

LAW AREA NAME : GENERAL
SECTION NAME : LAW AND THE CITIZEN
SUB SECTION NAME : HUMAN RIGHTS

LAW IN BRIEF

Human rights are rights relating to life, liberty, equality and dignity of the individuals. These rights are guaranteed by the Constitution of India and are enforceable by courts in India. Many international covenants have embodied certain basic rights as human rights essential for leading life with dignity. India, in its endeavour to protect and promote human rights has enacted the Protection of Human Rights Act in 1993. It provides for the establishment of National Human Rights Commission and State Human rights Commission in states and Human Rights Courts for better protection of human rights.

LAW IN DETAIL

The Human Rights Commission receives complaints on alleged acts of violation of human rights or abetment in commission of such acts and negligence in the prevention of such violation by a public servant.

While inquiring into such complaints, the Commission shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908.

It has its own investigating staff headed by the Director General of Police and can utilize the services of any Government officer or investigation agency.

Some of the major complaints handled by the Commission have been:

- Police excesses, custodial deaths, encounter deaths, jail conditions, unlawful detention, false implication etc.,
- Atrocities against SCs and STs
- Bonded labour and Child labour
- Terrorism, insurgence and communal violence.
- Child marriage, dowry deaths, exploitation of women, sexual harassment etc.,

The Commission has worked actively towards providing primary health facilities to ensure maternal and child welfare, basic needs like drinking water, food and nutrition and highlighted fundamental questions of equity and justice to scheduled castes and tribes and prevention of atrocities against them. Rights of the disabled, displacement of tribals by mega projects, rights of minorities, food scarcity etc., have been the focus of the Commission's action on various occasions.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Section 12 of the Protection of Human Rights Act, 1993.

Whom to complain / where to complain?

The complaint may be made either by the victim or any person on his behalf either to the National Human Rights Commission or to the concerned State Human Rights Commission.

How to file the Case ?

- The complaint should be in writing either in English or Hindi or Telugu (or any language included in the eighth schedule of the Constitution)
- The complaint may be sent by post to **National Human Rights Commission, Faridkot House, Copernicus Marg, New Delhi-110 001 Mobile No. 9810298900** (24 hrs.) or faxed at Nos. 91-11-23382911/23382734 or emailed to **covdnhrc @nic.in** or to the **State Human Rights Commission, Grihakalpa, M.J.Road, Hyderabad. Phone No. 040-23220627.**
- No fee is charged on such complaints.
- Documents in support of the allegations may be enclosed.
- The following types of complaints will not be entertained:
 - a) About events which happened more than one year before making the complaint.
 - b) Matters pending before any court/tribunal/a State Human Rights Commission or any other Commission.
 - c) Vague, anonymous or frivolous complaints
 - d) Service matters, labour, industrial disputes, civil disputes like property rights, contractual obligations.

What Next ?

On receiving complaints on an alleged violation of human rights or negligence in its prevention by a public servant, the Commission causes inquiry and investigation to be made into the matter. Where the inquiry discloses any such violation, it may

- i. Recommend to the concerned government or authority to initiate proceedings against the violator.
- ii. Approach the Supreme Court or High Court for directions, orders or writs.
- iii. Recommend to the concerned government for grant of immediate relief to the victim or his family members.

Where the Commission has sent any report or recommendation to the Central Government/State Government/concerned authority, the said authority must indicate its comments or action taken on the report or recommendations within one month.