

NAME- DR. AKANKSHA
GUEST FACULTY
P.G DEPARTMENT OF PHILOSOPHY, PATNA UNIVERSITY, PATNA
M.A SEMESTER-III
COURSE CODE-Phil CC- 12
PAPER – HUMAN RIGHTS & FEMINISM
TOPIC : Function and Powers of Human Rights Commission
MOBILE NO: 7839270596, 7979872919

Function and Powers of National Human Rights Commission:-

The Commission performs the following function namely:

Inquire, Suo motu or on a petition presented to it by a victim of any person on his/her behalf for complaint of

- a) Violation of Human Rights-This is extremely obvious.
- b) Negligence in the prevention of such violation, by a Public servant.
- c) Intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such cause
- d) Visit, under intimation to the state Government, any jail or any other institution under the control of the state Government, where persons are detained or lodged for purpose of treatment, reformation or protection of study
- e) The living conditions of the inmates and make recommendation. Revision the safeguard provided by or under the constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementations.
- f) Study treatise and other international instruments on human rights and make recommendation for their effective implementation.
- g) Undertake and promote research in the field of human rights and also promote human rights education. Spread human rights literacy among various sections of society and promote awareness of the safeguards

available for the protection of these rights through publications, the media, seminars and other available means.

- h) Encourage the efforts of non-governmental organisations and institutions working in the field of human rights.

Major Human Rights Issues in India:-

Nobody can deny the humongous magnitude of human rights violation taking place in our country. The world's largest democracy is plagued by widespread violations. These are the few issues which are taken up by NHRC.

- Custodial Torture
- Rights to work and Labour Rights
- Extrajudicial Killings
- Arbitrary Arrest and Detention
- Child Labour
- Female Trafficking
- Violation and Discrimination against women and child.
- Manual Scavenging
- Environmental Issues
- Lesbian, Bisexual, Transgender Rights
- Problems faced by Dalits, Sc/Sts, Religion Minorities, persons with Disabilities.

Role of NHRC in safeguarding human rights:

The NHRC has widely dealt with issues relating to application of human rights. NHRC has established its reputation for independence and integrity, there is

an ever increasing number of complaints addressed to the commission seeking redressal of a grievance. The NHRC has pursued its mandate considerable success. Some of the famous interventions of NHRC include campaign against discrimination of HIV patients. It also has asked all State Government to report the cases of custodial deaths or rapes within 24 hours of occurrence failing which it would be assumed that there was an attempt to suppress the incident. An important intervention of the commission was related to Nihtari Village in Noida UP, where children were sexually abused and murdered.

Limitations of the Commission:

- NHRC can only make recommendations, without the power to enforce decision. This lack of authority to ensure compliance can lead to outright rejection of its decision too.
- It is often view as a post retirement destinations for judges, police officers and bureaucrats with political doubt. Bureaucratic functioning in adequacy of funds also hamper the working of the commissions
- Under the protection of Human Rights Act, 1993, human rights commission cannot investigation event if the compliant was made more than one year after the incident therefore a large number of genuine grievances go unaddressed.

NATIONAL HUMAN RIGHTS COMMISSION	
Agency overview	
Formed	12 th October 1993
Legal personality	Government Governmental : Agency
Jurisdictional Structure	
Federal	INDIA
General Nature ---	Federal law Enforcement Civilian Agency
Operational Structure	
Headquarters New	Delhi, India
Agency Justice H.L.	Dattu, Chairman
Executives	SatynarayanMohanty, Secretary, General

State Human Rights commission:

A State Government may constitute a body known as the Human Rights commission of that state to exercise the powers conferred upon, and to perform the function assigned to, a State commission. In accordance to the amendment brought in TPHRA 1993-point No 10 below is the list of State Human Right's commission as stated under chapter V of TPHRA, 1993. (With amendment act 2006). At present, 24 states have constituted SHRC.

Non Governmental Organisation:

The non government Organisation are of utmost important in order to monitor and to detect human rights abuse worldwide and to provide support to fight against human right violation. Amnesty International has a moral general focus related to human rights issues whole other important NGO are devoted to as more particular field for example human health and large scale emergencies International Red Cross , Doctors without borders INGO works for legal issue –

International Commission of Jurists and Geographical areas- Drenches , Human right watch INGO works.

Amnesty International—Amnesty International founded in 1961 is probably the most highly regarded international NGO in the field. It is concerned with the human rights abuses, demands justice for those whose rights have been violated and fights for compliance with international laws and standards. It mobilizes public opinion to force government of either present or end human rights abuses.

Human Rights Watch—Human Rights Watch founded under the name Helsinki Watch in 1978, was meant to monitor the former Soviet Union's compliance with the Helsinki Declaration. There by, Helsinki Watch contributed to the democratic transformations that region during the late 1980s. By adhering to the universal declaration of Human Rights Human Rights Watch is now concerned with human rights violations, for example capital punishment and gender Discrimination and advocate most notably freedom of religion and press.

International commission of Jurists—The international commission of jurists, founded in 1952, provides legal expertise at international and national levels, The two main goals are, first to ensure that developments in international law adhere to the idea of human rights and, second to make sure that international standards are implemented at the national level. The international commission of jurists seeks, in general, to promote and protect human rights through constitutional means.

International Commission for Dalit Rights:

The ICDR mission is to strengthen the capacity of Dalit Civil society to promote social justice, human rights, equality and dignity by facilitating the advocacy, networking and providing technical assistance for local, national regional Dalit and Diaspora organisations. The First global conference on Defending Dalit Rights 2015 and the global march against caste based

Discrimination 2014, both organised by ICDR, built as network of more than 250 Dalit civil society and Diaspora groups committed to establishing Dalit rights as human rights by 2020. They pledged to accomplish this goal through strengthening Dalit Civil society networking, collaborating with non Dalit and pro Dalit groups, measuring change and mobilizing at all levels. The delegates of the global conference recognized caste and other forms of discrimination and equality as key challenges to establishing equal as key challenges to establishing equal rights, freedom, and peace among and between castes affected societies in India or South Asia.

CONCLUSION : Thus, the ethical strength of human rights lies is the fact that the life and personal dignity of individuals in the community has its proper value.