

Know everything
about

National Human Rights Commission

Kapil Sikka



State Judiciary Exams

by Anuj Garg & Dipti Bansal



- | | |
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ABOUT ME



- ✓ Mentoring, guiding and teaching UPSC students since 8 years
- ✓ Polity, Indian Economy, Essay, Internal Security & Post Independence India
- ✓ Teaching Political Science Optional



GS by Kapil Sikka (<https://t.me/kapillive>)



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Justice Arun Mishra Likely To Be the Next Chairperson Of National Human Rights Commission

LIVELAW NEWS NETWORK 1 Jun 2021 8:39 AM



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What is NHRC

Independent statutory body
established on **12 October, 1993**

Vide law Protection of Human Rights
Act, 1993

Watch dog organisation protecting
Human Rights like **Life, Liberty, equality**
enshrined in the Constitution of India

To adhere **Paris Principles**, adopted for the promotion and protection of human rights in Paris (October, 1991) and endorsed by the **General Assembly of the United Nations on 20 December, 1993**.

Oct. 1991

1993

Hence, parliament enacted the **Protection of Human Rights Act, 1993**, to ensure accountability and strengthening of the human rights regime in the country.

Why it was established

Section 2(d) of Act

- Human rights are the rights related to life, liberty, equality, and dignity of the individual
- These rights are guaranteed by the Constitution or incorporated in the International Covenants and are enforceable by the Indian Courts.



State Human Right Commissions

- This act also authorized State Governments to establish State Human Right Commission.



State
State

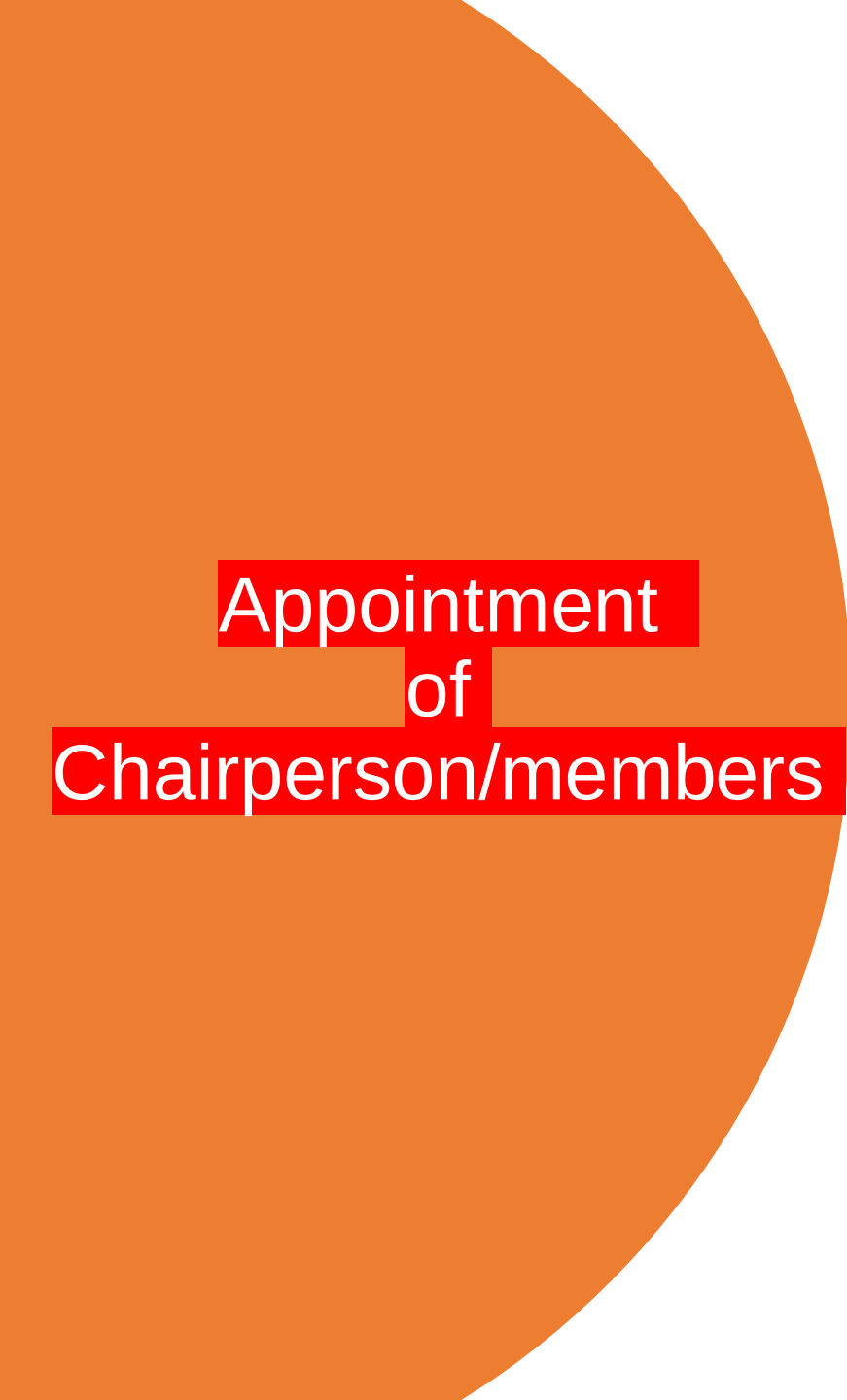
Composition

A multi-member body

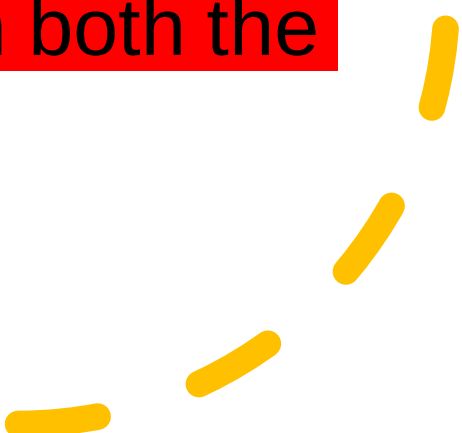
Chairman and three Other members.

Six ex-officio member.

| S.No. | Name | Designation | Phone No | Email | Bio Data |
|-------|---|--|----------------|---------------------|---------------|
| 1 | Vacant | Chairperson | | | |
| 2 | Shri Justice Prafulla Chandra Pant | Acting Chairperson | 91-11-24663252 | | View BIO DATA |
| 3 | Smt. Jyotika Kalra | Member | 91-11-24663256 | member3.nhrc@nic.in | View BIO DATA |
| 4 | Dr. Dnyaneshwar Manohar Mulay | Member | 91-11-24663258 | | View BIO DATA |
| 5 | Vacant | Member | | | |
| 6 | Shri Atif Rasheed, Vice Chairperson, National Commission for Minorities | Ex-officio Member | 91-11-24360591 | | |
| 7 | Shri Prof.(Dr.) Ram Shankar Katheria, Chairperson, National Commission for Scheduled Castes | Ex-officio Member | 91-11-24620435 | | |
| 8 | Shri Nand Kumar Sai, Chairperson, National Commission for Scheduled Tribes | Ex-officio Member | 91-11-24635721 | | |
| 9 | Ms. Rekha Sharma, Chairperson, National Commission for Women | Ex-officio Member | 91-11-26944808 | | |
| 10 | Ms. Stuti Kacker, Chairperson, National Commission for Protection of Child Rights | Special Invitee to Statutory Full Commission | 91-11-23731583 | | |
| 11 | Dr. Bhagwan Lal Sahni, Chairperson, National Commission for Backward Classes | Ex-officio Member | | | |
| 12 | Chief Commissioner for Persons with Disabilities | Ex-officio Member | | | |



Appointment of Chairperson/members

- Appointed by President
 - **On** the recommendations of a six-member committee consisting of:
 - Prime Minister (head)
 - Speaker of the Lok Sabha
 - Deputy Chairman of the Rajya Sabha
 - Leaders of the Opposition in both the Houses of Parliament
 - Union Home Minister.
- 

Eligibility of Chairperson/Members

- Chairperson has to be a retired Chief Justice of India or a judge of the Supreme Court. (2019 Amendment)
- 3 Members to be appointed, out of which 1 has to be women
- **Ex-officio Members** Chairpersons of National Commission for Minorities, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women National Commission for Backward Classes, Chief Commissioner for Persons with Disabilities

Term

Hold office for a term of **three years** or until they attain the age of **70 years**, whichever is earlier.

Eligible for Re-appointment

Grounds of Removal

- 1) if he is adjudged an insolvent,
- 2) engages during his term of office in any paid employment outside the duties of his office,
- 3) is unfit to continue in office by reason of infirmity of mind or body,
- 4) is of unsound mind and stands so declared by a competent court, and
- 5) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

Removed on the **charges of proved misbehavior or incapacity**, if proved by an **inquiry** conducted by a Supreme Court Judge.

Functions & Powers: Section 12 of the Act

Enquiry into complaints of violation of human rights (Suo-moto powers)

Negligence in the prevention of such violation by a public servant

Studies treaties and international instruments on human rights and make recommendations for their effective implementation to the Government.

Spreading of human rights awareness

Have power of Civil Court

Is Quasi-Judicial in nature

- Recommendation to Centre/State governments with regard to Human Right violations
- Coordinates with other NHRIs of the world for enhancing awareness from the perspective of human rights.
- It regularly hosts delegations from UN Bodies and other National Human Rights Commissions, members of civil society, lawyers and political and social activists from many countries.

Limitations

- No investigating workforce;
- Viewed as ceremonial body
- Not capable of giving relief
- Limited power on Armed Forces matters (has to rely upon Center's report)
- Only recommendatory powers
- No power to enforce decisions
- Soli Sorabjee once termed it as “a teasing illusion”

Reforms suggested

More powers with regard to Armed Forces

Decision should have binding force

Should have members from civil society as well



MCQs

Q Consider the following statements with regard to NHRC

1. It is a constitutional body
2. It is a multi-member body
3. Its recommendations are of binding nature

Which of the following are Correct

- (a) Only 2
- (b) Only 3
- (c) 1 and 3
- (d) All are correct

Thank you 😊

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