Human Rights Institutions in India
- Protection of Human Rights Act, 1993
- Composition and functioning of NHRC / SHRCs; Other National / State Commissions

Andhra Pradesh Human Resource Development Institute
(Govt. of Andhra Pradesh)

ONE DAY TRAINING PROGRAMME ON HUMAN RIGHTS
(in association with National Human Rights Commission)
Venue: AP HRDI, Bapatla, Guntur Dist

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The situation of human rights in India is a complex one, as a result of the country's large size and tremendous diversity, its status as a developing country, and its history as a former colonial territory. It is often held, particularly by Indian human rights groups and activists, that members of the Dalit or Untouchable caste have suffered and continue to suffer substantial discrimination.

Although human rights problems do exist in India, the country is generally not regarded as a human rights concern, unlike other countries in South Asia.
Monitoring Human Rights Violations

I. Ranking in Human Rights Violators Index:
II. Political freedom
III. Human rights violations by the security forces
IV. Judiciary and administration of justice
   a. Legal reforms  b. Judges' Accountability  c. Judicial delay
V. Effectiveness of National Human Rights Institutions
VI. Repression on human rights defenders
VII. Freedom of the press
   a. Attacks by the state agencies and political activists  b. Attacks by the Armed Opposition Groups
Monitoring Human Rights Violations

VIII. Violations of the rights of indigenous peoples
   a. Atrocities against tribals
   b. Land alienation and displacement
   c. Repression under the forest Laws
   d. Encroachment by non-tribals

IX. Violations of the rights of the Dalits
   a. Denial of access to public Places
   b. Physical attacks against the Dalits
   c. Violence against Dalit Women
   d. Denial of land rights

X. Violence against women
   a. Violence by the security forces
   b. Violence by the Armed Opposition Groups
   c. Cruel cultural practices

XI. Violations of the rights of the child
   a. Child labour
   b. Child trafficking
   c. Children in armed conflict
   d. Orphaned children
   e. Girl child: Target of sexual abuse
   f. Juvenile Justice
   g. Torture of children
Monitoring Human Rights Violations

XII. Status of internally displaced persons
XIII. Violations of the prisoners' rights
XIV. Violations of the rights of minorities
  a. Attacks on the Christian minorities
  b. Attacks on the minorities by the Armed Opposition Groups in J&K
XV. Status of the refugees
  a. Refugees under the government of India
  b. Refugees under the UNHCR

XVI. Violations of International Humanitarian Laws by the Armed Opposition Groups
  a. Torture
  b. Killings
  c. Abductions
  d. Extortion

XVII. Application of the National Security Laws
  a. Cases under the Prevention of Terrorism Act of 2002
  b. Cases under the Terrorist and Disruptive Activities (Prevention) Act
  c. Cases under the Public Safety Act
1829 - The practice of sati was formally abolished in British India after years of campaigning by Ram Mohan Roy against this Hindu funeral custom of self-immolation of widows after the death of their husbands.

1929 - Child Marriage Restraint Act, prohibiting marriage of minors is passed.

1947 - India achieves political independence.
Chronology of human rights in India

* 1950 - Constitution of India establishes a democratic republic with universal adult franchise. Part 3 of the Constitution contains a Bill of Fundamental Rights enforceable by the Supreme Court and the High Courts. It also provides for reservations for previously disadvantaged sections in education, employment and political representation.

* 1955 - Reform of family law concerning Hindus gives more rights to Hindu women.

* 1973 - Supreme Court of India rules in Kesavananda Bharati that the basic structure of the Constitution (including many fundamental rights) is unalterable by a constitutional amendment.

* 1975-77 - State of Emergency in India - extensive rights violations take place.

* 1978 - SC rules in Menaka Gandhi v. Union of India that the right to life under Article
1985-6 - The Shah Bano case, where the Supreme Court recognized the Muslim woman's right to maintenance upon divorce, sparks protests from Muslim clergy.


1989-present - Kashmiri insurgency sees increasing violence between militants and security forces, resulting in heavy loss of lives.

1992 - A constitutional amendment establishes Local Self-Government (Panchayati Raj) as a third tier of governance at the village level, with one-third of the seats reserved for women. Reservations were provided for scheduled castes and tribes as well.

1992 – Demolition of Babri Masjid, resulting in riots across the country.
1993 - National Human Rights Commission is established under the Protection of Human Rights Act.

2001 - Supreme Court passes extensive orders to implement the right to food.[2]

2002 - Violence in Gujarat, chiefly targeting its Muslim minority, claims many lives.

2005 - A powerful Right to Information Act is passed to give citizen's access to information held by public authorities.


2006 - Supreme Court orders police reforms in response to the poor human rights record of Indian police
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.

1. How are human rights defined in the Protection of Human Rights Act, 1993?
2. What functions have been assigned to the Commission under the Act?
3. Does the Commission have its own investigation team?
4. Is the Commission Autonomous?
5. Can the complaint be in any language?
6. What is the responsibility of the authority/State/Central Governments to which reports/recommendations have been send by the 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.

1. What are the kinds of issues on which complaints have been received?
2. What has been focus of the Commission’s Working?
3. What are its major initiatives?
4. What is the composition of the Commission?
5. Where is the Commission located and what are its contact numbers?
In terms of Section 2 of the Protection of Human Rights Act, 1993, "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.
Established under The Protection of Human Rights Act on the 12th of October, 1993

**Distinct features of NHRC**

- Autonomous
- Independent
- Powers of a Civil Court
- Authority to interim relief
- Wide mandate
- Monitor the implementation of recommendations
What is the composition of the Commission?

* Chairperson
* Member
* Member
* Member
* Member
* Chairperson, National Commission for Minorities Ex-officio Member
* Chairperson, National Commission for Scheduled Castes and Scheduled Tribes Ex-officio Member
What is the composition of the Commission?

- Chairperson, National Commission for Women Ex-officio Member
- The Chief Executive Officer of the Commission is its Secretary General, Director General (Investigation) is ' and Registrar (Law)
- 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
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.
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 utilize 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 organizations in the investigation work.
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.
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.
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
What are the kinds of issues on which complaints have been received?

- Harassment of prisoners; jail conditions
- Atrocities on SCs and STs
- Bonded labor, child labor
- 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 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
What are its major initiatives?

- Review of laws, implementation of treaties, and the international instruments on human rights
- Economic, Social & Cultural Rights
- Elimination of bonded labor and child labor
- Issues concerning Right to Food
- Prevention of maternal anemia and congenital mental disabilities
- In the child
- Human Rights of persons affected by HIV/AIDS
- Public Health as a human rights issue
What are its major initiatives?

* 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 De notifed and nomadic tribes
What are its major initiatives?

* Welfare of the destitute widows of Vrindavan
* 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
National Human Rights Commission
Faridkot House, Copernicus Marg, New Delhi - 110 001.

Facilitation Centre (Madad): (011) 23385368

Mobile No. 9810298900 (For complaints-24 hrs.) Fax: (011) 23386521 (complaints)/23384863 (Administration)/23382734 (Investigation)

Email: covdnhrc@nic.in. (General)/jrlaw@nic.in(For complaints) resnhrc@nic.in (Research Division)
Web site: www.nhrc.nic.in
Inquiring, *suo motu*, or on a petition, presented by victims, or persons on their behalf, into complaints of:-

* violation of human rights or abetment thereof, or negligence or dereliction of duties in the prevention of such violation, by public Servants

* Intervening in any proceedings involving any allegations of violation of human rights pending before Courts, with the approval of such Courts.

* To File proceedings in the High Court or the Supreme Court

* Visiting, under intimation to State Governments, jails or other institutions under the control of State Governments, where persons are detained or lodged for purposes of treatment, reformation or protection, to study the living conditions of the inmates, and make recommendations.
Functions of Human Rights Commission

- Reviewing the safeguards provided by, or under, the Constitution, or any laws for the time being in force, for the protection of human rights, and recommending measures for their effective implementation.
- Reviewing factors, including acts of terrorism, that inhibit the enjoyment of human rights, and recommending appropriate remedial measures.
- Studying treaties and other international instruments on human rights, and making recommendations for their effective implementation.
- Undertaking and promoting research in the field of human rights.
- Spreading human rights literacy amongst various sections of society, and promoting awareness of the safeguards available for the protection of these rights, through publications, the media, seminars and other available means.
- Encouraging the efforts of non-governmental organizations, and institutions working in the field of human rights.
- Undertaking such other functions as may be considered necessary for the promotion of human rights.
Some Major Accomplishments

Independent stand on the issue of caste discrimination at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held at Durban in 2001

- Comprehensive recommendations in respect of situation following communal riots in Gujarat

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Right to Health care:
  - Enunciation of a national accident policy
  - Establishment of central monitoring mechanism for emergency services
  - Prevented repeal of Infant Milk Substitute Act 2003
  - HIV/AIDS recommended to inbuilt mechanism for consent and testing, non discrimination in health care and employment, admission in educational institutions protection for women and children in vulnerable environments
  - Public hearings for access to health care
  - Recommended to formulate plan of Action to tackle Flurosis
  - Focus: Right to Health and Drinking Water
Some Major Accomplishments

CIVIL AND POLITICAL RIGHTS

* Systemic reforms in police
* Establishment of Human Rights cells in police headquarters
* Improvement in infrastructure – Forensic Labs
* Visits to prisons, mental hospitals and Govt. run homes
* Monitor non-discrimination in relief, rehab and reconstruction to victims of violence and displacement
THE COMMISSION REVIEWED A NUMBER OF LEGISLATIVE BILLS/ACTS INCLUDING:

The Terrorists and Disruptive Activities (Prevention) Act, 1985 (TADA)
The Prevention of Terrorism Bill, 2000
The Prevention of Terrorism Ordinance, 2001 (POTO)
Freedom of Information Act
Domestic Violence Bill
The Child Marriage Restraint Act
National Rural Employment Guarantee Bill, 2004
Food safety & standard bill, 2005
Some Major Accomplishments

MONITOR

Prison Conditions
Custodial Deaths
Hospitals for mentally ill patients
Status of Bonded and Child labor situation
Homes run by the Government
Rights of Internally Displaced Person
Monitors Vishakha (Supreme Court) Guidelines on sexual harassment at work place
Encounter Deaths
Deaths of Children in Protection Home
A Mapping of Human Rights Issues

1. Custodial Violence
2. Project displacement
3. The internally displaced due to conflicts
4. Refugees
5. Land Alienation
6. Right Over Resources
7. Urban Shelter and Demolition
8. Livelihood
9. Sexual Harassment at the Workplace
10. Rape
11. Death Penalty
12. Fake Encounters (Extra-judicial killings)
13. Involuntary disappearances
14. Extraordinary Laws
15. Preventive Detention
16. Detention
17. Missing Women
18. Homicide in the Matrimonial Home
19. Domestic Violence
20. Sati
21. Child Marriage
22. Child Labor
23. The ‘neglected’ child
24. Child Abuse
25. The ‘unwanted’ girl child
26. Prostitution
27. Prisons
28. Wages to Prisoners
29. Sexuality
30. Freedom of Expression
31. Dalits
32. Medical Research
33. Population Policies
34. Organ Transplant
35. Trafficking
36. Bonded Labor
37. Anti-liquor Movements
38. HIV and AIDS
39. De notified Tribes
40. Tourism
41. Right to Information
42. Bhopal
43. Environment and Pollution
44. Political violence by non-state actors
45. Clamping down on protest
46. Disability
47. Corruption and Criminalization of Politics
48. ‘Natural’ Disasters
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Thank you all

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