



## Role of NHRC as a Human Rights Protector

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### Abstract:

*Respect for the dignity of an individual and striving for peace and harmony in society, has been an abiding factor in Indian culture. The Indian culture has been the product of assimilation of diverse cultures and religions that came into contact in the enormous Indian sub-continent over time. The international community has recognized the growing importance of strengthening national human rights institutions.*

In the year 1991 a UN-sponsored meeting of representatives of national institutions held in Paris, a detailed set of principles on the status of national institutions was developed, these are commonly known as the Paris Principles. These principles, subsequently endorsed by the UN commission on Human Rights and the UN General Assembly have become the foundation and reference point for the establishment and operation of national human rights institutions.

The Government of India did realize the need to establish an independent body for promotion and protection of human rights. The establishment of an autonomous National Human Rights commission by the government of India reflects its commitment for effective implementation of human rights provisions under national and international instruments.

The establishment of an autonomous Commission for promotion and protection of human rights by the Government of India reflects its genuine intention for effective implementation of human rights provisions under national and international instruments. The National Human Rights Commission is the first of its kind among the South Asian countries.

The NHRC came into effect on 12 October, 1993, by virtue of the Protection of Human Rights Act, 1993. The Act contains broad provisions related to its function and powers, composition and other related aspects.

Sec 2(d) of the Act defines Human Rights as “The rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International covenants and enforceable by courts in India.”



Sec. 12(f) Mandates the National Human Rights of India to “Study treaties and other international instruments on human rights and make recommendations for their effective implementation”.

### **Constitution of the NHRC**

The Constitution of the NHRC is dealt under Chapter II of the Act. Section 3 says:

#### *Section 3*

1. The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.
2. The Commission shall consist of:
  - (a) A chairperson who has been a Chief Justice of the Supreme Court;
  - (b) One Member who is, or has been a judge of the Supreme Court;
  - (c) One Member who is, or has been the Chief Justice of a High Court;
  - (d) Two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human' rights.
3. The Chairpersons of the National Commission for Minorities, the National Commission for the Scheduled Castes, the National Commission for Scheduled Tribes and the National Commission for Women shall be deemed to be Members of the Commission for the discharge of functions specified in clauses (b) to (j) of section 12.
4. There shall be a Secretary-General who shall be the Chief Executive; Officer of the Commission and shall exercise such powers and discharge such functions of the Commission except judicial functions and the power to make regulations under section 40 B, as may be delegated to him by the Commission or the Chairperson as the case may be 5.
5. The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in India.

The appointment of the Chairperson and other Members are elaborately discussed under Section 4 of the Act. The other provisions relate to the removal of a member of the Commission, the term of office of members, a member to act as a Chairperson or to discharge his functions in certain circumstances, the terms and conditions of service of members, vacancies, etc., not to invalidate the proceedings of the Commission, the procedure to be regulated by the Commission,<sup>4</sup> the officers and other staff of the Commission.

### **Functions and Powers of the Commission**

Wide powers and functions have been given to the Commission under Section 12. Paragraph (a) of Section 12 provides, that the Commission can require *suomotu* action against any public servant against whom complaint has been registered for violation of human rights.

Section 12(b) provides that the Commission can intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court.



Section 12(c) empowers the Commission to visit any jail or other institution with prior intimation to the State Government, for the purpose of mainly monitoring prison or custodial conditions. The Commission can make recommendations to State Governments on the basis of such visits. The Commission observed after visiting many jails that there prevailed pathetic conditions in which prisoners are forced to live. In its view this is not due to lack of ideas but due to apathy and lack of priority accorded to prison conditions and the rights of prisoners and undertrials. The Commission has already initiated action to improve prison conditions in India, and started studying all prevailing reports related with prisons. The Commission has recommended the preparation of a new All India Jail Manual and also suggested the revision of the old Indian Prison Act of 1894. The Commission sought help from all who believe that human dignity must not be left when a person enters the gates of a prison.

Section 12(d) empowers the Commission to review the safeguards provided under the Constitution or any law for the time being in force for the protection of human rights and also recommending measures for their effective implementation.

Under Section 12(e) there is a separate provision to review the factors responsible for terrorism which inhibits the enjoyment of human rights and recommend appropriate remedial measures. Section 12(f) provides for study of all treaties related with international human rights instruments and making recommendation for their effective implementation.

Section 12(g) provides for promotion of research in the field of human rights, Section 12 (h) empowers the Commission to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, the media, seminars and other available means. Section 12(i) empowers the Commission to encourage the efforts of non-governmental organisations working in the field of human rights. Lastly, Section 12(j) provides, "such other functions as it may consider necessary for the promotion of human rights.

### **Investigation Division**

There is a well organised investigation division within the Commission. The primary duty of this investigation division is to look into complaints received by the Commission. For this purpose investigation team makes on the spot investigation.

The Protection of Human Rights Act, 1993 outlines the investigative role of the Commission. Section 11(1)(b) of the Act provides:

*"Such police and investigative staff under an officer not below the rank of a Director General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the Commission".*

### **Inquiry into Complaints**

A considerable increase in public awareness of the work of the Commission has been observed. This was reflected in the vast increase in the number of complaints of human rights violations received by the Commission. Many of the cases received by the Commission were of



great poignancy, but they could not be entertained by the Commission falling as they did under the categories listed in Regulation No. 8 of the Commission.

Once the Commission accepts a complaint, it seeks comments from the concerned government or authority regarding the complaint. After receiving the comments of the concerned authority a detailed note on the merits of the case is prepared for the consideration of the Commission. After this, directions and recommendations of the Commission are communicated to the concerned government under sections 18 and 19 of the Act.

In some of the cases the Commission may opt for a personal hearing to the petitioner or any other person on behalf of the petitioner for appropriate disposal of the matter. This personal hearing will provide an opportunity of examining witnesses, if any, in support of the complaint and hearing of evidence in support of his stand.

Once investigation has been undertaken by the Commission or any other person under its authority, the report of the investigation should be submitted within a week of its completion. In some cases, the Commission may allow further time for submission of reports. If the Commission is not satisfied with any report it may direct fresh investigation for ascertaining the truth or enabling it to properly dispose of the matter. On receipt of the report, the Commission on its own motion, or if moved in the matter, may direct inquiry to be carried out by it and receive evidence in course of such inquiry.

Lastly under Section 8(12), the Commission or any of its members when requested by the Chairperson may undertake visits for on-the-spot study and where such a study is undertaken by one or more members, a report thereon shall be furnished to the Commission as early as possible.

### **Steps after Inquiry**

On the completion of inquiry, the Commission may take any of the following steps under Section 18 of this Act, namely:

- (1) Where the inquiry discloses, the commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (2) approach the Supreme Court or the High Court concerned for such directions, orders or units as that Court may deem necessary.
- (3) recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (4) subject to the provisions of clause (5) provide a copy of the inquiry report to the petitioner or his representative;
- (5) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority who shall, within a period of one month, or



such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

- (6) the Commission shall publish its inquiry report together with the Comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

The Commission has in several cases recommended prosecution of public servants responsible for violation of human rights, under Section 18(1) of the Act.

In case of violation of human rights, the Commission may recommend under Section 18(3) of the Act to the concerned State for grant of immediate interim relief to the victim or members of the victim's family.

The Commission incorporated elaborate provisions under Section 18(5) on procedural regulations, to make its inquiry more transparent and impartial. After the completion of its inquiry the Commission generally sends its report along with recommendations to the concerned government to report and comment within a period of one month, or such further time as the Commission may allow. This recommendation also includes what action should be taken in particular case or purport to be taken.

Lastly, Section 18(6) stipulates that the Commission should publish its report in detail. It must include the comments of the government or authority. The report should also include what action the concerned government or authority is going to take in a particular case.

It seems from the above provisions that the Commission is fully equipped to handle any situation, but in practice the Commission is powerless, in case any State Government refuses to comply with its recommendations. The Commission is endowed with only recommendatory power, that is why the recommendations of the Commission are not legally binding. But so far, in most of the cases, recommendations of the Commission have been complied with by the concerned government or authority, which is clear from prosecutions of several police officials, and compensation granted in various cases.

Being a government institution from the very beginning, people were suspicious about the functioning of the Commission. But within less than a three year period it has been able to establish its integrity and commitment. Through its work the Commission is able to convey the message that it can work independently; impartially and its recommendations prove this.

Even if the Commission is a very small step in the daunting task of implementation of human rights at the national level, it remains a very significant small step.

#### **References :**

- The Protection of Human Rights Act, 1993 with Procedural Regulations (National Human Rights Commission, New Delhi, 1993). The Human Rights Act was amended in 2006.
- Ibid, pp. 3-4.
- Ibid., Section 5, pp. 4-5.
- Ibid., Section 6, p. 6.



- Ibid., Section 11, p. 6.
- National Human Rights Commission, Second Annual Report, 1994-95 (New Delhi, 1994-95), pp. 12-16.
- Seen. 125, p. 7.
- Report, n. 135.
- Section 8(7) of procedural regulation, n. 125, p. 27. 61
- Ibid., pp. 10-12.
- Ibid., Section 8(10), p. 27.
- Ibid., Section 8( 11) of the Act, p. 27.

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