



**From Human Being to Being Humane**



# Gujarat State Human Rights Commission

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## **Definition of “Human Rights”**



- **In terms of Section 2(1)(d) of the Protection of Human Rights Act, 1993 (hereafter referred to as 'the Act'), "human rights" mean the rights relating to life, liberty, equality and dignity of the individual guaranteed under the Constitution or embodied in the International Covenants and enforceable by courts in India.**

## **Legal Provisions**

- **In terms of Section-30 of the Protection of Human Rights Act, 1993 , A court of Session in each district is specified a Human Right Court to try the offences arising out of the violation of human rights.**
- **In terms of Section-31 of the Protection of Human Rights Act, 1993, State Government may specify Public Prosecutor or an Advocate who has been in practice as a Special Public Prosecutor for the purpose of conducting cases in the court.**

## **Legal Provisions**



- **In terms of Section - 39 of the Protection of Human Rights Act, 1993, every member of the Commission and every officer appointed or authorized by Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of Section-21 of the Indian Penal Code.**
- **In terms of Section-18(c) of the Protection of Human Rights Act, 1993, the Commission may recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary.**

# Functions assigned to the Commission



- The Commission shall, perform all or any of the following functions, namely:
  - (a) Inquire, on its own initiative or on a petition presented to it by a victim or any person on his behalf, into complaint of-
    - (i) Violation of human rights or abetment
    - (ii) Negligence in the prevention of such violation, By a public servant;

## **Functions assigned to the Commission (Contd...)**

- b) Intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- c) Visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living condition of the inmates and make recommendations thereon;
- d) Review the safeguards by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation; e) Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- f) Study treaties and other international instruments on human rights and make recommendations for their effective implementation;

## **Functions assigned to the Commission (Contd...)**

- g) Undertake and promote research in the field of human rights;
- h) Spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- i) encourage the efforts of non - Governmental organizations and institutions working in the field of human rights;
- j) such other functions as it may consider necessary for the promotion of human rights.



## **Powers of the Commission relating to inquiries**



- While inquiring into complaints under the Act, the Commission shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular the following, namely;
  - a) Summoning and enforcing the attendance of witnesses and examining them on oath;
  - b) Discovery and production of any document;
  - c) Receiving evidence on affidavits;
  - d) Requisitioning any public record or copy thereof from any court or office;
  - e) Issuing commissions for the examination of witnesses or documents;
  - f) Any other matter which may be prescribed.

# **Investigation Team of the Commission**



- **The Commission has its own investigating staff headed by a Additional Director General of Police for investigation into complaints of human rights violations.**

# **Autonomy of the Commission**



- The autonomy of the Commission derives, inter-alia, from the method of appointing its Chairperson and Members, their fixity of tenure, and statutory guarantees thereto, the status they have been accorded and the manner in which the staff responsible to the Commission - including its investigative agency - will be appointed and conduct themselves. The financial autonomy of the Commission is spelt out in Section 32 of the Act.
- The Chairperson and Members of the Commission are appointed by the Governor on the basis of recommendations of a Committee comprising the Chief Minister as the Chairperson, the Speaker of the Legislative Assembly, the Home Minister, the leaders of the opposition in the the Assembly as Members.

## **Inquiry of complaints by Commission**

- **The Commission while inquiring into complaints of violations of human rights may call for information or report from the Central Government or any State Government or any other authority or organization subordinate thereto within such time as may be specified by it; provided that if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own; on the other hand, if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.**

## **Steps open to the Commission after inquiry**



- The Commission may take any of the following steps upon the completion of an inquiry:
  - 1) Where the inquiry discloses the commission of violation of human right or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons.
  - 2) Approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
  - 3) Recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary.

## **Language of the complaint**

- The complaints may be in English, Gujarati or Hindi. The complaints are expected to be self contained. No fee is charged on complaints. The Commission may ask for further information and affidavits to be filed in support of allegations whenever considered necessary. The Commission may in its discretion, accept telegraphic complaints and complaints conveyed through FAX or by e-mail.

# **Complaints not entertained by the Commission**



- Ordinarily, complaints of the following nature are not entertained by the Commission:
  - a) In regard to events which happened more than one year before the making of the complaints;
  - b) With regard to matters which are sub-judice;
  - c) Which are vague, anonymous or pseudonymous;
  - d) Which are of frivolous nature;
  - e) Which pertain to service matters.

## **Indication on actions taken by concerned Authorities**

- The authority/State Government has to indicate its comments/action taken on the report/recommendations of the Commission within a period of one month or such other extended period as the Commission may deem fit.



# The Details of Cases during 1-4-17 to 31-3-18

No	Type of Cases	Cases Received	Cases Disposed	Pending Cases
1	Petitions	2885	2815	70
2	Custodial Death	57	17	40
3	Press/Suomotu Cases	116	86	30

## **Location of the Commission & its contact numbers**



### **Gujarat State Human Rights Commission**

**Block no - 1, 4<sup>th</sup> / 5th Floor, 'Karmayogi Bhavan',**

**Sector-10/A, Gandhinagar-382010**

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