

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3229**

TO BE ANSWERED ON THE 07TH AUGUST, 2018/ SHRAVANA 16, 1940 (SAKA)

NATIONAL HUMAN RIGHTS COMMISSION

**3229. SHRI RAMDAS C. TADAS:
SHRI CHANDRA PRAKASH JOSHI:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has any mechanism to nominate members in National Human Rights Commission (NHRC) at National and State level;

(b) if so, the details thereof, State-wise;

(c) if not, the reasons therefor; and

(d) the details of the current composition of NHRC at National and State level?

ANSWER

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

(a) to (c): As per Section 4(1) of the Protection of Human Rights Act, 1993, the Members of the National Human Rights Commission (NHRC) are appointed by the President of India by warrant under his hand and seal, after obtaining the recommendations of a Committee consisting of the Prime Minister - Chairperson, Speaker of the House of the People - Member, Minister in-charge of the Ministry of Home Affairs in the Government of India - Member, Leader of the Opposition in the House of the People - Member, Leader of the Opposition in the Council of States - Member and Deputy Chairman of the Council of States - Member.

As per Section 22(1) of the PHR Act, 1993, the Members of the State Commission are appointed by the Governor by warrant under his hand and seal, after obtaining the recommendation of a Committee consisting of the Chief Minister - Chairperson, Speaker of the Legislative Assembly - Member, Minister in-charge of the Department of Home, in that State - Member, Leader of the Opposition in the Legislative Assembly - Member, provided further that where there is a Legislative Council in a State, the Chairman of that Council and the Leader of the Opposition in that Council shall also be members of the Committee.

(d): Section 3(2) of the Protection of Human Rights Act (PHRA), 1993 states that the NHRC shall consist of: -

- (i) a Chairperson who has been a Chief Justice of the Supreme Court;**
- (ii) one Member who is or has been, a Judge of the Supreme Court;**
- (iii) one Member who is, or has been, the Chief Justice of a High Court;**
- (iv) two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights;**

As per Section 21(2) of the PHR Act, 1993, the State Commission shall consist of: -

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- (i) a Chairperson who has been a Chief Justice of a High Court;**
- (ii) one Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years experience as District Judge;**
- (iii) one Member to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.**
