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## Preface

**The Indian Journal of Legal Affairs and Research** is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

## Description

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THE INDIAN JOURNAL OF  
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# **The Indian Journal Of Legal Affairs And Research**

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## **The Role of the National Human Rights Commission in Promoting Social Justice: Evaluating the Effectiveness of the NHRC in Addressing Human Rights Violations in India**

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### **1. Introduction**

Human rights are fundamental to the existence and dignity of individuals, encompassing rights to life, freedom, equality, and security, as well as economic,

social, and cultural entitlements. In India, safeguarding human rights is a constitutional mandate, but despite this, instances of human rights violations—ranging from police brutality to discrimination, custodial deaths, and denial of socio-economic rights—remain prevalent. To combat these violations and ensure the protection and promotion of human rights, the National Human Rights Commission (NHRC) was established in 1993 under the Protection of Human Rights Act (PHRA), 1993. This paper critically evaluates the role of the NHRC in promoting social justice and addressing human rights violations in India, examining its structure, powers, achievements, and limitations.

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## 2. Background and Establishment of the NHRC

The NHRC was established on October 12, 1993, following India's ratification of international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>2</sup>. The commission was set up to serve as an independent body that could oversee human rights issues in India and function as a watchdog for the protection of constitutional and legal rights.

**Mandate and Powers:** The NHRC's mandate, as defined by the Protection of Human Rights Act, 1993, includes:

- Investigating complaints of human rights violations or failures of public authorities to prevent such violations.
- Promoting research and raising awareness about human rights through education and outreach.
- Reviewing laws and recommending necessary amendments to ensure compliance with international human rights standards.
- Intervening in court proceedings related to human rights violations.
- Visiting and inspecting government institutions, including prisons, detention centers, and health facilities, to evaluate the conditions and recommend improvements.

The commission comprises a Chairperson (usually a retired Chief Justice of the Supreme Court), members from the judiciary, human rights experts, and representatives of the National Commissions for Scheduled Castes, Scheduled Tribes, and Minorities.

## 3. Key Roles of the NHRC in Promoting Social Justice

Social justice encompasses the fair and equitable distribution of resources, opportunities, and privileges within a society. It includes the protection of marginalized groups and the enforcement of socio-economic rights<sup>3</sup>. The NHRC has been instrumental in promoting social justice through various means:

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<sup>2</sup> A.S.Akoto., 'Public policy: An amorphous concept in the enforcement of arbitral awards' (2020) (7) (1) Journal of Liberty and International Affairs p.56 available at <https://heinonline.org.eresources.nls.ac.in/HOL/P?h=hein.journals/jlia7&i=51>, accessed 16 September 2023.

<sup>3</sup> Y. Dubey, 'Analysis of Public Policy and Enforcement of Domestic and Foreign Arbitral Awards in India' (2018) (7) (2) Christ University Law Journal available at <https://heinonline.org/HOL/P?h=hein.journals/chulj7&i=195> accessed 17 September 2023.

**3.1. Investigating and Addressing Human Rights Violations:** The NHRC's primary function is to receive complaints and conduct inquiries into human rights violations. This includes cases of custodial violence, extrajudicial killings, forced disappearances, sexual harassment, child labor, and the rights of marginalized groups such as Scheduled Castes (SCs), Scheduled Tribes (STs), and women. The commission has the authority to summon witnesses, requisition public records, and conduct on-site investigations.

**3.2. Promoting the Rights of Marginalized Communities:** The NHRC pays special attention to the rights of vulnerable groups, including SCs, STs, minorities, women, children, and persons with disabilities. It undertakes initiatives to prevent atrocities against these groups, examines the implementation of protective laws such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and provides recommendations to strengthen legal and institutional frameworks.

**3.3. Monitoring Custodial Institutions:** The NHRC regularly inspects prisons, juvenile homes, and detention centers to evaluate conditions and prevent human rights abuses. The commission's reports on custodial torture, overcrowding in prisons, and inadequate healthcare in detention centers have led to policy changes and improved living conditions in several institutions.

**3.4. Addressing Socio-Economic Rights:** Beyond civil and political rights, the NHRC also works to promote socio-economic rights, such as the right to education, health, and livelihood. It conducts studies and provides policy recommendations to ensure that marginalized populations have access to essential services and resources. The NHRC has been vocal in its stance on issues like child labor, bonded labor, and the displacement of indigenous communities due to development projects.

**3.5. Raising Awareness and Building Capacity:** One of the most critical roles of the NHRC is to create awareness about human rights among the general public and law enforcement agencies. It conducts training programs for police, military personnel, and public officials to sensitize them to human rights issues. The commission also collaborates with civil society organizations, academic institutions, and international bodies to disseminate knowledge and promote a culture of human rights in India.

## 4. Evaluation of the NHRC's Effectiveness

Despite its wide-ranging mandate and significant interventions, the NHRC's effectiveness in addressing human rights violations and promoting social justice has been a topic of considerable debate. This section examines the NHRC's successes and challenges in fulfilling its objectives<sup>4</sup>.

**4.1. Achievements and Impact:** The NHRC has made notable contributions in specific areas, such as:

- **Reduction in Custodial Violence and Deaths:** The NHRC's intervention has been pivotal in bringing attention to custodial violence and deaths in police and judicial custody. Its recommendations for the mandatory reporting of custodial deaths within 24 hours, independent investigations, and the provision of compensation to victims' families have led to greater accountability.
- **Addressing Atrocities Against Marginalized Groups:** The commission has actively monitored and reported on atrocities against SCs and STs, pushing for stricter implementation of protective laws. Its intervention in cases of caste-based violence has helped ensure justice for victims and highlighted systemic issues.
- **Impact on Policy and Legislative Reforms:** The NHRC has made several impactful policy recommendations, such as improving prison conditions, banning the use of child labor, and ensuring the rehabilitation of bonded laborers. These recommendations have influenced policy decisions and led to amendments in various laws.

**4.2. Limitations and Criticisms:** Despite its achievements, the NHRC has faced several criticisms that have hindered its ability to function as a robust human rights institution:

- **Lack of Enforceable Powers:** One of the primary criticisms of the NHRC is that it lacks binding authority. Its recommendations are advisory in nature and often ignored by government agencies. This undermines the commission's credibility and reduces its impact on ensuring justice for victims of human rights violations.

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<sup>4</sup> Anirudh Hariyani, 'Indian arbitration and the shifting sands of public policy' (2020) (16) (2) Asian International Arbitration Journal p.171 available at <https://kluwerlawonline.com/journalarticle/Asian+International+Arbitration+Journal/16.2/AIAJ2020020>. accessed 16 September 2023.

- **Bureaucratic and Procedural Delays:** The NHRC's investigation and reporting processes are often slow and bureaucratic, resulting in significant delays in providing justice. Many cases remain unresolved for years, eroding public trust in the commission's ability to address urgent human rights issues.
- **Limited Jurisdiction Over Armed Forces:** The NHRC's jurisdiction over human rights violations by the armed forces is severely limited. Under Section 19 of the Protection of Human Rights Act, the commission can only seek reports from the central government in cases involving the armed forces and cannot conduct independent investigations. This limitation is particularly problematic in conflict areas like Jammu & Kashmir and the North-Eastern states, where reports of human rights abuses by security forces are common.
- **Insufficient Resources and Manpower:** The NHRC often lacks the necessary resources and manpower to conduct in-depth investigations and follow up on its recommendations. Its limited budget and small investigative staff hamper its ability to effectively monitor human rights conditions across a vast and diverse country like India.
- **Political and Institutional Constraints:** The NHRC's independence has been questioned due to the manner in which its members are appointed. The selection committee includes representatives from the ruling government, leading to concerns about political interference and a lack of impartiality in the commission's functioning

## 5. Recommendations for Strengthening the NHRC

To enhance the NHRC's effectiveness and ensure it can serve as a strong protector of human rights in India, several reforms are needed:

1. **Granting Enforceable Powers:** The NHRC should be empowered to enforce its recommendations rather than merely offering advisory opinions. This could be achieved by amending the Protection of Human Rights Act to make the commission's decisions binding on public authorities<sup>5</sup>.
2. **Expanding Jurisdiction Over Armed Forces:** The commission's powers to investigate human rights violations by the armed forces should be expanded. This would require an

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<sup>5</sup> Tariq Khan, 'Whether to Invest or not: Comparative Analysis of the Public Policy Doctrine in India and England' (2021) 8 (1) RGNUL Financial & Mercantile Law Review pp. 39 available at <https://heinonline.org/HOL/P?h=hein.journals/rfladme8&i=47> accessed 15 September 2023.

amendment to Section 19 of the PHRA, allowing the NHRC to conduct independent inquiries in conflict zones.

3. **Addressing Procedural Delays:** The NHRC should streamline its procedures to reduce delays in investigations and decision-making. This could involve increasing the commission's manpower, leveraging technology for faster case management, and setting strict timelines for inquiry reports.
4. **Ensuring Independence and Impartiality:** The appointment process for NHRC members should be reformed to ensure greater independence and impartiality. Including representatives from the judiciary and civil society in the selection committee would enhance the commission's credibility and public trust.
5. **Strengthening Regional Offices:** To address the diverse human rights issues across India, the NHRC should strengthen its regional offices and establish new branches in underserved areas. This would facilitate better monitoring and quicker responses to local human rights violations.

## 6. Conclusion

The NHRC has played a crucial role in promoting social justice and addressing human rights violations in India. Its contributions to protecting vulnerable groups, reducing custodial violence, and influencing policy reforms are commendable. However, the commission's effectiveness is limited by its lack of binding powers, procedural delays, and political constraints. Strengthening the NHRC through legal and institutional reforms is essential to ensure that it can serve as a robust protector of human rights and a true promoter of social justice in India. Only then can the NHRC fulfill its mandate and contribute meaningfully to the realization of human rights for all citizens.

### **Recommendations for Strengthening the National Human Rights Commission (NHRC)**

The National Human Rights Commission (NHRC) of India has been at the forefront of addressing human rights violations and ensuring the protection of fundamental rights of individuals since its establishment in 1993. While it has made significant contributions in promoting human rights awareness, addressing grievances, and influencing policy changes, its overall effectiveness has been hampered by various structural, procedural, and legal limitations. To transform the NHRC into a more robust institution capable of safeguarding human rights comprehensively, a series of

structural, procedural, legal, and operational reforms are imperative. The following recommendations, presented in detail, seek to strengthen the NHRC, enabling it to act as a more powerful and credible guardian of human rights in India.

### ***1. Enhancing the Legal Powers of the NHRC<sup>6</sup>***

One of the primary limitations faced by the NHRC is its lack of binding authority. While the commission has extensive investigative powers, it can only make recommendations, which often remain unimplemented. Strengthening the legal authority of the NHRC is crucial to making its directives enforceable and ensuring accountability for human rights violations.

**1.1. Making NHRC's Recommendations Legally Binding:** The NHRC's current status as an advisory body limits its ability to enforce its findings and recommendations. Amending the Protection of Human Rights Act (PHRA) to confer legally binding status to its recommendations would significantly enhance its effectiveness. Such a change would require public authorities and state governments to implement the NHRC's recommendations or provide valid reasons for non-compliance. This amendment could mirror the model followed by the Information Commissions under the Right to Information Act, 2005, where decisions are binding on public authorities.

**1.2. Expanding Jurisdiction Over Armed Forces:** Under Section 19 of the PHRA, the NHRC's jurisdiction over the armed forces is restricted. The commission can only request reports from the central government in cases involving the armed forces and cannot conduct independent investigations. Given the numerous reports of human rights violations in conflict zones such as Jammu & Kashmir and the North-Eastern states, the NHRC should be empowered to conduct independent inquiries in such cases. Amending Section 19 to allow for greater NHRC intervention and creating special protocols for investigations in sensitive areas would bolster its ability to address abuses by security forces.

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<sup>6</sup> Tariq Khan, 'Whether to Invest or not: Comparative Analysis of the Public Policy Doctrine in India and England' (2021) 8 (1) RGNUL Financial & Mercantile Law Review pp. 39 available at <https://heinonline.org/HOL/P?h=hein.journals/rfladme8&i=47> accessed 15 September 2023.

**1.3. Addressing the Statutory Limitations on Time-Bound Complaints:** The NHRC cannot investigate cases that are more than a year old at the time of filing, as per the PHRA. This restriction often prevents victims of historical injustices and delayed reporting (e.g., in cases of custodial violence, sexual abuse, or communal violence) from seeking redress. Removing or extending this time limitation, especially for heinous crimes or cases where systemic issues are involved, would ensure greater access to justice for victims.

## ***2. Reforming the Appointment Process for Greater Independence***

The independence of the NHRC has been questioned due to the manner in which its members are appointed. The current composition of the selection committee, which includes representatives from the executive, raises concerns about political influence and a lack of impartiality. Reforming the appointment process is essential to ensuring that the NHRC functions as an independent and unbiased institution<sup>7</sup>.

**2.1. Broadening the Selection Committee:** The selection committee for NHRC members currently includes the Prime Minister, the Home Minister, the Leader of the Opposition, and the Speaker of the Lok Sabha. To reduce potential biases and enhance the independence of the commission, the committee should be expanded to include representatives from the judiciary, civil society, and human rights organizations. This broader representation would ensure that appointments are made based on merit and a demonstrated commitment to human rights.

**2.2. Introducing Transparent and Merit-Based Selection Criteria:** The appointment of NHRC members should be based on clear, transparent, and merit-based criteria. This would involve publicizing the selection process, setting objective standards for evaluating candidates, and conducting interviews in a transparent manner. Engaging civil society and human rights experts in the vetting process would further enhance the credibility and integrity of the selection process.

**2.3. Increasing the Representation of Women and Marginalized Groups:** The NHRC should strive for greater diversity in its membership by ensuring adequate representation of women,

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<sup>7</sup> A J van den Berg, 'The New York Arbitration Convention of 1958: Towards a Uniform Judicial Interpretation', (1981) p. 360.

Scheduled Castes (SCs), Scheduled Tribes (STs), minorities, and persons with disabilities. This would make the commission more representative of the diverse social fabric of India and ensure that the voices of vulnerable communities are adequately represented.

### **3. Strengthening Investigative and Operational Capacities**

The NHRC's effectiveness is often constrained by its limited investigative resources and operational capacities. To ensure thorough and timely investigations, the NHRC must be equipped with the necessary manpower, infrastructure, and technology.

**3.1. Establishing a Dedicated Investigative Wing:** The NHRC currently relies heavily on state police personnel for conducting investigations, which can lead to conflicts of interest and a lack of impartiality. Establishing a dedicated, independent investigative wing composed of trained human rights professionals, forensic experts, and legal officers would enhance the commission's ability to conduct impartial investigations. This wing should be equipped to handle complex cases, including custodial torture, extrajudicial killings, and sexual violence.

**3.2. Increasing Budgetary Allocations:** The NHRC's budgetary constraints limit its ability to expand its activities and monitor human rights conditions effectively. The government should significantly increase funding to the commission to enable it to conduct more comprehensive inquiries, engage in outreach activities<sup>8</sup>, and establish regional offices. Enhanced funding would also allow the NHRC to recruit additional staff and provide better support to victims of human rights violations.

**3.3. Leveraging Technology for Efficient Case Management:** The NHRC should leverage technology to streamline its case management and reporting systems. Implementing an online complaint portal, using artificial intelligence for data analysis, and adopting digital tools for monitoring and reporting would improve the commission's efficiency and reduce delays in case processing. An automated case-tracking system would also help victims and complainants track the status of their complaints in real-time.

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<sup>8</sup> J. Gillis Wetter, 'Present Status of the International Court of Arbitration of the ICC: An Appraisal', (1990) (1) (1) *The American Review of International Arbitration* pp. 91-93.



#### **4. Improving Public Accessibility and Outreach**

One of the NHRC's key roles is to act as a conduit between the public and the government in cases of human rights violations. However, many individuals, particularly those in remote and marginalized communities, are unaware of the NHRC's existence or are unable to access its services. Expanding public outreach and accessibility is critical to making the NHRC more inclusive.

**4.1. Establishing Regional and State Offices:** Currently, the NHRC operates mainly out of its headquarters in New Delhi, making it difficult for individuals from remote regions to seek assistance. Establishing regional and state offices in every state would ensure greater accessibility and allow the NHRC<sup>9</sup> to monitor local human rights conditions more effectively. These offices should be staffed with local human rights experts familiar with regional issues.

**4.2. Conducting Awareness Campaigns and Community Outreach:** The NHRC should undertake extensive awareness campaigns, especially in rural and tribal areas, to inform people about their rights and how to file complaints. Collaborating with civil society organizations, local governments, and community leaders to conduct workshops, distribute informational materials, and use local media channels would increase the commission's visibility and promote a culture of human rights.

**4.3. Establishing Toll-Free Helplines and Mobile Units:** Setting up toll-free helplines and mobile human rights units would enable the NHRC to reach individuals who cannot travel to its offices. These mobile units could visit remote villages and conflict zones, collect complaints, and provide immediate assistance to victims. Such initiatives would demonstrate the NHRC's proactive commitment to protecting human rights.

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<sup>9</sup> Harpreet Kaur, 'The 1996 Arbitration and Conciliation Act: A Step Toward Improving Arbitration in India', (2010) (6) (1) Hastings Business Law Journal pp. 262-263 available at [https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1146&context=hastings\\_business\\_law\\_journal](https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=1146&context=hastings_business_law_journal) accessed on 17 September 2023

## **5. Strengthening Collaboration with Civil Society and International Bodies**

The NHRC can benefit immensely from collaboration with civil society organizations (CSOs)<sup>10</sup>, academic institutions, and international human rights bodies. These partnerships can provide the commission with additional expertise, resources, and platforms for advocacy.

**5.1. Engaging with Civil Society Organizations:** CSOs are often at the frontline of documenting human rights violations and providing support to victims. The NHRC should establish formal mechanisms to collaborate with CSOs, allowing them to participate in investigations, contribute to policy recommendations, and assist in public outreach. Creating a network of human rights defenders and CSOs would strengthen the NHRC's capacity to monitor and address violations more comprehensively.

**5.2. Building Partnerships with International Human Rights Bodies:** The NHRC should actively engage with international human rights organizations such as the United Nations Human Rights Council (UNHRC) and the Office of the High Commissioner for Human Rights (OHCHR). Participating in international human rights forums, submitting shadow reports, and adopting best practices from other countries would enhance the NHRC's global standing and improve its methodologies.

**5.3. Promoting Human Rights Research and Advocacy:** The NHRC should collaborate with academic institutions and think tanks to conduct research on emerging human rights issues, such as digital privacy, climate justice, and the rights of LGBTQ+ individuals. Establishing a research and advocacy division within the NHRC would allow it to take a proactive role in shaping human rights discourse in India.

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<sup>10</sup> Travaux préparatoires, 'Report of the Committee on the Enforcement of International Arbitral Awards', (2016) pp. 20-21 & 23 available at [https://newyorkconvention1958.org/pdf/guide/2016\\_Guide\\_on\\_the\\_NY\\_Convention.pdf#page=251](https://newyorkconvention1958.org/pdf/guide/2016_Guide_on_the_NY_Convention.pdf#page=251) accessed 17 September 2023.

## 6. Enhancing Transparency and Accountability

The NHRC's credibility hinges on its ability to function transparently and be accountable to the public. Instituting mechanisms for greater transparency and accountability would improve public trust and ensure that the commission adheres to the highest standards of human rights protection<sup>11</sup>.

**6.1. Publishing Annual Reports and Inquiry Findings:** The NHRC should publish detailed annual reports that include not only the number of cases handled and their outcomes but also an analysis of trends in human rights violations and systemic issues. Making these reports accessible in multiple languages would ensure wider reach and understanding.

**6.2. Implementing a Robust Grievance Redressal Mechanism:** Establishing a grievance redressal mechanism for complainants who are dissatisfied with the NHRC's handling of their cases would provide an additional

### Key Roles of the NHRC in Promoting Social Justice

The National Human Rights Commission (NHRC) of India plays a pivotal role in promoting social justice by safeguarding the fundamental rights and dignity of individuals. The concept of social justice involves ensuring fair treatment, equality of opportunity, and equitable access to resources, opportunities, and rights for all citizens. In a diverse and complex society like India, achieving social justice requires addressing various forms of inequality, discrimination, and exclusion that affect vulnerable and marginalized communities. The NHRC's mandate, as defined by the Protection of Human Rights Act, 1993, is to protect human rights and prevent their violation. To accomplish this, the NHRC engages in several key activities that contribute to social justice:

#### 1. Investigating and Addressing Human Rights Violations

One of the primary functions of the NHRC is to investigate complaints of human rights violations. This includes incidents of police brutality<sup>12</sup>, custodial deaths, extrajudicial killings, forced

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<sup>11</sup> Travaux préparatoires, 'Report of the Committee on the Enforcement of International Arbitral Awards', (2016) pp. 20-21 & 23 available at [https://newyorkconvention1958.org/pdf/guide/2016\\_Guide\\_on\\_the\\_NY\\_Convention.pdf#page=251](https://newyorkconvention1958.org/pdf/guide/2016_Guide_on_the_NY_Convention.pdf#page=251) accessed 17 September 2023.

<sup>12</sup> Tariq Khan, 'Whether to Invest or not: Comparative Analysis of the Public Policy Doctrine in India and England' (2021) 8 RGNUL Fin & Mercantile L Rev 35 (SCC ONLINE)

disappearances, child labor, trafficking, and various forms of discrimination. Through its investigative authority, the NHRC has the power to:

- **Receive Complaints and Conduct Inquiries:** The NHRC accepts complaints from individuals, groups, or suo moto (on its own initiative) when it becomes aware of human rights abuses. Once a complaint is filed, the commission can initiate inquiries, summon witnesses, request records from government authorities, and conduct site visits to establish the facts.
- **Intervene in Cases of Gross Human Rights Violations:** In cases involving serious human rights violations, such as custodial torture, communal violence, and large-scale displacement, the NHRC can intervene by sending special rapporteurs to investigate the matter. The findings and recommendations of these investigations often lead to the provision of compensation, disciplinary action against perpetrators, or policy changes.
- **Investigating Alleged Discrimination and Atrocities:** The NHRC often focuses on cases of discrimination and violence against marginalized communities, including Scheduled Castes (SCs), Scheduled Tribes (STs), minorities, women, and persons with disabilities. It examines complaints related to atrocities, hate crimes, and social exclusion, making specific recommendations to the government for protection and rehabilitation of victims.

The commission's capacity to address such violations ensures that marginalized and vulnerable communities have a platform to seek justice, thereby contributing significantly to the promotion of social justice.

## 2. Monitoring Custodial Institutions and Detention Centers

The conditions in custodial institutions such as prisons, juvenile homes, and detention centers are often marred by overcrowding, inadequate healthcare, abuse, and violence. The NHRC has the mandate to monitor these institutions to prevent human rights violations and promote humane treatment:

- **Conducting Regular Inspections:** The NHRC conducts regular and surprise inspections of prisons, police lock-ups, juvenile homes, and other custodial institutions to assess living conditions and identify potential rights violations. These inspections focus on issues such as overcrowding, access to legal aid, healthcare facilities, and the treatment of inmates.

- **Preventing Custodial Torture and Deaths:** Custodial torture and deaths remain a pressing issue in India's criminal justice system. The NHRC's stringent guidelines and mandatory reporting requirements for custodial deaths have been instrumental in promoting greater accountability. The commission's intervention often leads to compensation for victims' families and disciplinary action against officials involved in such abuses.
- **Reforming Prison Conditions:** Based on its findings, the NHRC provides recommendations for prison reforms, such as improving healthcare, reducing overcrowding, and ensuring access to legal aid. These recommendations have influenced state governments to adopt measures that enhance the welfare of inmates, thus promoting the principles of social justice<sup>13</sup>.

### 3. Protecting the Rights of Marginalized and Vulnerable Groups

The NHRC has a special focus on promoting and protecting the rights of marginalized communities, including Scheduled Castes, Scheduled Tribes, women, children, persons with disabilities, and minorities. The commission's efforts in this area are essential for addressing historical injustices, social exclusion, and systemic discrimination:

- **Preventing Atrocities Against SCs and STs:** The NHRC actively monitors and investigates cases of caste-based violence, discrimination, and atrocities against SCs and STs. It reviews the implementation of protective laws like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and provides recommendations for improving their enforcement.
- **Promoting Women's Rights:** The NHRC addresses issues such as domestic violence, trafficking, sexual harassment, and discrimination against women. It works closely with the National Commission for Women (NCW) to promote gender justice and advocates for stronger laws and policies to protect women's rights.
- **Child Rights Protection:** The NHRC has a dedicated cell to address child rights issues, including child labor, child trafficking, and the exploitation of children. It monitors the

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<sup>13</sup> *Soinco SACI & Anr. v. Novokuznetsk Aluminium Plant & Ors.*, [1998] 2 Lloyd's Rep. 337, Court of Appeal, England and Wales [1998] CLC 730.

implementation of laws like the Juvenile Justice Act and provides recommendations for ensuring the welfare and rehabilitation of vulnerable children.

By focusing on the rights of these communities, the NHRC helps reduce social inequalities and promotes the principles of justice and inclusion.

#### **4. Reviewing Laws and Policies for Human Rights Compliance**

A key role of the NHRC is to review existing and proposed legislation to ensure they comply with human rights standards. Through this process, the commission aims to influence laws and policies that affect the social, economic, and political rights of individuals:

- **Reviewing National and State-Level Legislation<sup>14</sup>:** The NHRC scrutinizes laws related to labor rights, land acquisition, health, education, and environmental protection to ensure that they do not infringe on the rights of citizens. It provides recommendations to amend or repeal laws that are incompatible with human rights standards.
- **Promoting Compliance with International Human Rights Standards:** As a member of the international human rights community, the NHRC monitors India's compliance with international treaties and conventions, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The commission submits reports to international bodies and engages in dialogue to promote better adherence to these standards.
- **Advocating for Policy Reforms<sup>15</sup>:** The NHRC frequently engages in policy advocacy by providing inputs on issues such as refugee protection, migrant rights, and the impact of development projects on indigenous communities. Its policy recommendations often highlight the need to balance economic growth with social justice and the protection of vulnerable groups.

Through its legislative and policy review functions, the NHRC acts as a crucial mediator between the government and civil society, ensuring that human rights are upheld in the legal and policy frameworks.

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<sup>14</sup> Sonatrach (Algeria) v. Distrigas Corp, (United States District Court) Massachusetts (1995) XX Y.B. Comm Arb at 795.

<sup>15</sup> The Bremen v. Zapata Off-Shore Co., 407 U.S. 1, 92 S. Ct. 1907 (1972).

## 5. Promoting Human Rights Awareness and Education

One of the NHRC's most critical roles is promoting awareness and education about human rights among the public, government officials, and law enforcement agencies. This is achieved through various initiatives aimed at building a culture of respect for human rights:

- **Organizing Workshops and Training Programs:** The NHRC conducts training programs and workshops for police, prison staff, judiciary members, and other public officials to sensitize them to human rights issues. These programs emphasize the need to protect the rights of individuals, especially those in custody, and promote humane treatment.
- **Collaborating with Educational Institutions:** The NHRC collaborates with universities and schools to introduce human rights education into academic curricula. It supports research initiatives, organizes essay competitions, and promotes academic studies on human rights to foster a deeper understanding of social justice among students.
- **Public Awareness Campaigns:** The NHRC undertakes extensive public awareness campaigns through media, publications, and outreach programs. It uses platforms like seminars, television broadcasts, and social media to educate the public about their rights and how to seek redress in case of violations.

By promoting human rights awareness and education, the NHRC contributes to building a society that respects and values the dignity and rights of all individuals.

## 6. Providing Recommendations to the Government

The NHRC provides the central and state governments with recommendations on how to address systemic human rights issues. These recommendations often lead to policy changes, legal reforms, and the implementation of measures aimed at protecting vulnerable groups:

- **Policy and Legislative Recommendations:** The NHRC's recommendations have influenced the adoption of new laws, amendments to existing laws, and the introduction of policies that strengthen human rights protections. For example, its inputs have been crucial in shaping policies on bonded labor, trafficking, and the rights of persons with disabilities.
- **Advising on Human Rights Strategies:** The NHRC advises the government on developing strategies to prevent human rights violations, address grievances, and promote social justice. These strategies include setting up human rights cells within police

departments, implementing rehabilitation programs for victims, and ensuring better access to legal aid.

The NHRC's advisory role helps align government actions with human rights principles, promoting a just and equitable society.



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