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## ***WHAT IS THE ROLE OF NATIONAL HUMAN RIGHTS COMMISSION (NHRC) OF INDIA?***

***-NISHTHA CHAUHAN***

### ***1.INTRODUCTION: ESTABLISHMENT AND MEANING***

The commission was established on 12 October 1993 under a specific legislation called the *Protection of Human Rights Act 1993* enacted by the parliament. Further it was amended by the *Protection of Human Rights (Amendment) Act, 2019*.<sup>1 2 3</sup>

The NHRC is an epitome of India's concern for the promotion and protection of human rights. It aims to protect and promote human rights guaranteed by the constitution of embodied in international covenants. National human Rights Commission in India owns a very wide mandate which include socio – economic , civil and political rights, and cultural - group rights etc.<sup>4</sup> In accommodation with Section 3 of the *Protection of Human Rights Act , 1993*<sup>5</sup>, the composition of the commission is defined as follows :

- a. A chairperson who has been a Chief Justice of India or a Judge of the Supreme Court;
- b. One member who is , or has been, a Judge of the Supreme Court;
- c. One member who is, or has been, the Chief Justice of a High Court;
- d. Three members (out of which at least one shall be a woman) to be appointed from the amongst persons having knowledge of, or practical experience in, matters relating to Human Rights.<sup>6</sup>

<sup>1</sup> Kashish Khanna *The Role of National Human Rights Commission (NHRC) in India's Human Rights Landscape*, 3 *IJHRLR* 70-77 (2024)

<sup>2</sup> [www.cbseacademic.nic.in](http://www.cbseacademic.nic.in) *Legal Studies Class XII CBSE publication unit 5 Concept of Human Rights Chapter 5 (B) : Human Rights Violations - Complaint Mechanism (Quasi-Judicial Bodies)*

<sup>3</sup> National Human Rights Commission India, *About the Organisation*, NHRC <https://nhrc.nic.in/about-the-organisation>

<sup>4</sup> National Human Rights Commission, India, *Asia Pacific Forum of National Human Rights Institutions (APF)*, <https://cfnhri.org/members/asia/india/>

<sup>5</sup> The Protection of Human Rights Act, No. 10 of 1994, § 3, India Code (1993)

<sup>6</sup> *National Human Rights Commission India*, *Composition of the Commission*, NHRC [https://nhrc.nic.in/about-us/composition\\_of\\_commission](https://nhrc.nic.in/about-us/composition_of_commission)

## ***2.ROLE OF NATIONAL HUMAN RIGHTS COMMISSION***

It holds a mandate to protect and promote human rights in India; it does so by performing its roles and distinguished functions. The role of NHRC is distinguished from that of its functions. the roles can be defined as investigative, promotional, review and advisory.

### ***I. INQUIRY AND INVESTIGATIVE ROLE***

In its inquiry and investigative role, the NHRC investigates human rights violation and negligence in preventing such violations by public servants, either on its own initiative or upon a petition, *Suo motu* or on a petition and can seek judicial intervention.<sup>7</sup>

It is allowed to intervene in court proceedings that inculcate human rights violations, with approval of the court. It also undertakes visits to jails and other institutions under government control to monitor conditions.

### ***II. PROMOTIONAL ROLE***

The NHRC India is considered the main role model in promoting and monitoring effective implementation of promotion and protection of human rights.<sup>8</sup> It promotes human rights awareness through educational programs, seminars, and other major outreach initiatives. It encourages NGOs and institutions working in human rights to promote awareness. It studies international human rights treaties and recommends their effective implementation<sup>9</sup>.The NHRC, India plays an active role in coordinating with other NHRIs of the world to enhance awareness from the perspective of human rights. It has also hosted several delegations from United Nations Bodies and other National Human Rights Commissions including the members of civil society, lawyers and political and social activists from various countries<sup>10</sup>.

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<sup>7</sup> The Protection of Human Rights Act, 1993, § 12(a)–(c).

<sup>8</sup> National Human Rights Commission India, *Vision & Mission, NHRC*, <https://nhrc.nic.in/vision-%26-mission>

<sup>9</sup> National Human Rights Commission India, *Mandate, NHRC*, <https://nhrc.nic.in/mandate>

<sup>10</sup> National Human Rights Commission India, *Mandate, NHRC*, <https://nhrc.nic.in/mandate>

### ***III. REVIEW AND ADVISORY ROLE***

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 for their effective implementation. It can recommend compensation or prosecution against guilty public servants and may approach the Supreme Court or High Court for directions. The same recommendations have often led to significant policy changes and legislative reforms aimed at strengthening the protection and promotion of human rights in India.<sup>11</sup> Important interventions include guidelines on torture in custody, directing state SHRCs for fact-finding and relief (Section 12(a)), and *Suo Motu* cognizance of the ethnic violence in Manipur in 2023. In 2023–2024, 71.8% of recommendations were followed.<sup>12</sup>

### ***IV. EDUCATIONAL ROLE***

The NHRC undertakes and promotes research in the field of human rights. It administers several programs to disperse knowledge about human rights awareness and culture. This educational role is vital in creating an informed citizenry that can advocate for and defend human rights.

### ***Others***

### ***V. REACTIVE ROLE***

NHRC also operates as a distinctive reactive body by responding to individual and systemic human rights violation complaints through its robust complaint addressal mechanism under section 12 (a)-(b) of the Protection of Human Rights Act, 1993.

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<sup>11</sup> Kashish Khanna, *The Role of National Human Rights Commission (NHRC) in India's Human Rights Landscape*, 3 *IJHRLR* 70-77 (2024)

<sup>12</sup> National Human Rights Commission, *Annual Report 2023-24*, Ch. 5

## ***CONCLUSION***

In conclusion, the National Human Rights Commission (NHRC) strategically groups its statutory roles under Section 12 of the Protection of Human Rights Act, 1993—such as inquiries, interventions, awareness campaigns, and treaty analysis—to carry out its broad responsibilities as a quasi-judicial watchdog (investigative oversight), societal catalyst (promotional and educational outreach), policy influencer (review and advisory guidance), and custodial monitor (inspection and reconciliatory mediation).<sup>13 14</sup> NHRC's transformative human rights mandate remains crucial in empowering enforcement and providing resources, even in the face of obstacles like recommendatory limits, vacancies, and military exclusions (Section 19)<sup>15</sup>.

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<sup>13</sup> *Protection of Human Rights Act*, No. 10 of 1993, § 12 (India); *Journal of the NHRC*, vol. 22, no. 1 (2023); Sandeep Kumar, *Protection and Promotion of Human Rights in India*, 6 *PARIPEX Indian J. Res.* 865 (2017)

<sup>14</sup> Kashish Khanna, *The Role of National Human Rights Commission (NHRC) in India's Human Rights Landscape*, 3 *IJHRLR* 70-77 (2024)

<sup>15</sup> NHRC, *Annual Report* (2023-24)