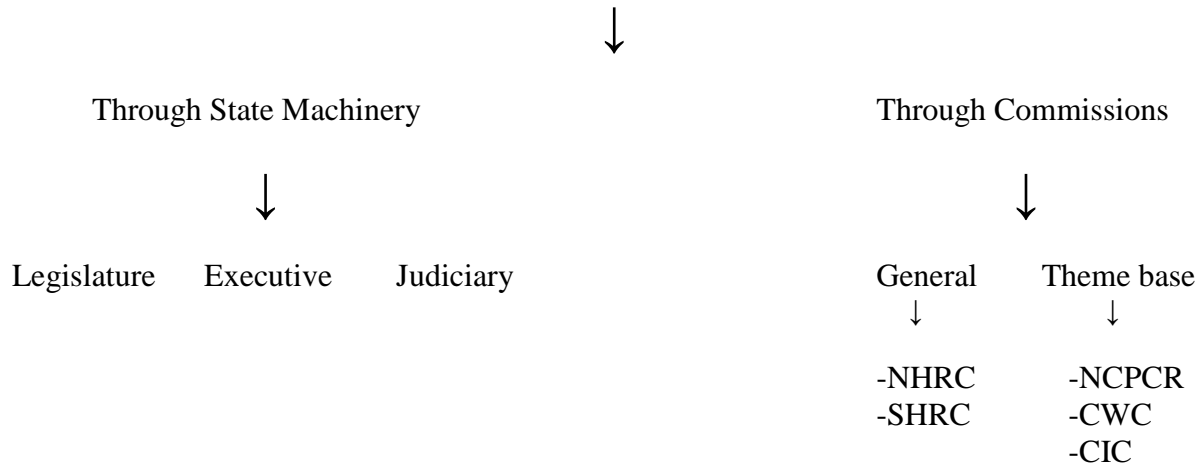


**LL.M. II SEMESTER**  
**SUBJECT : HUMAN RIGHTS**  
**CODE: L-2004**

**TOPIC: Implementation and Enforcement Mechanism of Human Rights in India**

**Implementation of Human Rights**



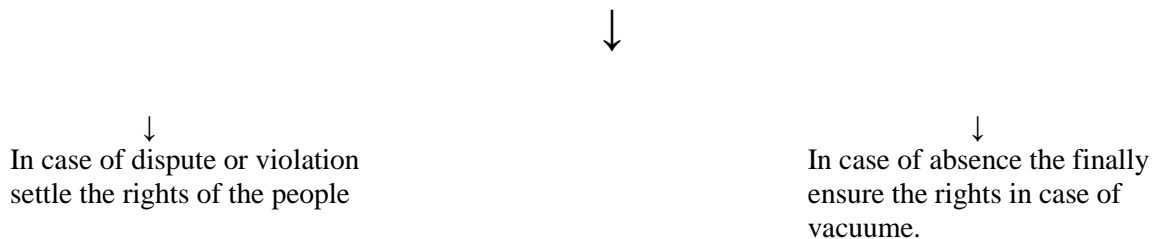
The very purpose of the state formation is for the prospection of rights of its person. According to Soual Contract theory.

**Through State Machinery**

Legislature make laws to ensure and protect rights to the people residing in its sovereign territory.

Executive enforce the laws made by legislature so that rights can be ensued physically to its people.

**Judiciary has twine role to play**



**NATIONAL HUMAN RIGHTS COMMISSION:**

**Characteristics of NHRC**

- (1) Autonomy
- (2) Transparency
- (3) Composition of NHRC
  - Chairperson (Ret. (ji) 1 person (has been judge of S.C.)
  - 1 person (has been C.J. of H.C.)
  - 2 Members having knowledge & practical experience of H.Rs

## **Functions & Powers of NHRC**

- (a) Inquire suo moto or on petition of victim.
- (b) Intervene in any proceeding involving alligator of violation of Human Rights.
- (c) Visit to jail or any other state run institution where persons are lodge.
- (d) Review the safeguard provided by constitution or any law for the time being in force.
- (e) Review factors including act of terrorism that inhabit the enjoyment of Human Rights.
- (f) Study treaties and other international instruments.
- (g) Undertake & promote research in field of Human Rights.
- (h) Spread Human Rights among various sections of society.
- (i) Encourage the efforts of NGO.
- (j) Such other functions as it may fir necessary for the promotion of human rights.

NHRC to work according to the Paris Principles that are recognisury the minimum standard for the establishment of National Human Rights Institute.

## **Implementation Mechanism**

- (a) Individual complaint
- (b) Intervening in Court Proceedings

## **Power of Investigation**

Commission can inquire itself

Or

Handover investigation to the investigation machinery of its own headed by person not below the rank of Director General of Police.

Power of the commission subsequent to inquiry.

## **Under Sec. 18 deals with steps taken by NHRC after inquiry**

- (a) Which inquiry discloses commission of violation of Human Rights by public servant it can recommends government to initiate prosecution against him.
- (b) Approach the Supreme Court or High Court concern for the directions.
- (c) Recommend to the concern government or authority to grant of such immediate relief to the victim.
- (d) Commission shall send a copy of inquiry report with recommendation to state government or authority, within period of one month or such further time as the commission may allow, forward its comment on the report including action taken or proposed to be taken.

## **Limitations**

Sec. 19 limits the power of commission relating to the violation of the human rights committed by Armed Forces. Act does not specifically provide the power to investigate or

inquire into matter of Human Rights violations by organized groups in the society like terrorist groups, communal groups, caste groups etc.

### **State Human Rights Commissions**

**SHRC Composition:** - Chairperson (C.J. of High Court)

- One member judge of High Court or District Judge with 7 year experience
- One member lawing knowledge of Human Rights.

Chairperson and members to be appointed by Governor.

### **Human Rights courts at District Level**

Sec. 30 of Protection of Human Rights Act, 1993 establishment of Human Rights Court at District Level.

State Government by notification the establishment of Human Rights Courts at District Level in their states.

As the section provides 'May' it is the weak proposition for establishment of Human Rights court.

Only state like Andhra Pradesh, Assam, Tamil Nadu, Sikkim has only establish the Human Rights Courts.

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