

**MAINS iMPACT 2026****10-04-2026****NATIONAL HUMAN RIGHTS COMMISSION****SYLLABUS:**

GS 2 > Social Justice

REFERENCE NEWS:

The **National Human Rights Commission (NHRC)** has taken **suo motu cognizance of three separate incidents** reported in the media involving possible human rights violations and has sought reports from the concerned state authorities within **two weeks**.

Food Poisoning Incident – Ahmedabad, Gujarat

- Around **57 girls fell ill** after consuming food at a hostel in the **Memnagar area of Ahmedabad** on **5 April 2026**. Symptoms included **abdominal pain, diarrhoea and vomiting**.
- **18 girls were hospitalised**, while others were kept under observation.
- NHRC issued notices to the **Chief Secretary of Gujarat and the Ahmedabad Police Commissioner**.
- The Commission has sought a **detailed report on the victims' health status and investigation**.

Student Consuming Illicit Liquor – Begusarai, Bihar

- A **Class IV student accidentally consumed illicit liquor**, mistaking it for a soft drink stored in a **dilapidated school toilet** in **Siswa, Begusarai district** on **6 April 2026**. The child returned home **intoxicated**, prompting police involvement.
- Police recovered **23 cartons containing about 204 litres of illicit liquor** from the school premises.
- NHRC issued notices to the **Chief Secretary and Director General of Police (DGP) of Bihar**. The Commission has requested a **report on the child's health condition and investigation**. The incident occurred despite **Bihar's liquor prohibition in force since April 2016**.

Steel Plant Explosion – Ramgarh, Jharkhand

- **One worker died and seven others were seriously injured** in an explosion at a private steel plant in **Hesla, Ramgarh district** on **6 April 2026**.
- The explosion reportedly occurred due to **excessive furnace temperature caused by technical fault or negligence in safety standards**. Injured workers were taken to nearby medical centres and later referred to a **hospital in Ranchi**, where one victim died during treatment.
- NHRC issued notices to the **Chief Secretary and DGP of Jharkhand**. The Commission has sought details regarding **health status of the injured, investigation findings, and compensation to victims and next of kin**.

NATIONAL HUMAN RIGHTS COMMISSION (NHRC):

The **National Human Rights Commission (NHRC)** is India's apex statutory body for the **protection and promotion of human rights**. It acts as a watchdog to ensure that the rights to **life, liberty, equality and dignity** are not violated by the State or its agencies.

- Established on **12 October 1993** under the **Protection of Human Rights Act (PHRA), 1993**. Amended by the Protection of Human Rights (Amendment) Act, 2006, and Human Rights (Amendment) Act, 2019.
- Functions in conformity with the **Paris Principles**, which lay down global standards for national human rights institutions.
- Human rights are defined under **Section 2(1)(d) of PHRA** as rights relating to life, liberty, equality and dignity guaranteed by the Constitution or international covenants enforceable in Indian courts.
- NHRC has powers similar to a **civil court**, including **summoning individuals and examining them on oath, requiring discovery and production of documents, receiving evidence on affidavits**. This gives NHRC's proceedings a **quasi-judicial character**.
- **Investigative Powers:** Can **inquire into human rights violations** suo motu, on petitions by victims, on directions of courts. Can intervene in **ongoing court proceedings** involving human rights. Can seek reports from **Central and State Governments**. Can use services of **government investigative agencies**.
- **Armed Forces-Related Mandate:** In cases involving armed forces NHRC can seek a report from the Central Government, make recommendations after examining the report. Government must respond within **three months**. However, NHRC **cannot directly investigate armed forces**, limiting accountability.
- **Protection-Oriented Mandate:** NHRC can recommend **compensation or damages** to victims, **disciplinary or legal action** against guilty public servants, **interim relief** for immediate assistance. Though recommendatory, these actions exert **moral and institutional pressure**.
- **Preventive and Monitoring Role:** Visits **prisons, detention centres and juvenile homes** to assess living conditions. Reviews **constitutional and legal safeguards** and suggests reforms. Examines factors such as **terrorism, insurgency and custodial violence** affecting human rights.
- **Promotional and Educational Mandate:** Promotes **human rights awareness and literacy**. Encourages **research and documentation** in human rights. Supports and collaborates with **NGOs and civil society organisations**.
- **International and Treaty-Related Role:** Studies **international human rights treaties and covenants**. Advises the government on their **effective implementation** in India.
- **Reporting and Accountability Role:** Submits an **annual report** to the Central and State Governments. These reports must be tabled in **Parliament/State Legislatures** with an action-taken memorandum, ensuring democratic oversight.

The **National Human Rights Commission (NHRC)** is a **multi-member statutory body** designed to combine **judicial independence, administrative experience, and human rights expertise**.

Members of the NHRC: The Commission consists of

- **Chairperson:** Must be a **former Chief Justice of India** or a **Judge of the Supreme Court**.

- **Full-Time Members (5):** One serving or retired Judge of the Supreme Court, one serving or retired Chief Justice of a High Court, three members having knowledge or practical experience in human rights, of whom at least one must be a woman
- **Ex-officio Members (7):** These are Chairpersons of other national commissions dealing with vulnerable sections:
 - National Commission for Scheduled Castes
 - National Commission for Scheduled Tribes
 - National Commission for Women
 - National Commission for Minorities
 - National Commission for Backward Classes
 - National Commission for Protection of Child Rights
 - Chief Commissioner for Persons with Disabilities

Appointment Process of NHRC Members

- **Appointing Authority:** The **President of India** appoints the Chairperson and Members of the NHRC.
- **Recommendation Committee:** Appointments are made on the recommendation of a **six-member high-level committee**, consisting of:
 - **Prime Minister** – Chairperson
 - **Speaker of the Lok Sabha**
 - **Deputy Chairman of the Rajya Sabha**
 - **Leader of Opposition in the Lok Sabha**
 - **Leader of Opposition in the Rajya Sabha**
 - **Union Home Minister**
- This broad-based committee ensures **bipartisan consultation and democratic legitimacy** in appointments.
- **Special Provision for Judicial Members:** If the appointee is a **serving Judge of the Supreme Court** or a **serving Chief Justice of a High Court**, **prior consultation with the Chief Justice of India (CJI)** is mandatory.

Tenure and Conditions (Brief Context)

- **Tenure:** **3 years or until 70 years of age**, whichever is earlier
- **Reappointment:** Eligible for reappointment
- **Post-tenure restriction:** Cannot take up employment under the Central or State Government after completion of tenure

SIGNIFICANCE OF THE NATIONAL HUMAN RIGHTS COMMISSION:

- **Guardian of Constitutional Rights:** NHRC safeguards the core constitutional guarantees of **life, liberty, equality, and dignity** under Articles 14, 19 and 21.
 - NHRC regularly takes **suo motu cognizance** of custodial deaths, police excesses, sexual violence, and bonded labour cases. In **January 2026**, NHRC intervened in a **15-year-old boy subjected to bonded labour** across Haryana–UP–Bihar, **abduction and rape of a 14-year-old girl in Kanpur**, involving alleged police personnel.
 - These interventions reinforce **constitutional accountability**, especially where victims lack access to justice.
- **Protection of Vulnerable and Marginalised Groups:** NHRC plays a central role in protecting children, SCs/STs, women, Persons with Disabilities, migrant and bonded labourers.
 - NHRC has actively worked towards **abolition of bonded labour, eradication of child labour**, protection of rights of **persons affected by HIV/AIDS**
 - NHRC's monitoring has led to **rehabilitation and compensation** in numerous bonded labour cases under the **Central Sector Scheme for Rehabilitation of Bonded Labourers**.

- **Check on State Power and Police Accountability:** NHRC acts as an **independent watchdog** over executive and police actions. NHRC guidelines on **custodial deaths and custodial rape** require mandatory reporting within 24 hours, videography of post-mortems. These guidelines have been repeatedly cited by **courts and state authorities** to curb custodial violence. This strengthens **rule of law** and reduces abuse of State authority.
- **Complement to Judiciary and Access to Justice:** NHRC supplements the judiciary by providing **quasi-judicial remedies**, offering **faster, less expensive access** to victims.
 - NHRC can recommend **compensation**, seek **interim relief**, approach **Supreme Court or High Courts** for directions. This is especially significant for victims who cannot afford prolonged litigation.
 - NHRC acts as a **preventive and remedial institution**, easing judicial burden.
- **Policy Reforms and Systemic Improvements:** NHRC's recommendations have influenced **law, policy, and administrative practices**.
 - Prison reforms and improvement in jail conditions
 - Guidelines against **manual scavenging and septic tank deaths**
 - Advisories on **mechanical cleaning of septic tanks** to protect sanitation workers
 - NHRC shifts focus from **individual violations to structural reforms**.
- **Human Rights Awareness and Capacity Building:** NHRC promotes **human rights literacy** across India. Conducts training programmes for police, prison officials, and civil servants, research and documentation on emerging human rights issues. Supports **NGOs and civil society organisations** working at the grassroots. This helps build a **rights-respecting administrative culture**.
- **International Credibility and Global Commitments:** NHRC strengthens India's image as a **rights-respecting democracy**. Established in conformity with the **Paris Principles**. Engages with international human rights mechanisms and treaty obligations. NHRC helps India balance **sovereignty with global human rights norms**.
- **Platform for Inter-Institutional Coordination:** Recently, NHRC convened a **joint meeting of all seven national commissions** (NCW, NCSC, NCST, NCPCR, NCM, NCBC, CCPD). Shared best practices, avoided duplication of research, coordinated strategies for protecting vulnerable sections. This enhances **institutional synergy and efficiency**.

CHALLENGES OF NHRC:

- **Non-binding Nature of Recommendations:** NHRC's recommendations are **advisory**, not enforceable. Governments may **delay, dilute, or ignore** them without legal consequences.
 - Former CJI **H.L. Dattu** (NHRC Chairperson, 2016) famously described NHRC as a **"toothless tiger."** Many states submit **action-taken reports late** or provide vague compliance replies.
- **Inability to Punish Violators or Grant Direct Relief:** NHRC **cannot punish offenders**, register FIRs, or directly award compensation. Relief depends entirely on government compliance.
 - In several **custodial death cases**, NHRC has recommended compensation, but **actual payment has been delayed or denied** by state governments.
 - Victims are often forced to approach courts again, causing **secondary victimisation**.
- **Limited Jurisdiction Over Armed Forces:** NHRC **cannot independently investigate** allegations against armed forces. It can only seek a report from the **Central Government** and make recommendations.

- In conflict-prone areas (Jammu & Kashmir, Northeast), this severely restricts accountability. This limitation contradicts international best practices under the **Paris Principles**, which require operational independence.
- **One-Year Limitation on Complaints:** NHRC cannot inquire into violations **after one year** of occurrence. This excludes:
 - Custodial torture victims who fear retaliation
 - Sexual violence survivors who report late
 - Historical mass violations (communal violence, displacement)
- **Lack of Independent Investigative Machinery:** NHRC relies on **state police or government agencies** for investigation. Creates **conflict of interest**, especially when police are accused, state authorities are complicit. In cases involving **police custodial violence**, investigations conducted by the same police machinery raise concerns of **bias and cover-up**.
- **Delayed Appointments and Vacancies:** Long vacancies in key positions weaken institutional functioning.
 - **GANHRI (Global Alliance of National Human Rights Institutions)** has **deferred NHRC's accreditation twice**, citing delays in appointments, lack of transparency, inadequate representation of women and minorities
 - Damages India's **international human rights credibility**
- **Resource and Capacity Constraints:** NHRC faces staff shortages, inadequate funding, heavy backlog of cases. Thousands of complaints are received annually, but **disposal rates remain slow**. Several **State Human Rights Commissions** function without chairpersons or adequate staff.
- **Perceived Lack of Independence:** Members are appointed by the government-dominated selection committee. Composition largely consists of **retired judges and bureaucrats**. Civil society groups argue that limited representation from activists, academics, or grassroots organisations, risk of institutional conservatism and executive influence.
- **Reactive Rather Than Preventive Approach:** NHRC primarily acts **after violations occur**. In cases of manual scavenging deaths, bonded labour, child trafficking. NHRC often intervenes **post-facto**, rather than through early warning or preventive monitoring.

WAY FORWARD:

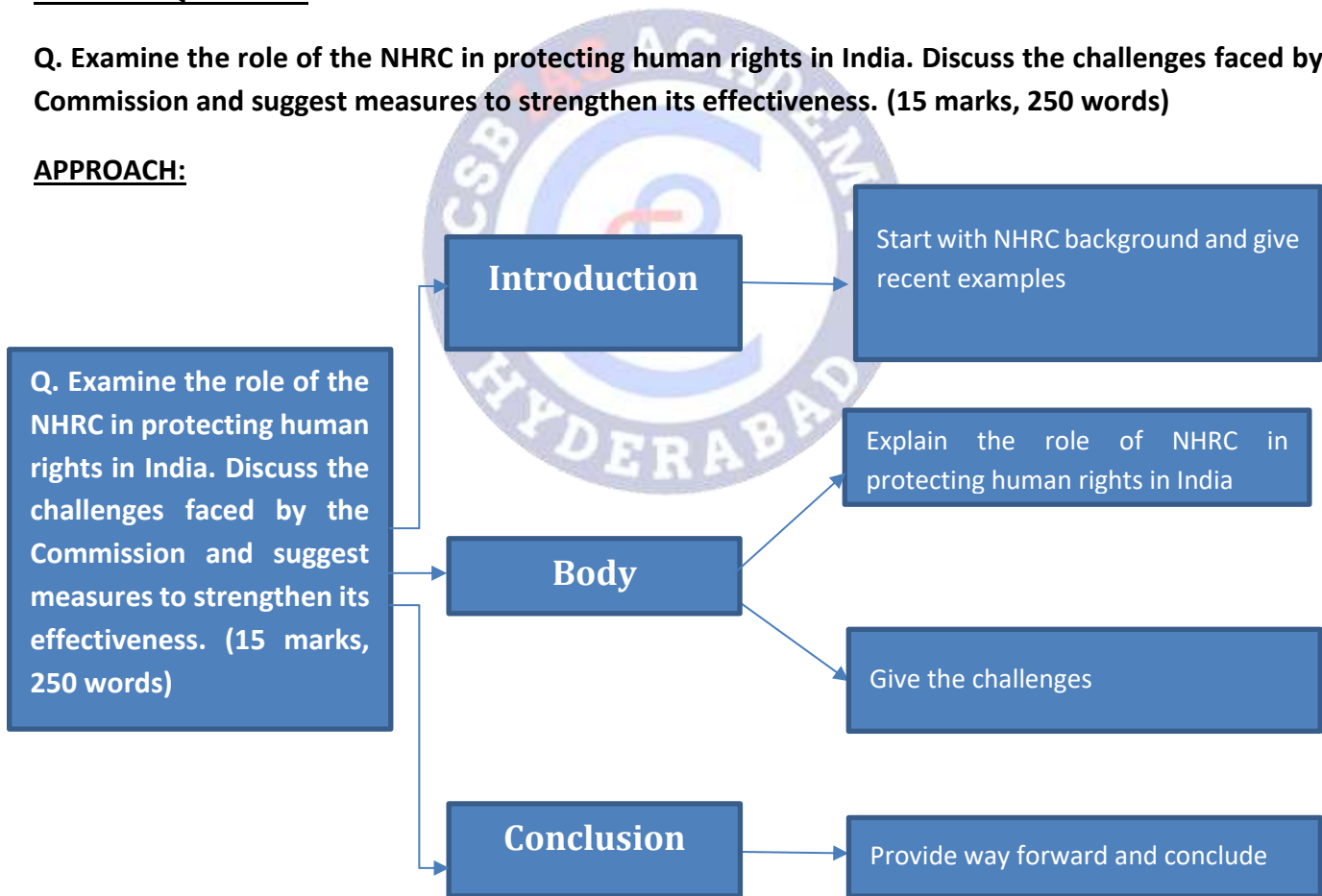
- **Grant Limited Enforcement Powers: Justice Verma Committee (2013)** and several Law Commission discussions have emphasised that human rights bodies must have **stronger compliance mechanisms**.
 - **UK Equality and Human Rights Commission** and **South African Human Rights Commission** can enforce certain directions and seek binding court orders.
- **Create an Independent Investigation Wing: Second Administrative Reforms Commission (2nd ARC)** highlighted the need for **independent investigative capacity** for oversight institutions.
 - **Australian Human Rights Commission** and **Canadian Human Rights Commission** have dedicated investigative units independent of police control.
- **Reform Appointment Process for Transparency & Diversity:** Countries like **Canada and the UK** follow **public advertisement, shortlisting, and parliamentary scrutiny**.
- **Expand Jurisdiction Over Armed Forces: Justice Jeevan Reddy Committee** (on AFSPA) emphasised stronger civilian oversight in conflict areas. Many democracies allow human rights bodies to investigate military actions while protecting operational secrecy.
- **Remove or Relax the One-Year Limitation Period: Law Commission of India** has repeatedly argued against rigid limitation periods in human rights cases.

- **Strengthen Financial & Administrative Autonomy:** 2nd ARC stressed financial autonomy for oversight institutions. Independent budget allocations for human rights commissions in **Europe and Australia**.
- **Shift from Reactive to Preventive Human Rights Governance:** Early-warning mechanisms used by UN human rights bodies. NHRC should use **data analytics** to identify hotspots (custodial deaths, bonded labour), conduct **thematic and preventive audits and issue sector-specific advisories** (policing, prisons, sanitation, child labour)
- **Strengthen Coordination with State HRCs & National Commissions:** Networked human rights institutions in **EU countries**. Institutionalise regular joint sittings (as recently initiated by NHRC), shared digital platforms like **HRCNet**, capacity-building programmes for State HRCs.
- **Deepen Human Rights Education & Public Outreach:** Human rights literacy campaigns in **Nordic countries**. Integrate human rights education in police and civil service training, school and university curricula. Partner with NGOs and local bodies for grassroots outreach.

PRACTICE QUESTION:

Q. Examine the role of the NHRC in protecting human rights in India. Discuss the challenges faced by the Commission and suggest measures to strengthen its effectiveness. (15 marks, 250 words)

APPROACH:



MODEL ANSWER:

The **National Human Rights Commission (NHRC)**, established under the **Protection of Human Rights Act, 1993**, is India’s apex statutory body for the protection and promotion of human rights relating to **life, liberty, equality and dignity**. Recently, the Commission took *suo motu* cognizance of three incidents involving hostel food contamination in Gujarat, illicit liquor stored in a Bihar school, and an industrial explosion in Jharkhand, highlighting its role as a watchdog over violations affecting vulnerable groups.

Role of NHRC in Protecting Human Rights

1. **Suo Motu Intervention and Accountability:** NHRC can initiate inquiries based on media reports or complaints, ensuring accountability even when victims lack access to justice.
 - a. Earlier interventions include **bonded labour rescue of a 15-year-old boy across Haryana–UP–Bihar and rape of a minor in Kanpur involving police personnel**
2. **Protection of Vulnerable Sections:** It safeguards the rights of children, workers, women and marginalized groups, as seen in cases involving school safety and workplace accidents.
 - a. NHRC has worked towards the **eradication of bonded labour and child labour** and rehabilitation of rescued workers under the **Central Sector Scheme for Rehabilitation of Bonded Labourers**.
3. **Quasi-Judicial Powers:** The Commission has powers similar to a civil court, including summoning witnesses and seeking documents during investigations.
4. **Monitoring and Preventive Oversight:** NHRC conducts visits to prisons, detention centres and institutions to review living conditions and compliance with human rights standards.
 - a. According to NCRB data often cited by NHRC, **over 100 custodial deaths are reported annually**, highlighting the need for oversight.
5. **Policy Reform and Advisory Role:** Its recommendations influence reforms in areas such as custodial deaths, bonded labour, prison conditions and labour rights.
6. **Human Rights Awareness and Education:** The Commission promotes human rights literacy through training programmes and collaboration with NGOs.

Challenges Faced by NHRC

- **Non-binding nature of recommendations**, leading to weak enforcement. Former NHRC Chairperson Justice H.L. Dattu described NHRC as a **“toothless tiger.”**
- **Limited jurisdiction over armed forces**, restricting accountability in conflict areas. In conflict areas such as **Jammu & Kashmir and the Northeast**, NHRC can only **seek reports from the Central Government** rather than conduct independent investigations.
- **Dependence on state agencies for investigations**, creating conflicts of interest.
- **One-year limitation period for complaints**, excluding delayed reporting of violations. Many victims of **custodial torture, trafficking or sexual violence** report violations after a delay due to fear or stigma, making them ineligible for NHRC inquiry.
- **Institutional constraints**, including vacancies, limited resources and delays in appointments.
- **Perception of limited independence** due to government-dominated appointment process.
- The **Global Alliance of National Human Rights Institutions (GANHRI)** has **deferred NHRC accreditation**, citing concerns about appointment delays and lack of diversity in membership.

Way Forward

- Grant **limited enforcement powers** and stronger compliance mechanisms.
- Establish an **independent investigative wing** for impartial inquiries.
- Ensure **transparent and diverse appointments** to enhance credibility.

- Expand oversight in cases involving **armed forces and conflict zones**.
- Strengthen **financial autonomy and institutional capacity** of NHRC and State HRCs.
- Shift towards **preventive human rights governance** through early-warning mechanisms and data-driven monitoring.

The NHRC remains a crucial institution for safeguarding constitutional rights and ensuring administrative accountability. Strengthening its independence, investigative capacity and enforcement mechanisms will enhance its effectiveness in building a **rights-respecting governance framework in India**.

