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Q16

Multiplicity of various commissions for the vulnerable sections of the society leads to problems of overlapping jurisdiction and duplication of functions. Is it better to merge all commissions into an umbrella Human Rights Commission? Argue your case. (15).

UPSC Civil Services Mains 2018 · GS II · 15 marks · Welfare Schemes for Vulnerable Sections

Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

Core demand of the question

- Multiplicity of various commissions for the vulnerable sections of the society leads to problems of overlapping jurisdiction and duplication of functions. Is it better to merge all commissions into an umbrella **Human Rights Commission**? Argue your case

Revision summary

India has NHRC plus constitutional commissions for SC, ST and OBC and statutory commissions for women, children, minorities and disability.

Overlap of inquiry and advice is real and costly for the complainant.

A full merge into NHRC would threaten the distinct constitutional status of **Articles 338-338B** and specialised expertise.

An umbrella with only internal wings still risks remoteness and single-point capture.

Coordination, joint sittings and shared investigation are better than one commission for all.

Introduction

India has a **National Human Rights Commission** and several national commissions for Scheduled Castes, Scheduled Tribes, Backward Classes, minorities, women, children, and persons with disabilities. Overlap is real: an atrocity on a Dalit woman can sit with NCSC, NCW and NHRC at once. An umbrella merger would tidy the chart. It would also flatten mandates that the Constitution and special statutes created for a reason. The better case is coordination, not one giant commission.

Body**The problem of multiplicity**

- NHRC is statutory under the **Protection of Human Rights Act, 1993**, as a Paris-Principles style national institution.
- NCSC (**Article 338**), NCST (**Article 338A**) and NCBC (**Article 338B**, after the 102nd Amendment) are constitutional bodies with reports to the President and a watchdog role on safeguards.

- NCW, NCPCR, the **National Commission** for Minorities, and the **Chief Commissioner** for Persons with Disabilities are statutory, each tied to a parent Act and a distinct vulnerable group.
- Overlap appears in inquiry, in visiting jails and hostels, in advising on Bills, and in competing press notes on the same incident. Staff and budgets are split; a poor complainant may be sent from door to door.
- Duplication also appears at State level, where **State Human Rights Commissions** and State commissions for the same groups repeat the national pattern.

The case for an umbrella **Human Rights Commission**

- **One window is easier for the citizen:** a single helpline, a single investigation cadre, and a single annual report to Parliament.
- Turf wars fall when one Chair allocates Benches by subject instead of five secretaries claiming the same file.
- International practice often has a strong national human rights institution with internal thematic commissioners, which can meet **Paris Principles** on independence and breadth.
- Fiscal and estate costs of separate headquarters, websites and Member posts would fall.
- A merged body could still have internal wings for caste, tribe, gender and child, which is merger of legal personality, not merger of expertise.

The case against a full merge

- Constitutional status of NCSC, NCST and NCBC is not the same as NHRC's statutory status. Folding 338-338B into a statute-based umbrella would need a constitutional amendment and would look like a demotion of caste and tribe safeguards.
- Vulnerable sections do not experience harm as a generic "human rights" file. A child-sexual-offence procedure, a Forest Rights conflict, and a dowry death need different statutes, different visiting powers, and different civil-society counterparts.
- A mega-commission can become remote, Delhi-heavy, and slow. Small commissions, if they work, are closer to a named constituency and to the relevant ministry.
- **International covenants also differ:** CEDAW, CRC, ICERD, CRPD. Specialised commissions keep a clear treaty interlocutor.
- Political capture of one umbrella Chair would freeze every mandate at once; several bodies are a crude check, even if they quarrel.

The better argument

- It is not better to merge all commissions into NHRC as a single legal person.
- It is better to keep constitutional commissions and specialised statutory commissions, and to force a coordination code: common case-management, mandatory cross-reference within a fixed time, joint sittings on intersectional cases, shared investigation pools, and a small federal human-rights secretariat.
- Where two statutory bodies truly clone each other, a cluster merge (for example some women-and-child procedures) can be studied. That is not the same as one umbrella for every vulnerability.
- **Second ARC** and several parliamentary committees asked for synergy and for giving NHRC stronger civil-court teeth, not for erasing NCSC or NCW.

Flow diagram

Multiplicity -> Overlap of inquiry
Overlap of inquiry -> Umbrella NHRC idea
Overlap of inquiry -> Coordination without merge
Umbrella NHRC idea -> Risk to Arts 338 338A 338B
Coordination without merge -> Joint sitting shared cadre

Conclusion

Overlap and duplication are real and should be cut by procedure, shared cadres and joint benches. Merging every commission into an umbrella **Human Rights Commission** would mix constitutional and statutory bodies, dilute named safeguards, and risk a remote mega-office. The case against a full merge is stronger; the case for a binding coordination law is the reform that follows from the problem the question names.

Facts & figures

Protection of Human Rights Act, 1993

Creates NHRC and SHRCs; NHRC is statutory, not a Part XVI constitutional commission.

Articles 338, 338A, 338B

NCSC, NCST and NCBC as constitutional watchdog bodies for listed classes.

102nd Constitutional Amendment (2018)

Gave NCBC constitutional status under **Article 338B**, which argues against treating it as a disposable statutory wing.

NCW and NCPCR

Statutory commissions under the NCW Act, 1990, and the Commissions for **Protection of Child Rights Act, 2005**.

Paris Principles

UN standards for national human rights institutions: independence, breadth of mandate, and adequate resources.

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