



**Government of Tamilnadu**  
**Department of Employment and Training**

Course : TNPSC Group IV / VAO Exam

Subject : Indian Polity

Topic : **Human rights charter**

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**Commissioner,**  
**Department of Employment and Training.**

# Human rights charter.

## Definition:

Human Rights are moral claims that are inalienable and inherent to all individuals by virtue of being human.

## National Human Rights Commission

### ESTABLISHMENT OF THE COMMISSION

The National Human Rights Commission is a statutory (and not a constitutional) body. It was established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993. This Act was amended in 2006.

### COMPOSITION OF THE COMMISSION

The commission is a multi-member body consisting of a chairman and four members. The chairman should be a retired chief justice of India, and members should be serving or retired judges of the Supreme Court, a serving or retired chief justice of a high court and two persons having knowledge or practical experience with respect to human rights. In addition to these fulltime members, the commission also has four ex-officio members—the chairmen of the National Commission for Minorities, the National Commission for SCs, the National Commission for STs and the National Commission for Women.

### Term

The chairman and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier. After their tenure, the chairman and members are not eligible for further employment under the Central or a state government.

### FUNCTIONS OF THE COMMISSION

The functions of the Commission are:

- (a) To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either *suo motu* or on a petition presented to it or on an order of a court.
- (b) To intervene in any proceeding involving allegation of violation of human rights pending before a court.
- (c) To visit jails and detention places to study the living conditions of inmates and make recommendation thereon.
- (d) To review the constitutional and other legal safeguards for the protection of human rights and recommend measures for their effective implementation.

- (e) To review the factors including acts of terrorism that inhibit the enjoyment of human rights and recommend remedial measures.
- (f) To study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- (g) To undertake and promote research in the field of human rights.
- (h) To spread human rights literacy among the people and promote awareness of the safeguards available for the protection of these rights.
- (i) To encourage the efforts of non-governmental organisations (NGOs) working in the field of human rights.
- (j) To undertake such other functions as it may consider necessary for the promotion of human rights.

### **State Human Rights Commission**

The Protection of Human Rights Act of 1993 provides for the creation of not only the National Human Rights Commission but also a State Human Rights Commission at the state level<sup>1</sup>. Accordingly, twenty five states have constituted the State Human Rights Commissions through Official Gazette Notifications

A State Human Rights Commission can inquire into violation of human rights only in respect of subjects mentioned in the State List (List-II) and the Concurrent List (List-III) of the Seventh Schedule of the Constitution.

However, if any such case is already being inquired into by the National Human Rights Commission or any other Statutory Commission, then the State Human Rights Commission does not inquire into that case.

### **COMPOSITION OF THE COMMISSION**

The State Human Rights Commission is a multi-member body consisting of a chairperson and two members<sup>3</sup>. The chairperson should be a retired Chief Justice of a High Court and members should be a serving or retired judge of a High Court or a District Judge in the state with a minimum of seven years experience as District Judge and a person having knowledge or practical experience with respect to human rights.

The chairperson and members hold office for a term of five years or until they attain the age of 70 years, whichever is earlier<sup>4</sup>. After their tenure, the chairperson and members are not eligible for further employment under a state government or the Central government

### **FUNCTIONS OF THE COMMISSION**

The functions of the Commission are:

- (a) To inquire into any violation of human rights or negligence in the prevention of such violation by a public servant, either suo motu or on a petition presented to it or on an order of a court.
- (b) To intervene in any proceeding involving allegation of violation of human rights pending before a court.
- (c) To visit jails and detention places to study the living conditions of inmates and make recommendation thereon.
- (d) To review the constitutional and other legal safeguards for the protection of human rights and recommend measures for their effective implementation.
- (e) To review the factors including acts of terrorism that inhibit the enjoyment of human rights and recommend remedial measures.
- (f) To undertake and promote research in the field of human rights.
- (g) To spread human rights literacy among the people and promote awareness of the safeguards available for the protection of these rights.
- (h) To encourage the efforts of non-governmental organizations (NGOs) working in the field of human rights.
- (i) To undertake such other functions as it may consider necessary for the promotion of human rights.

