

## National Human Rights Commission (NHRC) - UPSC Indian Polity Notes

The National Human Rights Commission or NHRC is a standalone entity of the Government of India with the mission of promoting and protecting human rights. It is a **statutory** body mentioned in the [Constitution of India](#) that was established in 1993 under the 'Protection of Human Rights Act.' This act was further amended in 2006.

This article talks about an important non-constitutional body, the National Human Rights Commission, in the context of [IAS Exam](#).

The topic, 'NHRC' is important for the Indian Polity subject (Mains GS-II) of the [UPSC Syllabus](#).

### What is the National Human Rights Commission (NHRC)?

The National Human Rights Commission (NHRC) established in 1993, is an independent statutory body as per the provisions of the **Protection of Human Rights Act of 1993** which was amended in 2006.

- Human Rights are an indispensable part of society and Human Rights in India are watched by NHRC.
- NHRC acts as a watchdog of human rights in the country.
- NHRC looks over the rights that are related to life, dignity, liberty and equality of the individual that is defined in Section 2(1) of the PHR Act.
- They are guaranteed by the Constitution of India, embodied in the international covenants and are enforceable by the courts of India as well.
- NHRC was established in compliance with the Paris Principles of Human Rights, 1991 which were adopted for the promotion and protection of Human Rights and were endorsed by the [United Nations](#) at its General Assembly of 1993

### NHRC History

- In 1948, the UN adopted the UDHR (Universal Declaration of Human Rights).
- In 1991, the Paris Principles were established by the National Human Rights Institutions (NHRIs).
- In 1993, the UN adopted these Paris Principles at its General Assembly.
- In 1993, India enacted the Protection of Human Rights Act.
- This led to the formation of the National Human Rights Commission (NHRC).
- The Protection of Human Rights Act also allowed state governments to establish the State Human Rights Commission.

## NHRC Composition – Members of NHRC

- The National Human Rights Commission (NHRC) is composed of a Chairperson and eight other members.
- Those eight members are:
  - Four full-time members.
  - Four deemed members.

Composition of NHRC	
<b>Chairman of NHRC</b>	Retired <a href="#">Chief Justice of India</a>
<b>Member 1</b>	One who is/has been a Judge of <a href="#">Supreme Court of India</a>
<b>Member 2</b>	One who is/has been a Chief Justice of a <a href="#">High Court</a>
<b>Two Members</b>	Candidates with the knowledge or practical experience in the matters of Human Rights
<b>Deemed Members (Ex-officio Members)</b>	<p>Deemed members are chairpersons of the below national commissions:</p> <ol style="list-style-type: none"><li>1. National Commission for Minorities</li><li>2. National Commission for Scheduled Castes</li><li>3. National Commission for Scheduled Tribes</li><li>4. National Commission for Women</li></ol>

To read about the [National Commission for Scheduled Castes \(NCSC\)](#), check the linked article.

## Appointment of NHRC Members

- A Selection Committee will recommend the candidates to the President.
- The Selection Committee includes:
  - Prime Minister (Chairman)
  - Speaker of Lok Sabha
  - Union Home Minister
  - Deputy Chairman of Rajya Sabha
  - Leaders of the Opposition in both Houses of the [Parliament](#)

Aspirants can check the official website of the National Human Rights Commission (<https://nhrc.nic.in/>) for more details.

### Functions & Powers of NHRC

The functions of the National Human Rights Commission (NHRC) as stated in Section 12 of the Protection of Human Rights Act, 1993 includes enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant. The Commission also studies treaties and international instruments on human rights and makes recommendations for their effective implementation to the Government.

- NHRC can investigate any complaints related to violations of Human Rights in India either suo-moto or after receiving a petition.
- NHRC can interfere in any judicial process that involves any allegation of violation of Human Rights.
- It can visit any prison/institute under the control of the state governments to observe the living conditions of inmates. It can further make recommendations based on its observations to the authorities.
- NHRC can review the provisions of the Constitution that safeguard Human Rights and can suggest necessary restorative measures.
- Research in the field of Human Rights is also promoted by the NHRC.
- Human Rights awareness and literacy through different media are promoted by NHRC in various sectors of society.
- NHRC has the power to recommend suitable steps that can prevent violation of Human Rights in India to both Central as well as State Governments.
- The **President** of India gets an annual report from NHRC which is laid before both the Houses of the Parliament.

### Limitations of NHRC

It is important to know the limitations of NHRC for the UPSC exam. They are mentioned below:

- The Recommendations made by the NHRC are not binding.
- Violation of Human rights by private parties cannot be considered under NHRC Jurisdiction.
- NHRC doesn't have the power to penalise the authorities that don't implement its recommended orders.
- 3 of the NHRC members are judges which give the functioning of the Commission a judicial touch.

- The other members that are recommended by the Selection Committee may not necessarily be Human Rights experts.
- The NHRC does not consider the following cases:
  - Cases that are older than one year.
  - Cases that are anonymous, pseudonymous or vague.
  - Frivolous cases.
  - Cases pertaining to service matters.
- The NHRC has limited jurisdiction over cases related to armed forces.
- The NHRC faces other issues like excess cases/complaints, insufficient funds, bureaucratic functioning style, etc.

Click the link to read about the [National Child Labour Project Scheme](#).

### Major Issues related to NHRC

India faces Human Rights violations on a large scale due to various reasons. The National Human Rights Commission (NHRC) takes up most of the issues around the country. Some of them are mentioned below:

- Arbitrary arrest and detention
- Custodial torture
- Child labour
- Violence and discrimination against women and children
- Extrajudicial killings
- Excessive powers
- Sexual violence and abuse
- LGBTQ community rights
- SC/ST, disabled people and other religious minority issues
- Labour rights and right to work
- Conflict induced internal displacement
- Manual scavenging

Also read about the [Protection Of Children from Sexual Offences Act \(POCSO\)](#).

### Term & Removal of Chairperson of NHRC

The Chairperson or the Members of the National Human Rights Commission holds office for a term of three years or until they attain the age of 70 years, whichever is earlier.

Earlier the tenure of office was 5 years or 70 years whichever is earlier but the Protection of Human Rights (Amendment) Bill 2019 brought in certain changes.

### The Protection of Human Rights (Amendment) Act, 2019

The differences in the Protection of Human Rights Act 1993 and the Protection of Human Rights Amendment Bill 2019 with respect to NHRC is given below-

National Human Rights Commission (NHRC) – Key Differences		
	Protection of Human Rights Act 1993	Protection of Human Rights Amendment Bill 2019
Chairperson	The commission shall consist of a chairperson who has been a Chief Justice of the Supreme Court	Chief justice of the Supreme court or the Judge of the Supreme Court shall be the chairperson of NHRC
Other Members	NHRC must consist of two members to be appointed from among the persons having knowledge of, or practical experience in the matters relating to Human Rights	The bill amends this to allow three members to be appointed of which at least one will be a Woman
Ex-Officio Members	The Chairpersons for National Commission for Minorities, National Commission for Scheduled Castes and scheduled Tribes and National Commission for Women shall deemed to be Member of the Commission	The Bill provides for including the chairpersons of the National Commission for Backward Classes, National Commission for the protection of Child Rights and the Chief Commissioners for Persons with Disabilities as the members of NHRC
Term	The Act states that the Chairperson and Member of NHRC will hold office for 5 years or till the age of 70 years, whichever is earlier	The bill reduces the term of Office to 3 years or till the age of 70 years whichever is earlier.
Reappointment	The act allows for the reappointment of the member of NHRC for the term of five years	The bill removes the five year limit of reappointment

Powers of Secretary-General	The act provides for a Secretary-General who shall be the Chief Executive Officer of the Commission and shall exercise powers as may be delegated to them	The Bill amend this and allowed the Secretary-General to exercise all the administrative and Financial powers (except Judicial functions) subject to Chairperson's control
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The Protection of Human Rights (Amendment) Bill, 2019 has been passed in both Lok Sabha and Rajya Sabha in 2019.

## UPSC Questions related to National Human Rights Commission

'Human Rights' is an important global issue and questions related to these can be asked in UPSC Prelims or Mains. The question mentioned below have been asked in the UPSC exams:

1. The multiplicity of various commissions for the vulnerable sections of the society leads to problems of overlapping jurisdiction and duplication of functions. Is it better to merge all commissions into an umbrella Human Rights Commission? Argue your case. (UPSC Mains GS-II 2018).

Similarly, in the years 2014 and 2015, UPSC Mains (GS II) questions were based on the National Human Rights Commission topic. Therefore, it holds high relevance and importance in the point of UPSC Mains Examination. To know more about the [previous year's questions](#), check the linked article.

## FAQ about National Human Rights Commission (NHRC)

### Who is the chairman of the National Human Rights Commission of India currently?

**Shri Justice Arun Kumar Mishra** is the current chairperson of the National Human Rights Commission, and he assumed on June 2, 2021.

### Where is the NHRC headquartered?

- NHRC has its headquarters in New Delhi.

### What is the role of NHRC?

- The National Human Rights Commission or NHRC is a standalone entity of the Government of India with the mission of promoting and protecting human rights.
- The functions of the National Human Rights Commission (NHRC) as stated in Section 12 of the Protection of Human Rights Act, 1993 includes enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant.

