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# Effectiveness of Human Rights Commission in Promoting and Protecting Human Rights

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## ABSTRACT

*The protection of human rights is a fundamental cornerstone of a just and equitable society. Human rights violations persist worldwide, necessitating robust mechanisms to safeguard individuals and groups from abuse. This topic explores the essential principles and frameworks for protecting human rights, including international law, national legislation, and institutional mechanisms. It examines the roles of governments, civil society, and individuals in promoting and protecting human rights, with a focus on vulnerable populations and emerging challenges. By understanding the complexities of human rights protection, we can work towards a world where dignity, equality, and justice are universally respected and protected. And the author would also like to share her personal experience and practical approach in the human rights commission that the author has learnt during her internship program.*

**Keywords:** *Human rights, human rights commission, processing of petition, form A and form B.*

## I. INTRODUCTION

The Human Rights Protection Act is a legislation designed to safeguard and promote human rights at the national or international level. The purpose of this act is to:

- Protect individuals and groups from human rights violations
- Promote equality, justice, and dignity for all
- Establish mechanisms for redress and accountability
- Align domestic laws with international human rights standards

Some key features of the Human Rights Protection Act may include:

- Definitions of protected rights and freedoms
- Prohibitions on discrimination and abuse

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- Establishment of human rights institutions (e.g., commissions or courts)
- Procedures for filing complaints and seeking remedies
- Guidelines for state agencies and officials to uphold human rights

In this manuscript the authors deals with her own personal experience that the author has learnt during her internship program in STATE HUMAN RIGHTS COMMISSION.

During her internship period the author has read a lot of petition that has been sent to the commission directly or through post and we have assigned dairy number and case number and have also went to court visit and learnt about the proceeding in the court.

## **II. THE PROTECTION OF HUMAN RIGHTS ACT 1993**

### **(A) Preliminary:**

#### **Sec:1 Short Title Extent And Commencement**

- (1) Called as the protection of human rights act 1993.
- (2) Extent to whole of India
- (3) Came into force on 28<sup>th</sup> day of September, 1993.

#### **Sec:2 Definitions**

2(1)(d) “human rights” means the rights relating to life, liberty, equality and dignity of the individuals guaranteed by the constitution or embodied in the International Covenants and enforcement by courts in India.

#### **Sec:21 Constitution Of SHRC**

1. A chairperson who has been chief justice or a judge of high court,
2. One member who has been a judge of high court or district court for a period of 7 years
3. One member who has practical knowledge about human rights.

#### **Sec:36 Matters Not Subject To Jurisdiction Of The Commission**

- (1) Which is pending before state commission or any other commission
- (2) After the expiry of one year from the date of incident

## **III. STATE HUMAN RIGHTS COMMISSION, TAMILNADU(PROCEDURE) REGULATION,1997**

### **(A) Regulation 2(a) Complaint**

Complaint means all the petitions or communications, received by the commission from a victim or any other person on his behalf, in person or by post or by telegram or by fax or by any other means whatsoever, alleging violation, or abetment thereof of negligence in the prevention of such violation, by a public servant, of all or any of the human rights defined in the section 2(d) read with section 21(5) of the act.

### **(B) Processing of complaint**

Before processing the complaint have to check the following details

such as

1. Whether the complaint is addressing to this Commission or not
2. Whether the complainant has given correct communication address or not
3. Whether the complainant has signed in the petition or not.
4. Whether the complaint is pending before the State Commission or any other Commission u/s 36(1)
5. Whether the complaint is within the period of time one year u/s 36(2)
6. Whether the complaint is on civil dispute
7. Whether the complaint relates to Service issues or labour issues or industrial disputes
8. Whether the complainant has filed any cases pending before the Hon'ble Court
9. Whether the complaint has Judicial Verdict or decision of the Commission

### **(C) Complaint that are entertainable by the commission:**

*(a) Report may be called for*

When Human Rights Violations Occurred:

If the complaint against Police Officials, such as., abusing filthy languages, threatened, threatened to life death, threatened to foisting of false case, beaten brutally, failure to take lawful action, unlawful detention demanding bribes with support of opponent parties.

Then Accountable Police Officials Name and Police Station and Address

Then Answerable Officers Commissioner of Police or Superintendent of Police

*(b) The report may be called for*

When Human Rights Violation Occurred

If the complainant against Revenue Officials for not providing any remedies, for which the

petitioner which caused Mental Agony

Then Accountable Revenue Officials Name and Address

Then Answerable Officers is District Collector or other higher officials depending upon the case

### **FORM A**

1. If the Hon'ble Commission deems it fit a report may be called for from the Director of Vigilance Anti-Corruption, Chennai or/and Investigation Division of the Commission.
2. If the Hon'ble Commission deems it fit a report may be called for either from Commissioner of Police or from the Superintendent of Police, District or/and Investigation Division of the Commission.

### **Authority in-charge:**

India is divided into several states; states has been divided into several districts; districts has been divided into several panchayats and corporations. Thus for a crime occurring in city, commissioner of police is the authority in- charge; wherein for a crime occurring in district, superintendent of police is the authority in-charge.

For petition to be accepted under FORM A, it must be evident that there must a violation of human rights by an public servant. For example unlawful action by police officials or failure to take lawful action under reasonable condition.

There are certain grounds in FORM B under which a petition may be closed. Thus if a petition dose not fall under any of the grounds in FORM B it is entertainable to take action by the commission.

### **(D) Complaint that are not entertainable:**

### **FORM B**

### **Regulation 9: Complaints Nor Ordinary Entertainable**

The commission may dismiss in limini complaint of the following nature:

- (a) Vague, anonymous or pseudonymous or illegible, trivial or frivolous.
- (b) Barred under sec.36(1) of the act
- (c) Barred under sec.36(2) of the act
- (d) Civil dispute
- (e) Service matter

- (f) No human rights violation
- (g) Pending before the court
- (h) Already decided by the court
- (i) Copy marked
- (j) Outside the purview of the commission.

Under any of the above grounds the petition can be dismissed without any further proceeding.

#### VAGUE & ANONYMOUS:

Petition without from address or the petition is ambiguous or the authorities details are not mentioned properly then this ground can be invoked.

#### CIVIL DISPUTE:

If the matter is regarding the land dispute or family dispute then this ground can be invoked.

#### SERVICE MATTER:

If the matter is regarding employee and employer relationship or regarding pension or any government schemes then this ground can be invoked.

#### COPY MARKED:

If the petition is not addressed to SHRC then this ground can be invoked.

#### OUT SIDE THE PURVIEW:

The commission can only render compensation and doesn't have any power to penalise. Thus any petition which request to penalise or quash a verdict given by the court that is considered as outside the purview of the commission.

The commission can also take *suo-moto* actions.

These are some important provisions and regulation relating to human rights law.

#### **(E) Online Registration:**

The Commission have software programme for processing the complaint in the online process through *Google website* Where we have to type as *hrc.nic*

- Go to Welcome to HRC login
- Select SHRC LOGIN
- Select Tamil Nadu
- then which asked for login id where the password will be default

- then which will go to Complaint Process
- Where it shows the tools as Complaint File Management and Case Registration

<b>PROCESSING IN ONLINE</b>	
Complainant File Management	Central Agency
Home	Home
Case Registration <b>Duplicate Search</b> (for providing New case) Update complaint Other details Online Complaints	<b>Dak entry</b> (for making new entry after Tapal) Add New Diary - Update Diary – Recent Diary
Action taken	Search - CR Search (for searching the case/diary no)
File movement	User profile
User profile	Dash board
Dash board	

**(F) Allotted Work:**

- (1) Processing the RTI Act (APPEAL)
- (2) Assigning the Case Number to the petition
- (3) Processing the Complaints

(4) Processing the Complaints at once

(which includes Diary No. and Case No.) viz.,

- Suo Moto
- Custodial Death
- Processing the Urgent Complaints

(5) Maintaining the Internship for students

(6) Maintaining the Copy Application

(7) Maintaining the records for connected cases

*After receiving the petition (assigned Diary No.) Case No. ought to be assigned.*

For assigning the case no. the following information is mandatory in the online process:

- (1) Whether any petition has submitted earlier to the Commission or not
- (2) If any petition is submitted to this Commission, then no need to assign fresh number for which already allotted case no is sufficient
- (3) Complainant copy should be read thoroughly to analysis whether it comes on which category
- (4) Finding out the date of incidence occurred in the Complaint
- (5) Then the fresh case no assigned default as in the online process.

#### **IV. CONCLUSION**

Thus, as a student of law, the author has learned a lot during this internship program. The knowledge gained is worth more than what the author has acquired in college. The processing of a petition—whether accepting or rejecting it—is based on the essence of human rights violations. The presence of this commission serves as a deterrent for public servants, preventing them from going against the law.

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