

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 2877**

**TO BE ANSWERED ON THE 13<sup>TH</sup> MARCH, 2018/ PHALGUNA 22, 1939 (SAKA)**

**VIOLATION OF HUMAN RIGHTS**

**2877. SHRI ASADUDDIN OWAISI:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether National Human Rights Commission (NHRC) examines the cases of violation of human rights in the country;**
- (b) if so, whether it is a fact that NHRC recommendations are not binding on the concerned authorities and if so, the details thereof;**
- (c) whether NHRC has no backing for Protection of Human Rights Act;**
- (d) if so, the rationale behind setting up this body;**
- (e) whether the Government proposes to give some powers to NHRC to enforce its recommendations or orders;**
- (f) if so, the details thereof and if not, the reasons therefor; and**
- (g) the steps taken or being taken by the Government to give some more powers to NHRC?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI HANSRAJ GANGARAM AHIR)**

**(a) to (f): Government of India set up the National Human Rights Commission (NHRC) under Section 3(1) of the Protection of Human Rights (PHR) Act, 1993 for better protection and promotion of human rights. The Commission in exercise of the powers conferred upon it under Section 12 to 19 of the Protection of Human Rights (PHR) Act, 1993 inquires/ investigates and make recommendations in the cases of violation of human rights in the country.**

**Under the Section 12(a) of the Act, NHRC inquire, suo-motu 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 thereof or; (ii) negligence in the prevention of such violation, by a public servant. In cases, where the allegations are prima facie substantiated, and the concerned authorities have not taken appropriate action in the matter, the Commission makes recommendations as deemed appropriate in the light of the facts and the circumstances of each case. The recommendations broadly include appropriate action to protect human rights, grant of monetary relief to the victims of human rights, or the next of the kin of the deceased victim, and /or departmental/ disciplinary action of prosecution against the guilty public servant under Section 18 (a) of the Act.**

**Under Section 18(b) of PHR Act, the Commission has power to approach the Supreme Court or the High Court concerned for such direction/ orders or writs as the Court may deem necessary. Further Section 20(2) of the Act, stipulates that the Central Government and the State Government, as the case may be, shall cause the annual report and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.**

**Under Section 12(d) of the PHR, Act, it has been mentioned that the Commission review the safeguards provided 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.**

**(g): Keeping in view the changes in the social realities and emerging dimensions in the nature of crime and violence, Government of India time to time reviews the existing laws, procedures and system of administration including powers of the Commission.**

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