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EFFECTIVENESS OF THE NATIONAL HUMAN RIGHTS COMMISSION IN ADDRESSING HUMAN RIGHTS VIOLATIONS IN INDIA: ACHIEVEMENTS, CHALLENGES AND REFORMS

~Nisha Dalal

ABSTRACT

The National Human rights Commission (NHRC) plays a pivotal role in safeguarding and promoting human rights in India. This paper critically examines the effectiveness of NHRC in addressing the human rights violations, analysing its Role and functions, achievements and challenges. In a democratic country like India where protection of Individual rights and freedom forms the cornerstone of constitutional governance, the role of NHRC remains a crucial in ensuring justice, accountability and Human dignity.

This research paper is descriptive in nature and mainly based on secondary sources relying on statutory provisions, judicial decisions, case studies, journals and secondary literature, where effectiveness of NHRC is critically analysed. This study examines the legal and constitutional framework of Commission, how it intervened in Gujarat riots case, Punjab Mass Cremation case, and Chakma case. These cases were landmark in safeguarding human rights highlighting notable interventions by commission in cases involving custodial violence, discrimination against marginalised communities, and protection of vulnerable groups.

Despite its achievements, this paper also identifies the key concern like recommendatory nature of its powers, delays in investigations, resource constraints, and issues relating to independence and implementation of recommendations. The study concludes that while NHRC has contributed significantly to the promotion of human rights, strengthening legal authority and enforcement mechanisms is essential to enhance its effectiveness.

Keywords: National Human Rights Commission, Human Rights, Promotion and Protection of Human Rights Act, Constitutional governance, marginalised communities, vulnerable groups.

INTRODUCTION

Human Rights are the universally recognised rights inherent and inalienable to all human beings regardless of nationality, Race, religion, Gender, or Social status¹. They comprise a broad range of political, civil, social and economic rights such as right to life, freedom of speech and expression and right to education. The constitution of India ensures fulfilment of human rights through Fundamental Rights and directive principles of state policies. However, despite constitutional safeguard, Incident of custodial violence, Discrimination, exploitation against women, bonded labour, child exploitation and violence against marginalized communities continues to occur.

To strengthen and protection of Human rights in India, National Human Rights Commission came into prominence. India enacted the *protection of Human Rights Act, 1993*², which led to the establishment of the National Human Rights Commission (NHRC). This Commission is a well-recognised statutory body responsible for monitoring Human rights violations and addressing them, It functions as an apex body in protecting and promoting human rights in India. This serves as watchdog institution responsible for investigating complaints, reviewing safeguards, promoting awareness and advising Government on Human rights issues.

Through its interventions, NHRC has contributed in strengthening accountability and advancing the protection of Fundamental rights. However, since three decades of its establishment, despite its significant Mandate and achievements, question remain regarding its effectiveness in addressing the growing complexity of Human Rights challenges in India. Issues like limited enforcement powers, delays in investigation, resource constraints, and dependence on government agencies concerns about its overall impact. In this context, the present study seeks to evaluate the achievements of NHRC, examining challenges it faces, and coming up with the suggestion to enhance the effectiveness in safeguarding human rights and ensuring justice for all citizens.

¹ According to United Nations definition. Official site <https://www.un.org/en/global-issues/human-rights>

² India. (1993). *The Protection of Human Rights Act, 1993 (Act 10 of 1994)*. Ministry of Law and Justice. <https://www.indiacode.nic.in>

OBJECTIVES OF THE STUDY

1. To explain the background and role of National Human Rights Commission (NHRC)
2. To analyse the achievements of NHRC in protecting Human Rights
3. To identify challenges and limitations faced by the commission
4. To suggest reforms for strengthening the NHRC's effectiveness

RESEARCH METHODOLOGY

This Research adopts a Fundamental and descriptive research methodology and This analysis is based on secondary sources taken from books, journal article, different research publications, constitutional provisions, judicial decisions and scholars' literature on human rights.

CONSTITUTIONAL AND LEGAL PROVISIONS OF HUMAN RIGHTS IN INDIA

The evolution of human rights in India reflects a gradual transition from ancient ethical and religious principles like early "Indian text highlighted Dharma (duty) rather than individual rights, also text like Vedas and Upanishads emphasized the values such as justice, equality, and human dignity with compassion" to a comprehensive constitutional and legal framework dedicated for the protection of fundamental rights.

Indian freedom struggle further strengthened the demand for fundamental rights and social justice. After independence adoption the constitution of India marked a significant milestone by guaranteeing *Fundamental rights (Article 12 to 35)*³ and promoting social justice through *Directive principles of state policies (Article 36 to 51)*⁴ in Indian constitution.

Over time, the concept of human rights has expanded through constitutional guarantees, judicial interpretation, international commitments where India is signatory to various International Human Rights Instruments, including the *Universal Declaration of Human Rights (UDHR)*⁵, the *International Covenant on Civil and Political Rights (ICCPR)*, and the *International Covenant on economic, Social and Cultural Rights (ICESCR)*.

Further Parliament enacted the Protection of Human Rights Act, 1993 to provide for the better protection of human rights and for the establishment of specialized institutions such as the National Human Rights Commission (NHRC), State Human Rights Commission, and Human Rights courts (a session court for speedy trials). This evolution demonstrates India's continuing

³ Constitution of India, Fundamental Rights art 12-35, part iii

⁴ Constitution of India, DPSP Art 36-51, Part iv

⁵ Universal Declaration of Human Rights, 1948

commitment to strengthening the protection of human dignity, promoting social justice, and ensuring the realization of fundamental freedoms for all citizens.

NATIONAL HUMAN RIGHTS COMMISSION AND ITS ROLE

The NHRC acts as the principal guardian of Human rights in India. Since its establishment in **12 October, 1993**, it has contributed significantly to the promotion of and protection of human rights through investigation, monitoring, advocacy and policy recommendations.

The NHRC consists of a Chairman and members appointed by President of India. Traditionally, the Chairperson has been a former Chief Justice of India or a judge of the Supreme Court. *Section 3 of the Protection of Human Rights Act, 1993*⁶ provides for the constitution and **composition of the National Human Rights Commission (NHRC)**. The Commission is headed by a Chairperson who has served as the Chief Justice of India or as a Judge of the Supreme Court. In addition, the Commission comprises one member who is or has been a Judge of the Supreme Court and one member who is or has been the Chief Justice of a High Court. To ensure expertise in the field of human rights, the Act further provides for the appointment of three members, of whom at least one must be a woman, from among persons possessing knowledge of, or practical experience in, matters relating to human rights. This composition seeks to combine judicial expertise with specialized knowledge of human rights issues, thereby enabling the Commission to effectively discharge its mandate of protecting and promoting human rights in India.

NHRC powers and functions

The National Human Rights Commission (NHRC) has been entrusted with a broad mandate under the Protection of Human Rights Act, 1993 to safeguard and promote human rights in India. As the apex statutory body in the field of human rights protection, the Commission performs investigative, advisory, monitoring, and promotional functions.

One of the primary functions of the NHRC is to inquire into complaints of human rights violations, either on petitions filed by victims or on its own initiative (*suo motu*). This enables the Commission to address instances of abuse by public authorities and ensure accountability.

⁶ NHRC Official website. https://nhrc.nic.in/about-us/composition_of_commission . Accessed on 28 May 2026

The Commission is also empowered to intervene in judicial proceedings involving allegations of human rights violations, thereby contributing to the effective administration of justice.

In order to monitor conditions affecting the rights and dignity of individuals in custody, the NHRC may visit prisons, detention centres, and other custodial institutions. Such inspections help identify deficiencies in living conditions and facilitate recommendations for necessary reforms. The Commission further review the constitutional and legal safeguards relating to human rights and advises the government on measures required for their effective implementation.

Beyond its investigative role, the NHRC plays a significant part in promoting a human rights culture within society. It undertakes and encourages research, organizes awareness programmes, and disseminates information aimed at educating citizens about their rights and responsibilities. The Commission is also empowered to recommend monetary relief or compensation to victims of human rights violations and to suggest corrective action against erring authorities.

Additionally, recognizing the importance of civil society participation, the NHRC actively encourages and collaborates with non-governmental organizations working in the field of human rights. Through these diverse functions, the Commission serves as an important institutional mechanism for protecting human dignity, promoting justice, and strengthening the human rights framework in India.

ACHIEVEMENTS OF NHRC IN INDIA

Protection of Vulnerable and Marginalized Groups: NHRC has adopted a right based approach towards vulnerable and marginalized groups by combining investigation, monitoring, policy recommendations, and awareness of generation and victim compensation mechanisms. Its interventions have contributed significantly in enhancing protection for women, children, SCs, STs, minorities, prisoners, migrant workers, persons with disabilities, and the elderly, although limitations in enforcement continue to affect its overall effectiveness. The NHRC has addressed the needs of marginalized sections through special efforts for Adivasis, Dalits, mental health patients, and widows. It established a **Women's Human Rights Cell** and a fast-track procedure for complaints involving children, women, and bonded labor. Further

Commission rejected poverty as a justification for child labor or prostitution and proactively called for policies that **ensure economic and social justice**.

Strengthening interventions in custodial death and police excesses: The commission made it compulsory for state authorities to report custodial deaths and encounter killings thereby increasing transparency. The NHRC has played a crucial role in addressing custodial deaths by recommending compensation to victims' families and advocating legal action against responsible officials. The Commission has further strengthened accountability through guidelines mandating the **reporting of custodial deaths within 24 hours**⁷, conducting magisterial inquiries, and video graphing post-mortem examinations, thereby promoting transparency and safeguarding the rights of detainees.

Safeguarding rights of Schedule castes (SCs), Schedule Tribe (STs): by enquires into cases of caste-based violence, discrimination, social exclusion, and human rights violations against SCs and STs. It reviews the implementation of the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** and also recommends corrective measures. The NHRC Annual Reports demonstrates a shift from mere complaint resolution towards a broader right-based framework that addresses structural discrimination, institutional accountability, and victim rehabilitation.

Intervention and responses during Humanitarian Crises: The commission have in intervened in matters of migrant workers, disaster victim, bonded labourers, and victims of communal violence. During COVID-19 pandemic lockdown, millions of migrant workers faced severe challenges, including loss of livelihood, food insecurity, adequate shelter, and lack of transportation. Taking suo moto cognizance of situation, the NHRC intervened before Supreme Court and recommended immediate relief measures.

Strengthening Civil Society Participation: The NHRC has actively encouraged the involvement of NGOs and civil society organizations in human rights protection. The establishment of a Core Group of NGOs in 2001 and the organization of regional consultations have enhanced stakeholder participation, improved monitoring mechanisms, and promoted a collaborative approach to addressing human rights issues in India.

⁷ Human Rights commission and its effective role in India by S. Muniaselvi, Dr. K Sasikala

Spreading literacy and Awareness: through several strategic initiatives outlined in the Protection of Human Rights Act 1993. Under Section 12(h) of the Act, the Commission is explicitly empowered to spread human rights literacy among various sections of society. It promotes awareness of the safeguards available for protecting these rights through publications, the media, seminars, and other available means. According to section 12(g) this Act promoting research in the field of human rights for awareness of issues.

Information Dissemination via Media: The Commission utilizes its website to post Human Rights Newsletters and allow the public to track the status of complaints online, By taking suo motu (on its own motion) notice of journalistic items and news reports, the NHRC ensures that human rights violations become matters of "general knowledge and concern"

CERTAIN LANDMARK LEGAL INTERVENTIONS OF NHRC

Punjab Mass Cremation case (1996 onwards)

This was the landmark intervention of NHRC because it addressed the large scale extra judicial execution. The case originated from allegation that during militancy period in Punjab (1984-1994), the Punjab police secretly cremated thousands of the bodies as "unidentified" or "unclaimed" without informing their families. The Supreme Court requested that the Commission examine the matter in accordance with the law, the NHRC conducted extensive enquires, identified victims, and held the state of Punjab vicariously liable for human rights violations. The commission recommended compensation to the families of victims, the NHRC took concrete steps toward justice by granting **compensation of Rs. 2,50,000/-** to the next of kin of 89 deceased persons⁸. This utilized the Commission's power to recommend "**immediate interim relief**" to victims or their families, showcasing its role in providing tangible redress beyond mere advocacy.

⁸ National Human Rights Commission. (2012). *NHRC recommends monetary relief in Punjab mass cremation case*. Government of India.
<https://nhrc.nic.in/media/press-release/nhrc-recommends-rs-27-94-00-000-to-the-families-victims-punjab-mass-cremation-case>

Gujarat Riots (2002)

Following a *communal violence in Gujarat in 2002*⁹, NHRC took suo motu cognizance of the situation and expressed concern over the protection of citizen's fundamental rights. In the **Best Bakery case**, the NHRC recommended that the investigation be handed over to the CBI because it apprehended that the state police could not conduct a fair or unbiased inquiry. Commission issues several key recommendations to address aftermath violence such as relief camps and rehabilitation of affected families, also preventing further violence NHRC monitored situation closely. In this case NHRC intervention gave a lasting impact domestically and internationally for proper implementation existing statutory provisions.

Chakma Case¹⁰ (1996)

This is a landmark example of NHRC's role in protecting human rights in India. The case involved chakma refugees residing in Arunachal Pradesh who were forced to evict the and faced violence. NHRC took cognizance of the matter and approached Supreme Court and successfully filed a public interest petition to protect the fundamental rights of roughly 65,000 Chakma/Hajong refugees. Supreme Court held that **foreigners are entitled to the right to life and liberty** under Article 21 of the Indian Constitution; this applies to all persons including non-citizens. The intervention of the NHRC ensured protection of the chakma community and reaffirmed the principle that human rights are universal. This case highlighted the role of NHRC in safeguarding vulnerable groups and solidification of human rights framework in India.

All these cases showcase that how NHRC came up to intervene and gave a lasting impact in history of human rights in India. This not only safeguards the vulnerable and marginalized but gave them an assurance of fulfilment of their Fundamental Rights.

CHALLENGES AND ISSUES OF NHRC IN INDIA

Notwithstanding its notable achievements in safeguarding human rights, the NHRC continues to encounter various legal, administrative, and institutional challenges. These limitations raise

⁹ National Human Rights Commission. (2002). *Proceedings and interventions on Gujarat communal violence*. Government of India.

<https://nhrc.nic.in/assets/uploads/publication/NHRCJournal2002.pdf>

¹⁰ National Human Rights Commission. (1996). *NHRC intervention in Chakma refugee case (Arunachal Pradesh)*. NHRC Annual Report / Supreme Court intervention summary.

<https://nhrc.nic.in/assets/uploads/publication/NHRCJournal2002.pdf>

concern that hampers the effectiveness of NHRC in protecting and promoting human rights. Following are the certain challenges and limitations of NHFC face:

Statutory and legal limitation

One of the primary challenges provoking NHRC arises from the limitations within the Protection of Human Rights Act, 1993, where Act contains a narrow definition of human rights to those guaranteed by Indian constitution or embodied in two specific international covenants (ICCPR and ICESCR) that are enforceable by the Indian Courts. Consequently, several internationally recognized human rights standards and treaty obligations remain outside the Commission's effective jurisdiction.

Furthermore, Section 19 of the Act significantly restricts the NHRC's authority to investigate allegations of human rights violations involving the armed forces. In such cases, the Commission can only seek a report from the Central Government rather than conducting an independent inquiry. This limitation has often been criticized for undermining accountability and transparency in cases involving security forces.

Governmental and administrative constraints

The effectiveness of the NHRC is also hampered by inadequate governmental support and responsiveness. Recommendations and policy proposals submitted by the Commission are advisory in nature and lack binding force, resulting in inconsistent implementation by government authorities. Several important recommendations concerning child labour, education, welfare measures, and institutional reforms have not received adequate governmental attention. Such as in case of administrative vacancies, for extended periods (up to 5 years in some stances) the government has failed to appoint members to the commission. Prolonged vacancies have contributed to understaffing, increased case backlogs, and reduced institutional efficiency.

In addition, the government's reluctance to strengthen the Commission's relationship with State Human Rights Commissions (SHRCs) has further weakened coordination within the broader human rights protection framework. The government also dismissed the NHRC proposal to address the human rights violations by armed forces personnel, even in cases involving death or Rape in custody.

Operational and Institutional Challenges

The NHRC has also faced several criticisms regarding its operational effectiveness. Although the Commission frequently issues strong observations and recommendations, there are certain concerns that have been raised for instance there is **limited follow-up and enforcement of its decisions**. There absence of binding powers often resulting in restrictions of its ability to ensure compliance with its recommendations.

Critics have additionally argued that the Commission tends to intervene more actively in “high-profile cases” that attract significant media attention or civil society pressure, while many less-publicized violations receive comparatively limited attention. Questions have also been raised regarding the depth of the NHRC's engagement with non-governmental organizations (NGOs), despite the statutory mandate requiring close collaboration with civil society actors.

Societal and Structural Challenges

There is large scale complexity involved while NHRC deals with highly complex socio-political environment characterized by vast demographic diversity, socio- economic inequalities, and discriminatory practices in India. Monitoring and addressing human rights violations across a country as large and diverse as India makes the task daunting for Commission.

Moreover, deeply rooted social prejudices, caste-based discrimination, gender inequality, communal tensions, and economic disparities continue to generate human rights concerns that extend beyond the capacity of any single institution to address effectively. The Commission must therefore function within a challenging domestic context while simultaneously seeking to promote international human rights norms and standards.

SUGGESTIONS AND REFORMS

Legislative and Mandate Reforms

Removal of Restrictions on Armed Forces: An important recommendation is supported by the UN Human Rights Committee, is the **removal of Section 19 restrictions**. This would allow the NHRC to directly investigate all allegations of human rights violations by agents of the

state, including the armed forces, rather than being limited to requesting reports from the Central Government.

Definition of Human Rights should be expanded: The statutory definition of “human rights” should be expanded beyond those currently enforceable by Indian courts or embodied in only two specific international covenants. This would allow the NHRC to address a wider range of international treaty obligations that India has signed.

Institutional and Administrative Reforms

Timely Appointment of Members: To ensure the Commission is fully functional, the government must prioritize the **prompt appointment of its members**.

Strengthening Institutional Autonomy: There is a call for the international community and domestic advocates to push for **greater institutional autonomy** for the NHRC in both concept and practice. Greater financial and administrative autonomy would enhance commission’s credibility and effectiveness.

Improved Follow-Through: Internally, the NHRC needs to better support its "strong words" with consistent action. It should focus on following through on the policy recommendations it issues in its annual reports, which it has historically failed to do.

Systemic and Social Reforms

Functional Relationship with SHRCs: The Central Government should accept proposals to establish a **clear functional relationship** between the NHRC and State Human Rights Commissions (SHRCs) to create a more cohesive national human rights framework.

Prison and Legal Reform: The preparation of a **new All India Jail Manual** and the **revision of the Indian Prison Act of 1894** to improve "pathetic" prison conditions and protect custodial rights are recommended by the NHRC under Prison reforms.

Responsive Government Action: The Central Government needs to be more responsive towards the Commission's policy recommendations, especially regarding **child labor, education, and child welfare**.

Enhanced Collaboration

Strengthening Ties with NGOs: The NHRC should continue to develop **close ties with non-governmental organizations (NGOs)** to utilize their "courage and commitment" and practical expertise. While a Core Group of NGOs exists, critics suggest this relationship needs further deepening to be truly effective.

Judicial Symbiosis: Continued collaboration with the Supreme Court is essential. The Court's ability to remit matters to the Commission ensures **sustained scrutiny** on complex human rights issues that the judiciary alone may not have the capacity to monitor.

CONCLUSION

National Human Rights Commission emerged as a significant statutory institution in India established by enactment of Protection of Human Rights Act for promotion and protection of human rights through intervention for safeguarding citizen's Fundamental Rights. Over the years, the commission has played a constructive role in addressing violations through suo motu cognizance, investigations of complaints, policy recommendations and interventions in landmark cases.

However, the analysis reveals that the effectiveness is constrained by structural and institutional limitations. Its recommendatory nature, restricted jurisdiction over armed forces, delays in disposal of cases, inadequate enforcement mechanisms and dependence on governmental cooperation meaningfully weaken its impact. Additionally, administrative challenges further affect its operational efficiency.

In this context, the study concludes with various reforms that while NHRC has contributed immensely for strengthening human rights discourse in India, its transformative potential remains partially unrealised. Enhancing its effectiveness requires comprehensive reforms like expansion of its mandate, solidification of enforcement powers, ensuring timely appointments and improving autonomy.

Therefore, NHRC stands as an important watchdog institution in India's democratic structure, refining its effectiveness with time. But its true effectiveness will depend on the extent to which institutional reforms are under taken to align its powers with its responsibilities in safeguarding human rights in a rapidly evolving socio-political environment.

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