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**COMMISSIONS**

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## UNIT 10 COMMISSIONS IN INDIA

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### Structure

10.0 Learning Outcomes

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## 10.0 OBJECTIVES

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After going through the Units you should be able to:

- explain the seven pillars of National Institution for Transforming India,
- discuss the composition and functions of Union Public Service Commission,
- highlight the initiatives of the Election Commission towards modernization of the election process,
- elaborate the procedure of working and functions of Finance Commission,
- describe the role of Central Vigilance Commission, and
- elucidate on the reports of the two Administrative Reforms Commissions.

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## 10.1 INTRODUCTION

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Apart from the integrated system of a departmental set up, there are a number of other organizations and independent bodies, which function autonomously. Some of these are National Institute for Transforming India, also known as NITI; Union Public Service Commission (UPSC), Election Commission, Finance Commission, Central Vigilance Commission, and Administrative Reforms Commissions. In this Unit there will be six Units each dealing with the six commissions respectively.

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## 10.2 COMMISSIONS IN INDIA

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There are various independent bodies like commissions<sup>1</sup> and institutes, other than ministries, that work at the central level. The Constitution of India has made provisions for the commissions and institutes and they enjoy a constitutional status. Some of these commissions and institutes are the Union Public Service Commission, Finance Commission, and the Election Commission. On the other

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<sup>1</sup> A commission is usually an appointed body of the government and its members are not the elected ones. It works for a specific term and performs defined functions with specific powers and authority. Once the specified term of the members is over, a new batch is appointed.

hand there are certain bodies like National Institute for Transforming India, also known as NITI that are created by an executive order of the government. Irrespective of their creation, these bodies are assigned specific powers and functions that enable them to work independently without any kind of political hassles. These bodies provide the government with a direction to plan efficiently and come out with policies and programmes by providing relevant information and assistance required.

To begin with is a discussion on NITI, which has been dealt subsequently.

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### **10.3 REFERENCES**

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- Basu, D.D., 2013, Constitution of India, LexisNexis, New Delhi
- Singh Sahib and Swinder Singh, 2013, Public Personnel and Financial Administration in India, New Academic Publishers, Jalandhar



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## UNIT 10(A) NATIONAL INSTITUTE FOR TRANSFORMING INDIA

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### Introduction

Since 1950, Government of India has attempted to bring about a rapid social and economic growth in the entire country through planned effort. The prime institution to carry out this task was the Planning Commission, which was launched in 1950 and was functioning till the end of 2014. Thereafter, on January 1 2015, the Planning Commission got replaced by the National Institute for Transforming India, known as, NITI.

### Composition

The composition of the NITI is, as follows:

- 1) Chairperson: Prime Minister of India
- 2) Vice-Chairperson: appointed by the Prime Minister
- 3) Governing Council comprising the Chief Ministers of all the States and Lt. Governors of Union Territories
- 4) Regional Councils that are formed to address specific issues or contingencies impacting more than one state or region. These are formed for a specified tenure. The Regional Councils are chaired by the Prime Minister and comprise of the Chief Ministers and Lt. Governors of the respective states/region.
- 5) Full time members
- 6) Part-time members: maximum of 2 members from any leading universities/ research organizations/other relevant institutions in an ex-officio capacity. Part time members are appointed on a rotational basis.
- 7) Ex-officio members: maximum of 4 members of the Union Council of Ministers nominated by the Prime Minister.
- 8) Chief Executive Officer: appointed by the Prime Minister for a fixed tenure and is of the rank parallel to the Secretary to the Government of India.
- 9) Experts, specialists, and practitioners with relevant domain knowledge, as special invitees nominated by the Prime Minister
- 10) Secretariat

### Seven Pillars of NITI

There are seven pillars based on, which the NITI works:

- 1) Pro-people
- 2) Pro-activity
- 3) Participation
- 4) Empowerment
- 5) Inclusion

- 6) Equality
- 7) Transparency

The same are being depicted in Chart 10 (A).1.

**Chart 10 (A).1: Seven Pillars of NITI**

<b>Pro-People</b>	<b>Pro-Activity</b>	<b>Participation</b>	<b>Empowerment</b>	<b>Inclusion</b>	<b>Equality</b>	<b>Transparency</b>
Fulfils aspirations of society as well as individuals	In anticipation of and response to citizens needs.	Involvement of Citizenry	Women in all aspects	SC, ST, OBC, minorities, poor, and disadvantaged	Opportunity for the Youth	Government visible and responsive

**Functions**

Based on these pillars, NITI performs the following functions:

- 1) Evolves a shared vision along with active involvement of States on national development priorities and strategies.
- 2) Fosters cooperative federalism through structured support initiatives and mechanisms with the States on a continuous basis, recognizing that strong States make a strong nation.
- 3) Develops mechanisms to formulate credible plans at the village level and aggregate these progressively at higher levels of government.
- 4) Ensures that the interests of national security are incorporated in economic strategy and policy.
- 5) Pays special attention to the sections of society that may be at risk of not getting benefited adequately by the economic progress of the country.
- 6) Designs long term policies and programmes and equally monitor their progress and efficacy. The lessons learnt through monitoring will be used for making necessary mid-course corrections and incorporating improvements.
- 7) Encourages partnerships between educational and policy research institutions.
- 8) Creates a knowledge, innovation, and entrepreneurial support system through a collaborative community of national and international experts, practitioners, and other partners.
- 9) Offers a platform for resolution of inter sectoral and inter departmental issues in order to accelerate the implementation of development agenda.
- 10) Maintains a state-of-the-art Resource Centre that can be a repository on good governance and best practices for sustainable and an equitable development and, enables its dissemination and accessibility to stakeholders.
- 11) Identification of the needed resources, so as to strengthen the scope of delivery and probability of success of programmes; and for monitoring and evaluating purposes too.

12) Focus on technology up-gradation.

13) Capacity building for effective implementation of programmes and initiatives.

### **Activity**

Let us know about your perceptions in the setting up of NITI in place of Planning Commission.

### **Reference**

- NITI Aayog, 2017, Wikipedia, retrieved [https://en.wikipedia.org/wiki/NITI\\_Aayog](https://en.wikipedia.org/wiki/NITI_Aayog)

The next commission we will be discussing is the Union Public Service Commission.



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## **UNIT 10 (B) UNION PUBLIC SERVICE COMMISSION**

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### **Introduction**

The vast expansion of governmental activities necessitates a large number of personnel to perform these activities at different level. This requires a sound public personnel system in order to have a spirited work force to achieve efficiency in governmental operations. This is enabled by a central personnel agency. In India, we have a Union Public Service Commission (UPSC) at the Union Level and State Public Service Commission (SPSC) for the respective states for this purpose.

### **Constitutional Provisions**

The Government of India Act of 1919 provided for the setting up of a Public Service Commission. With the Lee Commission strongly backing it, a Central Public Service Commission was set up in 1926. Owing to the recommendations of Simon Commission, it was renamed, as Federal Public Service Commission in 1937. In 1947 India achieved independence and the Commission continued to work till 1950 with the same nomenclature. Thereafter, with the Constitution of India coming into effect in 1950, the Commission was renamed, as the Union Public Service Commission (UPSC) of India.

Article 315 of the Constitution envisages three categories of Public Service Commissions. The UPSC to serve the Union; a SPSC for services of a State, and a Joint PSC for the services of two or more than two States.

### **Composition and Functions**

The UPSC is headed by a Chairperson and has other members. The Constitution of India does not specify the number of members, but authorizes the President of India to determine the number of members. The strength usually varies between six to ten members. In 1950, when the UPSC came into being, it comprised of four members including a Chairperson. At present, the UPSC has a Chairperson and ten other members.

As per the provisions of Article 316 (1), the Chairperson and other members of the Commission are appointed by the President. In the choice of members of Commission, the President has to ensure that half of the total number of members shall be persons who at the time of appointment have held office for at least ten years either under the Government of India (GoI) or under any State Government.

The functions of the Commission are usually advisory in nature. It has to act, as an expert authority on service matters and render advice along non-partisan lines. The Commission advises the Union Government in the following matters.

- 1) Matters relating to methods of recruitment to civil services and civil posts.
- 2) Principles to be followed in making appointments to civil services and in making promotions and transfers. It also lays down principles to be adhered to ascertain the suitability of candidates for such appointments, promotions, and transfers.

- 3) All disciplinary matters relating to a person serving under the Union Government in a civil capacity including memoranda or petitions relating to such matters.
- 4) Any claim by or in respect of any such person, who is serving or has served under the Union Government in a civil capacity that the loss incurred by him/her in defending legal proceedings instituted against him/her in respect of the official acts should be paid out of the Consolidated Fund of India.
- 5) Any other matter that the President may refer to the Commission from time to time.

It should be kept in mind that in the above matters the Commission functions only in an advisory capacity and its advice is not binding on the Government. Further, it has to submit an Annual Report of its performance to the President.

There are certain other provisions in the Constitution, which deserve a special mention:

- 1) The power to extend the functions of the Commission vests in the Parliament. An Act of the Parliament can bring the services of any local or autonomous body under the purview of the Commission.
- 2) The President is authorized to make regulations specifying the matters relating to the reservations in appointments (SC/ST/OBC).
- 3) The President is empowered to consult the Commission on matters other than those specified in the Constitution.

### **Activity**

Take any social and/or economic policy/programme pertaining to education/health/infrastructure building and such relating to your State and let us know how far the seven pillars of NITI have been adhered to in any one of such area.

### **Reference**

- Union Public Service Commission, 2018, Wikipedia, retrieved [https://en.wikipedia.org/wiki/Union\\_Public\\_Service\\_Commission](https://en.wikipedia.org/wiki/Union_Public_Service_Commission)

The next commission we will be discussing is the Election Commission.

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## UNIT 10(C) ELECTION COMMISSION

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### Introduction

The fundamental pursuit of democracy is elections at regular intervals. Holding periodic, and free and fair elections are essentials of a democratic system and are a fundamental aspect of the Constitution. The Election Commission is regarded, as India's guardian of elections. The Constitution of India has made provision under Article 324 for constitution of an independent Election Commission (EC) for the conduct of free and fair elections in the country. With effect from 1989 all political parties were required to register with the Commission.

### Composition

As per the Chief Election Commissioner (CEC) and other Election Commissioners(EC) (Conditions of Service) Rules, 1992, the CEC ( who are usually retired IAS officers) will draw salaries and allowances at par with those of the Judges of the Supreme Court of India. The Commission's secretariat is based in New Delhi and has the offices of (CEC, ECs, Deputy ECs (usually IAS officers), Director Generals, Principal Secretaries, Secretaries, and Under Secretaries.

The CEC of India can be removed from office, as per the rules prevailing in case of a judge of the Supreme Court of India<sup>1</sup>. The ECs can be removed by the President of India on the advice of the CEC.

### Functions

The power and functions of the EC outlined in Article 324-Article329 of the Constitution are being discussed, as follows:

- 1) The EC supervises, directs, controls, and conducts free and fair elections in the country.
- 2) It prepares the electoral rolls of each constituency of Lok Sabha, as also of the State Vidhan Sabha (lower house of the legislative assembly). The electoral rolls are revised and updated after every decadal census and also before every election.
- 3) In order to conduct the elections in a fair and impartial manner, the EC determines and announces the code of conduct for every election. Starting in 1971 with the 5<sup>th</sup> Lok Sabha elections, the Commission has issued for each and every election advisory Model Code of Conduct guidelines to be adhered to by political parties and candidates. This was based on the observation of instances of violation of the rules and regulations by various political parties with complaints being received for misuse of official machinery by the candidates. The Model Code does not have any specific statutory basis but only a persuasive effect. It contains the rules of electoral morality.
- 4) It conducts the elections to the Lok Sabha and State Vidhan Sabhas, whenever an election is due. It also conducts the elections to the Rajya Sabha (upper

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<sup>1</sup> A two-thirds majority resolution passed by the Parliament of India (Lok Sabha and Rajya Sabha) outlining the grounds of misbehavior or incapacity.

house of the Parliament) after every two years, as and how 1/3 of its members retire after every 2 years. It is responsible for conducting elections to the Vidhan Parishads in the same manner (upper house of State legislature, wherever they exist) in the same manner. It also holds bye-elections.

- 5) It conducts the elections to the office of President of India and Vice President of India, whenever due. It prepares the list of voters and works out the quota of votes along with the weightage and the value of each vote of Electoral College required to win the election.
- 6) In order to conduct the elections, the EC can demand the services of personnel, who are working in Central and State governments. The Central and State governments are required to send such personnel for the election duties. These personnel are appointed, as the Returning Officers/Presiding Officers/ other polling officers, who are assigned the respective duties, as per. Such deputed staff are guided and controlled by the EC.
- 7) After every General Election, the EC grants recognition to the political parties, as to whether they are the parties at the National or State level. A political party should get a minimum of four percent of the total valid votes polled in a minimum of four states to be recognized, as a national party. Similarly in the States, a political party should get a minimum of four percent of the total valid votes polled in the respective State to be recognized, as a State party.
- 8) Commission has the power to designate political party insignia and no two different political parties are allowed to use the same insignia.
- 9) It set limits on poll expenses.
- 10) The Commission is empowered with prohibition of dissemination or publication of voting trends by opinion polls or exit polls that can seek to influence voters.
- 11) In an attempt to decriminalize politics, the EC has approached the Supreme Court to put a lifetime ban on convicted politicians from contesting elections.

### **Initiatives towards Modernization**

- 1) To curb the growing influence of money during elections, the EC has appointed Indian Revenue Service Officers of the Income Tax Department, as Election Observers (Expenditure) for all elections and has fixed the legal limits on the amount of money, which a candidate can spend during election campaigns. These limits have been revised over time. The EC, by appointing expenditure observers from the IRS, keeps an eye on the individual account of election expenditure. The Commission takes details of the candidate's assets on affidavit at the time of submitting nomination paper, along with the details of his/her expenditure within 30 days of the declaration of results. The campaign period has also been reduced by the Commission from 21 to 14 days for Lok Sabha and Assembly elections. This has been one of the measures along with the above to cut down election expenditure.

- 2) The Election Commission has brought in improvements in election procedures by the introduction of Electronic Voting Machines or EVMs<sup>2</sup>. It was first tried out on an experimental basis in the State of Kerala for the 1982 legislative assembly elections. After successful testing and the legal inquiries per se, the Commission took the decision to begin with the use of these voting machines. In 2015, the initiative to have photo electoral rolls with photographs of the candidates on the EVMs was undertaken in the Bihar Legislative Assembly election in 2015, making it the first state to have such an initiative undertaken.
- 3) In 1993, electors photo identity cards (EPICs) were issued, which became mandatory by the 2004 elections. However ration cards have been allowed for election purposes in certain situations. All these are efforts of EC to prevent electoral fraud.
- 4) The EC launched its own web site on 28 February 1998 in order to provide accurate information, management, administration, and instant results of the elections. The ECI website is accessible to all users irrespective of device in use, technology, or ability. It has been built with an aim to provide maximum accessibility and usability to its visitors. It has put in the best efforts to ensure that all information on the portal is accessible to people and also people with disabilities. For example, a user with visual disability can access this portal using assistive technologies, such as screen readers and magnifiers. The EC aims to be standards compliant and follow principles of usability and universal design, which helps all visitors of this portal.
- 5) In 1998, the Commission decided on a programme for computerization of electoral rolls.
- 6) 'Systematic Voters' Education and Electoral Participation Programme,' better known as SVEEP, a flagship Programme of the EC since 2009, aims to build a truly participative democracy in India by encouraging all eligible citizens to vote and make an informed decision during voting. The Programme is based on general as well as targeted interventions. It is designed according to the socio-economic, cultural, and demographic profile of the State as well as the history of electoral participation in previous rounds of elections and learnings thereof. SVEEP facilitates voter education, voter awareness, and promotion of voter literacy in India.
- 7) The introduction of Voter-Verified Paper Audit Trail (VVPAT) in general elections in eight Lok Sabha constituencies in 2014 was a big achievement for the EC. This VVPAT system was first used with EVMs in a by-poll in September 2013 in Noksen Assembly Constituency in Nagaland and eventually in all legislative elections from September 2013 onwards in the country. As the name signifies, it verifies that the vote has been cast to a particular political party, as intended by the voter. If there is a mismatch between candidate wise results of the EVM and VVPAT slips, manual re-counting of VVPAT slips shall be conducted till the votes tally. If they do not, the counting, as per the VVPAT slips shall be considered, as final.

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<sup>2</sup> It is voting using electronic means of casting and counting votes. The EVMs would reduce malpractices and provide authenticity of votes to political parties.

- 8) With the VVPAT, the EC looks forward to achieving the aim of building a stronger democracy through greater synergy with civil society organizations, media, corporate houses, and even queries, suggestions, and participation from individuals. The EC has a robust, systematic, and institutionalized structure of interface and interaction between the EVMs, and VVPATs, and candidates or representatives of political parties, and election officials. Such a mandatory involvement of stakeholders in each and every operation of EVMs and VVPATs imbues the entire system with absolute transparency thereby completely eliminating any possibility of manipulation with machines.
- 9) In 2014, 'None Of The Above' (NOTA) was also added, as an option on the voting machines, which is now a mandatory option to be provided in any election.<sup>3</sup>

However, there has been always an issue of independence and impartiality in the functioning of EC. First the Constitution of India is silent about the qualification and the tenure of the CEC. Every matter in this connection has been left to the President, who is guided by provisions of law, as enacted by the Parliament. This can lead to appointment of a person purely based on political considerations. As per the Goswami Report, there has to be a committee for the same with Prime Minister, Leader of Opposition, Speaker of Lok Sabha, and Chief Justice of India, as its members. The Committee can, as per, select a panel of persons for the post.

Second, the CEC, though entrusted with the work of conducting the elections fairly, has no right to recruit or regulate the conditions of service of its staff, a right, which is available to similar bodies like the Supreme Court and the Union Public Service Commission.

### Activity

How has the EC fared so far in India in conduct of election? Let us know your view points of this.

### References

- Core-Committee on Electoral Reforms, Background Paper on Electoral Reforms, 2010, Legislative Department, Ministry of Law and Justice, Government of India, Co-sponsored by the Election Commission of India
- Goswami Report on the Committee on Electoral Reforms, 1990, Ministry of Law and Justice, Government of India

The next commission we will be discussing is the Finance Commission.

<sup>3</sup> The specific symbol for NOTA, a ballot paper with a black cross across it, was introduced on 18 September 2015 indicative that none of the candidates have been voted upon by the voters.

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## UNIT 10(D) FINANCE COMMISSION

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### Introduction

Article 280 requires that the President of India should appoint a Finance Commission within two years from the commencement of the Constitution and thereafter once in every five years or even earlier, if necessary. It also specifies broadly the Terms of Reference (ToR) of the Finance Commission and its composition.

### Composition

Article 280 has fixed the total strength of Finance Commission by specifying that it should consist of a Chairperson and four other members. The Finance Act 1951, Section (3) specifies the qualifications for the Chairperson and members. According to the Act, 'the Chairperson of the Commission shall be selected from among persons, who have or had experience in public affairs. The other members shall be selected from among persons who:

- 1) are or have been or qualified to be appointed, as a Judge of a High Court; or
- 2) have expertise in financial and accounts matters; or
- 3) are profound administrators; or
- 4) have expertise in economics.

### Functions

It shall be the duty of the Finance Commission to make recommendations to the President pertaining to the following matters:

- 1) The distribution between the Union and the States of the net proceeds of tax revenues and the allocation between the States of the respective shares of such proceeds. By doing so it redresses the vertical imbalances between the taxation powers and expenditure responsibilities of the centre and states respectively and equalization of all public services across the states.
- 2) The principles that should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India and the sums to be paid to the States by way of grants-in-aid of their revenues.
- 3) The measures needed to augment the Consolidated Fund of a State to supplement the resources of the Panchayats and Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State.
- 4) The continuance or modification of the terms of any agreement entered into by the Government of India with the Government of any State specified in Part 'B' of the First Schedule under clause (i) of Article 278 or under Article 306.
- 5) The Commission shall use the latest Census for drawing the population data while making its recommendations.

6) Any other matter referred to it by the President.

### **Procedure of Working**

The work of the Finance Commission starts soon after the Government announces its composition and terms of reference. In the first phase the Commission addresses letters to the State Governments, asking them to submit estimates of their expenditure and revenue for over the next five years. Once the estimates are received, the Commission scrutinizes these estimates and calls for the concerned officers from the States to its Headquarters in Delhi for clarifications. The estimates of different States are then revised accordingly, as per. The Commission then undertakes tour in all States in the subsequent phase. Normally, the Commission hears the Chief Minister and the Finance Minister of each State vis-à-vis the financial estimates delved upon. Here, the State can submit a memorandum outlining their needs and demands. The Commission also hears and receives memoranda pertaining to finances from industry and bankers. This then is followed by the final phase, wherein, the Commission meets in Delhi to finalize the report of each and every State. It submits its report to the President of India a few months before the annual budget presentation. The President then recommends the same for consideration and implementation by the Union Cabinet.

### **Fifteenth Finance Commission**

The Fifteenth Finance Commission was constituted by the Government of India after getting approval from President of India through a notification in The Gazette of India on November 27, 2017. Nand Kishore Singh was appointed, as the Commission's Chairperson, along with full-time and part-time members.

The Commission was set up to give recommendations for devolution of taxes and other fiscal matters for five fiscal years, commencing 1 April 2020. The main tasks of the Commission were to strengthen cooperative federalism, improve the quality of public spending, and help fiscal stability.

The Chairperson felt that there is a need to reappraise the formula of devolution of revenues from Union to states. Commission strives to balance equity and efficiency that urban and rural local bodies require to stimulate economic growth.

### **Activity**

How do you find the devolution of finances between Union and States happening in india?

### **References**

- Finance Commission, 2017, Wikipedia, retrieved [https://en.wikipedia.org/wiki/Finance\\_Commission](https://en.wikipedia.org/wiki/Finance_Commission)
- Singh Sahib and Swinder Singh, 2013, Public Personnel and Financial Administration in India, New Academic Publishers, Jalandhar

The next commission we will be discussing is the Central Vigilance Commission.

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## UNIT 10 (E) CENTRAL VIGILANCE COMMISSION

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### Introduction

Central Vigilance Commission (CVC) is an apex Indian governmental body created in 1964 to address governmental corruption. In 2003, the Parliament enacted a law conferring statutory status to the CVC. It has the status of an autonomous body, free of control from any executive authority, and charged with monitoring all vigilance activities in central government organizations. It advises these organisation in planning, executing, review, and refor in their vigilance work activities.

It was set up by the Government of India Resolution on February 11, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri Santhanam.

The Annual Report of the CVC not only gives the details of the work done by it but also brings out the system failures, system improvements, various preventive measures undertaken and cases in, which the Commission's advises were not accepted or implemented by the administrative authorities.

### Organization

The CVC is headed by a Central Vigilance Commissioner who is assisted by two Vigilance Commissioners.

The CVC has its own Secretariat, Chief Technical Examiners' Wing (CTE), and a wing of Commissioners for Departmental Inquiries (CDI).

The Secretariat consists of a officer of the rank of Additional Secretary to the GoI, one officer of the rank of Joint Secretary to the GoI, ten officers of the rank of Director/Deputy Secretary, four Under Secretaries, and office staff.

The Chief Technical Examiners' Organization constitutes the technical wing of the CVC and has two Engineers of the rank of Chief Engineers (designated as Chief Technical Examiners) with supporting engineering staff. Following are the main functions of this organization:

- 1) Technical audit of construction works of governmental organizations.
- 2) Investigating specific cases of complaints relating to construction works.
- 3) Assisting the CBI in investigations involving technical matters and evaluation of properties in Delhi.
- 4) Assisting the Commission and Chief Vigilance Officers in vigilance cases involving technical matters.

Regarding the Commissioners for Departmental Inquiries (CDI), there are fourteen such posts with 11 in the rank of Director and 03 in the rank of Deputy Secretary. The CDI function, as an Inquiry Officer to conduct inquiries in departmental proceedings initiated against public servants.

## Appointment

The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President on recommendation 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.

## Roles

The CVC is not an investigating agency totally. The only investigation carried out by it is of examining civil works of government.

The CVC has also been publishing a list of corrupt government officials against, which it has recommended punitive action. However, permission of government is required to proceed against government officials for investigation in corruption charges. The CVC publishes a list of cases, where permissions are still pending, some of which are more than a year old.

The Ordinance of 1998 conferred statutory status to the CVC and conferred the powers to exercise superintendence over functioning of the Delhi Special Police Establishment. Its basic aim was to review the progress of the investigations pertaining to alleged offences under the Prevention of Corruption Act, 1988 conducted by Delhi Special Police. In 2004, GoI authorized the CVC, as a 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office. It presents its annual report to the President of India.

## Removal

The CVC/Vigilance Commissioner (VC) can be removed from his/her office by an order of the President only on the ground of proved misbehavior or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the CVC/VC, as the case may be, ought to be removed. The President may suspend CVC/VC from office, and if deem necessary prohibit him/her from attending the office during inquiry. The President may, by order, remove from office the CVC or any VC, if CVC/VC, as the case may be:

- 1) is adjudged an insolvent; or
- 2) has been convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or
- 3) engages, during his/her term of office, in any paid employment outside the duties of his/her office; or
- 4) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- 5) has acquired such financial or other interest, as is likely to affect prejudicially his/her functions, as a CVC or a VC.

## Limitations

- 1) It is only an advisory body. Central government departments may or may not pay heed to its advice.
- 2) It does not have adequate resources to cater to the number of complaints that it receives. It is a very small set up with limited staff strength, as compared to the enormous number of central government establishments it is supposed to overview.

## Commissions

- 3) It cannot on its own direct CBI to initiate inquiries against any officer of the level of Joint Secretary and above. The concerned department has to give permission for the same.
- 4) It does not have powers to register criminal cases. It can deal only with vigilance or disciplinary cases.
- 5) It has supervisory powers over CBI. However, it does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner. CBI is under administrative control of Department of Personnel and Training (DoPT), which means that the powers to appoint, transfer, and suspend CBI officers lie with DoPT.
- 6) Appointments to CVC are indirectly under the control of the central government even though the leader of the Opposition is a member of the Committee to select CVC and VCs.

From the above, it seems that CVC is not as independent and autonomous institution, as expected.

## Initiatives

The following initiatives have been taken by CVC:

- 1) National Anticorruption Strategy
- 2) Leveraging Technology to Prevent Corruption
- 3) Integrity in Public Procurement
- 4) Awareness Campaign
- 5) Provision for Whistle Blowers
- 6) Improving the Standard of Vigilance Work
- 7) Computerization of Commission's Work
- 8) Modern Preventive Vigilance Framework
- 9) International Cooperation

## Vigilance Awareness Week

Driven by the Central Vigilance Commission, Vigilance Awareness Week (VAW) is being celebrated every year in the last week of October and coincides with the birthday of Sardar Vallabhbhai Patel, a man of high integrity. The CVC informs all the departments and organizations to undertake activities relevant to the theme both within and outside their organization or department and outreach activities for the public and citizens.

## Activity

Give some illustrations to substantiate the actual functioning of CVC.

## References

- <http://www.cvc.nic.in>
- The CVC Act, 2003 <http://web.archive.org/web>
- <http://cvc.gov.in/cvcact.pdf>.

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## **UNIT 10(F) ADMINISTRATIVE REFORMS COMMISSION**

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### **First Administrative Reforms Commission 1966-1970**

The First Administrative Reforms Commission (ARC) 1966 was constituted by the Ministry of Home Affairs under GoI resolution dated January 5 1966 to review the public administration system in the government. It was initially chaired by Sh. Morarji R. Desai and later on by Sh. K. Hanumanthaiah.

#### **Mandate**

The first ARC was mandated to consider the need of highest standards of efficiency and integrity in public services so as to enable them to achieve social and economic goals of development, In particular, the Commission was to consider and review the following subjects and provide its recommendations.

- 1) Machinery of the GoI and its work procedures
- 2) Planning machinery at all levels
- 3) Center-State relationships
- 4) Administration at the State level
- 5) Financial administration
- 6) Personnel administration
- 7) Economic administration
- 8) District administration
- 9) Agricultural administration
- 10) Redress of citizens' grievances

#### **Exclusion**

The Commission may exclude from its purview examination of Defence, Railways, External Affairs, Security and Intelligence work, and such other subjects that may already have separate commissions. The Commission will, however, be free to take the sectors into account while recommending the reorganization of the overall government machinery.

#### **Reports**

The Commission submitted 20 reports given, as below:

- 1) Problems of Redress of Citizens Grievances
- 2) Machinery for Planning
- 3) Machinery for Planning (Final)
- 4) Public Sector Undertakings
- 5) Finance, Accounts, & Audit
- 6) Economic Administration
- 7) Machinery of GoI and its work procedures

## Commissions

- 8) Life Insurance Administration
- 9) Central Direct Taxes Administration
- 10) Administration of UTs and NEFA (North East Frontier Agency)
- 11) Personnel Administration
- 12) Delegation of Financial and Administrative Powers
- 13) Center-State Relationships
- 14) State Administration
- 15) Small Scale Sectors
- 16) Railways
- 17) Treasuries
- 18) Reserve Bank of India
- 19) Posts and Telegraphs
- 20) Scientific Department

The Commission submitted 20 reports in all the above mentioned fields and suggested reforms. The Commission gave 580 recommendations and suggestions. The central government accepted 80 percent of the recommendations made by the Commission. The Commission also explored areas within the states jurisdiction and made recommendation that could ensure effective administrative functioning.

### **Second Administrative Reforms Commission 2005**

The Second ARC was set up in 2005 with a resolution of the GoI to prepare a detailed blueprint for revamping the public administration system in India. It was headed by Chairperson Sh. Veerapa Moily along with three members and a member secretary.

#### **Mandate**

The Commission was given the mandate to suggest measures to achieve a proactive, responsive, accountable, sustainable, and efficient administration for the country at all government levels. The Commission reviewed the following subjects:

- 1) Organizational structure of the GoI
- 2) Ethics in governance
- 3) Refurbishing of personnel administration
- 4) Strengthening of financial management systems
- 5) Effective administration at State level
- 6) Effective district administration
- 7) Local self-government/Panchayati Raj Institutions
- 8) Social capital, trust and participation in public services
- 9) Citizen-centric administration

- 10) Promotion of e-governance
- 11) Issues of federal polity
- 12) Crisis management
- 13) Public order

### Exclusions

The Commission may exclude from its purview examination of Defence, Railways, External Affairs, Security and Intelligence work, and such other subjects that may already have separate commissions. The Commission will, however, be free to take the sectors into account while recommending the reorganization of the overall government machinery.

### Reports

The Commission has presented the 15 Reports to the Government for consideration:

- |                   |   |   |
|-------------------|---|---|
| First Report      | : | Right to Information - Master Key to Good Governance                |
| Second Report     | : | Unlocking Human Capital - Entitlements and Governance. A Case Study |
| Third Report      | : | Crisis Management - From Despair to Hope                            |
| Fourth Report     | : | Ethics in Governance  |
| Fifth Report      | : | Public Order - Justice for Each, Peace for All                      |
| Sixth Report      | : | Local Governance 1   Local Governance 2   Local Governance 3        |
| Seventh Report    | : | Capacity Building for Conflict Resolution - Friction to Fusion      |
| Eighth Report     | : | Combating Terrorism   |
| Ninth Report      | : | Social Capital - A Shared Destiny                                   |
| Tenth Report      | : | Refurbishing of Personnel Administration - Scaling New Heights      |
| Eleventh Report   | : | Promoting e-Governance - The Smart Way Forward                      |
| Twelveth Report   | : | Citizen Centric Administration - The Heart of Governance            |
| Thirteenth Report | : | Organizational Structure of Government of India                     |
| Fourteenth Report | : | Strengthening Financial Management Systems                          |
| Fifteenth Report  | : | State and District Administration                                   |

The government constituted a Group of Ministers on March 30 2007 under the External Affairs Minister, as the Chairperson to consider the recommendations of the second ARC and to review the pace of implementation of the recommendations as well as to provide guidance to the concerned Ministries/ Departments in implementation of the same. Since August 21 2009 the same has been reconstituted under the Finance Minister. Core group on administrative reforms under the Cabinet Secretary has finished examination of all the 15 reports and all have been considered to some extent.

### Activity

Let all of us to know your view points on the administrative reforms that have so far been undertaken in the country. You can examine about license raj that is still predominant in our bureaucracy, public servants being limited to execution of policies alone, red tapism, secrecy, change orientation in existing administrative culture, and such other related points.

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## 10.3 CONCLUSION

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The Unit describes the concept of commission and discusses the various commissions in India. The first commission is NITI, wherein its composition, seven pillars and functions are explained. The second commission is the UPSC, wherein the constitutional provisions pertaining to its composition and functions are mentioned. The composition and functions and roles of the other four commissions namely the ECs, FC, CVC, and ARC have been discussed.

Undoubtedly, these commissions are autonomous and independent in their working, yet there is a need to impress upon their independence by lessening the political handedness.



