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BLOG: THE ROLE OF THE NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

~ *Ayushi Raj*

Even the oldest texts define human rights as natural rights and the product of natural law. During World War II, millions of people died in a very barbaric manner and to prevent such human rights violations, the Universal Declaration of Human Rights (UDHRs)¹. India was among the countries that supported the adoption of the Declaration. The Indian Constitution² protects and promotes human rights and this statutory body helps in implementing and strengthening these constitutional protections. There is no meaning of democracy if there are human rights violations in a country.

The *National Human Rights Commission (NHRC)* is a statutory body established on 12 October 1993 under the Protection of Human Rights Act, 1993, which followed the Protection of Human Rights Ordinance promulgated on 27 September 1993. This body is responsible for protecting and promoting human rights in India and looks into matters relating to human rights violations³. The Act is in accordance with the Paris Principles which were adopted in Paris in October 1991 to promote and protect human rights. The Act was amended twice, first in 2006 and then in 2019.

Section 2(1)(d) of the Act defines human rights as the rights relating to life, liberty, equality and dignity of an individual⁴, guaranteed by the Constitution of India or embodied in international covenants (agreements)⁵.

¹ UDHR was adopted by the United Nations on 10 December 1948.

² INDIAN CONSTI. ART. 14,15,16 and 21.

³ Nilabati Behera v. State of Orissa 1993 SCR (2) 581 and In Re: Inhuman Conditions in 1382 Prisons, Writ Petition (Civil) No. 406 of 2013.

⁴ Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981) 2 SCR 557.

⁵ Particularly CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women).

The head of the Commission can be a person who has been the Chief Justice of India or a Judge of the Supreme Court, along with other members. There are also three members who have knowledge of or practical experience in matters relating to human rights out of which at least one must be a woman. The Commission also includes the heads of seven other national commissions as deemed members of the NHRC. These include the National Commission for Women (NCW), National Commission for Scheduled Castes (NCSC), National Commission for Scheduled Tribes (NCST), National Commission for Protection of Child Rights (NCPCR), National Commission for Minorities (NCM), National Commission for Backward Classes (NCBC) and the Chief Commissioner for Persons with Disabilities. There is also a Secretary-General who is the Chief Executive Officer of the NHRC.

Under Section 12 of the Act, the NHRC can investigate human rights violations by public servants⁶. It can act on a victim's complaint or on its own (suo motu). The Commission also has the legal power to visit jails, hospitals, juvenile homes, mental hospitals, etc to examine the conditions there to make sure that there are no human rights violations. We often see cases like In *D.K. Basu v. State of West Bengal*⁷ where the police are accused of unethical practices such as custodial torture, illegal detention⁸ and alleged fake or staged encounters⁹. In such cases, the Human Rights Commission can take cognizance of a complaint or can also take suo motu cognizance.

The Human Rights Commission plays a vital role in protecting human rights from violations but there is a problem that its recommendations are generally not binding like court orders. For instance, if the Commission has recommended any compensation or other action, then the final implementation depends on the concerned authority. The Commission also has to depend on government authorities to investigate any matter and provide its report especially if the charges of human rights violations are against government officials. Also, there is cases related to the

⁶ Sheela Barse v. State of Maharashtra (1983) 2 SCC 96.

⁷ (1997) 1 SCC 416.

⁸ Rudul Sah v. State of Bihar and Anr. 1983 SCR (3) 508.

⁹ PUCL v. State of Maharashtra (2014) 10 SCC 635.

Protection of women's dignity and equality¹⁰, Transgender rights¹¹, Acid Attacks¹², Protection from Sexual Harassment at workplace¹³, etc.

The Act also puts a bar on investigating matters that are older than one year. The NHRC has limited powers in matters relating to the armed forces and the Commission also has a lot of workload pressure, resulting in delays in the disposal of cases. These challenges affect the efficiency of the NHRC in providing remedies and preventing human rights violations.

Recently, the NHRC took suo motu cognizance of two matters without any formal complaint being filed before the Commission. The first case is from Muzaffarpur, Bihar, where on 16 September 2026, two workers died while cleaning a septic tank. This matter is very serious because even in the 21st century, we are still relying on humans for cleaning gutters and septic tanks. Manual scavenging and sewer deaths (*Safai Karamchari Andolan v. Union of India*)¹⁴ should be banned because it heavily violates human rights and such work has historically affected particular sections of society including members of Scheduled Castes.

The other case is from Haryana, where on 18 September 2026, a four-year-old girl fell into a manhole near her house while playing. This is not a single incident of its kind, such incidents have happened before and the authorities still need to take proper steps to prevent them. These cases show that the NHRC can take suo motu cognizance without any formal complaint from the victim or their family.

The NHRC is working to protect human rights in India while facing various challenges. Institutions like this are important for our country if we want our democracy to thrive. The Commission has brought many changes in society and has created a check on the executive in matters relating to human rights. Earlier, people often found it difficult to raise complaints against police abuse, especially when they did not have strong support or resources. But now, people can file complaints before the NHRC and the Commission can also take suo motu cognizance in some cases. Although

¹⁰ Vishaka v. State of Rajasthan (1997) 6 SCC 241.

¹¹ NALSA v. Union of India (2014) SC 1863.

¹² Laxmi v. Union of India (2014) 4 SCC 427.

¹³ Vishaka v. State of Rajasthan (1997) 6 SCC 241.

¹⁴ (2014) 11 SCC 224.

the NHRC still faces several challenges, strengthening such institutions is important for protecting human rights and ensuring that the dignity and rights of every person are respected.