



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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NHRC AS A HUMAN RIGHTS WATCHDOG: MYTH OR REALITY?

-Khushi Singh

Abstract-

Human Rights Protection forms an essential component of democratic governance and constitutional values. In India, the National Human Rights Commission (NHRC) was established under the Protection of Human Rights Act, 1993¹ to promote, safeguard, and monitor human rights through an independent institutional framework. Since its inception, NHRC has functioned as the principal statutory body addressing issues such as custodial violence, police misconduct, discrimination, bonded labour, prison conditions, and violations affecting women, children, and other vulnerable groups. Despite its broad mandate and institutional presence, concerns regarding its actual effectiveness as a human rights watchdog continue to remain relevant.

This research paper critically evaluates whether NHRC operates as an effective guardian of human rights or whether institutional shortcomings limit its practical impact. The study examines the historical development, structural framework, statutory powers, investigative mechanisms, complaint redressal procedures, and policy interventions undertaken by the Commission. It further assesses NHRC's performance through indicators such as complaint disposal, Suo motu actions, implementations of recommendations, and overall contribution toward accountability.

The Paper also highlights significant challenges faced by NHRC. Including its recommendatory nature, absence of building enforcement powers, procedural delays, institutional dependence, and jurisdictional limitations. Using doctrinal analysis supported by statutory provisions, institutional reports, and scholarly literature, the study argues that while NHRC has enhanced human rights discourse and accountability mechanisms, structural limitations continue to affect its overall effectiveness, thereby necessitating stronger institutional reforms.

Keywords: Human Rights, NHRC, Accountability, Watchdog Institution, Institutional Effectiveness, Human Rights Governance.

¹ Protection of Human Rights Act, No.10 of 1994, §§ 2, 12 (India).

Introduction-

Human Rights form one of the essential foundations of democratic governance and constitutional systems, aimed at safeguarding individual dignity, equality, liberty, and justice within society. The growing acceptance of human rights as universal entitlements has encouraged modern states to create institutional frameworks capable of protecting individuals from abuses of power and violations committed by both state authorities and non-state actors. Within democratic societies, institutions operating as watchdogs perform an important function by ensuring accountability, supervising governmental actions, and providing mechanism for redress in cases involving vulnerable and marginalised groups.

In India, the creation of the National Human Rights Commission (NHRC) through the Protection of Human Rights Act, 1993 marked an important institutional step toward strengthening the country's human rights framework. The establishment of NHRC was shaped by increasing domestic concerns relating to custodial violence, police misconduct, bonded labour, discrimination, communal conflicts, prison conditions, and the growing international emphasis on national human rights institutions in accordance with the Paris Principles.² The Commission was entrusted with extensive statutory responsibilities, including investigating violations, promoting awareness, reviewing existing safeguards, conducting prison inspections, addressing complaints, and recommending reforms intended to strengthen human rights protection.

Since its establishment, NHRC has developed into India's apex statutory institution dealing with diverse human rights concerns through complaint mechanisms, *Suo motu* actions, recommendations, awareness programs, and policy interventions. The Commission has dealt with various matters relating to custodial deaths, trafficking, labour exploitation, violations against women, child protection issues, disability rights, and the concerns of marginalized communities. Such interventions have contributed significantly toward enhancing the visibility of human rights discourse within governance and public institutions.

Nevertheless, despite possessing broad statutory functions and extensive jurisdiction, NHRC's role as an effective human rights watchdog continues to remain debated. Critics contend that the Commission faces several institutional challenges, including the recommendatory nature of its decisions, lack of binding enforcement powers, procedural delays, increasing case pendency, financial dependence, restricted autonomy, and difficulties relating to implementation. These concerns raise important questions regarding whether NHRC operates as an effectively accountability mechanism or whether its role remains largely symbolic within India's human rights system.

Against this backdrop, the present research paper critically analyses whether NHRC has effectively fulfilled its intended function as a human rights watchdog or whether structural constraints continue to limit its practical effectiveness. The study examines the institutional framework, powers, functioning, achievements, and criticisms associated with NHRC to determine whether describing NHRC as a human rights watchdog reflects institutional reality or merely represents normative aspiration. Through doctrinal analysis and critical evaluation,

² G.A. Res. 48/134, Principles Relating to the Status of National Institutions (Paris Principles) (Dec. 20, 1993)

Powers and Function of NHRC: The Watchdog Dimension-

The effectiveness of the National Human Rights Commission Largely depend upon the scope of authority granted to it under statutory provisions and the manner in which these powers are exercised in practice. The Commission has been entrusted with a wide range of responsibilities intended to strengthen human rights protection through investigation, monitoring, policy intervention, awareness generation, and institutional oversight. These powers were designed not merely to provide remedies after violations occur but also to create mechanisms capable of preventing abuses and promoting accountability within public institutions.

One of the most important functions assigned to NHRC is its authority to examine allegations relating to violations of human rights. The Commission may initiate proceedings based on complaints submitted by affected individuals, representatives, organizations, or any concerned person. In addition to complaint-based proceedings, NHRC may also initiate action on its own through *Suo motu* cognizance whenever incidents reported through media coverage, public information, or other sources indicate possible human rights concerns. This power becomes particularly significant because many victims of violations often face economics, social, or educational barriers that restricts their ability to access legal institutions directly. By enabling independent intervention, the Commission attempts to ensure that human rights protect does not remain limited only to those possessing adequate resources or institutional access.

Apart from investigating direct violations, NHRC is also empowered to examine cases involving negligence or failure of public officials in preventing such violations. This function broadens accountability beyond individuals' wrongdoing by recognizing that administrative inaction, procedural failures, or inadequate supervision may also contribute significantly to human rights abuses. Through such inquiries, the Commission seeks to promote greater responsibility within governmental institutions and encourage improved administrative practices.

Another significant aspect of NHRC's functioning relates to inspection and monitoring activities within custodial institutions. The Commission regularly undertakes visits to prisons, detention facilities, juvenile institutions, rehabilitation homes, mental health establishments, and other custodial environments to assess living conditions and identify possible violations. Such inspections are intended to evaluate whether institutional practices comply with constitutional guarantees relating to dignity, humane treatment, and personal liberty. Monitoring these facilities remains particularly important because individuals placed in custodial settings often face increased vulnerability due to restricted freedom and limited access to external oversight mechanisms.

NHRC is also entrusted with reviewing existing constitutional safeguards, statutory frameworks, and governmental policies affecting human rights protection. Through studies, recommendations, advisory reports, and consultations, the Commission attempts to identify legislative gaps and suggest reforms that may strengthen institutional safeguards. This

Promoting awareness regarding human rights forms another important component of the Commission's responsibilities. Through educational campaigns, seminars, workshops, publications, research initiatives, collaborations with universities, and public outreach programs, NHRC attempts to encourage greater understanding of rights and corresponding responsibilities among citizens and institutions alike.

Furthermore, while conducting inquiries, the Commission possesses procedural powers similar to these exercised by civil courts. These powers include summoning witnesses, requiring production of records, examining evidence, seeking official reports, and calling for relevant documentation necessary for investigation.

Despite possessing broad statutory authority, an important question continues to persist regarding whether these powers produce meaningful enforcement outcomes or merely provide procedural mechanisms without sufficient capacity to ensure effective implementation.

Evaluating Effectiveness: Does NHRC Function as Real Watchdog?

The idea of watchdog institution is closely associated with independence, accountability, responsiveness, and the ability to influence governmental conduct. An effective watchdog not only identifies violations but also ensures that public authorities remain answerable for their actions. Therefore, assessing the performance of the National Human Rights Commission (NHRC) requires looking beyond the powers granted to it by law and examining the actual impact of its work. The true measure of its effectiveness lies in how successfully it protects rights, addresses grievances, and contributes to institutional accountability.

One of the primary indicators used to evaluate NHRC's effectiveness is its complaint-handling mechanisms. Every year, the Commission receives a large number of complaints concerning issues such as custodial deaths, police misconduct, discrimination, bonded labour, human trafficking, violations of women's rights, child abuse, and other forms of human rights violations the steady flow of complaints reflects a significant level of public confidence in the institution and demonstrates that many individuals view NHRC as an accessible platform for seeking justice. However, the number of complaints received alone cannot serve as a reliable measure of success. A more meaningful assessment requires consideration of how efficiently complaints are processed, the quality of investigations conducted, the time taken to dispose of cases, and the extent to which recommendations are ultimately implemented by the concerned authorities.

Another important aspect of NHRC's functioning is its power to initiate *Suo motu* proceedings. Rather than waiting for formal complaints, the Commission has often taken notice of incidents reported through newspapers, television, and other media sources. Such interventions have covered cases involving custodial violence, labour exploitation, discrimination, communal tensions, and administrative negligence. These actions highlight the proactive nature of the

³ D.K. Basu v. State of West Bengal, (1997) 1 SCC 416 (India).

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Commission and demonstrate its willingness to respond to serious human rights concerns even when victims or affected communities are unable to approach the institution directly.⁴

The Commission has also played a notable role in recommending compensation and remedial measures in cases where violations have been established. In matters involving custodial deaths, police excesses, negligence by public officials, and other serious abuses, NHRC has

frequently recommended monetary relief for victims or their families. It has also advised disciplinary proceedings against officials found responsible for misconduct. Such recommendations serve not only as a form of relief but also as means of reinforcing accountability within public institutions.

NHRC's influence extends beyond individual cases to broader policy reforms. The Commission has consistently made recommendations concerning prison administration, custodial safeguards, anti-trafficking measures, disability rights, mental health care, and the protection of vulnerable groups. These initiatives reflect its efforts to address structural issues and improve governance practices affecting human rights.

Despite these contributions, evaluating NHRC's effectiveness remains challenging. Much of the Commission's success depends on the willingness of governments and public authorities to implement its recommendations. As a result, a gap often exists between institutional intervention and actual outcomes. Consequently, the Central question remains whether NHRC's actions produce meaningful change on the ground or whether they primarily serve a symbolic role within India's human rights framework.⁵

Criticisms and Structural Limitations: Why NHRC May Be More Myth Than Reality-

Despite being entrusted with wide-ranging statutory responsibilities, the National Human Rights Commission (NHRC) continues to face several criticisms that raise questions about its overall effectiveness. While the Commission has played an important role in promoting and protecting human rights in India, a number of structural and institutional limitations have prevented it from functioning as fully effective watchdog. These concerns have led many scholars, activists, and legal experts to critically examine whether the Commission possesses sufficient authority and independence to ensure meaningful accountability.

One of the most frequently cited criticisms relates to the nature of NHRC's powers. Although the Commission has the authority to investigate complaints and make recommendations, its decisions are generally not legally binding. Unlike courts of law, NHRC cannot compel governments or public authorities to implement its recommendations. As a result, the concerned authorities may choose to accept, partially implement, delay, or even disregard the Commission's findings. This limitation significantly affects the practical impact of its interventions. While NHRC may successfully identify instances of human rights violations and recommend corrective measures, it often lacks the power to ensure that such measures are actually carried out.

The absence of strong enforcement mechanisms creates a broader concern regarding accountability. An institution entrusted with monitoring human rights violations may be

⁴ People's Union for Civil Liberties v. Union of India, (2005) 2 SCC 436 (India).

⁵ Protection of Human Rights Act, No 10 of 1994, § 18 (India).

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effective in highlighting problems, but without the ability to enforce compliance, its capacity to bring about tangible change remains limited. Consequently, critics argue that the Commission's role often ends at the stage of recommendation rather than actual implementation.

Another area of concern relates to the issue of institutional independence. Questions have frequently been raised regarding appointment procedures, financial dependence on government

funding, and the Commission's administrative relationship with executive authorities. Since the effectiveness of any watchdog institution depends largely upon its ability to function independently, such concerns have generated debate regarding whether NHRC possesses sufficient autonomy to scrutinize state actions without external influence.⁶

Delays in case disposal also present a significant challenge. The Commission receives a large number of complaints each year, many of which involve serious allegations of human rights violations. However, limited resources and increasing workloads often result in a substantial backlog of cases. Prolonged delays can weaken public confidence in the institution and may discourage victims from seeking relief through the Commission. In matters involving human rights violations, timely intervention is often crucial, making delays particularly problematic.

The Commission also faces jurisdictional limitations in certain sensitive areas. For example, matters involving the armed forces are subject to restricted review procedures, which limit the scope of direct investigation by NHRC. Such restrictions can reduce the Commission's effectiveness in addressing allegations arising in complex or security-related situations.

Furthermore, some critics contend that NHRC tends to respond after incidents have already attracted public attention rather than preventing violations before they occur. Major interventions are often triggered by media reports, public outrage, or widespread criticisms, leading to the perception that the institution operates reactively rather than proactively.⁷

Accessibility remains another important challenge. Many individuals living in rural areas or belonging to marginalized communities may face difficulties in approaching the Commission due to limited awareness, language barriers, technological constraints, or lack of access to legal assistance. These obstacles can prevent deserving victims from effectively utilizing the remedies offered by NHRC.

Taken together, these concerns form the basis of the argument that NHRC's existence alone does not necessarily guarantee effective protection of human rights. While the Commission undoubtedly plays a valuable role within India's human rights framework, its limitations continue to fuel the debate over whether it functions as a truly effective watchdog or remains an institution whose potential is constrained by structural challenges.

Reforms and Future Directions-

The effectiveness of the National Human Rights Commission can be significantly enhanced through a series of legal, administrative, and institutional reforms aimed at addressing the challenges that currently limit its functioning. Although NHRC has played an important role in promoting human rights awareness and addressing violations, strengthening its powers and

⁶ Second Administrative Reforms Commission, fifth Report: Public Order (2007).

⁷ Justice J.S. Verma Committee, Report of the Committee on Amendments to Criminal Law (2013).

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improving its operational capacity are essential for ensuring more meaningful protection of human rights in India.

One of the most important areas requiring reforms is the implementation of the Commission's recommendations. At present, NHRC largely functions as a recommendatory body, and its decisions are not legally binding on government authorities. While transforming the Commission into a full-fledged judicial institution may not be practical or desirable, there is a

need to establish stronger mechanisms that ensure greater compliance with its recommendations. Measures such as mandatory reporting on implementation, stricter followup procedures, and greater parliamentary oversight could improve accountability and enhance the practical impact of the Commission's findings.

Institutional independence is another crucial aspect that requires attention. For NHRC to function effectively as a watchdog, it must be perceived as impartial and free from external influence. This requires addressing concerns relating to vacancies, delays in appointments, transparency in the selection process, and financial dependence on governmental allocations. A more diverse composition of the Commission, including greater representation from civil society, human rights defenders, academics, and other non-judicial experts, may contribute to broader perspectives and enhance public confidence in the institution.

Strengthening the investigative capacity of NHRC is equally important. Human rights violations often involve complex factual situations that require prompt and professional investigations. Increasing the number of trained personnel, improving technological resources, expanding regional offices, and establishing specialized investigation units can significantly improve the Commission's ability to respond effectively to complaints and conduct independent inquiries.

Reducing delays in the disposal of cases should also be a priority. The growing number of complaints received by NHRC has resulted in substantial pendency, which can undermine public trust and delay justice for victims. Modernizing procedures through digital complaint platforms, adopting efficient case-management systems, introducing time-bound disposal mechanisms, and decentralizing certain functions can improve accessibility and reduce unnecessary delays.

Greater coordination between NHRC and State Human Rights Commissions is also essential. A stronger cooperative framework can facilitate information sharing, improve monitoring mechanisms, and ensure more effective protection of rights across different regions of the country.

Ultimately, meaningful reform should aim to transform NHRC into a stronger and more influential institution capable of ensuring accountability, promoting compliance with human rights standards, and safeguarding the rights and dignity of all individuals. By addressing existing structural weaknesses and strengthening its operational framework, the Commission can move closer to fulfilling its mandate as an effective guardian of human rights.

Conclusion-

The National Human Rights Commission was established with the objective of protecting and promoting human rights in India and serving as an independent institution capable of monitoring violations and ensuring accountability. Over the years, the Commission has played

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an important role in addressing issues such as custodial violence, police misconduct, trafficking, labour exploitation, prison conditions, and the rights of vulnerable groups. Through complaint redressal mechanisms, Suo motu interventions, awareness programmes, inspections, and policy recommendations, NHRC has contributed significantly to strengthening the human rights discourse in the country.

At the same time, the effectiveness of the commission remains a subject of continuous debate. While NHRC possesses wide-ranging powers to investigate violations and recommend corrective measures, its inability to issue binding orders often limits the practical impact of its interventions. Delays in case disposal, increasing pendency, restricted jurisdiction in certain matters, and concerns regarding institutional independence further affect its ability to function as a fully effective watchdog. In many instances, the success of the Commission depends upon the willingness of governmental authorities to implement its recommendations, creating a gap between institutional action and actual outcomes.

Despite these limitations, it would be inaccurate to describe NHRC as merely a symbolic institution. The Commission has provided an accessible platform for victims, increased public awareness of human rights, and brought important issues to the attention of policymakers and authorities. Its interventions have often encouraged transparency and accountability within public institutions.⁸

Therefore, the question of whether NHRC is a myth or a reality cannot be answered in absolute terms. The commission represents a meaningful reality in terms of its contribution to human rights protection, yet its full potential remains constrained by structural and legal limitations. Strengthening its independence, improving implementation mechanisms, enhancing investigative capacity, and ensuring greater compliance with its recommendations are essential steps toward making NHRC a more effective and influential guardian of human rights in India.

⁸ Protection of Human Right Act, No. 10 of 1994, §§ 12- 18 (India).
