



THE NATIONAL HUMAN RIGHTS COMMISSION
India



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



The National Human Rights Commission (NHRC) was established on October 12, 1993. Its statute is contained in the Protection of Human Rights Act, 1993, and 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 in Resolution 48/134 of December 20, 1993. The Commission is an embodiment of India's concern for the promotion and protection of human rights.

Definition of Human Rights

Section 2(d) of the Protection of Human Rights Act, 1993 defines human rights 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.

The International Covenants included in the mandate are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Right adopted by the General Assembly of the United Nations on December 16, 1966 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notification specify.





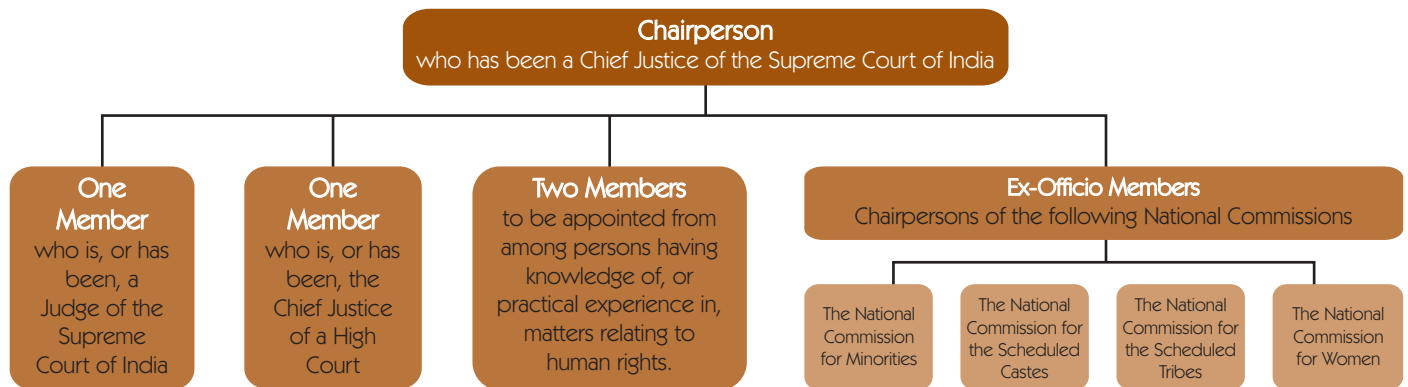
Distinctive Features of NHRC

The NHRC has certain distinctive features not enjoyed by other Commissions/regulatory bodies/autonomous institutions.

- It is autonomous i.e. it has been created by an Act of Parliament.
- NHRC is committed to provide independent views on issues within the parlance of the Constitution or in law for the time being enforced for the protection of human rights. The Commission takes independent stand.
- NHRC has the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 in respect of summoning and enforcing the attendance of witnesses; discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing commissions for the examination of witnesses or documents and request of public record as listed under Section 13 of the Act
- Authority to grant interim relief
- Authority to recommend payment of compensation or damages
- Over seventy thousand complaints received every year reflects the credibility of the Commission and the trust reposed in it by the citizens
- NHRC has a very wide mandate
- NHRC has unique mechanism with which it also monitors implementation of its various recommendations.

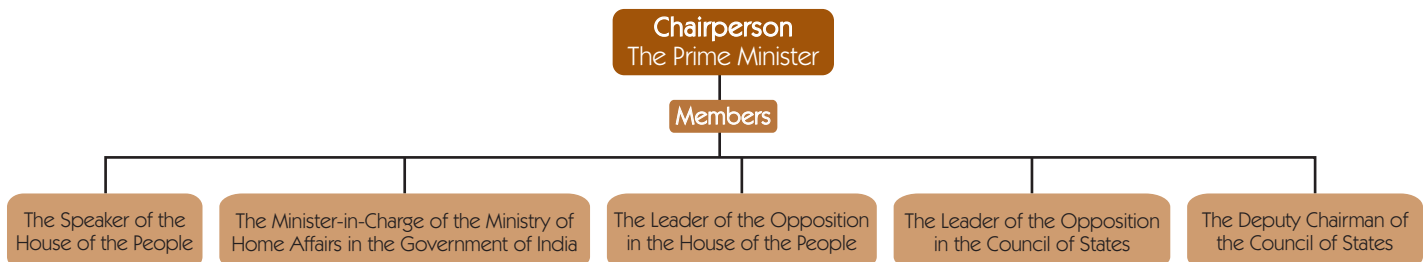
Composition

The statute lays down the high qualifications that the members are required to have, to be eligible to be appointed to the Commission. Section 3 of the Act lays down that the Commission shall consist of:



Appointment

The Chairperson and the Members of the Commission 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 Commission, invest the Commission with a very high degree of credibility.

Structure

The Chief Executive Officer of the Commission 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.

There are six Divisions in the Commission. Though each of these have been entrusted specific tasks, the Divisions work in close consultation and coordination with each other.

The Administration Division: This Division is headed by a Joint Secretary, assisted by a Director, Under Secretaries, Section Officers and other secretarial staff, and functions under the overall guidance of the Secretary-General. This Division looks after the administrative, personnel, establishment and cadre matters of the staff and officers of the Commission.

The Accounts Branch, functioning under the overall guidance of the Joint Secretary, consists of a Senior Accounts Officer, Assistant Accounts Officers, a Drawing and Disbursing Officer and other staff.

The General Section of the Division takes care of housekeeping jobs. The Section mainly deals with procurement of stores, maintenance of office buildings, repair and maintenance of all office equipment, machinery and furniture. It also handles purchase, maintenance and provision of office vehicles/hired vehicles to the Chairperson, Members and Senior Officers of the Commission.

The Hindi section of the commission arranges for the translation of complaints from Hindi and other Indian languages into English. It also undertakes translation work of the Commission, including the translation of the monthly Newsletters, Annual Reports and other publications of the Commission. An annual Hindi journal named Manava Adhikar- Nai Dishayen is also published in Hindi.

The Law Division: This Division is headed by a Registrar (Law). The post has a scale of Additional Secretary to the Government of India.

The Division services the Commission in the receipt and disposal of complaints relating to human rights violations.

The Registrar (Law) is assisted by a Joint Registrar, Deputy Registrars, Assistant Registrars and others.

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

The Training Division:

This Division has been created to disseminate information and focus attention on sensitizing various agencies and NGOs, civil society to heighten respect for Human Rights by organizing Human Rights Training Programmes.

The Division is headed by a Chief Coordinator, who is a Joint Secretary rank officer. The Chief Coordinator is assisted by a Senior Research Officer and other secretarial staff.



The Library, besides serving the Commission, is also a resource centre used by interns, researchers and NGOs. It contains a collection of books and a variety of documents of the United Nations, AIR Manuals, Supreme Court Reports, Government Reports, NGO Bulletins, etc.

The Computer Cell of the Commission 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.

The Policy Research, Projects and Programmes Division:

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

The Division also undertakes and promotes research in human rights and organizes seminars, workshops and conferences on pertinent issues.

The PRP&P Division is headed by the Joint Secretary and consists of two Directors, a Senior Research Officer and secretarial staff.

The Investigation Division: When the Commission requires an independent inquiry to be conducted, it is effected through the Investigation Division, which is headed by an officer of the rank of Director General of Police. He is assisted by a Deputy Inspector General of Police, Senior Superintendents of Police, Deputy Superintendents of Police, Inspectors of Police and Constables.

The Division also assists the Commission in examining complaints, in scrutinizing reports received from the police and other investigation agencies and in looking into reports of custodial violence or other misdemeanours. In addition, the Investigation division analyzes the intimations and further reports from the State authorities regarding deaths in police and judicial custody, encounter deaths and advising the Commission. The division is also assisting the Training Division in spreading human rights literacy as envisaged in Section 12(h) of the Protection of Human Rights Act, 1993.

The Information and Public Relations Division:

This Division disseminates information relating to the activities of the Commission, through the print and electronic media, and is headed by an Information and Public Relations Officer, who also functions as the Editor of the monthly Human Rights Newsletter.

This Division is responsible for the website and publications of the Commission.

The Division also has an Assistant Information Officer.

A Public Information Officer has also been appointed for the purpose of facilitating information under the Right to Information Act. The Appellate Authority is the Joint Secretary.

Other Functionaries

Personnel serving in the Commission are limited in number, presently around 340. However, the reach of the Commission is greatly enhanced by the appointment of Special Rapporteurs and the constitution of Core and Experts Groups.

Special Rapporteurs

Special Rapporteurs are very senior officers who, prior to their retirement, have served as Secretaries to the Government of India or Directors General of Police or have done exemplary service in a Human Rights related field. They are either given a subject, or a group of subjects, to deal with, such as Bonded Labour, Child Labour, Custodial Justice, Dalit Issues, Disability, etc., or have territorial jurisdictions.

Core Groups and Experts Groups

Core/ Experts Groups consist of very eminent persons, or representatives of bodies, in their respective fields in the country, who voluntarily agree to serve, in an honorary capacity, as members of such groups. Presently there are:

- Core Advisory Group on Health
- Core Group on Disability
- Expert Group on Unsafe Drugs & Medical Devices
- Core Group of NGOs
- Core Group on Legal Issues
- Core Group on Right To Food
- Expert Group on Emergency Medical Care
- Expert Group on Refugees
- Expert Group on Refugees



Functions

The Commission has a wide mandate including civil and political rights, economic, social and cultural rights, and group rights.

Section 12 lays down that the Commission shall perform all or any of the following functions, namely:

- Inquiring, suo motu, or on petitions, presented to it by victims, or any persons on their behalf, or on a direction or order of any court, into complaints of violation of human rights or abetment thereof, or negligence in the prevention of such violation, by a public servant.
- Intervening in any proceeding involving any allegation of violation of human rights pending before a Court, with the approval of such Courts.
- Visiting, notwithstanding any thing 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 making recommendations.
- Reviewing the safeguards provided by, or under, the Constitution, or any law for the time being in force, for the protection of human rights, and recommending measures for their effective implementation.
- Reviewing the factors, including acts of terrorism, that inhibits 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 organisations, and institutions working in the field of human rights.
- Undertaking such other functions as may be considered necessary for the promotion of human rights.

Activities

- Complaint redressal and Investigation is one of the major activities of NHRC. NHRC accepts complaints written in any language by post, telegram, fax, email or even on mobile, and also through facilitation counter. It charges no fees. The status of the complaint can also be ascertained from the facilitation counter and website of the Commission www.nhrc.nic.in.
- At the year of inception 1993-94, NHRC received only 496 complaints which now has reached 74,444 in 2005-06, which reflects the credibility of NHRC. NHRC till date has received more than six lakh applications. At any given time the complaint under process is to the tune of 20,000 to 30,000.
- The Commission has reviewed a number of legislative Bills/Acts from the human rights perspective:
 - 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 and Standards Bill, 2005.
- The Commission has a very unique function of monitoring the execution of its recommendations. Commission regularly monitors, through visits of Members of the Commission and its Special Rapporteur, regular feed back from the Ministries, both at the Centre and State and also from other related agencies on the following issues:
 - Prison conditions
 - Custodial deaths
 - Hospitals for mentally ill patients
 - Status of bonded and child labour
 - Homes run by the Government
 - Rights of internally displaced persons
 - Monitors Vishakha (Supreme Court) guidelines on sexual harassment at work place
 - Encounter deaths
 - Deaths of children in protection homes
- The Commission has laid equal status on Civil and Political Rights as well as Economic, Social and Cultural Rights. The Commission has assisted in flagging concerns and recommendations resulting in concrete corrective steps.

It is a tribute to the strength and resilience of the Indian polity that the Commission has never lacked the democratic space in which to function or to express its views as it thought fit and appropriate. Those views have been listened to with respect, even if not always with agreement. But at all times the dialogue for the better protection of human rights has been sustained, involving all elements of the State and civil society.



Complaints Redressal

Filing and Processing

A complaint to the NHRC may be made in Hindi, English or any other language recognised by the Constitution of India, and may be sent through post, telegram, fax or e-mail. Urgent complaints can also be lodged, beyond the working hours of the Commission, through the mobile number 98-102-98900. No fee is charged on complaints. The complainants can approach the Facilitation Centre for obtaining information about their complaints and other relevant matters. The complainants can also ascertain the status of their complaints through the Commission's website www.nhrc.nic.in.

Complaints are processed by the Law Division of the Commission. 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 acknowledgement is mailed to the complainant. The complaints are later placed before a Single-Member bench, or before the Full Commission, for directions. If any complaint requires an investigation to be conducted by the Commission, this is done by the Investigation Division of the Commission.

The Commission either:

- Dismisses complaints in *limini* ordinarily if these do not fall within the purview of the Commission, that is, if the matter is sub judice, or pending before another Commission; if the event of the complaint occurred more than a year prior to the lodging of the complaint; if the complaint is vague, anonymous; or if the complaint relates to a service matter.
- Disposes cases with directions to the authorities concerned to take necessary action.
- Issues notices and seeks detailed reports from the authorities concerned, 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 Act. While inquiring into complaints under the Act, 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 violations of human rights, may, under Section 17 of the Act:

- Call for information or reports from the Central or State Governments, or any other authority or organisation subordinate thereto, within such time as specified by it.
- If the information or reports are not received within the time stipulated by the Commission, it may proceed to inquire into the complaints.
- If, on the receipt of information or reports, 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 After Inquiry

During or after completion of an inquiry the Commission may, under Section 18 of the Act, 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

- Payment of compensation or damages to the complainant or to the victim or the members of his family;
- Initiation of proceedings for prosecution, or any other suitable action the Commission may deem fit, against the person(s) concerned.
- Recommend to the Government or authority concerned the grant of immediate interim relief to the victim or his/her family members.
- Approach the Supreme Court or the High Court concerned for directions.
- Send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission.

Procedure in Respect of Armed Forces

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

- The Commission may, either on its own motion, or on receipt of a petition, seek a report from the Central Government.
- After receipt of the report from the Central Government, the Commission may decide either not to proceed with the complaint or, may make recommendations to the Government.
- The Central Government is required to inform the Commission 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 the Government on such recommendations.
- The Commission shall provide a copy of the report published to the petitioner or his representative.

The number of complaints received by the Commission has increased from 496 in 1993-94 to 74,444 in 2005-2006. No other national institution for human rights in the world has a remotely comparable case-load. And dealing with complaints is only one of ten major functions assigned to the Commission.



Research Projects and Programmes

Whenever the Commission on the basis of its hearings, deliberations or otherwise arrives at a conclusion that a particular subject is of generic importance, it is converted into a project/programme to be dealt by the Policy Research, Projects and Programmes Division (PRP&P Division). The Commission in dealing with projects/programmes functions as a catalyst. It normally holds meetings with officers of the departments/organisations concerned, so that there is focused attention on the problem in question. It thereafter coordinates, orchestrates and monitors the plan of action and implementation. Details of some of the important programmes are given below:

Monitoring of Projects/Organisations under the reference of the Supreme Court

- The Supreme Court has asked the Commission to monitor programmes relating to Child and Bonded Labour, and the functioning of the Ranchi Institute of Neuro-Psychiatric and Allied Sciences, the Institute of Mental Health and Hospital, Agra and Gwalior. Mansik Arogyashala and the functioning of the Women's Protective Home, Agra.

Custodial Justice Management

As part of its duties, the Chairperson, Members, Special Rapporteurs and officers of the Commission inspect jails and make recommendations.

- **Custodial Deaths/Torture/Encounters**

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

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

On the direction of the Commission, Human Rights Cells have been Constituted in the offices of the Directors General of Police in all States. These Cells are headed by officers of the rank of Additional Directors General/Inspectors General of Police, who act as links between the Commission 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 Commission to the State Government, for enquiry and appropriate action, and also to sensitise Police personnel in matters relating to human rights. The Commission has also been involved, together with other bodies, in various programmes for training and sensitization of Police personnel.

- **Penal Reforms**

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

Continuous attempts have been made by the Commission 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 Commission has regularly examined & has communicated on important Bills/Acts such as:

- The Terrorist and Disruptive Activities (Prevention) Act, 1987
- The Prevention of Terrorism Bill, 2000
- The Prevention of Terrorism Ordinance, 2001
- The Freedom of Information Bill, 2000
- The Child Marriage Restraint Act, 1929
- The Protection from Domestic Violence Bill, 2002

The Commission also reviews the implementation of international treaties.

Rights of Women and Children

The Commission has been working in areas relating to :

- Prevention and Combating of Child Marriages
- Child Labour
- Child Abuse
- Trafficking in Women and Children
- Marginalized and Destitute Women of Vrindavan
- Women sheltered at the Agra Protective Home
- Sexual Harassment of Women at the Workplace and in Public Transport
- Registration of Marriages
- Juvenile Justice
- Domestic Violence

(i) Civil and Political Rights

- Systemic reforms in police
- Establishment of Human Rights cells in police headquarters
- Improvement in infrastructure- Forensic labs
- Regular visits to prisons, mental hospitals and Government run Homes
- Monitoring non-discrimination in relief, rehabilitation and reconstruction of victims of violence and displacement

(ii) 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 Fluorosis
- Focus on Right to Health and Drinking water
- Systematic changes to improve access, availability and affordability of health services
- Ensuring availability of cheap and generic drugs

(iii) Rights of Children

Concerns of NHRC for Children and resultant amendments



- Review of the Child Marriage Restraint Act, 1929 concerns of NHRC incorporated.
- Protection of the Convention on the Rights of the Child.
- Preventing Employment of Children by the Government Servants: Amendment to Service Rules
- Status of Abolition of Child Labour monitored
- Guide Book for the Media on Sexual Violence against Children.
- Trafficking in Women and Children: Manual for Judiciary for Gender Sensitisation.

(iv) Trafficking in Women and Children

Legal Safe guards:

- Constitutional Provisions
- Penal and Procedural Laws
- Anti-Trafficking Laws
- Child Protection Laws
- Special and Local Laws
- Case Laws
- Action Research on Trafficking in Women and Children in India
- Plan of Action to prevent and end Trafficking in Women and Children in India
- National Advisory Committee.

(v) For Disabled

- Rights of the Disabled
- Incorporation of mental health in primary health services
- Capacity building of legal practitioners, academics and activists on disability in human rights

- Manual of Disability
- NHRC represent in ICC in UN adhoc committee
- Facilitating Development of Common Sign Language

(vi) Dissemination and Sensitization

The Commission also disseminates and sensitizes and major achievements have been

- Subject of human rights introduced in curricula of educational institutions.
- Certificates/Post Graduate/Diploma/Degree courses in human rights introduced in over 30 universities/institutes.
- Human Rights sensitization and training to civil servants, personnel of army and para-military forces, judicial officers and prison officials

Rights of Marginalized Sections

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

- The abolition of Manual Scavenging
- The abolition of Bonded Labour
- The rights of the Elderly
- The rights of Minorities
- The rights of Refugees and Migrants
- The rights of those displaced by Mega Projects and Natural Calamities
- Dalit and Tribal Issues, including atrocities on Scheduled Castes/Scheduled Tribes
- Problems being faced by Denotified Tribes



Food Security

Following the starvation deaths arising out of drought conditions in Koraput, Bolangir and Kalahandi districts of Orissa the Commission recommended several short term and long-term measures like

- Emergency Feeding Programmes
- Old age pensions
- Employment Generation
- Land Reform
- Paradigm shift in Public Policies and Relief Codes relating to Public Relief

The Commission is now working to formulate a programme of action for making the Right to Food a reality in the country.

Relief and Rehabilitation-Natural Calamities/Man-made Tragedies

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

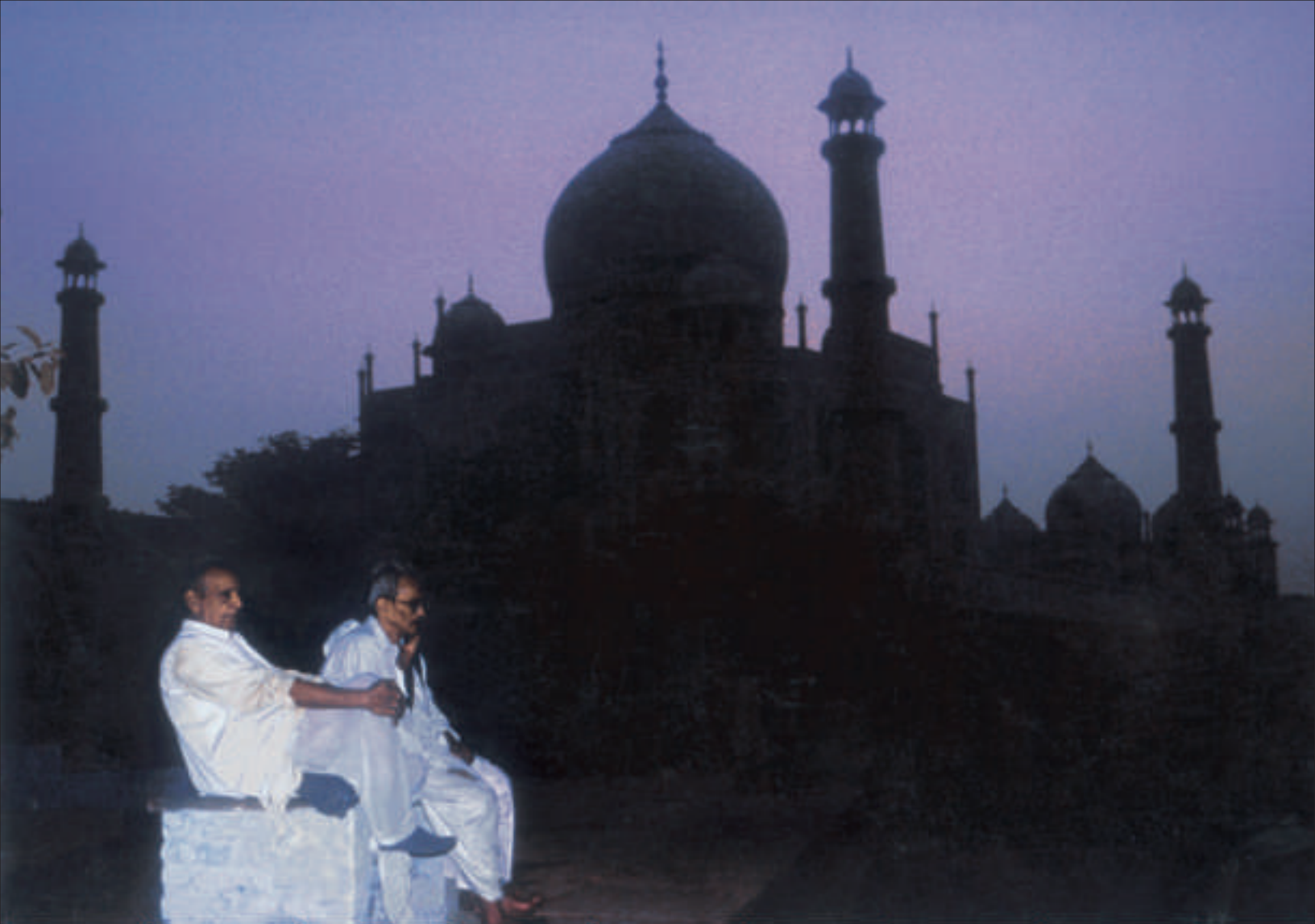
- Monitoring of measures taken after allegations of starvation deaths in Orissa.
- Monitoring of relief in the aftermath of the super cyclone in Orissa.
- Monitoring of relief measures undertaken by the Government of Gujarat, and other agencies, for those affected by the earthquake of January 2001.
- Examination of the human rights situation in Gujarat, commencing with the Godhra tragedy of February 27, 2002.
- Monitoring of the relief and rehabilitation of the people affected by Tsunami, which struck the southern coastal areas of India in December 2004.
- Monitoring of the relief and rehabilitation of the people affected by earthquake in Jammu and Kashmir in October, 2005

Marching forward with State Human Rights Commissions

- The Human Rights Protection Act, 1993 facilitates that State Government may constitute State Human Rights Commission 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 the better protection and promotion of Human Rights within their jurisdictions. By 2006 State Human Rights Commissions were set up in only 17 States namely Assam, Chhatisgarh, Madhya Pradesh, Punjab, Himachal Pradesh, Jammu and Kashmir, Andhra Pradesh, Kerala, Tamil Nadu, Gujarat, West Bengal, Maharashtra, Orissa, Uttar Pradesh, Manipur and Rajasthan. Karnataka has also notified for the establishment of the Commission. The Commission will continue to strive for the establishment of State Commissions all over the country.
- The Commission has regularly been meeting with the State Human Rights Commission for better understanding of the issues and urge them to discharge their role as the protector and promoter of Human Rights more proactively. NHRC has also been writing to the State Governments to provide them all infrastructural facilities, so that they function in a conducive atmosphere.
- 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 provisions of the Act: Provided that no such complaint shall be transferred unless the same is one respecting which the State Commission has jurisdiction to entertain the same.
- The complaints transferred by NHRC shall be dealt with and disposed off by the State Commission as if it were a complaint initially filed before it.

Annual reports of the Commission

- (1) The Commission shall submit an annual report to the Central Government and to the State Government concerned
- (2) The Central Government and the State Government, as the case may be, shall cause the annual reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, alongwith a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.



International Engagements

Asia Pacific Forum of National Human Rights Institutions

- The NHRC is one of the founding members of the Asia Pacific Forum of national human rights institutions (APF). The APF is the region's premier human rights body.

The Human Rights Commissions of Australia, India, Indonesia and New Zealand founded the APF in 1996. National Institutions from Australia, Fiji, Indonesia, Malaysia, Mongolia, Nepal, New Zealand, Philippines, Republic of Korea, Sri Lanka, Qatar, Palestine, Timor-Leste, Thailand, Jordan and Afghanistan are the other members of APF.

The broad objectives of APF include: -

- To improve the effectiveness of existing national human rights institutions;
- To encourage and provide assistance to regional governments and non-governmental organisations to establish national human rights institutions

International Coordinating Committee of National Human Rights Institutions for the protection and promotion of Human Rights

- The Commission is represented in the annual meetings of the International Coordinating Committee of National Human Rights Institutions, ICC, which are held in conjunction with the annual meeting of the Commission on Human Rights, in Geneva. ICC is a representative body of national human rights institutions established for the purpose of creating and strengthening national human rights institutions, which are in conformity with the "Paris Principles".
- NHRC, India is nominated to represent the seventeen members Asia Pacific Forum of National Human Rights Institutions in the ICC.

Major Accomplishments

New initiatives

- A fast-track system for complaints has been introduced, and computerization and other procedural changes adopted, to deal with the heavy load of casework.
- All States have set up Human Rights Cells in the offices of the Directors-General of Police.
- Seventeen States have set up State Human Rights Commissions. A number of States have also set up Human Rights Courts.
- Apart from attending to individual complaints, the Commission has also recommended systemic reforms in Police functioning, and in prison administration.
- The Commission has also laid down stringent reporting requirements in cases of deaths/rapes in custody.
- On the recommendation of NHRC, 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 Commission's efforts, the subject of human rights has been introduced in the curricula of educational institutions from school to the university level. Certificates/Post-Graduate/Diploma/Degree courses in human rights have been introduced in over 35 Universities/Colleges in the country.
- The Commission has contributed to the evolution of a National Plan of Action on Human Rights Education and is closely monitoring the preparation of a National Action Plan for the protection and promotion of human rights.
- The Commission has been actively involved, in collaboration with other organisations, in providing human rights sensitization and training to civil servants, personnel of army and paramilitary forces, judicial officers and prison officials
- A high level meeting was convened to discuss the issue of the problem of Fluorosis in drinking water and its adverse effect on Health on 2 November 2004. The Commission has asked the Department of Health, Government of India to mount a national programme and draft a plan of action to tackle the problem of Fluorosis.
- In collaboration with the Department of Women & Child Development, Government of India and UNICEF, The Commission has prepared a handbook for sensitizing the subordinate judiciary on Trafficking of Women and Children for commercial sexual exploitation.
- Recognizing the crucial linkages between public health and human rights, the Commission has made significant recommendations on maternal anaemia, HIV/AIDS and access to healthcare.
- In partnership with the Jan Swasthya Abhiyan, five regional and one National Public Hearing on Right to Health Care were organized between July-December 2004. In The National Public Hearing, a national action plan to operationalize right to health care was evolved and was communicated to all concerned authorities.

Major Recommendations

- The Commission recommended procedures to be followed in cases of deaths in police encounters, which include investigations, by an other independent investigating agency like State CBCID, magisterial inquiry and a six monthly statement from the State Police to the Commission regarding all cases of deaths in police action.
- The Commission has suggested improvements/issued guidelines for the safeguard of the rights of mentally ill persons in prison, speedy trial of under trial prisoners, premature release of prisoner's 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 Commission has requested the Chief Justices of the High Courts of all the States/Union Territories to carry out a broad review of the undertrial prisoner situations.
- The Commission gave its comments/suggested modifications to the protection from Domestic Violence Bill, 2002 drafted by the Department of Women and Child Development. This has since become an Act, viz. The Protection of Women from Domestic Violence Act, 2005.
- The Expert Group on emergency medical care submitted a report to restructure the emergency medical care system. Detailed recommendations in this regard were sent to all States/Union Territories on 12 May 2004.
- NHRC has made a number of recommendations to promote and protect rights of persons with disabilities. These include evolving a disability State Policy, an agenda for action, barrier-free infrastructure, vertical integration, implementation of laws, checking exploitation and a social security plan.
- In the field of social and economic rights, the Commission has made comprehensive and systematic recommendations for the protection of the vulnerable sections of the people, including women, children, dalits, minorities, disabled and denotified and nomadic tribes. It has also undertaken programmes for the elimination of manual scavenging, bonded labour, child labour and trafficking in women and children.
- The Commission has made certain recommendations for the prevention of atrocities against Scheduled Castes, based on a report prepared by Shri K. B. Saxena, to the Centre and the State Governments.

" 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."



Implemented

- NHRC intervened in the Delhi High Court in the case of Charanjit Singh, an aged mentally ill undertrial prisoner. The guidelines on mentally ill undertrials suggested by NHRC were incorporated in the judgement delivered by the Delhi High Court.
- Machang Lalung, languishing in judicial custody in Tezpur, Assam, for 54 years as an under-trial, being mentally challenged, has been released pursuant to intervention by the Commission.
- The Commission awarded compensation @ Rs. 2.50 Lakhs to the next of kin of each of 194 deceased persons in the Punjab Mass Cremation case. Those killed were admittedly in the custody of Punjab police at the time of their deaths.
- The Commission has ensured that reasonable compensation by way of interim relief is given to the unfortunate victims of electrocution irrespective of the fact whether or not there is any negligence on the part of the transmission companies.
- Since its inception, the Commission has been strongly recommending that steps be taken to ensure the realization of the Right to Education of all children up to the age of 14 years, as provided in Article 45 of the Constitution. Owing to the efforts of the Commission, Right to education has since become a fundamental right for children in the age group 6-14 years vide Constitution (86th Amendment) Act, 2002.
- Pursuant to the Commission's efforts, the Government of India has signed the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment in 1997.
- The Food Safety and Standards Bill 2005 was reviewed from the human rights perspective.
- National Rural Employment Guarantee Bill 2004 was reviewed from the human rights perspective.
- The Right To Information Bill 2004 was reviewed from the human rights perspective.
- The Commission has monitored disaster relief in the wake of the super cyclone, which hit Orissa in 1999, and later, the massive earthquake in Gujarat in January 2001.
- The Commission is monitoring the relief and rehabilitation of the people affected by Tsunami which struck the Southern Coastal Areas of India in December, 2004.
- NHRC has also monitoring the relief and rehabilitation of the people affected by the earth quake in Jammu and Kashmir in October, 2005
- The Commission took a stand on the issue of caste discrimination at the World Conference against racism, racial discrimination, xenophobia and related intolerance held at Durban in 2001, which received wide coverage.
- Following the tragic incident in Godhra, Gujarat, on February 27, 2002, and the communal violence that followed, the Commission made comprehensive recommendations in respect of the situation and the protection of human rights of those who had been affected.
- The Commission has reviewed a number of Legislative Bills/Acts, which impinge on human rights of people in general, and vulnerable sections of society in particular. The Commission has played an important role in monitoring the misuse of the Terrorists and Disruptive Activities (Prevention) Act, 1987 (TADA) and gave its opinion on the Prevention of Terrorism Bill, 2000 and the Prevention of Terrorism Ordinance, 2001 (POTO).
- NHRC has made recommendations to the Central Government for amendment of the Child Marriage Restraint Act, 1929. A Bill entitled The Prevention of Child Marriage Bill-2004 was introduced in the Rajya Sabha On 20.12.2004 incorporating almost all the recommendations of the Commission.



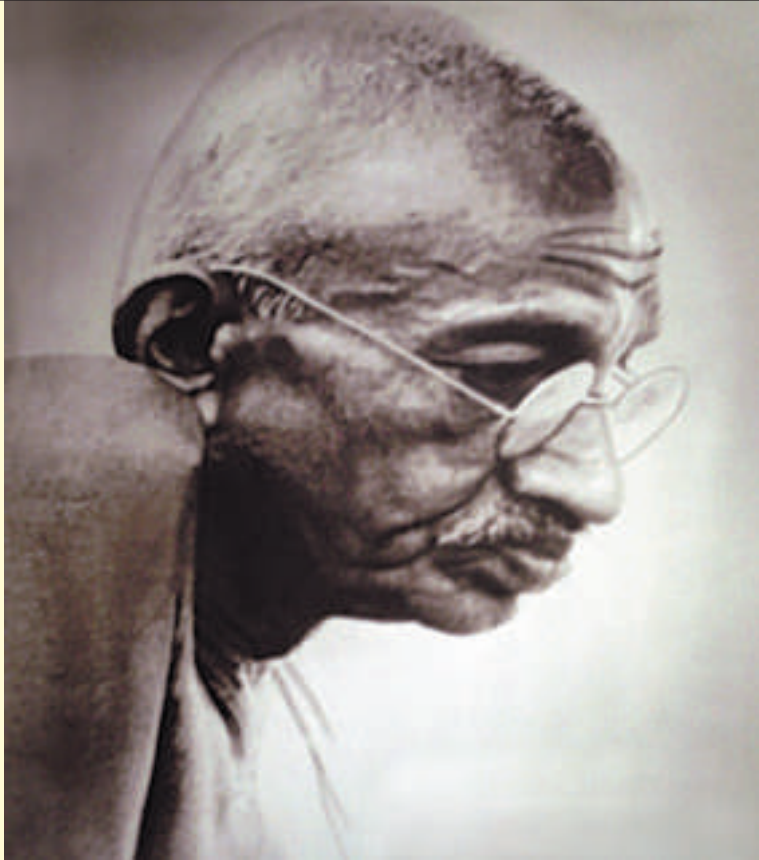
Workshops & Seminars

- Sensitization Workshops for DMs, SPs and NGOs for identification, release and rehabilitation of Bonded Labour are organised in collaboration with the State Governments.
- Workshops for Jail Superintendents, Jailers and officers of Correctional Services to sensitize on human rights of prisoners are organised in collaboration with the State Governments.
- Training of Trainers Programme, National workshop and five outreach training programmes organized aimed at protecting rights of persons with disabilities
- Regional Training Workshop on Atrocities Against Dalits to sensitize Senior Police Officers of the Northern Region
- Human Right Sensitization Training Programmes
- National conference on Effects of Corruption on Good Governance and Human Rights
- Health Awareness Week for the Elderly
- Consultations and Public Hearings on Health
- Developing Curriculum for Human Rights Education at School and University level
- Seminar on working and shortcomings of Juvenile Justice System in India
- Seminar on Custodial Justice



Publications

- The Protection of Human Rights (Amendment) Act, 2006
- Important Instructions/Guidelines issued by the NHRC (Revised)
- NHRC Guidelines for Sponsoring Research
- 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 British Council)
- A Handbook on Human Rights for Judicial Officers
- Human Rights- Do's and Don'ts for Judicial Officers
- Large Volume Parenterals: Towards Zero Defect
- Report of the National Conference on Human Rights and HIV/AIDS (November 24-25, 2000, New Delhi)- English/Hindi
- Report & Recommendations of the Regional Consultation on Public Health & Human Rights (April 10-11, 2001, New Delhi)
- Quality Assurance in Mental Health
- Information Kit on Trafficking in Women and Children
- Child Rights (English/Hindi)
- Reports of the National Seminar-cum- Public Consultation on Racism, Racial Discrimination, Xenophobia & Related Intolerance (August 3-4, 2001, Bangalore; August 11, 2001, New Delhi)
- Discrimination Based on Sex, Caste, Religion and Disability (A Handbook for sensitizing teachers and teacher educators)
- Report on Prevention of Atrocities against Scheduled Castes (English/Hindi)
- A Guidebook for the Media on Sexual Violence against Children
- Declaration adopted at the National Colloquium on Population Policy, Development and Human Rights (English/Hindi)
- Report of Action Research on Trafficking in Women and Children in India (published by UNIFEM)
- Guidelines Regarding Arrest (English/Hindi)
- Journal of NHRC, India (English Vol. 1-4)
- Nai Dishayen (Annual Journal In Hindi Vol. 1&2)
- Glossary of Human Rights Terms (English-Hindi)
- Glossary of Human Rights Terms (Hindi-English)
- Hand Book on Employment of Persons with Disabilities in Government of India
- Disability Manual
- Know Your Rights Booklets in English, Hindi, Telugu, Tamil, Malayalam, Kannada, Marathi, Assamese, Urdu, Punjabi, Bengali, Gujarati, Oriya, Nepali and Manipuri on the following themes :
 - National Human Rights Commission
 - International Human Rights Conventions
 - Manual Scavenging
 - Bonded Labour
 - Child Labour
 - Sexual Harassment of Women at the Workplace
 - Rights of Persons with Disabilities
 - Human Rights and HIV/AIDS
- Human Rights Education For Beginners
- From Bondage to Freedom: An Analysis of International Legal Regime on Human Trafficking
- Human Rights- A compilation of International Instruments (Vol. 1&2 Hindi)
- Proceeding of the National Human Rights Commission on the Situation in Gujarat (March – July 2002)
- Report of the Proceedings (International Round Table on National Institutions Implementing Economic, Social and Cultural Rights, 29 Nov. - 01 Dec. 05, New Delhi)
- Human Rights Newsletter (English/Hindi)
- Annual Report (English/Hindi)



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

Mahatma Gandhi

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



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

NATIONAL HUMAN RIGHTS COMMISSION

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