

## TNPSC GROUP I / II - PRELIMINARY INDIAN POLITY

1. LOKPAL
2. LOK AYUKTA
3. CVC
4. CBI
5. DVAC
6. CAG
7. LOK ADALAT
8. RTI
9. NIA
10. ADMINISTRATIVE TRIBUNALS
11. ADMINISTRATIVE REFORMS

### CORRUPTION IN PUBLIC LIFE

#### I. Definition

1. The word 'corruption' comes from the Latin word "corruptus" which means 'to break'.
2. Corruption refers to unethical behaviour, which is characterized by misuse of public or organizational power, causing harm not only to organizations but also to society.
3. Corruption, however, in present day context means a form of behaviour which departs from ethics, morality, tradition, law etc.
4. It generally includes bribery, fraud, embezzlement, extortion, nepotism etc.

#### II. Reasons for Corruption in India

##### 1. Administrative

- i. Colonial bureaucracy
- ii. Failed administrative reforms

- iii. Judicial failure – delays and Pendencies
- iv. Lack of effective grievance redress mechanisms

## 2. Political

- . Use of black money in elections
- i. Criminalization of politics

## III. Impact of Corruption

- i. Lack of faith and trust in governments
- ii. Lack of quality in Services

## Anti-corruption machinery of India

1. Lokpal
2. Lok Ayukta
3. CVC
4. CBI
5. DVAC
6. CAG
7. Lok Adalat
8. RTI
  - (a). State Information Commission
  - (b). Central Information Commission

## LOKPAL AND LOKAYUKTAS

### Origin

- ❖ The Ombudsman System
- ❖ The Administrative Courts System from France
- ❖ The Procurator System from USSR.

The institution of Ombudsman was first created in Sweden in 1809. 'Ombud' is a Swedish term and refers to a person who acts as the representative or spokesman of another person. New Zealand is the first Commonwealth country in the world to have adopted the Ombudsman system in the form of a Parliamentary Commissioner for Investigation in 1962. The Ombudsman in India is called Lokpal / Lokayukta. In India New Zealand model of ombudsman is followed.

**Citizen charter:** First introduced in 1991 in England by John Mayor. In India it was introduced in 1997

C. Rowat says that the institution of Ombudsman is a “bulwark of democratic government against the tyranny of officialdom” while Gerald E. Caiden described it as “institutionalised public conscience”

The First Administrative Reforms Commission (ARC) of India (1966–1970) recommended the setting up of two special authorities designated as ‘Lokpal’ and ‘lokayukta’ for the redressal of citizens’ grievances. These institutions were to be set up on the pattern of the institution of Ombudsman in Scandinavian countries and the parliamentary commissioner for investigation in New Zealand. The Lokpal would deal with complaints against ministers and secretaries at Central and state levels, and the lokayukta (one at the Centre and one in every state) would deal with complaints against other specified higher officials. The ARC kept the judiciary outside the purview of Lokpal and lokayukta as in New Zealand.

### **Recommendations of ARC**

1. They should be demonstratively independent and impartial.
2. Their investigations and proceedings should be conducted in private and should be informal in character.
3. Their appointment should be, as far as possible, non-political.
4. Their status should compare with the highest judicial functionaries in the country.
5. They should deal with matters in the discretionary field involving acts of injustice, corruption or favouritism.
6. Their proceedings should not be subject to judicial interference.

### **History of Lokpal bill**

The Government of India accepted the recommendations of ARC in this regard. So far, ten official attempts have been made to bring about legislation on this subject.

1. In May 1968, by the Congress Government headed by Indira Gandhi.
2. In April 1971, again by the Congress Government headed by Indira Gandhi.

3. In July 1977, by the Janata Government headed by Morarji Desai.
4. In August 1985, by the Congress Government headed by Rajiv Gandhi.
5. In December 1989, by the National Front Government headed by VP Singh.
6. In September 1996, by the United Front Government headed by Deve Gowda.
7. In August 1998, by the BJP-led coalition Government headed by AB Vajpayee.
8. In August 2001, by the NDA government headed by A B Vajpayee.
9. In August 2011, by the UPA government headed by Manmohan Singh.
10. In December 2011, by the UPA government headed by Manmohan Singh.

However, none of the bills mentioned above were passed by the Parliament due to one or the other reasons.

In Jammu and Kashmir, the institution is known as State Accountability Commission (SAC).

### **The Lokpal and Lokayuktas Act, 2013**

The 116th constitutional amendment bill deals with Lokpal and Lokayukta. The bill was passed by both the houses of parliament and received president assent on January 1st 2014. The act has been brought into force with effect from 16th January 2014.

#### **Composition:**

Lokpal is a multimember body, made up of one chairperson and maximum of 8 members and not less than 50% of the members to be from SCs, STs, OBCs, minorities and women and 50% of members belongs to judicial service.

#### **Chairperson:**

The person who is to be appointed as the chairperson of the Lokpal should be either of the following: Either the former Chief Justice of India (or) the former Judge of Supreme Court (or) an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

#### **Term of Office:**

The term of office for Lokpal Chairman and Members is 5 years or till attaining age of 70 years. The salary, allowances and other conditions of service of

chairperson are equivalent to Chief Justice of India and members is equivalent to Judge of Supreme Court.

### **Jurisdiction**

- ❖ Prime Minister (with subject matter exclusion and some other safeguards);
- ❖ Ministers of the Union;
- ❖ Members of Parliament;
- ❖ Public Servant as defined under the Prevention of Corruption Act, 1988 belonging to Group 'A', 'B', 'C' or 'D'

### **Powers:**

1. It has powers to superintendence over, and to give direction to CBI. If it has referred a case to CBI, the investigating officer in such case cannot be transferred without approval of Lokpal.
2. Powers to authorize CBI for search and seizure operations connected to such case.
3. The Inquiry Wing of the Lokpal has been vested with the powers of a civil court.
4. Lokpal has powers of confiscation of assets, proceeds, receipts and benefits arisen or procured by means of corruption in special circumstances Lokpal has powers to recommend transfer or suspension of public servant connected with allegation of corruption.
5. Lokpal has power to give directions to prevent destruction of records during preliminary inquiry.
6. It enhances the maximum punishment under Prevention of corruption act 1988 from 7 years to 10 years. The minimum punishment under Prevention of corruption act from 6 months to 2 years.
7. No prior sanction required for launching prosecution in cases inquired by Lokpal or initiated on the direction and with the approval of the, Lokpal.

### **Drawbacks of Lokpal and Lokayuktas Act, 2013**

1. Lokpal cannot suo motu proceed against any public servant.
2. Emphasis on form of complaint rather than substance.
3. Anonymous complaints are not allowed.

4. Heavy punishments for false and frivolous complaints may deter complaints being filed.
5. Legal assistance to public servant against whom complaint is filed.
6. Limitation period of 7 years to file complaints
7. Very non-transparent procedure for dealing with complaints against the PM.

### **Execution of Lokpal**

- ❖ It was formed in 19<sup>th</sup> March 2019 with Pinaki Chandra Ghose as chairperson.
- ❖ It's logo was designed by Prasanth Mishra from Prayagraj, UP.
- ❖ The motto was "Ma Gridhah Kasyasvidhanam" meaning "Do not be greedy for anyone's wealth in Sanskrit.

### **LOKAYUKTA**

- ❖ Many states have already set up the institution of Lokayukta. It must be noted here that the institution of Lokayukta was established first in Maharashtra in 1971. Although Odisha had passed the Act in this regard in 1970, it came into force only in 1983. Until it became mandatory (2013), 21 states and 1 Union Territory (Delhi) had established the institution of Lokyuktas.
- ❖ All India Conference of Lokayukta and Upa-Lokayukta held at Simla in 1986 has made many suggestions for the development of the institution and uniformity in the legislations of the states relating to Lokayukta.

### **Tenure**

- ❖ In most of the states, the term of office fixed for Lokayukta is of 5 years duration or 65 years of age, whichever is earlier. He is not eligible for reappointment for a second term.

### **Tamilnadu Lokayukta Act, 2018**

- ❖ It was passed on July 9, 2018 and came into effect from November 13, 2018.

## Composition

- ❖ Tamilnadu Lokayukta consists of Chairperson and four members (two judicial) who are appointed by the governor on the recommendation of a selection committee. The selection committee comprises the Chief Minister, Speaker of the Assembly and the leader of the opposition in the Assembly.
- ❖ The current and first chairperson of Tamil Nadu Lokayukta is retired High Court Judge P. Devadoss (from 2019)

## CENTRAL VIGILANCE COMMISSION (CVC)

- ❖ It is the main agency for preventing corruption in the Central government. It was established in 1964 by an executive resolution of the Central government.
- ❖ Its establishment was recommended by the Santhanam Committee on Prevention of Corruption (1962-64).
- ❖ Originally the CVC was neither a constitutional body nor a statutory body. Recently, in September 2003, the Parliament enacted a law conferring statutory status on the CVC.
- ❖ Its headquarters is located at New Delhi.
- ❖ In 2004, the CVC has been designated as the agency to receive and act on complaints or disclosure on any allegation of corruption or misuse of office from whistle blowers under the "Public Interest Disclosure and Protection of Informers' Resolution" (PIDPI).

## Composition

- ❖ The CVC is a multi-member body consisting of a Central Vigilance Commissioner (chairperson) and not more than two vigilance commissioners.
- ❖ They are appointed by the President by warrant under his hand and seal on the recommendation of a three-member committee consisting of the prime minister as its head, the Union minister of home affairs and the Leader of the Opposition in the Lok Sabha.
- ❖ The first CVC commissioner of India was Nittoor Srinivasa Rau.

## Tenure

- ❖ They hold office for a term of four years or until they attain the age of sixty five years, whichever is earlier. After their tenure, they are not eligible for further employment under the Central or a state government.

- ❖ The salary, allowances and other conditions of service of the Central Vigilance Commissioner are similar to those of the Chairman of UPSC and that of the vigilance commissioner are similar to those of a member of UPSC.

## Functions

1. To inquire or cause an inquiry or investigation to be conducted on a reference made by the Central government wherein it is alleged that a public servant being an employee of the Central government or its authorities has committed an offence under the Prevention of Corruption Act, 1988.
2. To inquire or cause an inquiry or investigation to be conducted into any complaint against any official belonging to the below mentioned category of officials wherein it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988:
  - (a) Members of all-India services serving in the Union and Group 'A' officers of the Central government; and
  - (b) Specified level of officers of the authorities of the Central government.
3. To exercise superintendence over the functioning of Delhi Special Police Establishment (which is a part of Central Bureau of Investigation) Act of 1946.
4. To exercise superintendence over the vigilance administration in the ministries of the Central government or its authorities.
5. The Committee concerned with the appointment of the Director of CBI is also empowered to recommend, after consultation with the Director (CBI), appointment of officers to the posts of the level of SP and above in DSPE
6. The Central Vigilance Commissioner is also the Chairperson of the two Committees, on whose recommendations the Central Government appoints the Director of the Delhi Special Police Establishment and the Director of Enforcement.
7. Lokpal and Lokayuktas act (2013) amended both CVC act 2003 and Delhi special police establishment act 1946 and made the following changes
  - i. The Director of prosecution under the Directorate of prosecution in CBI shall be appointed by the central government on the recommendations of CVC.



- ii. The central vigilance commissioner is the chairperson and 2 vigilance commissioners along with secretaries of Secretaries of Ministry of Home affairs and Department of Personnel and Training are the Members of the Selection committees, on whose recommendation the central government appoints officers to the posts of the level of SP and above in the CBI except Director of CBI.
- iii. The commission has been empowered to conduct inquiry into preliminary inquiry into complaints referred by Lokpal in respect of officers and officials of Group A, B, C, D, for which directorate of Inquiry for making preliminary inquiry is to be set up in the commission. Preliminary inquiry report of Group A and B officers are required to be sent to Lokpal by the commission.

### **WHISTLE BLOWERS PROTECTION ACT (2014)**

**The salient features of the Whistle Blowers Protection Act (2014) are as follows :**

1. The Act provides a mechanism for protecting the identity of whistle blowers (a term given to people who expose corruption). People who expose corruption in Government or irregularities by public functionaries can now be free of any fear of victimization.
  - ❖ The Act, however, lays down punishment of up to two years in prison and a fine of up to 30,000 for false or frivolous complaints.

### **CENTRAL BUREAU OF INVESTIGATION (CBI)**

- ❖ It was set up in 1963 by a resolution of the Ministry of Home Affairs. Later, it was transferred to the Ministry of Personnel.
- ❖ The Special Police Establishment (which looked into vigilance cases) setup in 1941 was also merged with the CBI.
- ❖ The establishment of the CBI was recommended by the Santhanam Committee on Prevention of Corruption (1962 -1964).
- ❖ The CBI is not a statutory body. It derives its powers from the Delhi Special Police Establishment Act, 1946
- ❖ CBI investigates crime of corruption, economic offences and serious and organized crime other than terrorism.

## **MOTTO**

Industry, Impartiality and Integrity.

## **ORGANISATION OF CBI**

**At present (2019), the CBI has the following seven divisions:**

1. Anti-Corruption Division
2. Economic Offences Division
3. Special Crimes Division
4. Policy and Coordination Division
5. Administration Division
6. Directorate of Prosecution
7. Central Forensic Science Laboratory

## **COMPOSITION OF CBI**

- ❖ The CBI is headed by a Director. He is assisted by a special director or an additional director. Additionally, it has a number of joint directors, deputy inspector generals, superintendents of police and all other usual ranks of police personnel.
- ❖ In total, it has about 5000 staff members, about 125 forensic scientists and about 250 law officers.
- ❖ After the Lokpal and Lokayuktas act (2013) The Director of the CBI is appointed by the Central Government on the recommendation of a three-member committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and the Chief Justice of India or Judge of the Supreme Court nominated by him.
- ❖ The Director of CBI has been provided security of two-year tenure in office by the CVC Act, 2003.

## **FUNCTIONS OF CBI**

- i. Investigating cases of corruption, bribery and misconduct of Central government employees

- ii. Investigating cases relating to infringement of fiscal and economic laws, that is, breach of laws concerning export and import control, customs and central excise, income tax, foreign exchange regulations and so on. However, such cases are taken up either in consultation with or at the request of the department concerned.
  - iii. Investigating serious crimes, having national and international ramifications, committed by organised gangs of professional criminals
  - iv. Coordinating the activities of the anti-corruption agencies and the various state police forces
  - v. Taking up, on the request of a state government, any case of public importance for investigation
  - vi. Maintaining crime statistics and disseminating criminal information.
- ❖ The CBI is a multidisciplinary investigation agency of the Government of India and undertakes investigation of corruption-related cases, economic offences and cases of conventional crime. The CBI acts as the “National Central Bureau” of Interpol in India.

#### **PROVISION OF PRIOR PERMISSION - SECTION 6A**

- ❖ A Constitution Bench held that Section 6A of the Delhi Special Police Establishment Act, which granted protection to joint secretary and above officers from facing even a preliminary inquiry by the CBI in corruption cases, was violative of Article 14.
- ❖ Writing the judgment, the CJI said, “Corruption is an enemy of [the] nation and tracking down a corrupt public servant, howsoever high he may be, and punishing such person is a necessary mandate under the PC Act, 1988.

#### **CBI Academy**

- ❖ The CBI Academy is located at Ghaziabad, Uttar Pradesh and started functioning in 1996. Earlier, training programmes were being conducted at the CBI Training Centre, New Delhi.

- ❖ Three regional training centres imparting training at regional levels at Kolkata, Mumbai and Chennai.

### **2023 - Original - Group I Main - Question**

Elaborate the contours of Vineet Narain case and then explain how the judgement of the case imparted a paradigm shift in tackling public corruption in India?

### **VINEET NARIN CASE (1997)**

Name of case : Vineet Narain Vs. Union of India  
Year of Judgement : 1997  
Popular Name : Jain Hawala case  
Related Topic/ : Autonomy and efficient Issue

### **Supreme Court Judgement**

- ❖ It directed that statutory status should be conferred upon the Central Vigilance Commission (CVC)
- ❖ It also issued directions to make Central Bureau of Investigation (CBI) an autonomous body so that it can function effectively and efficiently and is viewed as a non-partisan agency
- ❖ It issued the similar directions with respect to the Enforcement Directorate (ED)
- ❖ Further, it also struck down the validity of the arbitrary provision of single Directive that required the CBI to obtain the prior permission of the Central Government before conducting an investigation against the officers of the rank of joint secretary and above.

### **Impact of the Judgement**

- ❖ This Judgement led the enactment of the CVC Act, 2003 that conferred the statutory status upon the CVC.

- ❖ Under this Act the Superintendence of the CBI in so far as it relates to the Investigation of corruption cases has been vested in the CVC
- ❖ Further, this Act also reinstated the provision of Single Directive that was again declared invalid by the Supreme Court in 2014 on the ground that it is violative of Article 14.

### **DIRECTORATE OF VIGILANCE AND ANTI-CORRUPTION (DVAC)**

- ❖ In pursuance of the recommendations of the Santhanam Committee on Prevention of Corruption, the Government of Tamil Nadu constituted the Directorate of Vigilance and Anti-Corruption in 1964 and the State Vigilance Commission in 1965. A Vigilance Commissioner heads the Vigilance Commission. He advises the Government on the major administrative problem of prevention of corruption in Public Services in general and the manner in which an individual case of corruption that is brought to light should be dealt with.

### **COMPTROLLER AND AUDITOR GENERAL OF INDIA (CAG)**

**The Indian Audit and Accounts Department was created during the British rule in 1753.**

- ❖ The Constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He is the head of the Indian Audit and Accounts Department.
- ❖ He is the guardian of the public purse and controls the entire financial system of the country at both the levels – the Centre and the state. His duty is to uphold the Constitution of India and laws of Parliament in the field of financial administration.
- ❖ This is the reason why Dr B R Ambedkar said that the CAG shall be the most important Officer under the Constitution of India
- ❖ The Indian Audit and Accounts Department was created during the British rule in 1753. Paul H Appleby, in his two reports on Indian Administration, was very critical of the role of CAG and recommended the abolition of the office of CAG.

## Appointment and Term

- ❖ The CAG is appointed by the president of India by a warrant under his hand and seal. He holds office for a period of six years or upto the age of 65 years, whichever is earlier.

## Duties and Powers

- ❖ The Parliament enacted the CAG's (Duties, Powers and Conditions of Service) act, 1971. This Act was amended in 1976 to separate accounts from audit in the Central government.

**He acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament.**

## Role

- ❖ The secret service expenditure is a limitation on the auditing role of the CAG. In this regard, the CAG cannot call for particulars of expenditure incurred by the executive agencies, but has to accept a certificate from the competent administrative authority that the expenditure has been so incurred under his authority.

## COMPTROLLER AND AUDITOR-GENERALS OF INDIA

	Name	Tenure
1	V. Narhari Rao	1948 - 1954
2	A.K. Chanda	1954 - 1960
3	SH. A.K. Roy	1960 - 1966
4	S. Ranganathan	1966 - 1972
5	A. Baksi	1972 - 1978
6	Gian Prakash	1978 - 1984
7	T.N. Chaturvedi	1984 - 1990
8	C.G. Somiah	1990 - 1996
9	V.K. Shunglu	1996 - 2002
10	V.N. Kaul	2002 - 2008
11	Vinod Rai	2008 - 2013
12	Shashikant Sharma	2013 - 2017
13	Rajiv Mehrishi	2017 - 2020

14	G.C. Murmu	2020 - Till now
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## LOK ADALAT

**The First Lok Adalat was held in Una city in Junagarh district of Gujarat in 1982.**

- ❖ Introduced in 1987. First state - Gujarat.
- ❖ Lok Adalat is a system of alternative dispute resolution developed in India. It roughly means "People's court".
- ❖ The system of Lok Adalats is an improvement and is based on the principles of Mahatma Gandhi.
- ❖ These are usually presided over by retired judges, social activists, or other members of the legal profession.
- ❖ The Lok Adalats can deal with all Civil Cases, Matrimonial Disputes, Land Disputes, Partition/Property Disputes, Labour Disputes etc., and compoundable criminal Cases.
- ❖ It is enforced as a decree of a civil court. An important aspect is that the award is final and cannot be appealed, not even under Article 226 because it is a judgement by consent.
- ❖ All proceedings of a Lok Adalat are deemed to be judicial proceedings and every Lok Adalat is deemed to be a Civil Court.

### **Anti-corruption Acts**

- ❖ Indian Penal Code , 1860
- ❖ Criminal Procedure Code, 1973
- ❖ Prosecution section of Income Tax Act,1961
- ❖ Prevention of Corruption Act, 1988
- ❖ Prevention of Money Laundering Act, 2002

### **Specific Anti-Corruption Laws**

- ❖ Right to Information Act, 2005
- ❖ Anti-corruption Grievance Redressal and Whistleblower Protection Bill, 2010
- ❖ Judicial Standards Accountability Bill, 2010
- ❖ Lokpal bill, 2013
- ❖ Whistle Blowers Protection Act, 2014

# RIGHT TO INFORMATION

## Right to Information Act, 2005

### 1. Genesis of RTI law

1. Genesis of RTI law started in 1986, through judgement of Supreme Court in Mr. Kulwal v/s Jaipur Municipal Corporation case, in which it directed that freedom of speech and expression provided under Article 19 of the Constitution clearly implies Right to Information, as without information the freedom of speech and expression cannot be fully used by the citizens.
2. This law was passed by Parliament on 15 June 2005 and came fully into force on 12 October 2005. It was based on Article 19 (Right to freedom) and Article 21(Right to life and personal liberty) of the constitution.

The very first RTI was filed by a person called Shahid Raza Burney on October 12, 2005 to a police station in Pune.

### 2. Reasons for Adoption of Information Act

The factors responsible for adoption of information act are as follows:

1. Corruption and scandals
2. Modernization and the information society

### 3. Objectives of the Act

1. To empower the citizens
2. To promote transparency and accountability
3. To contain corruption and
4. To enhance people's participation in democratic process.

### 4. Features of the Act

1. Inspection of work, documents, records;



2. Taking notes, extracts or certified copies of documents or records;
3. Taking certified samples of material;

## **5. What is Public Authority**

"Public authority" means any authority or body or institution of self government established or constituted,

1. by or under the Constitution;
2. by any other law made by Parliament/State Legislature.
3. non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.
4. Section 4 of the RTI Act requires suo motu disclosure of information by each public authority.
5. Section 8 (1) mentions exemptions against furnishing information under RTI Act.
6. Section 8 (2) provides for disclosure of information exempted under Official Secrets Act, 1923 if larger public interest is served.
7. Time period: In normal course, information to an applicant is to be supplied within 30 days from the receipt of application by the public authority.

## **6. (RTI vs OSA) - (Right to Information Act vs Official Secrets Act)**

- ❖ The OSA was enacted in 1923 by the British to keep certain kinds of information confidential, including, but not always limited to, information involving the affairs of state, diplomacy, national security, espionage, and other state secrets.
1. Whenever there is a conflict between the two laws, the provisions of the RTI Act override those of the OSA.

2. Similarly, under Section 8(2) of the RTI Act, a public authority may allow access to information covered under the OSA, “if the public interest in disclosure outweighs the harm to the protected interest”.

## 7. (Recent Amendments)

1. The RTI amendment Bill 2013 removes political parties from the ambit of the definition of public authorities and hence from the purview of the RTI Act.
2. The RTI Amendment Act 2018 is aimed at giving the Centre the power to fix the tenures and salaries of state and central information commissioners, which are statutorily protected under the RTI Act.

## 8. Facts on Right To Information Act 2005

- ❖ The Tamil Nadu Right to Information Act, 1997.
- ❖ Replaced Freedom of Information Act 2002.
- ❖ There are two schedules in the RTI Act, 2005.
- ❖ It makes right to information as a legal right.
- ❖ RTI relaxes restrictions placed by Official Secrets Act 1923.
- ❖ 3 Levels – Public Information Officer, First Appellate Authority, Central Information Commission(CIC).
- ❖ Time period for Public Information Officer : Expeditiously or within 30 days from the date of receipt by public authority.
- ❖ Maximum time gap for 1st appeal : 30 days since limit of supply of information is expired.
- ❖ Time period for Appellate Authority : Within 30 days or in exceptional cases 45 days from the date of receipt by public authority.
- ❖ Maximum time gap for 2nd appeal : 90 days since limit of supply of information is expired.

### Central Information Commission:

It was established by the Central Government in 2005. It was constituted through an Official Gazette Notification under the provisions of the Right to Information Act (2005). Hence, it is not a constitutional body. The Central Information Commission is a high-powered independent body. It comes under the Ministry of Personnel.

## **Composition**

The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners.

They 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.

At present (2019), the Commission has six Information Commissioners apart from the CIC.

## **Tenure**

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

**Note:** The first Chief Information Commissioner was Wajahat Habibullah.

## **State Information Commission**

The Right to Information Act of 2005 provides for the creation of not only the Central Information Commission but also a State Information Commission at the state level.

Accordingly, all the states have constituted the State Information Commissions through Official Gazette Notifications. It is a high-powered independent and statutory body.

## **Composition**

The Commission consists of a State Chief Information Commissioner and not more than ten State Information Commissioners. They are appointed by the Governor on the recommendation of a committee consisting of the Chief Minister as Chairperson, the Leader of Opposition in the Legislative Assembly and a State Cabinet Minister nominated by the Chief Minister.

## **Tenure**

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

**Information should be provided by the PIO within a time limit as given below**

- **30 days** from the date of application
- 48 hours for information concerning the life and liberty of person
- 5 days shall be added to the above response time, in case the application for information is given to Assistant Public Information Officer.
- If the interests of a third party are involved then time limit will be 40 days (maximum period + time given to the party to make representation).

**Failure to provide information within the specified period is a deemed refusal.**

- If it is covered by exemptions from disclosure
- If it infringes copyright of any person other than the State.

**Fees**

- Application fees to be prescribed which must be reasonable.
- No fees will be charged from people living below the poverty line
- Applicant must be provided information free of cost if the PIO fails to comply with prescribed time limit.

**RTI Amendment Act, 2019**

- ❖ It provided that the Chief Information Commissioner, State Chief Information Commissioner and other Information Commissioner shall hold office for such term as prescribed by the Central Government.
- ❖ Their salary, allowances and other service conditions shall be such as prescribed by the Central Government.

### **NATIONAL INVESTIGATION AGENCY**

- ❖ The National Investigation Agency (NIA) was constituted in 2009 under the provisions of the National Investigation Agency Act, 2008 (NIA Act). It is the central counter-terrorism law enforcement agency in the country.

- ❖ The NIA was established in the backdrop of the 2008 Mumbai terror attacks, popularly known as the 26/11 incident. This national horror led to the realisation of the need for a separate federal agency to deal with terror-related crimes in the country.
- ❖ The headquarters of the NIA is at New Delhi. The branch offices of the NIA are located at Hyderabad, Guwahati, Mumbai, Lucknow, Kochi, Kolkata, Jammu and Raipur.
- ❖ The NIA works under the administrative control of the Ministry of Home Affairs, Government of India.

### Administrative Tribunals

- ❖ The original Constitution did not contain provisions with respect to tribunals. The 42<sup>nd</sup> Amendment Act of 1976 added a new Part XIV-A to the Constitution. This part is entitled as 'Tribunals' and consists of only two Articles – Article 323 A dealing with administrative tribunals and Article 323 B dealing with tribunals for other matters.

#### **The Central Administrative Tribunal (CAT)**

- ❖ It was set up in 1985 with the principal bench at Delhi and additional benches in different states under Administrative Tribunals Act, 1985. At present, it has 17 regular benches, 15 of which operate at the principal seats of high courts and the remaining two at Jaipur and Lucknow. These benches also hold circuit sittings at other seats of high courts.

#### **Composition**

- ❖ The CAT is a multi-member body consisting of a chairman and members. Earlier, the CAT consisted of a Chairman, Vice-Chairmen and members. With the amendment in Administrative Tribunals Act, in 2006, the members have been given the status of judges of High Courts.
- ❖ At present (2019), the sanctioned strength of the Chairman is one and sanctioned strength of the members is 65. They are drawn from both judicial and administrative streams and are appointed by the president. They hold office for a term of five years or until they attain the age of 65 years, in case of chairman and 62 years in case of members, whichever is earlier.

#### **State Administrative Tribunals (SATs)**

So far (2019), the SATs have been set up in the nine states of Andhra Pradesh, Himachal Pradesh, Odisha, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, West Bengal and Kerala. However, the Madhya Pradesh, Tamil Nadu and Himachal Pradesh Tribunals have since been abolished. The Kerala Administrative Tribunal was set up with effect from 26th August, 2010.

### Administrative reforms

Committee/commission/report	Year	Chairman	Recommendation/significance
Secretariat Reorganization Committee	1947	Girija Shankar Bajpai	
First Pay Commission	1947	Vardachariar	
Economy Committee	1948	Kasturbhai Lalbhai	
Committee on reorganization of the governmental machinery	1949	N. Gopalaswamy Ayyangar	Organization and Methods (O&M) Division
Gorwala committee	1951	A.D. Gorwala	
Appleby report -I	1953	Paul H. Appleby	
Ashok Chandra report	1954	Ashok Chandra	
Appleby report -II	1956	Paul Appleby	
Public Services (Qualification for Recruitment) Committee	1956	A.R. Mudaliar	
Balwantray G. Mehta committee	1957	Balwantray G. Mehta	3 tier-Panchayat raj system
Second Pay Commission	1959	Jagannath Das	
Report on Indian and State Administrative Services	1962	V.T. Krishnamachari	
Report of the Committee on the	1962-64	K.Santhanam	CVC(1964), CBI (1963)

Prevention of Corruption			
Administrative Reforms Commission-I	1966-70	Moraji Desai(succeeded in 1967 by K. Hanumanthaiya)	20 main report, 33 reports, 580 recommendations. Recommended Lokpal.
Third Pay Commission	1973	Raghubar Dayal	
Note on Improving Efficiency in Administration	1975	L.P. Singh and L.K. Jha	
Committee on Recruitment Policy and Selection Methods	1976	D.S. Kothari	two stages Civil service exam: first, a qualifying preliminary examination (objective test) and second, the main examination, incorporating the written and the interview tests.
Committee on Panchayati Raj Institutions	1978	Asoka Mehta	Recommended mandal panchayats (2-tier system)
Economic Reforms Commission	1980s	L.K. Jha	
Commission on Centre-State Relations	1983-87	R.S. Sarkaria	247 recommendations, creation of an Inter-State Council.
Fourth Pay Commission	1986	Justice Singhal	
Committee on the Recruitment Policy and Selection Methods for all-India services	1988-89	Satish Chandra	

Fifth pay Commission	1997	Justice S. Ratnavel Pandian.	
ARC -II	2005, report on 2009	Veerapa Moily	e-governance
Sixth pay Commission	Constituted 2006, reort-2008	B.N.Srikrishna	
Commission on centre-state relationship	2007-10	Justice Punchhi	Localised emergency
Seventh Pay Commission	2013, report-2016	Justice A.K Mathur	23.55% hike in salary

## Major recommendation of ARC

### Centre-state relationship

- Establishment of an Inter-State Council under Article 263 of the Constitution.
- Appointment of persons having long experience in public life and administration and nonpartisan attitude as governors.
- Delegation of powers to the maximum extent to the states.
- Transferring of more financial resources to the states to reduce their dependency upon the Centre.
- Deployment of Central armed forces in the states either on their request or otherwise

### Relations between the political and permanent executive

1. Minister should try to develop a climate of fearless and fair play among senior officers.
2. Minister should not intervene in day-to-day administration except in case of maladministration.
3. The official relationship of Secretary to Minister should be one of loyalty of that of minister to Secretary one of confidence.
4. Prime Minister Should takes special interest to arrest/growing of unhealthy personal affiliations.
5. All major decisions should be briefly reduced to writings

The permanent executive should abide by principle of Norms of Neutrality and Anonymity.