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National Human Rights Commission (NHRC)

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Why in news?

Former Supreme Court judge V. Ramasubramanian has been appointed as the new Chairperson of the National Human Rights Commission (NHRC), succeeding Justice (retd) Arun Kumar Mishra, whose tenure ended in June 2024.

About:

The National Human Rights Commission (NHRC) is an independent statutory body established on **October 12, 1993**, under the **Protection of Human Rights Act, 1993**.

Its primary responsibility is to safeguard human rights in India by investigating violations and recommending corrective actions.

It plays a critical role in ensuring that individuals' rights to life, liberty, equality, and dignity are protected by the State.

Objectives of NHRC:

- **Strengthen institutional arrangements** to address human rights issues.
- **Investigate violations** of human rights by public servants.
- **Promote and protect** human rights in alignment with constitutional and international frameworks.

NHRC Composition

The NHRC is a multi-member body consisting of:

- **Chairperson:** A retired Chief Justice of India or a Supreme Court judge.
- **Members:** One Supreme Court judge, one Chief Justice of a High Court, and three individuals with practical experience in human rights (at least one must be a woman).
- **Ex-officio members:** These include heads of other national commissions such as the National Commission for Minorities, Scheduled Castes, Scheduled Tribes, Women, and Persons with Disabilities.

Appointment: The President of India appoints the Chairperson and members based on the recommendations of a six-member committee headed by the Prime Minister.

Tenure: Chairperson and members serve for **3 years** or until they reach the age of **70**.

Functions of NHRC

The NHRC is entrusted with several functions to promote and safeguard human rights:

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1. **Investigating Violations:** NHRC investigates human rights violations either suo motu (on its initiative) or based on petitions.
2. **Intervention in Court Proceedings:** It can intervene in court cases related to human rights violations.
3. **Prison and Detention Inspections:** NHRC visits prisons to inspect living conditions and recommend improvements.
4. **Research & Awareness:** It conducts research and promotes public awareness about human rights.
5. **Support NGOs:** The NHRC works closely with NGOs focused on human rights.

Powers of NHRC

NHRC possesses **civil court-like powers**, including the ability to:

- **Summon reports** from the government.
- **Inquire** into human rights violations and recommend actions.
- **Recommend compensation** to victims.
- **Suggest the initiation of legal proceedings** against violators.
- **Approach courts** for necessary writs or orders.

However, NHRC **lacks the power to enforce its recommendations** and cannot impose penalties on perpetrators.

Performance of NHRC

The NHRC has actively addressed issues such as:

- **Bonded Labour**
- **Child Labour**
- **Rights of Disabled Persons**
- **Steps to Prevent Custodial Deaths, Torture, and Rape**

It has also played a key role in creating awareness and guiding reforms in human rights policies.

NHRC - Way Forward

To enhance its effectiveness, the following measures are suggested:

1. **Grant Enforcement Powers:** Enabling the NHRC to enforce its recommendations would improve compliance.
2. **Broader Investigative Authority:** Allowing NHRC to independently investigate matters involving the armed forces and non-state actors.
3. **Increasing Financial Autonomy:** Providing independent financial resources would improve NHRC's operational capacity.
4. **Inclusive Composition:** Including civil society members and human rights activists could enhance NHRC's credibility and impact.
5. **Regular Training and Capacity Building:** To deal with complex human rights issues effectively.
6. **Institutional Accountability:** Regular evaluation and monitoring would ensure that NHRC is functioning efficiently.

The NHRC plays a crucial role in protecting and promoting human rights in India. While it has achieved significant milestones, overcoming the challenges related to enforcement, authority, and resource constraints is essential for it to fulfill its mandate effectively.