



## Mains Practice Questions

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Q. Elucidate the role of National Human Rights Commission in India. Also, discuss why it is dubbed as a “Toothless Tiger”. (250 words)

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### **Approach**

- Briefly highlight the nature and role of NHRC.
- Highlight specific role and success in furthering human rights.
- Highlight lacunas of NHRC.
- Highlight the steps taken and needed to make it more effective.

### **Introduction**

National Human Rights Commission (NHRC) is a multi-member statutory body formed by Protection of Human Rights Act, 1993 that seeks to protect rights to life, liberty, equality, the dignity of an individual guaranteed by the Constitution and enforceable by courts in India.

### **Body**

The role played by NHRC:

- The primary function of NHRC is to conduct inquiries into violations of human rights.
- NHRC conducts inquiries for the following categories of violations:
  - Violation of the right to life, liberty, equality and dignity.
  - Violation of international treaties to which India is a party.
  - Abetment of violation of human rights by a public servant.
  - Negligence of public servants in prevention Of human rights violations.
- In pursuance of this, NHRC can intervene in any judicial proceeding involving human rights violations, visit jails and detention centres, recommend changes in the law, promote awareness about human rights, utilise service of any investigation agency.

This has resulted in many successes like Rights of Persons affected by HIV, Abolition of Manual Scavenging, Steps towards checking custodial deaths etc.

Despite this, there are several lacunas related to NHRC, that led to the Supreme Court calling it as a toothless tiger. These issues are as follows:

- Recommendatory nature of advice (non-binding) tendered by NHRC to the governments.
- Limited power and jurisdiction with respect to members of armed forces. Also, NHRC is not empowered to act when human rights violations through private parties take place.

- Lack of autonomy: NHRC doesn't have its independent cadre of investigating officers.
  - Police officials investigating for the NHRC are sent on deputation by their forces.
  - However, their allegiance lies with their home cadre to which they return after their tenure at the Commission is over.
- Rising pendency of cases and limited capacity and resources at its disposal also creates hindrance in working of NHRC.
- All these factors have resulted in its ineffective functioning visible in still prevalent extra-judicial killings, violence against vulnerable sections etc.

## **Conclusion**

Human rights guarantee people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities. In this context, a functionally autonomous watchdog for Human rights is imperative in today's market-oriented society.