

Human Rights

- **Definition**
- Human rights are the basic, essential rights necessary for human beings to live a dignified life.
- Birth rights which are inherent, inalienable and cannot recede them voluntarily.
- Human rights are universal
- Irrespective of factors like race, religion, place of birth, gender or nationality these rights are available for each and every human being in this world.

The international perspective

- **The ancient documents**
- **The Magna Carta** – 1215 - England
- **The first written** document guaranteed the basic freedoms to the citizens of England
- **The rights of man and of citizen, 1789** – French revolution.
- **The Universal Declaration of Human Rights ,1948.**
- The **Universal** Declaration of Human Rights (UDHR) is a milestone document in the history of Human Rights.
- United Nations organization (UNO), 1945
- United Nations appointed a committee for drafting a document for the protection and recognition of human rights.
- **The Universal Declaration of Human Rights (UDHR)**
- Adopted by the general assembly of UN on 10th December 1948
- 10th December - International human rights day.
- The provisions in UDHR are applicable for all people and all nations.

The international Bill of Rights

- The Universal Declaration of Human Rights (UDHR) 1948 ,
- The International covenant on Civil and Political Rights, 1966,
- The international covenant on Economic, Social and Cultural Rights, 1966 and
- The two optional protocols to the International covenant on Civil and Political Rights, 1966 altogether known as the **International Bill of Rights**, the most effective documents for the human rights internationally.

Protection of Human Rights in India

- The world conference on Human rights ,Vienna -1993.
- India was a participant and signatory to the convention.
- The Vienna convention treaty demanded the governments all over the world to take necessary measures for the protection of human rights and also for the establishment of national institutions for the promotion of human rights.
- Parliament of India enacted 'The Protection of Human Rights Act, 1993'.
- **Protection of Human Rights Act , 1993**
- Legislation for safeguarding the basic human rights in India. This Act extends to the whole territory of India including Jammu and Kashmir.

Definition of Human rights

- **Definition of Human rights – Section 2 (d)**
- Section 2 (d) of the Act defines the term ‘Human Rights’. According to the definition provided by the Act the elements of human rights are as follows:
 - 1. Human rights are the rights related to the life, liberty, equality and dignity of individuals.
 - 2. Rights recognized by the Constitution of India are regarded as human rights.
 - 3. Rights which are guaranteed by in international covenants or treaties are considered as human rights on a condition that they must be enforceable by the courts in India.

Objectives of the Act

- 1. To establish a National Human Rights Commission
- 2. To set up state human rights commissions.
- 3. To define the functions and powers of NHRC and state human rights commissions.
- 4. To prescribe the procedures to be followed by NHRC and state commissions while inquiring about human rights violations.
- 5. To establish human rights courts.

National Human Rights Commission (NHRC)

- National Human Rights Commission is an independent autonomous body constituted for the protection of the human rights in India.
- Section 3 of the Protection of Human Rights Act, 1993.
- A statutory body.
- NHRC has the power of a civil court.
- The annual report of NHRC shall be submitted before both the houses of Parliament.

Composition of NHRC

- **Six permanent members including chair person.**
- 1. NHRC shall contain a chair person, who is a retired Chief Justice of Supreme Court or
 - A judge of Supreme Court with minimum 3 years of experience
 - 2. One member who is or has been a judge of SC
 - 3. One member who is or has been the chief justice of High Court
 - 4. Three persons with special knowledge or experience in matters related to human rights.
- Among the three, one shall be a woman.
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Members of NHRC

- **Deemed members**
- Chairperson of national commission for Scheduled Caste,
- Chairperson of national commission for Scheduled Tribes,
- Chairperson of national commission for women,
- Chairperson of national commission for minorities,
- Chairperson of national commission for backward classes,
- Chairperson of national commission for protection of child rights and
- The chief commissioner for persons with disabilities
- **c. Secretary General (CEO)**

Term of office of NHRC members

- The members of NHRC can hold their office for a period of 3 years or till the attainment of 70 years whichever is earlier.
- Eligible for getting elected to NHRC of one more term.
- Members in NHRC and State Human Rights Commissions are appointed by the President
- Removal of NHRC and SHRC members shall be done with the permission of President

Functions of NHRC

- 1. NHRC can inquire into human rights violations.
- 2. It can interfere in cases pending before courts related to human rights.
- 3. NHRC members can visit jails, orphanages, hospitals etc. where people are lodged for rehabilitation or treatment, study the living condition of inmates and also provide recommendations for improvement.
- 4. It can review factors which adversely affecting the enjoyment of human rights.
- 5. It can review legal provisions available for the protection of human rights in India.
- 6. Imparting human rights literacy among general public.
- 7. Conducting researches in the field of human rights.