

## ROLE OF HUMAN RIGHT COMMISSION IN INDIA

**Ms. Kamini Gangadharrao Madekar**

(Assistant Professor)

K. D. Pawar Shikshan Mahaviyalay ,  
Saoner Dist. Nagpur

Email - madekarkamini123@gmail.com

Eleanor Roosevelt once said that “within all of us there are two sides. One reaches for the stars, the other descends to the level of beasts. It is the second level that has characterized much of the twentieth century with its history of genocide, mass killing, tortures, disappearances, racial, ethnic, and Religious discrimination and repression and the suppression of basic freedoms.

Yet emerging from the depths of the century’s most horrendous bestiality, the holocaust was instrument that would provide the compass for humankind’s journey to the stars. “The Universal Declaration of Human Rights”. It was to serve as the guidepost for setting goals for future and to which states should aspire.

### **Establishment of the human rights commission :**

The National Human Rights Commission is a statutory (and not a constitutional) body. It was established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993.

The commission is the watchdog of human rights in the country, that is, 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 specific objectives of the establishment of the commission are :**

- (a) To strengthen the institutional arrangements through which human rights issues could be addressed in their entirety in a more focussed manner;
- (b) To look into allegations of excesses, independently of the government, in a manner that would underline the government's commitment to protect human rights; and
- (c) To complement and strengthen the efforts that have already been made in this direction.

### **Functions of the human rights commission :**

#### **The functions of the commission are :**

- (a) To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on an order of a court.
- (b) To intervene in any proceeding involving allegation of violation of human rights



- pending before a court.
- (c) To visit jails and detention places to study the living conditions of inmates and make recommendation thereon.
  - (d) To review the constitutional and other legal safeguards for the protection of human rights and recommend measures for their effective implementation.
  - (e) To review the factors including acts of terrorism that inhibit the enjoyment of human rights and recommend remedial measures.
  - (f) To study treaties and other international instruments on human rights and make recommendations for their effective implementation.
  - (g) To undertake and promote research in the field of human rights.
  - (h) To spread human rights literacy among the people and promote awareness of the safeguards available for the protection of these rights.
  - (i) To encourage the efforts of non-governmental organisations (NGOs) working in the field of human rights.
  - (j) To undertake such other functions as it may consider necessary for the promotion of human rights.

**Working of the human rights commission :**

The commission's headquarters is at Delhi and it can also establish offices at other places in India. It is vested with the power to regulate its own procedure. It has all the powers of a civil court and its proceedings have a judicial character. It may call for information or report from the Central and state governments or any other authority subordinate thereto.

The commission has its own nucleus of investigating staff for investigation into complaints of human rights violations. Besides, it is empowered to utilise the services of any officer or investigation agency of the Central government or any state government for the purpose. It has also established effective cooperation with the NGOS with firsthand information about human rights violations.

The commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed. In other words, it can look into a matter within one year of its occurrence.

**The commission may take any of the following steps during or upon the completion of an inquiry :**

- (a) it may recommend to the concerned government or authority to make payment of compensation or damages to the victim;
- (b) it may recommend to the concerned government or authority the initiation of proceedings for prosecution or any other action against the guilty public servant;
- (c) it may recommend to the concerned government or authority for the grant of immediate interim relief to the victim;
- (d) it may approach the Supreme Court or the high court concerned for the necessary directions, orders or writs.

### **Role of the commission :**

From the above, it is clear that the functions of the commission are mainly recommendatory in nature. It has no power to punish the violators of human rights, nor to award any relief including monetary relief to the victim. Notably, its recommendations are not binding on the concerned government or authority. But, it should be informed about the action taken on its recommendations within one month. In this context, a former member of the Commission observed: "The government cannot wash away the recommendations made by the Commission. The commission's role may be recommendatory, advisory, yet the Government considers the cases forwarded by it. It is, therefore, improper to say that the commission is powerless. It enjoys great material authority and no government can ignore its recommendation'.

Moreover, the commission has limited role, powers and jurisdiction with respect to the violation of human rights by the members of the armed forces. In this sphere, the commission may seek a report from the Central government and make its recommendations. The Central government should inform the Commission of the action taken on the recommendations within three months.

The commission submits its annual or special reports to the Central government and to the state government concerned. These reports are laid before the respective legislatures, along with a memorandum of action taken on the recommendations of the commission and the reasons for non-acceptance of any of such recommendations.

### **References :**

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