHRC:

NHRC comprises of a chairman and four members. The chairman should be a retired chief justice of India. The other members should be

- (i) One Member who is, or has been, a Judge of the Supreme Court of India
- (ii) One Member who is, or has been, the Chief Justice of a High Court
- (iii) two Members to be appointed from among persons having knowledge of, or practical experience in, matters related to human rights

Apart from these members, the Chairpersons of National Commission for Minorities, National Commission for SCs, National Commission for STs and National Commission for Women serve as ex officio members.

President appoints the chairperson and members of the NHRC on the recommendation of a six member committee consisting of

- (i) The Prime Minister (chairperson)
- (ii) The Home Minister
- (iii) The Speaker of the Lok Sabha
- (iv) The Leader of the Opposition in the Lok Sabha
- (v) The Deputy Chairman of the Rajya Sabha
- (vi) The Leader of the Opposition in the Rajya Sabha

Functions of NHRC:

According to the protection of Human Rights Act, 1993, below are the functions of NHRC:

- (a) Inquire suo motu or on a petition presented to it, by a victim, or any person on his behalf into complaint of violation of human rights or negligence in the prevention of such violation by a public servant.
- (b) Intervene in any proceeding involving any allegation of violation of human rights before a Court with the approval of such Court.
- (c) Visit any jail or detention places to study the living conditions of the inmates and make recommendations thereon
- (d) Review the safeguards provided by or under the constitution of any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- (e) Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- (f) Undertake and promote research in the field of human rights.
- (g) Spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights.
- (h) Encourage the efforts of Non-Governmental organizations and institutions working in the field of human rights.
- (j) Undertake such other functions as it may consider necessary for the promotion of human rights.

Working of the NHRC

Headquarter of the commission is located at Delhi.

- The commission is vested with the power to regulate its own procedure.
- It has all the powers of a civil court and its proceedings have a judicial character.
- It may call for information or report from the central or any state government or any other authority subordinate thereto.

However, the commission has its own staff to investigate into complaints of human rights violations. It is also empowered to utilize the services of any officer or investigating agency of the central government or any state government for the purpose. The commission also cooperates with various NGOs for the information regarding human rights violations.

The commission can look into a matter within one year of its occurrence.

The commission may take any of the following steps during or upon the completion of an inquiry:

1. It may recommend to the concerned government or authority to make payment of compensation or damages to the victim;
2. It may recommend to the concerned government or authority the initiation of proceedings for prosecution or any action against the guilty public servant;
3. It may recommend to the concerned government or authority for the grant of immediate interim relief to the victim;
4. It may approach to the Supreme Court or the high court concerned for the necessary directions, orders or writs.

In order to make NHRC more effective, its powers could be increased in various ways to increase its effectiveness and efficiency in delivering justice to the victims. The commission should be empowered to provide interim and immediate relief including monetary relief to the victim. In addition, the commission should be empowered to punish the violators of the human rights, which

may act as deterrent to such acts in the future. The interference of the government and other authorities in the working of commission should be minimum, as it may influence the working of commission. Therefore, the NHRC should be given power to investigate into the cases related to human rights violation by the members of the armed forces.

State Human Rights Commission

The Protection of Human Rights Act of 1993 provides for the creation of State Human Rights Commission at the state level. A State Human Rights Commission can inquire into violation of human rights related to subjects covered under state list and concurrent list in the seventh schedule of the Indian constitution.

The Protection of Human Rights Act of 1993 provides for the creation of State Human Rights Commission at the state level. A State Human Rights Commission can inquire into violation of human rights related to subjects covered under state list and concurrent list in the seventh schedule of the Indian constitution

Composition:

Human Rights (Amendment) Act, 2006 consists of three members including a chairperson. The chairperson should be a retired Chief Justice of a High Court.

The other members should be:

- (i) A serving or retired judge of a High Court or a District Judge in the state with a minimum of seven years experience as District judge.
- (ii) A person having practical experience or knowledge related to human rights.

The Governor of the state appoints the chairperson and other members on the recommendations of a committee consisting of the Chief Minister as its head, the speaker of the Legislative Assembly, the state home minister and the leader of the opposition in the Legislative Assembly. The chairman and the leader of the opposition of legislative council would also be the members of the committee, in case the state has legislative council.

The tenure of the chairperson and members is five years or until they attain the age of 70 years, whichever is earlier. After the completion of their tenure, they are not eligible for any further employment under the state government or the central government. However, chairman or a member is eligible for another term in the commission subject to the age limit.

Functions of the Commission:

According to the protection of Human Rights Act, 1993; below are the functions of State Human Rights Commission:

- (a) Inquire suo motu or on a petition presented to it, by a victim, or any person on his behalf into complaint of violation of human rights or negligence in the prevention of such violation by a public servant.
- (b) Intervene in any proceeding involving any allegation of violation of human rights before a Court with the approval of such Court.

- (c) Visit any jail or any other institution under the control of the State Government where persons are detained to study the living conditions of the inmates and make recommendations thereon
- (d) Review the safeguards provided by or under the constitution of any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- (e) Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- (f) Undertake and promote research in the field of human rights.
- (g) Spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights.
- (h) Encourage the efforts of Non-Governmental organizations and institutions working in the field of human rights.
- (j) Undertake such other functions as it may consider necessary for the promotion of human rights.

Working of the Commission

- The commission is vested with the power to regulate its own procedure.
- It has all the powers of a civil court and its proceedings have a judicial character.
- It may call for information or report from the state government or any other authority subordinate thereto.

It has the power to require any person subject to any privilege which may be claimed under any law for the time being in force, to furnish information on points or matters useful for, or relevant to the subject matter of inquiry. The commission can look into a matter within one year of its occurrence.

Criticism:

State Human Rights Commission has limited powers and its functions are just advisory in nature. The commission does not have power to punish the violators of human rights. It cannot even award any relief including monetary relief to the victim.

The recommendations of State Human Rights Commission are not binding on the state government or authority, but it should be informed about the action taken on its recommendation within one month.

Conclusion

There is a requirement to increase the powers of the State Human Rights Commission. This could be increased in various ways in delivering justice to the victims. The commission should be empowered to provide interim and immediate relief including monetary relief to the victim. The commission should also be authorized to punish the violators of the human rights, which may act as deterrent to such acts in the future. The interference of state government in the working of commission should be minimum, as it may influence the working of commission.

Central Information Commission:Powers and Functions

Central Information Commission (CIC) is not a constitutional body but an independent body, which look into complaints and appeals pertaining to offices, public sector undertakings, financial institutions etc., under the government and the Union territories. Under the Government of India to act upon complaints from those individuals who have not been able to submit information requests to a Central Public Information Officer or State Public Information Officer.

About Central Information Commission:-

The Central Information commission was established in 2005 by the Government of India under the provisions of the Right to Information Act (2005). The Central Information Commission is plays an important role in maintaining transparency in the system of the governance which is essential in the democracy. Such kind of transparency is necessary to check corruption, nepotism, oppression and misuse or abuse of the authority.

Composition of Central Information Commission

The Central Information Commission consists of the Central Information Commissioner and more than ten Information commissioners. **The President of India appoints the Chief Information commissioner and the information commissioners on the recommendation of the committee consisting of the Prime Minister as chairperson, the leader of the opposition in the Lok Sabha and union cabinet ministers nominated by the Prime Minister.**

They should be persons of eminence in public life with experience and knowledge & Law, management, journalism, science & technology, administration & governance, mass media and social service. They should not be members of legislative assembly of any state or Union territory. They should not be connected with any political party or carrying any business, they should not hold any office of profit or pursuing any other profession.

Tenure and Service

The Chief Information commissioner and an information commissioner **holds office for five years or until they attain the age of 65 years.** They are not eligible for reappointment.

Functions and Powers of the Central Information Commission

Following are the powers and functions of the Central Information Commission:

- a. The commission can order inquiry into any matter if there are reasonable grounds.
- b. The commission has the power to secure compliance of its decisions from the public authority.
- c. The commission may recommend steps which ought to be taken for promoting such conformity, if public authority does not conform to the provisions of this act.
- d. It is the duty of the commission to receive and inquire into a complaint from any person:
 - i. Who has not received response to his information request within the specified time limits;
 - ii. Who thinks information given is incomplete, misleading or false and any other matter relating to obtaining information.
 - iii. Who has not been able to submit an information request because of non-appointment of a Public Information Officer;
 - iv. Who thinks the fees charged are unreasonable;
 - v. Who has refused information that was requested.
- e. During the inquiry of a complaint, the commission may examine any record which is under the control of the public authority and no such record may be withheld from it on any grounds. In other words, all public records must be given to the commission during inquiry for examination.
- f. While inquiring, the commission has the powers of a civil court

g. The commission submits an annual report to the central government on the implementation of the provisions of this act. The central government places this report before each house of Parliament. **Right to Information Act (RTI Act)** was legislated, so that seeking information becomes simple, easy, time bound and cheap which makes the legislation successful, powerful and effective. The powers of the commission are limited only to give information and not to take any action, even if there are anomalies. The commission is short-staffed and is over-burdened with the cases. The vacancies in the commission are not filled on time. Due to these reasons, there is a huge backlog with the commission.

The RTI Act applies only on government institutions and not on private enterprises. Even some public institutions such as BCCI claim that they don't come under the ambit of law. The political parties are reluctant to share information regarding their funding and other activities with the public.

Conclusion

Therefore, the vacant position in the commission should be filled at the earliest. A critical review should be done to see the number of people required to efficiently run the commission. All the public institutions should be made answerable to the public under the RTI Act. People should be able to seek information from political parties, so that become more responsible and their sources of funding more transparent. This would also check use of black money in the elections. Moreover, those private firms should also come under the ambit of the act which is involved in public works.

State Information Commission: Composition, Power and Functions

The State Information Commission will be constituted by the State Government through a Gazette notification. It will have one State Chief Information Commissioner (SCIC) and not more than 10 State Information Commissioners (SIC) to be appointed by the Governor.

The Right to Information Act, 2005 provides for the creation of State Information Commission at the State level.

Composition of State Information Commission

The Commission consists of a State Chief Information commissioner and ten State Information Commissioners. They are **appointed by the Governor on the recommendation of the committee consisting of the Chief Minister as Chairperson**, the Leader of the Opposition in the Legislative Assembly and a state Cabinet Minister nominated by the Chief Minister. They should be person of eminence in public life and should not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

Tenure and Service

The State Chief Information Commissioner and a **State Information Commissioner hold office for a term of 5 years or until they attain the age of 65 years**, whichever is earlier. They are not eligible for reappointment.

Powers and Functions of the State Information Commission

- The commission submits and annual report to the state government on the implementation of the provisions of this act. The state government places this report before the state legislature.
- The commission can order inquiry into any matter if there are reasonable grounds.
- The commission has the power to secure compliance of its decisions from the public authority.
- It is the duty of the commission to receive and inquire into a complaint from any person
- During the inquiry of a complaint, the commission may examine any record which is under the control of the public authority and no such record may be withheld from it on any grounds.

While inquiring, the commission has the power of the civil court in respect of the following matters:

- Requiring the discovery and inspection of documents
- Issuing summons for examination of witnesses or documents and any other matter which may be prescribed
- Summoning and enforcing attendance of persons and compelling them to give oral or written evidence on oath and to produce documents or things.
- Receiving evidence on affidavit
- Requisitioning any public record from any court or office.
- When a public authority does not conform to the provisions of this act, the commission may recommend steps which ought to be taken for promoting such conformity.

A Critical Evaluation

Similar to the centre, these commissions are also overburdened with backlog cases. Backlog cases are adding due to short staff and vacancies not being filled. In October 2014, the maximum number of appeals and complaints were pending in Uttar Pradesh. But, there are also examples such as Mizoram, Sikkim and Tripura which don't have any backlogs. The powers of the commission are limited only to give information and not to take any action, even if there are anomalies.

However, State Information Commissions are playing a vital role in ensuring transparency in public life. Thus, these are helping in combating corruption, nepotism, oppression and misuse of the authority.

Central Vigilance Commission: Functions and Composition

Central Vigilance Commission (CVC) is an apex Indian governmental body created in 1964 to address governmental corruption, monitoring all vigilance under the central government, and advising various authorities in central government organization in planning, executing, reviewing their vigilance work. It has the status of an autonomous body.

It was set up by the Government of India in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam Committee, to advise and guide Central Government agencies in the field of vigilance. Nittoor Srinivasa Rau, was selected as the first Chief Vigilance Commissioner of India.

Service conditions and appointment of Vigilance Commissioner

The Central Vigilance Commissioner is to be appointed by the President of India. He holds the office for 4 years. He can be removed or suspended from the office by the President on the ground of misbehavior but only after the Supreme Court has held an inquiry into his case and recommended action against him.

Functions

The Commission is mainly an advisory body and has no adjudicatory functions. It mainly considers the complaints relating to corruption, misconduct, lack of integrity or some other kinds of malpractice or misdemeanor on the part of the public servants.

It cannot extend sanction for criminal prosecution for offences committed by public servants. It has no machinery to investigate or inquire into complaints of corruption except to a limited extent.

The commission is not authorized to investigate the complaint itself, it has to refer them to the Central Bureau of Investigation or Ministry or Department for investigation. However, the Chief Technical Examiner's Organization attached to it, conducts technical examination of public works

including checking of bills of contractors, contracts and muster rolls. The Commission advises as to the action to be taken in following cases:

- (i) Reports of investigation by the Central Bureau of Investigation which involves departmental action or prosecution in the matter either referred to it by the commission or otherwise.
- (ii) Reports of investigation by the Ministry or department involving the case of disciplinary action in the matters either referred by the Commission or otherwise.
- (iii) Cases received direct from public sector undertakings and statutory corporations; etc.

The commission is required to submit an annual report to the ministry of Home Affairs, stating the cases in which its recommendation were accepted and acted upon by the competent authorities.

The long-standing demand for the formation of an act to deal with the provisions relating to constitution, jurisdiction, power and function of the commission was ultimately meted by passing an act. The said Act was named as central Vigilance Commission Act, 2003.

Functions and Powers of Central Vigilance Commission—

(1) The functions and powers of the commission shall be to—

- (a) Exercise superintendence over the functioning of the Delhi Special Police Establishment insofar as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988
- (b) Give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1964 (25 of 1946).

Central Bureau of Investigation: Structure and Functions

Central Bureau of Investigation (CBI) operates under the jurisdiction of the Ministry of Personnel. It is the foremost investigating police agency in India and is involved in major criminal, corruption and investigation cases.

Central Bureau of Investigation (CBI) is a anti corruption body in the country. It looks the matters related to crime and it is also the Interpol agency in India. **The CBI has its Academy located at Ghaziabad, Uttar Pradesh.** The academy was established in 1966. Over the years, it has emerged as a major police training institution. CBI has also opened three Regional Training Centers (RTC) at Kolkata, Chennai & Mumbai.

Vision of CBI

The motto of CBI is "Industry, Impartiality and Integrity". The vision of CBI is to focus on the following:

1. Combating corruption in public life, curb economic and violent crimes through meticulous investigation and prosecution.
2. Evolve effective systems and procedures for successful investigation and prosecution of cases in various law courts.
3. Help fight cyber and high technology crime.

4. Create a healthy work environment that encourages team-building, free communication and mutual trust.
5. Support state police organizations and law enforcement agencies in national and international cooperation particularly relating to enquiries and investigation of cases.
6. Play a lead role in the war against national and transnational organized crime.
7. Uphold Human Rights, protect the environment, arts, antiques and heritage of our civilization.
8. Develop a scientific temper, humanism and the spirit of inquiry and reform.
9. Strive for excellence and professionalism in all spheres of functioning so that the organization rises to high levels of endeavor and achievement.

Structure of C.B.I.

The CBI is headed by a director, an IPS officer with a rank of Director General of Police or Commissioner of Police (State). The director is appointed for a term of two years.

The amended Delhi Special Police Establishment Act empowers a committee to appoint the director of CBI. The committee comprises of the following people:

- (1) Prime Minister (chairperson)
- (2) Leader of Opposition
- (3) Chief Justice of India or a Supreme Court Judge recommended by the Chief Justice.

Functions of CBI

The broad function of the CBI is to investigate:

- (1) Cases of corruption and fraud committed by public servants of all Central government, Departments, Central Public Sector Undertakings and Central Financial Institutions.
- (2) Economic crimes, including bank frauds, financial frauds, Import Export & Foreign Exchange violations, large-scale smuggling of narcotics, antiques, cultural property and smuggling of other contraband items etc.
- (3) Special Crimes, such as cases of terrorism, bomb blasts, sensational homicides, kidnapping for ransom and crimes committed by the mafia/the underworld.

Jurisdiction of CBI

The legal powers of investigation of CBI are derived from the Delhi Special Police Establishment Act (DSPE) 1946. This Act confers concurrent and coextensive powers, duties, privileges and liabilities on the members of (CBI) with Police Officers of the Union Territories.

The Central Government may extend to any area, besides Union Territories, the powers and jurisdiction of members of the CBI for investigation subject to the consent of the government of the concerned state. The CBI can investigate only such of the offences as are notified by the Central Government under the DSPE Act.

CBI vs. State Police

Primarily, state police is responsible to maintain law and order in the state. CBI may investigate:

- Cases which are essentially against central government employees or concerning affairs of the Central government.
- Cases in which the financial interests of the central government are involved.

- Cases relating to the breaches of central laws with the enforcement of which the government of India is mainly concerned.
- Big cases of fraud, cheating, embezzlement and similar other cases when committed by organized gangs or professional criminals having ramifications in several States.

Cases having interstate and international ramifications and involving several official agencies where it is considered necessary that a single investigating agency should be in charge of the investigation.

Criticism

Though CBI has been instrumental in saving the economic health of the country and solving many difficult cases, but it has been criticized on various grounds. Time and again, it has been criticized for engaging in nepotism, wrongful prosecution and corruption.

CBI has been criticized for its mishandling of several scams. It has also been criticized of following the orders of the central government. Many political and constitutional experts have claimed that the CBI lacks required autonomy to work as an independent investigating agency. Moreover, the existence and operation of CBI are not supported by any legal framework.

Lokpal and Lokayukta in Indian Constitution

As mentioned in the draft bill appended to the interim reports of the commission, the Lokpal is to be appointed by the President, on the advice of the Prime Minister in consultation with the Chief Justice of India and the leader of opposition in Lok Sabha.

The Administrative Reforms Commission (ARC) set up in 1966 recommended the constitution of a two-tier machinery of a Lokpal at the Centre, and Lokayukts in the states.

Its main motive is to provide speedy, cheaper form of justice to people.

Lokpal is to be a three member body with a chairperson who is or has been a chief justice or judge of the Supreme Court; and its two other members who are or have been judges or chief justices of high courts around the country.

Service Conditions and Appointment of Lokpal:

As mentioned in the draft bill appended to the interim reports of the commission, the lok pal is to be appointed by the President, on the advice of the Prime Minister in consultation with the Chief Justice of India and the leader of opposition in Lok Sabha. The person who is to be appointed as a Lokpal must have served his connection, if any with any political party, his membership in parliament or the legislature of the state or any office of profit. He can hold office for five years with eligibility for re-appointment. He shall not be removed except by the procedure of the impeachment, as in the case of Supreme Court judges. His status and salary shall be the same as that of the CJI.

Jurisdiction of Lokpal:

The Lokpal is empowered to investigate into administrative action taken by or with approval of a minister or secretary of union or state government either on receiving a written complaint by an aggrieved person or suo motu, relating to mal-administration, undue favour or corruption. But the Lokpal is not to undertake any investigation in respect of which the aggrieved person has any remedy before a court of law or statutory tribunal.

Functions of the Lokayukta:-

- (1) Investigating into the citizen “grievances” of injustice and hardship caused by maladministration.
- (2) Inquiry into allegation of abuse of office, corruption or lack of integrity against public servant. Such additional function in relation to the redress of grievances and eradication of corruption as may be specified by the Governor, by notification.

Such additional functions may include:-

- (a) Supervision over an investigation of anti corruption agencies, authorities, and officers.
- (b) Investigation in any action not mentioned in the act “notwithstanding” anything contained therein, if required by the governor by an order.

The Lokayukta and Uplokyukta shall present annually a consolidated report on the performance of their functions under the act to the governor. In Prof. S.N. Hegde vs the Lokayukta, Bangalore and others, an important question arose about the jurisdiction of the Lokayukta, under the Bangalore Lokayukta Act. In this case, the high court has held that if the Lokayukta has to entertain and investigate a complaint against a public servant other than C.M. a minister or a secretary or a member of the state legislature he has no such power unless it is conferred on him by a notification by the state government. The Lokayukta has no jurisdiction to investigate a complaint against the vice-chancellor under the provisions of the act. Such a jurisdiction is clearly barred in view of section 14 of the Universities Act, so that Lokayukta has no jurisdiction under the notification to investigate the complaints against them.

Key Features of Lokpal and Lokayukta Act, 2013 are as Follows:

The Lokpal consists of a Chairperson and a maximum of eight members of which 50% shall be judicial members. The Lokpal Chairperson or member shall not be connected with any political party and one member will be an eminent jurist nominated by the President. The selection of Chairperson and members of Lokpal shall be through a Selection committee consisting of:

Prime Minister, Speaker of Lok Sabha, Leader of Opposition in the Lok Sabha, Chief Justice of India or sitting Supreme Court judge nominated by CJI, Eminent jurist to be nominated by the President of India on the basis of recommendations of the four members of the Selection Committee.

- All ministers including Prime Minister with some safeguards and senior public servants are covered by the ombudsman, excluding the public servants under Army, Navy and Coastal guard.
- All entities receiving donations from foreign source in the context of the Foreign Contribution Regulation Act (FCRA) in excess of 10 lakh rupees per year are brought under the jurisdiction of Lokpal.
- Lokpal will have power of superintendence and direction over any investigation agency including CBI for cases referred to them by Lokpal.
- Directorate of Prosecution headed by a Director of Prosecution under the overall control of Director.
- The appointment of the Director of Prosecution, CBI will be made on the recommendation of the Central Vigilance Commission.
- Transfer of officers of CBI investigating cases referred by Lokpal with the approval of Lokpal.
- The Bill lays down clear time lines for Preliminary enquiry & investigation and trial and towards this end, the Bill provides for setting up of Special Courts.

Lokpal an Anti-Corruption Ombudsman: Meaning and Powers

Lokpal is a national anti corruption ombudsman to look into complaints against public servants which are defined under the Lokpal Act 2013. The Lokpal and Lokayuktas Act, 2013 received the assent of the President on the January 1st, 2014, and is hereby published for information of general Public.

What is Lokpal?

Lokpal is a national anti corruption ombudsman to look into complaints against public servants which are defined under the **Lokpal Act 2013**. This body is constituted to check the menace of corruption in India.

1. This Act may be called the Lokpal and Lokayuktas Act, 2013.
2. It extends to the whole India.
3. It shall apply to public servants in India and abroad.

History of Lokpal;

The Lokpal bill has been introduced nine times (1968, 1971, 1977, 1985, 1989, 1998, 2001, 2011 and 2013) in the Lok Sabha.

The Lokpal and Lokayuktas Act, 2013 **received the assent of the President on the January 1st, 2014**, and published for information of general Public.

An Act of 2013 clears the way to establish the body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public servants.

What is the Expenditure limit in the Lok Sabha and Assembly Elections in 2019?

Which countries of the world have Lokpal?

These countries of the world also have the office of anti corruption officers which is similar to Lokpal ombudsman of India.

1. United Kingdom
2. Spain
3. Burkina Faso
4. Netherland
5. Austria
6. Portugal
7. Finland
8. Denmark
9. Sweden

Composition of the Lokpal

The office of Lokpal Comprises of a Chairman and upto 8 members. The chairman of the Lokpal can be current or former judge of the Supreme Court or the chief justice of High Courts.

Or

An eminent person i.e. he is a person of neat and clean image and outstanding ability having special knowledge and expertise of not less than 25 years in the matters relating to;

- i. Anti Corruption Policy
- ii. Public administration
- iii. Vigilance
- iv. Law and Management
- v. Finance including insurance and banking

Note: As per the provisions of the act; *50% of the members of the Lokpal shall be from the community of Schedule Caste, Schedule Tribes, Other Backward Classes, Minorities and Women.*

Select Committee to Appoint Lokpal is comprises of;

- i.** Prime Minister
- ii.** Chief justice of India or his nominee
- iii.** Lok Sabha Speaker
- iv.** Leader of Opposition
- v.** An eminent jurist nominated by the President of India

How can Lokpal be removed?

To remove the Lokpal 100 members of the Parliament need to sign the petition seeking the removal of the chairman of the Lokpal or any other members. This matter will be investigated by the Supreme Court and if SC finds the charges to be true then SC suggests the president to remove the Lokpal from the post.

Another way to remove the Lokpal is self reference of the President (on the advice of the cabinet) to the Supreme Court, which can investigate the charges.

Powers of the Lokpal are as follows;

If the Lokpal receives a complaint under the prevention of corruption act 1988, then it can initiate the investigation. If the complaint found true in the investigation then the Lokpal can ask the government to take disciplinary action against the accused public servants or can file a corruption case in a special court.

Salary and allowances of the chairman and members;

The Chairman of the Lokpal shall enjoy the same salary and allowance as of Chief Justice of India while members shall receive the same salary and allowance as those enjoyed by the justices of Supreme Court.

Who can be investigated by the Lokpal?

As per the provision of the Lokpal Act, it can investigate persons of seven categories namely;

- 1. Prime Minister if he/she demits the office.**
- 2.** Current and former Cabinet Ministers.
- 3.** Current and former Members of Parliament.
- 4.** All the class 1 officers of the Central Government like (Secretaries, Joint Secretaries etc.)
- 5.** All the class 1 equivalent officers of the Public Sector Undertakings and other government bodies.
- 6.** Directors and other officers of the Non Government Organisations which receives funding from the Central Government.
- 7.** Directors and other officers of the Non Government Organisations which receives the fund from the public and which have annual income of more than Rs. 10 lac from a foreign contributor and receives Rs. 1 cr from the government.

In the concluding remarks it would be wise to say that before Lokpal; India already have some anti corruption agencies like Central Vigilance Commissioner, Central Bureau of Investigation but the practice of corruption is still prevalent in the country.

So the composition of another anti corruption agency will not create much difference because the corruption is in the minds of the general public, who promote corruption in the daily life to benefit themselves.