

Statutory & Constitutional Bodies

The commissions that make constitutional democracy actually work — regulate · oversee · investigate · advise.

Revise → write a little → don't break the chain.

ASKED IN MAINS

2016 · 2017 · 2019 · 2020 · 2021 · 2022 · 2023 · 2024 · 2025

1 Constitutional, Statutory & Executive Bodies

Indian democracy runs on more than legislature, executive and judiciary. A second tier of independent bodies regulates elections, audits finance, supervises recruitment, protects rights and advises on fiscal transfers. **Gautam Bhatia** groups them as **fourth branch institutions** — not substitutes for elected government, but the machinery that limits arbitrariness and builds specialised accountability.

Four functions every commission performs

Regulation — elections, recruitment, finance, rights

Oversight — checking misuse of power

Investigation — complaints, violations, maladministration

Policy advice — reforms, safeguards, devolution, welfare

Three sources of authority — and why it decides everything about an answer

CONSTITUTIONAL
created by the Constitution

ECI · CAG · Finance Comm.
UPSC · NCSC · NCST · NCBC

STATUTORY
created by an Act

NHRC (1993) · NCW (1990)
NCM (1992)

EXECUTIVE ORDER
neither Constitution nor statute

NITI Aayog

Stronger source → stronger insulation. Constitutional bodies enjoy fixed tenure, charged-or-protected service conditions and removal safeguards; statutory bodies stay more vulnerable because powers, finances and appointments depend more directly on government.

Body	Source	Anchor
Election Commission	Constitutional	Article 324
CAG	Constitutional	Articles 148–151
Finance Commission	Constitutional	Article 280
UPSC	Constitutional	Article 315
NCSC / NCST / NCBC	Constitutional	Articles 338 / 338A / 338B
NHRC	Statutory	Protection of Human Rights Act, 1993
NCW	Statutory	National Commission for Women Act, 1990
NCM	Statutory	National Commission for Minorities Act, 1992

Accountability — the framework to argue with

The chapter's analytical position: a commission's capacity to hold government accountable turns on three variables — **autonomy**, **mandate** and the **extent to which recommendations are implemented**. Comparative reference points the chapter uses: the US Federal Reserve and SEC (independence from political pressure as the test of effectiveness); the UK's National Audit Office and Independent Office for Police Conduct (specialised oversight, but needing continual reform); Brazil's Public Ministry and Federal Police (anti-corruption muscle, repeatedly tested by controversy).

Common challenges — the shared diagnosis (write these as the structural critique)

- politicised appointments;
- weak financial autonomy;
- non-binding recommendations;
- delay in tabling reports;
- staff shortage;
- dependence on ministries;
- overlapping jurisdiction;
- weak public awareness;
- limited legislative follow-up;

2 Election Commission of India Article 324 · the referee of representative democracy

Periodic elections are a core condition of democracy — the Supreme Court has read democracy into the **basic structure** (**Kesavananda Bharati**, **Indira Nehru Gandhi v. Raj Narain**, **Minerva Mills**). The ECI holds **superintendence, direction and control** of elections to Parliament, State legislatures and the offices of President and Vice-President.

Durga Das Basu: the Constitution provides an independent body — the Election Commission, Article 324 — to supervise the entire machinery for elections and ancillary matters.

Composition · appointment · removal

Constitutional provisions — Part XV

- Established **25 January 1950**; single-member, then multi-member from 1989; 1993 law stabilised it.
- **T.N. Seshan v. Union of India** → ECs equal in status and power to the CEC.
- Now: CEC + two ECs; decisions by majority.
- Appointed by President; tenure 6 years or age 65.

- Status = Supreme Court judge.
- Removal: CEC like a SC judge; other ECs only on CEC's recommendation.

Subhash Kashyap: the multi-member structure is a safeguard against arbitrary decision-making.

324	superintendence, direction, control
325	one general roll; no exclusion by religion/race/caste/sex
326	adult suffrage
327	Parliament's power on elections
328	State legislature's power
329	bar on court interference except by election petition

The ECI is perhaps the envy of the world — one institution that has drawn many compliments, largely due to the reforms of T.N. Seshan, who put in place rules that reduced human discretion to the minimum and so eliminated fear: commissioners only had to follow the rules and need not bother about pressure from any political party.

— Justice K.M. Joseph

The powers of the ECI fall into three baskets

ADMINISTRATIVE

rolls · schedules · nominations · recognise parties · symbols · expenditure limits · exit/opinion polls · Model Code · countermand polls · voter education

ADVISORY

advises President / Governors on MP & MLA disqualification · feasibility of polls under President's Rule

QUASI-JUDICIAL

party-recognition & symbol disputes · disqualify for non-filing of expense accounts

ECI v. Mohd. Abdul Ghani: the Commission cannot alter boundaries/area/extent of any constituency fixed by a Delimitation Order. **N.P. Ponnuswami:** "election" covers the whole process; disputes handled post-poll by petition (Art. 329(b)). **Mohinder Singh Gill:** Art. 324 powers are wide but not unrestrained — bound by law, rule of law and natural justice. **K. Ganesan** warns that claiming extraordinary Art. 324 powers in matters already covered by law is dangerous.

Legal framework for free & fair elections

RPA, 1950	constituencies, seat allocation, electoral rolls, voter qualification
RPA, 1951	conduct of elections, dis/qualifications, offences, party registration, disputes
Reg. of Electors Rules, 1960	roll preparation, registration, identity cards
Conduct of Election Rules, 1961	notifications, nomination, scrutiny, polling, counting
Anti-Defection Law, 1985	Tenth Schedule; defection of legislators

Model Code of Conduct

- From the 1971 Lok Sabha polls; **not a statute** — persuasive, moral force.
- Regulates campaign conduct, use of official machinery, hate speech, ruling-party announcements.
- Criticism: weak legal backing, uneven enforcement, allegations of delay/partisanship.

UPSC 2008 Revision in the Election Code of Conduct — revise for social media, paid news, micro-targeting; preserve flexibility while improving speed & uniformity.

Ashutosh Varshney on strict enforcement.

Simultaneous elections — 'One Nation, One Election'

Trail of references: **ECI Annual Report 1983** · **Law Commission 170th Report, 1999** (Justice B.P. Jeevan Reddy) · **Parliamentary Standing Committee 79th Report, 2015** · **NITI Aayog 2017** · **Kovind Committee** (LS + Assemblies together → local bodies within 100 days · single roll & ID · fresh polls for remaining term on hung House).

Modernisation of electoral management

- **EVMs** — trialled Kerala 1982; nationwide 2004.
- **EPIC** — 1993, mandatory 2004.
- **VVPAT** — 2014; **NOTA** — 2014.
- **SVEEP** — voter education, 2009.
- ECI website — 28 Feb 1998; rolls computerised from 1998.
- **Remote Voting Machine** — prototype for migrants; one booth up to 72 constituencies.

For	Against
fewer MCC disruptions; lower cost; governance focus; turnout	weakens federalism; state issues drowned; Arts. 85 & 174 problems; hurts regional parties

Madhav Khosla (*India's Founding Moment*) discusses the constitutional and political difficulty of simultaneous polls in a federal structure.

Criminalisation of politics

Milan Vaishnav (*When Crime Pays*) links it to expensive elections, weak rule of law, voter preference for "strongmen", identity mobilisation and party dependence on money & muscle. Judicial spine: **ADR, 2002** (disclose assets/cases) → **Ramesh Dalal, 2005** → **Lily Thomas, 2013** (convicted MPs/MLAs disqualified) → **Lok Prahari** (mismatch in assets investigated). Committees: **Dinesh Goswami, Vohra, Indrajit Gupta**, Law Commission 170th; plus fast-track courts, affidavits, flying squads.

Appointment debate & reform (live issue — 2025 PYQ)

The pivot point — **B.R. Ambedkar:** there is no provision in the Constitution to prevent the appointment of either a fool or a knave or a person likely to be under the thumb of the Executive.

- **Anoop Baranwal v. Union of India, 2023** → interim selection committee of PM + LoP + CJI until Parliament legislates.
- **CEC and Other ECs Act, 2023** → Selection Committee = PM + LoP (Lok Sabha) + a Union Cabinet Minister nominated by PM (CJI dropped → executive-majority concern).
- Reforms: equal constitutional protection for all ECs; senior-most EC elevated as CEC by convention; independent secretariat; expenditure charged on Consolidated Fund; power to deregister parties; legal backing for MCC in select areas.

Scholar shelf for ECI essays: Alistair McMillan (among the world's most powerful, trusted electoral regulators) · S.Y. Quraishi (*An Undocumented Wonder*) · Sunil Khilnani (elections carry "the entire society's aspirations", the "sole bridge between state and society") · Peter Ronald deSouza ("means to the end of a vibrant representative democracy") · Lloyd & Susanne Rudolph ("bulwark for free and fair elections") · Yogendra Yadav (the **Third Electoral System**; mobilisation exceeding institutionalisation) · David Gilmartin & Robert Moog (the ECI "nationalised" elections) · the reformer line — Seshan · M.S. Gill · J.M. Lyngdoh · T.S. Krishna Murthy.

UPSC 2020 · 20m UPSC 2021 · 20m UPSC 2025 · 15m — status & role of ECI · electoral-democracy success · the appointment-procedure debate.

3 Comptroller & Auditor General Articles 148–151 · the guardian of the public purse

The supreme audit institution of India, created under **Articles 148–151** and the **CAG (DPC) Act, 1971**. Head of the Indian Audit & Accounts Department; external auditor of government companies.

The most important officer in the Constitution of India, with duties far more important than the duties even of the judiciary.

— B.R. Ambedkar, on the CAG

It is impossible to keep honey at the tongue and not to taste it.

— Kautilya, Arthashastra (on public finance)

Constitutional scheme

148	CAG — appointment, oath, service conditions
149	duties and powers
150	form of accounts (President on CAG's advice)
151	reports to President / Governor → tabled in legislatures

Audits

- Consolidated Fund (Union, States, UTs w/ legislature), Contingency Fund, Public Account;
- receipts & expenditure; government companies; bodies substantially financed by government;
- certifies **net proceeds** of taxes & duties;
- reports: Appropriation Accounts, Finance Accounts, Public Undertakings.

Parliamentary financial control



Rameshwar R. Iyer: the CAG is the institution through which the accountability of all who spend public funds — to Parliament, State Legislatures and through them the people — is ensured. Accountability is not the same as accounting; it really means **answerability**.

CAG as an institution of good governance

Mahatma Gandhi's test — do the policies help the poorest and weakest? — frames the office's purpose. Visibility came through audits of **2G spectrum**, **coal block allocation**, **Commonwealth Games**, Bofors, KG-D6, Adarsh, MPLADS and environmental projects. **T.N. Chaturvedi:** not a mere accountant but a **constitutional conscience-keeper** of public funds. **Vinod Rai** (*Not Just an Accountant*) argued for audit down to PRIs and ULBs.

Performance audit (Regulations 2007: financial · compliance · performance) tests economy, efficiency, effectiveness and value-for-money — it does **not** question the legislature's intention, only whether implementation failures defeated objectives. Plus environmental, social-sector and MGNREGA social audits.

Limitations & the 'activism' critique

- Durga Das Basu:** unlike the British CAG, India's does **not** control release from the Consolidated Fund — it audits **after** expenditure (no real comptroller function).
- post-mortem audit; secret service expenditure outside detailed audit; PPP/BOT and many local bodies under-covered; no penalty for denial of records; reports tabled late; findings not self-executing.

Paul Appleby criticised the role as "highly pedestrian and narrow." The **Economic Survey 2017–18** flagged the "4Cs" — CBI, CVC, Court and CAG — as a source of policy hesitation.

Reforms: transparent appointment & fixed criteria; time-bound tabling; penalties for denial; audit of PPPs/regulators/local bodies; independent investigative capacity. **B.P. Mathur** (*Reimagining CAG of India*) urges procurement audit of major defence purchases; the **2nd ARC** recommended strengthening local-fund audit under the CAG.

UPSC 2002 UPSC 2014 UPSC 2019 · 15m UPSC 2020 · 20m — CAG comment · CAG & good governance · CAG as watchdog of finances · ECI & CAG over two decades.

4 Finance Commission of India Article 280 · the balance-wheel of fiscal federalism

A **quasi-judicial constitutional body** under **Article 280**, appointed by the President every five years (or earlier). Established 1951 — inspired partly by Australia's Commonwealth Grants Commission, but broader. The framers deliberately avoided a fixed transfer formula: a flexible, periodic, impartial mechanism was preferred.

Composition & powers

- Chairman + four members (President-appointed); Finance Commission Act, 1951 sets qualifications & terms.
- Chairman: experience in public affairs; members from judiciary, finance/accounts, administration, economics.
- Powers of a civil court — summon witnesses, require documents and public records.

Two imbalances it corrects

Vertical	Centre has revenue capacity; States carry expenditure → transfers down
Horizontal	States differ in capacity & cost disability → equalisation

Evolution of methodology — from filling gaps to setting norms



Grants & devolution

Revenue Deficit Special Sector-Specific Performance-Based Local Bodies Disaster Risk (75:25 / 90:10)

The 15th FC (chair **N.K. Singh**) recommended **41% devolution** — down from 42% under the 14th FC, reflecting the creation of J&K and Ladakh as Union Territories.

FC and GST

- GST subsumed many state indirect taxes → states now depend on timely devolution & compensation;
- delay in compensation hits state development; horizontal imbalance persists (richer states, stronger bases);
- FC's role grew more central after GST. Key amendments: 80th, 88th, 101st.

Vijay Kelkar (*Towards India's New Fiscal Federation*) argues tax reform and coordination among NITI Aayog, the Finance Commission, constitutional provisions and GST law are needed to improve Indian federalism.

FCs need to become agents of change — examining suggestions and making recommendations to empower local governments, enable good governance and support sustainable development.

— **Pradeep S. Mehta**

Challenges: vague qualification criteria · politically framed Terms of Reference · no clear guidelines for vertical/horizontal split · data reliability · overlap with the GST Council · weak coordination with State FCs · balancing equity vs efficiency · new demands from debt, climate and demography.

16th FC & State FCs

- **16th FC** — constituted 31 Dec 2023, chair **Arvind Panagariya**; report due 31 Oct 2025, to apply from 1 April 2026.
- **State Finance Commissions** — Art. 243-I (73rd Amendment); review Panchayat finances; Governor tables recommendations.

5 UPSC & Public Service Commissions Articles 315–323 · merit against patronage

A welfare state needs competent, fairly recruited public servants. The PSC removes recruitment from **executive patronage**, protects merit and gives candidates institutional confidence. Crucially — it is a **recruiting agency, not an appointing authority**: its recommendations are advisory; government appoints.

Evolution

- Charter Act 1833 — fitness regardless of caste/creed/colour;
- 1854 **Macaulay Committee** — competitive exam, probation, end of Haileybury;
- GoI Act 1919 recognised need; **Lee Commission, 1923** urged a statutory PSC;
- GoI Act 1935 → Federal PSC; Constitution → **UPSC from 26 Jan 1950**.

Constitutional provisions

315	PSCs for Union & States
316–317	appointment, term, removal/suspension
320	functions
322	expenses charged on Consolidated Fund

Chairman + members by President; **half** must have 10 yrs' government office; term 6 yrs / age 65; removal for misbehaviour only after SC inquiry; chairman barred from further office.

Functions & their limits

Type	Content
Advisory	recruitment methods, appointments, promotions, transfers, suitability — advisory only (unlike the US Civil Service Commission)
Executive	conducts exams for All-India / Central / Group A & B services; annual report to President → tabled with reasons for any non-acceptance
Quasi-judicial	advises on disciplinary matters; Art. 320(3)(c) consultation on action, legal costs, injury pensions

Excluded: reservation policy, SC/ST claims, high diplomatic posts, Group C & D, sub-one-year temporary posts, many technical posts → limited jurisdiction; overlap with CVC; possible executive influence.

Lateral entry — the running debate

UPSC-run lateral entry at Joint Secretary / Director / Deputy Secretary. **NITI Aayog** (Three-Year Action Agenda): specialists inducted via lateral entry will bring competition to the career bureaucracy. **For:** expertise in semiconductors, green hydrogen, cyber-security. **Concerns:** ministries pick posts; expertise-vs-patronage; cadre morale; reservation for SC/ST/OBC. **K.M. Chandrasekhar** warns lateral entrants "will not deliver the same outcome... the system is not such that they can fully display their skills."

Rajni Kothari sees PSCs as instruments balancing centralisation and decentralisation; **Zoya Hasan** — they protect democratic integrity by preventing politicisation and ensuring merit. Reform: define member qualifications, transparent appointments, make PSCs think-tanks on personnel policy, fix corruption/delay in State PSCs.

6 National Commission for Scheduled Castes Article 338 · watchdog of SC safeguards

Ambedkar had argued for a Superintendent of Minority Affairs — status akin to the Auditor General — to report on "any transgressions of safeguards or any miscarriage of justice due to communal bias."

Evolution

- 1950 → Special Officer for SCs & STs (Art. 338);
- **89th Amendment, 2003** → separated NCSC & NCST;
- 2004 → first separate NCSC.

Composition & duties

- Chairperson + Vice-Chairperson + 3 Members (President-appointed); HQ Delhi.
- Investigate/monitor safeguards; inquire into complaints; advise on socio-economic planning; annual report to President.
- **Civil-court powers** (summon, oath, documents, records) — but **findings & recommendations only**, no judicial verdict.

Patel's four political safeguards: legislative representation · Cabinet reservation · service reservation · machinery to protect minority rights.

- Union & States **must consult** it on major SC policy.

Atrocities mandate works with the **Protection of Civil Rights Act, 1955** and the **SC/ST (Prevention of Atrocities) Act, 1989**. Three wings: Service Safeguard · Economic & Social Development · Atrocities & Protection of Civil Rights. (In 2016 the NCSC handled 38,669 cases — 13,540 at HQ, 25,129 at state offices.) The **Committee on the Welfare of SCs & STs** (30 members; 20 LS + 10 RS) examines NCSC/NCST reports.

Human Rights Watch: political will to end the scourge of caste discrimination is needed at all levels of government to turn well-meaning laws into reality.

Concerns: non-binding recommendations · delayed/un-discussed reports · service matters crowd out atrocities · elite bias in the complaint system · tendency to refer complaints back to the very authorities accused of inaction. **Reforms:** institutionalised appointments · time-limit for parliamentary discussion · independent investigative machinery · stronger suo motu action · a separate parliamentary committee for social-justice commissions.

UPSC 2009 **UPSC 2011** **UPSC 2014** — Art. 338 clauses (5),(8),(9) · role of NCSC · working of NCSC to curb violence against Dalits.

7 National Commission for Scheduled Tribes Article 338A · land, forest & livelihood rights

Evolution & structure

- 1999 → Ministry of Tribal Affairs; **2004** → **Art. 338A** inserts NCST separately;
- six regional offices: Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi, Shillong;
- Art. 339 commissions: **U.N. Dhebar** (1960), **Dilip Singh Bhuria** (2002–04).

N.K. Bose and **B.D. Sharma** — remembered as dedicated figures in tribal affairs.

The structural problem: the Ministry of Tribal Affairs often acts as if superior to the NCST; funding & infrastructure control weaken autonomy; it is not always consulted on mining/industry; reports are not regularly tabled; it cannot sanction officials. Hence the perception of a **paper tiger** — SC/ST employee groups call both commissions “toothless tigers.”

Field reality: low case numbers despite many atrocities, over-reliance on official clarification letters, no independent investigation, weak access for remote communities. **Anupam Hazra** (2010): more than 50% of the tribal population lives below the poverty line. **Pradip Kumar Singh** (2004): existence of a scheme does not guarantee effective benefit. **Reforms:** independence in practice not only law · punitive powers for serious violations · strengthen regional offices · mandatory consultation on mining/displacement · stronger role of Governors under the Fifth Schedule.

8 National Commission for Backward Classes Article 338B · constitutional voice for OBCs

From advisory body to constitutional watchdog



Constitutional safeguards for OBCs

15(4)	special provisions for SEBCs
16(4)	reservation in appointments
340	commission to investigate backward classes
338B	National Commission for Backward Classes
342A	socially & educationally backward classes

Composition: Chairperson + Vice-Chairperson + 3 members. Functions: inclusion/exclusion in the Central OBC list, over/under-inclusion complaints, monitoring safeguards, civil-court powers. The **105th Amendment, 2021** restored states' power to identify SEBCs.

Concerns & sub-categorisation

- recommendations still lack practical force; no clear definition of backwardness; no automatic revision of lists; insufficient data;
- OBCs under-represented in higher judiciary, boards, commissions; dominant communities increasingly demand backward status;
- **Sub-categorisation** — so benefits are not monopolised by advanced OBC groups.

Bhagwan Lal Sahni (former 8th-NCBC chair): adequate staff, logistics and funding are essential.

Theory linkages (NCSC/NCST/NCBC together): **W.H. Morris-Jones** (balance central authority, regional autonomy, historical oppression) · **Zoya Hasan** (affirmative action) · **Rajni Kothari** (watchdogs of social justice) · **Uppendra Baxi** (participatory democracy) · **Rawls'** difference principle · **Amartya Sen's** capability approach · **Marx** (mediating conflict without structural exploitation).

UPSC 2022 · 10m — how far is the NCBC an empowered body, given rising backwardness demands among dominant communities?

9 National Human Rights Commission PHR Act, 1993 · the rights watchdog and its limits

Established **12 October 1993** under the **Protection of Human Rights Act, 1993**, which defines human rights as rights to life, liberty, equality and dignity guaranteed by the Constitution or in international covenants and enforceable by Indian courts. Built on the UN's **Paris Principles** (UN Commission on Human Rights 1992; UN General Assembly 1993) and reinforced by the Vienna World Conference on Human Rights.

To deny people their human rights is to challenge their very humanity.

— **Nelson Mandela**

Gautam Bhatia: the National and State Human Rights Commissions are examples of what we now call **fourth branch institutions**.

Composition (after 2019 amendment)

- Chairperson: former CJI or SC judge;
- judicial & human-rights expert members; **one woman** member;
- ex-officio: chairs of NCM, NCSC, NCST, NCW, NCBC, NCPCR & the Chief Commissioner for PwD.

Selection committee: PM, LS Speaker, Home Minister, LoP (both Houses), RS Deputy Chairman. Term cut to 3 years / age 70.

Custodial justice spine: report custodial deaths within 24 hours · video-record post-mortems · Human Rights Cells in police HQ · prison-reform recommendations. Interventions: Nandigram, Salwa Judum, Chakma refugees, Punjab mass cremations, mental-health institutions. International: helped found the **Asia-Pacific Forum of NHRIs** (1996); "A"-status (with accreditation concerns). **Virendra Dayal:** the NHRC has strengthened democracy against police brutality, violence on women & children, discrimination and corruption.

The critique gallery — the heart of any NHRC answer

[The NHRC is] the biggest post office in India.

— Justice V.R. Krishna Iyer

TEASING ILLUSION.

— Soli Sorabjee

If powers are given through an amendment, the NHRC will certainly become a Toothful Tiger.

— H.L. Dattu

Limitations: non-binding recommendations · no enforcement · financial/administrative dependence · one-year limitation bar · restricted jurisdiction over the **armed forces** (Sec. 19) · weak in internal-security cases · post-retirement platform. **Reforms** (J.S. Verma) wanted it a "conscience keeper of the nation"; **Mandeep Tiwana** — powers against false departmental reports; make recommendations enforceable in serious cases, allow interim relief, widen armed-forces jurisdiction, independent investigation cadre, relax the one-year bar.

UPSC 2010 · UPSC 2016 · ISm · UPSC 2025 · 10m — effectiveness in redressal · objective & role · how far successful in its objectives.

10 National Commission for Minorities NCM Act, 1992 · recognition without constitutional teeth

UN definition: minorities are non-dominant groups wishing to preserve ethnic, religious or linguistic traditions differing from the rest of the population. India has notified **six** — Muslims, Sikhs, Christians, Parsis, Buddhists, Jains — but has **no single constitutional definition** of "minority."

Genesis & mandate

- Sapru Committee 1945 → UP (1960), Bihar (1971), Gujarat (1977);
- Central Minorities Commission 1978 (MHA Resolution) → **NCM Act, 1992** gives statutory status;
- seven members (Chairperson + Vice-Chairperson + 5); 3-year terms.

Functions (Sec. 9): evaluate progress, monitor safeguards, investigate complaints, commission studies, report. Examples: Bharatpur riots (2011), Bodo-Muslim hostilities, Assam (2012). Civil-court powers.

[The NCM is] a toothless tiger, a white elephant and a Sarkari puppet.

— Tahir Mahmood (Minorities Commission: Minor Role in Major Affairs)

Zoya Hasan — a "toothless body": minority rights cannot be realised through passive commissions without constitutional backing and political will. **Christophe Jaffrelot** — the apparatus is often "more about optics than power-sharing." **Rajeev Bhargava** — minorities need not just protection but recognition and equal voice in public reason. The **Sachar Committee** exposed low Muslim representation in IAS/IPS/Railways and education. **Hamid Ansari** and **Wajahat Habibullah** stress will and vacancies as binding constraints.

Theory: Will Kymlicka (group-differentiated rights) · **Bhikhu Parekh** (active negotiation of cultural space) · **Gramsci** (passive revolution) · **Spivak** (speaking for vs enabling voice) · **MacIntyre & Taylor** (communitarian critique). **Reform:** constitutional status, stronger investigative powers, regular tabling, strengthen State Minority Commissions.

UPSC 2017 · ISm · UPSC 2023 · 10m — role in preserving/promoting/protecting minority rights · NCM.

11 National Commission for Women NCW Act, 1990 · toothless or under-powered?

Established **January 1992** under the **National Commission for Women Act, 1990**; **Jayanti Patnaik** first Chairperson. The demand grew from the women's movement and the 1974 CSWI report **Towards Equality**, which sought a statutory, autonomous commission to review and recommend measures for equality — women's groups rejected the weaker "Commissioner" model.

There is no tool for development more effective than the empowerment of women.

— Kofi Annan

Structure & mandate (Sec. 10 — 14 points)

- Chairperson + 5 Members + Member-Secretary; Central Government appoints; at least one SC and one ST member.
- Four heads: safeguard rights · study contemporary problems · evaluate women's status (inspect institutions) · fund & fight rights-based cases (suo motu).

No special constitutional commission exists for women; Arts. 14, 15(3), 21 support rights — institutional monitoring needed a separate body. Judicial spine: **Bodhisattwa Gautam, Chandrima Das, Vishaka**.

Achievements: shaped the **Domestic Violence Act, 2005** and the workplace **Sexual Harassment Act, 2013**; dowry/marriage/succession reform; Digital Shakti, entrepreneurship and police gender-sensitisation initiatives. Powers of a civil court during inquiry — but it cannot itself punish offenders.

Shortcomings & the 'toothless' charge (2019 PYQ frames it exactly)

Functions (Section 12)

- inquire — suo motu, on petition, on court direction;
- negligence by public servants; intervene in court (with permission);
- visit prisons & detention institutions;
- review safeguards; study treaties; promote research, literacy, NGOs.

Rajeev Dhavan — "a mere showpiece" with a stance "far too grandiose" for its resources. **Upendra Baxi** — a "toothless tiger" working within the "grammar of governance." **Sarah Thanawala & Mathew Jacob** fault its silence on CAA-NRC, Kashmir and migrant-labour distress.

Constitutional anchor (no Art. 338-type status)

- Common domain: Arts. 14–16, 25–28, secularism;
- Separate domain: **Art. 29** (conserve language/script/culture), **Art. 30** (establish & administer institutions), Arts. 350A & 350B.

Challenges: statutory not constitutional · no binding power · weak suo motu · no power to intervene in proceedings or visit detention · no mandatory consultation.

Four cells

- **Complaint & Counselling** — DV, dowry, rape, harassment, FIR refusal, workplace harassment;
- **Legal** — amendments (IPC, Hindu Marriage/Succession, Dowry, MTP) & court work;
- **Parivarik Mahila Lok Adalat** — family ADR; decisions binding on parties;
- **Research** — trafficking, cybercrime, political & economic empowerment.

Statutory not constitutional · non-binding · no prosecution power · two power centres (**Chairperson vs Member-Secretary**) · politicised appointments · weak rural outreach · reactive rather than transformative. **Sadhana Ariya** flags the Chairperson–Member-Secretary tension and opaque selection; **Sanjukta Basu** asks why a statutory body is not free of party ideology (“maximum noise, minimum value”).

The single most important factor affecting women’s situation is the gender gap in command over property.

— **Bina Agarwal**

Assessment shelf: **Nivedita Menon** (legal equality has failed to become lived equality; feminism “comes slowly, but keeps on coming”) · **Flavia Agnes** (evolve from grievance-redressal to rights-based advocacy) · **Indira Jaising** (engines of policy innovation, not complaint centres) · **Rajeshwari Sunder Rajan** (institutionalised agency risks delinking from the movement). Theory: **Catherine MacKinnon** (state as “masculine institution”) · **Chandra Talpade Mohanty** (against homogenised womanhood) · **J.S. Mill** · **Iris Marion Young** (differentiated citizenship).

UPSC 2012 · **UPSC 2019 · ISm** · **UPSC 2024 · ISm** — role of NCW · is it a toothless organisation? · structure & functions.

12 Overall Assessment & Conclusion *the synthesis to land every answer*

Independent commissions convert constitutional values into working institutions. Map each to the value it protects:

Value	Guardian institution
Procedural democracy	Election Commission — electoral competition & voter confidence
Financial accountability	CAG — makes the executive answerable for public funds
Fiscal federalism	Finance Commission — balances Centre–State finances
Merit & neutrality	UPSC — protects recruitment from patronage
Social justice	NCSC · NCST · NCBC — safeguards for disadvantaged groups
Rights protection	NHRC · NCM · NCW — grievance redressal & policy pressure

The one line that ties the chapter together: the common weakness is not absence of mandate but weak implementation. Many bodies have civil-court powers yet no power to enforce outcomes; many submit reports yet depend on government and legislatures for action; many are designed as watchdogs yet stay vulnerable to appointment politics, staff shortage and financial dependence. They become meaningful when **autonomy + resources + transparent appointments + public reporting + parliamentary follow-up** work together — without these, advisory institutions; with them, instruments of constitutionalism, accountability and social justice.

★ Power Quotes

The most important officer in the Constitution of India, with duties far more important than the duties even of the judiciary.

— **B.R. Ambedkar, on the CAG**

There is no provision in the Constitution to prevent the appointing of either a fool or a knave or a person who is likely to be under the thumb of the Executive.

— **B.R. Ambedkar, on Election Commission appointments**

The ECI is perhaps the envy of the world — largely due to the reforms of T.N. Seshan, who reduced human discretion to the minimum and so eliminated fear.

— **Justice K.M. Joseph**

Elections have become the sole bridge between state and society, carrying the entire society’s aspirations.

— **Sunil Khilnani**

It is impossible to keep honey at the tongue and not to taste it.

— **Kautilya, Arthashastra**

[The NHRC is] the biggest post office in India.

— **Justice V.R. Krishna Iyer**

[The NCM is] a toothless tiger, a white elephant and a Sarkari puppet.

— **Tahir Mahmood**

The single most important factor affecting women’s situation is the gender gap in command over property.

— **Bina Agarwal**

To deny people their human rights is to challenge their very humanity.

— **Nelson Mandela**

Scholar Index

Recall self-check — every thinker named above, alphabetical

Alistair McMillan · Amartya Sen · Anupam Hazra · Arvind Panagariya · Ashutosh Varshney · B.D. Sharma · B.P. Mathur · Bhagwan Lal Sahni · Bhikhu Parekh · Bina Agarwal · B.R. Ambedkar · Catherine MacKinnon · Chandra Talpade Mohanty · Christophe Jaffrelot · David Gilmartin · Dilip Singh Bhuria · Durga Das Basu · Flavia Agnes · Gautam Bhatia · Hamid Ansari · H.L. Dattu · Indira Jaising · Iris Marion Young · J.S. Mill · J.S. Verma · Jayanti Patnaik · K.M. Chandrasekhar · K.M. Joseph · Karl Marx · Kautilya · Kofi Annan · Lloyd & Susanne Rudolph · Madhav Khosla · Mahatma Gandhi · Mandeep Tiwana · Mathew Jacob · Milan Vaishnav · Nelson Mandela · Nivedita Menon · N.K. Bose · N.K. Singh · Paul Appleby · Peter Ronald deSouza · Pradeep S. Mehta · Pradip Kumar Singh · Rajeev Bhargava · Rajeev Dhavan · Rajeshwari Sunder Rajan · Rajni Kothari · Rameshwar R. Iyer · Robert Moog · Sadhana Ariya · Sanjukta Basu · Sarah Thanawala · Soli Sorabjee · Subhash Kashyap · Sunil Khilnani · S.Y. Quraishi · Tahir Mahmood · T.N. Chaturvedi · U.N. Dhebar · Upendra Baxi · Vijay Kelkar · Vina Mazumdar · Vinod Rai · Virendra Dayal · V.R. Krishna Iyer · Wajahat Habibullah · W.H. Morris-Jones · Will Kymlicka · Yogendra Yadav · Zoya Hasan.

How UPSC asks it

Theme	Years & marks
Election Commission	2005/2011 · 2020 (20) · 2021 (20) · CEC appointment debate 2025 (15)
Model Code of Conduct	2008
CAG	2002 · 2014 (good governance) · 2019 (15) · ECI+CAG over two decades 2020 (20)
NCSC	Art. 338 clauses 2009 · role 2011 · violence against Dalits 2014
NCBC	2022 (10) — empowered body / dominant-community demand
NHRC	2010 · objective & role 2016 (15) · success in objectives 2025 (10)
NCM	2017 (15) · 2023 (10)
NCW	2012 · toothless organisation 2019 (15) · structure & functions 2024 (15)
Insulation / theory	institutions vs interest-politics 1992

Today's practice

- (2021 · 20m) “The success of electoral democracy can partly be attributed to the status and role of the Election Commission of India.” Explain.
- (2019 · 15m) Discuss, in brief, the role of the National Commission for Women. Do you think it is a toothless organisation?
- (2022 · 10m) How far is the National Commission for Backward Classes an empowered body? Assess its role amid rising demand for backwardness among dominant communities.

Before you write — one honest check

Model answers drop tonight on @psirbyamitpratap. Each of those is built out in full in your Foundation / OGP class notes & handouts — revise the point there, then come back and write the answer. Recall first, then reference.

See you tomorrow with Day 22 — we keep moving through Paper I. Don't break the chain.