CAG
Lecture: 2
Question

- 5. Should CAG Question Policy Decision
CASE STUDY

• The Gujarat state government has launched a Rupees 9700 crore project for developing international financial service city at Ahmedabad.
• CAG has made certain remarks about policy decision on that basis PIL was filed.
CASE STUDY

• SC dismissed the petition.

Shashikant Sharma

• Demonetization is a policy decision.
• CAG will not question it. We will look into other aspects of demonetization such as how much it impacted the revenue of RBI or it's dividends.
6. Can CAG audit private companies?
1) **Natural Resources** (such as spectrum) belongs to people, whenever union, state local, bodies or private entities are exploiting natural resources- They are accountable to people and Parliament
SC OBSERVATION

2) Every unlawful gain by company is a loss to CFI. Therefore CAG has right to audit money trails. In case of DISCOMS, tariffs collected would form part of CFI and hence CAG audit was permissible.
CAG- PAC RELATIONSHIP
The CAG submits Three Audit Reports:

- Audit report on appropriation accounts.
- Audit report on public sector undertaking.
- Audit report on finance account.
CAG- PAC RELATIONSHIP

• The PAC then examines these reports. It does so, not only from legal point of view to discover technical irregularities, but also from point of view of economy (मितव्यता), propriety (उपयुक्तता), and prudence to discover instances of corruption, waste, loan and efficiency.
The Parliament should adopt a charter or convention outlining broad contours (रूप-रेखा) of cooperation between CAG and PAC.
DEMAND OF CAG

• It wants department should respond to its request for information within stipulated time frame.
DEMAND OF CAG

• It also wants that disclosure of Audit Report by Government be made mandatory, as sometimes government delays disclosure.
1. LPG ISSUE- The reports say 92% subsidy savings were due to fall in global oil prices not because of DBT.
2. LEAKAGE OF REPORT- Leakage of CAG report in public domain before it is laid to the house is an act of gross (अनौचित्य)impropriety.
COMPARISON WITH OTHER COUNTRIES.

CAG IN UK

CAG IN AUSTRALIA
CAG IN UK

• The office of CAG was created by exchequer (राजकोष) and Audit Department Act 1866, which combines the foundation of controller general of exchequer with those of commissioners of audit.
• CAG authorizes issue of money to departments.
CAG IN AUSTRALIA

- New Zealand in all these countries CAG is jointly selected by the PM and the chairman of the committee of public accounts and appointments to be ratified by house of commons.
1. The book suggested external audit of the office of CAG on the pattern of UK on the principle that the agency which audits other outfits should itself demonstrate professional soundness and efficiency.
2. The book emphasizes the need for strengthening PAC and COPU (Committee on Public Undertakings (India)) and suggest following measures.-

- The PAC and COPU should be made a constitutional institution with clearly defined duties and functions.
• The life of a committee should not be one year, as at present and it should be made coterminous with the life of Parliament.

• The PAC or COPU should find time to examine all reports of CAG within one year of their submission to Parliament or state legislature.
• There should be statutory provision prescribing dates of submission of appropriation accounts and finance account duly certified by CAG to Parliament

• With regard to defence purchase, the book suggest pre audit by CAG of such deals beyond a specified value before the conclusion of the deal to avoid controversies at the latter stage.
• What is unfortunate is that CAG does not have legal power to enforce action on his findings to enforce recovery of loss of government money due to negligence of delinquent officials.
• The Book brings out the position in this matter in other countries like Japan, New Zealand, France where supreme audit institutions have been vested with powers of investigation in forcing recovery of loss of government money.
The CAG of India is the CAG of union government and also of the states.

The state accountant General (AG) under the CAG does not have any legal status.
The book suggests that the state AG should be given the legal status equivalent to a judge of high court, like in UK and Australia.
ELECTION COMMISSION OF India
WHY ELECTION COMMISSION?

- To conduct free and fair election.
1. Article 324 of the constitution provides that the powers of superintendence, direction and control of election to Parliament, state legislature, office of President of India and office of Vice President of India.
Question

• What Are The Powers And Functions Of Election Commission?
The power can be divided into three categories:

1. Administrative
2. Quasi Judicial
3. Advisory
1. ADMINISTRATIVE

a) To determine the territorial areas of electoral constituencies throughout the country on the basis of delimitation commission Act of Parliament.
1. ADMINISTRATIVE

b) To prepare and periodically revise electoral rolls and to register all eligible voters.
1. ADMINISTRATIVE

c) To notify the dates and schedule of election and to scrutinize nomination paper.
2. QUASI JUDICIAL

• To Act as a court for settling disputes related to granting of recognition to political parties.
2. QUASI JUDICIAL

- To appoint officers for inquiring into disputes relating to electoral arrangements.
To advise President on the matters related to disqualification of the members of Parliament
ISSUES IN THE NEWS
CRIMINALIZATION OF POLITICS
CRIMINALIZATION OF POLITICS

• 1. Data - As Per Data Analyzed By ADR (The Association for Democratic Reforms) With Respect To 16th Lok Sabha.
  • 185/543 have declared criminal cases against them.
  • 21% of them and accused of heinous crime.
  • 31% of MLA out of 4032 have criminal cases against them.
• **Rule 4A of conduct of election rules, 1961** - this expects candidate to fill Form 26 i.e., that is affidavit giving criminal antecedents (पिछला जीवन).
SAFEGUARDS AVAILABLE

• After SC judgment, it is incumbent on candidate to declare her criminal antecedent -why
• Non disclosure will make election null and void under section 101 of RPA 1951.
RECOMMENDATION

• Election Commission of the view that affidavit to be countersigned by political parties.
Law Commission - Recommended for creation of Quasi judicial tribunals that would move beyond domain of criminality and evaluate fitness of candidate on certain standard
The Representation Of The People Act 1951

- SECTION 8 OF RPA
There are 3 subsections imposing different penalty
section 8(1)- If convicted for crimes related to laws in
section 1, he/she will be disqualified for “6 Years” after
the date of release
SECTION 8 OF RPA

Section 8 (2) “6 years disqualification” from date of conviction and other 6 year form date of release.
SECTION 8 OF RPA

Section 8(3)- for any crime punishment is minimum “2 years person will be subjected to disqualify for “6 more years from date of release”.”
WHAT THE REPRESENTATION OF THE PEOPLE ACT SAYS

SECTION 8(1) A person convicted of promoting enmity between different groups, rape, terrorist acts, insulting national flag etc. stands disqualified for six years on mere conviction.

SECTION 8(2) A person convicted for hoarding, dowry offences etc. incurs disqualification if he is sentenced to at least six months for the offences. The bar continues for six years after release from jail.

SECTION 8(3) A person convicted of any other offence incurs disqualification if he is sentenced to an imprisonment of not less than two years. The disqualification continues till six years after release.

SECTION 8(4) Protects sitting MPs and MLAs from being disqualified under the above provisions. If they file an appeal within three months, they can continue as a member of the House till the completion of the term or till the decision on appeal, whichever is earlier.
• As a precaution, above situation should prevail only in those cases which is filed “6 Month” before election to prevent misuse by opponent.
“LILY THOMAS CASE”

• Supreme Court has declared section 8(4) of RPA “Ultra Virus” which makes difference between candidate and sitting MP/MLA, MLA with respect to disqualification with objective of cleaning political system.

• It is contrast to earlier position when convicted members held on their seats until they are executed on Judicial remedy.
“JAN CHOWKIDAR CASE”

• SC held that person in Police or judicial custody does not have right to vote under sec-62 (5) of RPA, 1951. Such person will also not be allowed to contest in election.

• Government was quick in bringing amendment in RPA introduced in Rajya Sabha on 27th August, passed by Lok Sabha on 6th September 2013.
thank you
POLITICAL FUNDING
POLITICAL FUNDING

• RPA-Sec 29 (c) of RPA requires that all political parties to furnish annual statement of contribution in excess of 20,000 to ECI, giving the names and address of donors.

• FINDINGS OF ADR (The Association for Democratic Reforms) - More than 75% of funds raised by parties have come from unknown sources.
1. The Election Commission imposes a limit on total campaign expenditure that is 70 lakh for Lok Sabha and 16 lakh to 40 lakh for states, but there is no stipulated limit on what political parties can spend on behalf of their candidates.
2. 6 National and 51 recognized regional parties together had an income of Rupees 11,337 crore but only 1835 crore named donors.
WHAT IS THE MAIN ISSUE?

3. SC rejects the plea to make it mandatory for parties to declare source of funds. There is no illegality in the exception made to political parties out of tax net.
POLITICAL FUNDING

- **FINDINGS OF ADR (The Association for Democratic Reforms)** - More than 75% of funds raised by parties have come from unknown sources.
ANNOUNCEMENT IN THE BUDGET

• Ceiling of rupees 2,000 amount of cash donation, that a political party can receive from one person in a year.

• Political parties would be entitled to receive donation by cheque or digital mode.

• Electoral bonds.

• Filling income tax limit within prescribed time limit.
ANNOUNCEMENT IN THE BUDGET

• The existing limit of rupees 20,000 on anonymous donation as per section 23 of RPA has been left untouched.
ANNOUNCEMENT IN THE BUDGET

- The ministers has merely proposed a traditional clause that limits cash donation from one source to Rupees 2,000 in one year.
ELECTORAL BONDS
ANALYSIS

• Anyone who wants to donate to a political party will be able to purchase bonds from authorized bank.

• However once purchased, these bonds will be like bearer bonds and will not contain the name of eventual beneficiary.
ANALYSIS

• So, the donor bank would know about who brought, how much of electoral bonds, but not the name of party which received it.
Question

• Why Political Funding Is Going On?
WHY POLITICAL FUNDING IS GOING ON?

• Dumping ground of accounting money with future gains, identity is hidden, thus favorable route for Hawala.

• Section 13 of IT Act provides exemption.
WHY POLITICAL FUNDING IS GOING ON?

- Changes introduced by the amendment to “Finance bill of 2017”.
- As of now, companies can only contribute up to 7.5% of their average net profits in the past 3 financial years to political parties.
- The government has brought up amendment to do away with this.
To create national electoral fund and political parties can request for funds from this NEF.
Law Commission - Corporates should seek “Shareholder approval at annual general meeting before donating Fund”
ISSUE OF DUAL CONSTITUENCY
ISSUE OF DUAL CONSTITUENCY

• Subhash Kashyap- “It is an insurance policy whose premium is paid by citizen of India”
ISSUE OF DUAL CONSITUENCY

• Section 33 of RPA allows person to contest election from maximum of two constituency.
ARGUMENTS AGAINST

1. It allows candidate to remain MP, MLA if it loses 1 seat
ARGUMENTS AGAINST

2. If he managed to win from two seats, section 10 of RPA becomes applicable and vacating of one of the two seat results in by-election.
ARGUMENTS AGAINST

3. It undermines representative process, a candidate rejected by the voter in one constituency can still make decisions that affect whole country.
Amendment from section 33(7) permit candidates to stand from only one constituency.
STATE FUNDING

• Political parties funding comes from 3 C’s - corporate, criminal, contractors with promises of favours in return.
State Funding

Political Parties funding comes from 3 C’s

Corporate

Criminal

Contactors
Indrajit Gupta Committee

- Talks for partial state funding of elections for the purpose of reducing illegitimate and unnecessary funding of elections expenses.
KEY ISSUES

• Complete state funding is not feasible
Question

• Which is better cash or kind in State Funding?
• **Tarkunde Committee** suggested for ‘kind’ that is giving printing cards with registered numbers of voter making available school rooms and halls.

• It would result in mushrooming of parties.
WHY IT IS DIFFICULT TO GO FOR POLITICAL FUNDING?

• The funds that a political party advances to its party candidates in an election, vary from one candidate to another.
• It is believed that MLA spends on an average of about “Rs 5 crore” and legal limit is “20 to 28 lakh”.
PAID NEWS

humanity is our mission,
public welfare is our goal,
money is nothing!!
It is required to put strong regulatory framework in place including internal elections and accounting procedures.
WHAT IS PAID NEWS?

• Defined by Press council of India- Any news for analysis appearing in any media (print on electronic) for a price in cash or kind is considered “Paid News”.

• Paid news misleads the public and hampers the ability of people to form correct opinion.
WHAT IS PAID NEWS?

• Paid news causes undue influence on voters and also affect RTI.
STEPS TAKEN BY ECI

Appointed “media certification and monitoring committee” at district and state level for checking paid news.
ECI sought support of Press council of India.
Paid news is not an offence yet, the EC has recommended to amend RPA 1951 to make publishing of paid news an electoral offense.
RECOMMENDATION OF “20TH LAW COMMISSION”
RECOMMENDATION OF “20TH LAW COMMISSION”

- The issue of Paid News and Political Advertisement should be regulated by RPA, by defining “Paying for News”, “Receiving Payment for News”.
1. EC demands like CAG its budget should be charged on CFI.
2. Need Secretariat so that it should not depend on DoPT to appoint officials
3. Sought financial freedom from Law Ministry like CAG and UPSC it wants its urgent needs to charge CFI.
4. Amend RPA to give powers to postpone or countersign poll on grounds of use of money power
MAJOR DEBATE

• Power of contempt - Whether to give or not?
Question

• Why Election Commission is demanding for his power?
The Election commission has sought to empower itself to punish anyone being human being “disobedient and discourteous (अभद्र)” towards its authority.
Election Commission has given these instances of wild allegations. Example – A. Kejriwal calling it “Dhritarashtra”.

ANSWER
WHY IT SHOULD NOT BE GIVEN?

- The Contempt power that the ECI is seeking has itself gone through major challenges in the recent decades.
WHY IT SHOULD NOT BE GIVEN?

- In, Rajesh kumar vs High court of MP.

- Justice RV Raveendran remarked that “It is possible that it is done to uphold the majesty of courts.
- But judges like everyone else will have to earn respect.
- They can’t take respect by demonstration of power.
WAY FORWARD

• The solution is two fold - Making EC fully Independent and giving it more disciplinary power over the political parties.
INDEPENDENT

To provide two commissioner from removal, except through impeachment as provided by constitution from “Chief Election Commission”.
Art 324 (2): Appointment by president
The system of appointment of election commissioner must change.
It should be like collegium system.
LEGALIZING MODEL CODE OF CONDUCT
Question

• What is MCC (Moral Code of Conduct)
MCC (MORAL CODE OF CONDUCT)

- MCC is a set of guidelines issued by Election Commission for conduct of political parties and candidates mainly with respect to speech on polling day and political booth.
<table>
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<tr>
<th>Question</th>
<th>Answer</th>
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<tr>
<td>• What are the Obligation?</td>
<td>• To create a label playing field for all political parties.</td>
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IMPORTANT ISSUES

• Guidelines on Election Manifesto

• The SC in its Judgement of “Subramanyam versus government of TN” has directed the election commission to frame guidelines with regard to content of election manifesto.
IMPORTANT ISSUES

• Although law is obvious that promises in election manifesto cannot be constructed as “Corrupt Practice” under section 123 of RP Act, reality cannot be ruled out that freebies disturbs level playing field.
LEGALIZE IT OR NOT
ARGUMENTS FOR

Parliamentary standing committee on law and Justice is in favour of legalizing.
• 1. Most of the stipulations (शर्तें) of MCC are already contained in various laws and are therefore enforceable.
2. Violation of secrecy of voting, causing enmity among communities are covered under RP Act.
ARGUMENTS AGAINST

It will increase litigation
ARGUMENTS AGAINST

It has a potential to erode the credibility of ECI
ARGUMENTS AGAINST

SC verdict- “Harbans Singh Jalal Case”
ARGUMENTS AGAINST

The increase in quantum of punishment in case of violation which is already backed by laws.
Use of whip office to regulate activities on working of Political Parties.
OPINION—POLL, EXIT POLL
Question

• What is exit poll and how it is different from opinion poll?
• An opinion poll is a pre election survey to gather view on a range of election related issues.

• An exit poll is conducted after the election.
Question

- Why is the Election Commission oppose to media coverage of opinion polls and exit polls during Multiphase Election?
• Both the polls can be controversial if the agency conducting them is perceived to be biased.

• Critics say that the projection of the surveys can be influenced by choice, wording, and timing of questions.
• This is highly probable that both the kind of polls are motivated and sponsored by their rivals.
<table>
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<td>• When did Election Commission first attempted to place curbs on such Surveys?</td>
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The Election Commission held its first consultation with political parties in 1997. In the meeting of representatives of most National and state parties said that these polls were unscientific and suffered from bias in size and nature of samples.
Then in 1998, Election Commission issued guidelines under Article 324, prohibited newspaper and news channels from publishing results of election surveys in States.
• But why in the current Election Commission ban limited to Exit Poll?
After the success of 1998 Election Commission, tried to invoke these guidelines again ahead of Lok Sabha polls in 1999.

But sections of media refused to follow it, forcing election Commission to move to the court.
The matter was referred to apex court, which observed that election commission can't enforce such guidelines in the absence of statutory sanction.

In 2004 Election Commission moved to law ministry and ask to amend Section (126A) the recommendation has been accepted.
SIMULTANEOUS MULTIPHASE POLLS
• Besides Lok Sabha election in 2014, polls to about 15 state assemblies were held between March 2014 to March 2016.
The first general election to Lok Sabha and all state legislative assemblies were held together in 1951, 1952 continue till 1967
Question

• What are the issues associated with Simultaneous Elections?
Impact on development programmes and governance due to imposition of MCC.

A) Analysis done by Niti Ayog

B) Massive Expenditure

C) Other issues

D) 79th Report of Parliamentary Standing Committee

E) Engagement of security forces
A) ANALYSIS DONE BY NITI AYOG

- In Year 2014, Governance and Development activities due to the imposition of MCC remained largely suspended for about seven months.
B) MASSIVE EXPENDITURE

• A) cost for year 2014 Lok Sabha election was Rupees 3870 crore.
C) ENGAGEMENT OF SECURITY FORCES

• Considering that 2 to 5 state assemblies go for polls at every 6 month, this situation leads to lock in of CAPF (Central Armed Police Forces).
D) OTHER ISSUES

• Frequent elections disrupts public life - Parliamentary standing committee.
• Frequent election perpetual caste religion community issues.
E) 79TH REPORT OF PAC

- Committee suggest two phase poll in which states divided into two groups.
- One for which elections would be in the middle of current Lok Sabha and another where election will be held at end of the current Lok Sabha.
thank you
INTRODUCTION

• National Commission for minorities was set up in 1993 as a statutory body with purpose of instilling a sense of confidence among religious minorities that law of the land and the constitutional provisions are respected by States.

• It was established under “National Commission for minorities Act 1992”.
Today there are six minority groups under National Commission for minorities Act 1992.

- Muslims
- Sikh
- Jains
- Buddhist
- Zoroastrian
- Christians
INTRODUCTION

• Aggrieved persons belonging to the minority community may approach state commission for minorities or can send their representative to “National Commission for Minorities” after exhausting all the remedies available to them.
Through constitution do not define the word minority and only refers to minorities and speak about those based on religion and language.
The rights of the minority have been spelt out in details in constitution.
• There are two sets of rights of minorities which can be placed in-
THERE ARE TWO SETS OF RIGHTS OF MINORITIES WHICH CAN BE PLACED IN-

A) Common Domain: Those Rights applicable to all citizens of the country
THERE ARE TWO SETS OF RIGHTS OF MINORITIES WHICH CAN BE PLACED IN-

B) Separate Domain: These Rights are applicable to minorities only and are reserve to protect their identity.
PREAMBLE SAYS THAT OUR STATE IS SECULAR

• This is specially in relevance to religious minorities, also there is mention of all Indians to be secured by Liberty of thought, Expression, Belief, Faith and Worship and equality of status and opportunity.

• Example: Common Domain.
PART 3 OF CONSTITUTION (FUNDAMENTAL RIGHTS)

Article 14 - Right to Equality before law equal protection of law
PART 3 OF CONSTITUTION (FUNDAMENTAL RIGHTS)

Article 15 - Prohibition of Discrimination against Citizen + Affirmative actions
PART 3 OF CONSTITUTION (FUNDAMENTAL RIGHTS)

Article 16 - Equality of opportunity in case of employment and Prohibition of Discrimination on Ground to Religion etc. + Affirmative Action
PART 3 OF CONSTITUTION (FUNDAMENTAL RIGHTS)

Article 25 - Freedom of Conscience
PART 3 OF CONSTITUTION (FUNDAMENTAL RIGHTS)

Article 27 and 28- Educational Rights
PART 4A

- Promote harmony and preserve rich heritage of composite, culture, special relevance
Article 38 (2): State to eliminate Inequality in Status, Facilities and Opportunities amongst a Group of People or Individual
Article 46: State to promote with special care the educational and economic interest of the weaker sections of the societies apart from SC or ST.
PART 3
(FUNDAMENTAL RIGHTS)
• Rights to conserve distinct language, script and culture, Restriction on denial of admission to any educational institution included or maintained by State on ground only of religion or language etc.
ARTICLE 30 (1,2)

- Rights to all linguistic and religious minorities to establish and administration educational institution of their choice.

- No discrimination from receiving Aid from state.
ARTICLE 350A:

• Instruction in mother tongue at primary stage.
ARTICLE 350 B:

- Provision of special officer for linguistic minorities.
INDIAN MULTICULTURALISM INTERWOVEN IN THE CONSTITUTION
INDIAN MULTICULTURALISM INTERWOVEN IN THE CONSTITUTION

• All the above provisions points out that not only National integration and communal harmony is the common thread that inter woven the indian society but also-
Common thread that inter wave the-

- Multi- Religious
- Multi- Cultural
- Multi- Linguistic
- Multi- Racial
- Society of India
The social pluralism is the need for the upliftment of all sector of weaker section either on the basis of the number or Socio-Economic Education status of any particular group.

Thus constitution leaves a room for making special provision for religious and linguistic minorities SC or ST or OBC etc.
NATIONAL COMMISSION FOR MINORITIES (NCM)
GENESIS OF NATIONAL COMMISSION FOR MINORITIES

• The setting up of National commission for minorities was envisaged in Ministry of Home Affairs resolution of 1978, which mentions that despite safeguards provided in the constitution and laws in force, there persist among the minorities the feeling of inequality and discrimination.
GENESIS OF NATIONAL COMMISSION FOR MINORITIES

• To preserve secular tradition and promote national Integration, Government of India attaches highest importance to the safeguards provided by constitution, their enforcement and implementation.

• Thus, is of the view that institutional arrangement is urgently needed for above mentioned task.
FUNCTIONS OF NATIONAL COMMISSION FOR MINORITY

- Under section 9(1) of National commission for Minorities Act 1992, commission is required to perform following functions.

- Evaluation of progress of development of minorities.
FUNCTIONS OF NATIONAL COMMISSION FOR MINORITY

- Looking into complaints regarding deprivation of rights and safeguards of minorities and taking it up to authority.
- Conducting studies Research and Analysis on the problems arising out of discrimination against minorities on the issue of socio-economic and educational development of minorities.
FUNCTIONS OF NATIONAL COMMISSION FOR MINORITY

- Monitoring of working of constitutional safeguards and laws in force.
- Making recommendations for effective implementation of safeguards.
Composition of National commission for Minorities

Chairman

Vice Chairman

Five Members
COMPOSITION OF NCM

National Commission for Minorities

• Chairman
• Vice Chairman
• Five Members- Members to be nominated by the Central Government, including chair person from Minority Community.
REFORMS OF NATIONAL COMMISSION FOR MINORITIES

• National Commission for minorities must be given constitutional status to instill greater confidence among minorities and to make commission more effective in safeguarding their interest.
• There are certain powers available to National Commission for Scheduled caste and National commission for Scheduled Tribes which are not available to National commission for Minorities, that is as follows-
A. They have the power to investigate into matters related to safeguards provided by constitution and laws enacted.
B. Power of enquiry in case complaint is made about deprivation of right and safeguard of SC/STs.
Currently National Commission for minorities have power to look into with regard to specific complaints but power of inquiry is quasi-judicial power is actually needed.
C. “National Commission for minorities” unlike NCSC, NCST do not have power to participate and advise on the planning process of socio economic development with respect to weaker sections of society and evaluate progress of their development and state and union.
• Regular tabling on annual report in front of Parliament report was laid in 1995, 1996.

• Thus MPs were denied to go through recommendations of Commission in these reports.
NATIONAL COMMISSION FOR MINORITIES

• National Commission for minorities Act 1992 do not set up by any time limit for laying down the report.

• Commission to get power of Civil Court as at present summons issued by the commission are not allowed for Central or State Government.
RECOMMENDATIONS OF NCM

• CSR allocation of 20% for minorities.
• NHRC maybe recommended to take out the issues of formation of strict laws to control riots and immediate action to taken to fix responsibility on the culprits.
Politics and police officers in some cases are responsible for polarization of forces on ethnic lines. Thus, depolarization of police and political leadership is necessary to improve the system.
Prompt action in registration of FIRs, timely action, filling of charge sheet and speedy trial are essential to restore the faith of minorities.
Complaint filed by minorities to be monitored by higher police authorities.
Police complaint authority needed to be set up and in state where it exist needed to be strengthened.
POLICE AND MINORITIES

Enhance representation of minorities in police recruitment without quality compromise
Capacity of minority educational institute in India there are state which have not established minority commission yet.
RECENT ACTIVITIES

• **Dadri Lynching Case** (Mohammed Akhlaq-UP), according to their report on incident and calling it an Accident would be an understatement.
RECENT ACTIVITIES

• Panel said that “it was disturbing that responsible persons coverage on Such Spots after the incident and make irresponsible statement further inciting the atmosphere”.
NATIONAL COMMISSION FOR SCHEDULED CASTE (NCSC)
The first Commission for scheduled caste and Scheduled Tribes was set up in August 1978 with the Chairman and four other members.
National Commission for Scheduled Caste (NCSC)

- The commission for scheduled caste and Scheduled Tribes was renamed as National commission for Scheduled caste and Scheduled Tribes and was set up as a National Advisory Body to advise the government on broad policy issue and levels of development of scheduled caste and Scheduled Tribes.
Consequent upon the Constitution (89th Amendment Act 2003) the erstwhile National Commission for SC and ST has been replaced by these two following commissions-
National Commission for SC and ST has been replaced by these two following commissions-

- National Commission for Scheduled caste
- National Commission for Scheduled tribes.
FUNCTIONS OF NATIONAL COMMISSION FOR SCHEDULED CASTE

As enumerated in Article 338 (5) the following are the functions of commission.
To investigate and monitor safeguards and their working provided to Scheduled caste.
FUNCTIONS OF NATIONAL COMMISSION FOR SCHEDULED CASTE

To enquiry into complaints with respect to the provision of rights and safeguards of Scheduled Caste.
To participate and advise on planning process of socio economic development of scheduled caste and to evaluate their progress.
FUNCTIONS OF NATIONAL COMMISSION FOR SCHEDULED CASTE

To present Parliament report of working of safeguards annually.
NCSC has power of Civil Court.
SAFEGUARDS TO SCHEDULE CASTE
Safeguards to Schedule Caste

- Social Safeguards
- Educational Safeguards
- Political Safeguards
- Service Safeguards
Social Safeguards

- Article 17
- Article 23
- Article 24
- Article 25
ARTICLE 17:

Provision of Untouchability
ARTICLE 25- (2) (b)

Hindu religion institution open to all sections of Hindus
ARTICLE 23

Abolition of Bonded Labour
ARTICLE 24

Abolition of Child Labour
Social Safeguards

- Article 23
- Article 24
- Article 46
EDUCATIONAL SAFEGUARDS

- Article 15(4) :- State to make special provisions for advancement of SEBC’s and SCs. This provide reservation for SC in educational institutions.
POLITICAL SAFEGUARDS

- Reservation of seats in local bodies, state assemblies and Lok Sabha.
Political Safeguards

- Article 243
- Article 330
- Article 332
ARTICLE 243

Local Bodies (Panchayat and Municipality)
ARTICLE 330

Lok Sabha
ARTICLE 332

State Assembly
5. Service Safeguards

- Article 16 (4)
- Article 16 (4A)
- Article 335
Protection of Civil Rights 1955 (An Act to prescribe punishment for the preaching and practice of “untouchability”)
SC or ST prevention of atrocities Act 1989
STATUTES AND LEGISLATIONS

Preservation of Bonded Labour 1976
The employment of manual scavengers, construction of dry latrines prohibition Act 1993