

## 1. Election Commission Of India



Logo designed by **National Institute of Design, Ahmedabad.**



**HQ – Nirvachan Sadan (New Delhi).**



- **Establishment – Jan. 25, 1950**
- **Type/Nature - Constitutional Body**
- **Part XV** of the Indian constitution deals with elections, and establishes this commission & related matters.

#### Responsibilities

- Administering Union and State election processes in India
- Administers elections to the **Lok Sabha, Rajya Sabha, State Legislature and the offices of the President and Vice President**

#### Associated Personalities

- **First Chief Election Commissioner – Sukumar Sen (1950-58)**
- **First women Chief Election Commissioner – V.S. Ramadevi (1990)**
- **Current Incumbent – Shri Rajiv Kumar**

#### ARTICLES RELATED (A324-A329)

- **Article 324** : Superintendence, direction and control of elections to be vested in an Election Commission.

- **STRUCTURE OF THE COMMISSION [ARTICLE-324(2)]**  
One Chief Election Commissioner and two Election Commissioners appointed by president of India.
- They have a fixed tenure of 6 years, or up to the age of 65 years, whichever is earlier.
- **Article 325** - No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.
- **Article 326** - Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.
- **Article 327**- Power of Parliament to make provision with respect to elections to Legislatures
- **Article 328**- Power of Legislature of a State to make provision with respect to elections to such Legislature.
- **Article 329**- Barred to interference by courts in electoral matters:
  - Validity of any law related to delimitation of constituencies or allotment of seats in such constituencies.
  - Election to either house of Parliament or any house of state legislature shall be called in question by an Election petition.

### **RESIGNATION AND REMOVAL PROCEDURE [ARTICLE 324(5)]**

- Addressing the President of India
- Removal of CEC in same manner and on the same ground as the **judges of Supreme Court** by Parliament. (**special majority**)
- Other election commissioners by president on recommendations of CEC.

### **CHIEF ELECTION COMMISSIONERS**

1.	Sukumar Sen	1950–1958
2.	K.V.K. Sundaram	1958 –1967
3.	S.P. Sen Verma	1967-1972
4.	Dr. Nagendra Singh	1972-1973
5.	T. Swaminathan	1973-1977
6.	S.L. Shaktihar	1977-1982

7.	R.K. Trivedi	1982-1985
8.	R.V.S. Peri Sastri	1986-1990
9.	Smt. V.S. Ramadevi	1990
10.	T.N. Seshan	1990-1996
11.	Dr. M.S. Gill	1996-2001
12.	J.M. Lyngdoh	2001-2004
13.	T.S. Murthy	2004-2005
14.	Mr. B.B. Tandon	2005-2006
15.	Mr. N. Gopaldaswami	2006-2009
16.	Navin B. Chawla	2009-2010
17.	Dr. S.Y. Quraishi	2010-2012
18.	V.S. Sampath	2012-2015
19.	H.S. Brahma	2015
20.	Dr. Nasim Zaidi	2015-2017
21.	Sh. A. K. Joti	2017-2018
22.	O.P. Rawat	2018
23.	Sunil Arora	2018-2021

## State Election Commission



**Nature - Constitutional Body**

**Establishment – 15 February, 1994**

**Headquarter – Nirvachan Sadan, Arera Hills (Bhopal).**

The State Election Commission was constituted via notification dated 1st February, 1994 by the Department of General Administration, Government of Madhya Pradesh.

It came into existence on February 15, 1994

First M.P. State Election Commissioner – **N.B. Lohani (1994-2000).**

Current Incumbent – **Basant Pratap Singh (Since 1 January, 2019).**

- **Article 243 K (1) :** Superintendence, direction and control.

- All elections to the Panchayats
- (Municipalities under Article 243 ZA)

- State Election Commissioner appointed by the Governor.

- Function: Conducting free, fair and impartial elections to the local bodies in the State.

- Removal – In same manner as that of Judges of HC.

## 2. Union Public Service Commission



**Authority - Constitutional body**  
**HQ- New Delhi**

### **History of Civil services in India**

- Warren Hastings initiated the system but was not implemented.
- Cornwallis is said to be the father of ICS. He formed Civil service board.
- In 1800 Wellesley established Fort William College for training of Civil servants. Later they were to be trained in **Haileybury College in London.**



In 1854, 'The Committee on Indian Civil Services' was formed (Lord Macaulay recommended it in 1835).

After the recommendation of this committee exam of first civil services examination was held in **London** on **16 July 1855**.



**Satyendra Nath Tagore** in 1864 became first Indian ICS.



From 1922 onwards the Indian Civil Services examination was began to be held in India

**Lee Commission** was formed.



**On 1st Oct 1926 based on Lee Com. Report CPSC (Central Public Service Commission) was established.**

**1st chairman was Sir Ross Barker (4 members)**



**Govt. of India 1935, CPSC became FPSC (Federal Public Service Commission) in 1937**

**On 26 Jan 1950 the FPSC came to be known as UPSC (Union Public Service Commission).**



## Structure



• **Article 312** - creation of All-India services if the Council of State (Rajya Sabha) has declared by resolution supported by not less than 2/3rd of members present and voting, (National Interest) to create one or more such All India Services.

## Article 312 (2)

2 Type of All India Services i.e. –

- 1) Indian Administrative Services – IAS      ii) Indian Police Services – IPS

The Indian Forest Service (IFoS), the third All-India Service, was created in 1963 under the All-India Services Act, 1951, which came into force in 1966

Control jointly by Central and State govt. but ultimate control lies in Central govt., while immediate control vested in State Govt.

Right now there are - 25 Cadres

23- State Cadres

2-Joint Cadres

Meghalaya – Assam.

(Arunachal Pradesh, Goa, Mizoram, Union Territories)

### “Standard High Order Thinking Skills”



### **Civil Services Day – 21st April**

Sardar Patel is considered as the ‘**Father of All-India Services**’.  
He referred to Civil Servants as the ‘**Steel Frame of India**’.

### **The Union Public Service Commission**

#### **Constitutional Provisions-**

Article 315 to article 323 (Chapter-II) of Part-XIV of the Constitution of the India

It is India’s premier central recruiting agency which is responsible for the appointment and examination of All India Service and Central Services.

#### **Article 315 :**

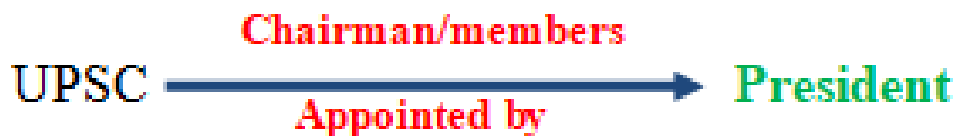
- (1) **Constitution / Formation** – There shall be a Public Service Commission for the Union (UPSC)

Two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public Service Commission (referred to in this Chapter as Joint Commission) to serve the needs of those States.

The Public Service Commission for the Union, if requested so to do by the Governor of a State, may, with the approval of the President, agree to serve all or any of the needs of the State.



- **Article 316 – Appointment and term of office of Chairman and Members**
- The Chairman and other members of the UPSC shall be appointed by the President
- **Chairman (2020)** - Dr. Manoj Soni
- The UPSC consist of 9 to 11 members



**Article-317 (1)** Chairman or member of UPSC shall only be removed from his office by order of the President on the ground of misbehavior after the Supreme Court's inquiry.

**Article-317 (3)** – President may by order remove from office the chairman or any member of UPSC if he –

- is adjudged an insolvent
- engages during his term of office in any paid employment outside the duties of his office;
- or is unfit to continue in office by reason infirmity of mind or body.

**Article-318 – Power to make regulations as to conditions of service of members and staff of the UPSC - The President may -**

- Terms and conditions and
- make provision of their conditions of service.

**Article 319 – Prohibition as to the holding of offices by members of commission on ceasing to be such members.**

- Ineligible for further employment for Chairperson.
- **Members of UPSC/chairperson or members of SPSC- Eligible**



## MADHYA PRADESH PUBLIC SERVICE COMMISSION

Established on - 1/ November/ 1956 at Indore under Section 118(3) of the States Reorganization Act, 1956 by the order of the President.



Article 315 to article 323 (Chapter-II) of Part-XIV of the Constitution of the India.

State recruiting agency which is responsible for the appointment and examination of State Services.

### ARTICLES RELATED

- **Article 315 : Constitution / Formation – There shall be a Public Service Commission for the Madhya Pradesh i.e. MPPSC.**
- **Article 316 – Appointment and term of office of Chairperson and Member : The Chairperson and other members of the MPPSC shall be appointed by the Governor of Madhya Pradesh.**  
Current Chairman of MPPSC - (Prof.) Bhaskar Choubey.

If Seat Vacant



- **Article-317 (1)** Chairman or member of PSC shall only be removed from his office by order of the President on the ground of misbehavior after the Supreme Court's inquiry.
- **Article-318 – Power to make regulations as to conditions of service of members and staff of the MPPSC**
- **The Governor of Madhya Pradesh may –**
  - **determine the number of members of the MPPSC and their condition of service; and**
  - **make provision with respect to the number of members of the staff of the MPPSC and their conditions of service.**
- **Article 320 – Functions of MPPSC - To conduct examination for appointments to the services of the Madhya Pradesh.**



## 3. COMPTROLLER AND AUDITOR-GENERAL OF INDIA-CAG



Independent authority established by **Article 148** of the Constitution (**Chapter-V of Part-V from Article-148 to 151**).

He is the head of the Indian Audit and account department.

He audits all receipts and expenditure of the govt. of India and State govt., therefore known as 'Guardian of the Public Purse'

His main duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration.

### History

In 1857-58 Accountant General Post was created.

**Lord Canning** appointed **Sir Edward Drummond** as the **1st Auditor General**.

In 1866, the position was renamed Comptroller General of Accounts, and in 1884, it was re-designated as Comptroller and Auditor General of India.

The Govt. of India Act, 1935, further strengthened the position of the Auditor General by providing for Provincial Auditor General in a Federal Setup.

This arrangement remained unchanged until India's independence in 1947.

CAG's jurisdiction was extended to Jammu and Kashmir in 1958.

In 1971, the central govt. enacted the CAG's (Duties, Powers and Conditions of Service) Act, 1971

## Constitutional Provisions

**Article 148 Comptroller and Auditor-General of India (CAG) – Appointment and Removal:** Appointed by the President and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court.

**Article – 149 Duties and Powers:** The Parliament enacted CAG's (Duties, Power and Conditions of Service) Act, 1971.

He audits the receipts and expenditure

- Consolidated Fund
- Contingency fund
- Public accounts of India,
- He audit all trading, manufacturing, profit and loss accounts, balance sheets and other subsidiary accounts
- Centre, State and Union Territory as well

The CAG has a circular- shaped logo, which has been designed by BTech student Shivam Dua.(2010)



**Current CAG - Mr. Girish Chandra Murmu**

(A unit of RACE)



## 4. NITI AYOOG (NATIONAL INSTITUTION FOR TRANSFORMING INDIA)

HQ- [New Delhi](#)

Parent agency: [Ministry of Planning](#)

Preceding: [Planning Commission](#)

Nature- [Executive Body](#)



**Formed:** 1 January 2015

**Replaced:** Planning Commission

**Objectives:** Foster involvement and participation in the economic policy-making process by the State Governments of India.

Mr Parameswaran Iyer is the Chief Executive Officer of NITI Aayog.

Shri Suman Bery is currently Vice Chairperson, NITI Aayog, in the rank and status of a Cabinet Minister.

### **Background**

Planning commission served as the planning vehicle for close to six decades with a focus on control and command approach.

Influence of the socialist climate of erstwhile USSR.

Planning Commission was replaced by a new institution – NITI AAYYOG on January 1, 2015 with 'Bottom –Up' approach.

## Objectives

- Making strong through structured support initiatives and mechanisms on a continuous basis, to form strong Nation.
- Formulate credible plans at the village level.
- Areas of national security are incorporated in economic strategy and policy.
- To pay special attention to the Risked sections of our society

## 7 Pillars of Niti Ayog



## 7 pillars of effective governance –

- (1) Pro-People
- (2) Pro-Activity
- (3) Participation
- (4) Empowering
- (5) Inclusion of all
- (6) Equality
- (7) Transparency.

## 5. National And State Human Rights Commission

HQ- [New Delhi](#)

[Formed](#): 12th of Oct. 1993



The Logo for NHRC is an Abstract Mark Logo comprising of a graphic and a Sanskrit proverb written in Devanagari script just beneath the graphic. The proverb is "सर्वे भवन्तु सुखिनः", which means "May all live happily".



**National  
Human  
Rights  
Commission  
(NHRC)**

Designed by Bansi Lal Ketki from Mumbai.

## General Information

The protection and promotion of Human Rights, defined by Act as “Rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India”.

Protection of Human Rights Ordinance of 28th of Sept. 1993

NHRC was established in conformity with the Paris principles, adopted for the promotion and protection of human rights in Paris (Oct., 1991) and endorsed by general assembly of the United Nations on Dec. 20, 1993.

International Human Rights Day – **10th December.**

**First Chairman – Justice Ranganath Mishra.**

**First Woman Member – Justice Fatima Bibi.**

**Current chairman of NHRC - Justice Arun Kumar Mishra**

## Constitution of NHRC

- **Section 3(1)** – Central Govt. shall constitute a body known as NHRC.
- **Section 3(2)** – The Commission consist of –  
A Chairperson, who is or has been the Judge of Supreme Court,  
One Member, who is or has been, Chief Justice of High Court.  
Three Members, (one female) having knowledge or practical experience of subjects related to human rights.
- **Section 3(3)** – Ex-officio Members – Chairpersons of -  
National Commission for Minorities.  
National Commission for Women.  
National Commission for S.C.  
National Commission for S.T.  
National Commission for OBC.  
National Commission for Protection of Child Rights.  
Chief Commissioners for disables
- **Section 3(4)** - Secretary-General = Chief Executive Officer and exercise all administrative and financial powers
- **Section 3(5)** - headquartered = Delhi and the Commission is able to set up offices at other places in India, with the prior approval of the Central Government.
- **Section 4(1)** Chairpersons and the members shall be appointed by The **President** on basis of recommendation of a committee consisting of:

PM - Chairman  
Speaker of Lok Sabha – Member  
Minister of Home Affairs – Member  
Leader of opposition in Lok Sabha – Member  
Leader of Opposition in Rajya Sabha – Member  
Deputy Chairman of Rajya Sabha – Member

Note – If the President appoints Sitting judge of the Supreme Court or the High Court, it is done only by consultation with CJI.

- **Section 4(2)** – No appointment of a Chairperson or a member shall be invalid merely by reason of any vacancy of any member in the committee.

### **Resignation and removal of Chairman and members**

**Section 5(1)** - Resignation to the President.

**Section 5(2)** - Removed on the basis of **misconduct**, but the investigation of malpractices shall be done by the **Supreme Court**.

**Section 5(3)** - The President may also remove the Chairperson and members from his office on the following grounds :

- If adjudged an insolvent.
- If Engage in any paid employment outside the duty of office during his term of office.
- Is ineligible to remain in office due to mental or physical illness.
- Have a distorted mind and the competent court has declared it.
- If convicted for an offence and punished with imprisonment, in the president's opinion, which is a moral degradation.

### **Tenure of Chairperson and members**

Section 6 - 3 years or 70 years of age, whichever is earlier.

The Chairperson or any member shall not be eligible for any further employment under the Government of India or under any State Government, even if he is not in office.

## Functions and Powers of NHRC

- ✓ Grievances regarding the violation of human rights.
- ✓ Power to interfere in any judicial proceedings involving any allegation of violation of human rights.
- ✓ It can visit any jail or any other institution.
- ✓ Undertakes and promotes research in the field of human rights.
- ✓ Works to spread human rights literacy among various sections of society
- ✓ It has the powers of a civil court and can grant interim relief.
- ✓ Recommend for compensation or damages.
- ✓ It submits its annual report to the President of India who causes it to be laid before each House of Parliament.
- ✓ It can recommend to both the central and state governments to take suitable steps to prevent the violation of Human Rights.

## Points to remember

- NHRC has the powers of a civil court.
- NHRC submits its annual report to the Central Govt.

## Protection of Human Rights (Amendment ) Act, 2019

In **Aug 2019**, Amendment made to **Section 3(3)**, says that the “**Deemed Memberships**” would be extended to Chairpersons of the National Commission of Backward Classes, the National Commission of Protection of Child Rights and the Commission for the Rights of Persons with Disabilities, apart from existing chairpersons from other commissions.

- The amendment makes any **retired judge of** the Supreme Court eligible for the post of NHRC chairperson, in addition to the person who has been the Chief Justice of India.

- Similarly, the composition of SHRCs too could change. The amendment makes any **retired judge of** the respective High Court eligible for the post of SHRC chairperson, as against the provision of appointing former High Court Chief Justices.

- The tenure of the chairperson and members of the NHRC is reduced to **three years from five**. However, the amendment allows the government to reappoint them for a further period respectively. The same would be applicable to the Chairpersons and members of State Commissions too.

## State Human Rights Commission (SHRC)

The State Government shall constitute a State Human Rights Commission in accordance with Section-21 of the Protection of Human Rights Act, 1933.

It shall consist of the following :

A Chairperson who has been the Chief Justice, retired Judge of a High Court.

A Member who is or has been a Judge of a High Court, or has been a judge of the District Court in the State, and has at least 7 years of experience as a District Judge.

- A member who shall be appointed from among those who have knowledge or practical experience of subjects related to human rights.
- There shall be a Secretary, who will be the Chief Executive Officer of the State Commission and the State Commission will exercise all administrative and financial power under the directives of the Chairperson.
- Violation of human rights relating to the subjects mentioned in the State List of the Seventh Schedule and the Concurrent List, but if any such subject is already being examined by any other Commission shall not look into the matter
- Two or more State Governments may appoint such Chairperson or members of the Other State Commission
- The Central Government shall be able to hand over the act relating to human rights violation of Union Territories other than Delhi to any State Commission by order.
- National Human Rights Commission in respect of human rights related cases of Union Territory of Delhi.

**Appointment (Section-22)** - Appointed by the Governor by letter including his signature and seal, recommendation of a committee consisting of the following:

- CM – Chairman
- Speaker of the Assembly – Member
- Home Minister of the State – Member
- Leader of Opposition in the Legislative Assembly – Member
- The Chairman of the Legislative Council and the Leader of the Opposition will also be members, where there is a Legislative Council.

Resignation and Removal (Section-23) - Chairperson or a member of the state commission will be able to resign his office through written letter including his signature, addressed to the Governor.

- Misconduct, which will be investigated by the Supreme Court.

**Tenure (Section-24)** - 3 years from the date of assumption of their office or up to 70 years of age, whichever is earlier.

- The Chairperson or any member shall not be eligible for any further employment under the Government of any state or under the Government of India.

## Madhya Pradesh Human Rights Commission (MPHRC)

Founded on – 13th of Sep. 1995

Headquarter –Paryavas Bhawan, Bhopal.

Motto – “We all are equal, equal are our rights”

Chairperson – Justice Narendra Kumar Jain

Member – Sarabjeet Singh

Member – Manohar Mamtani



## 6. NATIONAL COMMISSION FOR WOMEN

Establishment – Jan. 31, 1992

Ground – National Women Commission Act, 1990

Nature – Statutory Body

Nodal Ministry – Ministry of women and child welfare

Headquarter – New Delhi.

First Chairperson – Jayanti Patnaik

Current Chairperson – Rekha Sharma

Sr. No.	Chairperson	Tenure
1)	Jayanti Patnaik	1992-1995
2)	V. Mohini Giri	1995-1998
3)	Vibha Parthasarathy	1999-2002
4)	Poornima Advani	2002-2005
5)	Girija Vyas	2005-2008
6)	Girija Vyas	2008-2011
7)	Mamta Sharma	2011-2014
8)	Lalitha Kumaramanigalam	2014-2017
9)	Rekha Sharma	2018-Present

The National Commission for Women was formed with an intention to establish an equal and just livelihood for women by making legal and constitutional amendments for women in India. The Violence against Women is a fundamental violation of human rights, across nations, societies, cultures and classes and to stop this violation of the fundamental right; this Commission was formed.

The National Commission for Women was set up in 1992 under the National Commission for Women Act, 1990. This body was established to review the constitutional and legal safeguards for women.

It recommends the remedial legislative measures, facilitates redressal of grievances and advises the government on all policy matters affecting women.

It enjoys all the powers of a civil court.

The first commission was constituted on **31st January 1992** as **Jayanti Patnaik** as the chairperson.

Alok Rawat IAS is the first male member of the National Commission for Women (NCW).

#### **Composition**

The Commission must consist of a minimum number of members which includes a chairperson, a member secretary, and the other five members.

➤ **Chairperson** : The central government should nominate the chairperson.

➤ **Five members** : The five members are also to be nominated by the central government from amongst the person of ability, integrity, and standing. They should possess experience in various fields like law or legislation, trade unionism, management of industry potential of women, women's voluntary organization, education, administration, economic development, and social good-being. There will be at least one member of each of the Scheduled Castes and Scheduled Tribes community.

**Member Secretary**: The Central Government also nominates member secretary. He/ she should be either an expert in the field of management, an organization, or an officer who is a member.

#### **Tenure and Terms of Service**

The Chairperson and each member shall hold the post for a period **not exceeding 3 years**.

The Chairperson or any member (other than the Member Secretary who holds a civil service of the Union or a member of the All-India Service or a Civil Post under the Union) shall resign the post of Chairperson or Member at any time, as the case may be, by a letter addressed to the Central Government.

The **central government shall remove** a person from the post of Chairperson or Member who –

Has been adjudged an insolvent.

- Has been convicted and punished with imprisonment for an offence, which is moral degradation in the opinion of the central government.
- Is of distorted mind and such has been declared by a competent court.
- Who refuses to act or is unable to work.
- Remains absent from three consecutive conventions of the commission without commission's permission.
- If someone has misused the post of chairperson or member in such a way that it is detrimental to the public interest.

But no person shall be removed under this clause unless the person has been given a proper opportunity to keep his side.

The salary and allowances payable to the chairperson and members and other restrictions and conditions of their service shall be the same as may be determined.

#### **Functions of National Commission for Women (Section-10)**

➤ **Inquiry and Investigation** - The National Commission of Women enjoys the powers of a civil court.

It investigates and examines the matters related to the safeguards ensured for feminine society under the Constitution of India. It takes complaints suo moto notice of issues related to the non- implementation of laws and non- enforcement of laws and non-compliance of policy decisions, guidelines enacted and aimed at mitigating hardships ensuring the welfare and then take up issues arising out of matter with the concerned authorities.

➤ **Action Research** - NCW members take part in the planning process of socio-economic development of women, propose measures to encourage their representation in all spheres, and review their advancement. It also examines the safeguards provided for women in the Constitution and other laws study their working, recommend amendments to meet any inadequacies or deficiencies, and advocate measures for effective implementation.

**Legal Intervention** - The **Parivarik Mahila Lok Adalat, (PMLA)** is an innovative component with its roots in the traditional Nyaya Panchayats. It is created by NCW for the redressal and speedy disposal of cases.

The Commission shall perform all or any of the following functions:

- 1. Investigation and Examination :** Investigate and examine all the matters relating to the safeguards provided for the women under the Constitution and other laws
- 2. Presentation of Reports :** Table reports to the Central Government, every year and at such other times as the Commission may deem fit, reports upon the working of those safeguards
- 3. Recommendations:** Make in such reports and recommendations for the effective accomplishment of those safeguards for enhancing the conditions of the women by the Union or any State.
- 4. Review:** every now and then, the current provisions of the Constitution and other laws distressing the women and prescribe alterations and suggest curative legislative measures meet any break, inadequacies, and incapacity in such legislation.
- 5. Cases of Violation :** Take up cases of infringement of the provisions of the Constitution and of other laws relating to the women with the relevant authorities
- 6. Suo Moto Notice:** It looks into complaints, and takes Suo Moto notice of matters relating to – deprivation of women's rights, Non-implementation of the laws, and Non-compliance of policy decisions guaranteeing the welfare for women society.
- 7. Special Studies and Investigation :** It conducts special studies or investigation on the concerning issues or circumstances emerging out of segregation and outrages against ladies and recognizes the limitations in order to suggest techniques for their expulsion.

❑ **Complaints and Counseling Unit of National Commission for Women -** This cell is the Core unit of the commission and pro members. The power of selecting members is vested with the Union Government and the nature of the country's volatile political scenario tends the commission to be politicized.

Under Section-10 of the NCW Act, the jurisdiction of the commission is not operating in cases related to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, and refusal to register FIR, cruelty by husband, deprivation, gender discrimination, and sexual harassment at the workplace.

## MADHYA PRADESH STATE WOMEN'S COMMISSION

Madhya Pradesh State Commission for Women was established on **23rd March 1998** under **Section-3** of the **Madhya Pradesh State Commission for Women Act, 1995**.

The Madhya Pradesh State Commission for Women provides for appointment of **6 members in addition to the Chairperson**. The Commission is **seven-member body** - six-members belongs to **non-governmental background** and one member is of **Governmental Background**.

One member of the commission is a noted advocate, two social workers, one expert each in the field of education and health, and one government official. Provided that out of six members one shall be from Scheduled Castes, Scheduled Tribes and Other Backward Classes.

**Chairperson** - A distinguished woman / social worker committed to work in the interests of women is made chairperson.

The Commission enjoys the powers of the Civil Court.

The Office of the Madhya Pradesh State Women's Commission is in Bhopal.

### **Tenure and Term of Service**

The Chairperson and each member shall hold office for a period **not exceeding 3 years**.

The Chairman or any member (other than the Member Secretary who holds a civil post of the civil service of the State or a member of the State Civil Service or under the Union) can resign at any time, by giving a letter addressed to the State Government.

The State Government shall terminate a person from the post of Chairman or Member, who :

- Has been adjudged an insolvent.
- Convicted and punished with imprisonment for an offence, which is a moral degradation in the opinion of the State Government.
- Is of distorted mind and such is declared by the competent court.
- Refuses to work or becomes unable to work.
- Remains absent from three consecutive conventions of the Commission without getting permission from the Commission.
- In the opinion of the state government, has misused the post of Chairperson or member in such a way that it is detrimental to the public interest.

But no person shall be removed under these clauses unless the person has been given a proper opportunity to keep his side. The salary and allowances payable to the Chairperson and members and other restrictions and conditions of their service shall be the same as may be determined.

## 7. NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR)

### **Basic**

Establishment – March 5, 2007, Under Section-3 of National Commission for Protection of Child Act, 2005.

Nature – Statutory Body

Headquarter – New Delhi.

Nodal Ministry – Union Ministry of Women and Child Development.

First Chairperson – Shanta Sinha.

Current incumbent – Mr. Priyank Kanoongo

The National Commission for Protection of Child Rights (NCPCR) emphasizes the principle of universality and inviolability of child rights and recognizes the tone of urgency in all the child related policies of the country. For the commission, protection of all children in the 0 to 18 years age group is of equal importance. It works under the administrative control of the **Ministry of Women and Child Development**.

**Note:** According to the Commission “The Child is defined as a person in the 0 to 18 years age group”.

### **Composition (Section-3)**

The commission consists of the following members:

Chairperson – Distinguished person who has done exceptional work to promote the welfare of Children.

6 members (**out of which at least two shall be women**) from the following areas shall be appointed by the Central Government:

Education

Child health, welfare and child development

Juvenile justice, care of neglected or disadvantaged children, with disabilities.

- Elimination of child labor or stress in children
- Child psychology or social sciences and laws related to children.

### **Appointment**

Central Government, by notification, will appoint the Chairperson and other members. But the chairperson will be appointed by the central government on the recommendation of a 3 member selection committee constituted under the chairmanship of the Minister in-charge of the Ministry of Women and Child Development.

### **Terms of Service**

The Chairman and every Member shall hold office for a period of 3 years from the date on which he takes over or the age of 65 years (Chairman)/60 years (Member), whichever is earlier.

No chairman or member **shall not hold** office for more than two terms.

The chairman or member shall resign his office at any time by giving in his resignation addressed to the central government.

### **Removal**

Based on the proven misconduct or incompetency, the central **government will be able to remove** them from office by order.

The central government may also remove a member from his office on the following grounds:

- If adjudged an insolvent.
- Engage in any salaried employment outside the duties of office.
- Refuses to act or becomes unable to work.
- Have a distorted mind and same has been declared by a competent court.
- Misuses his office so that his continuance in office becomes detrimental to the public interest.
- Convicted and punished with imprisonment for an offence that is a moral degradation in the opinion of the central government.
- Remains absent in three successive meetings without seeking permission from the commission to remain absent.

No person shall be removed under these sections unless the person has been given the opportunity to keep his side.

## **Functions of Commission**

Commission has been mandated to perform all or any of the following functions :

- To examine and review the protection measure of child rights under any law prevailing at that time and to recommend measures for their effective implementation.
- To submit a report to the central government every year or at such other intervals as may be found appropriate by the Commission on the various measures taken by the commissions.
- To investigate violation of child rights and recommend proceedings.
- To examine all factors (terrorism, communal violence, riots, natural calamities, domestic violence, HIV/AIDS, trafficking, abuse, torture exploitation, pornography and prostitution) which prohibit the development of child rights and recommend suitable corrective measures.
- To investigate complaints and by Suo motu look in to the matters relating to
  - Denial of Child rights and Violation
- Non-implementation of laws framed for the protection and development of children.



## STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

To raise the issues of Non-compliance of policy decisions, guidelines or instructions ensuring the welfare of children before the appropriate authorities and providing relief to the Children effected by it, the State Government may constitute a Commission for Protection of Child Rightsto exercise the powers conferred to it as per **section 17 of chapter 4** of the Commission for Protection of Child Rights Act, 2005 to perform the duties mentioned in the act.

The state commission will consist of the following members:

- Chairman – A person who has done excellent work for the promotion of the welfare of children.
- Six members to be appointed by the state government, of which at least 2 shall be women and one of those having superiority, ability, true integrity, reputation and experience in each of the following areas.
  - Education
  - Child health, care, welfare and child development
  - Juvenile justice or care of neglected or disadvantaged children with disabilities.
  - Elimination of child labour or stress in children
  - Child psychology or social sciences,
  - Laws relating to children.

### **Term of Service**

The chairman and every Member shall hold office for a period of **3 years** from the date on which he takes over or up to the age **65** years (Chairman) and 60 years of age (Members), whichever is earlier. But no chairman or member shall hold office for more than two terms.

The Chairman or member can resign his office at any time addressing letter to the state government.

### **Other provisions**

The state commission will submit the Annual Report to the State Government and will also submit a special report, if required.

The state government will provide grants to the state commission under the law framed by the legislature and the state commission will spend the grant in its works.

The money spent by the commission will be examined by the comptroller and Auditor General of India.

**Madhya Pradesh State Child Protection Commission was established in September 2008.**



## 8. NATIONAL COMMISSION FOR SCHEDULED CASTES (NCSC)

NCSC is a constitutional body that works to safeguard the interest of the Scheduled Castes in India. It seeks to offer the Scheduled Castes community protection from discrimination and exploitation, as well as providing facilities to uplift the Scheduled Castes Community. Article 338 of Constitution of India deals with this commission.

### **NCSC – History**

Initially, the constitution provided for the appointment of a **special officer** under Article 338 (Part XVI). This special officer was designated as the commissioner for scheduled castes and scheduled tribes. First time it was appointed on **18th of Nov. 1950** by **President of India**.

In 1978, the govt. decided to form a multi-member commission for the welfare of Scheduled Castes and Scheduled Tribes. In this way, the first commission for Scheduled Castes and Scheduled Tribes was setup in **August 1978** with **Bhola Paswan Shastri** as a Chairman and other four members. It was set up as a national level advisory body to advise the govt. on broad policy issues and levels of the development of Scheduled Castes and Scheduled Tribes.

In **1987** Commission renamed as the National Commission for Scheduled Castes and Scheduled Tribes.

On **12th of March 1992** the **National Commission for Scheduled Castes and Scheduled Tribes** got constitutional status by **65th Constitutional amendment act, 1990**.

By **89th Constitutional Amendment Act, 2003** bifurcated this commission with the following, which came in to force on **19th of Feb. 2004**.

- National Commission for Scheduled Castes.
- National Commission for Scheduled Tribes.

Headquarter – New Delhi.

Nodal Ministry – Ministry of Social Justice and Empowerment.

### **Constitution, Structure and Appointment of Commission**

**Article 338 (1)** : There shall be a commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.

**Article 338 (2)** : Commission shall consist of –

- One chairman

- One vice-chairman
- Three other member

Appointed by **President Article 338(3)**

**Functions of Commission – Article 338(5)**

(a) Monitoring and investigating all issues concerning the safeguards provided for the SCs under the constitution.

(b) Enquiring into complaints relating to the deprivation of the rights and safeguards of the SCs.

(c) Taking part in and advising the central or state governments with respect to the planning of socio-economic development of the SCs.

(d) Regular reporting to the President of the country on the implementation of these safeguards.

**Powers of Commission – Article 338(8)**

When examining a matter, the Commission shall have the powers of the civil court which is as follows:

- 1) Summoning a person from any part of India and taking his statement on oath.
- 2) To disclose and present a document.
- 3) To take evidence on affidavits.
- 4) To ask for a public record or copy of it from a court or office.
- 5) Issue summons for examination of evidence and documents.
- 6) Any other topics that the President should determine.

**Tenure of Chairman and members – 3 yr. (Maximum two term)**

The Chairman of NCSC enjoys the status of union Cabinet Minister and the vice-chairman has been accorded the status of union minister of state, rest of the members are equivalent to the secretary of the govt. of India.

**Note :** The Chairperson of NCSC should be a member of Scheduled Castes Community and also a renowned political and social activist.

## Provisions for Schedule Caste

### Constitutional

Article 15 – Educational Reservation

Article 16 – Reservation in Public  
Employment

Article 17 – Untouchability has been  
Removed

Article 330 – Reservation in Lok Sabha

Article 332 – Reservation in Vidhan Sabha

### Statutory

Protection of Civil rights Act, 1955

The Schedule Castes and Schedule  
Tribes  
(prevention of Atrocities) Act, 1989

Panchayats Extension of Schedule Area  
(PESA)  
Act, 1996

### ❑ Duties and Functions of the Commission:

Constitution of India under Article 338 has assigned the following duties and functions to the Commission.

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the 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 inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;

(c) to participate and advise in 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;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports, recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and

(f) 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 rule specify.

**❑ Powers of the Commission:**

While investigating the matters, the Commission have all the powers of a Civil Court trying a suit and in particular in respect of the following matters:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing summons/communications for the examination of witnesses and documents;
- (f) any other matter which the President may by rule determine.

**Note :** Madhya Pradesh Scheduled Castes Commission incorporated in 1995.

## 9. NATIONAL COMMISSION FOR SCHEDULED TRIBE (NCST)

National Commission for Scheduled Tribes is a **Constitutional body**, established by amending **Article-338** and inserting a new **Article-338(A)** in the Constitution through **89th Constitutional Amendment Act – 2003**.

By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate commissions, on **19th of Feb. 2004**, namely –

- 1) National Commission for Scheduled Castes, (NCSC) and
- 2) National Commission for Scheduled Tribes (NCST)

### ❑ **History**

As per the Census of 1931, Scheduled Tribes are termed as “Backward Tribes”, living in the geographically isolated and partially isolated areas.

The Government of India Act-1935 called for the first time for representatives of ‘backward tribes’ in provincial assemblies.

The constitution does not define the Criteria for recognition of Scheduled Tribes and hence the definition contained in census of 1931 was used in initial years after independence. However, Article-366(25) of the constitution only provides process to define Scheduled Tribes.

### ❑ **Prominent Committees/Commissions.**

#### 1) Lokur Committee (1965)

It was setup to look into Criteria for defining Scheduled Tribes.

The committee recommended 3 essential Characteristics for their identification –

- 1) Primitive traits.
- 2) Geographical Isolation. (A unit of RACE)
- 3) Distinct Culture
- 4) Shyness of Contact with community at large.
- 5) Backwardness.

## 2) Bhuria Commission (2002-04)

It focused on a wide range of issues from the **5th Scheduled** to tribal land and forests, health and education, the working of Panchyats and the Status of tribal women.

## 3) Virginius Xaxa (2013)

It was a high level committee (HLC) constituted in 2013 to study 5 Critical issues related to tribal communities –

- 1) Livelihood and Employment,
- 2) Education
- 3) Health
- 4) Involuntary displacement and migration
- 5) Legal and Constitutional Matters

### Basics about NCST

NCST was established on 19th of Feb. 2004.

Objective – To oversee the implementation of various safeguards provided to Scheduled Tribes under the Constitution or under any other law.

Headquarter – New Delhi

Nodal Ministry – Ministry of Tribal affairs

### Composition

The Commission Comprises

- One Chairperson
- One Vice-Chairperson
- Three Full time members,  
(atleast one female)

### Appointed by President

Tenure of Chairperson and member – 3 yr. (Max. two terms) First Chairman – Kunwar Singh Tekam

First and only lady Chairperson – Urmila Singh

### Duties and Functions

To **investigate and monitor all matters relating to the safeguards provided for the STs** under the Constitution or under any other law for the time being in force or under any order of the Government.

To **inquire into specific complaints** with respect to the deprivation of rights and safeguards of the STs.



To **participate and advise** in the planning process of socio-economic development of the STs and to evaluate the progress of their development.

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 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.

## ☐ **Constitutional Safeguards for Scheduled Tribes**

### **I. Educational and Cultural Safeguards**

**Article-15(4) :** Empowers the state to make any special provision for the advancement of any socially and educationally backward classes of Citizens or for Scheduled Castes and Scheduled Tribes.

**Article-17 :** Untouchability is abolished and its practice in any form is punishable - Protection of Civil Rights Act, 1955 and Rules there under. Prevention of atrocities upon Scheduled Tribes -

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995.

**Article-29 (1) :** Right to conserve distinct languages, script or culture – “Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”. This article has special significance for all the Scheduled Tribes, viz.; Santhals have a script of their own known as Olchiki.

**Article-46 :** The State shall promote, with special care, the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes, and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

**Article-350 (A) :** Instructions in Mother tongue – “It shall be the endeavor of every State and of every local authority within the state to provide adequate facilities for instructions in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups, and the president may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities”. Social Safeguards and Statutes and Legislations.

### **II. Social Safeguards**

**Article-23 :** Prohibition of traffic in human beings and begar and other similar forms of forced labour. [Ex. – The Bonded Labour System (Abolition) Act, 1976]

**Article-24 :** Forbidding Child Labour – Various Central and State Law have been enacted to prohibit employment of children below the age of 14 years in any factory or mines or engaging in any hazardous employment.

### III. Economic Safeguards

**Article-46 :** The State shall promote, with special care, the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes, and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

**Article-244(1) :** Provisions of Fifth Schedule to the Constitution apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Mizoram and Tripura and Tribes Advisory Councils set up in these States are to advise the Governors of these State which have the power to make regulations for the peace and good governance of any Scheduled Area.

**Article 244(2) :** Provisions of Sixth Schedule apply to the States of Assam, Meghalaya, Mizoram and Tripura. There are Autonomous District Councils and Autonomous Regional Councils in these Tribal Areas which have a long tradition of self-management systems.

**Article 275(1) :** Grants in-Aid to States (having Scheduled Tribes) covered under Fifth and Sixth Schedules of the Constitution. Special Area Programme-Special Central Assistance to Tribal Sub- Plan (SCA to TSP) for grants to the States Governments -as an additive to the State Plan, for areas where State Plan provisions are not normally forthcoming to bring about economic development to tribal's.

### IV. Political Safeguards

**Article-164 (1) :** Provides for Tribal Affairs Ministers in Bihar, MP, Chhattisgarh and Orissa.

**Article-330 :** Reservation of seats in Lok Sabha.

**Article-332 :** Reservation of seats in State Legislatures.

**Article-334 :** 10 years period for reservation (Amended several times to extend the period.)

**Article-243 (D) :** Reservation of seats in Panchayats.

**Article-243 (T) :** Reservation of Seats in Municipalities.

**Article-371 :** Special provisions in respect of North-Eastern States and Sikkim.

### V. Service Safeguards

**Article 16 (4) :** Provides for the reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State”.

**Article 16 (4A) :** Provides for reservation in matters of promotion with consequential seniority to any class or classes of posts in the services under the State in favour of the Scheduled Castes & Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

**Article 16 (4B) :** Provides that “Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.

**Article 335 :** Provides that "The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments, and for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matter of promotion to any class or classes of services and posts in connection with the affairs of the Union or of a State".

#### ❑ **Safeguards under Various laws**

1. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Rules 1995 framed there under.
2. Bonded Labour System (Abolition) Act 1976 (in respect of Scheduled Tribes).
3. The Child Labour (Prohibition and Regulation) Act 1986.
4. States Acts & Regulations concerning alienation & restoration of land belonging to STs.
5. Forest Conservation Act 1980.
6. Panchayatiraj (Extension to Scheduled Areas) Act 1996.
7. Minimum Wages Act 1948.
8. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (Published on 6th Jan 2016).

- ❑ **Extra Shots**
- **About Scheduled Tribes**

**Constitutional Definition :** Article 366(25) of the Constitution of India refers to the Scheduled Tribes, are those communities who are Scheduled in accordance with Article 342. This Article says that “only those communities who have been declared as such by the President of India will be considered to be Scheduled Tribes”.



**Social Definition :** Tribe is that class of Human Society which depicts primitive time in the present modern world and due to their primitive traits, Geographical Isolation and Backwardness. They called as '**Adivasi**'.

**Thakkar Bapa :** Amritlal Vitthal Das Thakkar (1869-1951, Gujarat), popularly known as Thakkar Bapa was the first who coined the term '**Adivasi**', to refer the tribal people. He was a social worker and did a lot in the field of tribal development programme. Hence, he is also considered as 'Father of Tribal Development Programme'.

**Dr. G.S. Ghuriye** (1893-1983, Maharashtra) : He proposed a word 'Scheduled Tribe' for Tribal People and it acknowledged by our constitution under Article-342.

### ➤ **Particularly Vulnerable Tribal Groups (PVTGs)**

PVTGs are more vulnerable among the tribal groups. Due to this factor, more developed and assertive tribal groups take a major chunk of the tribal development funds because of which PVTGs need more funds directed for their development. In 1973, the **Dhebar Commission** created Primitive Tribal Groups (PTGs) as a separate category, who are less developed among the tribal groups. In 2006, the Government of India renamed the PTGs as PVTGs.

In this context, in 1975, the Government of India initiated to identify the most vulnerable tribal groups as a separate category called PVTGs and declared 52 such groups, while in 1993 an additional 23 groups were added to the category, making it a total of 75 PVTGs out of 705 Scheduled Tribes.

PVTGs have some basic characteristics - they are mostly homogenous, with a small population, relatively physically isolated, absence of written language, relatively simple technology and a slower rate of change etc.

Among the 75 listed PVTG's the highest number are found in Odisha.

### **PVTGs in Madhya Pradesh**

□ Out of 75 PVTGs three resides in Madhya Pradesh, Named as Baiga, Bharia, Sahariya. □

Statistics – Scheduled Tribes Heads	India	Madhya Pradesh
Population	104281034 (Max. M.P.)	15316784
Percentage	8.6% (Max. Mizoram – 94.4%)	21.1%
Total No. of Ethnic Group	705 (Max. Odisha - 62)	46

**Scheduled Tribes Population distribution in M.P. – Population Wise**  
(Maximum) : Dhar (1222814) Population Wise (Minimum) : Bhind (6131)  
Percentage Wise (Maximum) : Alirajpur (89%) Percentage Wise (Minimum) :  
Bhind (0.04%)

- Gond is the most populous tribe of India, followed by Baiga and Bhil.
- Madhya Pradesh holds First Rank among all the State and Union Territories in terms of Scheduled Tribes Population and 12th Rank with respect to proportion.
- In India, Scheduled Tribes are notified in 31 states and Union Territories out of 36 entities. In Delhi NCT, Punjab, Haryana, Puducherry and Chandigarh there is no Schedule Tribe Population. In Madhya Pradesh, Tribal Research and Development Institute is located at Bhopal.

**Indira Gandhi National Tribal University** is located at Amarkantak. It is the Asia's first **Tribal Research University**, established in 2008.

- M.P. Scheduled Tribe Commission – Establishment – June 29, 1995**

**Structure – One Chairperson + 2 members**

**Tenure – 3 year**

**Resignation and Removal – By State Govt.**

**Current Incumbent – Ramlal Rathel**

## 10. NATIONAL COMMISSION FOR BACKWARD CLASSES (NCBC)

### ❑ Basics

Establishment – 14th of Aug 1993 by the National Commission for Backward Classes Act, 1993.

Constitutional Status – By 102nd Constitutional Amendment Act, 2018. [Under Article – 338(B)].

Headquarter – New Delhi.

First Chairperson – R.N. Prasad.

Current Incumbent – Shri Hansraj Gangaram Ahir

Nodal Ministry – Ministry of Social Justice and Welfare.

- First time, Two Backward Class Commissions were appointed in 1950s and 1970s under **Kaka Kalelkar** and **B.P. Mandal** respectively.
- In **Indra Sawhney** case of 1992, Supreme Court had directed the government to create a permanent body to examine and recommend the inclusion and exclusion of various Backward Classes for the purpose of benefits and protection. In pursuant to these directions the NCBC was constituted.

This Commission was formed as an initiative for investigating the conditions and difficulties of the socially and educationally backward classes and thus making appropriate recommendations.

### ❑ Some of the highlights of NCBC are mentioned in the table below:

**102nd Constitution Amendment Act, 2018** provides constitutional status to the National Commission for Backward Classes (NCBC).

It has the authority to examine complaints and welfare measures regarding socially and educationally backward classes.

Previously NCBC was a statutory body under the Ministry of Social Justice and Empowerment.

### ❑ Structure of NCBC

The Commission consists of five members including a **Chairperson, Vice-Chairperson and three other Members** appointed by the President by warrant under his hand and seal.

The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members is determined by President.

## ❑ Constitutional Provisions

Article 340 deals with the need to, inter alia, identify those "socially and educationally backward classes", understand the conditions of their backwardness, and make recommendations to remove the difficulties they face.

102nd Constitution Amendment Act inserted new Articles 338 B and 342 A. The amendment also brings about changes in Article 366.

Article 338B provides authority to NCBC to examine complaints and welfare measures regarding socially and educationally backward classes.

Article 342A empowers President to specify socially and educationally backward classes in various states and union territories. He can do this in consultation with Governor of concerned State. However, law enacted by Parliament will be required if list of backward classes is to be amended.

## ❑ Powers and Functions

The commission investigates and monitors all matters relating to the safeguards provided for the socially and educationally backward classes under the Constitution or under any other law to evaluate the working of such safeguards. It participates and advises on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any State.

It presents to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards. The President laid such reports before each House of Parliament.

Where any such report or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government.

NCBC has to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward



classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

## **MADHYA PRADESH STATE BACKWARD CLASSES COMMISSION**

It was constituted by the Madhya Pradesh government on **13th March 1993** in compliance with the direction given by the Supreme Court in the year 1990 in the case of Union of India Vs Indira Sahni and others.

### **❑ Constitution of the Commission**

State Backward Classes Commission will be constituted by the State Government, a body known as the Madhya Pradesh State Commission for Backward Classes, which will consist of the following:

Three unofficial members who have special knowledge in matters – relating to backward classes, one of whom will be the Chairperson who will be appointed by the State Government, but at least one member shall be from the backward classes.

Every member of the Commission shall hold office for a period of 3 years from the date on which he takes office.

The Chairman or member can resign his office by letter addressed to the State Government at any time.

The State Government may be able to remove any person from his post on the basis of inefficiency and other grounds.

1st Chairperson – Vasant Rao Uike.

### **❑ Functions**

To add or remove castes to the list of backward classes of the State. Monitoring of schemes.

Recommending the extent of creamy layer.

Advising on reservation in public services and educational institutions. Acting as a representative for the protection of backward classes.

### **❑ 105th Constitution Amendment**

The Amendment is designed to clarify that the states can maintain the “state list” of OBCs as was the system before the Supreme Court judgment.

- The “state list” will be completely taken out of the ambit of the President and will be notified by the state assembly.

## ❑ Constitutional provisions relating to reservation

- As per the Indian Constitution, Articles 15 (4), 15 (5), and 16 (4) confer power on the governments to declare and identify the list of socially and educationally backward classes.
- As a practice, separate OBC lists are drawn up by the Central Government and each State concerned.

## ❑ 102nd Constitutional Amendment:

- The Amendment established a National Commission for Backward Classes by adding Article 338B to the Constitution.
- The Amendment also added Article 342A, under which the President shall notify a list of Socially and Economically Backward Classes (SEBC) in relation to each State and Union Territory, in consultation with Governors of the respective States. Once this ‘Central List’ is notified, only Parliament could make inclusions or exclusions in the list by law.

## 11. CENTRAL INFORMATION COMMISSION (CIC)

The Central Information Commission (CIC) is an statutory body in India to act upon complaints received from individuals who have been unable to submit requests of information to a Central or State Public Information Officer due to either the officer not having been appointed, or the respective officer refused to entertain the application under the Right to Information Act, 2005 (Amended in 2019). The Central Information Commission is not a constitutional body. The CIC was constituted with effect from **12th October 2005** under the **RTI Act 2005**. Its jurisdiction extends to all central public authorities.

### ❑ **Background**

- RTI movement was started by Majdoor Kisan Shakti Sangathan in Rajasthan in early 1990's to fight against corruption.
- The RTI Act, 2005 replaced Freedom of Information Act. That didn't provide for Right to information to citizens. It didn't provide for an independent body. Only public officials had the freedom to access the information.
- Supreme Court held that Right to information is included in Article 19 (1) (a) which provides for Right to freedom of speech and expression as one can express his views only if he is well informed.
- In Maneka Gandhi vs. Union of India case it was held that Article 21 includes Right to choice and dignity. Hence every person shall have the right to know as information leads to choices.
- A well informed citizen further strengthens the roots of democracy.

### ❑ **Genrel procedure of RTI Act**

*Any person who, does not receive a decision within the time specified, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within **thirty days** from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is **senior in rank to the Central Public Information Officer** or State Public Information Officer as the case may be, in each public authority:*

*A **second appeal** against the decision shall lie within **ninety days** from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:*

*- The decision of the Central Information Commission or State Information*

Commission, as the case may be, shall be binding.

- Bar of jurisdiction of courts. (However a writ Petition U/Art. 226 can be filed in High Court.)

## ❑ **Central Information Commission Composition**

- **Members in CIC** – The CIC is headed by the Chief Information Commissioner and **not more than ten** Information Commissioners are there for the assistance of CIC.
- **Appointment of the commissioner in CIC** – The commissioners are **appointed by the President** on the recommendation of a committee consisting of the **Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha, and a Union Cabinet Minister nominated by the Prime Minister.**
- **Tenure of Office** – The Chief Information Commissioner and an Information Commissioner shall hold office for such term as prescribed by the Central Government. They are not eligible for reappointment.

## ❑ **Role of the Central Information Commission**

1. Order enquiry into any matter on reasonable grounds only (suo-moto power).
2. Secure compliance of its decisions from any public authority.
3. Receive and inquire into a complaint from any person:

Who has not received any response to his request for information within a specified time.

Who deems the information given to him/her incomplete, false or misleading, and any other matter related to securing the information

Who has been unable to submit a request for information due to the non-appointment of an officer.

Who considers the fees so charged unreasonable Who was refused the information requested.

The commission has the power to examine any record under the control of the public authority. All such records have to be given to the Commission during the examination and nothing shall be withheld.

❑ During inquiries, the CIC has the powers of a **civil court**, such as the powers to :

Summon and enforce the attendance of persons, and compel them to give oral or written evidence on oath and produce documents or things.

Require the discovery and inspection of documents Receive evidence on affidavit  
The CIC also submits an annual report to the Government of India on the implementation of the provisions of the Act. This report is then placed before both the Houses of Parliament.

### ❑ **Removal**

As per **Section-14** of the **Right to Information Act 2005**, the Chief Information Commissioner or any information Commissioner shall be **removed from his post on the basis of misconduct or inability proven by the president's order only if the Supreme Court, after examining gives direction to do so.**

The President may, on receipt of the Supreme Court's report on such direction, shall suspend him from office till the order is passed by the President and, if deemed necessary, shall also debar him from entering the office during the investigation.

The president may also remove the Chief Information Commissioner or other Information Commissioners from their post on the following grounds :

- a. If the person has been adjudged an insolvent.
- b. Convicted for a crime that is a moral degradation in the president's opinion.
- c. Involves in salaried employment during the term as the commissioner or CIC.
- d. If he is not able to remain in office due to mental or physical disability (in the opinion of the President).
- e. If the person has earned financial and other interests which are likely to adversely affect his acts as Chief Information Commissioner or any Information Commissioner.

If the Information Commissioner or any Information Commissioner is in any way attached to or relating to any contract or agreement made by or on behalf of the Government of India or as a member of a corporate company, shall not be deemed guilty of misconduct for this reason.

Chief Information Commissioner - Shri Y K Sinha

## RTI Act : Then vs. Now

### TERM

**2005 ACT:** Chief Information Commissioner (CIC) and Information Commissioners (ICs) at central and state levels will serve for five years.

**2019 BILL:** Central government will notify the term of office.

### SALARY

**2005 ACT:** At central level, salary of CIC and ICs equivalent to salary of Chief Election Commissioner and Election Commissioners, respectively. At state level, equivalent to salary of Election Commissioners and Chief Secretary, respectively.

**2019 BILL:** Salaries, allowances, and other terms and conditions of service of central and state CIC and ICs will be determined by the central

government.

### DEDUCTIONS

**2005 ACT:** At the time of appointment, if CIC and ICs (at central and state levels) are receiving pension or any other retirement benefits for previous government service, their salaries will be reduced by an amount equal to that pension. Previous government service includes service under: (i) the central government, (ii) state government, (iii) corporation established under a central or state law, and (iv) company owned or controlled by the central or state government.

**2019 BILL:** The Bill removes these provisions.

YOUR S

## 12. CENTRAL VIGILANCE COMMISSION (CVC)

Central Vigilance Commission is the apex vigilance institution, free of control from any executive authority, monitoring **all vigilance activity under the Central Government** and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work.

**Vigilance** means to ensure clean and prompt administrative action towards achieving efficiency and effectiveness of the employees in particular and the organization in general, as lack of Vigilance leads to waste, losses and economic decline.

**History:** The CVC was set up by the Government on **Feb. 11, 1964** on the recommendations of the **Committee on Prevention of Corruption**, headed by **Shri K. Santhanam**.

In **2003**, the Parliament enacted **CVC Act** conferring **statutory status on the CVC**.

The CVC is not controlled by any Ministry/Department. It is an independent body which is only **responsible to the Parliament**.

### ❑ **Functions**

- The CVC receives complaints on corruption or misuse of office and to **recommend appropriate action**. Following institutions, bodies, or a person can approach to CVC : Central Government, Lokpal or Whistle blowers
  - ❑ A whistleblower is a person, who could be an employee of a company, or a government agency, or an outsider (like media, higher government officials, or police) disclosing information to the public or some higher authority about any wrongdoing, which could be in the form of fraud, corruption, etc.
- **It is not an investigating agency**. The CVC either gets the investigation done through the CBI or through chief vigilance officers (CVO) in government offices.
- It is empowered to inquire into **offences** alleged to have been committed under the **Prevention of Corruption Act, 1988** by certain categories of public servants.
- Its **annual report** gives the details of the work done by the commission and points to systemic failures which lead to corruption in government departments.

Improvements and preventive measures are also suggested in report.

## ❑ History

➤ **The Special Police Establishment (SPE)**, which was set up in **1941** by the Government of India. The functions of the SPE then were to investigate cases of **bribery and corruption** in transactions with the **War & Supply Department of India during World War II**.

Even after the end of the War, the need for a Central Government agency to investigate cases of bribery and corruption by Central Government employees was felt.

**The Delhi Special Police Establishment Act** was therefore brought into force in 1946.

➤ After promulgation of the Act, **superintendence of SPE** was **transferred to the Home Department** and its functions were enlarged to cover all departments of the Government of India.

The jurisdiction of SPE was **extended to all the Union territories** and the Act provided for its extension to **States with the consent** of the State Government.

➤ **By 1963**, the SPE was authorized to **investigate offences under 91 different sections** of Indian Penal Code (IPC) and **16 other Central Acts besides** offences under the **Prevention of Corruption Act 1947**.

➤ On the recommendations of the Santhanam Committee on Prevention of Corruption, **Central Bureau of Investigation (CBI)** was established by a resolution of the Ministry of Home Affairs on April 1, 1963.

Later, it was **transferred to the Ministry of Personnel** and now it enjoys the status of an attached office.

➤ **In 1964**, the **Central Vigilance Commission (CVC)** was set up by the Government on the recommendations of **Santhanam Committee**, to **advise and guide Central Government agencies in the field of vigilance**.

➤ The Supreme Court in the judgment of **Vineet Narain & Others Vs Union of India (1997)**, gave directions regarding the **superior role of CVC**.

In this case the role of the Central Bureau of Investigation was criticised and the court directed that **CVC should be given a supervisory role over CBI**.

➤ The Government promulgated **an Ordinance in 1998**, conferring statutory status to the CVC and the powers **to exercise superintendence over functioning** of the Delhi Special Police Establishment (CBI), and also to **review the progress of the investigations** pertaining to:



Alleged offences under the **Prevention of Corruption Act, 1988** conducted by them.

➤ The Commission was given **statutory status** by the enactment of “**The Central Vigilance Commission Act, 2003**”.

After enactment of CVC Act, 2003, the Commission became a multi-member body consisting of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members), to be appointed by the President.

➤ The Supreme Court in a **Writ Petition** filed after the murder of **Shri Satyendra Dubey** in 2003, a whistle-blower, directed that a machinery be put in place for acting on complaints from whistle-blowers till a law is enacted.

In pursuance of that direction, the Government of India notified the **Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004** :

□ This Resolution is popularly known as “**Whistle Blowers**” **Resolution** and it designated the Central Vigilance Commission as the agency to receive and act on complaints or disclosure on any allegation of corruption or misuse of office from whistle blowers. □

□ The Commission has been entrusted with the **responsibility of keeping the identity** of the complainant **secret** while lodging a complaint under PIDPI Resolution, in order to provide **protection to whistle blowers from victimisation**. □

The Public Interest Disclosure and Protection to Person Making the Disclosures (**PIDPPMD) Bill 2010** renamed as “The Whistle Blowers’ Protection Bill, 2011” was enacted by the Central Government in Parliament as “**The Whistle Blowers’ Protection Act, 2014**”.

➤ **Through subsequent ordinances and legislations** the Government has **added to the functions and powers** of the Commission.

➤ In 2013, the Parliament enacted **the Lokpal and Lokayuktas Act, 2013**.

This act has amended **CVC Act, 2003** whereby the Commission has been empowered to conduct preliminary inquiry and further investigation into complaints referred by the Lokpal.

➤ On the issue of **overlap of jurisdiction** between the **CVC Act and the Lokpal and Lokayuktas Act**, the Commission has communicated **its suggestions** to the Department Related **Parliamentary Standing Committee** on Personnel, Public Grievances, Law and Justice during its examination of the Lokpal and Lokayuktas and Other Related Law (Amendment) Bill, 2014.

## ❑ Governance

The Central Vigilance Commission has its own Secretariat, Chief Technical Examiners' Wing (CTE) and a wing of Commissioners for Departmental Inquiries (CDI). For investigation work, CVC has to depend on two external sources CBI and Chief Vigilance Officers (CVO).

### ➤ The Central Vigilance Commission

**Multi-member Commission** consists of a Central Vigilance Commissioner (Chairperson) and not more than **two Vigilance Commissioners** (Member).

The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President on the recommendations of a Committee consisting of the Prime Minister (Chairperson), the Minister of Home Affairs (Member) and the Leader of the Opposition in the House of the People (Member).

(In the Lok Sabha, when no leader is recognized as the leader of the opposition, the leader of the single largest group of opposition in the government in the Lok Sabha will be considered as the leader of the opposition.

No vacancy in the appointments committee shall invalid the appointments.)

**The term of office** of the Central Vigilance Commissioner and the Vigilance Commissioners is **four years** from the date on which they enter their office or **till they attain the age of 65 years, whichever is earlier.**

## ❑ Terms of Service

The Central Vigilance Commissioner will not be eligible for re-appointment in the Commission.

If the Vigilance Commissioner is appointed as the Central Vigilance Commissioner, his total service should not be more than 4 years altogether as vigilance commissioner and Central Vigilance Commissioner.

The Central Vigilance Commissioner or a Vigilance Commissioner may resign his office through a self-signed letter addressed to the President.

## ❑ Removal

The central vigilance Commissioner or any other Commissioner shall be removed from his post on the basis of misconduct or inability by the **President's order only if the Supreme Court, after examining gives direction to do so.**

The President may, on receipt of the Supreme Court's report on such direction, shall suspend him from office till the order is passed by the President and, if deemed necessary, shall also debar him from entering the office during the investigation.

The President may also remove the central vigilance Commissioner or other

vigilance Commissioners from their post on the following grounds :

- a) If the person has been adjudged an insolvent.
- b) Convicted for a crime that is a moral degradation in the president's opinion.
- c) Involves in salaried employment during the term of their office.
- d) If he is not able to remain in office due to mental or physical disability (in the opinion of the President).

If the person has earned financial and other interests which are likely to adversely affect his acts as vigilance commissioners.



## 13.) NATIONAL GREEN TRIBUNAL (NGT)

National Green Tribunal (NGT) is a specialized **judicial body** established on **18th October 2010** under the **NGT Act of 2010** as a specialized body for handling any environmental disputes that involve multi-disciplinary issues. It was formed by replacing the National Environment Appellate Authority. It also draws inspiration from **Article 21** of the India Constitution which assures to provide a healthy environment to the citizens of India.

India has become the third country in the world after Australia and New Zealand, for setting up a specialized environmental tribunal and also the first developing country to do so.

The National Green Tribunal has a total of **five places** of sittings namely : **Bhopal**, Pune, New Delhi, Kolkata, and Chennai, amongst which, New Delhi is the Principal place of sitting.

### ❑ Objectives

Some of the major objectives of the National Green Tribunal (NGT) are as follows :

Effective and expeditious disposal of cases that are related to the protection and conservation of the environment, forests, and other natural resources.

To give relief and compensations for any damages caused to persons and properties. To handle various environmental disputes that involve multi-disciplinary issues.

### ❑ Structure of Tribunal

It will consist of :

- a) A full time Chairperson.
- b) Full time judicial members more than 10 but less than 20, which the Central Government may notify from time to time.
- c) Full time expert members subject to more than 10 but less than 20, which the Central Government may notify from time to time.

The Chairperson of the Tribunal, if deemed necessary, may invite one or more persons who have specialized knowledge and experience in the matter before the Tribunal to assist the Tribunal in a specific case.

The Central Government may, by notification, determine the general jurisdiction of the tribunal.

## ❑ **Qualifications**

A person shall be eligible for appointment as chairman or judicial member of the Tribunal only if he is or has been a Judge of the Supreme Court of India or a Chief Justice of a High Court, but a person who is or has been a Judge of the High Court shall also be eligible to be appointed as a judicial member.

A person shall be eligible to be appointed as an expert member only if he has :

- ❑ A doctorate degree with Master of Science or Master of technology (in Physics or Life Sciences).
- ❑ Should have 15 years of experience in relevant field (pollution control, material management, environmental solutions, climate change management, biodiversity management and forest protection) in a reputed national level institution.
- ❑ Have 15 years of administrative experience with 5 years of experience in environmental matters in central or any state government or in a reputed national or state level institution.

The Chairperson, judicial member and expert member of the Tribunal shall not hold any other post during his office in NGT.

The Chairman, judicial and expert members shall not accept any employment in connection with the management or administration of any person who has been a party to the Tribunal under this Act for a period of 2 years from the date on which he does not hold office.

## ❑ **Appointment**

The Chairman, judicial and expert members will be appointed by the Central Government.

The Chairman will be appointed by the Central Government in consultation with the Chief Justice of India.

The judicial members and expert members of the Tribunal will be appointed on the recommendation of such selection committee and in such manner as may be prescribed.

## ❑ **Term and conditions of service**

The Chairperson, judicial member and expert member of the Tribunal shall hold the post for a term of **5 years** from the date on which they take over, but will not be eligible for re- appointment.

If a person who is or has been a judge of the Supreme Court has been appointed as the Chairman or Judicial Member of the Tribunal, he shall not hold office after attaining the age of **70 years**.

If a person who is or has been a Chief Justice of the High Court has been appointed as the Chairman or Judicial Member of the Tribunal, he shall not hold office after attaining the age of 67 years.

No expert member shall hold office after attaining the age of 65 years.

**Resignation** - The Chairperson, judicial member and expert member of the NGT will be able to resign his office through letter including his signature addressed to the central government.

Salaries, allowances and other restrictions and conditions of service shall be the same as may be prescribed and there shall be no changes whatsoever to their salary and allowance to their disadvantage after appointment.

#### ❑ **Removal**

The central government, in consultation with the Chief Justice of India, will be able to remove such Chairperson or judicial members of the Tribunal from office :

- a) If the person has been adjudged an insolvent.
- b) Convicted for a crime that is a moral degradation in the central government's opinion.
- c) If he is not able to remain in office due to mental or physical disability (in the opinion of the central government).
- d) The person who has misused his powers in such a way which is likely to adversely affect his acts as member of NGT.

The Chairman or judicial members shall not be removed from the post except for any order made by the Central Government after such an enquiry by a Judge of the Supreme Court, out of which the Chairman or judicial member has been informed of the allegations against him and given a reasonable opportunity to keep his side. The Central Government shall suspend such Chairman or judicial member from the post until his case is being investigated in the court.

The central government can regulate the investigation process by rule.

The expert member may be removed from his post by the order of the Central Government on specified grounds and in accordance with the procedure notified by the Central Government.

But the expert Member will be removed from office only when he has been given an opportunity to be heard in that matter.

#### ❑ **Powers & Jurisdiction**

The Tribunal has jurisdiction over all civil cases involving substantial question relating to environment (including enforcement of any legal right relating to environment).

Being a statutory adjudicatory body like Courts, apart from original jurisdiction side on filing of an application, NGT also has appellate jurisdiction to hear appeal as a Court (Tribunal).

The Tribunal is not bound by the procedure laid down under the Code of Civil Procedure 1908, but shall be guided by principles of 'natural justice'.

While passing any order/decision/ award, it shall apply the principles of sustainable development, the precautionary principle and the polluter pays principle.

NGT by an order, can provide

- relief and compensation to the victims of pollution and other environmental damage (including accident occurring while handling any hazardous substance),
- for restitution of property damaged, and
- for restitution of the environment for such area or areas, as the Tribunal may think fit. An order/decision/award of Tribunal is executable as a decree of a civil court.

The NGT Act also provides a procedure for a penalty for non compliance :

- Imprisonment for a term which may extend to three years,
- Fine which may extend to ten crore rupees, and
- Both fine and imprisonment.

An appeal against order/decision/ award of the NGT lies to the Supreme Court, generally within ninety days from the date of communication.

The NGT deals with civil cases under the seven laws related to the environment, these include :

- The Water (Prevention and Control of Pollution) Act, 1974,
- The Water (Prevention and Control of Pollution) Cess Act, 1977,
- The Forest (Conservation) Act, 1980,
- The Air (Prevention and Control of Pollution) Act, 1981,
- The Environment (Protection) Act, 1986,
- The Public Liability Insurance Act, 1991 and
- The Biological Diversity Act, 2002.

Any violation pertaining to these laws or any decision taken by the Government under these laws can be challenged before the NGT.

## 14 . Madhya Pradesh State Food Commission

- Constituted Under Sec. 16 of **National Food Security Act, 2013.**
- **Established on 21<sup>st</sup> July 2017.**
- **Nature – Statutory Body.**
- **Headquarter – Satpura Bhawan, Bhopal**
- **Chairman – Rajkishore Swan (First and current incumbant)**
- **Objective – Better implementation of NFSA, 2013.**

Constitution : The State Commission

shall consist of—

- a Chairperson;
- five other Members; and
- a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government:

Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

### **Eligibility for Chairperson and Members**

The Chairperson and other Members shall be appointed from amongst persons—

- who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or



- b. of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or
- c. who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

### **Term and Conditions of Service**

The Chairperson and every other Member shall hold office for a term not exceeding **five years** from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of **sixty-five years**.

The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

### **Removal**

- The State Government may remove from office the Chairperson or any Member who—
  - a. is, or at any time has been, adjudged as an insolvent; or
  - b. has become physically or mentally incapable of acting as a member; or
  - c. has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
  - d. has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
  - e. has so abused his position as to render his continuation in office detrimental to the public interest.

- - No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

## Functions of the Commission

- The State Commission shall undertake the following functions, namely:—
- monitor and evaluate the implementation of this Act, in relation to the State;
- either suo motu or on receipt of complaint inquire into violations of entitlements provided under Chapter II;
- give advice to the State Government on effective implementation of this Act;
- give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organizations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;
- hear appeals against orders of the District Grievance Redressal Officer;
- prepare annual reports which shall be laid before the State Legislature by the State Government.

## MCQ on Unit 10

1. Who was the first Chief election commissioner of India ?

- KVK Sundaram
- SP Sen Verma
- Sukumar Sen
- Rajmannar

2. In which year, First Public Service Commission was set up in India?

- 1922
- 1924
- 1926
- 1928

3. Who appoints Chairman of UPSC?

- President
- Vice president
- Parliament
- Cabinet Committee on Appointments

4. Whom does UPSC submits its annual report?

- Parliament
- President
- Home minister
- Prime minister

5. Who among the following was the Prime Minister of India when Mandal Commission was constituted?

- Indira Gandhi
- Morarji Desai
- Rajiv Gandhi
- V P Singh

6. Which among the following commissions was established by an amendment of the Constitution of India?

- National Commission for Protection of Child Rights
- National Commission for Minorities
- National Commission for Women
- National Commission for Scheduled Tribes

7. The accounts of which of the following are not audited by CAG?

- Municipal institutions
- State Governments
- Government Companies
- Central Government

8. Who among the following is called the "guardian of the public purse" of India?

- RBI Governor
- CAG
- Supreme court
- Union Finance minister
- Submit Test

9. For which among the following periods, an Attorney General is appointed in India?

- 2 years
- 3 years
- 4 years
- Any period which the president feels suitable

10. Comptroller and Auditor General (CAG) of India acts as the chief accountant and auditor for the?

- Union Government Only
- Union Government and State Government
- Union, State as well as Local Governments
- Union and Local Governments Only

11. Which among the following articles of Indian Constitution gives right to the Attorney General of India to speak in Houses of Parliament or their committee?

- Article 76
- Article 86
- Article 96
- Article 106

12. For which of the following bodies, no constitutional guidelines exist?

- The Election Commission
- The Planning Commission
- The Finance Commission
- UPSC

13. Which of the following is an extra-constitutional body?

- Finance commission
- Planning Commission
- UPSC
- Election Commission

14. Which one of the following is not a constitutional body?

- Election Commission
- Union Public Service Commission
- NITI Aayog
- Finance Commission

15. Which among the following established the Planning commission in 1950 as an extra constitutional body through a resolution?

- Prime Minister
- Parliament
- Lok Sabha
- Cabinet

16. Which among the following is the correct statement in context with eligibility of chairman of National Human Rights Commission (NHRC)?

- The Chairman of the NHRC must have been a Judge of Supreme Court of India
- The Chairman of the NHRC must have been a Judge of a High Court of Indian state or Supreme Court of India
- The Chairman of the NHRC must have experience of 15 years of practice as a human rights lawyer in Supreme Court of India
- The Chairman of the NHRC must have been a Chief Justice of Supreme Court of India

17. The setting up of which of the following is NOT mentioned in constitution?

- Finance Commission
- Lok Sabha Secretariat
- Election Commission
- National Human Rights Commission

18. Who among the following can be a chairman of the National Human Rights Commission?

- Any serving judge of Supreme Court
- Any retired Judge of Supreme Court
- Serving Chief justice of India
- Retired Chief Justice of India

19. Which among the following committee related to backward Classes?

- Rajamannar Committee
- Sarkaria Commission
- Kaka Kalelkar Commission
- Rangarajan committee

20. Which of the following was set up on the basis of recommendation of Shri K. Santhanam committee?

- Central Vigilance Commission
- National Commission for Minorities
- States Reorganization Commission
- National Knowledge Commission



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