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GUARDIANS OF DIGNITY: CHALLENGES AND REFORMS IN THE FUNCTIONING OF INDIA'S NATIONAL HUMAN RIGHTS COMMISSION

~ *Noholie Bonnerjee*

Introduction

In an era where war is now a medium of negotiation, human rights violations have become not just a crime but a way of living in cruelty and moral disruption. From war conflicts in Palestine and Ukraine to communal conflicts, the world now demands protection to safeguard itself from violence rather than participating in it. With the United Nations as a silent spectator, it becomes difficult to digest such circumstances when human rights are in grave danger. This raises a question on the foundation and vision of the bodies, such as the United Nations Human Security Councils and the National Human Rights Commissions (NHRCs) set up in every nation, which were built for these purposes. The recent Pahalgam terrorist attack and other terrorist attacks on Indian soil, and the increase in human rights violations through different forms of discrimination, also raise a question. Therefore, it becomes necessary to revisit the basic foundations of the NHRCs and understand their functions and challenges. Through this blog article, I would also like to show the relevance of NHRCs in India and the reforms that can be brought for improving the organization as a whole.

About the Commission: Origin and Foundation

The National Human Rights Commission of India was established on 12th October 1993 as an act of Parliament under the Protection of Human Rights Act (1993) (About 1993). To protect and promote human rights, the commission is responsible for investigating the complaints of human rights violations or negligence in preventing such violations by civil servants (Vision 1993). It also studies treaties and international frameworks, such as the United Nations Human Rights Council, Global Alliance of National Human Rights Institutions (GANHRI), Universal

Declaration of Human Rights (UDHR), and International Conventions on Civil and Political Rights, along with Economic, Social, and Cultural Rights. In alignment with the Paris Principles and the Asia Pacific Forum, it operates as a statutory body, cooperating at regional, national, and international levels, with its headquarters in New Delhi.

The chairperson of this commission is the former Chief Justice of India. Considered as a unique institution, it commits itself to promoting human rights awareness among the common masses and encourages stakeholders to engage in human rights literacy both at the national and international levels. By hosting delegations from not only UN Bodies and other NHRCs, along with civil society, lawyers, NGOs, and other social activists, the Indian NHRCs have proved their relevance time to time again. However, a lack is observed in their functionaries as well.

Key Features of the Institution

The features that make the NHRC a guardian of human rights in India are as follows:

- **Inquiry and Investigation:** It investigates human rights violations and negligence by public servants, either on its initiative or through petitions. It intervenes in court proceedings and undertakes visits to jails and other government institutions for monitoring purposes (Mandate 1993).
- **Promotion and Awareness:** It promotes human rights literacy through awareness programs, seminars, and other outreach initiatives, with the support of NGOs and social institutions. By studying the international treaties and following the framework, it ensures an alignment with the global standards and negotiates for peace, not only at the national level but at an international level as well (Mandate 1993).
- **Policy Recommendations through Research and Analysis:** It promotes literacy by initiating research to identify the gaps and recognize the violations at a grassroots level. Not only does it review the provisions, but it also recommends policy measures for an effective implementation. It may also charge guilty public servants through prosecution or compensation by following the judgments of the Supreme Court (Mandate 1993).
- **Miscellaneous Functions:** Besides these, it also submits various reports to the central and state governments to keep an account, along with monitoring mental hospitals and protection homes (Mandate 1993).

- **Focus on Vulnerable Groups:** It also addresses the concerns of vulnerable communities such as women, children, LGBTQ+, SCs/STs, and disabled groups, along with labour rights (National 2024).

Are NHRCs Successful in Maintaining Human Rights in India?

The NHRC, as an organization, plays a crucial role in exposing the human rights abuses in India through policy research and public awareness. Though it investigates cases associated with custodial deaths, fake encounters, child labour, violence against minority groups, and internal displacement issues, a gap remains. With the 2019 Amendment of the Protection of Human Rights Act, many social groups, such as the LGBTQ+, received recognition. However, recognition cannot be the only form of justice, as it does not prevent violations. Though the institution recommends strategies for improvement, it cannot enforce them, leading to resource constraints and delayed reforms. These, therefore, raise questions about their statutory power and effectiveness as a system (NHRC 2025).

Limitations of NHRCs

The following are the limitations that constrain NHRC from being a catalyst in India:

- **Non-Binding Recommendations:** The institution can only recommend but not enforce its decisions, as it has no authority to penalize violators or provide relief to victims.
- **Limited Jurisdiction and Investigative Authority:** It completely relies on government agencies for the execution of policies, leading to a biased investigation. It also cannot address “*private parties*” or “*armed forces*” directly, limiting its jurisdictional authority as well.
- **Resource Constraints and High Workload:** With limited resources, accessibility becomes an issue. Insufficient staffing and funding issues, along with political interventions, delay the delivery system, leading to more workload.
- **Global Criticisms:** Though aligned with international frameworks, such as the Global Alliance of National Human Rights Institutions (GANHRI), its credentials are criticized due to insufficient performance and inability to meet the global standards.

Policy Recommendations

To be a catalyst in a country like India, the NHRCs need to bring internal reforms. The following are policy recommendations, guaranteeing the same. These are:

- **Enforcement as a Tool:** The legal provisions should allow NHRC to enforce its powers and directly come into action to penalize the human rights violators. This decreases the dependency on both the executive and the judiciary for the implementation of such decisions.
- **Enhancing Resources:** Sources of resources, such as funds and staff, should be increased by providing modern infrastructure and digitized redressal and grievance mechanisms, for accessibility and transparency.
- **Expansion of Investigation and Jurisdiction:** An autonomous investigative wing should be established, free from political interventions and other external forces. The Judiciary should also amend the law regarding the private parties and armed forces for a transparent investigation process.
- **Improving Representation:** The Commission should also include members from vulnerable groups, such as women and minorities. This creates a space for inclusivity and allows different ideas to be integrated in the policy-making process.
- **Boosting Public Awareness:** Outreach campaigns through digital marketing and educational programs should be conducted to enhance human rights literacy. These should be promoted at the grassroots level with the help of public servants through a simplified yet practical language for the understanding of the common masses.
- **International Reputations:** By addressing the gaps pointed out by GANHRI and the Paris Principles, the institution should improve its international reputation. This will lead to an increase in cooperation among global leaders and associations for human rights advocacy.

Conclusion

NHRC, empowered with enforcement, resources, inclusivity, and global engagement, can ensure an effective protection of human rights in India. By identifying the gaps and amending the legal provisions, these institutions can overcome the current constraints and ensure justice, accountability, and advocacy for all vulnerable communities, therefore making them the capable “*guardians of dignity and human rights*” in India.

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