



**NATIONAL
HUMAN RIGHTS
COMMISSION**

NATIONAL HUMAN RIGHTS COMMISSION

The National Human Rights Commission is an expression of India's concern for the protection and promotion of human rights. It came into being in October, 1993.

How are human rights defined in the Protection of Human Rights Act, 1993?

In terms of Section 2 of the Protection of Human Rights Act, 1993 (hereafter referred to as 'the Act'), "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed under the Constitution or embodied in the International Covenants and enforceable by courts in India. "International Covenants" means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966

What functions have been assigned to the Commission under the Act?

The Commission shall, perform all or any of the following functions, namely:-

- a) Inquire, on its own initiative or on a petition presented to it by a victim or any person on his behalf, into complaint of-
 - i) violation of human rights or abetment or
 - ii) negligence in the prevention of such violation,by a public servant;
- b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- c) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living condition of the inmates and make recommendations thereon;
- d) review the safeguards by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- e) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- g) undertake and promote research in the field of human rights;
- h) spread human rights literacy among various sections of society and

promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

- i) encourage the efforts of non - Governmental organisations and institutions working in the field of human rights;
- j) such other functions as it may consider necessary for the promotion of human rights.

What powers have been vested with the Commission relating to inquiries?

While inquiring into complaints under the Act, the Commission shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular the following, namely;

- a) Summoning and enforcing the attendance of witnesses and examining them on oath;
- b) discovery and production of any document;
- c) receiving evidence on affidavits;
- d) requisitioning any public record or copy thereof from any court or office;
- e) issuing commissions for the examination of witnesses or documents;
- f) any other matter which may be prescribed.

Does the Commission have its own investigation team?

Yes, the Commission has its own investigating staff headed by a Director General of Police for investigation into complaints of human rights violations. Under the Act, it is open to the Commission to utilise the services of any officer or investigation agency of the Central Government or any State Government. The Commission has associated, in a number of cases, non - Governmental organisations in the investigation work.

Is the Commission autonomous?

Yes, the autonomy of the Commission derives, inter-alia, from the method of appointing its Chairperson and Members, their fixity of tenure, and statutory guarantees thereto, the status they have been accorded and the manner in which the staff responsible to the Commission - including its investigative agency - will be appointed and conduct themselves. The financial autonomy of the Commission is spelt out in Section 32 of the Act.

The Chairperson and Members of the Commission are appointed by the President on the basis of recommendations of a Committee comprising the Prime Minister as the Chairperson, the Speaker of Lok Sabha, the Home Minister, the leaders of the opposition in the Lok Sabha and Rajya Sabha and the Deputy Chairman of the Rajya Sabha as Members.

How does the Commission inquire into complaints?

The Commission while inquiring into complaints of violations of human rights may call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it; provided that if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own; on the other hand, if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

What steps are open to the Commission after inquiry?

The Commission may take any of the following steps upon the completion of an inquiry:

- 1) Where the inquiry discloses the commission of violation of human right or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- 2) Approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- 3) Recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary.

What procedure is prescribed under the Act with respect to armed forces?

The Commission may on its own motion or on the basis of petitions made to it on allegations of human rights violations by armed forces, seek a report from the Central Government. On receipt of the report, it may either not proceed with the complaint or, as the case may be, make its recommendations to the Government. According to the Act, the Central Government shall inform the Commission of the action taken on the recommendations within three months or such further time as the Commission may allow. It is further stipulated that the Commission shall publish its report together with its recommendations made to the Central Government and the action taken by that Government on such recommendations. A copy of the report so published will also be given to the petitioner.

Can the complaint be in any language?

They may be in Hindi, English or in any language included in the Eighth Schedule of the Constitution. The complaints are expected to be self-contained. No fee is charged on complaints. The Commission may ask for further information and affidavits to be filed in support of allegations whenever

considered necessary. The Commission may in its discretion, accept telegraphic complaints and complaints conveyed through FAX or by e-mail. Complaints can also be made on the mobile telephone number of the Commission.

What kind of complaints are not entertained by the Commission?

Ordinarily, complaints of the following nature are not entertained by the Commission:

- a) In regard to events which happened more than one year before the making of the complaints;
- b) With regard to matters which are sub-judice;
- c) Which are vague, anonymous or pseudonymous;
- d) Which are of frivolous nature;
- e) Which pertain to service matters.

What is the responsibility of the authority/State/Central Governments to which report/recommendations have been sent by the Commission?

The authority/State Government/Central Government has to indicate its comments/action taken on the report/recommendations of the Commission within a period of one month in respect of general complaints and within three months in respect of complaints relating to armed forces.

What are the kinds of issues on which complaints have been received?

Since its inception, the Commission has handled a variety of types of complaints. In the latest period, the major types of complaints have been:

- **In respect of police administration**
 - Failure in taking action
 - Unlawful detention
 - False implication
 - Custodial violence
 - Illegal arrest
 - Other police excesses
- Custodial deaths
- Encounter deaths
- Harassment of prisoners; jail conditions
- Atrocities on SCs and STs
- Bonded labour, child labour
- Child marriage
- Communal violence
- Dowry death or its attempt; dowry demand

- Abduction, rape and murder
- Sexual harassment and indignity to women, exploitation of women

Numerous other complaints which cannot be categorized, have also been taken up

What has been the focus of the Commission's working?

Inquiring into complaints is one of the major activities of the Commission. In several instances individual complaints have led the Commission to the generic issues involved in violation of rights, and enabled it to move the concerned authorities for systemic improvements.

However, the Commission also actively seeks out issues in human rights which are of significance, either suo motu, or when brought to its notice by the civil society, the media, concerned citizens, or expert advisers. Its focus is to strengthen the extension of human rights to all sections of society, in particular, the vulnerable groups.

The Commission's purview covers the entire range of civil and political, as well as economic, social and cultural rights. Areas facing terrorism and insurgency, custodial death, rape and torture, reform of the police, prisons, and other institutions such as juvenile homes, mental hospitals and shelters for women have been given special attention. The Commission has urged the provision of primary health facilities to ensure maternal and child welfare essential to a life with dignity, basic needs such as potable drinking water, food and nutrition, and highlighted fundamental questions of equity and justice to the less privileged, namely the Scheduled Castes and Scheduled Tribes and the prevention of atrocities perpetrated against them. Rights of the disabled, access to public services, displacement of populations and especially of tribals by mega projects, food scarcity and allegation of death by starvation, rights of the child, rights of women subjected to violence, sexual harassment and discrimination, and rights of minorities, have been the focus of the Commission's action on numerous occasions.

What are its major initiatives?

• Civil Liberties

- Review of statutes, including Terrorist & Disruptive Activities Act, and (draft) Prevention of Terrorism Bill, 2000
- Protection of human rights in areas of insurgency and terrorism
- Guidelines to check misuse of the power of arrest by the police
- Setting up of Human Rights Cells in the State/City Police Headquarters
- Steps to check custodial deaths, rape and torture
- Accession to the Convention against Torture, Additional Protocols to the Geneva Conventions.

- Discussion on adoption of a Refugee Law for the country
 - Systemic reforms of police, prisons and other centers of detention
 - Visit to Jails, mental hospitals and similar other institutions
- **Review of laws, implementation of treaties, and the international instruments on human rights**
- **Economic, Social & Cultural Rights**
 - Elimination of bonded labour and child labour
 - Issues concerning Right to Food
 - Prevention of maternal anaemia and congenital mental disabilities in the child
 - Human Rights of persons affected by HIV/AIDS
 - Public Health as a human rights issue
- **Rights of the vulnerable groups**
 - Rights of women and children, minorities, scheduled castes and scheduled tribes
 - People displaced by mega projects
People affected by major disasters such as the super-cyclone in Orissa and the earthquake in Gujarat.
 - Monitoring the functioning of the Mental hospitals at Ranchi, Agra and Gwalior, and the Agra Protection Home, under a Supreme Court remit.
 - Action Research on Trafficking
 - Promotion and protection of the rights of the disabled.
 - Rights of Denotified and nomadic tribes
 - Welfare of the destitute widows of Brindavan
 - Elimination of manual scavenging
- **Promotion of human rights literacy and awareness in the educational system and more widely in society.**
 - **Human rights training for the armed forces and police, public authorities, civil society, and students**
 - **Research through well-known academic institutions and NGOs on various issues relating to human rights**
 - **Publication of Annual Report, monthly Newsletter, Annual Journal, and research studies**
 - **Consultation with NGOs and experts/specialists on Human Rights issues**

What is the composition of the Commission?

Dr. Justice A.S. Anand	Chairperson
Justice Shri. Y. Bhaskar Rao	Member
Shri R.S. Kalha	Member
Shri. P.C. Sharma	Member
***	Member
Chairperson, National Commission for Minorities	Ex-officio Member
Chairperson, National Commission for Scheduled Castes and Scheduled Tribes	Ex-officio Member
Chairperson, National Commission for Women	Ex-officio Member
	(*** Vacant)

The Chief Executive Officer of the Commission is its Secretary General Shri P.S.S. Thomas, Director General (Investigation) is Shri Santosh Kumar and Registrar (Law) is Shri Ajit Bharihoke.

State Human Rights Commissions

The Protection of Human Rights Act, 1993 makes provisions for the establishment of State Human Rights Commissions. 14 States have already set up such bodies

Where is the Commission located and what are its contact numbers?

National Human Rights Commission

Sardar Patel Bhawan,
Sansad Marg, New Delhi - 110 001.
Facilitation Centre (Madad): (011) 23748110
Mobile No. 9810298900 (For complaints-24 hrs.)
Fax: (011) 23366537 (complaints)/23340016 (Administration)/ 23344113 (Investigation)
Email: covdnhr@hub.nic.in (General)/ jrlaw@hub.nic.in (For complaints)
resnhrc@hub.nic.in (Research Division)
Web site: www.nhrc.nic.in