

National Human Rights Commission on Institutional Reform and Justice System In India: A Critical Analysis

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Abstract: National Human Rights Commission is very crucial in upholding human rights and driving institutional reform towards a more just society. Acting as an independent body, NHRC possesses the potential to promote governmental accountability and enhance governance by identifying areas of concern and recommending necessary reforms. However, their effectiveness is often challenged by political interference, limited resources, and a lack of robust enforcement powers. This research delves into the impact of NHRC, examining its diverse roles, including investigating human rights violations, offering advisory opinions to governments, harmonizing country's legislations with international human rights norms, and raising public awareness. Political manipulation, selective application of laws, and insufficient independence may undermine the effectiveness of such institutions. Drawing upon the Paris Principles, a framework established by the United Nations (UN), the study proposes strategies to strengthen NHRC more robustly. These strategies emphasize the importance of a clear mandate, a pluralistic and representative composition, and a broad scope of responsibilities. By adhering to these principles, NHRC can enhance its capacity to promote and

protect human rights, acting as catalysts for institutional reform and a more just legal system. The research concludes by highlighting the need for ongoing vigilance and broader political reform to ensure the continued effectiveness and independence of NHRC in its pursuit of justice, protection and promotion of human rights.

Keywords: Human Rights, Justice, Autonomy, Resources, Interference

Introduction

The Violation and abuse of the basic human rights, both systemic and incidental, continue to pose significant challenges across the world, particularly in developing countries. Institutions that form the backbone of governance-law enforcement, healthcare, education, and judicial systems- often become sites where human rights abuses are perpetuated, either through neglect, systemic corruption, or intentional actions. To safeguard citizens and ensure that institutions are held accountable, the National Human Rights Commissions (NHRCs) play a vital role. The NHRCs act as a watchdog, facilitating reforms, investigating human rights violations, and making recommendations to improve institutional accountability and justice. As independent bodies, NHRCs can promote governmental accountability and good governance. However, their effectiveness hinges on factors such as political context, resource allocation, and adherence to international principles like the Paris Principles. This research article delves into the impact of NHRCs on institutional reform and justice, exploring their roles, challenges, and potential, with a specific focus on the Indian context.

NHRC: Role and Functions

The National Human Rights Commission, India is a critical institution which promotes and protects human rights throughout the country. Established in 1993, the main role of this statutory body is to investigate allegations of human rights

breaches, examine human rights legislation and policies, and offer recommendations to the government on how to effectively implement them (Basu, 2013). According to the Section 2(1)(d) of the Human Rights Act (PHRA), 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” (NHRC, 2024). One of its key tasks is to serve as a catalyst for India’s domestic execution of the international human rights commitments and agreements. It has the authority to investigate human rights infractions, suggest corrective measures, and to monitor and review the compliance of the government with human rights treaties to which our country is a signatory member (Chitimira & Mokone, 2016). The Commission has also the capacity and authority to intervene and inquire in judicial processes which involve human rights problems, as well as to visit jails, mental health facilities, and other sites of confinement to review circumstances and guarantee human rights are protected (Chitimira and Mokone, 2016).

The Paris Principles is a cornerstone for the framework of the operation and foundations of human rights bodies like NHRC across the globe. It was formulated by the UN in 1993. This principle underlines the necessity of giving these organizations a wide mandate, preserving their independence, and providing them with sufficient resources and capabilities to carry out their tasks (Principles Concerning the Status of National organizations, 2005).

The Commission's role in promoting good governance is also significant. It can investigate cases of maladministration, abuse of power, and other forms of governmental misconduct and make recommendations and suggestions to the respective governments for their redressal. The findings and recommendation of the commission will help to improvise the accountability, transparency, fairness and legality of the administration of the respective governments, thereby

contributing to the overall improvement of governance in the country. The Commission's work is further facilitated by its participation in networked governance like GANHRI (Global Alliance of National Human Rights Institutions) and regional NHRI networks. These networks allow the Commission to share best practices, coordinate its efforts with other NHRIs, and leverage international support for protection, safeguarding and promotion of the basic human rights in the country (Haragopal, 1998; Reif, 2017). While the Commission has played a vital role in advancing human rights in the country, its effectiveness has been the subject of ongoing debate and scrutiny.

Institutional Reforms Driven by the NHRC

The statutory body has been instrumental in advancing institutional changes aimed at protecting human rights and fostering good governance. As an instrumental nation's human rights body founded on the Paris Principles, the NHRC has been at the forefront of pushing for the safeguard, advancing, protecting and promotion of the basic human rights as a civilised nation in the world (Pegram, 2010).

Its mandate include a variety of duties and functions like investigation of the violations and abuses of the human rights, monitoring and reviewing the execution and implementation of treaties and agreements pertaining to human rights, and advising and giving suggestion to the centre and state government on how to bring and ensure the efficiency and effective realisation of the basic human rights (Haragopal 1998). Through these roles, the NHRC has played an important role in identifying and correcting systemic concerns that threaten human rights, including as police brutality, custody fatalities, and denial of healthcare and education. Its work has had a considerable influence on institutional reforms in India.

A. Law Enforcement Agencies Reforms

One of the NHRC's key focus areas has been reforming law enforcement agencies to enhance accountability and uphold human rights. The HHRC has been

investigating and checking numerous cases related to the violations of the human rights by the police, including custodial deaths, and has made recommendations to the government to address these issues. For instance, the NHRC has advocated for the implementation of safeguards during police custody, such as mandatory medical examinations and the presence of family members or lawyers, to avoid and prevent torture and other forms and manners of ill human treatments (Chitimira & Mokone, 2016).

Law enforcement agencies are frequent targets of NHRC investigations due to numerous complaints regarding police brutality, custodial deaths, and unlawful detentions. For example, As per the NCRB data, “in the last 10 years, the majority (69 per cent) of 1,004 deaths in police custody have been attributed to either illness and natural causes (40 per cent), or to alleged suicide (29 per cent)” (Bagga, 2020). The NHRC’s sustained pressure on law enforcement agencies has led to several reforms. It has recommended the installation of CCTV cameras in police stations to reduce instances of torture, extrajudicial killings, and unlawful detentions. Several states in the country including Maharashtra and Uttar Pradesh have implemented these recommendations in some way or other way. The NHRC’s focus on custodial deaths has led to stricter guidelines for conducting autopsies and investigations, ensuring greater transparency and accountability.

The NHRC has also helped to improve the ability and training of law enforcement officials so that they can properly deal with human rights concerns. With addition to all these changes, this body has been playing an important role in supporting national laws, rules, and practices that are more or less consistent and coherence with basic human rights norms and standard across the world. The NHRC's efforts to drive institutional changes have been critical to boosting and leveraging India’s practise of promoting and protecting human rights. Through its investigative,

advisory, and monitoring powers, the NHRC has been able to uncover systemic concerns and suggest legislative and policy reforms to remedy them.

The NHRC has also been instrumental in strengthening the judiciary's role in protecting human rights. Through its interventions and recommendations, the NHRC has contributed overall to the upbringing and development of jurisprudence on issues and concerns related to human rights, particularly in areas such as the rights of marginalized groups, access to justice, and the right of free and fair trial in the courts. The NHRC's recommendations have also led to the establishment and foundation of different specialised human rights courts in the country and the appointment of additional judges to address the backlog of cases involving the human rights violations (Haragopal, 1998).

B. Healthcare and Mental Health Reforms

Another area where the NHRC has had significant impacts on healthcare is in government-run hospitals and mental health institutions. The NHRC has investigated cases of denial of access to healthcare and education, particularly for vulnerable and marginalized communities, and has made recommendations to the government to address these issues (Reif, 2017; Nagarajan et al., 2015). The Commission has also pointed out systemic issues in mental health institutions, where patients were often subjected to inhumane treatment, poor sanitation, and neglect. For example, the NHRC has proposed expanding primary healthcare services in rural and isolated regions, implementing universal healthcare coverage, and enhancing the public education system to provide equitable access to quality education.

After inspections of several mental health institutions, the NHRC's reports revealed inadequate facilities and severe mistreatment of patients. The Commission recommended reforms, which led to policy shifts aimed at improving infrastructure and mental healthcare delivery. It also found that many mental health institutions

were operating without adequate medical professionals and with substandard living conditions. The Commission pushed for policy changes, which resulted in improvements in the staffing and treatment facilities in states like Kerala and Maharashtra.

C. Reforms in Educational Institutions

The NHRC has also addressed human rights issues within educational institutions, such as discrimination, sexual harassment, and the denial of access to education for marginalized groups. The NHRC's interventions have resulted in the development of policies and guidelines to ensure inclusive and non-discriminatory practices in schools and universities, and the strengthening of grievance redressal mechanisms to address human rights violations in educational settings.

The NHRC has also focused on educational institutions, particularly in cases of discrimination, corporal punishment, and denial of access to education for marginalized groups. In several cases, the NHRC has taken action against schools and colleges that violated the right to education of students from marginalized backgrounds.

D. Prison Reforms

Another area of focus for the NHRC has been the reform of the prison system in India. The NHRC has looked into incidents of human rights breaches in jail, including overcrowding, inadequate living circumstances, and a lack of access to healthcare and legal counsel.

Prisons, often overcrowded and underfunded, are notorious for human rights abuses (UNODC, 2017). The NHRC has actively monitored the condition of prisons and advocated for reforms to ensure the human treatment of inmates. As per the NCRB (National Crime Records Bureau) data from 2020, the occupancy rate in Indian prisons was 118.5 percent, indicating severe overcrowding (NCRB, 2020). The NHRC's interventions have led to:

Improved Living Conditions: The NHRC recommended reducing overcrowding by building new facilities or upgrading existing ones. States like Tamil Nadu and Maharashtra have initiated the construction of additional prisons based on NHRC's recommendations.

Healthcare Access: The NHRC has insisted on improving access to healthcare for inmates, especially for those with mental health issues. In some cases, the NHRC has pushed for the creation of separate wards for prisoners with infectious diseases.

Judicial and Police Custody Deaths: According to the most recent data from the NHRC, "at least 17,146 persons died in judicial and police custody--nearly five per day on average- in cases registered in the decade leading up to March 2020" (Paliath, 2020). It directed prison authorities to ensure timely medical care, implement reforms to reduce overcrowding and improve basic sanitation in prisons (Vasudevan, 2017).

The NHRC's recommendations have led to the development of prison management guidelines, the establishment of independent oversight mechanisms, and the enhancement of rehabilitation and reintegration programs for prisoners.

E. Addressing Discrimination and Violence

One of the NHRC's key focus areas has been addressing discrimination and violence against marginalized communities, such as religious minorities, Dalits, and indigenous peoples.

The NHRC has examined several examples of human rights abuses against various groups, including hate crimes, police violence, and denial of access to basic services. The NHRC's actions have resulted in the setting up of guidelines and policies for the protection of the rights of disadvantaged populations, as well as the strengthening of accountability systems to guarantee that perpetrators of the violations of the human rights are being held to responsible and accountable. The NHRC's work has also helped marginalized populations express their rights and

participate in decision-making processes that influence their lives. The NHRC's engagement with civil society organizations and its efforts to amplify the voices of marginalized groups have been instrumental in ensuring that their concerns are heard and addressed by the government. Overall, this statutory body has been a backbone institution for driving institutional reforms to safeguard, protect and promote the dignity, liberty and basics rights of a human being in the country.

Ensuring Justice through NHRC Investigations

The NHRC's investigative powers have been crucial in ensuring justice for the victims of the violations of the human rights in the nation. Through its investigations, the NHRC has uncovered and documented numerous instances of human rights abuses, including extrajudicial killings, torture, and the denial of access to essential services (Chitimira & Mokone, 2016).

The NHRC's investigations have led to the identification of systemic issues and the formulation of recommendations to the government to address these problems. For example, the NHRC's investigation into the deaths of civilians during security operations in Manipur resulted in the Commission's recommendation for the establishment of a special investigation team to ensure accountability and the provision of adequate compensation to the victims' families (Sriram, 2018).

The NHRC's investigations have also served as a catalyst for legal reforms, with the Commission's findings and recommendations leading to the reforms and amendment of the relevant laws and the development of new guidelines to prevent similar human rights violations in the future. With addition to its investigative role, the NHRC has helped raise awareness and promotion of human rights culture in India. This body's public education campaigns, training initiatives, and collaboration with civil society organizations have helped to mainstream human rights ideas and enable underprivileged populations to advocate for their rights. It has played a critical role in advancing institutional reforms to preserve and

promote human rights throughout the country. The NHRC has helped to enhance critical institutions like as law enforcement, the judiciary, healthcare, and education via its many initiatives, which include investigations, recommendations, and public education.

Despite the obstacles and constraints, it has encountered, this body has been playing a significant role in fostering and strengthening human rights in the nation and holding the government responsible for its duties under the laws and norms in the international human rights bodies. Through its many interventions and recommendations, the NHRC has played an important role in advancing institutional reforms to preserve and promote human rights in India. Despite ongoing obstacles, the NHRC's work has helped to advance human rights and enhance India's democratic institutions.

Challenges and Limitations of NHRC

Despite its achievements, the NHRC has faced several challenges in effectively carrying out its mandate.

- 1. Political Interference:** Political pressure may compromise the independence and impartiality of NHRCs, hindering their ability to investigate sensitive cases or criticize government actions.
- 2. Lack of Resources:** Inadequate funding and staffing can limit the capacity of NHRCs to conduct thorough investigations, monitor human rights situations effectively, and engage in robust public outreach. It often operates with limited resources, which hampers its ability to conduct in-depth investigations or follow up on cases (Kumar, 2001). For instance, the commission's effectiveness might be hampered by its limited budget, which in 2023-23 stood at a 7000 Lakhs (NHRC, 2024).
- 3. Limited Enforcement Powers:** Many NHRCs lack the power to enforce their decisions or compel governments to implement their recommendations. The

recommendations put forward by this body are advisory in nature and are also not legally binding in any of the institution. But its recommendations are highly impactful and morally responsible. Its recommendations are advisory in nature and often not legally binding. Institutions can ignore or delay implementation without facing significant consequences. This can weaken their impact and ability to bring about meaningful change.

4. Lack of Public Awareness: Limited public awareness about the role and functions of NHRCs can restrict their ability to receive complaints, gather information, and mobilize public support for their work.

5. Bureaucratic Hurdles: Bureaucratic delays and inefficiencies can hinder the NHRC's investigations and its ability to provide timely redress to victims. This can undermine public trust in the institution.

Major Initiatives to Strengthen and Enhance NHRS's Impacts:

1. Ensuring Independence: The independence of NHRCs from political intervention is critical. This may be accomplished through open appointment procedures, secure financing channels, and legal safeguards against undue influence.

2. Enhancing Powers: Granting NHRCs greater enforcement powers, such as the ability to issue binding decisions or compel government action, can strengthen their effectiveness in promoting institutional reform.

3. Increasing Resources: Providing adequate resources, including funding and staffing, is essential for NHRCs to carry out their mandate effectively. This includes investing in investigative capacity, research, and public outreach.

4. Promoting Public Awareness: Raising public awareness about the role and functions of NHRCs can empower citizens to access their services, file complaints, and participate in holding institutions accountable.

Conclusion:

The NHRC has made significant contributions toward reforming institutions and ensuring justice in cases of human rights violations in the country. Through its investigations, reports, and policy recommendations, the Commission has influenced reforms in law enforcement, prisons, healthcare, and education. However, to enhance its impact, the NHRC must be granted more enforcement powers, better resources, and greater autonomy to operate without political interference. Strengthening the NHRC is essential to ensuring that institutions are held accountable and that human rights are upheld across all sectors of governance. By addressing the challenges and implementing the recommendations outlined above, NHRCs can strengthen their impact and contribute to a more just and equitable society.

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