

Bill Summary

The Protection of Human Rights (Amendment) Bill, 2018

- The Protection of Human Rights (Amendment) Bill, 2018 was introduced in Lok Sabha by the Minister of State for Home Affairs, Mr. Hansraj Ahir, on August 9, 2018. The Bill amends the Protection of Human Rights Act, 1993. The Act provides for a National Human Rights Commission (NHRC), State Human Rights Commissions (SHRC), as well as Human Rights Courts.
- **Composition of NHRC:** Under the Act, the chairperson of the NHRC is a person who has been a Chief Justice of the Supreme Court. The Bill amends this to provide that a person who has been Chief Justice of India, or a Judge of the Supreme Court will be the chairperson of the NHRC.
- The Act provides for two persons having knowledge of human rights to be appointed as members of the NHRC. The Bill amends this to allow three members to be appointed, of which at least one will be a woman. Under the Act, chairpersons of various commissions such as the National Commission for Scheduled Castes, National Commission for Scheduled Tribes, and National Commission for Women are members of the NHRC. The Bill provides for including the chairpersons of the National Commission for Backward Classes, the National Commission for the Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities as members of the NHRC.
- **Chairperson of SHRC:** Under the Act, the chairperson of a SHRC is a person who has been a Chief Justice of a High Court. The Bill amends this to provide that a person who has been Chief Justice or Judge of a High Court will be chairperson of a SHRC.
- **Term of office:** The Act states that the chairperson and members of the NHRC and SHRC will hold office for five years or till the age of seventy years, whichever is earlier. The Bill reduces the term of office to three years or till the age of seventy years, whichever is earlier. The Bill also allows for the reappointment of chairpersons of the NHRC and SHRCs.
- **Powers of Secretary-General:** The Act provides for a Secretary-General of the NHRC and a Secretary of a SHRC, who exercise powers as may be delegated to them. The Bill amends this and allows the Secretary-General and Secretary to exercise all administrative and financial powers (except judicial functions), subject to the respective chairperson's control.
- **Union Territories:** The Bill provides that the central government may confer on a SHRC human rights functions being discharged by Union Territories. Functions relating to human rights in the case of Delhi will be dealt with by the NHRC.

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