



National Human Rights Commission and UN Human Rights Council

For Prelims: [National Human Rights Commission](#), [UN Human Rights Council](#)

For Mains: Role and functions of the National Human Rights Commission (NHRC), Significance of the United Nations Human Rights Council ,

Source: [TH](#)

Why in News?

Recently, the [National Human Rights Commission \(NHRC\)](#) has called for an action taken report from the Odisha government regarding the Balasore train accident.

- Simultaneously, **India recently voted in favor** of a draft resolution tabled in the [United Nations Human Rights Council](#), condemning and strongly rejecting acts of desecration of the Holy Quran.
- The draft resolution, titled '**Countering religious hatred constituting incitement to discrimination, hostility or violence**,' gained support from multiple nations, including **Bangladesh, China, Cuba, Malaysia, Pakistan, Qatar, Ukraine, and the UAE**. The resolution emphasizes the **condemnation of acts of religious hatred and calls for accountability** according to international human rights law.

What is the National Human Rights Commission (NHRC)?

- **About:**
 - Ensures protection of rights **related to life, liberty, equality, and dignity of individuals**.
 - Rights guaranteed by the **Indian Constitution and international covenants enforceable by Indian courts**.
- **Establishment:**
 - Established on **October 12, 1993**, under the Protection of [Human Rights Act \(PHRA\), 1993](#).
 - Amended by the **Protection of Human Rights (Amendment) Act, 2006**, and [Human Rights \(Amendment\) Act, 2019](#).
 - Established in conformity with the **Paris Principles**, adopted for promoting and protecting human rights.
- **Composition:**
 - The Commission consists of a **chairperson, five full-time Members and seven deemed Members**.
 - Chairman is a former [Chief Justice of India](#) or a [Supreme Court judge](#).
- **Appointment and Tenure:**
 - Chairman and members appointed by the [President](#) on the recommendations of a **six-member committee**.

- Committee consists of the Prime Minister, Speaker of the Lok Sabha, Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both Houses of Parliament, and the Union Home Minister.
- Chairman and members hold office **for a term of three years or until they reach the age of 70.**
- **Role and Function:**
 - Possesses powers of a **civil court with judicial proceedings.**
 - Empowered to utilize services of central or state government officers or investigation agencies for investigating human rights violations.
 - Can investigate matters within **one year of their occurrence.**
 - Functions are primarily recommendatory in nature.
- **Limitations:**
 - The Commission cannot inquire into **any matter after one year from the date** of the alleged human rights violation.
 - Limited jurisdiction in cases of human rights violations by armed forces.
 - Lacks authority to act in cases of human rights violations by private parties

What is the United Nations Human Rights Council?

- **About:**
 - An **inter-governmental body** within the [United Nations](#) responsible for promoting and protecting **human rights worldwide.**
 - Established in 2006 by the **United Nations General Assembly**, replacing the former **United Nations Commission on Human Rights.**
 - The Office of the High Commissioner for Human Rights (OHCHR) serves as the Secretariat and is based in **Geneva, Switzerland.**
- **Membership:**
 - It consists of **47 United Nations Member States** elected by the UN General Assembly.
 - Membership based on equitable geographical distribution, with seats allocated to different regions.
 - Members **serve for three-year terms** and are not eligible for immediate re-election after two consecutive terms.
- **Procedures and Mechanisms:**
 - [Universal Periodic Review \(UPR\)](#) assesses human rights situations in all UN Member States.
 - The Advisory Committee provides expertise and advice on thematic human rights issues.
 - Complaint Procedure allows individuals and organizations to bring human rights violations to the Council's attention.
 - UN Special Procedures monitor and report on specific thematic issues or human rights situations in countries.
- **Issues:**
 - The composition of membership raises concerns, as some countries accused of human rights abuses have been included.
 - Disproportionate focus on certain countries, such as Israel, has been criticized.
- **India's involvement:**
 - In 2020, **India's National Human Rights Commission** submitted its as a part of the third round of the **Universal Periodic Review (UPR)** process.
 - India was elected to the Council for a **period of three years beginning 1st January 2019.**

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims:

Q. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy

3. 3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (d)

Q. Consider the following: (2011)

1. Right to education
2. Right to equal access to public service
3. Right to food.

Which of the above is/are Human Right/Human Rights under “Universal Declaration of Human Rights”?

- (a) 1 only
- (b) 1 and 2 only
- (c) 3 only
- (d) 1, 2 and 3

Ans: (d)

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