

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 27TH APRIL, 2012

**Bill No. VI of 2012**

THE PROTECTION OF HUMAN RIGHTS (AMENDMENT)  
BILL, 2012

A

BILL

*further to amend the Protection of Human Rights Act, 1993.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Human Rights (Amendment) Act, 2012. Short title and commencement.

5 (2) It shall come into force at once.

Act No. 10 of  
1994.

2. In section 12 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the Principal Act), after sub-clause (ii), of clause (a), the following sub-clause, shall be inserted, namely:— Amendment of section 12.

“(iii) a person or Non-Government Organization or an institute”.

Amendment of  
section. 17.

3. In section 17 of the Principal Act, for clause (i), the following clause shall be substituted, namely:—

"(i) call for information or report from the Central Government or any State Government or any other authority or organization subordinate thereto or from a person or Non-Government Organization or an institute for violation of such human rights as have arisen out of International Covenants and enforceable by courts of India, within such time as may be specified by it." 5

Amendment of  
section. 18.

4. In section 18 of the Principal Act:—

(i) for clause (I), the following clause shall be substituted, namely:—

“(I) where the inquiry discloses, the commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant, a person Non-Government Organization or an institute, it shall 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: 10 15

Provided that the Commission shall specify such action or quantum of punishment as may be prescribed for violation of human rights, action for which can not be initiated in any other law in force."

(ii) after clause (6), the following clause shall be inserted, namely:—

"(7) The Commission shall, on being satisfied that the action taken or proposed to be taken by the concerned Government or authority is not in proportion to the offence committed, forward the complaint to the Magistrate, who shall proceed to try the case in accordance with sections 200 and 201 of the Code of Criminal Procedure 1973." 20

## STATEMENT OF OBJECTS AND REASONS

The term "human right" has been defined in the Protection of Human Rights Act, 1993 as the rights relating to life, liberty equality and dignity of the individual guaranteed by the Constitution and embodied in the International Covenants and enforceable by courts in India. As such, human rights relating to the rights guaranteed by the Constitution, if violated by the state or any public authority, may be protected. Of late, many new rights have been recognized by International Covenants violation of which can not be actionable in any other law in force. In addition to this, a person, Non Governmental Organisation (NGO) or a private institute as per the Act can not be held liable for violation of human rights even if they may have violated human rights recognized by the International covenants in other words. The Act provides for action for violation of human rights by public authority and not against a private entity.

2. It has been observed that the powers of the National Human Rights Commission have been reduced to act merely as an agency to initiate an enquiry into cases of violation of human rights and to publish action taken report submitted to it by the Government. It has only recommendatory powers, whereas, taking into account the expertise, experience and specilization in handling cases of violation of human rights, the Commission should have been given powers to specify penal actions at least for cases which are not covered by any relevant statute.

3. In view of the above, the bill proposes to amend the Protection of Human Rights Act, 1993.

4. Hence this Bill.

E.M. SUDARSANA NATCHIAPPAN

ANNEXURE

EXTRACT FROM THE PROTECTION OF HUMAN RIGHTS ACT, 1993

\* \* \* \* \*

Inquiry into complaints. **17.** The Commission while inquiring into the complaints of violations of human rights may—

(i) call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it:

\* \* \* \* \*

Steps after inquiry. **18.** The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely:—

(1) where the inquiry discloses; the commission of violation of human rights 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;'

\* \* \* \* \*

RAJYA SABHA

---

A

**BILL**

further to amend the Protection of Human Rights Act, 1993.

---

*(Dr. E.M. Sudarsana Natchiappan, M.P.)*