




Be Mains Ready

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Q. The National Human Rights Commission has called itself a toothless tiger which is an objection admission of the statutory body's helplessness. Analyse. (250 words)

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Approach

- Give a brief introduction of NHRC
- Illustrate the powers of NHRC and then highlight the various challenges and limitations faced by the Commission
- Conclude by giving a way forward

Answer

The National Human Rights Commission (NHRC) is a statutory body which was established under the Protection of Human Rights Act (PHRA) of 1993, amended in 2006. The institution is an embodiment of India's concern for the promotion and protection of human rights.

It is in conformity with the Paris Principles, which were adopted at the First International Workshop on National Institutions for the Promotion and Protection of Human Rights in October 1991.

Powers of NHRC are as follows

- NHRC has power to investigate grievances regarding the violation of human rights either suo moto or after receiving a petition.
- It has the power to intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court.
- While inquiring into complaints under the Act, it has all the powers of a civil court and it can grant interim relief. It can recommend to both the central and the state governments to take suitable steps to prevent the violation of

- Human Rights. It submits its annual report to the President of India who causes it to be laid before each House of Parliament. It also has the authority to recommend payment of compensation to the aggrieved party.

However, NHRC is often criticised for its inability to enforce changes on the ground and has been reduced merely as a toothless tiger

- NHRC has been termed as 'India's teasing illusion' by Soli Sorabjee (former Attorney-General of India) due to its incapacity to render any practical relief to the aggrieved party.
- NHRC does not have any dedicated mechanism of investigation. In majority of the cases, it asks the Central and concerned State Governments to investigate the cases of the violation of Human Rights.
- NHRC can only make recommendations, without the power to enforce decisions.
- A large number of grievances go unaddressed because NHRC cannot investigate the complaint registered after one year of the incident.
- The government often outrightly rejects the recommendations of NHRC or there is partial compliance of these recommendations.
- State Human Rights Commissions cannot call for information from the national government, which means that they are implicitly denied the power to investigate armed forces under national control.
- NHRC's powers related to investigation of violations of human rights by the armed forces have been largely restricted.
- Apart from the limited sanctioned strength, almost 50 per cent of the NHRC's staff is on deputation from other services. These officers keep changing, leaving the commission constantly short-staffed.
- The Act does not categorically empower the NHRC to act when human rights violations through private parties take place.

NHRC can be made more robust by taking up certain measures such as

- Efficacy of NHRC can be enhanced by the government if the commission's decisions are made enforceable.
- NHRC needs to develop an independent cadre of staff with appropriate experience.
- It can also be given contempt powers to make authorities implement its recommendations.

Thus it can be argued that there is a need for revamping NHRC to make it more effective and a true watchdog of human rights in the country.