

## **National Human Rights Commission**

### **Introduction:**

The National Human Rights Commission (NHRC) of India is a statutory body established to protect and promote human rights within the country. The composition of the NHRC plays a crucial role in ensuring its independence, credibility, and effectiveness. This detailed note provides an overview of the composition of the NHRC of India, including its members, appointment process, and significance.

### **Members of the NHRC:**

#### **a) Chairperson:**

The NHRC is headed by a chairperson who is a retired Chief Justice of the Supreme Court of India. The Chairperson brings extensive legal knowledge and experience to the commission.

#### **b) Members:**

The NHRC consists of several members, including:

i) **Former or sitting judges of the Supreme Court of India:** The NHRC includes one or more members who are either serving or retired judges of the highest court in the country. Their judicial expertise contributes to the commission's ability to analyse legal aspects of human rights issues.

ii) **Members with expertise in human rights:** The NHRC includes members with a background in human rights, such as academics, activists, or individuals with a proven track record of working in the field of human rights. These members bring diverse perspectives and specialized knowledge to the commission's work.

iii) **Ex-officio members:** The NHRC also includes ex-officio members, such as the Chairpersons of the National Commission for Scheduled Castes, the National Commission for Scheduled Tribes, and the National Commission for Women. Their presence ensures that the NHRC collaborates with other bodies to address specific human rights concerns.

## **Appointment Process:**

**a) Chairperson:** The Chairperson of the NHRC is appointed by the President of India on the recommendation of a committee consisting of the Prime Minister, the Speaker of the Lok Sabha (the lower house of Parliament), the Deputy Chairman of the Rajya Sabha (the upper house of Parliament), the Leader of the Opposition in the Lok Sabha, and the Leader of the Opposition in the Rajya Sabha.

**b) Members:** The appointment of members of the NHRC follows a similar process. A committee, headed by the Prime Minister and comprising the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, the Leader of the Opposition in the Lok Sabha, and the Leader of the Opposition in the Rajya Sabha, recommends the appointment of members.

## **c) Transparency and Accountability:**

The appointment process aims to ensure transparency and prevent undue influence. The selection committees' composition reflects a balanced representation of different branches of the government and ensures that the NHRC remains independent and impartial.

## **Significance:**

The composition of the NHRC of India holds significant importance in fulfilling its mandate effectively:

**a) Independence:** The inclusion of retired judges and individuals with expertise in human rights ensures the independence of the NHRC. It allows the commission to make impartial decisions, conduct fair investigations, and provide unbiased recommendations.

**b) Diverse Perspectives:** The NHRC's composition, which includes members from different backgrounds, enables a broader understanding of human rights issues. The diverse perspectives help in addressing the multi-faceted nature of human rights violations and formulating comprehensive recommendations.

**c) Expertise and Competence:** The presence of retired judges and members with human rights expertise brings substantial legal knowledge, experience, and understanding to the NHRC. This expertise enhances the commission's ability to interpret laws, analyse complex cases, and deliver informed judgments.

**d) Collaborative Approach:** The inclusion of ex-officio members promotes collaboration and coordination between the NHRC and other specialized commissions, ensuring a comprehensive approach to addressing human rights concerns.

### **Establishment and Legal Framework:**

The establishment of a National Human Rights Commission is usually enacted through legislation or constitutional provisions. It serves as an independent institution, separate from the executive, legislative, and judicial branches of the government. The specific legal framework varies from country to country, but the overall purpose is to ensure the protection of human rights.

### **Objectives:**

The NHRC's primary objective is to safeguard and promote human rights. Its key objectives may include:

- a) Investigating and addressing human rights violations.
- b) Ensuring access to justice for victims of human rights abuses.
- c) Promoting awareness and education about human rights.
- d) Recommending legislative and policy reforms to protect and uphold human rights.
- e) Advising the government on matters related to human rights.

### **Functions and Powers:**

#### **a) Investigative Function:**

The NHRC has the authority to investigate complaints of human rights violations. It can conduct inquiries, summon witnesses, and gather evidence to ascertain the facts of a case. This function allows the NHRC to provide a platform for victims to seek justice and hold perpetrators accountable.

#### **b) Recommendations and Remedial Measures:**

Once an investigation is completed, the NHRC can make recommendations to the relevant authorities for remedial action. These recommendations may include compensation for victims, legal reforms, disciplinary action against perpetrators, or changes in policies and procedures.

### **c) Monitoring and Reporting:**

The NHRC has the responsibility to monitor the human rights situation within the country. It may conduct regular visits to places of detention, monitor the functioning of government institutions, and issue reports on human rights issues. These reports serve as an important tool for raising awareness, advocating for change, and holding the government accountable.

### **d) Public Awareness and Education:**

The NHRC plays a vital role in creating awareness about human rights among the general public. It organizes workshops, seminars, and campaigns to educate people about their rights and responsibilities. By fostering a culture of respect for human rights, the NHRC contributes to the overall development of a just and inclusive society.

### **e) Advising the Government:**

The NHRC provides expert advice and recommendations to the government on human rights-related matters. This may include proposing legislative amendments, advising on the ratification of international human rights treaties, or offering guidance on policies and programs.

### **Independence and Autonomy:**

To effectively carry out its functions, the NHRC must operate independently and autonomously. This independence ensures that the commission can impartially investigate complaints and provide unbiased recommendations. It also protects the NHRC from undue political influence, allowing it to act as a watchdog for human rights violations.

### **Significance and Challenges:**

The NHRC plays a crucial role in promoting human rights and ensuring justice within a country. It acts as a bridge between the government and citizens, offering a platform for dialogue and redressal. However, there are certain challenges that NHRCs may face, such as limited resources, political pressure, lack of public awareness, and the need for stronger enforcement mechanisms. Overcoming these challenges is essential to strengthening the effectiveness and credibility of the NHRC.