

Unit-5

REDRESSAL MECHANISMS

Unit V: Redressal Mechanisms: Protection of Human Rights Act, 1993 (Amendment 2019) – Structure and Functions of National and State Human Rights Commissions – National Commission for SCs – National Commission for STs – National Commission for Women – National Commission for Minorities – Characteristics and Objectives of Human Rights Education.

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The main objective of a Redress Mechanism (RM) is to assist to resolve complaints and grievances in a timely, effective and efficient manner that satisfies all parties involved. It will provide the citizens with a platform for redress of their grievances and describes the informal and formal channels, time frame and mechanisms for resolving complaints about environmental performance. It would provide an effective approach for resolution of complaints and issues of the affected person/community.

PROTECTION OF HUMAN RIGHTS ACT, 1993

Introduction

As a member of the human family, every individual must have some rights against the state or other public authorities, and these rights are known as “human rights”. Human rights are as old as the ancient doctrine of natural rights, which is based on natural law. The term “human rights” as we know it today is a relatively new concept. They are derived from international charters and conventions enacted after World War II.

In India, the Protection of Human Rights Bill, which had already been passed by both Houses of Parliament, got the assent of the President on January 8, 1994. It was thus enacted as The Protection of Human Rights Act, 1993.

Historical background of Protection of Human Rights Act, 1993

The first documented use of the term “human rights” can be found in the United Nations Charter, which was established after World War II in San Francisco on June 25, 1945. This charter was not legally binding. It actually defined the ideal, which would later be developed by many agencies and entities. In December 1948, the United Nations General Assembly took a significant step to ensure the protection of human rights and adopted the Universal Declaration of Human Rights. But the problem was that the UN had no mechanism for enforcing this declaration because it was not a legally enforceable covenant.

The United Nations General Assembly aimed to address the issue by adopting two covenants for the protection of human rights in December 1965: The Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights. The first established legally enforceable individual rights, while the second urged states to put them into effect through legislation.

The two Covenants entered into force in December 1976, after being ratified by the required number of member states. Following that, at the end of 1981, many states, including India, ratified the Covenants. As a result, the ratifying states became legally bound by these covenants.

In the early 1910s, India was globally criticized for the violations of human rights by its armed forces in the state of Jammu and Kashmir. The USA and various other countries from the western world pressured the Indian government to take cognizance of the cases of human rights violations in the country. In addition to the international pressure, there was a considerable demand on the national level for such a law that would deal with the various issues related to human rights violations.

Therefore, considering the demand at the national level and as a constructive reply to the criticism of foreign countries, the Human Rights Commission Bill was first introduced in the Lok Sabha on May 14, 1992. After a deliberate discussion, the Bill was referred to the Parliament's Standing Committee on Home Affairs.

However, in response to international and local demands, the President of India promulgated an Ordinance on September 27, 1993, that established a National Commission on Human Rights. Following that, on December 18, 1993, the Lok Sabha passed a Bill on Human Rights to replace the ordinance, and the Bill became an Act on January 8, 1994. This Act came into force on September 28th, 1993, as provided in Section 1(3) of the Act.

Thus, the commission was established by an ordinance of the President on September 27, 1993. Justice Ranganath Misha, the former Chief Justice of India, was the first chairperson of the commission, appointed on October 12, 1993.

Need for the Protection of Human Rights Act, 1993

1. India is a member of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, both of which have been ratified by the United Nations General Assembly on December 16, 1966. The Constitution substantially protects the human rights enshrined in the aforementioned Covenants. Therefore, it was the need of the hour to enact this law.

2. There was a significant increase in the country and abroad on issues relating to human rights. Considering the changing social realities and emerging trends in the nature of crime and violence, the government reviewed the existing laws, procedures, and systems of justice

administration with a view of bringing greater accountability and transparency to them, and developing efficient and effective methods of dealing with the situation. As a result, the government realized that the enactment of a law that specifically deals with the issues of human rights is now necessary.

3. Numerous conversations were held at various fora, including the Chief Ministers' Conference on Human Rights, seminars hosted throughout the country, and talks with leaders of major political parties. The viewpoints expressed in these discussions strongly urged the enactment of this legislation.

Scope of the Protection of Human Rights Act, 1993

Originally, it was provided in Section 1(2) of the Act that this Act applies to the whole of India and, in the case of Jammu and Kashmir, it applies to the union list and concurrent list only. However, this proviso has been omitted by Act 34 of 2019, and effectively, now this Act extends to the whole of India.

Salient features of the Protection of Human Rights Act, 1993

- ❖ To protect human beings from violations of their rights. "Human Rights" include the right to life, liberty, equality, and dignity, as guaranteed by the constitution.
- ❖ To protect these rights from abuses of power committed by state bodies.
- ❖ To establish an organization for the advancement of existing living beings and the development of their personalities.
- ❖ To provide effective and necessary actions for securing remedies in the event of a violation of rights.
- ❖ The most significant feature of the Act is that it establishes the National Human Rights Commission, State Human Rights Commissions, and Human Rights Courts to prevent and prosecute serious human rights violations.

Important provisions of the Protection of Human Rights Act, 1993

The important provisions of the Act could be divided into four parts as follows:

- ❖ Definition of "Human Rights" [Chapter I, Sec. 2 of the Act]
- ❖ NHRC: Constitution, Functions, Power, and Procedure [Chapters II, III, & IV, Sec. 3-20]
- ❖ SHRC: Constitution, Functions, Power and Procedure [Chapter V, Sec. 21-29]
- ❖ Human Rights Courts [Chapter VI, Sec. 30 & 31]

All of the topics listed above, including the relevant sections and case laws, will be thoroughly covered in the following.

Part I of the Act: Definition of Human Rights

Section 2(d) of the Act defines human rights as individual rights to life, liberty, equality, and dignity guaranteed by the Constitution or recognized in international covenants and enforceable by Indian courts. The abovementioned definition, however, limits the scope of the functions of the National Human Rights Commission. As a result, India ratified only the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. However, the covenants are not directly enforceable as law in Indian courts. Therefore, under the Protection of Human Rights Act 1993, the definition of human rights is firmly limited to the fundamental rights included in Part III of the Constitution, which are enforceable by Indian courts.

THE NATIONAL HUMAN RIGHTS COMMISSION

Constitution of a National Human Rights Commission

(1) The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of:

(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 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.

(3) The Chairpersons of the National Commission for Minorities, the National Commission for the Scheduled Castes and Scheduled Tribes and the National Commission for Women shall be deemed to be Members of the Commission for the discharge of functions specified in clauses (b) to (j) of section 12.

(4) There shall be a Secretary-General who shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions of the Commission as it may delegate to him.

(5) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in India.

Appointment of Chairperson and other Members

(1) The Chairperson and other Members shall be appointed by the President by warrant under his hand and seal.

Provided that every appointment under this sub-section shall be made after obtaining the recommendations of a Committee consisting 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 in the House of the People — Member
- (e) Leader of the Opposition in the Council of States — Member
- (f) Deputy Chairman of the Council of States — Member

Provided further that no sitting Judge of the Supreme Court or sitting Chief Justice of a High Court shall be appointed except after consultation with the Chief Justice of India.

(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Committee.

Removal of a Member of the Commission

(1) Subject to the provisions of sub-section (2), the Chairperson or any other Member of the Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.

(2) Notwithstanding anything in sub-section (1), the President may by order remove from office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be

- (a) is adjudged an insolvent; or
- (b) engages during his term of office in any paid employment out side the duties of his office: or
- (c) is unfit to continue in office by reason of infirmity of mind or body; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

Term of office of Members

(1) A person appointed as 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) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years. Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of India or under the Government of any State.

Member to act as Chairperson or to discharge his functions in certain circumstances

(1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the President may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

Terms and conditions of service of Members

The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed. Provided that neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment.

Vacancies, etc., not to invalidate the proceedings of the Commission.

No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

Procedure to be regulated by the Commission

(1) The Commission shall meet at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be audited by the Secretary-General or any other officer of the Commission duly authorised by the Chairperson in this behalf.

Officers and other staff of the Commission

(1) The Central Government shall make available to the Commission:

(a) an officer of the rank of the Secretary to the Government of India who shall be the Secretary-General of the Commission; and

(b) such police and investigative staff under an officer not below the rank of a Director General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the Commission.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.

(3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) shall be such as may be prescribed.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

Functions of the Commission

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

(a) inquire, suo motu 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 thereof 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 conditions of the inmates and make recommendations thereon;

(d) review the safeguards provided 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 organisations and institutions working in the field of human rights;
- (j) such other functions as it may consider necessary for the protection of human rights.

Powers relating to inquiries

(1) The Commission shall, while inquiring into complaints under this Act, have 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, namely :

- (a) summoning and enforcing the attendance of witnesses and examine them on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code.

(3) The Commission or any other officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, in so far as it may be applicable.

(4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

(5) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code, and the Commission shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

Investigation

(1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.

(2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission.

(a) summon and enforce the attendance of any person and examine him;

(b) require the discovery and production of any document; and

(c) requisition any public record or copy thereof from any office.

(3) The provisions of section 15 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency whose services are utilised under sub-section (1) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the Commission within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report subbed to it under sub-section (4) and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.

Statement made by persons to the Commission

No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement —

- (a) is made in reply to the question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the inquiry.

Persons likely to be prejudicially affected to be heard

If, at any stage of the inquiry, the Commission-

- (a) considers it necessary to inquire into the conduct of any person; or
- (b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry;

it shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

CHAPTER IV

PROCEDURE

Inquiry into complaints

The Commission while inquiring into the complaints of violations of human rights may-

- (i) call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it;

Provided that-

- (a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own;
- (b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;

(ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.

Steps after inquiry

The Commission may take any of the following steps upon the completion of an inquiry held under this Act namely:

(1) where the inquiry discloses, the commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;

(2) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

(3) recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

(4) subject to the provisions of clause (5), provide a copy of the inquiry report to the petitioner or his representative;

(5) the Commission shall 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;

(6) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

Procedure with respect to armed forces

(1) Notwithstanding anything contained in this Act, while dealing with complaints of violation of human rights by members of the armed forces, the Commission shall adopt the following procedure, namely :

(a) it may, either on its own motion or on receipt of a petition, seek a report from the Central Government;

(b) after the receipt of the report, it may, either not proceed with the complaint or, as the case may be, make its recommendations to that Government.

(2) The Central Government shall inform the Commission of the action taken on the recommendations within three months or such further time as the Commission may allow.

(3) The Commission shall publish its report together with its recommendations made to the Central Government and the action taken by that Government on such recommendations.

(4) The Commission shall provide a copy of the report published under sub-section (3) to the petitioner or his representative.

Annual and special report of the Commission

(1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government and the State Government, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with 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.

STATE HUMAN RIGHTS COMMISSIONS (SHRC)

The State Human Rights Commission was constituted in the state of Tamil Nadu on 17.4.1997 in accordance with the powers conferred on the State under section-21 of the Protection of Human Rights Act, 1993. Tamil Nadu is one of the very few States which has constituted a Commission for the Human Rights.

Constitution of the State Human Rights Commission, Tamil Nadu

This Commission was constituted in accordance with the powers conferred on the State under section-21 of the Protection of Human Rights Act, 1993 (Central Act 10 of 1994) the exercise the powers conferred upon and perform the functions assigned to it provided under this Act.

Tamil Nadu is one of the very few States which has constituted a Commission for the Human Rights.

It would not be out of place to mention that India was a party to the International covenant on civil and political rights and the international covenant to Economic, Social and Cultural rights, both of which were adopted by the United Nations General Assembly on 16th December 1966 and the rights embodied in those covenants stood substantially protected by the Constitution of India. Having regard to this, and to the changing social realities and emerging trends in the nature of crime and violence, it had been considered essential to review the existing laws a procedure and the system of administration with a view to bringing about greater efficiency and

transparency, the Government of India constituted National Human Rights Commission 12th October 1993 and for the same reasons and objects and with a view to provide easy a close access to the needy victims of violation, the State Human Rights Commission was constituted in the state of Tamil Nadu on 17.4.1997. At the time of constitution, Tamil Nadu was the fifth State to form this Commission, the others being the States of West Bengal, Madhya Pradesh, Assam and Himachal Pradesh. Two other States Punjab and Jammu and Kashmir have since constituted the State Commission.

As under section 21 of the above Act, the Government in its order in G.O.Ms. 1465 1466 Public (L&O) Dept. dated 20.12.1996, constituted the State Human Rights Commission with the following members:

- a) A Chairperson who has been a Chief Justice of the High Court.
- (b) One member who is or has been a judge of the High Court.
- (c) One Member who is or has been a judge of the District Court.
- (d) Two members to be appointed from amongst persons having knowledge of or practical experience, in matters relating to human rights.
- (e) One Secretary not below the rank of the Secretary to Government who shall be the (Executive Officer of the State Commission.

In accordance with section 22 of the Act, the Chairperson and Members of the Commission were appointed by the Governor on the basis or the recommendations of the Committee comprising the Chief Minister as the Chairperson and the Speaker of the Legislative Assembly the Minister in charge of the Dept. of Home, Leader of Opposition in the Legislative Assembly as Members.

In accordance with section 26 of the Act, the State Government has notified the salaries ; allowances payable to the Chairperson and Members of the Commission as also the terms and conditions of their services in its order in G.O.Ms.No. 1465, Public (L&O) dated 20.12.1996.

In exercise of the powers conferred on it by Section 10 (2) of the Act, the Commission has issued regulations, governing the procedures to be followed in the conduct of its business and the same have been duly notified in the Government Gazette.

It may also be seen from the provisions of the section 27 of the Protection of Human Rights Act 1993, that the Commission will be equipped with an Investigative wing, Technical Wing and a scientific wing and, in effect, Section 27 1 (b) and 2 reads as follows:

Officers and staff of the State Commission.

The State Government shall make available to the commission:

(a) Such police and investigative staff under an Officer not below the rank of an Inspector General of Police and such other Officers and staff as may be necessary for the efficient performance of the functions of the State Commission.

(b) Subject to such rules as may be made by the State Government in this behalf, the State Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.

Objectives

Protection and promotion of human rights constitute the principal concern of the Commission. Pursuant to this objective, the Commission is committed to discharge its functions assigned to it under the Act with transparency and autonomy. The autonomy of the Commission emanates, inter alia, from the procedures relating to the appointment of the Members, the security of their tenure, their stature, the safeguards provided under Section 23 and 24 of the Act and the status accorded to the Commission under overall scheme of the Act. The financial autonomy of the Commission is implied under provisions of Section 33 of the Act. The procedures adopted by the Commission to conduct its proceedings, the suo motu action taken on complaints regardless of the sources received, the openness of its proceedings and the placement of its reports before the State Legislature are key to the strength and transparency of the Commission's functioning.

Functions of the SHRC

The functions of the SHRC include considerable scope and range of the functions envisaged for the Commission under sec 12 of the Act, "all or any" of which except what is stated under clause (f) of the section relating to treaties and other International instruments on Human Rights which can be dealt with by the National Human Rights Commission only, are to be performed by this Commission. These functions are to:

(a) inquire suo motu 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 thereof;

(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, per 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 conditions of the inmates and make recommendations thereon:

- (d) Review the safeguards provided by or under the constitution of 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) Not applicable to State Human Rights Commission.
- (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 n seminars and other available means.
- (i) encourage the efforts of Non-Governmental organisations and institutions working in the field of human rights.
- (j) such other functions as it may consider necessary for the promotion of human rights.

The Protection of Human Rights Act, 1993

An Act to provide for the constitution of a State Human Rights Commission in States and Human Rights Courts for better protection of Human Rights and for matters connected therewith or incidental thereto

Constitution of State Human Rights Commissions

- (1) A State Government may constitute a body to be known as the..... (Name of the State) Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this chapter.
- (2) The State Commission shall consist of
 - (a) a Chairperson who has been a Chief Justice of a High Court;
 - (b) one Member who is, or has been, a Judge of a High Court;
 - (c) one Member who is, or has been, a district judge in that State;
 - (d) two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- (3) There shall be a Secretary who shall be the Chief Executive Officer of the State Commission and shall exercise such powers and discharge such functions of the State Commission as it may delegate to him.

(4) The headquarters of the State Commission shall be at such place as the State Government may, by notification, specify.

(5) A State Commission may inquire into violation of human rights only in respect of matters relatable to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution:

Provided that if any such matter is already being inquired into by the Commission or any other Commission duly constituted under any law for the time being in force, the State Commission shall not inquire into the said matter:

Provided further that in relation to the Jammu and Kashmir Human Rights Commission, this sub-section shall have effect as if for the words and figures "List II and List III in the Seventh Schedule to the Constitution", the words and figures "List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir and in respect of matters in relation to which the Legislature of that State has power to make laws" had been substituted.

Appointment of Chairperson and other Members of State Commission

(1) The Chairperson and other Members shall be appointed by the Governor by warrant under his hand and seal:

Provided that every appointment under this sub-section shall be made after obtaining the recommendation of a Committee consisting of

(a) the Chief Minister — Chairperson

(b) Speaker of the Legislative Assembly — Member

(c) Minister in-charge of the Department of Home, in that state — Member

(d) Leader of the Opposition in the Legislative Assembly — Member

Provided further that where there is a Legislative Council in a State, the Chairman of that Council and the Leader of the Opposition in that Council shall also be members of the Committee.

Provided also that no sitting Judge of a High Court or a sitting District Judge shall be appointed except after consultation with the Chief Justice of the High Court of the concerned State.

(2) No appointment of a Chairperson or a Member of the State Commission shall be invalid merely by reason of any vacancy in the Committee.

Removal of a Member of the State Commission

(1) Subject to the provisions of sub-section (2), the Chairperson or any other member of the State Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.

(2) Notwithstanding anything in sub-section (1), the President may by order remove from office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be –

(a) is adjudged an insolvent; OR

(b) engages during his term of office in any paid employment outside the duties of his office; OR

(c) is unfit to continue in office by reason of infirmity of mind or body; OR

(d) is of unsound mind and stands so declared by a competent court; OR

(e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

Term of office of Members of the State Commission

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

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of a State or under the Government of India.

Member to act as Chairperson or to discharge his functions in certain circumstances

(1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Governor may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the Governor may, by notification, authorise in this

behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

Terms and conditions of service of Members of the State Commission

The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed by the State Government.

Provided that neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment.

Officers and other staff of the State Commission

(1) The State Government shall make available to the Commission

(a) an officer not below the rank of a Secretary to the State Government who shall be the Secretary of the State Commission; and

(b) such police and investigative staff under an officer not below the rank of an Inspector General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the State Commission.

(2) subject to such rules as may be made by the State Government in this behalf, the State Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.

(3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) shall be such as may be prescribed by the State Government.

Annual and special reports of State Commission

(1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and special reports of the State Commission to be laid before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendations of the State Commission and the reasons for non-acceptance of the recommendations, if any.

Application of certain provisions relating to National Human Rights Commission to State Commissions

The provisions of sections 9, 10, 12, 13, 14, 15, 16, 17 and 18 shall apply to a State Commission and shall have effect, subject to the following modifications, namely :-

- (a) references to "Commission" shall be construed as refer ences to "State Commission";
- (b) in section 10, in sub-section (3), for the word "Secretary General", the word "Secretary" shall be substituted;
- (c) in section 12, clause (f) shall be omitted;
- (d) in section 17, in clause (i), the words "Central Government or any" shall be omitted;

Conclusion

People in India are now well aware of their constitutional rights, and this is because of the enactment of the Protection of Human Rights Act, 1993, and the establishment of the National Human Rights Commission (NHRC). The State Human Rights Commissions are also working along the same lines as the National Human Rights Commission. However, it still demands that the Special Courts/Human Rights Courts, as defined in Section 30 of the PHR Act, be continued in order to provide a speedy trial for offenses resulting from violations of human rights. Apart from that, human rights commissions in India need to be revamped if they are to truly protect human rights in the country. If the decisions and recommendations of the commission were made enforceable by the government as well, their efficacy and authority would be greatly enhanced. Misuse of laws by authorities is widely recognized as the root cause of human rights violations. Therefore, the NHRC should be provided more powers for the speedier disposal of cases.

National Commission for SCs and STs

Introduction

Caste-based discrimination has been prevalent in India for ages. Putting relevance on the same with the aim to control, and thereby erase such prejudice, Dr. B.R. Ambedkar, also being the Chairman of the Drafting Committee, along with other members of the Constituent Assembly, wanted to mandate protection to backward classes by means of the supreme law of India, the Constitution. These communities came to be known as Scheduled Castes and Scheduled Tribes by Clause 1 of Articles 341 and 342 of the Constitution respectively. Followed by this, Articles 338, and 338-A of the Constitution of India lays down the provision for the establishment of the National Commission for the Scheduled Castes and Scheduled Tribes respectively. Both the national commissions are constitutional bodies unlike the other national commissions like the National Commission for Women, the National Commission for Protection of Child Rights, and others which are statutory bodies. This article discusses the two national commissions set up with the aim of ensuring socio-economic development in democratic India.

Evolution of the commissions

As have been mentioned earlier, Articles 338, and 338-A mandates the establishment of the national commissions for SCs, and STs with the aim of improving their living conditions,

availability of resources, safeguarding their interests, agricultural practices thereby accelerating socio-economic growth.

National Commission for SCs

The events which contributed towards the formation of the National Commission for the Scheduled Castes have been presented hereunder;

1. 1978: By means of a resolution, the Government had set up a non-statutory, multi-member Commission for Scheduled Castes and Scheduled Tribes along with which the Office of Commissioner continued to exist as well.
2. 1987: The previously established Commission in 1978 came to be known as the National Commission for SCs and STs.
3. 1990: By the 65th Constitutional Amendment, a multi-member National Commission for SCs and STs replaced the Commissioner for SCs and STs.
4. 2003: By the 89th Constitutional Amendment, the National Commission for SCs and STs got divided into two separate bodies, namely, National Commission for Scheduled Castes (under Article 338) and National Commission for Scheduled Tribes (under Article 338-A).
5. 2004: The National Commission for SCs came into existence with a Chairperson, a Vice-Chairperson, and three other members.

There have been 6 National Commissions for SCs that have been constituted between 2004 to 2021 namely;

1. The first National Commission for Scheduled Castes (NCSC) was on 24th February 2004.
2. The second National Commission for Scheduled Castes (NCSC) on 25th May 2007.
3. The third National Commission for Scheduled Castes (NCSC) on 15th October 2010.
4. The fourth National Commission for Scheduled Castes (NCSC) on 22nd October 2013.
5. The fifth National Commission for Scheduled Castes (NCSC) on 1st June 2017.
6. The sixth National Commission for Scheduled Castes (NCSC) on 24th February 2021 with Shri Vijay Sampla as the Chairperson, Shri Arun Halder as the Vice-Chairman, Shri Subhash Ramnath Pardhi, and Dr. Anju Bala as the members.

It is to be noted that the President by warrant under his hand and seal appoints, and determines the tenure, service conditions of the Chairperson, Vice-Chairman, and the members of the Commission.

National Commission for STs

Formed by Article 338A of the Indian Constitution, the National Commission for Scheduled Tribes (NCST) was constituted on 19th February 2004. It is necessary to note that Scheduled

Castes are different from the Scheduled Tribes in terms of their culture, tradition, and other background elements, because of which, special attention was called for resulting in the formation of a constitutional body that will specifically focus on the Scheduled Tribes community of India. Working in the same line as the National Commission for SCs, the NCST till the present date has been constituted three times which was the result of the 89th Amendment Act, 2003, namely;

1. The first commission was formed on 19th February 2004.
2. The second commission commenced on 14th June 2007.
3. The third commission was formed on 21st July 2010.

Dr. Rameshwar Oraon has been re-appointed as the Chairperson of the Commission for the 2nd time followed by this, Shri Ravi Thakur was designated to the Vice-Chairperson position. But the members who were appointed, due to their sudden demise, have left the two members' seats vacant for the current commission. Just like the National Commission for the Scheduled Castes, it is the President who has been vested with the power to appoint and to determine the tenure, and conditions for service for the Chairperson, Vice-Chairperson, and members of the Commission.

Functions of the Commissions

Both the Commissions have the common aim of improving the socio-economic conditions of the backward communities recognized by the Constitution as Scheduled Castes, and Scheduled Tribes. But in order to achieve the same, certain functions allotted to these commissions have to be taken into account.

Functions of the National Commission for Scheduled Castes

The functions of the National Commission for Scheduled Castes are provided hereunder;

1. The National Commission for SCs has been vested with the responsibility of conducting investigation and looking after matters in association with the legal rights of the Scheduled Castes.
2. The NCSC advises and plans a process in which socio-economic development can be achieved at both Central, and state levels, thereby taking into account the deprivation aspects in relation to the Scheduled Castes community.
3. The NCSC inquires into complaints that are brought before it concerning the absence of application of the rights, safeguard measures that have been guaranteed by the Indian Constitution to this community.
4. As it is the President who decides the appointment, term, and other related things concerning the designated individuals of the Commission, it is the responsibility of the Commission to submit annual reports on work progress, and fulfillment of the duties

vested to the President. This helps in growth and increases the efficiency of the Commission.

5. The Commission is vested with the responsibility of recommending measures that if implemented will help in assuring the application of the legal measures that have been provided to safeguard the welfare, social, and economic development of the Scheduled Castes.
6. Along with all the above functions, the Commission has to discharge all such functions which revolve around welfare development, safeguarding culture, traditions, and other related subject matters concerning the Schedule Castes.

Functions of the National Commission for Scheduled Tribes

The functions of the National Commission for Scheduled Tribes are laid down hereunder;

1. The National Commission for Scheduled Tribes carries out an evaluation of the progress in the planning process for social, and economic up-gradation of the Scheduled Tribe Community.
2. Just like the NCSC, the NCST also has been vested with the responsibility of inquiring into complaints brought before it that concern the impoverishment of the rights available for the Scheduled Tribes, and to investigate the working of the constitutional safeguards provided for this community.
3. The Commission must keep track of the status of the development of the Scheduled Tribes at both Union and provincial levels.
4. The Commission is obligated by the President's orders and therefore, has to perform all such functions which the President specifies.

Along with these functions, there are certain measures that are to be adopted by the Commission in respect to ownership rights of the tribes in association with forest areas;

1. The Commission must ensure that certain measures need to be taken to protect the rights of the Scheduled Tribes with regard to natural resources.
2. For the tribal groups who have been displaced due to unavoidable circumstances, then it is the responsibility of the Commission to take steps to improve the standards of living for them thereby facilitating them with minimum necessities for living.
3. Prevention of alienation of the tribal groups, and those who have already been alienated is the sole responsibility of the Commission, and therefore, measures should be adopted to ensure the same.
4. The Commission should be in charge of protecting the forests by means of undertaking social afforestation and involving the tribal communities to take an active part in the same for better functioning of the social, and environmental policies undertaken. These policies should also work towards erasing shifting cultivation practiced by several tribal communities which is responsible for degrading both the land and the environment.

5. The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, must be implemented so as to provide adequate benefit to the Scheduled Tribes.

A check on the above-mentioned functions of the Commissions is carried out by the President of India after the Commissions submit their reports which must be accompanied by a memorandum whose purpose is to explain the actions adopted on the Commission's recommendations. The report is further forwarded to the state government, and the governor by the President, after which the governor places the same before the state legislature.

Powers of the commissions

Both the Commissions being constitutional bodies have the power to regulate their own procedures. Followed by which these bodies have been vested with all the powers of a civil court. Taking a cue from the same, the powers of the NCSC, and NCST have been presented hereunder;

1. The NCSC is vested with the power to discover and produce documents that concern the development of the tribal communities;
2. The Commission has the power to receive evidence on affidavits as well;
3. With civil court powers being vested on the Commission, it has the authority to issue a summons for examination of documents, or witnesses;
4. Both the Central and the State governments can seek advice from the Commissions whenever necessary for the purpose of policy-making.
5. Along with the above-mentioned powers, there can be add-on powers that will be determined by the President of the nation.

Conclusion

As we come to the end of this article, it is noteworthy to mention that both the National Commissions put under the spotlight have been successful in achieving socio-economic development of the Scheduled Castes, and Scheduled Tribes communities to a reasonable extent. An initiative by the Government of India such as Tribal Sub Plan (TSP) strategy, online grievance portal, and several others have been brought up with such potentials which can help in eliminating the term "backward" that has been attached with these communities for decades. The National Commission for Scheduled Castes has taken note of the recent judgment of the Supreme Court of India which issued a direction in the case of Dr. Subhash Kashinath Mahajan against the Bombay High Court Judgment on misuse of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 2015), and the implementation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 2015). This shows that these constitutional bodies are working in cooperation with different organs of the government to fulfill the purpose behind their establishment.

National Commission for Women (NCW)

The National Commission for Women was formed with an intention to establish an equal and just livelihood for women by making legal and constitutional amendments for women in India. The Violence against Women is a fundamental violation of human rights, across nations, societies, cultures and classes and to stop this violation of the fundamental right; this Commission was formed.

Problems faced by the women in the country has been one of the biggest concerns of the Government and other authorities. Over the years, many Commissions have been set up by the Government to look into the welfare of Women in the country. According to the reports of these commissions, all of them state the necessity of setting up an apex body for reviewing and addressing the grievances of women in the country. The demand for setting up a body persisted for long and ultimately to keep the interest of the people, the National Commission for Women Bill 1990 was introduced in the Lok Sabha on 22nd May 1990.

National Commission for Women

The National Commission for Women was set up in 1992 under the National Commission for Women Act, 1990. This body was established to review the constitutional and legal safeguards for women.

It recommends the remedial legislative measures, facilitates redressal of grievances and advises the government on all policy matters affecting women. It enjoys all the powers of a civil court.

The first commission was constituted on 31st January 1992 as Jayanti Patnaik as the chairperson. Alok Rawat IAS is the first male member of the National Commission for Women (NCW). His appointment filled the 4th seat on the five-member body. Ms Rekha Sharma is the current Chairperson of the National Commission for Women. She took over Lalitha Kumaramangalam as the new Chairperson in September 2018.

Composition of National Commission for Women

The Commission must consist of a minimum number of members which includes a chairperson, a member secretary, and the other five members.

Chairperson: The central government should nominate the chairperson.

Five members: The five members are also to be nominated by the central government from amongst the person of ability, integrity, and standing. They should possess experience in various fields like law or legislation, trade unionism, management of industry potential of women, women's voluntary organization, education, administration, economic development, and social good-being.

Member Secretary: The Central Government also nominates member secretary. He/ she should be either an expert in the field of management, an organization, or an officer who is a member.

Functions of National Commission for Women

Inquiry and Investigation

The National Commission of Women enjoys the powers of a civil court. It investigates and examines the matters related to the safeguards ensured for feminine society under the Constitution of India. It took complaints suo moto notice of issues related to the non-implementation of laws and non-enforcement of laws and non-compliance of policy decisions, guidelines enacted and aimed at mitigating hardships ensuring the welfare and then take up issues arising out of matter with the concerned authorities.

Action Research

NCW members take part in the planning process of socio-economic development of women, propose measures to encourage their representation in all spheres, and review their advancement. It also examines the safeguards provided for women in the Constitution and other laws study their working, recommend amendments to meet any inadequacies or deficiencies, and advocate measures for effective implementation.

Legal Intervention

The Parivarik Mahila Lok Adalat, (PMLA) is an innovative component with its roots in the traditional Nyaya Panchayats. It is created by NCW for the redressal and speedy disposal of cases. It has taken up 7500 cases so far. The essential feature of PMLA is cordial mutual settlement and flexibility in implementation, aiming to empower women in the justice delivery mechanism.

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

1. **Investigation and Examination:** Investigate and examine all the matters relating to the safeguards provided for the women under the Constitution and other laws
2. **Presentation of Reports:** Table reports to the Central Government, every year and at such other times as the Commission may deem fit, reports upon the working of those safeguards
3. **Recommendations:** Make in such reports and recommendations for the effective accomplishment of those safeguards for enhancing the conditions of the women by the Union or any State.
4. **Review,** every now and then, the current provisions of the Constitution and other laws distressing the women and prescribe alterations and suggest curative legislative measures meet any break, inadequacies, and incapacity in such legislation.

5. **Cases of Violation:** Take up cases of infringement of the provisions of the Constitution and of other laws relating to the women with the relevant authorities
6. **Suo Moto Notice:** It looks into complaints, and takes Suo Motto notice of matters relating to – deprivation of women's rights, Non-implementation of the laws, and Non-compliance of policy decisions guaranteeing the welfare for women society.
7. **Special Studies and Investigation:** It conducts special studies or investigation on the concerning issues or circumstances emerging out of segregation and outrages against ladies and recognizes the limitations in order to suggest techniques for their expulsion
8. **Research:** Undertake the promotional and educational research so as to propose ways of ensuring due representation of women in all fields and identifies the factors responsible for impeding the support services and technologies for reducing drudgery and professional health hazards and for escalating their efficiency.
9. **Participation in all spheres particularly in Planning:** take part and advice on the planning process of socio-economic development of women
10. **Evaluation:** assess the progress of the development of women society under the Union and State.
11. **Inspection:** investigate or cause to be inspected a jail, remand home women's establishment or other places of guardianship where ladies are kept as detainees.
12. **Funding:** fund litigation, relating issues affecting a large body of women.
13. **Reporting:** make periodical reports on any issue pertaining to women and in particular various difficulties under which women toil.

Complaints and Counseling Unit of National Commission for Women

This cell is the Core unit of the commission and pro members. The power selecting members is vested with the Union Government and the nature of the country's volatile political scenario tends the commission to be politicized.

The jurisdiction of the commission is not operating cesses the complaints received oral, written, or suo moto under Section 10 of the NCW Act. The complaints received relate to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, and refusal to register FIR, cruelty by husband, deprivation, gender discrimination, and sexual harassment at the workplace.

The complaints are dealt with and tackled in various ways such as Investigations by the police are expedited and monitored, disaggregated data are made available to various state authorities to facilitate action, family disputes are resolved or compromised through counselling.

List of Women-Specific Legislation

There are multiple laws that have been passed for the safety and rights of women in India. Given below is a list of few such laws:

1. The Immoral Traffic (Prevention) Act, 1956

2. The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986)
3. The Commission of Sati (Prevention) Act, 1987 (3 of 1988)
4. The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013
5. The Criminal Law (Amendment) Act, 2013
6. Protection of Women from Domestic Violence Act, 2005
7. The Indecent Representation of Women (Prohibition) Act, 1986

National Commission for Minorities

The setting up of Minorities Commission was envisaged in the Ministry of Home Affairs Resolution dated 12.01.1978 which specifically mentioned that, "despite the safeguards provided in the Constitution and the laws in force, there persists among the Minorities a feeling of inequality and discrimination. In order to preserve secular traditions and to promote National Integration the Government of India attaches the highest importance to the enforcement of the safeguards provided for the Minorities and is of the firm view that effective institutional arrangements are urgently required for the enforcement and implementation of all the safeguards provided for the Minorities in the Constitution, in the Central and State Laws and in the government policies and administrative schemes enunciated from time to time. In 1984 the Minorities Commission was detached from Ministry of Home Affairs and placed under the newly created Ministry of Welfare.

With the enactment of the National Commission for Minorities Act, 1992, the Minorities Commission became a statutory body and renamed as National Commission for Minorities. 2.1 The first Statutory National Commission was set up on 17th May 1993. Vide a Gazette notification issued on 23rd October 1993 by Ministry of Welfare, Government of India, five religious communities viz; the Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities. Further vide notification dated 27th Jan 2014, Jains have also been notified as minority community. As per the 2011 Census, these six religious minority communities constitute 18.80% of the country's population.

Religion	Number (In crores)	%
Muslims	17.22	14.2
Christians	2.78	2.3
Sikhs	2.08	1.7
Buddhists	0.84	0.7
Jains	0.45	0.4
Source : Census 2011		

Functions of NCM

As per Section 9(1) of the NCM Act, 1992, the Commission is required to perform following functions:-

- (a) evaluation of the progress of the development of minorities under the Union and States;
 - (b) monitoring of the working of the safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the State Legislatures;
 - (c) making recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or the State Governments;
 - (d) looking into specific complaints regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities;
 - (e) getting studies to be undertaken into the problems arising out of any discrimination against minorities and recommending measures for their removal;
 - (f) conducting studies, research and analysis on the issues relating to socio-economic and educational development of minorities;
 - (g) suggesting appropriate measures in respect of any minority to be undertaken by the Central Government or the State Governments;
 - (h) making periodical or special reports to the Central Government or any matter pertaining to minorities and in particular the difficulties confronted by them; and
 - (i) any other matter, which may be referred to it by the Central Government.
- 2.3 Section 2 (c) of NCM Act, 1992 stipulates that 'Minority' for the purposes of the Act, means a community notified as such by the Central Government. Therefore, all the functions of the Commission as laid down in Section 9(1) of the Act are related to the six notified communities.

National Commission for Minorities (NCM): Powers

The commission has all the powers of a civil court. In exercising its powers, NCM can -

Summon and enforce the attendance of any person from any part of India and examine him on oath.

- ❖ Request the discovery and production of any document.
- ❖ Receive evidence on affidavits.
- ❖ Requisitioning any public record or copy thereof from any court or office.
- ❖ Issuing commissions for the examination of witnesses and documents.
- ❖ Any other matter may be prescribed.

Complaints from notified minority communities.

The complaints now being received are mostly related to police atrocities, service matters, minority educational institutions and encroachments to religious properties. Reports are called for from the concerned authorities under the Union and State Governments. On receipt of the reports, the Commission makes appropriate recommendations to the respective authorities for redressal of the grievances.

HUMAN RIGHTS EDUCATION

Human Rights Education is defined as “the learning of law of human rights, its history, theory, etc.” Education is necessary to develop human personality and it is helpful to strength human rights & fundamental freedom of the individual.

The importance of human rights education in a student’s career. In, India, UNESCO has a role in human rights laws. It talks about the Indian human rights education system and UDHR’s (Universal Declaration of Human Rights) provisions support it & UNESCO provides guidelines in the context of Human Rights in India

Objectives

According to Universal Declaration of Human Rights, “The main objective to get a common standard of achievement for all nations and its peoples. And all provisions of the declaration shall strive by teaching and education to promote respect for these rights and freedom; and to secure their universal and effective recognition and observance⁶.” The learning objectives of human rights education are, to learn about human rights, to learning for human rights and learning through and learning about human rights. Human rights education aims to do the following:

- ❖ Enhance the knowledge and understanding of human rights.
- ❖ Foster attitudes of tolerance, respect, solidarity, and responsibility.
- ❖ Develop awareness of how human rights can be translated into social and political reality.
- ❖ Develop skills for protecting human rights.

Human rights education: A movement

Human rights education has become a burning topic for learners, researcher as well as teachers. Human right education has many varieties and continually changing the field and respond to the development of the world society. Nowadays, in classroom human rights education discusses with various names like Conflict Resolution, Multicultural Education, Development Education, World Order Studied, Environment Studies & ADR, Restore active Justice Education By this we can detect the causes of social injustice, conflict, and war-threat, etc. these

topics connect with the preventive education when prevention comes for social injustice, conflict, and war-threat, etc. like problems. But these topics help to establish peace and secure the social norms of the society which may be dangerous in conflicts.

What can be educated in human rights?

A vital information about human rights can be used for teaching, like that to teach about the responsibility of the nation, parents, democracy, etc. are many areas which can be used as study material for the human rights education. Different views of societies, social & religious groups upon Human Rights and Experiences of the researchers about such rights; and it shall be supported by the social changes & historical events which are necessary to develop a great nation.

Human Rights Education is not a just name & topic but it is interconnected with many other areas like that-

- ❖ Gender Education
- ❖ Social & Moral Education
- ❖ Citizenship Education
- ❖ Peace
- ❖ Sustainable Development
- ❖ Anti-Racism
- ❖ Inter Cultural Education, etc.,

Three dimensions to the promotion of human rights education in human beings:

- ❖ Knowledge which helps to provide information about human rights and such mechanisms that stay to protect those rights.
- ❖ By the development of values, beliefs, and attitudes which promote the human rights culture.
- ❖ Awareness programs which will encourage people to prevent human rights abuse and defend human rights

Model of human rights education

There are three models of Human Rights Education which are generally used in the world including India.

1. Awareness & Value Model
2. Accountability Model
3. Transformation Model

These 3 have different approaches; the awareness model highlights basic knowledge of human rights issues and to promote the growth of human rights integration into public values. The value & awareness model includes health and hygiene issues, environmental issues and consumer rights matter. The accountability model is related with a political approach as well as legal approach, in which it covers the area of the case study, codes of ethics, media dealing, transparency in the system, the right to information, training & networking, etc. The transformation model is more effective than the other two. This model has psychological and sociological approach & its main objective to empower the individual. It talks about stop abuse.

Need of human rights education in India

Nowadays, moral and ethical values in education system of India are declining; results, we saw in recent years; a fifteen years old student killed his Hindi teacher in Chennai & In last year two school students killed their principle and same in 2017, in Delhi, two minor school students murdered their school principal. It shows that our education system completely lost its norms & ethical values. It is very harmful to the democracy & dignity of individuals; which are covered by human rights as well as constitutional rights; so, that In India, it is strongly recommended to add human rights education as a subject at primary level as well as in higher education.

Knowledge is the best defense for human beings to protect their rights violation; education is the basic source which will provide the information about the human rights. Learning about the one's rights which build about others' rights and which helps to establish a peaceful and tolerant society. The promotion of human rights can be fulfilled with the mass awareness program about human rights issues. Due to these programs, we will get help to reduce the violence of Human rights.

The National Human Rights Commission of India; the Indian Institute for Peace, Disarmament and Environmental Protection (IIPDEP); and many NGOs have launched a public information campaign for human rights countrywide. Its main objectives to make everyone more conscious of human rights and fundamental freedoms and better equipped to stand up for them. At the same time, the campaign spreads knowledge of the means which exist at the international and national levels to promote and protect human rights and fundamental freedoms. IIPDEP²² and many NGOs work to make school authorities and the general public aware of civic education and to know about their birth rights. They focus on developing knowledge, skills, and attitudes needed to apply fundamental human rights and freedom and, consequently, the non-violent resolution of conflict.

Freedom is considered a fundamental tool to respect guarantee for the rights of all. is not aware of protection of individual's human rights, it can be a danger for the democracy. For

securing democracy in India, human rights education should be compulsory, through this, peoples will aware about their basic rights.