

NHRC & State Human Rights Commission were created under Protection of Human Rights Act of 1993.

Accordingly, 26 states have constituted SHRC.

A SHRC can inquire into violation of human rights only with respect to subject mention in the State List (List-II) & Concurrent List (List-III) of the 7th Schedule of the Constitution.

However, if any case is already being inquired by NHRC or any other statutory commission, then SHRC does not inquire into that case.

The Commission submits its annual or special reports to the State Govt.

Human Rights Courts

The Protection of Human Rights Act (1993) also provides establishment of Human Rights Court in every District for speedy trial.

This Courts can be set up by State Govt. only with the concurrence of Chief Justice of High Court.

STATE HUMAN RIGHTS COMMISSION

Composition

SHRC consists of Chairman & 2 other members.

Chairman should be a retired chief justice of High Court. And members should be a serving or retired judge of a High Court or a District judge with minimum 7 years experience as District Judge. And a person having knowledge or practical experience with respect to human rights.

Chairman & members are appointed by the Governor on recommendation of a committee.

The Committee consists of Chief minister as its head, speaker of legislative assembly, State home minister & Leader of opposition in Legislative Assembly.

If State has Legislative Council, then the Chairman of the Council & leader of opposition in the Council also be member of the committee.

Further, a sitting judge of HC or a District Court can be appointed only after consultation with Chief Justice of High Court.

Chairman or members hold office for 5 years or until age of 70 years.

They are not eligible for further employment.

They can be removed only by the President.

President can remove chairman or any other member under following circumstances:

1. Insolvent or
2. Paid employment or
3. Unfit to continue due to infirmity of Mind or Body or
4. Unsound Mind or
5. Convicted and Sentenced to imprisonment.

Salaries, allowances & other conditions of service are determined by State Government.

CIC established in 2005 under provisions of RTI Act, 2005.

It is high powered independent body.

CENTRAL INFORMATION COMMISSION

Composition

Consists of chief information commissioner & not more than 10 information commissioners.

They are appointed by President on the recommendation of a committee.

The committee consists of PM (chairman), Leader of Opposition in Lok Sabha, a union cabinet minister nominated by PM.

They should be persons of eminence in public life with wide knowledge & experience in law, science & technology, social service, management, journalism, mass media or administration & governance.

They should not be member of parliament or member of legislature of any state or union territory.

They should not hold office of profit or connected with any political party or carrying on any business or pursuing any profession.

Chief Information Commissioner & Information Commissioner shall hold office for such form as prescribed by Central Govt. or until age of 65 years.

They are not eligible for reappointment.

President can remove them under following circumstances:

- a. Insolvent
- b. Convicted of an offence of moral turpitude
- c. Paid employment
- d. Unfit to continue due to infirmity of mind or body
- e. If he has acquired financial or other interest as is likely to affect his official functions.

President can remove them on the grounds of misbehavior or incapacity.

Such matter inquired by Supreme Court.

Their Salary, allowances & other service conditions are prescribed by Central Government.

Powers & Functions

1. It is duty of the commission to receive & inquire into a complaint from any person.

2. Order inquiry into any matter if there are reasonable grounds.

3. Commission has powers of Civil Court.

4. Examine any public record which is under public authority.

5. Commission has power to secure compliance of its decisions from any public authority.

6. Commission submits an annual report to Central Government.

7. Commission recommend steps to promote conformity of RTI Act.

RTI Act, 2005 provides establishment of Central & State information Commission.

STATE INFORMATION COMMISSION

Powers & Functions

Composition

Consists of state chief information commissioner & not more than 10 information commissioners.

They are appointed by Governor on the recommendation of a committee.

The committee consists of Chief Minister (chairman), Leader of Opposition in legislative assembly, a state cabinet minister nominated by CM.

They should be persons of eminence in public life with wide knowledge & experience in law, science & technology, social service, management, journalism, mass media or administration & governance.

They should not be member of parliament or member of legislature of any state or union territory.

They should not hold office of profit or connected with any political party or carrying on any business or pursuing any profession.

State Chief Information Commissioner & Information Commissioner shall hold office as prescribe by Central Govt. or until age of 65 years.

They are not eligible for reappointment.

Governor can remove them under following circumstances:

- a. Insolvent
- b. Convicted of an offence of moral turpitude
- c. Paid employment
- d. Unfit to continue due to infirmity of mind or body
- e. If he has acquired financial or other interest as is likely to affect his official functions.

Governor also can remove them on the grounds of misbehavior or incapacity.

Such matter inquired by Supreme Court.

Their Salary, allowances & other service conditions are prescribed by Central Government.

1. It is duty of the commission to receive & inquire into a complaint from any person.

2. Order inquiry into any matter if there are reasonable grounds.

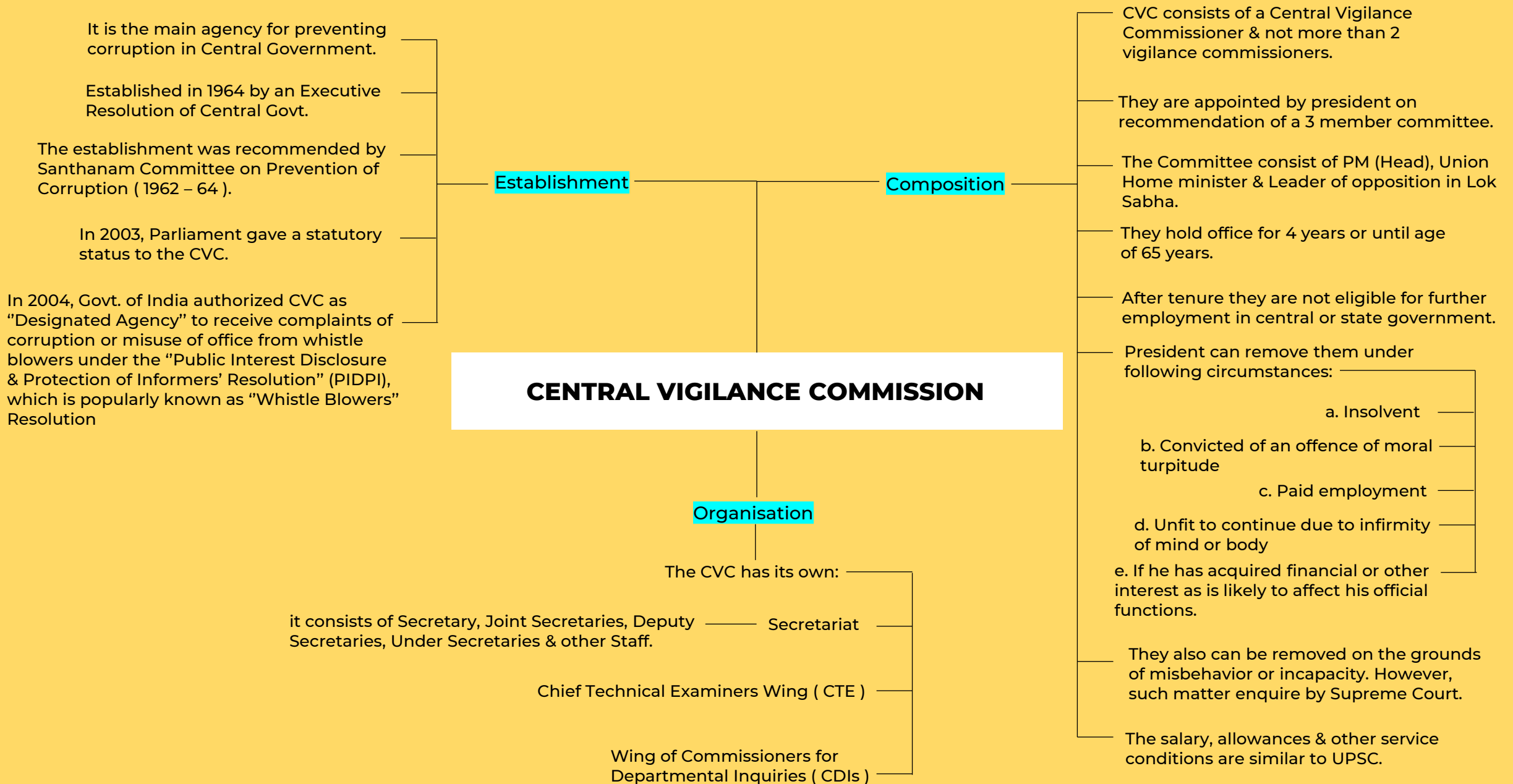
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Functions

1. To inquire & investigate on reference of Central Government.
2. To exercise superintendence over functioning of Delhi Special Police Establishment
3. To give directions to Delhi Special Police Establishment
4. To review the progress of investigations conducted by Delhi Special Police Establishment
5. To review the progress of pending Applications
6. To tender advise to central government & its authorities
7. To exercise superintendence over vigilance administration
8. To inquire complaints received under Public Interest Disclosure & Protection of Informers' Resolution & recommend appropriate action
9. Central government is required to consult CVC in making rules & regulations governing vigilance & governing matters
10. The Central Vigilance Commissioner is also chairperson of 2 committees on whose recommendations Central government appoints Director of Delhi Special Police Establishment & Director of Enforcement

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

It has powers of a civil court

The CVC presents annually to the President

Working

CENTRAL VIGILANCE COMMISSION

Jurisdiction

The jurisdiction of the CVC extends to the

1. Member of All India Services
2. Scale V rank officers & above in Public Sector Banks
3. Grade D officers & above in RBI, NABARD & SIDBI
4. Managers & Above in General Insurance Companies
5. Senior Divisional Managers & Above in life Insurance Corporation

Whistle Blowers Protection Act 2014

Provides mechanism to investigate corruption & misuse of power by public servant & protect anyone who exposes wrongdoing in government bodies, projects & offices.

The Act also ensure punishment for false or frivolous complaints.

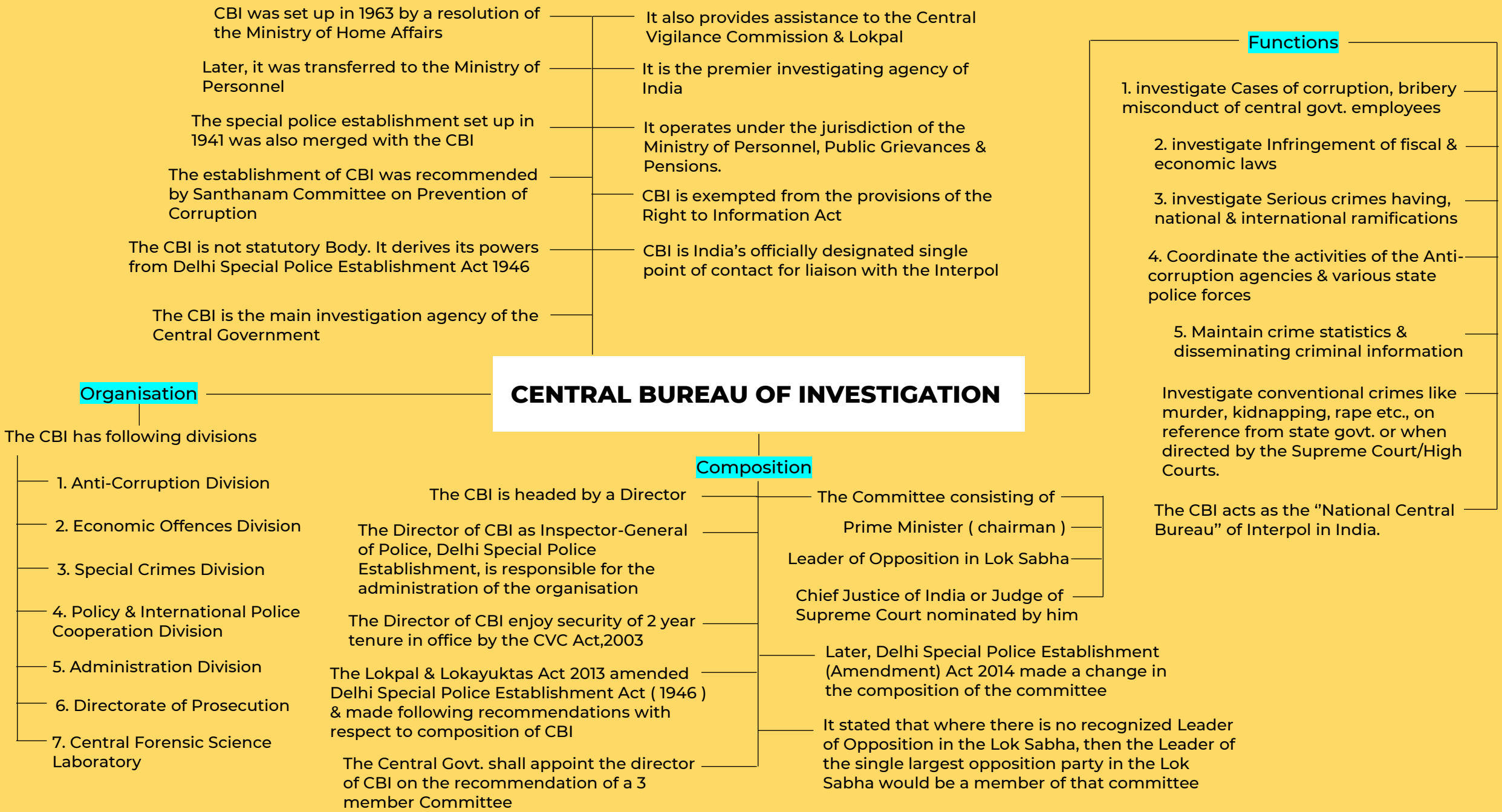
The Act provides adequate safeguards

It allows to make a public interest disclosure before a competent authority

The Law does **not** allow anonymous complaints

the maximum time period for making a complaint is 7 years

Exemptions: the Act is **not** applicable to Special Protection Group (SPG) personnel & officers constituted under Special Protection Group Act, 1988



Following institutional devices have been created in different parts of the world to deal with the redressal of Citizens' Grievances

- 1. The Ombudsman System
- 2. The Administrative Courts System
- 3. The Procurator System

Scandinavian institution of Ombudsman is the earliest democratic institution

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

The 'Ombud' is a Swedish term & refers to a person who acts as the representative or spokesman of another person

The Swedish Ombudsman is appointed by Parliament for a term of 4 years

He can be removed only by the Parliament on the ground of its loss of confidence in him

He submits his annual report to the Parliament & hence also known as 'Parliamentary Ombudsman.'

He is independent & constitutional authority & enjoys the powers to supervise the compliance of Laws & regulation by the public officials

Ombudsman can act either on the basis of a complaint received from citizen or suo moto (on his own initiative)

He only reports the matter to higher authorities for taking necessary action

The Swedish Ombudsman deals with the citizen's grievances in the following matters:

- 1. Abuse of administrative discretion
- 2. Maladministration
- 3. Administrative Corruption
- 4. Nepotism
- 5. Discourtesy

LOKPAL & LOKAYUKTAS

Characteristics of the Swedish institution of Ombudsman are as follows:

- 1. Independence of action
- 2. Impartial & Objective investigation
- 3. Suo moto power
- 4. Uninterrupted access to all files of administration
- 5. Based on the doctrine of administrative accountability.
- 6. Wide publicity in press & other media

7. direct, simple, informal, cheap & speedy method of handling complaints

New Zealand is the first Commonwealth Country in the world that adopted the Ombudsman System in 1962

The Ombudsman in India called Lokpal / Lokayukta

Lokpal

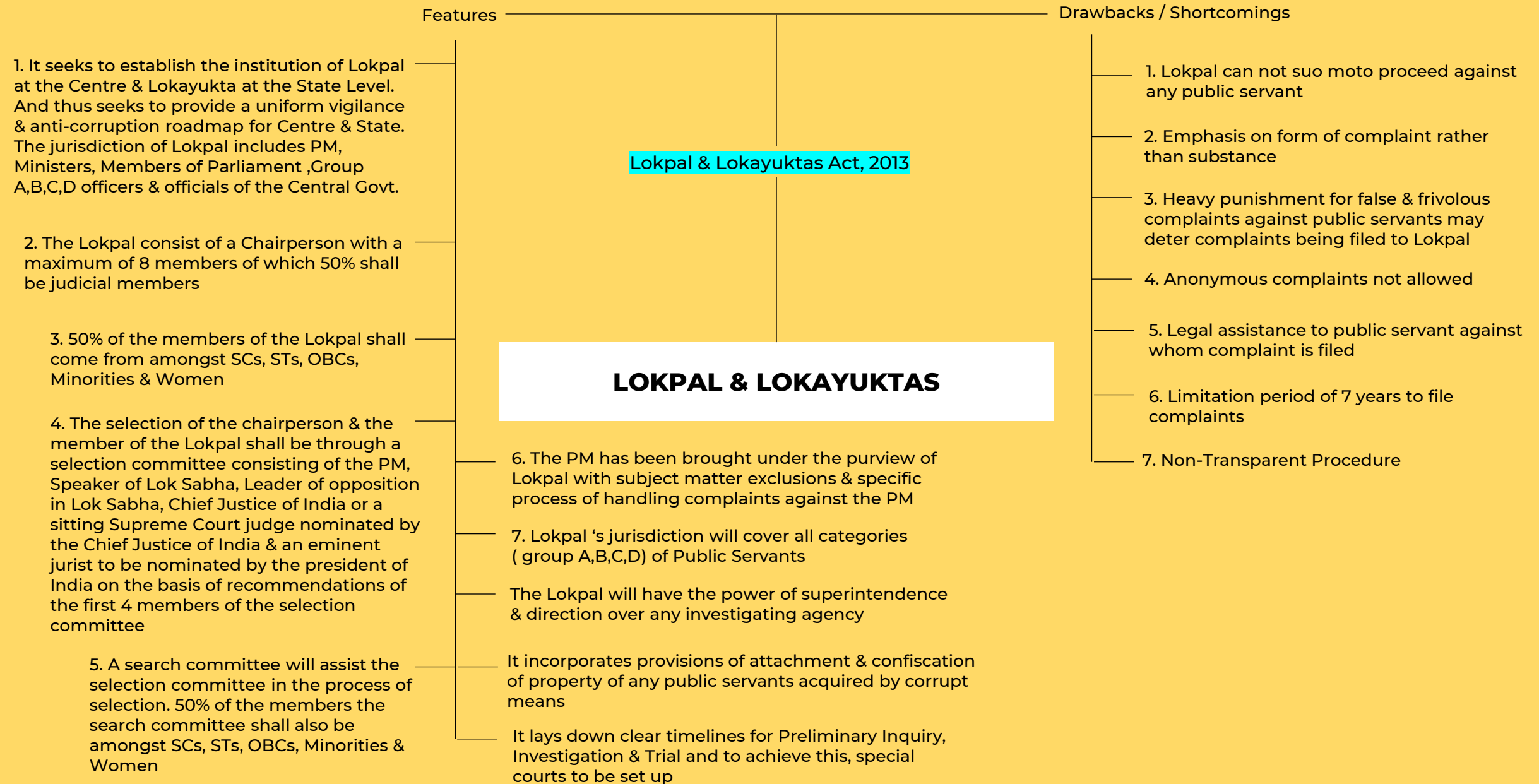
The Administrative Reforms Commission (ARC) of India (1966 – 70) recommended the setting up of 'Lokpal' & 'Lokayukta'

The Lokpal would deal with complaints against ministers & secretaries at Central & State levels

And the Lokayukta would deal with complaints against other specified higher officials

The ARC kept the judiciary outside the purview of Lokpal & Lokayukta as in New Zealand

The Institution of Lokayukta was established first in Maharashtra in 1971



NIA was constituted in 2009 under the provisions of National Investigation Agency Act, 2008

It is the central counter-terrorism law enforcement agency

It was established in the wake of 2008 Mumbai Terror Attacks, popularly known as the 26/11 incident

HQ of NIA is located at New Delhi

Branch offices of NIA are located at

Hyderabad	Kochi
Guwahati	Kolkata
Mumbai	Jammu
Lucknow	Raipur

In addition, NIA has separate cell known as TFFC cell dealing with the subjects of fake currency notes & terror funding

NIA is headed by a Director-General

He is appointed by Central Government

His powers are similar to the powers exercise by a Director-General of Police in respect of the police force in a state

NIA works under the Ministry of Home Affairs

State government extends all assistance & cooperation to the NIA for investigation

NATIONAL INVESTIGATION AGENCY

Reasons for creating the NIA

1. India has been victim of large-scale terrorism
2. Complex interstate & international linkages of such incidents & their connections with other activities like smuggling of Armors & Drugs, pushing in & fake currency circulation, infiltration, etc

Functions of the NIA

- a. To investigate & prosecute offences in respect of the Acts specified in Schedule of the NIA Act
- b. To provide assistance & seek assistance from other intelligence & investigation agencies of central & state government
- c. Take measures for speedy & effective implementation of the provisions of the NIA Act

Jurisdiction of the NIA

NIA has concurrent jurisdiction to investigate & prosecute offences affecting sovereignty, security & integrity of India, security of state, friendly relations with foreign states & offences under various acts enacted to implement international treaties, agreements, connections & resolutions of the UNO, its agencies & other international organizations

NIA is empowered to probe terror attacks including Bomb blasts, Hijacking aircrafts & ships , Attacks on nuclear installations, Use of weapons of mass destruction

In 2019, the jurisdiction was extended & NIA empowered to probe offences relating to human trafficking, counterfeit currency or bank notes, manufacture or sale of prohibited arms, cyberterrorism & explosive substances

Government of India had set up a High powered committee in 1999 & a committee in 2001 after the Gujarat earthquake to make recommendations on the preparation of disaster management

However, after the Indian Ocean Tsunami of 2004 Disaster Management Act, 2005 was enacted

Act provided National Disaster Management Authority

Initially, the NDMA was constituted in 2005 by an Executive Order

Subsequently, the NDMA was notified in 2006 under the provisions of the Acts

The NDMA consists of a Chairperson & other members, not exceeding 9 members

The Prime Minister is the Ex-officio chairperson of the NDMA

Other members are nominated by the Chairperson of the NDMA

The Chairperson designates one of the members as vice-chairperson of the NDMA

The Vice chairperson has the status of a Cabinet Minister while other members have status of a Minister of State

The NDMA is the Apex body for disaster management

It works under the control of Union Ministry of Home Affairs

NATIONAL DISASTER MANAGEMENT AUTHORITY

Objectives of the NDMA

1. To promote a culture of prevention, preparedness & resilience at all levels through knowledge, innovation & education
2. To encourage mitigation measures based on technology, traditional wisdom & environmental sustainability
3. To mainstream Disaster Management into the developmental planning process
4. To establish institutional & techno-legal frameworks to create an enabling regulatory environment & a compliance regime
5. To ensure efficient mechanism for identification, assessment & monitoring of disaster risks

Functions of the NDMA

1. To lay down policies on disaster management
2. To approve the National Plan
3. To approve plans prepared by the Ministries or Departments of GoI in accordance with the National Plan
4. To lay down guidelines to be followed by the State Disaster Management Authorities in drawing up the State Plan

State Disaster Management Authority (SDMA)

Every state should establish a Disaster Management Authority

The SDMA consists of a Chairman & other members, not exceeding 9 members

Chief Minister is a ex-officio chairperson of the SDMA

The chairperson of the State Executive Committee is ex-officio member of the SDMA

Other members are nominated by the Chairperson of the SDMA

Chairperson designates one of the members as the Vice-Chairperson of the SDMA

Chairperson of the State Executive Committee acts as the ex-officio chief executive officer of the SDMA