

CURRENT AFFAIRS SUPPLEMENT 10

NATIONAL HUMAN RIGHTS COMMISSION

UN-linked body defers NHRC-India accreditation for second year in a row

The decision could now affect India's ability to vote at the Human Rights Council and some UNGA bodies

WHY IN NEWS?

- The Global Alliance of National Human Rights Institutions (GANHRI) has deferred the accreditation of the National Human Rights Commission of India (NHRC) for the second consecutive year (2023 and 2024). This decision impacts India's voting rights at the UN Human Rights Council and certain UN General Assembly (UNGA) bodies.

Background

- NHRC was established under the Protection of Human Rights Act, 1993.
- It has held 'A' status accreditation since the global accreditation system began in 1999, and retained it in 2006, 2011, and after a temporary deferral in 2017.
- The recent two-year deferral (2023 and 2024) marks the first time that India has lost its "A" status for consecutive years.

National Human Rights Commission

About NHRC	Objectives	Composition	
<ul style="list-style-type: none"> Established: October 12, 1993, under the Protection of Human Rights Act, 1993. Nature: An independent statutory body; guardian of human rights. Mandate: To safeguard life, liberty, equality, and dignity as guaranteed by the Constitution and international instruments (e.g., Paris Principles). 	<ul style="list-style-type: none"> Strengthen institutional frameworks for addressing human rights. Investigate violations and government excesses independently. Complement and enhance existing human rights protection efforts. Promote awareness, research, and human rights literacy. 	Full-Time Members (6 members total): <ul style="list-style-type: none"> Chairperson: Must be a retired Chief Justice of India or a Supreme Court judge. One Supreme Court judge (sitting or retired), one retired Chief Justice of a High Court. Three experts with practical human rights experience (at least one woman). 	Ex-Officio Members (7 members): <ul style="list-style-type: none"> Includes chairpersons of national commissions for Minorities, SCs, STs, Women, Backward Classes, Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities.
Appointment	Tenure and Service	Conditions for Removal:	Procedure for Removal:
<ul style="list-style-type: none"> Process: Appointments made by the President based on recommendations from a six-member committee headed by the Prime Minister (including the Speaker, Deputy Chairman, Leaders of Opposition in both Houses, and the Union Home Minister). For judicial members, prior consultation with the Chief Justice of India is required. 	<ul style="list-style-type: none"> Term: Chairperson and members serve for three years or until the age of 70 years (whichever is earlier); eligible for reappointment. Post-tenure Restriction: No further employment with Central/State governments. Salaries/Allowances: Set by the Central Government; cannot be diminished post-appointment. 	<ul style="list-style-type: none"> Insolvency, engaging in outside paid employment, physical/mental incapacity, unsound mind, conviction/imprisonment for a crime. 	<ul style="list-style-type: none"> In cases of misbehaviour/incapacity, the President refers the matter to the Supreme Court. If the inquiry confirms the grounds, the President can remove the individual from office.

Functions

- Inquiries:** Investigate complaints or on suo motu basis about human rights violations by public servants.

- **Judicial Intervention:** May intervene in court proceedings relating to human rights issues.
- **Inspections:** Visit prisons/detention centres and recommend improvements.
- **Review:** Analyze and review constitutional/legal safeguards, treaties, and international human rights instruments.
- **Awareness & Research:** Promote human rights research, enhance public literacy, and support NGOs.
- **Report Making:** Submit annual reports with recommendations to Central/State Governments, accompanied by action memos.

Powers

- **Legal Authority:** Exercise powers akin to a civil court; can summon reports/information from governmental and subordinate bodies.
- **Investigatory Staff:** Supported by dedicated staff and may use Central/State investigative agencies.
- **Recommendations:**
 - Recommend compensation/damages.
 - Advise legal action against erring public servants.
 - Seek interim relief for victims.
 - Approach higher courts for necessary writs or directions.
- **Limitation:** Cannot initiate inquiries beyond one year from the alleged violation date.

CENTRAL BUREAU OF INVESTIGATION (CBI) JURISDICTIONAL CONFLICTS

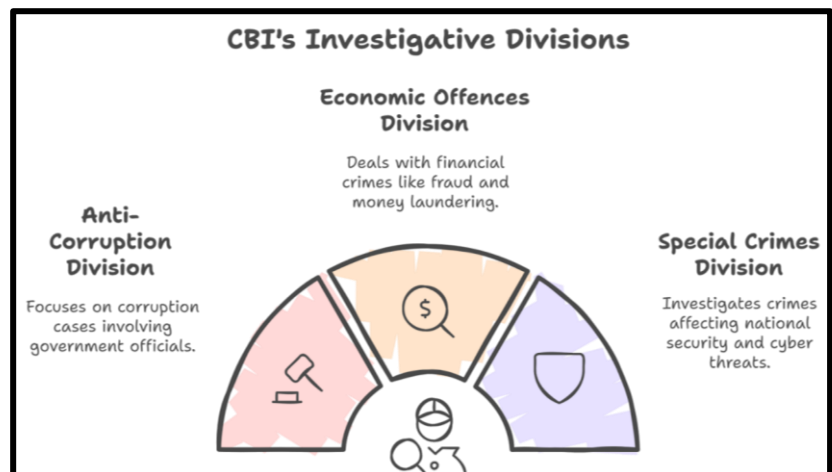
West Bengal suit against CBI probes maintainable: Supreme Court

WHY IN NEWS?

The Supreme Court ruled that the original lawsuit filed by the West Bengal government against the Union of India is legally maintainable. The state had accused the Centre of violating federal principles by allowing the Central Bureau of Investigation (CBI) to operate within West Bengal without prior state approval, after the general consent was withdrawn

About the Central Bureau of Investigation (CBI)

- **Origin:** Set up in 1963 following the recommendations of the Santhanam Committee (1962–64).
- **Legal Backing:** Functions under the Delhi Special Police Establishment (DSPE) Act, 1946.
- **Nature:** Non-statutory and non-constitutional body.
- **Ministry:** Operates under



the Ministry of Personnel, Public Grievances and Pensions.

- **Vision:** Aims to combat corruption, economic crimes, violent crimes, and cybercrime.
- **Interpol Role:** Serves as the nodal agency for coordination with Interpol.
- **Composition:** Headed by a Director, assisted by Special/Additional Directors, Joint Directors, DIGs, SPs.
- **Appointment Panel:** PM, Leader of Opposition, and Chief Justice of India.
- **Tenure Rule Change (2021):** Presidential ordinances enabled extension of CBI and ED Directors' tenure up to 5 years from the earlier 2 years.
- The CBI is not bound by the **Right to Information Act**, as it enjoys exemption on grounds of national security

Consent Requirement for CBI Investigations in States

- As per **Section 6 of the DSPE Act**, CBI must have the concerned state government's consent to exercise its powers and jurisdiction within that state.
- However, the **Supreme Court and High Courts** have constitutional authority to direct the CBI to investigate cases in any state, even without state consent.

Types of Consent:

- **General Consent:** This allows the CBI to conduct investigations in a state without needing approval for every individual case.
- **Specific Consent:** Required when a state withdraws general consent. The CBI must then request permission for each specific case it wishes to investigate.

Impact of Withdrawing General Consent

- Withdrawal limits the CBI's power to register fresh cases within the state unless court-directed or approved through specific consent.
- Investigations already underway may continue unless the state formally revokes consent for those cases.
- The CBI can still seek permission from local courts to conduct searches or inquiries in such cases.

LOKPAL

WHY IN NEWS?

- The Lokpal, India's apex anti-corruption ombudsman, has initiated a critical step by constituting its **Inquiry Wing**, in compliance with **Section 11 of the Lokpal and Lokayuktas Act, 2013**. This move aims to streamline the preliminary investigation process against public officials accused of corruption, as per the **Prevention of Corruption Act, 1988**.

Lokpal – Role, Evolution, and Structure

- **Legal Foundation:** Established under the Lokpal and Lokayuktas Act, 2013.
- **Context:** Enacted post the 2011 anti-corruption movement led by civil society.
- **Role:** Central statutory authority to probe corruption at high offices, including the PM (with exceptions).

Composition & Selection

- **Body Type:** Multi-member body with 1 Chairperson and up to 8 Members.

- **Judicial Quota:** Minimum 50% members must be from judicial background.
- **Social Representation:** At least 50% members from SC/ST/OBC/minorities/women.
- **Appointing Authority:** President of India.
- **Selection Committee:** PM (Chair), LS Speaker, LoP (LS), CJI or nominee, and one eminent jurist.

Lokpal Inquiry Wing Formation and Function	
1	Statutory Backing Section 11 of the Lokpal and Lokayuktas Act, 2013 provides legal basis
2	Objective Ensures impartial and efficient preliminary scrutiny before formal investigation or prosecution.
3	Leadership Headed by a Director of Inquiry under the supervision of the Lokpal Chairperson
4	Structure Organised as per approved organogram
5	Specialised Oversight Includes 3 Superintendents of Police (SPs) for General, Economic/Banking, and Cyber corruption cases.
6	Support Mechanism Each SP is aided by inquiry officers and staff for domain-specific expertise.

Jurisdiction & Powers

- **Covers:** PM (with caveats), Union Ministers, MPs (excluding parliamentary speech/vote), and all public servants.
- **Overseas Authority:** Includes public servants serving abroad.
- **CBI Oversight:** Exercises supervision over CBI in referred cases.
- **Officer Protection:** Investigating officer can't be transferred without Lokpal's approval.

LAW COMMISSION

Former SC judge Dinesh Maheshwari appointed law commission chairperson

WHY IN NEWS?

- The Centre has appointed retired Supreme Court judge Dinesh Maheshwari as the Chairperson of the 23rd Law Commission of India, nearly seven months after the commission was reconstituted. The appointment revives the functioning of the Commission, especially on the contentious and politically significant issue of the Uniform Civil Code (UCC).

Timeline and Continuity

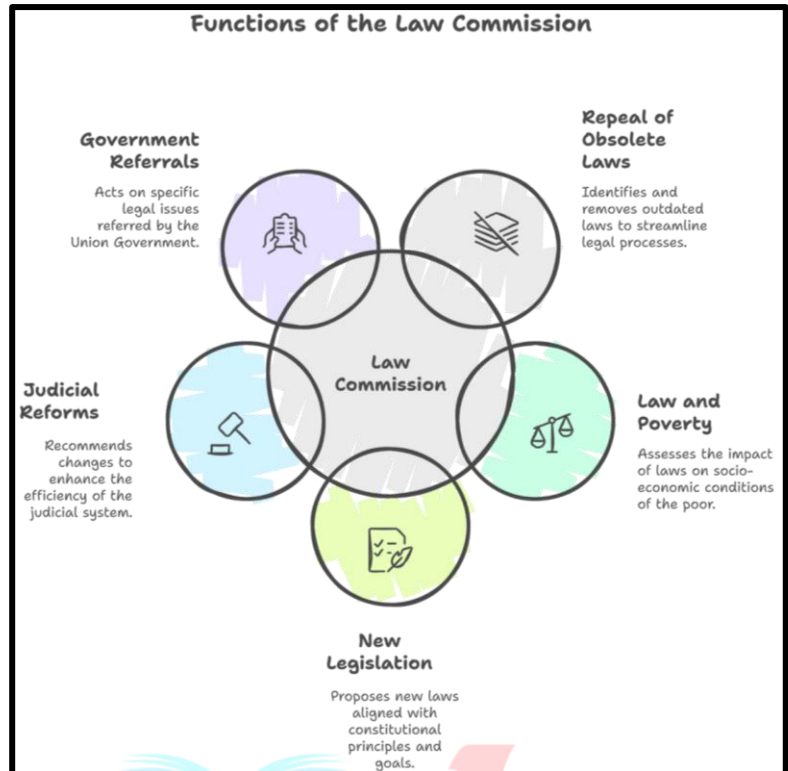
- The 22nd Law Commission's term ended on August 31, 2024, and the 23rd Law Commission was formally constituted with effect from September 1, 2024. However, a delay in appointing a Chairperson meant the new Commission remained largely inactive until now.
- The 22nd Commission, under Justice (Retd.) Ritu Raj Awasthi, had already initiated fresh consultations on the UCC and had prepared a 749-page draft report based on 70 public consultations before his appointment to the Lokpal halted the process.

Law Commission

- **Type:** Non-statutory advisory body constituted by the Government of India.
- **Purpose:** Legal research and recommending reforms for updating India's legal framework.
- **Constituting Body:** Ministry of Law and Justice, Government of India.
- **Tenure:** Fixed term; usually 3 years.

Historical Background

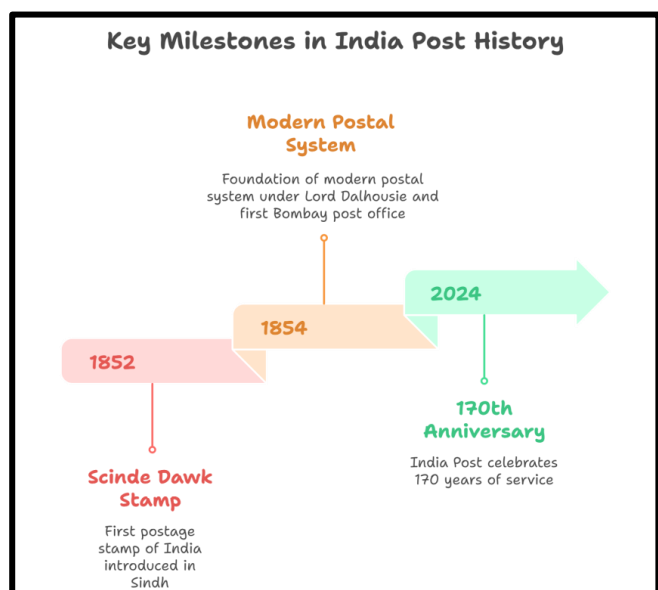
- **First Commission:** Set up in 1834 under the Charter Act, 1833, chaired by Lord Macaulay; recommended the codification of the Indian Penal Code and the Criminal Procedure Code.
- **Key Legal Codes Drafted by Early Law Commissions:** The first four Law Commissions (1834–1879) were instrumental in drafting foundational laws like the Indian Code of Civil Procedure (1908), Indian Contract Act (1872), Indian Evidence Act (1872), and Transfer of Property Act (1882).
- **Post-Independence:** First Law Commission formed in 1955 with M.C. Setalvad as Chairman.
- **Total Commissions:** 23 commissions formed so far.

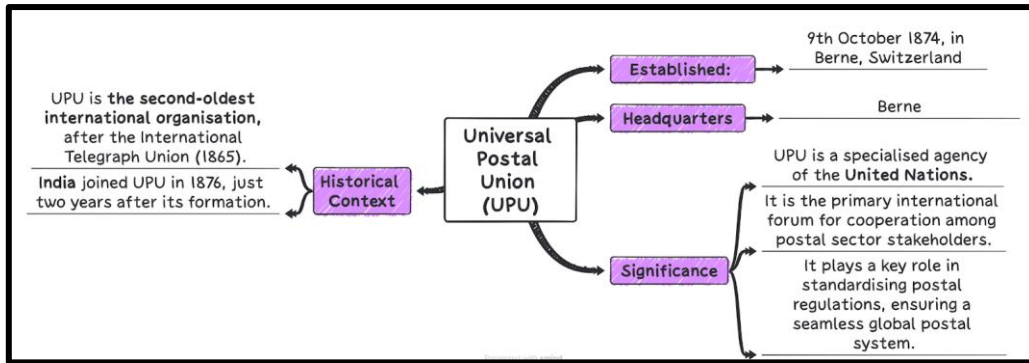


UNIVERSAL POSTAL UNION

WHY IN NEWS?

- On the occasion of **World Post Day (9th October 2024)**, the **Department of Posts, Government of India**, issued **commemorative stamps** to mark the **150th anniversary of the Universal Postal Union (UPU)**.
- This also coincided with the **170th anniversary of India Post**, making the event symbolically significant for both national and international postal history.





NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION (NCDRC)

HC directs Centre to fix NCDRC calendar, rejects argument vacations create backlog

On April 17, Justice Sachin Datta rejected the Centre's stand that prescribing for vacations in June/December would be detrimental as it would lead "to backlog of cases"

WHY IN NEWS?

- The **Delhi High Court** has upheld the **autonomy of the NCDRC**, particularly in determining its **judicial calendar and vacation schedule**.
- The Centre has been directed to **reconsider the NCDRC's request** regarding the vacation calendar, specifically in **consultation with the NCDRC president and other stakeholders, including the Bar Association**.
- Summer and winter vacations** traditionally observed by NCDRC **were discontinued from 2021**, primarily due to the **COVID-19 pandemic**.
- The **All India Bar Association of NCDRC** petitioned the court for **restoration of the vacation schedule**, aligning the commission's calendar with other tribunals and courts.
- The **Central Government opposed** vacation scheduling, arguing that:
 - It could lead to a **backlog of cases**.
 - It might **restrict access to justice for consumers**.
 - It could **negatively impact stakeholders, especially litigants**.

NCDRC Features	
Characteristic	Description
Establishment	A quasi-judicial body set up in 1988 under the Consumer Protection Act, 1986, for speedy redressal of consumer disputes.
Leadership	Headed by a sitting/retired SC judge or Chief Justice of a High Court.
Jurisdiction	Hears complaints exceeding ₹2 crore
Coverage	Applies to both goods and services
Complainants	Consumer, association, government, group
Appeal Provision	Challenged in Supreme Court within 30 days

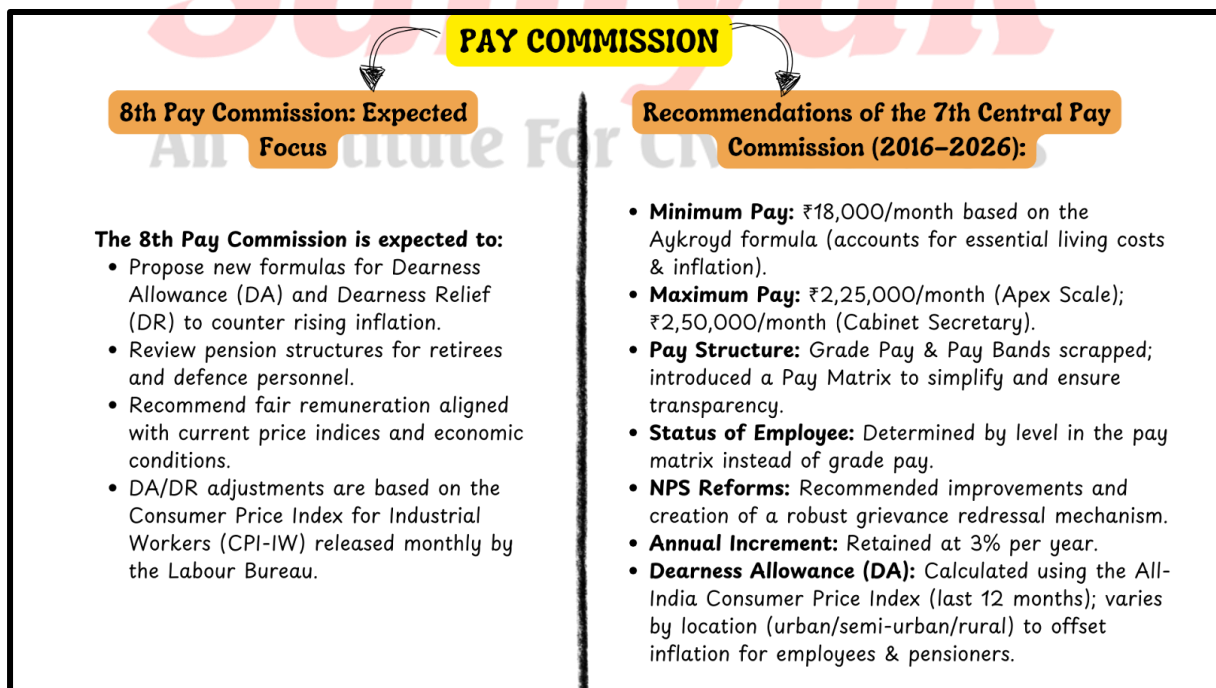
8TH PAY COMMISSION

WHY IN NEWS?

The Union Government has approved the formation of the 8th Pay Commission, which will benefit approximately 4.5 million central government employees and 6.8 million pensioners, including defence personnel.

Pay Commission

- The **Pay Commission (PC)** is a central government body established to **review and revise the salary structure**, pensions, and other service benefits of central government employees.
- It considers **inflation, cost of living**, and economic realities while recommending changes to **pay scales, allowances (e.g., DA), and pensions**.
- Set up roughly every **10 years** under the **Department of Expenditure, Ministry of Finance**, the PC is usually **chaired by a retired Supreme Court judge**.
- Its recommendations are widely followed by **state governments and public sector undertakings (PSUs)**.
- Since **Independence (1947)**, India has had **seven Pay Commissions**:
 - The **7th Pay Commission (2016–2026)** was chaired by **Justice Ashok Kumar Mathur**.
 - Its recommendations resulted in an increase of **₹1 lakh crore** in government expenditure in FY 2016–17.
- Each commission has had a **significant fiscal and administrative impact**, often **boosting consumption** and influencing **wage negotiations** across sectors.



AADHAAR CARD

WHY IN NEWS?

- Supreme Court set aside a **Punjab and Haryana High Court order** that relied on **Aadhaar card** to determine the age of a **victim in a motor accident case**. The case involved a **dispute over the victim's age**, which was crucial for calculating the **compensation amount** under the **Motor Accident Claims Tribunal (MACT)**.
- The case involved a **dispute over the victim's age**, which was crucial for calculating the **compensation amount** under the **Motor Accident Claims Tribunal (MACT)**.

Aadhaar

- **Aadhaar** is a **12-digit unique identification number** issued by the **Unique Identification Authority of India (UIDAI)** to every individual **resident of India**.
- It is linked to both **biometric (fingerprints, iris scan)** and **demographic** details of the individual.
- It **does not capture** sensitive details like **caste, religion, income, health, or geography**.
- **Launch & Implementation:**
 - **Launched in 2009** by UIDAI to provide a **universal and verifiable identity system**
 - Aadhaar aims to promote **inclusion**, reduce **identity fraud**, and enhance **efficiency in service delivery**.
- Aadhaar acts as a **proof of identity**, widely accepted across public and private sectors.
- It is **not proof of citizenship or date of birth**, as clarified by UIDAI and reiterated by recent Supreme Court rulings.

DOCTRINES IN NEWS

