



National Human Rights Commission in Protection and Promotion of Human Rights

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ABSTRACT

This paper presenting here The Human Rights are very important of every human being. Now a days in every where we can see that seriously debate of the Human Rights protection and improving methods for all human being. Human growth of civil society, social welfare and development are the basic aim of Human Rights. Fundamental Rights are rights having a noble pedigree. They are natural rights which are in the nature of external conditions necessary for the greatest possible unfolding of the capacities of a human being. When ever who it may be criticised the human rights and human being that can be protected by all Indian courts . . The Judiciary in India plays a significant role in protecting human rights.

KEYWORDS

Introduction:

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of human family is the foundation of freedom, justice and peace in the world." ----
- Universal Declaration of Human Rights, December,10,1948.

The Human Rights are very important of every human being. Now a days in every where we can see that seriously debate of the Human Rights protection and improving methods for all human being. Human growth of civil society, social welfare and development are the basic aim of Human Rights. Fundamental Rights are rights having a noble pedigree. They are natural rights which are in the nature of external conditions necessary for the greatest possible unfolding of the capacities of a human being. These secured and guaranteed conditions are called fundamental rights. Universal Declaration of Human Rights regarding to all human being and all societies having Human Rights. All are equal to by birth in the earth, they have equal human rights. In our society have created so many resources for development of all people to equal opportunities and enjoyed to their better living conditions. Human Rights are better protected at the national level with adequate laws, independent judiciary and effective mechanisms. However, they seldom initiate action on their own except in public interest cases and their educational role is very limited. The international Community has increasingly realized the importance of Human Rights implementation at the national level and the United Nations started addressing the issue of National Human Rights since 1946. The United Nations international workshop on National Institutions for promotion and protection of Human Rights resulted in drafting of guidelines that were later adopted by the United Nation Commissions on human rights as the Paris principles in 1992 and adopted by the United Nation General Assembly in 1993. The Vienna world conference on human rights and its declaration in 1993 also encouraged the establishment and strengthening of national human rights institutions for effective realization of human rights. The Paris principles have become the focal point for development of national human rights commission all over the world. They deal with three important areas of national human rights institutions. They are, Autonomy and responsibilities, Composition and Methods of operations and Competence to settle individual complaints.

The National Human Rights Commission are unique independent institutional and play a supportive and supplementary role to the existing institutions. The National Human Rights Commission do not replace the role of the already existing legal and administrative frame work in the form of Courts ,legis-

lature and executive bodies and institutions. The National Human Rights Commission of India is an autonomous public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993. The NHRC is the National Human Rights Institution, responsible for the protection and promotion of human rights, defined by the act as "rights relating to life, liberty, equality and dignity of the individual guaranteed by our Constitution. "Human Rights" means 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. "Commission" means the National Human Rights Commission constituted under section of All human beings are born free and equal in dignity and rights known as Human rights, as commonly understood, are the rights that every human being is entitled to enjoy freely irrespective of his religion, race, caste, sex and nationality, etc. In Declaration of Indian Constitution acknowledged the fundamental human rights. Human right means different thing to different people. Human Rights are not static. New rights are recognized and enforced from time to time. Only persons fully conversant with the latest development about the expanding horizons of Human Rights can promote their awareness better than others.

Appointment of National Human Rights Commission

Sections 3 and 4 of Protection of National Human Rights Commission lay down the rules for appointment to the NHRC. The Chairperson and members of the NHRC are appointed by the President of India, on the recommendation of a committee consisting of:

The Prime Minister (chairperson)

The Home Minister

The Leader of the Opposition in the Lok Sabha

The Leader of the Opposition in the Rajya Sabha

The Speaker of the Lok Sabha

The Deputy Chairman of the Rajya Sabha

Structure of National Human Rights Commission

A Chairperson who has been a Chief justice of the Supreme Court,

One member who has been a judge of Supreme Court,

One member who has been the Chief Justice of the High Court and,

Two members to appointed from amongst persons having knowledge of, or practical experience in matters relating to Human Rights.

The main functions of National Human Rights Commission

The important and primary functions of National Human Rights Commission into conduct inquiries into violation of Human Rights

Inquire into Human Rights Violations on its own or a protection by victim or any person on his/her behalf.

Intervene in any proceeding involving any allegation of violations Human Rights pending before a Court.

Encourage the effort of non-governmental Organizations and Institutions working in the field of Human Rights.

Visit the Hospitals, Jails, juvenile homes, mental hospitals etc, to study the living conditions of the inmates.

Review the law and order and procedures for protection of Human Rights and make recommendations for their effective implementation.

Under take and promote research in the field of Human Rights and spread Human Rights literacy.

The National Human Rights Commission is to deal with complaints. Any person or group of persons or any organization can submit a complaint about the Human Rights violations to National Human Rights Commission.

The Commission when the received complaints are registered and given a specific number. These complaints are placed before the members. It may ask for any further information and affidavits in support of the allegations in the complaints. Once a complaint admitted, the Commission directs further inquiry or investigation. It has its own investigation staff, headed by a Director General of Police, for investigation into complaints of Human Rights violations. The Commission can utilize the services of any officer or investigation agency of the Central Government or State Governments in conducting an investigation. In some cases the commission has also associated with non-governmental organizations during enquires.

Protection of Human Rights under Indian Law

The Protection of Civil Rights Act, 1955

Suppression of Immoral Traffic in Women and Girls Act, 1956

Maternity Benefit Act, '1961

Dowry Prohibition Act, 1961

Equal Remuneration Act, 1976

Bonded Labour (Abolition) Act, 1976

Employment of Children Act, 1938 (Amended in 1985)

The Child Labour (Prohibition and Regulation) Act, 1986

Juvenile Justice Act, 1986

Indecent Representation of Women (Prohibition) Act, 1986

Sati (Prevention) Act, ' 987

The Scheduled Castes and the Scheduled Tribes (Prevention of

Atrocities) Act, 1989

The National Commission for Women Act, 1990

The National Commission for Minorities Act, 1992

The National Commission for Safai Karamcharis Act, 1993

The National Commission for Backward Classes Act, 1993

The Mental Health Act, 1993

The Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995.

3.12 Conclusion

I am saying that here The Indian Constitution is a document rich in human rights jurisprudence. According to Part III of the Indian Constitution may be characterised as the 'Magna Carta' of India. The Judiciary in India plays a significant role in protecting human rights. Any one person or group of persons have violation of their Human Rights through the any governments or private institutions to be protect their Human Rights for National Human Rights Commission and Courts in India.

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