

Human Rights Institutions and Democratic Governance: Locating the NHRC within India's Constitutional Framework

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Abstract

This paper analyses the NHRC of India as a legislative institution that links guarantees made under the Constitution of India with the actual operation of Human Rights Protection in the context of the country's ongoing experience as a democracy. The NHRC was established as a result of the Protection of Human Rights Act 1993. The NHRC's establishment is indicative of India's commitment to ensuring that Human Rights are protected through an institutional mechanism that goes beyond just the Courts. Although the NHRC has created an institutional framework to provide human rights protection to citizens and plays an important role in protecting democracy by enhancing potential for, and overseeing accountability of, Governmental authorities. However, the effectiveness of the NHRC is compromised by the fact that it does not have constitutional status, it relies heavily on the Appointments and resources provided to it by the Executive, and it has largely recommendatory enforcement powers rather than binding enforcement powers. As a result, there exists a gap between the ideals of the Constitution with the implementation of those principles into practice. The conclusion of the paper provides clearly articulated and justified recommendations, for improving NHRC's independence, enforceability, and legitimacy in order to reflect the NHRC's commitments to international human rights standards and to India's overarching constitutional vision.

Keywords: National Human Rights Commission, constitutional framework, democratic governance, human rights institutions, India, Paris Principles

1. Introduction

The normative underpinning of democratic governance is the concept of human rights which establishes inter-relationships between the citizen and the state through a set of international norms that act as a general guide for state-citizen relationships and as a legal framework for constitutional democracies. In India, human rights are included in the Constitution through an expansive framework provided by Part III of the Constitution as enshrined in the Fundamental Rights and Part IV is the Directive Principles of State Policy; but while the Constitution provides a basis for the establishment of human rights in India, the delivery of these rights relies on strong institutional frameworks to monitor, investigate and remedy any human rights violations. It was at a time when issues including domestic and international pressure for accountability regarding custodial violence, communal riots, and caste-based atrocities in India were rising up that the Protection of Human Rights Act established the National Human Rights Commission (NHRC). The NHRC represents an alternative to traditional judicial response by providing an alternative, independent, specialised and accessible body with a mandate to inquire into human rights violations; to intervene in any court cases regarding human rights violations; to conduct inspections of detention facilities (prisons) in an effort to monitor the conditions therein; to review legislative safeguards regarding human rights violations; to conduct research related to human rights and promote human rights awareness among the general public; and to provide government policy advisory services on matters relating to human rights. There remains, however, a significant challenge for the NHRC as a statutory authority created within the constitutional structure of India, but which has constitutional responsibilities; thus raising substantial issues of institutional design; accountability to the democratic process, and effectiveness in protecting human rights. This paper locates the NHRC within India's constitutional framework, examining its contributions to democratic governance while critically assessing the structural limitations that constrain its effectiveness. The analysis proceeds through examining constitutional foundations, institutional architecture, contributions to governance, constraints and challenges, and potential reforms.

2. Constitutional and Legal Foundations

2.1 Human Rights in the Indian Constitution

The constitutional law of India is one of the most detailed expressions of basic individual rights and freedoms in constitutional history after colonial invasion. Part 3 of the Constitution guarantees enforceable rights such as equality under the law (Article 14), elimination of discrimination (Article 15), right to life and personal freedom (Article 21), and freedom of speech and expression (Article 19). Through a larger interpretation by the courts, Article 21 has grown to include rights to work, education, health and hygiene, the right to a clean environment, and human dignity.

In the landmark case of *Maneka Gandhi versus the Union of India* (1978), the Indian Supreme Court turned Article 21, which provides procedural due process protections against arbitrary governmental action, into an unconditional guarantee that requires the government to follow fair, just, and reasonable procedures in exercising its authority over individuals.

While enforceable rights are established in Part 3, Part 4 or Directive Principles of State Policy provides the guiding principles and administrative framework for a democratic form of government; these principles are not enforceable in the courts, but they guide the government in making laws and resolving disputes. Public interest litigation, as practised in India since the landmark case of *Hussainara Khatoon versus State of Bihar* (1979), has provided individuals with considerably better access to the courts to seek vindication of their constitutional rights, allowing individuals to represent the interests of victims who cannot present their own cases.

However, the process of bringing constitutional rights into practical use has been hindered by a number of limitations. The judiciary's mounting case backlogs—with millions of cases pending creating delays of years or decades—procedural complexities, geographic distance from courts, and costs associated with litigation created formidable obstacles for marginalized populations. The Emergency period from 1975 to 1977 further exposed vulnerabilities when fundamental rights were suspended and massive violations occurred, demonstrating that judicial institutions alone might prove insufficient bulwarks against authoritarian tendencies. This experience created widespread recognition that supplementary institutional arrangements were necessary to prevent future abuses.

2.2 International Context and the Paris Principles

After independence, India's involvement with global human rights laws increased, with its participation in drafting the Universal Declaration of Human Rights (1948) and signing key treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights in 1979. However, there was still a gap between signing treaties and implementing them in India.

The United Nations General Assembly adopted the Paris Principles in December 1993 through resolution 48/134 and these set out the official guide for national human rights institutions. The Paris Principles provide that national human rights institutions must have a constitutional or legislative basis, be totally independent of government with regard to appointment and recruitment of their members, be represented by members from different sections of society, have full powers of investigation and be free from all financial restrictions. The Global Alliance of National Human Rights Institutions reviews compliance with these standards and awards "A" status to institutions that are fully compliant.

India established its National Human Rights Commission (NHRC) in 1993, in keeping with this international trend, but also to respond to the need to address custodial violence, extrajudicial killings, religious riots, and other human rights issues in the areas of conflict in India. International organisations such as Amnesty International and Human Rights Watch have documented the human rights violations in India and have pressed for accountability, which created further pressure for institutional reform.

2.3 The Protection of Human Rights Act, 1993

The Protection of Human Rights Act provides a definition for "human rights," as those relating to life, liberty, equality and dignity and protected under the Constitution or the various International Treaties established in accordance with International Law and enforceable by law in India. The broad definition combines the protections afforded by the Constitution, as well as protections provided by International Treaties. The Act

also defines the membership of the National Human Rights Commission, requiring the Commission to include a Chairperson who is a retired Chief Justice of India, judicial members, and two members with training and/or experience in Human Rights. The National Human Rights Commission also includes ex officio members comprising of the chairpersons of the relevant commissions dealing with Minorities, Scheduled Castes and Tribes, and Women's Rights.

To appoint members to the National Human Rights Commission, the President of India shall make the appointment from the recommendations of the appointed Committee of the following individuals, namely: The Prime Minister, Speaker of the Lok Sabha, Home Minister, Deputy Chairman of the Rajya Sabha and Leader of Opposition. Although this was designed as a means to facilitate bipartisan consultation, the Prime Minister and the Home Minister shall have significant powers due to their roles as Chair and member of the Committee, respectively. This differs from the emphasis placed by the Paris Principles on the appointment process being pluralistic.

Within the scope of the functions of the National Human Rights Commission, the Commission shall have broad authority to: conduct investigations (upon its own initiative or following receipt of a complaint) of possible Human Rights Violations; intervene in court proceedings; visit places of detention (such as prisons); review protections provided by the Constitution; conduct research and promote Human Rights Education. The Commission has the powers of a civil court for purposes of investigation (to summon witnesses to appear, to examine evidence, and to requisition documents). However, the scope of the Commission's activities is constrained by significant limitations. Specifically, the recommendations made by the Commission under Section 19 are not legally binding on the government; while the government is required to respond to the Commission's recommendations within three months, the government has no legal consequences for non-compliance. In addition, the Act requires the prior authorization of the government to investigate complaints about members of the armed forces, creating an institutional conflict of interest. Furthermore, the Act limits the Commission's jurisdiction to matters or occurrences that are less than one year old unless extraordinary circumstances exist, and it limits the Commission's jurisdiction to violations committed by "public servants," and does not include violations committed by private actors. There was controversy when the 2019 amendments to the Act reduced the tenure of a Commission member from five years to three years, while permitting them to be reappointed or extended, potentially creating a scenario where Commission members might be dependent on government favour for the continuation of their service. The 2019 amendments to the Act demonstrated how vulnerable the Commission was due to its status as a statutory agency; the structure of the Commission was modified in an ordinary Government Act despite the objections of civil society.

2.4 Statutory versus Constitutional Status

The NHRC is legislatively established; this has significant consequences for its independence and effectiveness. By contrast, constitutional authorities such as the Election Commission (EC) and the Comptroller and Auditor General (CAG) were created by the Constitution and therefore have advantages that their existence and functions cannot be terminated through the legislative process. To eliminate a constitutional authority, a constitutional amendment with a two-thirds majority is required. In addition, the power of constitutional authorities cannot be reduced by ordinary legislation. Also, many have financial autonomy because their expenditures are charged against the Consolidated Fund, which protects them from the pressures of annual budgets. The provisions of the Constitution provide greater protection for their tenure and the process by which they may be removed.

On the other hand, statutory bodies can be created, modified, or abolished through ordinary legislation. This is the status of the NHRC's powers, as well as its composition and the processes that it uses to operate, and the amendment of statutory provisions in 2019 demonstrates this. The NHRC's budget must be approved annually by Parliament through a Ministry of Home Affairs-controlled process; it is, therefore, dependent on the cooperation of the executive branch of government. In its annual report, the NHRC has identified the lack of financial resources it has to conduct investigations and operate effectively.

Those who support constitutional entrenchment believe that locally providing more protection will help guarantee greater financial autonomy to the NHRC. They also believe that entrenching local human rights-protective standards will enhance the principles of independence and that the provisions would enhance the clarity of tenure protection for the NHRC. They point to the National Commission for Scheduled Castes and

National Commission for Scheduled Tribes, elevated to constitutional status through the 89th Amendment in 2003, as precedent demonstrating feasibility and benefits.

Skeptics counter that constitutional status alone cannot guarantee effectiveness, that India's Constitution is already detailed, that constitutional amendments face political obstacles, and that meaningful independence can be achieved within statutory frameworks through careful design and political commitment. The debate reflects broader questions about constitutional design and institutional protection in democratic governance.

3. Institutional Architecture and Functions

3.1 Composition and Jurisdictional Scope

The NHRC is organized to achieve a combination of judicial backgrounds with Human Rights backgrounds and different groups represented. The section which requires that the Chairperson should be from amongst those who are retired Chief Justices provides judicial credibility. Also, the requirement for members having Human Rights backgrounds provides for additional diversity. However, because of the vague eligibility criteria and significant discretion given to the executive branch to appoint, there exist concerns about independence.

The NHRC has the power to investigate complaints of Human Rights violations committed by Central Government agencies and the Armed Forces throughout India. However, the requirement that the Armed Forces must give permission before the NHRC may investigate them creates a significant gap in accountability, especially given that many serious Human Rights violations occur in areas where there are armed conflicts. This restriction is justified on the basis of National Security. The Government, however, is responsible for setting the policy governing the activities of the Armed Forces.

The NHRC operates within a Federal system of governance. Therefore, there is considerable complexity in the operation and administration of the NHRC and the State Human Rights Commissions, which also have the same mandate under the same Statute, to investigate complaints of Human Rights violations committed by state officials. Although the separation of the NHRC from the State Human Rights Commissions provides evidence of Constitutional Federalism, it creates challenges in relation to coordination and consistency in the implementation of both. While some states have developed strong Human Rights Commissions, many states lack resources and are unable to fulfil their mandates effectively. This inequality means that the ability to secure Human Rights protection varies based on where a person lives, which is fundamentally inconsistent with Equal Protection.

3.2 Powers and Procedural Mechanisms

The Commission has considerable capacity for inquiry but lacks enforcement capability. Governments must respond to recommendations made by the commission within three months of receipt, however, if a government does not respond, it does not face any consequences. Governments can do nothing, change their responses, or delay their responses without incurring any penalties. While the Commission may report to Parliament regarding recommendations, the effectiveness of this mechanism is based on moral authority and public pressure, and does not have the weight of law behind it.

The Commission also has a significant advantage over courts in terms of procedural accessibility. Complaints to the Commission may be submitted via simple written petitions or electronic submissions, and individuals do not require lawyers or formal pleadings to file a complaint. This makes it easier for people from disadvantaged communities who do not have legal knowledge or resources to file complaints, as well as allowing for more proactive involvement with systematic violations of rights impacting vulnerable populations who may not have the ability to file formal complaints.

However, as the Commission receives thousands of complaints each year, this places a considerable strain on their investigative capacity. Many of these complaints are only subjected to preliminary examination, and therefore, the level of investigation and redress may be inadequate. The Commission's reliance on state machinery for investigative purposes creates a level of dependence on the institutions that carry out the investigation, and if the conduct of these institutions is in doubt, then the independence of the investigation is compromised.

4. NHRC's Contribution to Democratic Governance

4.1 Oversight and Accountability

In order for societies to democratically govern themselves, they need an oversight of governmental power, which is achieved through various institutions being created. Among those institutions is the National Human Rights Commission, which works to monitor the actions taken by governments for compliance with Human Rights principles through its establishment of accountability mechanisms. NHRC's annual reports that are submitted to Parliament not only highlight trends regarding violations by government officials, but they also provide indicators of how governments respond to violations identified by NHRC, and the need for Parliament to legislate on systemic issues related to violations.

One example of how the NHRC acts as an accountability body can be found in its involvement with the fake encounter killings that occurred in Kashmir involving members of the Indian Army. The investigation by the NHRC led to the conviction of five members of the Army at a General Court Martial in 2014; however, this victory was short-lived, as in July 2017 the Armed Forces Tribunal suspended the life sentences imposed on the five members of the Army and granted them bail. This turn of events presents a serious concern with regard to the effectiveness of accountability when it can be ignored in a system of military justice. Even when the NHRC is able to use its powers and influence to pressure for an internal military trial of an accused person, the appellate processes established within military justice will allow for the overturning of a conviction. This presents a significant gap in accountability, which remains unfilled.

Suo motu interventions in custodial death cases have increased awareness about torture and ill-treatment in police custody. Work documenting bonded labor and manual scavenging practices has brought attention to exploitation affecting marginalized communities despite constitutional prohibitions. In cases of mass violence including communal riots and caste-based massacres, the Commission's investigations have documented failures of state machinery and maintained pressure for accountability. While implementation remains uneven, these investigations create important documentary records and provide official recognition of injustices suffered.

4.2 Complementarity with Judicial Mechanisms

The NHRC (National Human Rights Commission) does not possess the ability to carry out judicial functions or give out binding orders; however, its relationship with the courts is one of complementary authority. The NHRC can investigate complaints about human rights abuses effectively by conducting investigations, which provides more detail than would typically be the case using an adversarial process as done in courts, and thus allows the courts access to the data it produces in order to support its decisions regarding human rights violations when they are hearing similar types of cases.

The Act provides the authority for the Commission to provide evidence through court proceedings if allowed to in accordance with the Court's permission and to present to the courts the results of its investigations and the expertise it has gained during the course of its investigations. There have been times when courts have referred cases to the NHRC to conduct investigations and create a report. In this manner, the NHRC may utilize its powers of investigation under the supervision of the courts.

Collaboration between the NHRC and the courts has resulted in significant rulings by the courts based upon the results of the investigations conducted by the NHRC. This demonstrates the potential for synergy between the NHRC and the courts.

Issues have arisen regarding the relationship and independence of these institutions from each other. For example, the Supreme Court has stated in *National Human Rights Commission v. State of Arunachal Pradesh* (1996) that the NHRC is bound by the provisions of the statute that creates it and that it cannot assume judicial powers. The courts alone remain the final authority regarding the interpretation and enforcement of rights, while the NHRC performs the function of investigating rights violations and making recommendations to courts, but does not replace or supersede the courts' authority.

4.3 Human Rights Education and Policy Influence

The National Human Rights Commission (NHRC) goes above and beyond investigating violations of human rights by providing a wide array of programs aimed at promoting and educating individuals about their rights and responsibilities as citizens of India. These programs are designed to develop capacity within law enforcement, judicial, and prison systems as well as civil society organizations to better understand the principles of Human Rights and to prevent Human Rights violations through more informed professional practices.

In addition to its functions related to the promotion and protection of Human Rights, the NHRC also commissions and conducts research studies on specific areas of concern, including identifying current trends within India and abroad that present challenges to the Human Rights of its citizens. This research not only informs and shapes public policy debate and dialogue but also lends support and intellectual legitimacy to Human Rights advocacy efforts throughout India.

The NHRC collaborates with various civil society organizations, which together with their NGO partners, work at the local-level to detect Human Rights violations, assist victims in filing complaints with proper authorities, and monitor the implementation of the NHRC's recommendations with respect to each Human Rights violation reported.

An important aspect of the NHRC's "advisory role" is to provide recommendations to government and its officials regarding the implications for Human Rights on proposed legislation, policies, and regulations. For example, the development of a set of guidelines for conducting investigations into custodial deaths followed recommendations made to the NHRC by the NHRC for law enforcement agencies that are now considered "best practice" standards of care for law enforcement agencies across India. The NHRC's research and recommendations with respect to the enforcement of bonded labour legislation, as well as transgender rights, have added to the policy discourse resulting in some level of protective legislation; however, many civil society organizations continue to express concern regarding the adequacy of legislation passed.

However, policy influence depends on government receptiveness. Recommendations lack binding force, and governments may ignore suggestions based on political considerations or competing priorities. The Commission can publish recommendations and use media attention to pressure implementation, but ultimate policy decisions rest with elected governments, maintaining democratic accountability.

5. Constraints and Challenges

5.1 Absence of Binding Enforcement Powers

The most serious limitation of NHRC findings is that they are recommendatory in nature. In contrast to a court's enforceable judgment, the Commission can only make recommendations. Studies analysing compliance rates with commission recommendations have found concerning trends; with the exception of a few recommendations (e.g. those involving significant resources, systemic change, or demanding accountability from high-ranking officials), very few will be implemented within years of being issued. State governments often fail even to submit a required response to the Commission following issuance of recommendations.

This structural limitation significantly reduces the deterrent effect of the NHRC. Potential violators of human rights are aware that the worst consequence they could face from the Commission is publication of the recommendation; therefore, they do not have any incentive to comply with human rights standards. While the Commission attempts to use public dissemination and moral pressure to create compliance with recommendations, it has not succeeded; in fact, there are no electoral consequences for governments that ignore recommendations. A clear contrast is seen with judicial orders. If an individual does not comply with a judge's order, they can be held in contempt of court, potentially resulting in fines or other repercussions if they disregard the order.

5.2 Executive Dependence and Independence Concerns

The NHRC's dependence on executive-appointed members and their corresponding resources raises considerable concerns for its independence. Although the Appointment Process includes opposition leaders, the Appointment Process is heavily influenced by the Prime Minister and Home Minister members, making

it susceptible to Political influence, especially on sensitive matters. The amendment of 2019 to reduce tenures while allowing reappointments significantly increases the vulnerability of commission members to potential government influences for future tenures.

The commission's financial dependence on executive budgetary sources also contributes to their vulnerability. The Ministry of Home Affairs creates the Commission's Budget, and budgetary appropriations require executive approval annually to finance commission operations. The Commission's Annual Reports note that budgetary restrictions limit their ability to conduct investigations, staff their offices, and expand their geographic coverage. While Parliament ultimately approves budgets, the executive's role in creating and presenting budgets to Parliament provides significant leverage over the Commission's operations.

The requirement for the executive to approve the commission's investigations into armed forces complaints demonstrates the commission's subordinate nature to the executive branch. Although this provision is politically defended as vital to maintaining military effectiveness and safeguarding national security, it is inconsistent with the principles outlined in the Paris Principles for conducting independent investigations. Given that in many instances, serious violations occur in conflict-affected areas involving armed forces, this limitation significantly restricts the mechanisms needed to ensure accountability at the very time that oversight is most important.

5.3 Resource Limitations and Institutional Coordination

A successful investigation and follow-up are dependent on adequate financial, human, and infrastructural resources. Such resources are not possible without the approval of an executive with the NHRC, which places an undue burden on the Commission's ability to adequately function. Because of its headquarters-centric structure with limited access in many areas of the country, the NHRC is limited in reach and effectiveness throughout most of India. Limited staffing has made thorough investigations of complaints virtually impossible, and the lack of sufficient technical infrastructure has hindered the ability to manage cases effectively.

India's human rights protection architecture consists of several commissions, including the National Commission for Women, the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes, and State Human Rights Commissions, in addition to other specialist commissions. Theoretically, the relationship between these agencies should enhance checks and balances of democracy through the involvement of multiple bodies; however, the coordination and collaboration of activities is not consistently effective. Ex-officio membership provides formal connections between bodies, but the reality of collaboration is up to the respective institutions. As a result, many cases may not have a clear path for adjudication and may either become lost in the system or cross into other jurisdictions, creating a duplication of efforts or a jurisdictional gap.

5.4 International Compliance Gaps

The NHRC has a lot of the qualities that are outlined in the Paris Principles, but there are also many compliance gaps that have hurt the NHRC's international reputation. Historically, the Commission had the highest possible accreditation, but now this has changed, and there has been some very disturbing news about this issue. The Global Alliance of National Human Rights Institutions (GANHRI) has deferred the NHRC's application for re-accreditation twice, for 2023 and 2024. The NHRC's Sub-Committee on Accreditation (SCA) has raised significant issues regarding the NHRC's lack of pluralism in its composition (the lack of sufficient representation of women and other minority groups, as well as police officers who currently serve in the investigation of human rights abuses, due to an inherent conflict of interest) and political interference in the appointment process for commissions. These deferrals place the NHRC at high risk of receiving a B status, which would take away the NHRC's voting rights at the United Nations Human Rights Council and would diminish India's ability to influence human rights governance globally.

6. Comparative Perspectives and Implications

Human rights institutions around the world utilize different models. In certain nations, the Constitution addresses the NHRI (National Human Rights Institutions) as was done in 2016 by Nepal in its Constitution, granting the NHRI additional autonomy and permanence. In other cases, the NHRI's functions are governed by statutory law, and while temporal control and financial autonomy may be maintained through statutory

design, institutional structures must also allow for adequate independence. The literature surrounding international human rights law highlights that the establishment of an effective human rights institution helps to build democracy through increased accountability, transparency and respect for basic rights.

In terms of governance structure, the NHRC (National Human Rights Commission) operates under a statutory model of governance, and therefore has less autonomy than would be afforded to a NHRI operating under a constitutional framework. The disparity between constitutional ideals and statutory practice is readily apparent. As a result, a NHRI that cannot issue enforceable decisions will experience considerable challenges in areas where there is no political will to do so. To ensure the strengthening of democratic governance, structures must be established that permit the NHRI to operate independently and authoritatively, while being held accountable to the public through a process of transparency and openness.

The NHRC helps to promote democratic governance through its role as an oversight body, the capacity to investigate, the ability to educate about human rights, and as a source of legal advice to public policy. However, the lack of authority to enforce binding decisions, the lack of independence from the executive branch, and insufficient resources are all structural constraints that hinder the NHRC's ability to function effectively. As a result, the potential for the NHRC to function in a manner that is beneficial to society remains partially unrealized, due to design choices made that accord priority to executive control, and to non-binding recommendations over the establishment of independent enforcement capacity.

7. Recommendations for Reform

Based on the analysis, several reforms could strengthen the NHRC's role in India's constitutional democracy:

Constitutional Entrenchment: Amend the Constitution to explicitly recognize the NHRC, enhancing independence and stature. Constitutional status would provide permanence, protect core powers from legislative erosion, and symbolically recognize human rights protection as fundamental to India's constitutional identity. The precedent of constitutionalizing the National Commission for Scheduled Castes and National Commission for Scheduled Tribes demonstrates feasibility.

Binding Compliance Framework: Introduce statutory amendments making key recommendations enforceable or subject to mandatory judicial review. While the Commission need not become a tribunal with full adjudicatory authority, mechanisms ensuring compliance would strengthen effectiveness. Possibilities include requiring government responses within specified timeframes with reasoned justifications for non-compliance, allowing the Commission to approach courts seeking enforcement orders, or establishing parliamentary mechanisms for reviewing implementation.

Independent Appointment Process: Establish transparent, multi-stakeholder appointment procedures reducing executive dominance. A broader selection committee including civil society representatives, human rights experts, and judicial members independent of government could enhance appointment independence. Single, non-renewable terms of adequate length would ensure members need not depend on government favor for reappointment, aligning with international best practices.

Financial Autonomy: Guarantee budgetary and administrative autonomy empowering investigations and outreach. Charging the Commission's expenses on the Consolidated Fund would insulate it from annual budgetary pressures. Alternatively, providing dedicated funding mechanisms through independent budgetary authorities could enhance resource security.

Remove Armed Forces Investigation Restrictions: Eliminate the requirement for prior government permission to investigate armed forces complaints. While security concerns are legitimate, accountability and military effectiveness are complementary rather than contradictory. Establishing specialized procedures for sensitive cases, allowing investigation subject to confidentiality safeguards, or creating independent military human rights oversight mechanisms supervised by the NHRC could balance security and accountability.

Strengthen State Commissions: Establish minimum standards for State Commission functioning supported by NHRC coordination and technical assistance. Enhanced central financial support through specific grants could strengthen under-resourced commissions. Creating common databases and information systems could improve tracking of complaints and identification of patterns across jurisdictions.

Enhanced Transparency: Publish annual compliance reports documenting government responses to NHRC recommendations and implementation status. This transparency would enable civil society monitoring, media scrutiny, and informed parliamentary debate about human rights compliance, creating additional accountability pressure beyond the Commission's formal powers.

8. Conclusion

India's National Human Rights Commission is crucial in democracy because it was created under the Protection Of Human Rights Act, 1993, to allow for the protection of an individual's rights by more than only judicial means. The responsibilities attached to the commission include monitoring instances of rights violations, investigating complaints of rights violations, recommending how to remedy rights violations, creating "rights literacy", and providing guidance on how to protect rights to State-based organizations. Through the nearly thirty years the commission has been operational, the staff of the NHRC has investigated many thousands of instances of rights violations, documented patterns of rights violations, and provided many things to increase awareness of rights amongst Indians. The procedures for filing complaints with the commission have made the process for obtaining remedy through the commission available for many groups of people who otherwise might not have been able to approach the courts to seek remedy due to their social status. The commission has created an atmosphere of accountability for government agencies and maintains focus on human rights compliance. The educational and promotional activities of the commission have provided civil society and public awareness of human rights.

Despite structural limitations around enforceability, independence and resources that greatly reduce their effectiveness, there are many unresolved issues with how the National Human Rights Commission operates in India. The Commission's statutory, as opposed to constitutional status, makes it susceptible to legislative amendments and executive branches' influence over their actions. The NHRC's recommendations lack any binding power, deterring a Government from taking action; therefore, it is easy for a Government to disregard any recommendations without facing any repercussions. Since the NHRC is required to obtain permission from the Government to conduct investigations regarding violations of human rights by the Armed Forces, an inherent gap in accountability occurs where oversight is needed most. Low levels of available resources restrict the NHRC's ability to conduct investigations across India and also the extent of the geographical areas they cover. The following NHRC amendments were passed in 2019, namely, limiting the length of tenures, however, allowing for unlimited reappointment opportunities. These changes to the NHRC make it far less independent than it was previously.

To resolve the gap between constitutional ideals and statutory practices of the NHRC, reforms will need to increase the autonomy of the NHRC and more firmly embed their authority into the overall democratic governance network within India. Embedding the NHRC in the Indian Constitution, imposing binding compliance mechanisms, providing independent appointment procedures, establishing financial independence and eliminating restrictions on the investigations of the Armed Forces, will provide a considerable strengthening of the NHRC and a concurrent institutionalization of human rights protection in India, ultimately safeguarding democracy and legitimacy, and fostering the rule of law.

The NHRC's future success relies on how dedicated politicians can be towards truly protecting Human Rights, as opposed to merely providing empty "symbolic" Human Rights Institutions. In order for India's Constitution to uphold the principle of Dignity, Equality and Liberty, there must be mechanisms in place through which these Principles can be developed into Real Life. Properly empowered and supported, the NHRC will be able to help develop these Principles into Real Life. Therefore, strengthening the NHRC will also not only provide a way for the federal government to reform itself but to reinforce the democratic and constitutional values of India in a world increasingly complex where Human Rights challenges arise in many different ways.

As India faces many current day issues which include communal tension, Security Threats, displacement due to Development, Digital Privacy Issues and emerging Right Issues, Human Rights Institutions have an ever-increasing Need for Action. The NHRC's ability to assist in the resolution of some of these current challenges is significant; however, this Ability has only been partially realized and is limited by various Current Design Issues. To fulfill the full potential of the NHRC, reforms have to be implemented which bring the NHRC into

line with both International Standards as well as India's own Constitutionally established Vision of being a rights-respecting Democratic Republic.

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