

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.2666

TO BE ANSWERED ON THE 15TH DECEMBER, 2015/ AGRAHAYANA 24, 1937 (SAKA)

CONFERENCE OF NATIONAL AND STATE HUMAN RIGHTS COMMISSION

2666. SHRI FAGGAN SINGH KULASTE:
SHRI NAGENDRA KUMAR PRADHAN:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has organized the conference of the National and State Human Rights Commissions in the recent past;

(b) if so, the details thereof;

(c) the details of important issues taken up and decided during the said conference;

(d) the names of States/UTs which participated in the said conference; and

(e) the names of the States which have set up State Human Rights Commission along with the steps taken to set up such Commission in all the States?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a) & (b): The National Human Rights Commission (NHRC) has organized a Conference of National Human Rights Commission and State Human Rights Commissions (SHRCs) on 18th September 2015 at New Delhi.

(c): The following important issues were discussed in the Conference:

i) How to make NHRC and SHRCs stronger and effective?

ii) Area of co-operation and coordination between NHRC and SHRCs.

iii) Complaints Management System and inter-linking of NHRC and SHRCs and

iv) Best practices in complaint handling and enquiry.

Recommendations based on the discussions of the National Conference of the NHRC and SHRCs are given as per Annexure.

(d) : The following State Human Rights Commissions have participated in the said Conference:

Assam, Andhra Pradesh, Bihar, Goa, Haryana, Jharkhand, Jammu & Kashmir, Kerala, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal.

(e): As per the information received from NHRC, the following States have set up State Human Rights Commissions (SHRCs). (1)Andhra Pradesh, (2)Assam, (3)Bihar, (4)Chattisgarh (5)Goa, (6)Gujarat, (7)Haryana, (8)Himachal Pradesh, (9)Jammu & Kashmir, (10)Jharkhand, (11)Karnataka, (12)Kerala, (13)Madhya Pradesh, (14)Maharashtra, (15)Manipur, (16)Meghalaya, (17)Odisha, (18)Punjab, (19)Rajasthan, (20)Sikkim, (21)Tamil Nadu, (22)Telengana (23)Uttar Pradesh, (24)Uttarakhand and (25)West Bengal.

Constitution of State Human Rights Commission in Meghalaya has been notified but the appointment of Chairperson and Members has not been made so far.

Andhra Pradesh and Telengana are having a combined State Human Rights Commission.

As per Section 21 of the Protection of Human Rights Act, 1993, it is for the State Government to take action for setting up of State Human Rights Commission. However, the National Human Rights Commission has from time to time requested the State Governments to establish SHRCs at an early date and the Central Government has also regularly written to the States concerned to expedite the setting up of SHRCs.

Information in respect of part (c) of the Lok Sabha Unstarred Q.No. 2666 to be answered on 15.12.2015

The following recommendations based on the discussions of the National Conference of the National Human Rights Commission and State Human Rights Commissions has been made in the Conference held on 18.09.2015.

Amendments to the Protection of Human Rights Act, 1993

- i) Amendment to Section 21 of the PHR Act for including Chairperson of State Commissions for Minorities, Scheduled Castes, Scheduled Tribes, Women & Child Rights to be deemed Member of SHRCs on the line of Section 3 of the PHR Act.
- 2) To amend the Act in order to include Chairperson, National Commission for Protection of Child Rights (NCPDR) as a deemed Member of the Commission under Section 3(3) of the PHR Act.
- 3) To amend Section 21 of the PHR Act for inclusion of provision for constitution of SHRCs in Union Territories.
- 4) To amend Section 18 of the PHR Act and incorporate words "direct" and "directions" instead of "recommend" and "recommendations".
- 5) To increase the number of Members in the SHRCs by amending Section 21 of the PHR Act.

Functional and Financial Autonomy

- 1) To ensure that SHRCs are provided adequate funds to carry out their mandate by the concerned State Governments.
- 2) Vacancies of Chairperson, Members, Secretaries and other vacant posts in SHRCs should be filled up at the earliest to make them fully functional.

Complaint Management System and Inter-linking of NHRC & SHRCs

- 1) Information regarding cases should be shared seamlessly between NHRC and SHRCs to avoid duplication of work and delay in disposal of cases.
- 2) Local NIC shall be mobilized in every State for ensuring the setting up of the required ICT infrastructure and implementation of Complaint Management System.
- 3) A Committee shall be constituted consisting of Members, SHRCs along with Technical Director, NIC to design the template to be used in Complaint Management System (CMS) covering all aspects including letters, reports etc.

- 4) Flow of information shall be both way.
- 5) Web-based CMS should be completed by NIC within one week and HRC net should be ready by 10.12.2015.
- 6) There should be similar pattern/format for CMS.

Regular Interaction between NHRC and SHRCs

- 1) To promote greater synergy between NHRC and SHRC. The NHRC must involve the concerned SHRC during its visit to various States for awareness and training programme.
- 2) There should be a mechanism in place for periodic training of officers and staff of NHRC and SHRCs on human rights issues.

Complaint Handling and Enquiry

- 1) To avoid unnecessary delay in the complaint handling, public should be sensitized about regulation 9 of NHRC Regulation and Section 12 and 36 of PHR Act, 1993.
- 2) All cases should be heard in a regular manner, as there are numerous cases pending for long time. No case should go obscure. Public hearing should be conducted on regular basis for swift and fair justice.
- 3) Handbook on the spot enquiries by NHRC to be distributed to all the SHRCs.
- 4) To set up Facilitation Centre in all the SHRCs on the lines of Facilitation Centre in NHRC.
- 5) During investigation process, the Human Rights Commission should rope in experts from multi-disciplinary backgrounds for better knowledge as per demand of the cases.

Sensitization Of Judiciary On Human Rights Issue

- 1) NHRC and SHRCs should organize awareness generation programmes for Members of Judiciary in collaboration with National and State Judicial Academy.

Miscellaneous

- 1) SHRCs may be considered for participation in International Conference/Seminars.
- 2) NHRC and SHRCs should collaborate with NGOs having good record and reputation.
- 3) SHRCs should take up the issue of the misuse of the name and logo of the NHRC/SHRC by NGOs to mislead innocent people with the concerned State Governments.