

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

RAJYA SABHA

QUESTION NO 25.11.2009

ANSWERED ON

STRENGTHENING THE MECHANISM FOR PROTECTION OF HUMAN RIGHTS

83

Shri Mohammed Adeb

Will the Minister of COAL AND MINES be pleased to state :-

- (a) whether it is a fact that there is a need to strengthen the mechanism for protection of human rights;
- (b) if so, the details in this regard; and
- (c) the action being taken in the matter?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI AJAY MAKEN)

(a) to (c):A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (c) OF RAJYA SABHA STARRED QUESTION NO.83 FOR 25.11.2009 REGARDING “STRENGTHENING THE MECHANISM FOR PROTECTION OF HUMAN RIGHTS”

(a) to (c):The principles of human rights are an integral part of the Constitution of India which guarantees basic human rights and fundamental freedoms to all citizens, irrespective of religion, race, caste, sex, place of birth or any of them. The Government of India has enacted the Protection of Human Rights, 1993 which lays down the mechanism for protection of Human Rights. The National Human Rights Commission (NHRC) has been set up under Section 3(1) of the said Act for protection of Human Rights. Further, as per Section 21 of PHR Act, 1993, the State Governments may set up State Human Rights Commissions. The NHRC has been vested with following powers and functions in order to discharge its mandate of protection of Human Rights.

NHRC enquires into complaints under the said Act. The Commission has got full powers of a Civil Court trying a suit under the Code of Civil Procedure 1908.

The enquiry proceedings before the Commission are deemed to be judicial procedure. The Commission may transfer any complaint filed or pending before it to the State Commission of the State from which the complaint arises and the State Commission shall dispose of the complaint as if it were a complaint initially filed before it.

Similarly, for the purpose of investigation, the Commission may summon and enforce the attendance of any person and examine him, require the production of any document and requisition any public record from any office.

NHRC can perform any or all of the following functions:

- i)To enquire into any complaint of violation of Human Rights.
- ii)To intervene in any proceeding including any allegation of violation of Human Rights pending before a Court.
- iii)To visit jails and other such institutions and make suitable recommendations to the Government.
- iv)To review the safeguards provided by the Constitution / any law for protection of Human Rights.
- v)To study international conventions/covenants and make suitable recommendations.
- vi)To undertake and promote research / literacy / awareness in the field of Human Rights.
- vii)To encourage the efforts of Non-Governmental Organisations and institutions working in the field of Human Rights.

The State Human Rights Commissions have been vested with similar power / functions as NHRC within the justification of their respective States.

The Government of India and the NHRC have been actively pursuing with the State Governments for setting up of SHRCs and Human Rights Courts.

Due to persistent efforts of Government of India and NHRC, 18 States have set up the State Human Rights Commissions and 10 States have set up Human Rights Courts at district level for protection of human rights.

In view of the facts pointed above, the existing mechanism for the protection of human rights is adequate and it can be strengthened further by State Governments by implementing the provisions of the PHR Act, 1993 effectively and efficiently, as “Police” and “Public Order” are State subjects under the Constitution of India.