

Lokpal and Important Commissions

These notes are your ultimate revision weapon to revise Lokpal and Important Commissions. We've distilled years of previous exam questions (PYQs) into one powerful, concise resource. Everything you need to know, nothing you don't.

- **PYQs, Decoded:** All key concepts from past exams, organized and simplified.
- **Revise in Record Time:** Short, precise, and designed for last-minute review.
- **Focus on What Matters:** Master high-probability topics and boost your confidence.

Lokpal and Lokayukta (The Indian Ombudsman)

A. Origin and Recommendation



- The concept was recommended by the **First Administrative Reforms Commission (ARC)** in **1966**.
- The Commission was led by **Morarji Desai** initially, then by **K. Hanumanthaiah** from 1967, and concluded in **1970**.
- The institution of Ombudsman, on which the Lokpal is modeled, originated in **Sweden in 1809**.

B. Legislative History

- The **first Lokpal Bill** was introduced in Parliament in **1968**.
- It was passed by the Lok Sabha in **1969** but lapsed in the Rajya Sabha.
- A significant version, the **Lokpal Bill, 2011**, was introduced on **August 4, 2011**. It was criticized as "weak" by civil society.
- The **Lokpal and Lokayuktas Act, 2013** was finally enacted and came into force on **January 1, 2014**.

C. Appointment and Composition

- The **first Lokpal of India** was **Justice Pinaki Chandra Ghose**.
- The **selection committee** for the Lokpal is chaired by the **Prime Minister** and includes:
 - The Speaker of the Lok Sabha.
 - The Leader of the Opposition in the Lok Sabha.
 - The Chief Justice of India (or a nominated Supreme Court judge).
 - An eminent jurist.

D. State Lokayuktas

- **Maharashtra** was the first state to establish a Lokayukta in **1971**.
- **Uttarakhand** was the first state to pass a new Lokayukta Bill in **2011**.
- The Lokayukta in **Uttar Pradesh** submits its report to the **Governor**.
- The **Chief Minister** comes under the ambit of the Lokayukta Act in states like **Gujarat, Maharashtra, Himachal Pradesh, Andhra Pradesh, Madhya Pradesh, Odisha, and Punjab**.

E. Civil Society Involvement

- Key civil society members involved in drafting the bill included **Anna Hazare, Shanti Bhushan, and N. Santosh Hegde**.

National Human Rights Commission (NHRC) & State Human Rights Commission (SHRC)

A. Establishment and Legal Basis

- Established under the **Protection of Human Rights Act (PHRA), 1993**.
- The Act was initially promulgated as an ordinance by the President under **Article 123** of the Constitution.
- **Objective:** To provide better protection of human rights by constituting the NHRC, SHRCs, and Human Rights Courts.

B. Composition and Appointment

- **Chairperson:** Must be a **retired Chief Justice of India or a Judge of the Supreme Court.**
- **Appointment Committee for NHRC:**
 - Prime Minister (Chairperson)
 - Speaker of the Lok Sabha
 - Minister of Home Affairs
 - Leader of the Opposition in the Lok Sabha
 - Leader of the Opposition in the Rajya Sabha
 - Deputy Chairman of the Rajya Sabha
 - **Note:** The **Chairman of the Rajya Sabha is not** a member.

C. Ex-Officio Members of NHRC

- The Chairpersons of the following are ex-officio members:
 - National Commission for Minorities
 - National Commission for Scheduled Castes
 - National Commission for Scheduled Tribes
 - National Commission for Women
- **Note:** The Chairperson of the **Law Commission of India is not** an ex-officio member.

D. Powers and Nature of NHRC

- The NHRC is a **statutory body**.
- Its powers are **only recommendatory**.
- For certain legal procedures, it is deemed to be a **Civil Court**.
- When investigating human rights violations by the **armed forces** (navy, military, air force), it **must seek a report from the Central Government**.
- The term "**Public Servant**" within the Act is defined in **Section 2(M)** of the PHRA, 1993.

E. Term of Office (NHRC)

- The Chairperson and members hold office for a term of **3 years** or until they attain the age of **70 years**, whichever is earlier.
- After tenure, they are **not eligible** for further government employment.

F. State Human Rights Commission (SHRC)

- **Appointment:** The **Governor** appoints the Chairperson and members based on the recommendation of a committee consisting of:
 - Chief Minister (Chairperson)
 - Speaker of the Legislative Assembly
 - State Home Minister
 - Leader of the Opposition in the Legislative Assembly
 - **Note:** The **Governor is not a member** of this committee.
- **Functions:** Can inquire into violations *suo moto*, visit jails, and review safeguards. However, it **does not have the power to punish**.
- **Reporting:** Submits its annual report to the **State Government**, which is then tabled before the **state legislature**.
- **Vacancy:** If the Chairperson's office is vacant, the **Governor** can authorize a member to act as Chairperson.

G. Human Rights Courts

- The State Government can specify a court as a Human Rights Court.
- An advocate with **not less than seven years** of practice can be appointed as a Special Public Prosecutor (Section 31 of PHRA).

Other Important Commissions and Committees

A. Administrative Reforms Commissions

- **First ARC (1966-1970):** Recommended the establishment of **Lokpal** and **Lokayukta**.

- **Second ARC:** Recommended that the appointment of judges to higher courts should involve the **Executive, Legislature, and the Chief Justice**.

B. Backward Classes Commissions

- **First Backward Classes Commission (Kaka Saheb Kalelkar Commission):** Appointed in **1953**.
- **Mandal Commission:** Constituted in **1979** under PM Morarji Desai. Chairman: **B.P. Mandal**. Submitted its report in **1980**.

C. Other Significant Committees

- **Vohra Committee (1993):** Studied the nexus between **politicians, criminals, and bureaucrats**.
- **Rajamannar Commission:** Recommended the **abolition of the IAS and IPS**.
- **Swaran Singh Committee (1976):** Recommended constitutional amendments, forming the basis of the **42nd Amendment**. It considered prioritizing Directive Principles over Fundamental Rights but recommended against a Presidential system.
- **P.C. Hota Committee (2004):** Constituted to recommend reforms for the **Civil Services**.
- **Constitutional Review Commission (2000):** Headed by **Justice M.N. Venkatachaliah**. Its report was **recommendatory and not approved by Parliament**.

Minorities in India

A. Recognized Minorities

- The government has officially notified six religious minorities: **Muslims, Sikhs, Christians, Buddhists, Zoroastrians (Parsis), and Jains** (Jains added in **2014**).
- The Constitution recognizes both **religious and linguistic minorities**.

B. National Commission for Minorities (NCM)

- Granted **statutory status in 1993** under the National Commission for Minorities Act, 1992.

Topic 5: Constitutional and Statutory Bodies (Comparative Context)

A. Constitutional Bodies (Established by the Constitution)

- Finance Commission (Centre and State)
- Election Commission
- State Election Commission
- Backward Classes Commission
- **Public Service Commissions (PSCs):**
 - The first Public Service Commission was established by the **Government of India Act, 1919** (on October 1, 1926).
 - **UPSC/SPSC Chairmen/Members** are appointed by the **President/Governor**, respectively.
 - A member can be removed by the President only on the recommendation of the **Supreme Court**.
 - The expenses of an SPSC are charged to the **Consolidated Fund of the State**.
 - The first woman Chairman of the UPSC was **Roze Millian Bethew (1992-1996)**.

B. Statutory Bodies (Established by an Act of Parliament)

- **National Human Rights Commission (NHRC)** - Protected by Human Rights Act, 1993.
- **Central Information Commission:** As per the RTI (Amendment) Act, 2019, the tenure is **5 years or until attaining 65 years of age**.
- **Central Vigilance Commission (CVC):** Established in **1964** based on the K. Santhanam Committee report; granted statutory status in **2003**.

C. Other Bodies

- **National Development Council (NDC):** Established in **1952**.
- **Central Pollution Control Board (CPCB):** Chairman is appointed by the Central Government and must be an expert in environmental matters. It is **not held by a constitutional functionary** by default.
- **Comptroller and Auditor General (CAG):** The CAG (Amendment) Act, **1976**, separated accounting from auditing. Since **March 1, 1976**, the CAG's role has been primarily **auditing**.

D. National Commission for SCs and STs

- A **1990 report** identified major causes of atrocities as **land alienation, bonded labor, indebtedness, and non-payment of wages**. Religious causes were not identified.

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- [Lokpal and Important Commissions – Old Year Questions](#)
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