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ROLE OF NATIONAL HUMAN RIGHTS COMMISSION

- Adv. Dnyaneshwari Bhise

BACKGROUND

The need on international level to safeguard Human Rights (HRs) emerged in 1991. The United Nations (UN) adopted the ‘Paris Principles’ in 1991 and mandated to establish the National Human Rights Institutions (NHRIs) for each and every nation who are member nations. Hence, The National Human Rights Commission (NHRC) of India came into existence on 12th October 1993. The Parliament passed a legislation named Protection of Human Rights Act, 1993 and Amended it in 2019. The said Act is known as Protection of Human Rights (Amendment) Act, 2019¹. The primary aim was to compliance with International Norms, addressing allegations of abuse, protect marginalized communities and bridging the Judicial Gap. The UN mandate the member states to establish independent national institutions to protect and promote HRs. . The growing brutality of the police, custodial deaths and excesses by armed forces on national and international level triggered the necessity of NHRIs. The need of autonomous body emerged to protect HRs of systematic inequalities, discrimination, and denial of social, economic and cultural rights. There were complex procedures and backlogs on national level. To tackle this NHRC was established. The function of NHRC was to provide swifter, accessible mechanism to investigate, recommend relief to victims and hold negligent authorities accountable.

Though the Paris Principle followed by India the position of India downgraded from A status to B status nation. The reason behind this is structural and operational shortcomings. Other reasons stated by UN- affiliated body are lack of institutional independence, opaque appointment processes, political interference and poor cooperation with civil society groups.

¹Nishitha Chauhan, What is the role of National Human Rights Commission (NHRC) of India? IJRLM (2026)

Due to this shift the voting rights and speaking privileges at the UN HRs Council are forfeited.²

To protect the Fundamental Rights (part III of the Indian Constitution) and Directive Principles of State Policy (part IV of the Indian Constitution), the NHRC played a vital role. Part III talks about civil and political rights whereas part IV talks about economic, social and cultural rights.³

HUMAN RIGHTS DEFINED

Well, so many authors defined the above term. But here we are discussing only UNs and The Protection of Human Rights Act, 1993 definition to clarify the term.

1. United Nation :

“HRs are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. HRs include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.”⁴

2. The Protection of Human Rights Act, 1993

“Human Rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by the courts in India.”

NATIONAL HUMAN RIGHTS COMMISSION

POWER AND FUNCTIONS NHRC

The NHRCs main mission is to defend and promote HRs enshrined under UDHR and Indian Constitution. It is government-run organization which use civil court authorities to summon or compel witnesses to appear and be examined under oath, to find or produce documents, to

²www.Google.com

³AniruddhaShrivastava and AmanTamrakar,Protection of Human Rights in India – A Critical Analysis, ACCLAIMS, Vol 18, January 2022

⁴<https://www.un.org>

receive evidence by affidavit, and so on.⁵ The primary function of NHRC is to investigate complaints of HRs violations, promoting HRs awareness and education and also advisory body to the government.⁶

The key functions of NHRCs are – Reviewing national laws and policies for consistency with HRs standards; Investigating alleged HRs violations and recommending corrective action; Advising government bodies through well-researched recommendations and policy inputs; Raising public awareness through campaigns, publications, and media engagement; Fostering partnerships with civil society organizations and HRs defenders; Facilitating thematic dialogue through dedicated Core Groups on issues like : Rights of women, children, minorities, LGBTQIA + persons; civil liberties and criminal reforms; Refugee and asylum rights, more.⁷

COMPOSITION OF NHRC

The head of NHRC must be retired Chief Justice of India or a Judge of the Supreme Court, known as Chairperson. There are four full time members- including a retired Supreme Court judge, a retired Chief Justice of High Court, and two individuals with experience in HRs. Of whom at least one must be a woman. The Chairpersons of National Commission for Women, National Commission for Minorities, National Commission for Scheduled Castes and Tribes, and the Chief Commissioner for Persons with Disabilities, serve as ex-Officio members.⁸

The President of India appoints the all members on the recommendation of a committee headed by the Prime Minister. The tenure of the Chairperson and the members are of three years or until they reach 70 years of age, whichever comes earlier.

KEY CASES NHRC HAS ADDRESSED

There are end number of cases handled by NHRC, such as Gujrat Riots, Punjab Mass Cremation, Starvation Deaths in Orissa, Encounter Deaths in Sndhra Pradesh, Deaths due to

⁵Supra 3

⁶Kashish Khanna, The Role of National Human Rights Commission (NHRC) in India's HRs Landscape, 3 IJHRLR (2024)

⁷<https://nhrc.nic.in> visited on 11-05-2026

⁸<http://thelaw.institute/criminal-justice-research-and-advocacy/role-challenges-national-human-rights-commission-india/> visited on 12-05-2026

Silicosis. The NHRC also handled cases regarding custodial deaths, bonded labour, manual scavenging, displacement of tribal communities, gender-based violence, and conditions in prison. The most famous case was of custodial death in which NHRC directed Uttar Pradesh government to pay 10 lakh rupees as a compensation to the family of the man who died in custody.⁹

FOLLOWING ARE THE ISSUES ON WHICH COMPLAINTS CAN BE REGISTERED WITH THENHRC :

Unlawful detention, False implications, Custodial Violence, illegal arrest, other police excesses;

Encounter deaths, Custodial deaths in police/prison custody, harassment of prisoners;

Harassment of prisoners including their detention beyond the period of their punishment, unlivable jail conditions;

Atrocities on SCs and STs and denial of their dues under social welfare schemes including land pattas;

Bonded labour, child labour, child marriage;

Dowry deaths or its attempt, dowry demand, sexual harassment and indignity to women;

Non registration of complaints on denial of care by the kith and kin of older persons, human trafficking, abduction, sexual assault, murder or attempt thereof, corruption or any such criminal offence, which is punishable under law;

Inaction on measures or denial thereof to provide basic civic amenities like drinking water, clean environment, health facilities, communication and transport, right to education, ration under Public Distribution System, Right to food including Malnutrition and Starvation deaths and benefits under various social welfare schemes, like MNERGA, ICDS, old age pension, LGBTQIA+ rights;

Rights of the Disabled and Displacement on account of Mega Projects and Environment;

⁹ibid

Inaction on complaints on issues, which require preventive action to check unlawful activity, communal violence, public unrest, law and order situation from deterioration.¹⁰

WHO CAN FILE A COMPLAINT

Victim or any other person on victim's behalf or on his own citing an incident of HRs violation caused by the inaction, Commission and omission thereof by a public authority. The NHRC can also take suomotu cognizance of any incident of HRs violation on the basis of media report.

COMPLAINTS NOT ORDINARILY ENTERTAINED BY THE NHRC

In following instances NHRC do not entertain complaints :

Incidents which happened more than a year before the filling of complaint to the NHRC;

Issues which are sub-judice (i.e. already before a court of law or before any National or State Commission including a State Human Rights Commission, which are independent of NHRC and not under it);

Complaints which are vague, anonymous, pseudonymous or frivolous in nature, wherein no HRs violation is made out;

Complaints which pertain to service matters other than pension/family pension, retirement benefits, denial of wages;

Complaints which are pertain to property and other civil disputes, including matrimonial/family disputes.¹¹

CONCLUSION

NHRC plays a vital role in safeguarding, implementing, protecting and recognizing Human Rights of every citizen in India through its various divisions such as The Administrative Division, The Law Division, The Training Devison, The Policy, Research and Project

¹⁰ Supra 7

¹¹Supra 7

Division and The Information and Public Relations Division. It acts as a watchdog of HRs. The protection of human rights, which are enshrined under UDHR and Indian Constitution, is the main task of NHRC. It ensures justice, dignity and equality to all citizens of India. It contributes to building a fair and democratic society through investigation, awareness programs and recommendations. In the new era the role of the NHRC has become significant than ever before because increase in human rights issues.