



Foundation Course to AIS & CCS Officers At MCRHRD Institute

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By

E.Damodar IPS (Rtd)

Human Rights and Other Allied Watchdog Agencies- Role of Civil Servants

- Of paramount importance to all Civil Servants of all Departments
- Not just limited to Police Department.

Commissions - Nomenclature overlap

- A variant of Govt Structure - Ministry, Department, Commission. Like Atomic Commission, Space Commission, UGC etc.
- Auxiliary academic wings like Law Commission
- Commissions under the Commissions of Enquiry Act
- Statutory Watch-Dog Agencies

Utility of the Topic

- ★ Can watchdog agencies haul up us under Contempt of Court?
- ★ Can they prosecute us for non-compliance
- ★ Can the Govt Servants approach in Service Matters

Various Statutory Watchdog Agencies

- ❖ National Human Rights Commission
- ❖ National Commission for SCs
- ❖ National Commission for STs
- ❖ National Commission for Women
- ❖ National Commission for Protection of Child Rights
- ❖ National Commission for Minorities
- ❖ Press Council of India
- ❖ National Commission for Safai Karmacharis

State Commissions

- ❖ All these watchdog agencies have their State Commissions in respective States.
- ❖ Except the adhoc commissions like Safai Karmacharis, which is renewed every three years.

National Human Rights Commission -Apex Body

- ❑ It's Judicial in nature
- ❑ Chairpersons of other National Commissions and the Chief Commissioner for Persons with disabilities are the ex-officio members

Why it is germane to bureaucrats of all Departments

- ★ NHRC covers entire range of civil, political as well as economic, social and cultural rights
- ★ Areas facing terrorism, insurgency, custodial death, rape, torture etc.
- ★ Reform of Prisons, Juvenile Homes, mental hospitals, orphanages, shelters for women etc
- ★ Primary Health facilities
- ★ Maternal and child welfare

Relevance to all Depts (Continued)

- Food and Nutrition, potable water
- Equity and Justice to the less Privileged
- Rights of the Disabled - access to Public Service
- Displacement of population especially STs in mega Projects
- Food Scarcity and allegations of death by starvation
- Women discrimination
- Rights of the Minorities

Powers of these watchdog agencies

- ★ Powers of a Civil Court under the CPC
- ★ Summoning, enforcing the attendance of witnesses & examining them on oath
- ★ Discovery and production of any document
- ★ Receiving evidence on affidavits
- ★ Issuing commissions for the examination of witnesses & documents
- ★ Any other matter which may be prescribed.

NHRC invokes powers of a Civil Court

- ❖ Issues summons to Chief Secretary UP in case of illegal detention and false implication of Shri Lal Chandra. for non-response despite four reminders

Are the recommendations of NHRC binding

- ❖ No. Only recommendatory.
- ❖ Case of Sun TV Reporter - Visit of President Rajapaksa of Sri Lanka to Tirumala
- ❖ Enquiry by Press Council of India.
- ❖ Subsequent enquiry by NHRC for his arrest u/s151 CrPC
- ❖ Stand of AP Police

State HRC of composite State of AP

- Killing of stray dogs by GHMC
- Petition by Maneka Gandhi & Amala Akkineni
- Hearing by the full bench of SHRC headed by late Justice Subhashan Reddy
- All Departments including Police were summoned,
- Dramatic events during proceedings

Have Watchdog agencies Contempt powers of a Civil Court?

- No.
- HL Dattu, former Chairman of NHRC - A caged tiger without teeth.
- No prosecution powers.

One more episode with NCSC

- ▶ SC\ST(POA) Act case against Sri Rajagopal, VC of JNU Tech University, Hyderabad.
- ▶ Finding of Investigation by the ACP
- ▶ Verification of Investigation by the DCP
- ▶ Summons by Sri Buta Singh, Chairman of NCSC

Some more observations.

- ❖ Against Armed Forces?
- ❖ Issue more than one year
- ❖ A matter sub judice

Some tips in our interface

- Be prompt in replies
- If enquiry ordered is time bound, seek time.
- Unable to attend, take prior permission with valid reasons/certificates
- Never be confrontational in your reports/affidavit
- Show eagerness to protect human rights.

Any Questions?

Thank you

