



# **HUMAN RIGHTS: FAIR AND IMPARTIAL INVESTIGATION**

# HUMAN RIGHTS ACT, 1993

## ○ 17. INQUIRY INTO COMPLAINTS

The Commission while inquiring into the complaints of violations of human rights may—

- (i) call for the 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: Provided that—(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own;
- (b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;
- (ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.

if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.



## ○ 18. STEPS DURING AND AFTER INQUIRY.—

The Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:—

- “(a) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority—(i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;
- (ii) to initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons;
- (iii) to take such further action as it may think fit.”;
- (b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;



- (c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (d) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;
- (e) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;
- (f) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority,



- 19. PROCEDURE WITH RESPECT TO ARMED FORCES.—
- (1) Notwithstanding anything contained in this Act, while dealing with complaints of violation of human rights by members of the armed forces, the Commission shall adopt the following procedure, namely:—(a) it may, either on its own motion or on receipt of a petition, seek a report from the Central Government;
- (b) after the receipt of the report, it may either not proceed with the complaint or, as the case may be, make its recommendations to that Government.
- (2) The Central Government shall inform the Commission of the action taken on the recommendations within three months or such further time as the Commission may allow.
- (3) The Commission shall publish its report together with its recommendations made to the Central Government and the action taken by that Government on such recommendations.
- (4) The Commission shall provide a copy of the report published under sub-section (3) to the petitioner or his representative.

