



NHRC on Public's Rights

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Why in News

The **National Human Rights Commission (NHRC)** has asked the Centre to issue an advisory to all States and Union Territories to **implement the ongoing lockdown without violating the human rights of the public.**

Previously, the NHRC has also asked the Ministry of Home Affairs to **address the concerns of the mentally ill people** on the streets during the lockdown to check the spread of the novel coronavirus.

Key Points

- In order to effectively implement the lock down guidelines, the **public servants**, sometimes under tremendous pressure, **tend to deal with the people**, especially the ill-informed poor labourers, **in a very harsh manner** undermining their rights.
- The **NHRC** through an advisory wants to ensure that the public servants behave in a sensible manner with the people, particularly belonging to vulnerable sections, **respecting human rights relating to their life, liberty and dignity.**
- It has said that In the meantime necessary directions may be issued by the Ministry to all the States and Union Territories, to ensure that **persons suffering from any kind of mental ailments under their jurisdiction are provided with proper counselling** towards necessary precautions for their personal care and protection from the virus and **not deprived of basic amenities** like food, shelter and medical care etc.

National Human Rights Commission

- **Statutory Body:** NHRC was established on 12th October, 1993. The statute under which it is established is the **Protection of Human Rights Act (PHRA), 1993** as amended by the Protection of Human Rights (Amendment) Act, 2006.
The PHRA Act also provides for the creation of a State Human Rights Commission at the state level.
- **In Line with Paris Principles: Paris Principles** were adopted for the promotion and protection of human rights in October 1991, and were endorsed by the General Assembly of the United Nations in 1993.
- **Watchdog of Human Rights in the country:** The NHRC is an embodiment of India's concern for the promotion and protection of human rights.
Section 2(1)(d) of the PHRA defines Human Rights as the rights relating to **life, liberty, equality and dignity of the individual** guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.
- **Composition:** The commission is a multi-member body consisting of a chairman and four members. A **person who has been the Chief Justice of India or a judge of the Supreme Court** is a chairman.
- **Appointment:** The chairman and members are **appointed by the President on the recommendations of a six-member committee** consisting of the Prime Minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Union Home Minister.
- **Tenure:** The chairman and members **hold office for a term of three years or until they attain the age of 70 years**, whichever is earlier.
The **President can remove the chairman or any member** from the office under some circumstances.

- **Role and Function**

- It has all the **powers of a civil court** and its proceedings have a judicial character.
- It is empowered to **utilise the services of any officer or investigation agency** of the Central government or any state government for the purpose of investigating complaints of human rights violation.
- It can **look into a matter within one year of its occurrence**, i.e the Commission is not empowered to inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.
- The **functions of the commission are mainly recommendatory in nature**. It has no power to punish the violators of human rights, nor to award any relief including monetary relief to the victim. Its **recommendations are not binding on the concerned government or authority**. But, it should be informed about the action taken on its recommendations within one month.
- It has **limited role, powers and jurisdiction with respect to the violation of human rights by the members of the armed forces**.
- It is **not empowered to act when human rights violations through private parties take place**.

Source: TH