



## International Human Rights Day

On **December 10**, the National Human Rights Commission (NHRC) observes Human Rights Day. The day is celebrated every year to commemorate the **Universal Declaration of Human Rights (UDHR)**, which was adopted and proclaimed by the **United Nations General Assembly (UNGA)** in 1948 as the shared standard yardstick to protect human rights across the globe. This year marks the **70<sup>th</sup> anniversary of adoption of UDHR**.

- The five-yearly "**United Nations Prize in the field of Human Rights**", constituted in 1966, is also awarded on this day.

### Universal Declaration of Human Rights

- Proclaimed under **UNGA resolution 217 A in Paris**, the declaration sets out, for the first time, fundamental human rights to be universally protected.
- It states that **'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'**
- It entitles everyone to all the rights and freedoms and prohibits slavery and slave trade in all forms.
- Other rights recognized under the declaration are right to a nationality, right against arbitrary arrest, detention or exile, right to seek asylum from prosecution, right to freedom of movement and residence, etc.
- The Universal Declaration is **not a treaty**, so it does **not directly create legal obligations** for countries. However, it is an **expression of the fundamental values** which are shared by all members of the International community.
- Human rights are at the heart of the **Sustainable Development Goals (SDGs)**, as in the absence of human dignity, sustainable development cannot be achieved. Human Rights are driven by progress on all SDGs, and the SDGs are driven by advancements on human rights.
- Most of the rights listed in the **Constitution of India are in two parts**: The **Fundamental Rights** and the **Directive Principles of State Policy**.

### National Human Rights Commission (NHRC)

- The NHRC was established in 1993 under the statute of **Protection of Human Rights Act, 1993**.
- The Commission consists of:
  - **A Chairperson** who has been a **Chief Justice of the Supreme Court**.
  - One Member who is or has been, a **Judge of the Supreme Court**.
  - One Member who is, or has been, the **Chief Justice of a High Court**.
  - **Two Members** to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
  - **The Chairpersons of four National Commissions (Scheduled Castes, Scheduled Tribes, Women and Minorities) serve as ex officio members**.
- As per the act, NHRC is a **recommendatory body** vested with the powers of a civil court trying a suit under the **Code of Civil Procedure, 1908**.
- Though it is **empowered to take suo moto** cognizance of the human rights violation cases, it

**cannot entertain cases that are older than 1 year.**

- Apart from looking into the complaints of the human rights violations, it reviews safeguards provided under the Constitution or any Law, makes recommendations for effective implementation of International Conventions/ Covenants, undertakes research and organises seminars and discussion programmes on human rights issues.

### **Protection of Human Rights (Amendment) Bill, 2018**

- Recently, the **Protection of Human Rights (Amendment) Bill, 2018** was introduced in Lok Sabha which seeks to amend the Protection of Human Rights Act, 1993. The salient features of 2018 amendment Bill are:
  - Not only a person who has been Chief Justice of India, but **also a Judge of the Supreme Court** can be the chairperson of the NHRC. This will **enlarge the scope of eligibility and scope of selection** of Chairperson, National Human Rights Commission.
  - **Three members** to be appointed (from two), of which at **least one will be a woman**. It also seeks to include the chairpersons of the **National Commission for Backward Classes, the National Commission for the Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities as members of the NHRC.**
  - The Bill **reduces the term of office to three years (from five years)** or till the age of seventy years, whichever is earlier.
  - The Act provides for a **Secretary-General of the NHRC and a Secretary of a SHRC**, who exercise powers as may be delegated to them. The Bill allows the Secretary-General and Secretary to exercise all administrative and financial powers (except judicial functions), subject to the respective chairperson's control.
- The Amendment will **strengthen the Human Rights Institutions of India** further for effective discharge of their mandates, roles and responsibilities. Moreover, the amendment will make National Human Rights Commission (NHRC) and State Human Rights Commission (SHRC) more **compliant with agreed global standards and benchmarks** concerning its autonomy, independence, pluralism and wide-ranging functions in order to effectively protect and promote human rights.

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