



**National
Human
Rights
Commission**
India

NHRC



For the Commission, the defence of human rights has become the defence of democracy itself, a democracy that is inclusive in character and caring in respect of its most vulnerable citizens.

That democracy, in turn, has enabled the Commission to function without fear or hesitation and to draw attention to those acts of the State and its agents that can or do result in the violation of human rights whether through acts of commission, omission, abetment or negligence.

NHRC India



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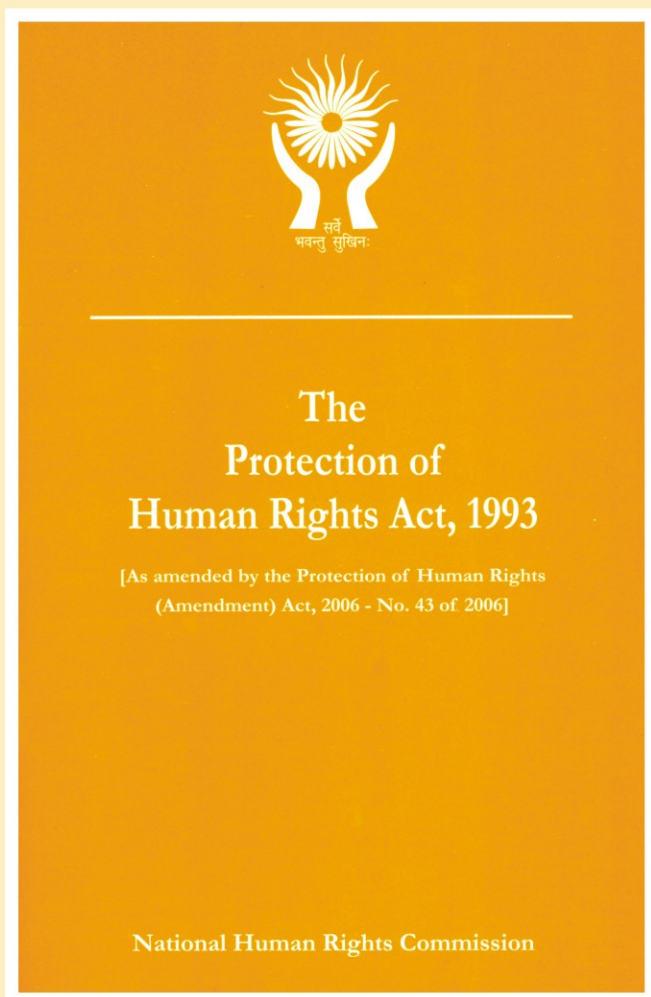


*"What the poor need most is not pity but love.
They need to feel respect for their human dignity,
which is neither less nor different
from the dignity of any other human being."*

Mother Teresa

About NHRC

Establishment and Statute



The National Human Rights Commission (NHRC) of India was established on 12 October, 1993. The statute under which it is established is the Protection of Human Rights Act (PHRA), 1993 as amended by the Protection of Human Rights (Amendment) Act, 2006.

It is in conformity with the 'Paris Principles', adopted at the first international workshop on national institutions for the promotion and protection of human rights held in Paris in October 1991, and endorsed by the General Assembly of the United Nations by its Resolution 48/134 of 20 December, 1993.

The NHRC is an embodiment of India's concern for the promotion and protection of human rights.

Definition of Human Rights



Section 2 (1) (d) of the PHRA defines "human rights" as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.

The "International Covenants", as per Section 2 (1) (f) 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 16 December, 1966 and such other Covenants or Conventions adopted by the General Assembly of the United Nations as the Central Government may, by notification, specify.

Distinctive Features

The NHRC is an autonomous and statutory organisation as it has been created by an Act of Parliament.

It is fully compliant with the Paris Principles relating to the status and functioning of national institutions for the protection and promotion of human rights, adopted by the United Nations General Assembly in 1993.

It is independent in taking decisions and expressing its own views on different human rights issues.

It has a wide mandate and an array of functions catering to all sections of the society.

It has all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, for summoning and enforcing the attendance of witnesses and examining them on oath; discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; and issuing commissions for the examination of witnesses or documents etc.

The Chairperson has a fixed tenure of five years or until he attains the age of 70 years and once appointed, may only be removed from office by an order of the President of India only on the ground as laid down in the PHRA.

Members are also appointed to a five years term, which may be renewed once. They too retire at 70.

Neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a member may be varied to his disadvantage after his appointment.

It has the power to recommend to the concerned government or authority to make payment of compensation or damages to the complainant or to the victim(s) or the members of their family as it may deem fit.

It has evolved transparent procedures and mechanisms over the years for the discharge of its functions and monitoring the implementation of its recommendations.

The increasing number of complaints received by it each year not only reflects its credibility but also the trust reposed in it by the citizens.

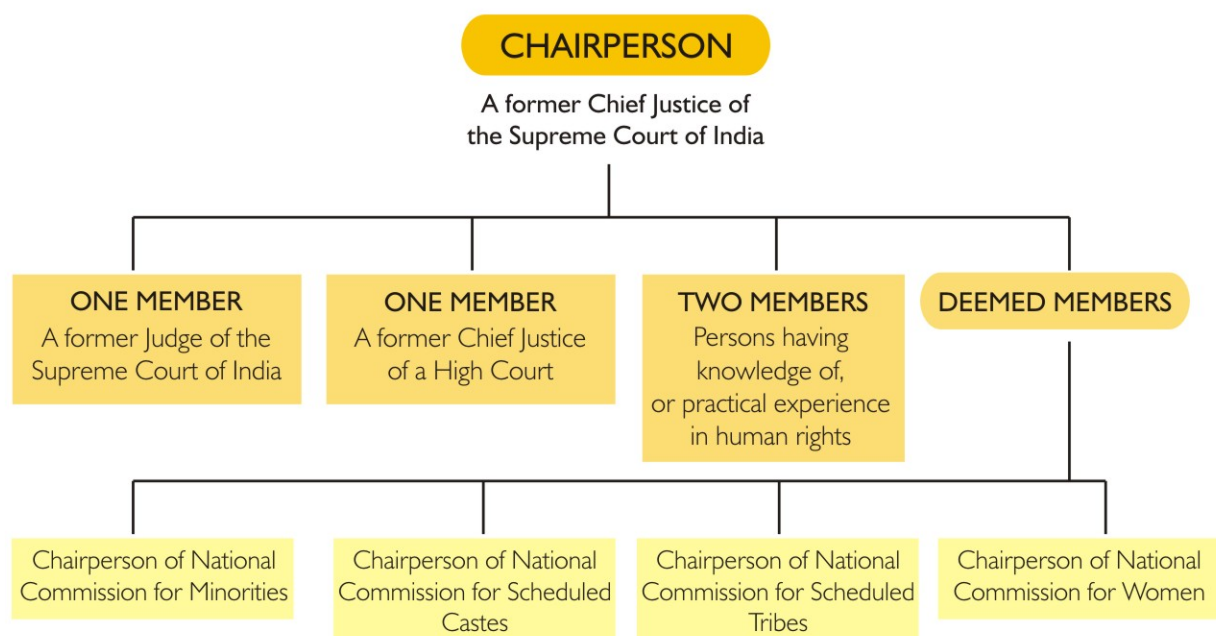




Composition and Structure

Constitution of NHRC

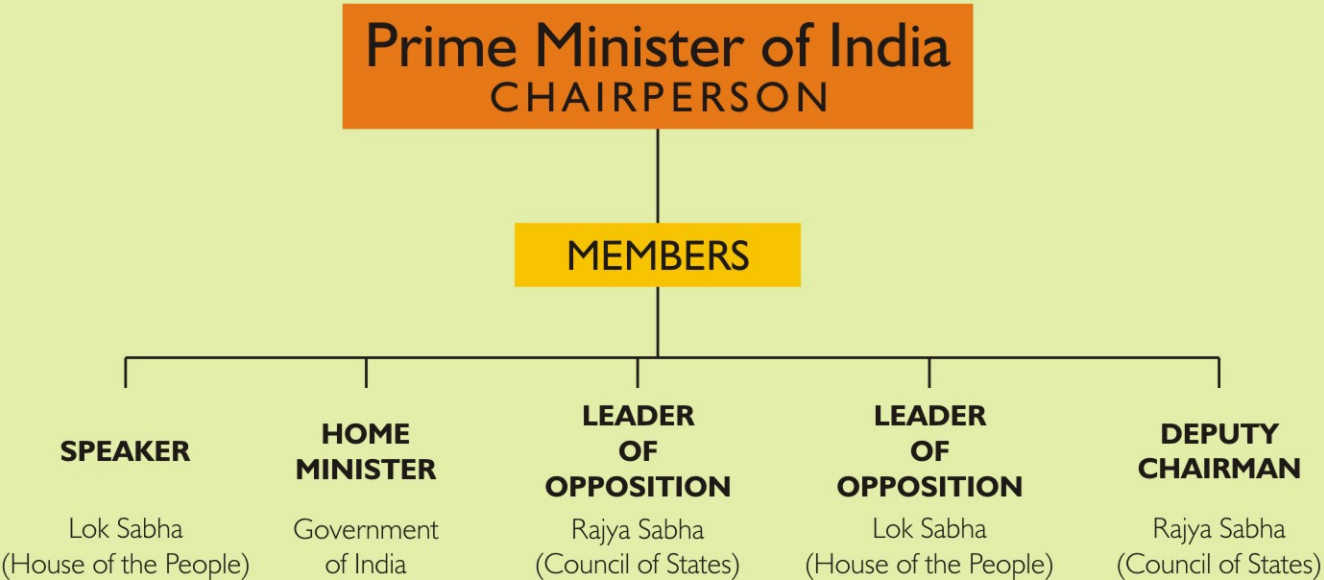
NHRC consists of a Chairperson, four full-time Members and four deemed Members. The statute prescribes high qualifications for the appointment of the Chairperson and Members of the Commission.





Appointment of Chairperson and Members

The Chairperson and the Members of NHRC are appointed by the President of India, on the recommendations of a committee consisting of :



This high-level and politically-balanced Committee, together with the statutory requirements relating to the qualifications of the Chairperson and Members of the NHRC, ensures that those appointed to serve on the Commission are individuals of proven credentials without political bias.

The Secretariat



The Chief Executive Officer of NHRC is the Secretary General, an officer of the rank of Secretary to the Government of India.

The Secretariat of the Commission works under the general supervision of the Secretary General.

The total strength of NHRC is presently around 343 consisting of various ranks.

There are five Divisions in the Commission :

Law Division

This Division is headed by the Registrar (Law), who is assisted by a Joint Registrar, a number of Deputy Registrars, Assistant Registrars, Section Officers and other secretarial staff. It services the Commission in the receipt and disposal of complaints relating to human rights violations.

Presenting Officers, who are from the subordinate judiciary, assist the Commission in dealing with complaint cases.

Investigation Division

It is headed by an officer of the rank of Director General of Police, and is assisted by a Deputy Inspector General of Police, Senior Superintendents of Police, Deputy Superintendents of Police, Inspectors of Police, Constables and other secretarial staff.

The prime responsibility of the Division is to carry out spot investigations all over the country on behalf of the Commission. It also assists the NHRC in examining complaints, in scrutinizing reports received from the police and other investigative agencies and in

looking into reports of custodial violence or other misdemeanours. In addition, the Division analyzes the information and other reports from the State authorities regarding deaths in police and judicial custody, and encounter deaths.

Administration Division

The Division is headed by a Joint Secretary and is assisted by a Director, a number of Under Secretaries, Section Officers and other secretarial staff. It looks after the establishment, administrative, personnel and other requirements of the Commission.

The Accounts Section is a part of the Administrative Division. It consists of a Senior Accounts Officer, Assistant Accounts Officers, a Drawing and Disbursing Officer and other staff, working under the supervision of the Joint Secretary.

The General Section of the Division takes care of housekeeping jobs. It also deals with procurement of stores, maintenance of office building, repair and maintenance of all office equipments, machinery and furniture. It also handles the purchase, maintenance and provision of office vehicles to the Chairperson, Members and senior officers of the Commission.

The Hindi Section of the Division undertakes the work related to the implementation of the Official Language Policy, translation work, including the translation of the monthly Newsletters, Annual Report and other publications of the Commission. An Annual Hindi journal named *Manavadhikar - Nai Dishayein* is published by the Section. It organizes Seminars/Workshops on various human rights issues across the country in the official language. Besides, the Section implements an Hindi Award Scheme once in two years.

The Library of NHRC is well-equipped with books on human rights and related subjects. It further has a variety of other documents relating to United Nations, Indian laws and national laws of other countries,





Government Reports, and NGO Reports/Bulletins. It subscribes to a number of human rights, social science and legal journals, reports and manuals like the All India Reporter and Supreme Court Cases. It is maintaining online database of all Supreme Court decisions.

The Computer Cell of the NHRC functions in close coordination with the National Informatics Centre (NIC). It has developed a user-friendly package for monitoring the status of complaints, from receipt to final disposal.

Information & Public Relations work of the Commission is looked after by the Joint Secretary, who is assisted by an Information and Public Relations Officer, an Assistant Information Officer and other secretarial staff.

It disseminates information about the activities of NHRC through the print and electronic media. A monthly 'Human Rights' Newsletter is also brought out regularly. Besides, it looks into applications and appeals received under the Right to Information Act, 2005

Training Division

This Division is headed by a Joint Secretary and is assisted by a Senior Research Officer (Training), an Under Secretary and other secretarial staff. It is responsible for spreading human rights literacy among various sections of the society. It also sensitizes government and non-government officials and functionaries on different human rights

issues. Besides, it conducts Internship Programme for college and university students.

Policy Research, Projects and Programmes Division

The work of the Division is handled by Joint Secretaries, Director(s), a Senior Research Officer, Research Officer, Research Assistants and other secretarial staff.

Whenever the Commission, on the basis of its hearings, deliberations or otherwise, arrives at a conclusion that a particular subject is of importance, it is converted into a project/ programme to be dealt with by the PRP&P Division.

It also undertakes and promotes research on human rights and organizes conferences, seminars and workshops on pertinent issues. In addition, it reviews policies, laws, treaties and other international instruments in force for the protection of human rights. It also aids the Training Division in spreading human rights literacy and in promoting awareness about the safeguards available for the protection of human rights.



Other Mechanisms

The reach of NHRC is greatly enhanced by the appointment of Special Rapporteurs and the constitution of Core Groups and Expert Groups.

Special Rapporteurs are very senior officers who have held high posts in central or State Government or are academicians of repute or eminent persons who have knowledge of, or practical experience in, matters relating to human rights. They are either assigned specific subjects to deal with, such as bonded labour, child labour, custodial justice, disability related issues, etc., or a zone comprising a group of States, to look into human rights concerns and violations.

The Core Groups and Expert Groups consist of eminent persons or representatives of bodies working on different human rights issues, who voluntarily agree to serve, in an honorary capacity, as members of those Groups, which render expert advice to the Commission.

Some of the important Core Groups and Expert Groups constituted in the Commission are:



Core Advisory Groups

Health

Disability

Mental Health

NGOs

Legal Issues

Right to Food

Welfare of the Elderly

Expert Groups

Emergency Medical Care

Refugees

Silicosis

Unsafe Drugs and Medical Devices



Functions of NHRC

NHRC's Mandate

The Commission has a wide mandate. Its functions, listed in Section 12 of the PHRA, are to:

- inquire, suo motu or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any court, into complaint of
 - (i) violation of human rights or abetment thereof; or
 - (ii) negligence in the prevention of such violation, by a public servant.
- intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court.
- visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government.
- review the safeguards provided 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.
- review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- undertake and promote research in the field of human rights.
- 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.
- encourage the efforts of non-governmental organizations and institutions working in the field of human rights.
- such other functions as it may consider necessary for the protection of human rights.

Primary Concerns

NHRC also monitors the implementation of its recommendations on various human rights concerns. It performs this task through the visits of its Chairperson, Members, Special Rapporteurs and senior officers. It has thus obtained regular feedback from the related Ministries, both at the Centre and State and also from other associated agencies on the following issues:

- Prison conditions
- Custodial deaths
- Status of hospitals for mentally-ill patients
- Status of bonded and child labour
- Homes run by the Government
- Rights of persons with disability and rights of displaced persons
- Combating sexual harassment of women at the work place
- Encounter deaths
- Juvenile justice
- Missing children
- Human rights education
- Food security and malnourishment
- Displacement



Complaint Redressal and Inquiries

Filing and Processing

Complaint redressal and investigation is a major activity of the Commission. A complaint to the NHRC may be made in Hindi, English or any other language recognized by the Constitution of India, either by the victim or any other person on behalf of the victim or on a direction or order of any court, and may be submitted in person or sent through post, telegram, fax, e-mail or on-line. Urgent complaints can also be lodged during the working hours of the Commission, through mobile number **98-102-98900**. No fee is charged on complaints. Any complainant can approach the Facilitation Centre for obtaining information about their complaint. The complainant can also ascertain the status of his/her complaint through the NHRC's website - **www.nhrc.nic.in**.

The NHRC also takes suo motu cognizance of serious matters on the basis of newspaper and media reports.

All complaints in NHRC are processed by the Law Division. On receipt of a complaint, a case number and a file number is assigned to it. Thereafter details of the complaint are entered into the computer, and an acknowledgment is mailed to the complainant. A Complaint Management and Information System (CMIS) software has been especially devised for this purpose. All complaints are placed before the Commission for disposal. If any complaint requires an investigation, it is carried out by the Investigation Division of NHRC.

The Commission:

- Dismisses complaints in limini if these do not fall within the purview of the Commission, that is, if do not disclose a violation of human rights by a public servant; or relate to a civil dispute, a failure to perform a contractual obligation or to a service matter; or are subjudice, or pending before another Commission; if the incident of alleged human rights violation occurred more than a year before the lodging of the complaint; or if the complaint is vague or anonymous.
- Disposes of some complaints with directions to the authorities concerned to take necessary action.
- Transfers some complaints to the concerned Human Rights Commission of the State from which the complaint arises, for disposal in accordance with Section 13(6) of the PHRA.
- Issues notices and seeks detailed reports from the authorities concerned on complaints of human rights violations or directs a fact finding spot enquiry by a team from the Investigation Division of the Commission and issues appropriate directions / recommendations thereafter.

Powers Relating to Inquiries

The Commission is vested with wide-ranging powers relating to inquiries and investigation under Section 13 of the PHRA. While inquiring into complaints under the PHRA, the Commission has all the powers of a Civil Court trying a suit under

the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters:

- summoning and enforcing the attendance of witnesses and examining them on oath.
- discovery and production of any document.
- receiving evidence on affidavits.
- requisitioning any public record or copy from any court or office.
- issuing commissions for the examination of witnesses or documents
- any other matter that may be prescribed.

Inquiry into Complaints

As mentioned earlier, the Commission while inquiring into complaints of violation of human rights, under Section 17 of the Act, may :

- Call for information or reports from the Central or State Governments, or any other authority or organization subordinate thereto, within such time as 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.
- If, on the receipt of information or report, the Commission is satisfied that no further inquiry is required, or that the required action has been initiated or taken by the Government or authority concerned, it may decide not to proceed with the complaint, and inform the complainant accordingly.

Steps During and After Inquiry

During or after completion of an inquiry the Commission may under Section 18 of the PHRA, take any of the following steps:

Where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, the Commission may recommend the following to the concerned Government or authority:

- payment of compensation or damages to the complainant or to the victim or the members of the family.
- initiation of proceedings for prosecution, or any other suitable action the Commission may deem fit, against the person(s) concerned.

Procedure in respect of Armed Forces

While dealing with complaints concerning violation of human rights by members of the Armed Forces under Section 19 of the PHRA:

- The Commission may, either on its own motion, or on receipt of a petition, seek a report from the Central Government.
- After the receipt of the report from the Central Government, it may decide either not to proceed with the complaint or, may make its recommendations to that Government.
- The Central Government is required to inform the NHRC of the action taken on the recommendations within three months, or such further time, as the Commission may allow.
- 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.
- The Commission shall provide a copy of the report published to the petitioner or his/her representative.

Other Functions

Monitoring of Projects/Organizations as per Supreme Court's Directions

The Supreme Court has asked the NHRC to monitor programmes relating to child and bonded labour, and the functioning of three Mental Health Hospitals, namely - Ranchi Institute of Neuro-Psychiatric and Allied Sciences; the Institute of Mental Health and Hospital at Agra; and Gwalior Mansik Arogyashala. The Supreme Court has also entrusted NHRC with the task of overseeing the functioning of the Women's Protective Home at Agra.

Custodial Justice Management

As part of its duties, the Chairperson, Members, Special Rapporteurs and senior officers of the NHRC inspect jails or other institutions under the control of the State Government and make recommendations thereon.

The NHRC has issued guidelines to all the States and Union Territories, that all deaths in police and judicial custody should be promptly reported, within 24 hours of its occurrence, to the Commission. It has further directed that in cases of death in police custody, the post-mortem is to be videographed, and the videotape sent to the NHRC. These measures enable the Commission to exercise checks on custodial torture and violence by the police and other public servants.

It has also issued detailed guidelines to all the States and Union Territories on the procedure to be adopted by law enforcement agencies in cases of deaths in police action.

On the directions of the Commission, Human Rights Cells have been constituted in the offices of the Director General of Police in all States. These Cells are headed by officers of the rank of Additional Director General/ Inspector General of Police, who act as a link between the NHRC and the State Police. The main responsibility of the State Human Rights Cells and the Nodal Officers is to expeditiously process complaints sent by the NHRC to the State Government, for enquiry and appropriate action and to sensitize the police personnel in matters relating to human rights. The NHRC is also involved in the training and sensitization of police personnel.

The NHRC recommended introduction of a new Prisons Act to replace Prisons Act, 1894, with a view to incorporating modern trends in penological thinking. It has also suggested the adoption of a model All-India Jail Manual.

Continuous attempts have been made by NHRC to address issues such as overcrowding, lack of sanitation, delay in trials, health of prisoners, payment of wages, premature release of lifetime prisoners and other measures relating to improvement of prison administration.

Consideration of Important Bills/ Ordinances and Monitoring their Impact

The NHRC has regularly examined and communicated its viewpoint on important Bills/Acts such as the :

- Child Marriage Restraint Act, 1929
- Terrorists and Disruptive Activities (Prevention) Act, 1985 (TADA)
- Protection of Human Rights Act, 1993
- Prevention of Terrorism Bill, 2000
- Prevention of Terrorism Ordinance, 2001 (POTO)
- Freedom of Information Bill, 2000
- Protection from Domestic Violence Bill, 2002
- National Rural Employment Guarantee Bill, 2004
- Food Safety and Standards Bill, 2005
- Land Acquisition (Amendment) Bill, 2007
- Rehabilitation and Resettlement Bill, 2007
- Prevention of Torture Bill, 2009

Reviewing the Implementation of Treaties and other International Instruments

The NHRC from time to time also reviews the implementation of international treaties and other international instruments. Some of these are:

- 1951 Convention and 1967 Protocol on the Status of Refugees
- 1977 Protocols to the 1949 Geneva Convention

- 1979 Convention on the Elimination of All Forms of Discrimination against Women
- 1984 Convention Against Torture
- 2000 Optional Protocols to the Convention on the Rights of the Child
- 2006 Convention on the Rights of Persons with Disabilities

Civil and Political Rights

Since its inception in 1993, NHRC has given equal attention to all kinds of rights, be it civil, political, economic, social or cultural. Some of the issues flagged by it in the area of civil and political rights are:

- systemic reforms in police
- establishment of Human Rights Cells in Police Headquarters
- improvement in infrastructure of forensic labs
- regular visits to prisons, mental hospitals and government run homes and those run by non-governmental organizations
- monitoring non-discrimination in relief, rehabilitation and restoration of victims of violence and displacement

Economic, Social and Cultural Rights

Likewise, NHRC has worked on a range of issues relating to economic, social and cultural rights. A few of the important issues dealt by it are:

- Right to Health Care
- Enunciation of a National Accident Policy
- Silicosis
- HIV/AIDS

- Fluorosis
- Right to Food and Food Security
- Mental Health
- Human Rights Awareness and Facilitating Assessment of Enforcement of Human Rights Program in Selected 28 Districts of India

Rights of Children and Women

The NHRC has been concerned with the following issues in respect of children and women:

- Abolition of child labour
- Preventing and combating child abuse
- Preventing employment of children by government servants: Amendment to service rules
- Preventing and combating trafficking in women and children
- Rehabilitation of marginalized and destitute women in Vrindavan
- Missing children
- Preventing and combating of sexual harassment of women at the workplace and in public transport
- Registration of marriages
- Monitoring of juvenile justice system in India
- Issue of incentives/disincentives in the Population Policies of State Governments vis-a-vis the National Population Policy 2000
- Speedy disposal of child rape cases
- Right to education
- Preventing and combating domestic violence
- Preventing and combating female foeticide
- Formulation of guidelines for the media on sexual violence against children

Rights of Marginalized Sections

The NHRC has shown special concern towards the violation of the rights of the marginalized sections of the population and has been active in :

- Abolition of manual scavenging
- Abolition of bonded labour
- Ensuring rights of the elderly
- Ensuring rights of the disabled
- Ensuring rights of minorities
- Ensuring rights of refugees, migrants and internally displaced persons
- Ensuring rights of those displaced by mega projects
- Addressing issues concerning Scheduled Castes and Scheduled Tribes
- Solving problems being faced by Denotified Tribes

Natural Calamities/Man-made Tragedies

The NHRC has taken the initiative in safeguarding situations resulting from natural calamities and man-made tragedies which include:

- Monitoring of measures taken after allegations of starvation deaths in Orissa
- Monitoring of relief in the aftermath of the Super Cyclone in Orissa
- Monitoring of relief measures undertaken by the Government of Gujarat, and other

agencies, for those affected by the earthquake of January 2001

- Examination of the human rights situation in Gujarat, commencing with the Godhra Tragedy of 27 February 2002
- Monitoring of relief and rehabilitation measures of the people affected by Tsunami that struck southern coastal areas of India in December 2004
- Monitoring of the relief and rehabilitation measures of the people affected by the earthquake in Jammu & Kashmir on October 2005

Human Rights Education and Awareness

One of the mandates of NHRC is to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights. In this regard, the major achievements have been:

- Subject of human rights introduced in curricula of educational institutions



- Certificate / Diploma / Degree / Post Graduate courses in human rights introduced in over 35 universities/institutes all over the country
- Human rights sensitization and training to civil servants, personnel of army and para-military forces, judicial officers and prison officials
- Introduction of Summer and Winter Internship Programmes for university students
- In-house training programme for newly recruited officers and staff of NHRC

Internship Programme

The National Human Rights Commission organizes a month-long summer and winter internship programme on human rights every year. The interns come from different Institutions and Universities and Colleges of States and Union Territories. The Interns mainly comprise post-graduate level students of law, criminology and social sciences. They are given assignments and project work and taken on field visits to jails and NGOs. The aim of the Internship Programme is to sensitize young students about various aspects of human rights.



Focal Point For Human Rights Defenders

The Commission has set up a Focal Point to deal with the complaints alleging harassment of Human Rights Defenders (HRDs) by or at the instance of public authorities. HRDs can contact Shri A.K. Parashar, Joint Registrar (Law) who has been designated as the Focal Point for HRDs. The Focal Point is accessible round the clock through (i) Mobile No. 9810298900, (ii) Fax No. 23384012 and (iii) E-mail: hrd-nhrc@nic.in

The Focal Point ensures that the directions of the Commission in every case of violation of human rights of HRDs are complied with on top priority and also conveyed to the concerned HRD. Update of the complaints of harassment of HRDs is posted on the website of the Commission to draw specific attention of the people to such cases. Cases of violation of human rights of HRDs along with action taken report are also being included in a chapter specially introduced for Human Rights Defenders in the Annual Report of the Commission.



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Mobile No. 9810298900,
Fax No. 23384012
E-mail: hrd-nhrc@nic.in

Training, Seminars and Workshops



The NHRC regularly conducts various training, seminars and workshops to spread awareness about its mission and vision. Among these are :

- Basic training on human rights
- Training of trainers on human rights
- Advance training on human rights
- Training programme on women's issues
- Disability and human rights
- Detention
- Health awareness week for the elderly
- Training programme for Indian Foreign Service probationers
- Public hearings on health, disability and mental health
- Developing curricula for human rights education at school and university level
- Custodial justice

“It has always been a mystery to me how
men can feel themselves honoured by the
humiliation of their fellow beings”

Mahatma Gandhi



NHRC

International Activities

Asia-Pacific Forum of National Human Rights Institutions

The NHRC of India along with the National Human Rights Commissions of Australia, Indonesia and New Zealand established the Asia-Pacific Forum of National Human Rights Institutions (APF) in 1996. The National Human Rights Institutions (NHRIs) of Afghanistan, Jordan, Malaysia, Mongolia, Nepal, Palestinian Territories, the Philippines, Qatar, Republic of Korea, Thailand and Timor Leste are the other 'full members' of APF. The 'full members' are those NHRIs that comply with the 'Paris Principles'.

The primary objectives of APF are to :

- Provide support to governments in the region in the establishment and development of NHRIs.
- Expand mutual support, cooperation and joint activities among member institutions.

A major initiative of APF has been the establishment of an Advisory Council of Jurists (ACJ) in 1998, made up of eminent jurists from across the Asia-Pacific region to develop jurisprudence on international human rights law.

The annual meetings of APF are one of the largest regular human rights events in the region. They bring together APF members and other national human rights institutions, United Nations agencies, national governments, non-government organizations and donor groups in a cooperative setting to discuss and share expertise on the pressing human rights issues in the region. Till 2009, 14 annual meetings of the APF have been convened.

International Coordinating Committee of NHRIs

NHRC, India is also a member of the International Coordinating Committee of National Human Rights Institutions (ICC), whose annual meetings are held in conjunction with the annual meetings of the Human Rights Council in Geneva. ICC is a representative body of NHRIs established for the purpose of creating and strengthening NHRIs which are in conformity with the "Paris Principles".

NHRC, India is one of the 16 accredited 'A' status members of the ICC Bureau having voting power, which manages the ICC.

NHRI website

The NHRI website (www.nhri.net) was established through the collaboration and funding of office of the High Commissioner for Human Rights (OHCHR) and the Danish Institute for Human Rights (DIHR). The website was launched on 27 November, 2001. The primary objective of the website is to facilitate and support the work of NHRIs in the promotion and protection of human rights at the global, regional and national levels.


The website was maintained from 2002 to December 2007 in collaboration with Danish Institute for Human Rights and thereafter the responsibility of hosting, updating and maintaining the NHRI website was entrusted to NHRC, India, initially for a period of one year, which was further extended upto December, 2010. During the period the complete maintenance and development was taken care of by NHRC, India without any flaw.

NHRC, India is also a member of the Commonwealth National Human Rights Institutions Forum.

Significant Accomplishments and Interventions

Accomplishments

- The number of complaints received by NHRC since the time it was constituted has increased manifold, thus reflecting its credibility as well as the trust reposed in it by the people.
- A fast-track system of complaints has been introduced, and computerization and other procedural changes adopted, to deal with the heavy workload to attend the such a large number of complaints
- The software installed in NHRC to facilitate the complaint handling mechanism has been upgraded with the help of the National Informatics Centre. The system of filing of complaints in electronic format has also been introduced in NHRC.
- Apart from attending to individual complaints, NHRC has also recommended systemic reforms in police functioning and prison administration.
- Human Rights Cells have been set up in the offices of the Directors General of Police in all the States across the country.
- NHRC has laid down stringent reporting requirements in cases of deaths/rapes in police and judicial custody and cases of killings in encounters by the forces.
- It has issued detailed guidelines to all the States and Union Territories on the procedure to be followed in case of death in police action.
- It has issued guidelines on 'arrest' to all the States and Union Territories with the request that the same be translated in their respective regional language and made available to all police officers in all police stations for compliance.
- State Human Rights Commissions have been set up in 20 States. A number of States have also set up Human Rights Courts.
- Pursuant to the efforts made by NHRC, the Government of India signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1997.
- Similarly, due to NHRC's persistent follow-up, the Government of India ratified the two optional protocols to the Convention on the Rights of the Child, viz. (i) Optional Protocol to the CRC on the Involvement of Children in Armed Conflict; and (ii) Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography.
- Pursuant to the efforts of NHRC, the subject of human rights has been introduced in the curricula of educational institutions from school to the university level. Certificate/Diploma/Degree/Post-Graduate courses in human rights have been introduced in over 35 universities/colleges in the country.
- The NHRC contributed to the evolution of a National Plan of Action on Human Rights



Education and is also working on the National Plan of Action on Human Rights.

- The NHRC is actively involved in imparting training and sensitizing of civil servants, personnel of army and paramilitary forces, judicial officers, prison officials and representatives of non-governmental organizations on important human rights concerns.
- In collaboration with various Ministries of Govt. of India (i.e. Ministry of Women & Child Development, Ministry of Home Affairs, Ministry of Labour), National Commission for Women and UNICEF, NHRC has formulated an Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women.
- NHRC has played a key role in the drafting of the 2006 UN Convention on Rights of Persons with Disabilities and also its ratification by the Government of India.
- The NHRC has facilitated the implementation of the Constitution (Eighty-sixth Amendment) Act, 2002, by convening a number of in-house meetings and organizing a National Seminar on Right to Education at New Delhi in September 2008. Time and again, it has also reminded the States and Union Territories of their obligation to provide free and compulsory education to all children including those who are in difficult circumstances, such as child labourers, bonded child labourers, street children and other children in need of care and protection.
- The Commission with the support of the Office of United Nations High Commissioner for

Human Rights (OHCHR) organized a two-day Workshop on Detention at New Delhi in October 2008. The main objective of the Workshop was to identify gaps, if any, in implementation of constitutional and statutory safeguards for the protection of the rights of detainees and suggest remedial measures; and share best practices amongst States and Union Territories.

- NHRC and the Indira Gandhi National Open University (IGNOU) have signed a Memorandum of Understanding to jointly develop and conduct courses on human rights awareness for police personnel. These courses include a basic course for Constables/Sub-Inspectors, an advance course for middle level police officers and a training course for trainers. These courses will be available through distance learning and internet-aided online mode. The Hon'ble Chairperson inaugurated the online basic course on human rights for Police Constables/Sub-Inspectors on 1st February 2011.
- NHRC in collaboration with the United Nations Fund for Population (UNFPA) is working on a major research project entitled "Research and Review to Strengthen Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act's Implementation Across Key States."
- The NHRC has undertaken a programme on "Human Rights Awareness and Facilitating Assessment of Enforcement of Human Rights Programme" across the country. For this purpose 28 districts, one from each State, have

been selected from the list of identified backward districts.

- It is giving focussed attention to the issue of silicosis. It has also examined individual complaints related to the problem of silicosis and directed the Union Government and the States/Union Territories to furnish information related to the problem of silicosis and the steps taken by them for diagnosis and its treatment including compensation by industries/factories/quarries/mines to the victims of silicosis.
- NHRC, India has been instrumental in installing an effective and advanced complaint management system in the National Human Rights Commissions of Nepal, Jordan, Uganda, Maldives and Rwanda.
- NHRC is assisting State Human Rights Commissions in building their capacity. Financial assistance is being provided to SHRCs to install a Complaints Handling Management System and also providing training to their staff in operating this computerised system.

Interventions

- NHRC intervened in the case of one Charanjit Singh, an aged mentally-ill undertrial prisoner, which was pending in the High Court of Delhi for a very long time. The guidelines on mentally-ill undertrial prisoners suggested by NHRC earlier were incorporated in the judgement delivered by the High Court of Delhi.
- Machang Lalung, a 54 - year mentally challenged undertrial languishing in judicial custody in Tezpur, Assam, was released pursuant to the intervention made by NHRC.
- NHRC awarded compensation of Rs. 2.50 lakh each to the next of kin of each of the 194 deceased persons in the Punjab mass cremation case. Those killed were admittedly in the custody of the Punjab police at the time of their death.
- Following the tragic incident in Godhra, Gujarat, on 27 February, 2002, and the communal violence that followed, the NHRC made comprehensive recommendations in respect of the situation and the protection of human rights of those who had been affected.



Suggestions and Recommendations Made by NHRC

- The NHRC has recommended procedures to be followed in cases of deaths in police encounters that include investigations by another independent investigating agency like the State CBCID, magisterial inquiry and a six-monthly statement from the State Police to the Commission regarding all cases of death in police action.
- It has suggested improvements/issued guidelines for the safeguard of the rights of mentally-ill persons in prison, speedy trial of undertrial prisoners, premature release of prisoners, health care of the prisoners, fixation of tenure of IG (Prisons) for effective prison administration and other issues concerning human rights of undertrials/convicted prisoners.
- The NHRC has requested the Chief Justice of the High Courts of all the States and Union Territories to carry out a broad review of undertrial prisoners.
- It recommended that an appropriate rule be included in the Conduct Rules of Government Servants, both Central and State, prohibiting the employment of children below the age of 14 years by government servants.
- It recommended to all the States and Union Territories on the reporting of death/rape in Juvenile and Children's Homes.
- It reviewed the Domestic Violence Bill, 2002 drafted by the then Department of Women and Child Development, Government of India. The concerns expressed by the NHRC were incorporated in the Protection of Women from Domestic Violence Act, 2005.
- The NHRC has made comprehensive recommendations for the protection of those who are vulnerable, which encompasses women, children, scheduled castes, scheduled tribes, minorities and the disabled. It has also made important recommendations for the elimination of manual scavenging, rights of mentally-ill persons, bonded labour, child labour and trafficking in women and children.
- Recognizing the crucial linkages between public health and human rights, the NHRC has made significant recommendations on maternal anaemia, HIV/AIDS and access to healthcare.
- In order to ensure quality execution concerning right to food, the NHRC has recommended constitution of committees, which will monitor the access and availability of food grains to the eligible and most vulnerable in particular.
- To ensure free and compulsory education to all children, the NHRC organized a National Seminar on Right to Education and made elaborate recommendations to the Central and State Governments as well as other stakeholders.
- The NHRC has evolved a set of guidelines that would facilitate speedy disposal of child rape cases so that no victim of such a heinous crime is left without adequate relief. These guidelines have been forwarded to all States and Union Territories for compliance.

- NHRC constituted an in-house Committee to look into the issue of missing children and forwarded its recommendations/suggestions to the Chief Secretaries and Directors General of Police of all the States/Union Territories, as well as to the National Commission for Women, National Commission for Protection of Child Rights and the Ministry of Women and Child Development, Government of India, for its compliance.
- It has made suggestions to the Ministry of Health and Family Welfare, Government of India to frame guidelines on the lines made by the Human Rights Council for HIV/AIDS affected persons and to avoid discrimination against leprosy patients and their families. It has further suggested to the Ministry that a monitoring mechanism be worked out under the National Rural Health Mission to ensure detection of leprosy patients and availability of treatment to them.
- It has also suggested to the Ministries of Social Justice & Empowerment and Law & Justice to pursue the matter of amendment/deletion of discriminatory provisions in various Acts concerning people affected by leprosy.
- The NHRC made significant recommendations to the Central Government for recasting of the Child Marriage Restraint Act, 1929. The new Act known as the Prohibition of Child Marriage Act, 2006 incorporates almost all the recommendations made by NHRC.
- The recommendations emanating out of the National Conference on Human Rights Education at School Level that was organized by the Commission in March 2009 were forwarded to all the concerned stakeholders for compliance so that human rights education becomes an integral part of school education curriculum.
- It has made a number of recommendations and suggestions to improve the functioning of the juvenile justice system in the country. These have been forwarded to the Secretaries of Departments of Social Welfare/Social Defence/Social Justice in all the States and Union Territories for compliance so as to bring about quality improvement in the functioning of juvenile justice system.
- A statement was made by the NHRC of India at the Plenary Session of the Human Rights Council to adopt the final outcome relating to India with regard to the Universal Periodic Review (UPR) in June 2008.
- Recommendation on Silicosis. The Commission has infact, adopted a twin-pronged approach to tackle the issue of silicosis. On the one hand, it is considering individual cases and directed the concerned state government to give compensation to the victim. On the other hand, it has preventive, rehabilitative and remedial measures to be taken to deal with the issue of silicosis recommended to Government (s).

"It is a clear and emerging principle of human rights jurisprudence that the State is responsible not only for the acts of its own agents, but also for the acts of non-State players within its jurisdiction. The State is, in addition, responsible for any inaction that may cause or facilitate the violation of human rights."

Marching Forward with State Human Rights Commissions



The PHRA facilitates that all State Governments should have their own State Human Rights Commission so as to exercise the power conferred upon, and perform functions assigned to it under the Act.

The NHRC has been pursuing with the State Governments, since its inception, to set up their own Commissions for better protection and promotion of human rights within their concerned jurisdiction. Till date, only 20 States have set up their own State Human Rights Commissions.

These include :

Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, Sikkim and Jharkhand.

The Commission has been conducting regular meetings with the State Human Rights Commissions for better understanding of the issues whereby they can discharge their role as the protector and

promoter of human rights in a more proactive manner. The NHRC has also been writing to the State Governments to provide them all infrastructural facilities, administrative and financial autonomy so that they are able to function in a more conducive atmosphere.

NHRC assistance for capacity building Complaint Handling Management System installed in WB, Assam, UP, MP has been completed and is being extended to others including Training to officers and staff in operating CHMS.

Where the NHRC considers it necessary or expedient, it may transfer any complaint filed or pending before it to the Human Rights Commission of the State from which the complaint arises, for disposal in accordance with the PHRA. However, it shall not forward any complaint to the State Commission that does not have the jurisdiction to entertain the same.

The complaints transferred by NHRC shall be dealt with and disposed of by the State Commission as if it were a complaint initially filed before it.

Key Publications



BARE ACTS.

- The Protection of Human Rights Act, 1993 (As amended).

Instructions/Guidelines

- Important Instructions/Guidelines Issued by NHRC (Revised Edition)
- NHRC Guidelines for Sponsoring Short/Long-Term Research Projects
- Guidelines Regarding Arrest
- Guidelines for Police Personnel on Various Human Rights Issues (in Hindi, English, Malayalam, Tamil, Telugu, Kannada, Oriya, Bengali, Assamese, Nepali, Urdu, Gujarati, Marathi and Punjabi languages)

- 'Know Your Rights' Series International Human Rights Conventions, Shelter, Manual Scavenging, Bonded Labour, Child Labour, Sexual Harassment of Women at the Work Place, Rights of Persons with Disabilities and Human Rights & HIV/AIDS (available in English, Hindi, Telugu, Tamil, Malayalam, Kannada, Marathi, Assamese, Urdu, Punjabi, Bengali, Gujarati, Oriya, Nepali and Manipuri)
- Human Rights - A Compilation of International Instruments (Vols. 1 & 2 in Hindi)

Annual Reports

- Annual Reports of NHRC (1993-1994 onwards)

Journals/Newsletter

- Journal of the National Human Rights Commission, India (2002 {Vol. I} onwards) in English.
- Manavadhikar-Nai Dishayein (NHRC Journal in Hindi, 2004 {Vol. I} onwards)
- Human Rights Newsletter (English/Hindi)

Criminal Justice / Human Rights Manual

- State-of-the-Art Forensic Sciences : For Better Criminal Justice
- Professional Policing : Human Rights Investigation & Interviewing Skills and Human Rights & Custody Management (In collaboration with the British Council, New Delhi)
- Handbook on Human Rights for Judicial Officers (In collaboration with the National Institute of Human Rights at NLSIU, Bangaluru)
- Human Rights Manual for District Magistrates
- Human Rights Best Practices Relating to Criminal Justice - In a Nutshell

Mental Health

- Quality Assurance in Mental Health (In collaboration with NIMHANS, Bangaluru)
- Mental Health Care and Human Rights (In collaboration with NIMHANS, Bangaluru)

Anti-Trafficking

- Information Kit on 'Trafficking in Women and Children'
- Action Research on 'Trafficking in Women and Children in India' (Orient Longman, New Delhi)

- Judicial Handbook on Combating Trafficking of Women and Children for Commercial Sexual Exploitation (In collaboration with the Ministry of Women and Child Development & UNICEF)
- From Bondage to Freedom : An Analysis of International Legal Regime on Human Trafficking
- Report of the National Workshop to Review the Implementation of Laws and Policies Related to Trafficking: Towards an Effective Rescue and Post-Rescue Strategy

Children's Issues

- Guidebook for the Media on Sexual Violence Against Children
- Children in India and their Rights
- Rights of the Child (In Hindi and English)

Human Rights Education

- Discrimination Based on Sex, Caste, Religion and Disability - A Handbook for Sensitizing Teachers and Teacher Educators (In collaboration with National Council for Teacher Education, New Delhi)
- Human Rights Education for Beginners (In collaboration with the Karnataka Women's Information and Resource Centre)
- Recommendations of NHRC - Human Rights Education at the University and College Levels
- Recommendations of NHRC - Module on Human Rights Education for Teaching Professionals Imparting Education in Primary, Secondary, Higher Secondary Levels.



Disability Issues

- Disability Manual 2005
- Handbook on Employment of Persons with Disabilities in Government of India
- Rights of the Disabled

Health Issues

- Women's Right to Health
- Large Volume Parenterals : Towards Zero Defect
- Report of the Regional Consultation on Public Health and Human Rights
- Report of the National Conference on Human Rights and HIV/AIDS

Scheduled Castes

- Report on Prevention of Atrocities against Scheduled Castes (English/Hindi)

Population Policy, Development and Human Rights

- Report of the National Colloquium on Population Policy, Development and Human Rights
- Declaration Adopted at the National Colloquium on Population Policy, Development and Human Rights

Displaced Persons

- NHRC's Recommendations on Relief and Rehabilitation of Displaced Persons

Others

- Glossary of Human Rights Terms (English to Hindi & Hindi to English)
- Proceedings of the National Human Rights Commission on the Situation in Gujarat (March - July 2002)
- Report of the International Round Table on National Institutions Implementing Economic, Social and Cultural Rights
- National Old Age Pension Scheme - Issues of Policy & Governance
- Dalit Rights
- Human Rights to Adequate Housing and Land
- Rights of Home Based Workers
- Environment and Human Rights
- The Coasts, the Fish Resources and the Fish Workers' Movement
- Report of the Workshop on Detention
- UDHR (English, Hindi and other regional languages).
- UN Human Rights Defenders (English, Hindi and other regional languages).



*"I am a woman, greatness lies within me,
The moonlit night is in harmony,
The evening stars wouldn't rise
Flowers wouldn't bloom without me."*

Excerpts from the poem 'Mukti',
by Rabindranath Tagore

सर्वे भवन्तु सुखिनः।
सर्वे सन्तु निरामयाः।
सर्वे भद्राणि पश्यन्तु।
मा कश्चित दुःखभाक् भवेत्॥



May all be happy
May all be healthy
May all see auspiciousness
May none suffer
Peace be unto all.



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