

Non – Constitutional Bodies**NITI AAYOG**

Composition of the NITI Aayog is as follows:

- **Chairperson:** The Prime Minister of India
- **Governing Council:** It comprises the Chief Ministers of all the States, Chief Ministers of Union Territories with Legislatures (i.e., Delhi and Puducherry) and Lt. Governors of other Union Territories.
- **Regional Councils:** These are formed to address specific issues and contingencies impacting more than one state or a region.
- These are formed for a specified tenure.
- These are convened by the Prime Minister and comprises of the Chief Ministers of States and Lt. Governors of Union Territories in the region.
- These are chaired by the Chairperson of the NITI Aayog or his nominee.
- **Special Invitees:** Experts, specialists and practitioners with relevant domain knowledge as special invitees nominated by the Prime Minister.
- **Full-time Organisational Framework:** It comprises, in addition to the Prime Minister as the Chairperson:
 - **Vice-Chairperson:** He is appointed by the Prime Minister. He enjoys the rank of a cabinet minister.
 - **Members:** Full-time. They enjoy the rank of a Minister of State.
 - **Part-time Members:** Maximum of 2, from leading universities, research organisations and other relevant institutions in an ex-officio capacity. Part-time members would be on a rotation.
 - **Ex-Officio Members:** Maximum of 4 members of the Union Council of Ministers to be nominated by the Prime Minister.
 - **Chief Executive Officer:** He is appointed by the Prime Minister for a fixed tenure, in the rank of Secretary to the Government of India.
 - **Secretariat:** As deemed necessary.

Objectives

The objectives of the NITI Aayog are mentioned below:

- To evolve a shared vision of national development priorities, sectors and strategies with the active involvement of States in the light of national objectives.
- The vision of the NITI Aayog will then provide a framework 'national agenda' for the Prime Minister and the Chief Ministers to provide impetus to.
- To foster cooperative federalism through structured support initiatives and mechanisms with the States on a continuous basis, recognising that strong States make a strong nation.
- To develop mechanisms to formulate credible plans at the village level and aggregate these progressively at higher levels of government.
- To ensure, on areas that are specifically referred to it, that the interests of national security are incorporated in economic strategy and policy.
- To pay special attention to the sections of our society that may be at risk of not benefitting adequately from economic progress.
- To design strategic and long-term policy and programme frameworks and initiatives, and monitor their progress and their efficacy.
- The lessons learnt through monitoring and feedback will be used for making innovative improvements, including necessary mid-course corrections.
- To provide advice and encourage partnerships between key stakeholders and national and international like-minded think tanks, as well as educational and policy research institutions.
- To create a knowledge, innovation and entrepreneurial support system through a collaborative community of national and international experts, practitioners and other partners.
- To offer a platform for resolution of inter-sectoral and inter-departmental issues in order to accelerate the implementation of the development agenda.

- To maintain a state-of-the-art Resource Centre, be a repository of research on good governance and best practices in sustainable and equitable development as well as help their dissemination to stakeholders.
- To actively monitor and evaluate the implementation of programmes and initiatives, including the identification of the needed resources so as to strengthen the probability of success and scope of delivery.
- To focus on technology upgradation and capacity building for implementation of programmes and initiatives.
- To undertake other activities as may be necessary in order to further the execution of the national development agenda, and the objectives mentioned above.

PLANNING COMMISSION

Functions

The functions of the erstwhile Planning Commission included the following:

- To make an assessment of material, capital and human resources of the country, and investigate the possibilities of augmenting them.
- To formulate a plan for the most effective and balanced utilisation of the country's resources.
- To determine priorities and to define the stages in which the plan should be carried out.
- To indicate the factors that retard economic development.
- To determine the nature of the machinery required for successful implementation of the plan in each stage.
- To appraise, from time to time, the progress achieved in execution of the plan and to recommend necessary adjustments.
- To make appropriate recommendations for facilitating the discharge of its duties, or on a matter referred to it for advice by Central or state governments.

Composition

The following points can be noted in context of the composition (membership) of the erstwhile Planning Commission:

- The Prime Minister of India was the chairman of the commission. He presided over the meetings of the commission.
- The commission had a deputy chairman.
- He was the de facto executive head (i.e., full-time functional head) of the commission.
- He was responsible for the formulation and submission of the draft of Five-Year Plan to the Central cabinet.
- He was appointed by the Central cabinet for a fixed tenure and enjoyed the rank of a Cabinet Minister.
- Though he was not a member of cabinet, he was invited to attend all its meetings (without a right to vote).
- Some Central Ministers were appointed as part-time members of the commission.
- In any case, the finance minister and planning minister were the ex-officio (by virtue of) members of the commission.
- The commission had four to seven full-time expert members. They enjoyed the rank of a minister of state.
- The commission had a member-secretary. He was usually a senior member of IAS.
- Organisation did not exist from 2015.

NATIONAL HUMAN RIGHTS COMMISSION

- Under Protection of Human Rights Act, 1993

Composition:

- The commission is a multi-member body consisting of a chairman and four members.
- The chairman should be a retired chief justice of India, and members should be serving or retired judges of the Supreme Court, a serving or retired chief

justice of a high court and two persons having knowledge or practical experience with respect to human rights.

- In addition to these fulltime members, the commission also has four ex-officio members—the chairmen of the National Commission for Minorities, the National Commission for SCs, the National Commission for STs and the National Commission for Women.
- The chairman and members are appointed by the president on the recommendations of a six-member committee consisting of the prime minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Central home minister.
- Further, a sitting judge of the Supreme Court or a sitting chief justice of a high court can be appointed only after consultation with the chief justice of India.
- The chairman and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier.
- After their tenure, the chairman and members are not eligible for further employment under the Central or a state government.
- **The president can remove the chairman or any member from the office under the following circumstances:**
 - If he is adjudged an insolvent; or
 - If he engages, during his term of office, in any paid employment outside the duties of his office; or
 - If he is unfit to continue in office by reason of infirmity of mind or body; or
 - If he is of unsound mind and stand so declared by a competent court; or
 - If he is convicted and sentenced to imprisonment for an offence.
- In addition to these, the president can also remove the chairman or any member on the ground of proved misbehaviour or incapacity.
- However, in these cases, the president has to refer the matter to the Supreme Court for an inquiry.

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- If the Supreme Court, after the inquiry, upholds the cause of removal and advises so, then the president can remove the chairman or a member.
- The salaries, allowances and other conditions of service of the chairman or a member are determined by the Central government.
- But, they cannot be varied to his disadvantage after his appointment.
- All the above provisions are aimed at securing autonomy, independence and impartiality in the functioning of the Commission.

Functions of the Commission:

The functions of the Commission are:

- To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on an order of a court.
- To intervene in any proceeding involving allegation of violation of human rights pending before a court.
- To visit jails and detention places to study the living conditions of inmates and make recommendation thereon.
- To review the constitutional and other legal safeguards for the protection of human rights and recommend measures for their effective implementation.
- To review the factors including acts of terrorism that inhibit the enjoyment of human rights and recommend remedial measures.
- To study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- To undertake and promote research in the field of human rights.
- To spread human rights literacy among the people and promote awareness of the safeguards available for the protection of these rights.
- To encourage the efforts of non-governmental organisations (NGOs) working in the field of human rights.
- To undertake such other functions as it may consider necessary for the promotion of human rights.

STATE HUMAN RIGHTS COMMISSION

- Under Protection of Human Rights Act, 1993.

Composition:

- The State Human Rights Commission is a multi-member body consisting of a chairperson and two members.
- The chairperson should be a retired Chief Justice of a High Court and members should be a serving or retired judge of a High Court or a District Judge in the state with a minimum of seven years experience as District Judge and a person having knowledge or practical experience with respect to human rights.
- The chairperson and members are appointed by the Governor on the recommendations of a committee consisting of the chief minister as its head, the speaker of the Legislative Assembly, the state home minister and the leader of the opposition in the Legislative Assembly.
- In the case of a state having Legislative Council, the chairman of the Council and the leader of the opposition in the Council would also be the members of the committee.
- Further, a sitting judge of a High Court or a sitting District Judge can be appointed only after consultation with the Chief Justice of the High Court of the concerned state.
- The chairperson and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier. After their tenure, the chairperson and members are not eligible for further employment under a state government or the Central government.
- Although the chairperson and members of a State Human Rights Commission are appointed by the governor, they can be removed only by the President (and not by the governor).
- The President can remove them on the same grounds and in the same manner as he can remove the chairperson or a member of the National Human Rights Commission.

Thus, he can remove the chairperson or a member under the following circumstances:

- If he is adjudged an insolvent; or
- If he engages, during his term of office, in any paid employment outside the duties of his office; or
- If he is unfit to continue in office by reason of infirmity of mind or body; or (d) If he is of unsound mind and stands so declared by a competent court; or
- If he is convicted and sentenced to imprisonment for an offence.
- In addition to these, the president can also remove the chairperson or a member on the ground of proved misbehaviour or incapacity.
- However, in these cases, the President has to refer the matter to the Supreme Court for an inquiry.
- If the Supreme Court, after the inquiry, upholds the cause of removal and advises so, then the President can remove the chairperson or a member.
- The salaries, allowances and other conditions of service of the chairman or a member are determined by the state government.
- But, they cannot be varied to his disadvantage after his appointment.
- All the above provisions are aimed at securing autonomy, independence and impartiality in the functioning of the Commission.

Functions of the Commission

The functions of the Commission are:

- To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on an order of a court.
- To intervene in any proceeding involving allegation of violation of human rights pending before a court.
- To visit jails and detention places to study the living conditions of inmates and make recommendation thereon.

- To review the constitutional and other legal safeguards for the protection of human rights and recommend measures for their effective implementation.
- To review the factors including acts of terrorism that inhibit the enjoyment of human rights and recommend remedial measures.
- To undertake and promote research in the field of human rights.
- To spread human rights literacy among the people and promote awareness of the safeguards available for the protection of these rights.
- To encourage the efforts of non-governmental organizations (NGOs) working in the field of human rights.
- To undertake such other functions as it may consider necessary for the promotion of human rights.

Human Rights Courts

- The Protection of Human Rights Act (1993) also provides for the establishment of Human Rights Court in every district for the speedy trial of violation of human rights.
- These courts can be set up by the state government only with the concurrence of the Chief Justice of the High Court of that state.
- For every Human Rights Court, the state government specifies a public prosecutor or appoints an advocate (who has practiced for seven years) as a special public prosecutor.

2019 Amendment Act

- The various provisions or features of the Protection of Human Rights (Amendment) Act, 2019, are as follows:
 - It provided that a person who has been a judge of the Supreme Court is also made eligible to be appointed as Chairperson of the National Human Rights Commission.
 - It increased the number of members of the National Human Rights Commission from two to three out of which at least one has to be a woman.

- It made the chairpersons of the National Commission for BCs and the National Commission for Protection of Child Rights as well as the Chief Commissioner for Persons with Disabilities as the ex officio members of the National Human Rights Commission.
- It reduced the term of the chairperson of members of the National Human Rights Commission as well as the State Human Rights Commission from five to three years. It also made them eligible for re-appointment.
- It provided that a person who has been a judge of a High Court is also made eligible to be appointed as Chairperson of the State Human Rights Commission.
- It provided that the central government may confer upon the State Human Rights Commissions the functions relating to human rights being discharged by the union territories, except the union territory of Delhi. The functions relating to human rights in case of union territory of Delhi are to be dealt with by the National Human Rights Commission.
- It provided that the Secretary-General of the National Human Rights Commission shall exercise all administrative and financial powers subject to control of the chairperson.
- It provided that the Secretary of the State Human Rights Commission shall exercise all administrative and financial powers of the Commission, subject to control of the chairperson.

CENTRAL INFORMATION COMMISSION

- The Central Information Commission was established by the Central Government in 2005.
- It was constituted through an Official Gazette Notification under the provisions of the Right to Information Act (2005).
- Hence, it is not a constitutional body.
- The Central Information Commission is a high-powered independent body which inter alia looks into the complaints made to it and decide the appeals.

- It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the Central Government and the Union Territories.

Composition

- The Commission consists of a Chief Information Commissioner and not more than ten Information Commissioners.
- They are appointed by the President on the recommendation of a committee consisting of the Prime Minister as Chairperson, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.
- They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- They should not be a Member of Parliament or Member of the Legislature of any State or Union Territory.
- They should not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

Tenure and Service Conditions

- The Chief Information Commissioner and an Information Commissioner shall hold office for such term as prescribed by the Central Government or until they attain the age of 65 years, whichever is earlier.
- They are not eligible for reappointment.
- The President can remove the Chief Information Commissioner or any Information Commissioner from the office under the following circumstances:
 - If he is adjudged an insolvent; or
 - If he has been convicted of an offence which involves a moral turpitude; or
 - If he engages during his term of office in any paid employment outside the duties of his office; or
 - If he is unfit to continue in office due to infirmity of mind or body; or

- If he has acquired such financial or other interest as is likely to affect prejudicially his official functions.
- In addition to these, the President can also remove the Chief Information Commissioner or any Information Commissioner on the ground of proved misbehaviour or incapacity.
- However, in these cases, the President has to refer the matter to the Supreme Court for an enquiry.
- If the Supreme Court, after the enquiry, upholds the cause of removal and advises so, then the President can remove him.
- The salary, allowances and other service conditions of the Chief Information Commissioner and an Information Commissioner shall be such as prescribed by the Central Government.
- But, they cannot be varied to his disadvantage during service.

Powers and Functions

The powers and functions of the Central Information Commission are:

- It is the duty of the Commission to receive and inquire into a complaint from any person:
 - who has not been able to submit an information request because of non-appointment of a Public Information Officer;
 - who has been refused information that was requested;
 - who has not received response to his information request within the specified time limits;
 - who thinks the fees charged are unreasonable;
 - who thinks information given is incomplete, misleading or false; and
 - any other matter relating to obtaining information.
- The Commission can order inquiry into any matter if there are reasonable grounds (suo-moto power).
- While inquiring, the Commission has the powers of a civil court in respect of the following matters:

- Summoning and enforcing attendance of persons and compelling them to give oral or written evidence on oath and to produce documents or things;
 - Requiring the discovery and inspection of documents;
 - Receiving evidence on affidavit;
 - Requisitioning any public record from any court or office;
 - Issuing summons for examination of witnesses or documents; and
 - Any other matter which may be prescribed.
- During the inquiry of a complaint, the Commission may examine any record which is under the control of the public authority and no such record may be withheld from it on any grounds.
 - In other words, all public records must be given to the Commission during inquiry for examination.
 - The Commission has the power to secure compliance of its decisions from the public authority. This includes:
 - Providing access to information in a particular form;
 - Directing the public authority to appoint a Public Information Officer where none exists;
 - Publishing information or categories of information;
 - Making necessary changes to the practices relating to management, maintenance and destruction of records;
 - Enhancing training provision for officials on the right to information;
 - Seeking an annual report from the public authority on compliance with this Act;
 - Requiring the public authority to compensate for any loss or other detriment suffered by the applicant;
 - Imposing penalties under this Act; and
 - Rejecting the application.
 - The Commission submits an annual report to the Central Government on the implementation of the provisions of this Act.

- The Central Government places this report before each House of Parliament.
- When a public authority does not conform to the provisions of this Act, the Commission may recommend (to the authority) steps which ought to be taken for promoting such conformity.

RTI Amendment Act, 2019

- The various features or provisions of the Right to Information (Amendment) Act, 2019 are as follows:
 - It provided that the Chief Information Commissioner and an Information Commissioner shall hold office for such term as prescribed by the Central Government. Before this amendment, their term was fixed for 5 years.
 - It provided that the salary, allowances and other service conditions of the Chief Information Commissioner and an Information Commissioner shall be such as prescribed by the Central Government. Before this amendment, the salary, allowances and other service conditions of the Chief Information Commissioner were similar to those of the Chief Election Commissioner and that of an Information Commissioner were similar to those of an Election Commissioner.
 - It provided that the State Chief Information Commissioner and a State Information Commissioner shall hold office for such term as prescribed by the Central government. Before this amendment, their term was fixed for 5 years.
 - It provided that the salary, allowances and other service conditions of the State Chief Information Commissioner and a State Information Commissioner shall be such as prescribed by the Central Government. Before this amendment, the salary, allowances and other service conditions of the State Chief Information Commissioner were similar to those of an Election Commissioner and that of a State

Information Commissioner were similar to those of the Chief Secretary of the state government.

- It removed the provisions regarding deductions in salary of the Chief Information Commissioner, an Information Commissioner, the State Chief Information Commissioner and a State Information Commissioner due to pension or any other retirement benefits received by them for their previous government service.

STATE INFORMATION COMMISSION

- The Right to Information Act of 2005 provides for the creation of not only the Central Information Commission but also a State Information Commission at the state level.
- Accordingly, all the states have constituted the State Information Commissions through Official Gazette Notifications.
- The State Information Commission is a high-powered independent body which inter alia looks into the complaints made to it and decide the appeals.
- It entertains complaints and appeals pertaining to offices, financial institutions, public sector undertakings, etc., under the concerned state government.

Composition

- The Commission consists of a State Chief Information Commissioner and not more than ten State Information Commissioners.
- They are appointed by the Governor on the recommendation of a committee consisting of the Chief Minister as Chairperson, the Leader of Opposition in the Legislative Assembly and a State Cabinet Minister nominated by the Chief Minister.
- They should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- They should not be a Member of Parliament or Member of the Legislature of any State or Union Territory.

- They should not hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

Powers and Functions

The powers and functions of the State Information Commission are:

- It is the duty of the Commission to receive and inquire into a complaint from any person:
 - Who has not been able to submit an information request because of non-appointment of a Public Information Officer;
 - Who has been refused information that was requested;
 - Who has not received response to his information request within the specified time limits;
 - Who thinks the fees charged are unreasonable;
 - Who thinks information given is incomplete, misleading or false; and
 - Any other matter relating to obtaining information.
- The Commission can order inquiry into any matter if there are reasonable grounds (suo-moto power).
- While inquiring, the Commission has the powers of a civil court in respect of the following matters:
 - Summoning and enforcing attendance of persons and compelling them to give oral or written evidence on oath and to produce documents or things;
 - Requiring the discovery and inspection of documents;
 - Receiving evidence on affidavit;
 - Requisitioning any public record from any court or office;
 - Issuing summons for examination of witnesses or documents; and
 - Any other matter which may be prescribed.
- During the inquiry of a complaint, the Commission may examine any record which is under the control of the public authority and no such record may be withheld from it on any grounds.
- In other words, all public records must be given to the Commission during inquiry for examination.

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- The Commission has the power to secure compliance of its decisions from the public authority. This includes :
 - Providing access to information in a particular form;
 - Directing the public authority to appoint a Public Information Officer where none exists;
 - Publishing information or categories of information;
 - Making necessary changes to the practices relating to management, maintenance and destruction of records;
 - Enhancing training provision for officials on the right to information;
 - Seeking an annual report from the public authority on compliance with this Act;
 - Requiring the public authority to compensate for any loss or other detriment suffered by the applicant;
 - Imposing penalties under this Act; and
 - Rejecting the application.
- The Commission submits an annual report to the State Government on the implementation of the provisions of this Act.
- The State Government places this report before the State Legislature.
- When a public authority does not conform to the provisions of this Act, the Commission may recommend (to the authority) steps which ought to be taken for promoting such conformity.

CENTRAL BUREAU OF INVESTIGATION

Establishment:

- The Central Bureau of Investigation (CBI) was set up in 1963 by a resolution of the Ministry of Home Affairs.
- Later, it was transferred to the Ministry of Personnel and now it enjoys the status of an attached office.
- The Special Police Establishment (which looked into vigilance cases) setup in 1941 was also merged with the CBI.

- The establishment of the CBI was recommended by the Santhanam Committee on Prevention of Corruption (1962–1964).

Composition of CBI

- The CBI is headed by a director.
- He is assisted by a special director or an additional director.
- Additionally, it has a number of joint directors, deputy inspector generals, superintendents of police and all other usual ranks of police personnel.
- In total, it has about 5000 staff members, about 125 forensic scientists and about 250 law officers.
- The Director of CBI as Inspector-General of Police, Delhi Special Police Establishment, is responsible for the administration of the organisation.
- With the enactment of CVC Act, 2003, the superintendence of Delhi Special Police Establishment vests with the Central Government save investigations of offences under the Prevention of Corruption Act, 1988, in which, the superintendence vests with the Central Vigilance Commission.
- The Director of CBI has been provided security of two-year tenure in office by the CVC Act, 2003.

Functions of CBI

The functions of CBI are:

- Investigating cases of corruption, bribery and misconduct of Central government employees.
- Investigating cases relating to infringement of fiscal and economic laws, that is, breach of laws concerning export and import control, customs and central excise, income tax, foreign exchange regulations and so on.
- However, such cases are taken up either in consultation with or at the request of the department concerned.
- Investigating serious crimes, having national and international ramifications, committed by organised gangs of professional criminals.
- Coordinating the activities of the anti-corruption agencies and the various state police forces

- Taking up, on the request of a state government, any case of public importance for investigation.
- Maintaining crime statistics and disseminating criminal information.
- The CBI is a multidisciplinary investigation agency of the Government of India and undertakes investigation of corruption-related cases, economic offences and cases of conventional crime.
- It normally confines its activities in the anti-corruption field to offences committed by the employees of the Central Government and Union Territories and their public sector undertakings.
- It takes up investigation of conventional crimes like murder, kidnapping, rape etc., on reference from the state governments or when directed by the Supreme Court/High Courts.
- The CBI acts as the “National Central Bureau” of Interpol in India.
- The Interpol Wing of the CBI coordinates requests for investigation-related activities originating from Indian law enforcement agencies and the member countries of the Interpol.

NATIONAL INVESTIGATION AGENCY

Establishment

- The **National Investigation Agency (NIA)** was constituted in 2009 under the provisions of the **National Investigation Agency Act, 2008 (NIA Act)**.
- It is the central counter-terrorism law enforcement agency in the country.
- The NIA was established in the backdrop of the 2008 Mumbai terror attacks, popularly known as the 26/11 incident.
- This national horror led to the realisation of the need for a separate federal agency to deal with terror-related crimes in the country.
- The headquarters of the NIA is at New Delhi.
- The branch offices of the NIA are located at Hyderabad, Guwahati, Mumbai, Lucknow, Kochi, Kolkata, Jammu and Raipur.
- In addition, the NIA has a separate specialised cell known as TFFC Cell dealing with the subjects of fake currency notes and terror funding.

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- The NIA is headed by a Director-General. He is appointed by the central government.
- His powers are similar to the powers exercisable by a Director-General of Police in respect of the police force in a state.
- The NIA works under the administrative control of the Ministry of Home Affairs, Government of India.
- The state government extends all assistance and co-operation to the NIA for investigation of the offences specified under the NIA Act.

Rationale of the NIA

- While introducing the NIA Bill in the Parliament, the Government of India gave the following reasons for creating the NIA:
 - Over the past several years, India has been the victim of large-scale terrorism sponsored from across the borders.
 - There have been innumerable incidents of terrorist attacks, not only in the militancy and insurgency affected areas and areas affected by left-wing extremism, but also in the form of terrorist attacks and bomb blasts, etc., in various parts of the hinterland and major cities, etc.
 - A large number of such incidents are found to have complex inter-state and international linkages, and possible connection with other activities like the smuggling of arms and drugs, pushing in and circulation of fake Indian currency, infiltration from across the borders, etc.
 - Keeping all these in view, it was felt that there was a need for setting up of an agency at the central level for the investigation of offences related to terrorism and certain other Acts, which have national ramifications.
 - Several expert committees and the Second Administrative Reforms Commission have also made recommendations for establishing such an agency.
 - The Government, after due consideration and examination of the issues involved, proposed to enact a legislation to make provisions for establishment of an NIA in a concurrent jurisdiction framework, with

provisions for taking up specific cases under specific Acts for investigation.

- These provisions are proposed to be incorporated in the National Investigation Agency Bill, 2008.

Functions of the NIA

- The NIA is mandated to investigate and prosecute offences under the various Acts mentioned in the Schedule of the NIA Act.
- In pursuance of its mandate, the NIA collects, collates and analyses counter-terrorism investigation.
- It also shares inputs with its sister intelligence agencies and law enforcement units both at central and state governments level.
- In more detail, the functions assigned to the NIA are as follows:
 - To investigate and prosecute offences in respect of the Acts specified in the Schedule of the NIA Act.
 - To provide assistance to, and seek assistance from, other intelligence and investigation agencies of the central government and state governments.
 - To take other such measures which may be necessary for speedy and effective implementation of the provisions of the NIA Act.

Vision of the NIA

- The following points highlight the vision of the NIA:
 - The NIA aims to be a thoroughly professional investigative agency matching the best international standards.
 - The NIA aims to set the standards of excellence in counterterrorism and other national security-related investigations at the national level by developing into a highly trained, partnership-oriented workforce.
 - The NIA aims at creating deterrence for existing and potential terrorist groups/ individuals.
 - The NIA aims to develop as a storehouse of all terrorist related information.

Mission

- The mission of the NIA is as follows:

- In-depth professional investigation of scheduled offences using the latest scientific methods of investigation and setting up such standards as to ensure that all cases entrusted to the NIA are detected.
- Ensuring effective and speedy trial.
- Developing into a thoroughly professional, result-oriented organisation, upholding the Constitution of India and laws of the land, giving prime importance to the protection of human rights and dignity of the individual.
- Developing a professional workforce through regular training and exposure to the best practices and procedures.
- Displaying scientific temper and progressive spirit while discharging the duties assigned.
- Inducting modern methods and latest technology in every sphere of activities of the agency.
- Maintaining professional and cordial relations with the governments of states and union territories and other law enforcement agencies in compliance with the legal provisions of the NIA Act.
- Assisting all states and other investigating agencies in investigation of terrorist cases.
- Building a database on all terrorist-related information and sharing the available database with the states and other agencies.
- Studying and analysing laws relating to terrorism in other countries and regularly evaluating the adequacy of existing laws in India and proposing changes as and when necessary.
- Winning the confidence of the citizens of India through selfless and fearless endeavours.

Jurisdiction

- The NIA has concurrent jurisdiction to investigate and prosecute the offences affecting the sovereignty, security and integrity of India, security of state, friendly relations with foreign states and offences under various Acts

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enacted to implement international treaties, agreements, conventions and resolutions of the UNO, its agencies and other international organisations.

- The NIA is empowered to probe terror attacks including bomb blasts, hijacking of aircrafts and ships, attacks on nuclear installations and use of weapons of mass destruction.
- In 2019, the jurisdiction of the NIA was extended. Consequently, the NIA is also empowered to probe the offences relating to human trafficking, counterfeit currency or bank notes, manufacture or sale of prohibited arms, cyber-terrorism and explosive substances.

NIA (Amendment) Act, 2019

- The various features or provisions of the amendment are as follows:
 - It applied the provisions of the NIA Act also to persons who commit a scheduled offence beyond India against Indian citizens or affecting the interest of India.
 - It provided that the officers of the NIA shall have the similar powers, duties, privies and liabilities being exercised by the police officers in connection with the investigation of offences, not only in India but also outside India.
 - It empowered the central government, with respect to a scheduled offence committed outside India, to direct the NIA to register the case and take up investigation as if such offence has taken place in India.
 - It provided that the central government and the state governments may designate Sessions Courts as Special Courts for conducting the trial of offences under the NIA Act.
 - It inserted certain new offences in the Schedule of the NIA Act.

NATIONAL DISASTER MANAGEMENT

Establishment:

- The Government of India, recognising the importance of disaster management as a national priority, had set up a High Powered Committee in 1999 and a National Committee in 2001 after the Gujarat earthquake, to

make recommendations on the preparation of disaster management plans and suggest effective mitigation mechanisms.

- However, after the Indian Ocean tsunami of 2004, the Government of India took a defining step in the legislative history of the country by enacting the Disaster Management Act, 2005.
- The Act provided for the creation of the National Disaster Management Authority (NDMA) to spearhead and implement a holistic and integrated approach to disaster management in the country.
- Initially, the NDMA was constituted in 2005 by an Executive Order of the Government of India. Subsequently, the NDMA was notified in 2006 under the provisions of the Act.
- The NDMA consists of a chairperson and other members, not exceeding nine.
- The Prime Minister is the ex-officio chairperson of the NDMA.
- The other members are nominated by the chairperson of the NDMA.
- The chairperson of the NDMA designates one of the members as the vice-chairperson of the NDMA.
- The vice chairperson has the status of a cabinet minister while the other members have the status of a Minister of State.
- The NDMA is the apex body for disaster management in the country.
- It works under the administrative control of the Union Ministry of Home Affairs.
- **The NDMA was established with this vision:** ‘To build a safer and disaster resilient India by a holistic, pro-active, technology driven and sustainable development strategy that involves all stakeholders and fosters a culture of prevention, preparedness and mitigation’.

Objectives

- The objectives of the NDMA are as follows:
 - To promote a culture of prevention, preparedness and resilience at all levels through knowledge, innovation and education.

- To encourage mitigation measures based on technology, traditional wisdom and environmental sustainability.
- To mainstream disaster management into the developmental planning process.
- To establish institutional and techno-legal frameworks to create an enabling regulatory environment and a compliance regime.
- To ensure efficient mechanism for identification, assessment and monitoring of disaster risks.
- To develop contemporary forecasting and early warning systems backed by responsive and failsafe communication with information technology support.
- To ensure efficient response and relief with a caring approach towards the needs of the vulnerable sections of the society.
- To undertake reconstruction as an opportunity to build disaster resilient structures and habitat for ensuring safer living.
- To promote a productive and proactive partnership with the media for disaster management.

Functions

- The NDMA has the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster.
- The functions of the NDMA are as follows:
 - To lay down policies on disaster management.
 - To approve the National Plan.
 - To approve plans prepared by the Ministries or Departments of the Government of India in accordance with the National Plan.
 - To lay down guidelines to be followed by the State Disaster Management Authorities (SDMAs) in drawing up the State Plan.
 - To lay down guidelines to be followed by the different Ministries or Departments of the Government of India for the purpose of integrating

the measures for prevention of disaster or the mitigation of its effects in their development plans and projects.

- To coordinate the enforcement and implementation of the policy and plan for disaster management.
- To recommend provision of funds for the purpose of mitigation.
- To provide such support to other countries affected by major disasters as may be determined by the central government.
- To take other such measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary.
- To lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.

Additional Functions of the NDMA

- In addition to the above, the NDMA also performs the following functions:
 - It recommends guidelines for the minimum standards of relief to be provided to persons affected by disaster.
 - It recommends, in cases of disasters of severe magnitude, relief in repayment of loans or grant of fresh loans on concessional terms to the persons affected by such disasters.
 - It exercises the general superintendence, direction and control of the National Disaster Response Force (NDRF).
 - This force has been constituted for the purpose of specialist response to a threatening disaster situation or disaster.
 - It authorises the concerned department or authority to make the emergency procurement of provisions or materials for rescue or relief in any threatening disaster situation or disaster.
 - In such case, the standard procedure requiring inviting of tenders is deemed to be waived.
 - It prepares an annual report on its activities and submits it to the central government.

- The central government causes it to be laid before both Houses of Parliament.

STATE DISASTER MANAGEMENT AUTHORITY

Composition

- Every state government should establish a State Disaster Management Authority (SDMA) for the state.
- An SDMA consists of a chairperson and other members, not exceeding nine.
- The Chief Minister of the state is the ex-officio chairperson of the SDMA.
- The chairperson of the State Executive Committee is the ex-officio member of the SDMA.
- The other members, not exceeding eight, are nominated by the chairperson of the SDMA.
- The chairperson of the SDMA designates one of the members as the vice-chairperson of the SDMA.
- The chairperson of the State Executive Committee acts as the ex-officio chief executive officer of the SDMA.

Functions

- An SDMA has the responsibility for laying down policies and plans for disaster management in the state. Its functions include the following:
 - To lay down the state disaster management policy.
 - To approve the State Plan in accordance with the guidelines laid down by the NDMA.
 - To approve the disaster management plans prepared by the departments of the government of the state.
 - To lay down guidelines to be followed by the departments of the government of the state for the purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance thereof.
 - To coordinate the implementation of the State Plan.
 - To recommend provision of funds for mitigation and preparedness measures.

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- To review the development plans of the different departments of the state and ensure that prevention and mitigation measures are integrated therein.
- To review the measures being taken for mitigation, capacity building and preparedness by the departments of the government of the state and issue such guidelines as may be necessary.

DISTRICT DISASTER MANAGEMENT AUTHORITY

Composition

- Every state government should establish a District Disaster Management Authority (DDMA) for every district in the state.
- A DDMA consists of a chairperson and other members, not exceeding seven.
- The Collector (or District Magistrate or Deputy Commissioner) of the district is the ex-officio chairperson of the DDMA.
- The elected representative of the local authority is the ex officio co-chairperson of the DDMA. But, in case of Tribal Areas (as referred to in the Sixth Schedule to the Constitution of India), the chief executive member of the district council of autonomous district is the ex-officio co-chairperson of the DDMA.
- The chief executive officer of the DDMA, the superintendent of police and the chief medical officer of the district are the ex-officio members of the DDMA.
- Not more than two other district level officers are appointed by the state government as the members of the DDMA.
- In case of a district where Zilla Parishad exists, the chairperson of that Zilla Parishad is the co-chairperson of the DDMA.
- The chief executive officer of the DDMA is appointed by the state government.

Functions

- The DDMA acts as the district planning, coordinating and implementing body for disaster management and takes all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the NDMA and the SDMA. Its functions are as follows:
 - To prepare a disaster management plan including district response plan for the district.
 - To coordinate and monitor the implementation of the National Policy, State Policy, National Plan, State Plan and District Plan.
 - To ensure that the areas in the district vulnerable to disasters are identified and measures for the prevention of disasters and the mitigation of its effects are undertaken by the departments of the government at the district level as well as by the local authorities.
 - To ensure that the guidelines for prevention of disasters, mitigation of its effects, preparedness and response measures as laid down by the NDMA and the SDMA are followed by all departments of the government at the district level and the local authorities in the district.
 - To organise and coordinate specialised training programmes for different levels of officers, employees and voluntary rescue workers in the district.
 - To facilitate community training and awareness programmes for prevention of disaster or mitigation with the support of local authorities, governmental and non-governmental organisations.
 - To set up, maintain, review and upgrade the mechanism for early warnings and dissemination of proper information to the public.
 - To advise, assist and coordinate the activities of the departments of the government at the district level, statutory bodies and other governmental and nongovernmental organisations in the district engaged in disaster management.
 - To identify buildings and places which could, in the event of any threatening disaster situation or disaster, be used as relief centres or

camps and make arrangements for water supply and sanitation in such buildings or places.

- To perform such other functions as the state government or SDMA may assign to it or as it deems necessary for disaster management in the district.

