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The Role of National Human Rights Commission (NHRC) in India's Human Rights Landscape

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ABSTRACT

On October 12, 1993, India's National Human Rights Commission (NHRC) was founded. The Protection of Human Rights Act (PHRA), 1993, as revised by the Protection of Human Rights (Amendment) Act, 2006, is the act that established it. The General Assembly of the United Nations, through its Regulations 48/134 of December 20, 1993, has endorsed it. It is in line with the Paris Principles also. National Human Rights Commission's major goal is to promote human rights. Human rights are defined as the rights to life, liberty, equality, and dignity of the person as guaranteed by the Constitution or as incorporated in international covenants and enforceable by Indian courts under Section 2(1)(d) of the PHRA (Protection of Human Rights Act). But how is this goal achieved practically? How does NHRC protect human rights on daily basis? Is there a need of reform? The questions raised above shall be answered by the end of the research paper. The methodology followed shall be doctrinal and any limitations would be subject to time or geographical constraints.

KEYWORDS

NHRC, General Assembly, conventions, liberty, dignity, equality, life

INTRODUCTION

The National Human Rights Commission (NHRC) of India stands as a beacon of hope and a crucial institution in the country's human rights framework. Established on October 12, 1993, under the Protection of Human Rights Act, 1993, the NHRC aims to protect and promote human rights, defined as rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in international covenants. The NHRC's role in India's human rights landscape is multifaceted, involving the investigation of human rights violations,

promotion of human rights awareness, and advising the government on policy matters.

One of the primary functions of the NHRC is to investigate complaints of human rights violations. The commission has the power to inquire suo-motu, or on a petition presented to it by a victim or any person on their behalf, into complaints of violation of human rights or abetment thereof, or negligence in the prevention of such violation, by a public servant. This investigative role is critical in holding state and non-state actors accountable and ensuring justice for victims of human rights abuses. The NHRC has the authority to recommend to the government or authority the initiation of proceedings for prosecution or other suitable action, as well as interim relief to victims.

Beyond its investigative mandate, the NHRC plays a significant role in promoting human rights awareness and education. It conducts research and organizes seminars, workshops, and training programs to disseminate knowledge about human rights and build a culture of respect for human dignity. The commission also engages in collaborative efforts with non-governmental organizations, academic institutions, and other stakeholders to foster a deeper understanding and commitment to human rights among various sections of society. This educational role is vital in creating an informed citizenry that can advocate for and defend human rights.

The NHRC also functions as an advisory body to the government. It reviews and scrutinizes existing laws and suggests amendments or new legislation to ensure they are in line with human rights standards. The commission's recommendations have often led to significant policy changes and legislative reforms aimed at strengthening the protection and promotion of human rights in India. For instance, the NHRC's inputs have been instrumental in shaping policies related to custodial deaths, child labor, bonded labor, and the rights of marginalized communities.

Despite its pivotal role, the NHRC faces several challenges that impede its effectiveness. Issues such as inadequate financial resources, limited powers of enforcement, and bureaucratic hurdles often hamper its ability to function optimally. Moreover, the commission's recommendations are not binding on the government, which can lead to delays or non-implementation of crucial measures. However, despite these challenges, the NHRC has made significant strides in addressing human rights concerns and continues to be a critical watchdog in India's human rights landscape.

The NHRC plays a vital role in the country's human rights ecosystem. Through its investigative, educational, and advisory functions, the NHRC works tirelessly to protect and promote human rights, ensuring accountability, raising awareness, and influencing policy. While challenges remain, the commission's efforts are indispensable in advancing the cause of human rights in India, making it a cornerstone institution in the nation's ongoing journey towards justice, equality, and human dignity.

NHRC COMPLAINT MECHANISM

The NHRC Complaint Mechanism is a way to enforce human rights available to all the citizens by filing a complaint online. It lists the following guidelines:

- Choose the State of the Incident.
- Where would you like to file your grievance?
- Use your One Time Password to confirm your cellphone number.
- After verification is completed, complete all required fields on the next screen.
In order to complete your complaint, click preview. Upload the document if necessary.

- Choose whether or not you want the names of the complainant and victim to appear on the website.
- Once your application is accepted, you will be assigned a Special Diary Number.¹

One can after following the above procedures track their application using their diary number. This mechanism makes it easy for the citizens to file a complaint in a well setup and safe manner.

NHRC: REPORTS AND RECOMMENDATIONS

National Human Rights Commission (NHRC) prepares various reports either on the basis of the data received or in accordance to the Supreme Court's orders. For example, the report for advisory on identification, release and rehabilitating the bonded laborers during Covid 19 Pandemic which was made by the National Human Rights Commission pursuant to an order issued by the Supreme Court for a writ petition in 2020. One can access all the reports on the website by choosing the category, title or date of the report.² If the Commission's rulings are made legally binding, the government can improve the effectiveness of the NHRC. The NHRC must assemble a self-sufficient team of employees with the necessary training and background. In order to force authorities to follow its recommendations, it may also be granted contempt powers. In order to secure the ideal conditions for the protection of human rights, the National Human Rights Commission may thus be extremely influential in the formulation and introduction of new policies.

CHALLENGES

The Indian public and government officials have reacted negatively to the NHRC, calling it the "toothless tiger" and "India's teasing illusion." A

¹ Lodge Complaint / Track Status Online | NHRC, <https://nhrc.nic.in/lodge-complaint-track-status> (last visited June 20, 2024).

² Reports / Recommendations | NHRC, <https://nhrc.nic.in/activities/reports-and-recommendations> (last visited June 21, 2024).

number of events have given rise to debates over the makeup and membership of the Commission, which has an impact on how the NHRC operates. When a journalist named Shivani Bhatnagar was killed in 1999, it caused a scandal because IPS officer Ravi Sharma was accused of carrying out the crime. The NHRC received a report on this matter involving a high-ranking official, but it was denied for unclear reasons.

When the then-Chief Justice of India, the Chairman of the NHRC, was accused in 2011 of possessing assets out of proportion to his salary, another uproar was caused. Numerous eminent jurists and justices from the Apex and other high courts questioned and begged K.G. Balakrishnan J. to step down. In addition, his son was forced to leave his political party due to the overwhelming criticism.³

SUGGESTIONS

- The government ought to make its judgements enforceable. If the government makes the choices made by commissions enforceable, then their effectiveness will be significantly increased.
- NHRCs should have human rights advocates, representatives of civil society, and other individuals in place of former officials.
- Human rights breaches are frequently caused by the law enforcement authorities' abuse of their authority. Therefore, laws that violate human rights should be changed or repealed, and their weaknesses should be eliminated.
- Rather than continuing the current practice, the NHRC should hire its own independent investigative staff.⁴

³ Ruhi Kanakia, *The Purpose of the National Human Rights Commission*, iPleaders (Nov. 28, 2020), <https://blog.iplayers.in/purpose-national-human-rights-commission/> (last visited June 21, 2024).

⁴ Ibid.

- The National Human Rights Commission should focus on division of subjects and forming separate teams as per those subjects, so that more issues can be resolved by the commission in practice.

CONCLUSION

A commission like the NHRC is indispensable in a democracy, serving as a watchdog to safeguard citizens' rights and ensuring that the government and other powerful entities are held accountable for any violations. In a democratic setup, where the rule of law, equality, and protection of individual freedoms are paramount, institutions like the NHRC play a crucial role in maintaining these principles. They act as a bridge between the state's authority and the people's rights, ensuring that the government does not overstep its bounds and that citizens have a recourse for grievances related to human rights abuses.

India, as the world's largest democracy, faces a unique set of challenges due to its vast and diverse population. The sheer scale and complexity of governance in India necessitate robust mechanisms to protect human rights and address violations. The NHRC, with its mandate to investigate, educate, and advise, is pivotal in this context. However, for the NHRC to function effectively, it is essential to build its capacity and enhance its reach. This involves not only providing the commission with adequate resources and powers but also ensuring that its processes are transparent, accessible, and widely known to the public.

Raising awareness about the NHRC's complaint mechanisms is crucial for its effectiveness. Many citizens, particularly those in remote or marginalized communities, may be unaware of their rights or the avenues available to them for seeking redressal. Educating the public about how to file complaints with the NHRC, what kinds of issues can be addressed, and the potential outcomes of such complaints can empower individuals to seek justice. This can be achieved through targeted outreach programs,

collaboration with civil society organizations, and the use of various media platforms to disseminate information.

Moreover, the NHRC's reports and data are valuable resources that can inform policy decisions and public discourse. The commission's findings often highlight systemic issues and patterns of abuse that need to be addressed. By making this data widely available and promoting its use in academic research, policy formulation, and advocacy, the impact of the NHRC can be significantly amplified. Policymakers, researchers, and activists can utilize this data to push for reforms, develop targeted interventions, and hold authorities accountable.

To build the NHRC more effectively, several measures can be taken:

1. Providing the NHRC with sufficient financial and human resources to carry out its mandate efficiently.
2. Ensuring the commission has the authority to enforce its recommendations and take decisive action against violators.
3. Training and equipping NHRC staff with the necessary skills and tools to handle a wide range of human rights issues.
4. Conducting widespread awareness campaigns to educate citizens about their rights and the NHRC's role.
5. Partnering with NGOs, academic institutions, and other organizations to enhance the reach and effectiveness of the NHRC's activities.

By focusing on these areas, India can ensure that the NHRC not only serves as a reactive body addressing individual complaints but also as a proactive institution driving systemic change and promoting a culture of human rights. In doing so, India can reinforce its commitment to democratic values and the protection of human dignity for all its citizens.