



Mains Marathon

Day 55: Critically examine the role of the National Human Rights Commission (NHRC) in protecting and promoting human rights in India. (250 Words)

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Approach / Explanation / Answer

- Start your answer by giving a brief about NHRC
- Discuss the mandate and objectives of NHRC
- Discuss a few shortcomings faced by the organization in carrying out its responsibilities
- Conclude by suggesting a few things to make the organization more robust and efficient

Answer:

The National Human Rights Commission is a unique expert body, which was created under the Protection of Human Rights Act, 1993, for examining and investigating the complaints relating to violations of human rights, as also the negligence on the part of any public servant in preventing such violation.

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.

NHRC's role in protecting and promoting human rights

NHRC plays an important role in protecting and promoting human rights in India in the following ways:

- Its inquiries into violation of human rights or abetment of such violation or negligence in the prevention of such violation by a public servant; either suo motu or on a petition by a victim or any person on his behalf, or on a direction or order of any court;
- It examines the conditions of prison inmates by visiting under intimation to the state prisons or any other institution of the state, where persons are detained or lodged for purposes of treatment, reformation or protection, and make recommendations in that regard.
- It reviews the constitutional and legal safeguards related to the protection of human rights and recommends measures for their effective implementation including acts of terrorism
- It studies treaties and other international instruments on human rights and makes recommendations for their effective implementation;
- It spreads human rights literacy among various sections of society and promotes awareness of the safeguards available for the protection of these rights through publications, the media, seminars, and other available means.

Shortcomings faced by the NHRC

- 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 the majority of the cases, it asks the Central and concerned State Governments to investigate 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 complaints registered after one year of the incident.
- The government often outrightly rejects the recommendations of NHRC or there is partial compliance with these recommendations.

Measures to strengthen NHRC:

- The 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 and expertise.
- It can also be given contempt powers to make authorities implement its recommendations.

The National Human Rights Commission thus can play a vital role in influencing policy making and policy initiations and securing the right environment for protecting human rights.

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