



## National Human Rights Commission (NHRC)

**For Prelims:** [National Human Rights Commission](#)

**For Mains:** Emerging Human Rights Challenges, Role and Functions of the [National Human Rights Commission \(NHRC\)](#)

**Source:** [TP](#)

### Why in News?

Recently, [NHRC](#) convened a meeting of all seven **national commissions** to discuss protecting the rights of [vulnerable sections](#), aiming to share best practices and collaborate on implementation strategies.

- The seven bodies include [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 \(NCBC\)](#), [Office of Chief Commissioner for Persons with Disabilities](#).

### What are the Outcomes of the Joint Sitting of Human Rights Bodies?

- **Joint Strategies for Effective Implementation:**
  - NHRC emphasised the need for **collaboration** among all seven national commissions to frame **joint strategies** for **effectively implementing** existing legislations and schemes to protect human rights.
  - NHRC highlighted the importance of learning from each other's experiences to ensure equality and dignity for [SC-ST communities](#), [women](#), and marginalised sections of society.
- **Mechanical Cleaning of Septic Tanks:**
  - NHRC also stressed the importance of mechanically cleaning [septic tanks](#) and urged states and local bodies to follow the **NHRC's advisory** on this matter.
- **Collaboration for Research:**
  - There should be collaboration among all commissions for research to **avoid duplication of efforts**.
  - The common subjects of research between **NHRC** and the [National Commission for Women \(NCW\)](#) were highlighted and it was emphasised the need for compatibility of state statutory provisions to ensure uniformity in property rights for women.
- **Challenges in Education and Technology:**
  - The Chairperson of the [National Commission for Scheduled Caste](#) discussed the challenge of ensuring the equitable benefits of the [new education policy](#) and emerging technology reach the people.
  - He emphasised that change in mindset cannot be brought by laws alone but also requires **compassion and sensitivity**.
  - Delays in compensation under the [SC and ST Act](#) were highlighted, along with the need to review victim compensation schemes in all states.

- **Rights of Children:**
  - The Chairperson of the [National Commission for Protection of Child Rights \(NCPCR\)](#) highlighted the proactive work of the commission in ensuring the rights of children.
    - The commission has been monitoring eight portals and has ensured the rehabilitation of over one lakh **orphan children**.
    - It has also issued guidelines and SOPs for the protection of child rights.
  - Enhanced compensation under [National Legal Services Authority \(NALSA\)](#) and the state obligation to intervene in child rights violations in private schools were also emphasised.
- **Challenges Faced by Persons with Disabilities:**
  - [Chief Commissioner for Persons with Disabilities](#) said over the years with the increase in rights consciousness among 'divyangjan', so have the related challenges.
    - E.g: The visually-impaired have been facing the problem of captcha codes while accessing online services.
- **Scope for Cooperation and Structured Approach:**
  - It was agreed upon that there is a need to advocate for **enhanced cooperation** among **commissions** and a **structured approach** to safeguarding societal rights, emphasising the value of institutional interactions, **collaborative advisories**, and utilising the **'HRCNet portal' for synergy and efficiency**.
    - **HRCNet is a web based online portal**, provides a **centralised approach to handle complaints**, received from aggrieved citizens.

## National Commissions for Protection of Vulnerable Sections

- **National Commission for Scheduled Castes (NCSC):**
  - The [NCSC](#) was established by **Article 338**.
  - It consists of a chairperson, a vice-chairperson and three other members **appointed by the President**.
- **National Commission for Scheduled Tribes (NCST):**
  - The [NCST](#) was established under **Article 338 A**.
  - It consists of a chairperson, a vice-chairperson and three other members appointed by the [President](#).
- **National Commission for Backward Classes (NCBC):**
  - The **102<sup>nd</sup> Amendment Act of 2018** elevated the Commission from a **statutory body** to a **constitutional body** by inserting **Article 338 B**.
  - The Commission consists of a chairperson, a vice-chairperson and three other members.

**Note:** The aforementioned trio of Commissions (NCSC, NCST, NCBC) possesses the authority **equivalent to that of a civil court**.

- **National Commission for Women (NCW):**
  - The NCW was set up as a **statutory body** in 1992 under the [National Commission for Women Act, 1990](#) to review the Constitutional and Legal safeguards for women.
  - The Commission shall consist of a Chairperson, five Members, at least one Member from SC and ST and a Member-Secretary nominated by the Central Government.
- **National Commission for Protection of Child Rights (NCPCR):**
  - The NCPCR has been constituted under the [Commission for Protection of Child Rights \(CPCR\) Act, 2005](#).
  - The commission includes a chairperson and six members, at least two of whom are women.
- **National Commission for Minorities (NCM):**
  - The Minorities Commission was renamed and became a **statutory body** under the [National Commission for Minorities Act, 1992](#).
  - **Section 2 (c) of NCM Act, 1992** stipulates that 'Minority' for the purposes of the Act, means a community notified as such by the Central Government.
    - Government recognized Muslims, Christians, Sikhs, Buddhists, Zoroastrians and Jains as minority communities.
  - Commission consists of a Chairperson, a Vice- Chairperson, five Members.
  - Each Member holds office for a period of three years.
- **Office of Chief Commissioner for Persons with Disabilities:**

- **Section 74 of [Rights of Persons with Disabilities Act, 2016](#)** provides for appointment of a **Chief Commissioner for Persons with Disabilities and two Commissioners** to assist the Chief Commissioner at the Centre.

## What is the National Human Rights Commission (NHRC)?

### ▪ About:

- It ensures the **protection of [rights related to life, liberty](#)**, equality, and dignity of individuals.
- Rights guaranteed by the Indian Constitution and international covenants enforceable by Indian courts.

### ▪ Establishment:

- Established on 12<sup>th</sup> 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.
- Established in conformity with the Paris Principles, adopted for promoting and protecting human rights.

### ▪ Composition:

- The Commission consists of a **chairperson**, five full-time Members and seven deemed Members.
- Chairman is a former **Chief Justice of India** or a **[Supreme Court judge](#)**.

### ▪ Appointment and Tenure:

- Chairman and members appointed by the **President** on the recommendations of a six-member committee.
- The committee consists of the Prime Minister, the Speaker of the **[Lok Sabha](#)**, the Deputy Chairman of the **[Rajya Sabha](#)**, leaders of the Opposition in both Houses of Parliament, and the Union Home Minister.
- The chairman and members hold office for a term of **three years** or until they reach the age of 70.

### ▪ Role and Function:

- Possesses powers of a civil court with judicial proceedings.
- Empowered to utilise the services of central or state government officers or investigation agencies for investigating human rights violations.
- Can investigate matters within one year of their occurrence.
- Functions are primarily recommendatory in nature.

## What are the Shortcomings in Functioning of NHRC?

### ▪ Non-Binding Nature of Recommendations:

- Although the NHRC investigates human rights violations and provides recommendations, it **cannot compel authorities** to take specific actions. Its influence remains largely moral rather than legal.

### ▪ Inability to Punish Violators:

- The NHRC lacks the authority to punish violators. Despite identifying perpetrators of human rights abuses, the NHRC **cannot directly impose** penalties or award relief to victims. This limitation undermines its effectiveness.

### ▪ Limited Role in Armed Forces Cases:

- The NHRC's jurisdiction over human rights violations by armed forces is restricted. Cases involving military personnel often **fall outside the NHRC's purview**, hindering comprehensive accountability.

### ▪ Time Limitations in Case of Historical Human Rights Violations:

- The NHRC cannot consider violations reported after one year. This limitation prevents the NHRC from addressing historical or delayed human rights grievances effectively.

### ▪ Resource Constraints:

- The NHRC faces **resource shortages**. With a high caseload and limited resources, the

NHRC struggles to handle investigations, inquiries, and public awareness campaigns efficiently.

- Several state human rights commissions are working without their chief, and like the NHRC they are also going through shortage of staff.

▪ **Lack of Independence:**

- The NHRC's composition relies on government appointments. Ensuring complete independence from political influence remains a challenge, affecting its credibility.

▪ **Need for Proactive Interventions:**

- The NHRC often responds reactively to complaints. A more **proactive approach**, including preventive measures and early intervention, could enhance its impact.

## What are the Steps Need to be Taken to Strengthen Working of NHRC?

▪ **Improve the Scope and Effectiveness:**

- **Broaden** the NHRC's **mandate** to address emerging human rights challenges effectively. **For example Artificial Intelligence, Deep Fake, Climate Change etc.**

▪ **Granting Enforcement Powers:**

- Empower the NHRC with **punitive powers** to enforce its recommendations. This would enhance accountability and compliance.

▪ **Composition Reforms:**

- The current composition **lacks diversity**. Appoint members from civil society, activists, and experts to ensure a holistic perspective.

▪ **Developing an Independent Cadre:**

- The NHRC faces **resource constraints**. Establish an independent cadre of staff with relevant expertise in human rights issues.

▪ **Strengthening State Human Rights Commissions:**

- State Human Rights Commissions need support. Facilitate collaboration, capacity building, and knowledge sharing among state commissions.

▪ **Advocacy and Public Awareness:**

- Reactive responses may limit the impact. Engage in **proactive advocacy**, awareness campaigns, and education to empower citizens about their rights.

▪ **International Cooperation:**

- India can benefit from international experiences. Collaborate with **international human rights bodies**, learn from their practices, and adopt relevant strategies.

### **Drishti Mains Question:**

Q. Analyse the challenges and limitations faced by the National Human Rights Commission (NHRC) in India in effectively safeguarding human rights. What reforms would you suggest to enhance its effectiveness and independence?

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### **Prelims:**

Q. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only  
(b) 2 only

- (c) 1 and 3 only  
(d) 1, 2 and 3

**Ans: (d)**

**Q. Consider the following: (2011)**

1. Right to education
2. Right to equal access to public service
3. Right to food.

**Which of the above is/are Human Right/Human Rights under “Universal Declaration of Human Rights”?**

- (a) 1 only  
(b) 1 and 2 only  
(c) 3 only  
(d) 1, 2 and 3

**Ans: (d)**

**Mains:**

**Q.** Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analysing their structural and practical limitations, suggest remedial measures. **(2021)**

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