

**CLASS- B.A. LL.B. IVSEMESTER**

**SUBJECT- HUMAN RIGHTS**

**PAPER CODE- BL-4005**

**NATIONAL HUMAN RIGHTS COMMISSION**

India is a party to International covenant on civil and political rights and the International Covenant on Economic, social and cultural rights adopted by the general assembly of United Nations on 16 December,1966.India is a signatory to the aforesaid conventions and the human rights embodied in the said conventions are substantially protected by the constitution. However, there has been growing concern about issues relating to Human Rights in India and abroad and having regard to the changing social realities and emerging trends in the nature of crime and violence, Government has been reviewing the existing laws and system of administration of justice.

**OBJECTIVES** : The main objective of this Act is to provides for establishment of National Human Rights Commission, State Human right Commission and Human Rights Courts which seeks to prevent and punish any gross violation of human rights.

**Definition of human rights:**

In terms of **Section 2(1)(d)** of the Protection of Human Rights Act, 1993 -“Human Rights” means 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.

**NATIONAL HUMAN RIGHTS COMMISSION**

Sec 3 of the Act provides that the Central Government shall constitute a body known as the ‘National Human Rights Commission The National Human Rights Commission (NHRC) of India is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (TPHRA). The NHRC is the national human rights institution, responsible for the protection and promotion of human rights, defined by the Act as “rights

relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants”.

**CONSTITUTION: the Constitution of NHRC is as follows:**

- a) a **Chairperson** who has been a Chief Justice of the Supreme Court;
- (b) **one Member** who is, or has been, a Judge of the Supreme e Court;
- (c) **one Member** who is, or has been, the chief Justice of a High Court;
- (d) **two Members** to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- (e) Deemed Members Chairpersons of the following National Commissions
  - Chairperson, the National commission for Minorities,
  - Chairperson, National Commission for the Scheduled Castes and Scheduled Tribes and
  - Chairperson, National Commission for Women
  - One Secretary-General

**Head Quarter:** New Delhi

**Section 4-** Appointment of NHRC chairperson and members done by the Committee. Committee will consist of –

- (a) the Prime Minister -chairperson.
- (b) Speaker of the House of the people - member;
- (c) Minister in-charge of the Ministry of Home affairs in the Government of India - member;
- (d) Leader of the Opposition on in the House of the People -member;
- (e) Leader of the Opposition in the Council of States -member
- (f) Deputy Chairperson of the Council of states –member

## **FUNCTIONS OF NHRC: SECTION 10**

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

1. 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 organizations and institutions working in the field of human rights;

j) such other functions as it may consider necessary for the promotion of human rights.

**.SECTION 6.- Term of office of Members.-**

(1) Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) Member shall hold a office for a term of five years from the date on which the enters upon his office and shall be eligible for re-appointment for another term of five years;

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