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STUDY MATERIAL FOR BBA (S.L)

HUMAN RIGHTS

IV - SEMESTER

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HUMAN RIGHTS

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UNIT I

1.1 Human Rights

Human rights, rights that belong to an individual or group of individuals simply for being human, or because of inherent human vulnerability, or because they are requisite to the possibility of a just society. Whatever their theoretical justification, human rights refer to a wide continuum of values or capabilities thought to enhance human agency or protect human interests and declared to be universal in character, in some sense equally claimed for all human beings, present and future.

It is a common observation that human beings everywhere require the realization of diverse values or capabilities to ensure their individual and collective well-being. It also is a common observation that this requirement—whether conceived or expressed as a moral or a legal demand—is often painfully frustrated by social as well as natural forces, resulting in exploitation, oppression, persecution, and other forms of deprivation. Deeply rooted in these twin observations are the beginnings of what today are called "human rights" and the national and international legal processes associated with them.

1.2 Definition of Human Rights

Human rights are defined as the rights that all people should have by virtue of their common humanity, including the right to life, liberty, and the pursuit of happiness, as well as freedom from discrimination, torture, degrading treatment, and arbitrary arrest or detention. They are based on the idea that all individuals are born free and equal in dignity and rights, and are inalienable and universal.

1.3 Characteristics of human rights

1. **These rights are essential and fundamental–** In the absence of human rights, the society would be in a deplorable state. There would be chaos all around. Human rights are a necessity for the up liftment of people.
2. **Human rights are universal–** The rights do not discriminate against the people. These rights are available to all the people equally without taking note the varied differences among the people.

3. **Not absolute–** Human rights are never absolute. Each right has its limitations which is imperative to public health, order and morality. These rights are not unbridled.

4. **Inalienable–** Human rights are inalienable in nature. Nobody can deprive a person of these rights. Moreover, human rights are inalienable because:
   - They cannot be rightfully taken away
   - They cannot be given away or be forfeited

5. **Interdependent–** Human rights are interdependent on other rights.

6. **Dynamic–** These rights are not static. They can be modified according to the prevailing situations and conditions.

7. **Irrevocable–** The human rights are irrevocable; they cannot be taken away by anybody. No power or authority can take away these basic rights from a person.

8. **Connected with dignity–** These human rights are deeply connected with the dignity of the individuals living in a society.

9. These are similar to **moral rights.** Conscience is regarded important.

10. **Human rights are inherent–** The rights cannot be brought or borrowed from somewhere or someone. There rights are naturally existing.

1.4 Kinds of Human Rights

There are five types of human rights, Civil, Political, Economic, Social and Cultural Human rights.

1. **Civil Rights–** These individual civil rights include life, liberty, security of people, privacy freedom of movement, speech, thought conscience, subjecting no one to arbitrary arrest, detention or exile, practicing religion and beliefs etc.

2. **Political rights–** These involve right to expression, assembly and association, right to participate in government affairs. It also involves the right of universal and equal suffrage and entitlement of right to a nationality.

3. **Economic Rights–** These are the rights which are essential to lead a healthy life.These rights have been included in Charter on the Human Rights as well like the right to own property, right to social security, right to work, right of equal pay for equal work without discriminating on various kinds of parameters.

4. **Social Rights–** These rights govern the smooth functioning of the society. Right to marry and set up a family, right to free and compulsory education etc. constitute a part of the social rights.

1.5 Civil and political

The International Covenant on Civil and Political Rights and its First Optional Protocol entered into force in 1976. The Second Optional Protocol was adopted in 1989.

The Covenant deals with such rights as freedom of movement; equality before the law; the right to a fair trial and presumption of innocence; freedom of thought, conscience and religion; freedom of opinion and expression; peaceful assembly; freedom of association; participation in public affairs and elections; and protection of minority rights. It prohibits arbitrary deprivation of life; torture, cruel or degrading treatment or punishment; slavery and forced labour; arbitrary arrest or detention; arbitrary interference with privacy; war propaganda; discrimination; and advocacy of racial or religious hatred.

1.6Social, Economic, and cultural rights.

Economic, social, and cultural rights are the freedoms, privileges, and entitlements that individuals and communities require to live a life of dignity. These human rights include the rights to food, housing, health, education, cultural identity, and more. Although some economic, social, and cultural rights cannot be immediately implemented, States that have ratified the relevant treaties nonetheless have the obligation to guarantee these rights.

Specifically, States have an obligation to **respect**, **protect**, and **fulfil** economic, social, and cultural rights. The obligation to respect means States cannot interfere with enjoyment of the right. The obligation to protect requires the State to reasonably prevent other actors from interfering with enjoyment of the right. The obligation to fulfill mandates that the State actively take steps to create the conditions necessary for individuals' full enjoyment of the right.

UNIT II

2.1 Violation of human rights:

The violation of human rights is an act that contravenes international human rights law, which are set out in the Universal Declaration of Human Rights. Human rights violations include any act that goes against the civil, political, economic, social, or cultural rights that are guaranteed to all individuals by international human rights law. Examples of human rights violations include torture, slavery, forced labor, extrajudicial killings, arbitrary detention, discrimination, and the denial of fair trial and due process.

Human rights violations are serious breaches of international law and include any action that denies people their basic human rights and freedoms. Examples of human rights violations include:

- **Torture:** Any intentional and severe physical or psychological suffering inflicted on a person in order to obtain information or a confession, punish them for an alleged offence, intimidate or coerce them, or for any other reason based on discrimination of any kind.
- **Forced labour:** Any work or services which people are forced to do against their will, under threat of punishment, and for which they do not receive any payment.
- **Slavery:** Any situation in which people are owned or controlled by another person and treated as property, and are forced to work or provide services without any compensation.
- **Arbitrary arrest and detention**: The illegal and unjustified arrest and detention of people, usually by state authorities, without any due process or legal justification.
- **Denial of the right to a fair trial:** The denial of the right to a fair and impartial trial, including the right to legal representation.
- **Extrajudicial execution**: The killing of people by state authorities without any legal process or justification.
- **Disappearances:** The unlawful abduction or detention of people by state authorities.

2.2 Patterns of violations and abuses

Human rights violation have become very common now-a-days. The Newspapers and T.V. tell us that every day and at every moment, somewhat in the world, Human Rights are being violated. Broadly speaking "Human Right" means the right to life, liberty, equality, and the dignity of an individual irrespective of caste, creed or sex. These human rights are natural rights, required to be protected for peaceful existence of a provisions, the violation of these rights is very frequently taking place. The protection and preservation of Human Rights is a great challenge to every country in the world. Cases of violence, murder, torture, rape, child abuse, death due to starvation, death due to dowry, sexual harassment, and custodial death have become rampant in the society.

Human rights violations and abuses are acts or omissions that deny people their basic rights and freedoms. These acts or omissions are committed by governments, non-state actors, or individuals and can range from minor infractions to serious offenses. Some of the most common patterns of human rights violations and abuses include:

1. **Torture and ill-treatment:** This includes physical and psychological abuse, such as beatings, electric shocks, stress positions, threats, and humiliation.
2. **Extrajudicial killings:** The unlawful killing of individuals without due process or judicial oversight.
3. **Forced labor:** Forced labor is the use of physical force or threat of physical harm to compel someone to work against their will.
4. **Arbitrary detention:** The unlawful and indefinite detention of individuals without due process or judicial oversight.
5. **Denial of fair trial rights**: This includes the denial of the right to a fair and impartial trial, such as the right to legal representation and the right to a public hearing.
6. **Discrimination:** This includes discrimination based on race, ethnicity, gender, religion, sexual orientation, and other factors.
7. **Violations of freedom of expression:** This includes the suppression of peaceful protests, censorship of the media, and the criminalization of dissent.
8. **Violations of freedom of assembly:** This includes the use of force to disperse peaceful protests and the criminalization of the right to freely assemble.

9. **Violations of freedom of religion:** This includes the prohibition of certain religious practices, the criminal.

2.3 Action against violation of human rights as per Indian law

The Indian Constitution guarantees fundamental rights to all its citizens. Violation of these rights is a serious offence and is punishable by law. Various legal remedies are available to victims of human rights violations in India. Some of them are listed below:

1. The Indian Constitution provides for a range of fundamental and legal rights. The Supreme Court, in various decisions, has held that these rights are enforceable through legal proceedings.
2. The Protection of Human Rights Act, 1993 gives the National Human Rights Commission the power to investigate and recommend action against those responsible for the violation of human rights.
3. The Indian Penal Code provides for criminal prosecution and punishment for crimes against humanity such as murder, rape, and torture.
4. The National Commission for Women, established in 1992, deals with cases of gender-based discrimination and violence.
5. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides for criminal prosecution of those responsible for atrocities against members of these communities.
6. The Children (Pledging of Labour) Act, 1933 prohibits the pledging of any child's labour.
7. The Juvenile Justice (Care and Protection of Children) Act, 2000

UNIT III

3.1 Rights of the Disabled Persons

The Constitution of India applies uniformly to every legal citizen of India, whether they are healthy or disabled in any way (physically or mentally)Under the Constitution the disabled have been guaranteed the following fundamental rights:

- The Constitution secures to the citizens including the disabled, a right of justice, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and for the promotion of fraternity.
- Article 15(1) enjoins on the Government not to discriminate against any citizen of India (including disabled) on the ground of religion, race, caste, sex or place of birth.
- Article 15 (2) States that no citizen (including the disabled) shall be subjected to any disability, liability, restriction or condition on any of the above grounds in the matter of their access to shops, public restaurants, hotels and places of public entertainment or in the use of wells, tanks, bathing Ghats, roads and places of public resort maintained wholly or partly out of government funds or dedicated to the use of the general public. Women and children and those belonging to any socially and educationally backward classes or the Scheduled Castes & Tribes can be given the benefit of special laws or special provisions made by the State.
- There shall be equality of opportunity for all citizens (including the disabled) in matters relating to employment or appointment to any office under the State.
- No person including the disabled irrespective of his belonging can be treated as an untouchable. It would be an offence punishable in accordance with law as provided by Article 17 of the Constitution.
- Every person including the disabled has his life and liberty guaranteed under Article 21 of the Constitution.
- There can be no traffic in human beings (including the disabled), and beggar and other forms of forced labour is prohibited and the same is made punishable in accordance with law (Article 23).

- Article 24 prohibits employment of children (including the disabled) below the age of 14 years to work in any factory or mine or to be engaged in any other hazardous employment. Even a private contractor acting for the Government cannot engage children below 14 years of age in such employment.
- Article 25 guarantees to every citizen (including the disabled) the right to freedom of religion. Every disabled person (like the non-disabled) has the freedom of conscience to practice and propagate his religion subject to proper order, morality and health.
- No disabled person can be compelled to pay any taxes for the promotion and maintenance of any particular religion or religious group.
- No Disabled person will be deprived of the right to the language, script or culture which he has or to which he belongs.
- Every disabled person can move the Supreme Court of India to enforce his fundamental rights and the rights to move the Supreme Court is itself guaranteed by Article 32.
- No disabled person owning property (like the non-disabled) can be deprived of his property except by authority of law though right to property is not a fundamental right. Any unauthorized deprivation of property can be challenged by suit and for relief by way of damages.
- Every disabled person (like the non-disabled) on attainment of 18 years of age becomes eligible for inclusion of his name in the general electoral roll for the territorial constituency to which he belongs.

3.2 Declaration on the rights of disabled persons 1975

The **Declaration on the Rights of Disabled Persons** is a declaration of the General Assembly of the United Nations, made on 9 December 1975. It is the 3447th resolution made by the Assembly.

As a resolution of the Assembly, it is not binding on member nations, but it forms a framework that may be drawn on for the purposes of international and domestic law.

It consists of a lengthy preamble, and thirteen proclamations that broadly promote the rights of those with disabilities.

In 2007 the Convention on the Rights of Persons with Disabilities was adopted.

The Declaration makes thirteen distinct proclamations:

1. Definition of the term "disabled person" as "any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities".
2. Assertion that these rights apply to all disabled persons "without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family".
3. Right to respect for human dignity.
4. Right to same civil and political rights as other human beings.
5. Right to measures designed to enable self-reliance.
6. Right to medical, psychological and functional treatment as necessary.
7. Right to economic and social security, including the right to employment.
8. Right to have consideration of special needs at all stages of economic and social planning.
9. Right to live with their families or with foster parents and to participate in all social, creative or recreational activities.
10. Right to protection against exploitation, discrimination, and abuse.
11. Right to qualified legal aid.
12. Right to consult organizations of disabled persons for in matters of concern.
13. Right to be fully informed of the rights proclaimed in the Declaration.[

3.3 International year of disabled persons 1981

The International Year of Disabled Persons (IYDP) was declared by the United Nations in 1981 to promote equal opportunities and improve the quality of life of persons with disabilities throughout the world. The IYDP was designed to focus the world's attention on the needs of persons with disabilities, and to mobilize international cooperation in support of their rights, dignity and well-being. The International Year was also intended to increase public awareness of the capabilities of persons with disabilities and the importance of their active participation in society.

The IYDP was officially declared at the 26th Session of the United Nations General Assembly in 1981. The observance was designed to promote international cooperation and understanding on the issues facing people with disabilities. During the year, the United Nations held a series of events and activities to promote the rights of disabled persons. The observance was also used to create public awareness and to encourage governments to take action on issues related to disability. In conjunction with the IYDP, the United Nations also developed the World Programme of Action Concerning Disabled Persons in order to provide a framework for promoting the rights of disabled persons. This programme was designed to guide governments in their efforts to implement policies and strategies for the improvement of the lives of disabled persons.

The IYDP was designed to be a year of celebration, recognition, and action to ensure the rights of persons with disabilities. The theme of the IYDP was "Full Participation and Equality," and the year was marked by a series of events and activities around the world. In addition, the United Nations issued a series of resolutions and declarations to promote the rights of persons with disabilities and to encourage governments, organizations, and individuals to work together to create a more inclusive society. The IYDP was a groundbreaking event that raised awareness of disability issues and sparked a wave of progress around the world. It helped to create an international framework for the protection of the rights of people with disabilities and encouraged countries to adopt laws, policies, and programs to promote full and equal participation of persons with disabilities in society.

UNIT IV

4.1 BONDED LABOUR

Bonded labour - or debt bondage - is probably the least known form of slavery today, and yet it is the most widely used method of enslaving people. A person becomes a bonded labourer when their labour is demanded as a means of repayment for a loan. The person is then tricked or trapped into working for very little or no pay.

Bonded labour is prohibited in India by law vide Articles 21 and 23 of the Constitution. A specific law to prohibit the practice was legislated only in 1976 known as the Bonded Labour System (Abolition) Act. With the commencement of the Act the following consequences followed: bonded labourers stand freed and discharged from any obligation to render to bonded labour. All customs, traditions, contracts, agreements or instruments by virtue of which a person or any member of family dependent on such person is required to render bonded labour shall be void. Every obligation of bonded labourer to repay any bonded debt shall be deemed to have been extinguished. No suit or any other proceeding shall lie in any Civil Court or any other authority for recovery of any bonded debt.

Despite the statutory prohibition, bonded labour is widely practiced. The worst affected are the children and women particularly those from the Dalit community. The legal framework against bonded labour provided in the Bonded Labour System (Abolition) Act, 1976 is supported by other legislations like the Contract Labour (Regulation and Abolition) Act, 1970; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; the Minimum Wages Act, 1948.

4.2 Concepts and definitions

Bonded labour is debt bondage and is a form of slavery that has been practiced for ages. It is known as the worst form of modern slavery and is a profitable business as most of the labourers are made to work for maximum time with minimal payment. It also includes forced work by an employer for a fixed time without being paid, often as a way of repaying debt. A person becomes a bonded labourer when his/ her labour is demanded as means of repayment for a loan. Not all bonded labour is forced, but most forced labour practices, 1 whether they involve children or adults, are of a bonded nature.

The 1976 Bonded Labour (Abolition) Act defines 'bonded labour system' as the system of forced labour under which a debtor enters into an agreement with the creditor that he would render service to him either by himself or through any member of his family or any person dependent on him, for a specified or unspecified period, either without wages or for nominal wages, in consideration of loan or any other economic consideration obtained by him or any of his ascendants, or in pursuance of any social obligation, or in pursuance of any obligation devolving on him by succession.

The term 'bonded labour' has been defined by the National Commission on Labour as "labour which remains in bondage for a specific period for the debt incurred". The Commissioner for Scheduled Castes and Scheduled Tribes explained the term bonded labour in its 24th report as "persons who are forced to work for the creditors for the loan incurred either without wage or on nominal wage".

4.3 Constitutional and legal provisions

The relevant provisions laying down the punishments for these offences are as under: -

Section 9- Creditor not to accept payment against extinguished debt-

- No creditor shall accept any payment against any bonded debt which has been extinguished or deemed to have been extinguished or fully satisfied by virtue of the provisions of this Act.
- Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years and also with fine.
- The court, convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub- section, direct the person to deposit, in court, the amount accepted in contravention of the provisions of sub-section (1), within such period as may be specified in the order for being refunded to the bonded labourer.

Section 16- Compelling a person to work in bonded labour system:

Whoever, after the commencement of this Act, compels any person to render any bonded labour shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

Section 17- Advancing money in a bonded labour system:

Whoever advances, after the commencement of this Act, any bonded debt shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees.

Section 18- Punishment for enforcing and extracting bonded labour under the bonded labour system:

Whoever enforces, after the commencement of this Act, any custom, tradition, contract, agreement or other instrument, by virtue of which any person or any member of the family of such person or any dependent of such person is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

Section 19- Punishment for omission or failure to restore possession of property to bonded labourers:

Whoever, being required by this Act to restore any property to the possession of any bonded labourer, omits or fails to do so, within a period of thirty days from the commencement of this Act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day during which possession of the property was not restored to him.

Section 20- Abetment to be an offence:

Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

The Act also lays down the functions to be carried out by the District Magistrate to implement the provisions of the Act. The relevant provisions have been reproduced hereunder: -

Section 10- Authorities who may be specified for implementing the provisions of this act:

"The State Government may confer such powers and impose such duties on a District Magistrate, as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer so specified."

Section 11- Duty of district magistrate and other officers to ensure credit:

"The District Magistrate authorized by the State Government under Section 10 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

Section 12- Duty of district magistrate and officers authorised by him:

"It shall be the duty of every District Magistrate and every officer specified by him under Section 10 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate such forced labour."

4.4 Salient features of bonded labour system (abolition) Act 1976

1. Bonded labour was declared illegal in the country in 1976. Thus, today it is against the law to withhold any person for forced labour
2. Identification and rehabilitation of bonded labour
3. Formulate schemes and committees at the district level
4. Punishment up to three years, with fine for withholding any person for forced labour

5. Any property attached with the bonded debt stands freed and discharged from the date of enforcement of the Act
6. Employer cannot evict the bonded labourers from the accommodation provided

4.5 Role of the national human rights commission

The NHRC has setup a cell to monitor issues of bonded and child labour, and the action taken by public authorities on its recommendations. The Commission has been undertaking state wise reviews and conducting workshops to sensitize all stakeholders on the issues of bonded labour. The dedicated cell will monitor and follow up on a ten-point charter of activities that the NHRC is implementing:

1. A Core Group on Bonded Labour, which advices the Commission on strategies to eliminate bonded labour;
2. A national seminar on the elimination of bonded labour;
3. Workshops in every state known to be particularly affected by the problem;
4. Surprise visits by NHRC teams to bonded labour-prone areas, with the assistance of social action groups;
5. Meetings with the State/UT Governments to review the functioning of the Laws that prohibit bonded labour;
6. Developing an 'Instruction Manual' for the States, detailing a comprehensive check-list for the identification, release and rehabilitation of bonded labourers; issues of release certificates to freed bonded labourers; module for sensitizing DMs, Vigilance Committees (blocks, sub-divisions and districts), civil society functionaries and labour law enforcement machinery;
7. Designing of a simple format in which the factual position on bonded labour can be reported and monitored in districts;
8. Reviewing existing schemes of the Central and State Governments on bonded labour and suggesting modifications to make them more practical and relevant to the current situation, including a recommendation for the creation of a non-lapsable fund in each district for the rehabilitation of freed bonded labourers;
9. Year-wise details of orientation/training programmes organized by the States in their respective bonded labour-prone districts to sensitize the

field functionaries of labour law enforcement agencies and members of Vigilance Committees at sub-division and district levels;

10. Keeping track of the constitution of State-level monitoring and coordination committees and calling for and reviewing their reports every six months.

UNIT V

5.1 Minorities Rights commission & its functions

The Union Government set up the **National Commission for Minorities** (NCM) under the National Commission for Minorities Act, 1992. Six religious communities viz; Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains have been notified in Gazette of India as minority communities by the Union Government all over India . Original notification of 1993 was for five religious communities; Sikhs, Buddhists, Parsis, Christians and Muslims, later in 2014, Jains community was also added. As per Census 2001, these six communities consists of 18.8% of the country's population.

Functions:

The Commission has the following functions:

1. Evaluate the progress of the development of Minorities under the Union and States.
2. Monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures.
3. Make recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Central Government or the State Governments.
4. Look into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities.
5. Cause studies to be undertaken into problems arising out of any discrimination against Minorities and recommend measures for their removal.
6. Conduct studies, research and analysis on the issues relating to socio-economic and educational development of Minorities.
7. Suggest appropriate measures in respect of any Minority to be undertaken by the Central Government or the State Governments.

8. Make periodical or special reports to the Central Government on any matter pertaining to Minorities and in particular the difficulties confronted by them.
9. Any other matter which may be referred to it by the Central Government.

5.2 Definitions

The Ministry of Home Affairs established the National Minorities Commission of India in a resolution on January 12, 1978. It mentioned that:

"Despite the safeguards provided in the Constitution and the laws in force, there persists among the Minorities a feeling of inequality and discrimination. In order to preserve secular traditions and to promote National Integration, the Government of India attaches the highest importance to the enforcement of the safeguards provided for the Minorities in the Constitution".

The Minorities Commission was detached from the Ministry of Home Affairs in 1984, and placed under the Ministry of Welfare. Once the National Commission for Minorities Act was enacted in 1992, the Minorities Commission became a statutory body and was renamed as National Commission for Minorities.

5.3 National commission for minorities

The **National Commission for Minorities (NCM)** is a statutory body established by the Government of India under the National Commission for Minorities Act, 1992, to investigate and report on complaints of deprivation of rights and safeguards of the minorities. The NCM was set up to ensure that the interests of religious and linguistic minorities in India are protected and to advise the Central Government on all policy matters affecting them. The Commission is mandated to inquire into specific complaints relating to the deprivation of rights and safeguards of the minorities, advise and make recommendations to the Central Government on any matter pertaining to the minorities and review the progress of the development of minorities. The Commission consists of a Chairperson, five full-time members and one part-time member.

5.4 Functions of the commissions

1. To monitor the safeguards provided to the minorities in India.
2. To advise and make recommendations to the Central and State Governments on any matter concerning the minorities.
3. To inquire into specific complaints regarding the deprivation of rights and safeguards of minorities.
4. To review the measures taken by the Central Government for the welfare and protection of minorities.
5. To engage in research and studies concerning the issues related to the minorities.
6. To review laws and government policies to ensure that they are not discriminatory towards the minorities.
7. To recommend appropriate measures to ensure the adequate representation of minorities in the public services.
8. To advise the Central and State Governments on the desirability of enacting or amending any law to provide adequate safeguards for the protection of minorities.
9. To make recommendations to the Central and State Governments for the effective implementation of the safeguards provided under the Constitution and other laws.
10. To promote and protect the educational, economic, social and cultural interests of the minorities.