

SOS POLITICAL SCIENCE & PUBLIC
ADMINISTRATION
M.A PUBLIC ADMINISTRATION II SEM
CONSTITUTIONAL SYSTEM IN INDIA (204)

Topic Name-National Human rights
Commission

Unit-V

WHAT DO YOU MEAN BY NATIONAL HUMAN RIGHTS COMMISSION?

- The **National Human Rights Commission (NHRC) of India** is a Statutory public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993.^[1] It was given a statutory basis by the Protection of Human Rights Act, 1993 (PHRA).^[2] The NHRC is the National Human Rights Commission of India,^[3] 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 and enforceable by courts in India.

COMPOSITION

- Chairperson, who has been a Chief Justice of India or a Judge of the Supreme Court^[4]
- One member who is, or has been, a Judge of the Supreme Court of India
- One member who is, or has been, the Chief Justice of a High Court
- Three Members, out of which at least one shall be a woman to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights
- In addition, the Chairpersons of National Commissions viz.

WHAT IS THE ROLE OF NATIONAL HUMAN RIGHTS COMMISSION?

- The National Human Rights Commission, India has been set up by an Act of Parliament under the Protection of Human Rights Act, 1993 for the protection and promotion of human rights. The functions of the Commission as stated in Section 12 of the Act and apart from enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant, the Commission also studies treaties and international instruments on human rights and make recommendations for their effective implementation to the Government.
- The Commission is responsible for spreading of human rights awareness amongst the masses and encouraging the efforts of all stake holders in the field of human rights literacy not only at the national level but at international level too. NHRC is a unique institution because it is one of the few National Human Rights Institutes (NHRIs) in the world whose Chairperson is the former Chief Justice of the country. The world looks at NHRC of India as a role model in promoting and monitoring

HUMAN RIGHTS AND DEVELOPMENT

- **Education**
- **Poverty**
- **Gender Equality**
- **Children's Rights**
- **Maternal health**
- **Combating disease**
- **Environmental sustainability**
- **Global partnerships for development**

WHAT IS THE MAIN AIM OF HUMAN RIGHT?

- **Human rights** also guarantee people the means necessary to satisfy their **basic** needs, such as food, housing, and education, so they can take full advantage of all opportunities. Finally, by guaranteeing life, liberty, equality, and security, **human rights** protect people against abuse by those who are more powerful.

APPOINTMENT

- The Prime Minister (Chairperson)
- The Home Minister
- The Leader of the Opposition in the Lok Sabha(Lower House)
- The Leader of the Opposition in the Rajya Sabha(Upper House)
- The Speaker of the Lok Sabha (Lower House)
- The Deputy Chairman of the Rajya Sabha (Upper House)

THE COMMISSION HAS THE LEGAL POWER

- take judicial review proceedings – a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body
- intervene in human rights cases taken by others (known as a ‘third party’ intervention), and
- hold inquiries into any issue of human rights

FUNCTIONS OF NHRC

- Proactively or reactively inquire into violations of human rights by government of India or negligence of such violation by a public servant
- 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
- to 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
- to visit jails and study the condition of inmates

WHAT ARE THE CHARACTERISTICS OF HUMAN RIGHTS?

- **1. Inherent** – Human Rights are inherent because they are not granted by any person or authority. Human rights do not have to be bought, earned or inherited; they belong to people simply because they are human. Human rights are inherent to each individual.
- **2. Fundamental** - Human Rights are fundamental rights because without them, the life and dignity of man will be meaningless.
- **3. Inalienable** - Human rights cannot be taken away; no one has the right to deprive another person of them for any reason. People still have human rights even when the laws of their countries do not recognize them, or when they violate them - for example, when slavery is practiced, slaves still have rights even though these rights are being violated. Human rights are inalienable. Human Rights are inalienable because:

CHARACTERISTICS

- 4. **Imprescriptible** - Human Rights do not prescribe and cannot be lost even if man fails to use or assert them, even by a long passage of time.
- 5. **Indivisible** - To live in dignity, all human beings are entitled to freedom, security and decent standards of living concurrently. Human rights are indivisible. Human Rights are not capable of being divided. They cannot be denied even when other rights have already been enjoyed.
- 6. **Universal** - Human Rights are universal in application and they apply irrespective of one's origin, status, or condition or place where one lives. Human rights are enforceable without national border. Human rights are the same for all human beings regardless of race, sex, religion, political or other opinion, national or social origin. We are all born free, and equal in dignity and rights— human rights are universal.
- 7. **Interdependent** - Human Rights are interdependent because the fulfillment or exercise of one cannot be had without the realization of the other.

CLASSIFICATION

- Human rights can be classified and organized in a number of different ways, at an international level the most common categorisation of human rights has been to split them into civil and political rights, and economic, social and cultural rights.
- Civil and political rights are enshrined in articles 3 to 21 of the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR).
- Economic, social and cultural rights are enshrined in articles 22 to 28 of the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

SIMILARLY CIVIL AND POLITICAL RIGHTS ARE CATEGORIZED AS:

- negative, meaning the state can protect them simply by taking no action
- cost-free
- immediate, meaning they can be immediately provided if the state decides to
- precise, meaning their provision is easy to judge and measure
- non-ideological/non-political
- capitalist
- justiciable
- real 'legal' rights

WHAT ARE THE BENEFITS OF HUMAN RIGHTS?

- Prevention and punishment of genocide.
- Prevention of Torture and other inhuman treatments.
- Elimination of Racial Discrimination.
- Abolition of Slavery and Slave trade.
- Development and protection of environment.
- Right to equality.
- Right to Life.
- Right to privacy

THANKYOU