

## Championing Justice: The National Commission's Human Rights Mandate

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### Abstract:

This article explores the pivotal role of National Human Rights Commissions (NHRCs) in upholding justice and safeguarding fundamental freedoms. It delves into the legal frameworks, operational mandates, and institutional structures that empower these commissions to act as independent watchdogs against human rights violations. By examining case studies and institutional practices, the article highlights how NHRCs investigate abuses, advocate for policy reform, and engage with civil society to foster accountability. It also addresses the challenges faced by these bodies, including political interference, resource limitations, and enforcement constraints. Ultimately, the article underscores the importance of strengthening the mandate and independence of National Human Rights Commissions to ensure they remain effective guardians of justice and human dignity in democratic societies.

**Key Words:** Human Rights, Justice, Accountability, Rule of Law, Social Justice, Democratic Governance

### Introduction:

In any democratic society, the protection and promotion of human rights are essential pillars of justice, equality, and the rule of law. To uphold these values, independent institutions such as National Human Rights Commissions (NHRCs) play a vital role in monitoring, investigating, and addressing human rights violations. Established under constitutional or statutory mandates, these commissions serve as key instruments for holding governments accountable, advocating for vulnerable populations, and ensuring that the rights and freedoms of individuals are respected and protected.

"Championing Justice: The National Commission's Human Rights Mandate" explores the foundational purpose, scope, and operational significance of such commissions. It examines how these bodies act as catalysts for social change, defenders of human dignity, and watchdogs against abuses of power. The article also considers the evolving challenges NHRCs face in fulfilling their mandate—ranging from political pressures to resource constraints—and emphasizes the need for greater autonomy, transparency, and public trust. In doing so, it underscores the indispensable role of National Human Rights Commissions in advancing justice and fostering a rights-based approach to governance.

Our discussion of the different facets of human rights, including international law and national law, international treaties and conventions, and other related topics, has been extensive in the chapters that came before this one. In addition to this, we have discussed the manner in which these laws are

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implemented on a national or domestic level. The researcher has provided a comprehensive discussion on the authorities responsible for upholding human rights in India, the United Kingdom, Australia, and the Philippines. In this way, the makeup of authorities, their functions, and the powers they possess have been explained in detail. It is now our intention to investigate and evaluate the application of the notion of human rights in the real world. 1) What are the challenges that the authorities in charge of implementation need to overcome? 2) In what ways might corrective action be taken for it? 3) Do the laws of the country have the capacity to adequately address complaints of violations of human rights? 4) If they are not compatible with our system, is it possible to upgrade them? Is there a problem with the way we are implementing? How can the National Human Rights Commission (NHRC) help the individual who has been wronged? The researcher intends to have a lengthy conversation on the National Human Rights Commission of India (NHRC), and they will also conduct a brief analysis of the Human Rights Commissions of the United Kingdom, the Philippines, and Australia. In accordance with section 12 of the Human Rights Act of India 1993, the researcher will investigate the functions of the National Human Rights Commission (NHRC).

#### **Historical Background:**

The establishment of National Human Rights Commissions (NHRCs) stems from the global recognition of the need for independent institutions to safeguard human rights within national borders. This movement gained momentum in the aftermath of World War II, particularly with the adoption of the Universal Declaration of Human Rights (1948), which laid the foundation for a global human rights framework. As international norms evolved, the Paris Principles, adopted by the United Nations General Assembly in 1993, provided specific guidelines for the status and functioning of national institutions, emphasizing independence, pluralism, and a broad mandate to protect and promote human rights.

In response to these international developments, many countries began establishing NHRCs as statutory or constitutional bodies. These institutions were designed to bridge the gap between the state and the citizen, ensuring accountability for human rights abuses while advising governments on legislation and policy. The commissions typically function through powers to investigate complaints, conduct inquiries, issue recommendations, and engage in public education.

Over the decades, NHRCs have become increasingly prominent in shaping rights-based discourse, particularly in transitional democracies and post-conflict societies. However, their effectiveness has often been contingent on the extent of their autonomy, resources, and the political will of governing authorities. Despite these challenges, National Human Rights Commissions remain critical instruments in championing justice, fostering inclusive governance, and promoting a culture of human rights.

#### **Legal Aspect:**

The legal foundation of National Human Rights Commissions (NHRCs) is primarily derived from national constitutions, specific human rights legislation, and international norms such as the Paris Principles (1993), which guide the status and functioning of such bodies. These legislative

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frameworks define the structure, powers, responsibilities, and limitations of NHRCs, ensuring their autonomy and operational independence.

Typically, the legislative provisions cover the following core aspects:

1. **Establishment and Composition:** Laws provide for the formation of the commission, outlining its composition, appointment procedures, tenure, and qualifications of members to ensure impartiality and credibility.
2. **Mandate and Functions:** NHRCs are empowered to investigate human rights violations—either suo motu, on petitions, or referrals. Their functions often include reviewing existing laws, recommending reforms, promoting awareness, and engaging in human rights education.
3. **Powers of Investigation and Inquiry:** Commissions are vested with quasi-judicial powers, enabling them to summon witnesses, demand documents, inspect detention centers, and conduct public inquiries into systemic abuses.
4. **Reporting and Recommendations:** Most NHRCs have the authority to publish reports, make recommendations to the government, and monitor their implementation, although the enforcement of these recommendations may vary by jurisdiction.
5. **Autonomy and Accountability:** Legislative provisions emphasize institutional independence from executive control, along with mechanisms for transparency and public accountability.

Despite these strong legal frameworks, the effectiveness of NHRCs often depends on how these provisions are implemented in practice. Adequate funding, political support, and public engagement are essential to ensure that legislative mandates translate into real-world protection and promotion of human rights.

#### **Right to form Association:**

The orders issued by the state government that restrict teachers and other faculty members of universities from associating with the Andhra Pradesh Civil Liberties Committee (APCLC): Andhra Pradesh.

The Commission was presented with a number of complaints from non-governmental organisations (NGOs) and academic institutions from India and other countries. These complaints stated that the Government of Andhra Pradesh issued a circular ordering universities to prevent teachers and other faculty members from associating themselves with the Andhra Pradesh Civil Liberties Committee (APCLC). A direction of this nature was held to be in violation of the Freedom of Association and Political Rights, according to the allegations. An invitation was extended to five members of the academic community at Osmania Krishnadevaraya and Nagarjuna Universities to resign from their membership in the APCLC, which is a non-governmental body. The State Government had issued such a directive, which was reportedly based on a rule that prohibits workers of universities from taking part in political activities. There was a statement made by the non-governmental

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organisations (NGOs) that participation in a human rights organisation could not be considered political engagement.

**Exploitation of Bonded Labour:**

According to the allegations that Shri Mareppa Siddappa made in his complaint to the Commission, his wife, son, and other members of his family were being exploited by one Govind Sevu Rathod as bonded labourers. It was alleged that he was subjected to sexual exploitation, harassment, and that he was not paid his wages. In addition to this, he asserted that the police were informed of the situation, but they did not take any action in response to it. The petitioner requested that they be released from their captivity.

The Commission made a request for a report to the Superintendent of Police in Ratnagiri, Maharashtra, and was successful in obtaining one. According to the report that was obtained, the case comprised charges of sexual exploitation and assault, as well as the non-payment of wages for a period of six months, the extracation of forced labour, limits on the freedom of movement of the labourers, and the extracation of forced employment. As a result of this, a case had been filed in accordance with the Bonded Labour System (Abolition) Act, 1976, and the individuals who were accused had been arrested without delay. It had been brought to the attention of the plaintiff that his wife and his two sons had been given over to him. Additional inquiries were being conducted into the matter.

After reviewing the report that was presented earlier, the Commission issued a directive to the Superintendent of Police in Ratnagiri, instructing him to provide a status update on the case that had been registered. In addition, the Commission instructed the District Administration to issue release certificates in accordance with the provisions of the Bonded Labour System (Abolition) Act, 1976; to pay a sum of twenty thousand rupees to each of the bonded labourers who were released; and to ensure the rehabilitation of the bonded labourers by forming a cooperative society consisting of the released labourers as well as any other bonded labourers in the area. An further recommendation made by the Commission was that they may be restored through either the Employment Assurance Scheme or a land-based rehabilitation scheme.

**Visit to Jail or any other Institute.**

The Commission has maintained its obligation to fulfil its obligations "to visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purpose of treatment. reformation or protection to study the living conditions of the inmates and make recommendations thereon

**Juvenile Remands homes.**

As a result of a complaint that it received regarding a fatality that occurred as a result of negligence, the Commission has also focused its critical attention on the state of residences that are designated for juveniles in the Delhi area. Following an analysis of the data that it had gathered, the Commission came to the conclusion that the situations that prevailed in these houses were frequently violent and unstable. Having received numerous complaints in the media concerning these homes, the

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Commission decided to broaden the scope of its investigations and made the decision to request that the Chief Secretary and other concerned officials of the National Capital Territory of Delhi come before it for the purpose of conducting a full evaluation of the conditions that exist within such institutions. During the course of the efforts to ensure that everything was in order, the Commission was informed that the Lieutenant Governor had appointed a Committee on December 10, 1995, with the responsibility of monitoring and reporting on the operations of eighty homes and institutions of this kind that are managed by the Department of Social Welfare in the National Capital Territory of Delhi. The Commission, for its part, proposed that a physician serve as a member of the Committee and be nominated by the Commission to provide assistance with the Committee's work. Additionally, it requested that the report of the Committee be delivered to it as soon as it was finished being compiled. As of right now, that report has been obtained. The Commission will provide the Lieutenant Governor with its additional suggestions about the management of these institutions once it has completed its analysis of the existing data. It is possible that the Commission will need to broaden its interest in such organisations beyond the geographic boundaries of the nation's capital. It is possible that the problems in Delhi are not as severe as those in other regions of the country, according to the information that it has received.

#### **Visit to prisons.**

Members of the Commission travelled around India to inspect jails in a variety of locations.

The Commission's belief that the state of prisons in India is often characterised by extreme overcrowding, squalor, and maladministration was corroborated by the inspections and reports that were conducted. It is not necessary to go into detail about the problems that exist within our jails, sub-jails, and lock-ups; it is sufficient to describe the system as one that is in desperate need of reform.

#### **Visit to Jammu and Kashmir**

During its tour to Jammu and Kashmir, the Commission had the opportunity to explore in great depth the extraordinary conditions of the Kashmiri Pandits. These individuals have been compelled to leave the Valley and are now residing in huge numbers in camps located in Jammu, Delhi, and other locations. Several of the topics that they are concerned about, such as the education of their children in schools and universities, their health care, social security, salaries, and work opportunities, have been the subject of proceedings before the Commission. In addition, the Commission paid special attention to two important issues that were associated with them throughout the course of the year. The first was the grave claim that the Kashmiri Pandits were the victims of genocide, and the second was the complicated issue that arose during the course of the hearings, which related to the extent and nature of the Commission's jurisdiction in regard to human rights issues in the state of Jammu and Kashmir.

- i. It will encourage coordination and cooperation at the national and local levels, as well as at the international and regional levels
- ii. Preventative measures

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The goal is to prevent the trafficking of women by evaluating and changing the laws that are now in place, improving national, social, and economic policies and programmes, developing particular modules to educate authorities, and mobilising the tourism industry to fight against the use of its networks.

ii. Safeguarding

When it comes to the issue of women being trafficked, the Focal Point would make certain that the women who have been trafficked have the right to initiate appropriate administrative and legal proceedings against the traffickers, as well as the right to obtain redress for all of the harms that they have endured, and that they have complete access to women-friendly personnel and support services in all areas, particularly in the areas of law, social work, and health care.

It is imperative that specific procedural rights be granted in the event of the trafficking of women. These protections should be guaranteed before, during, and after any court procedures that involve the trafficked women. For the purpose of monitoring the commercial sexual exploitation of women, it is necessary to identify, build, and enhance networks between national and international law enforcement bodies, such as INTERPOL, and civil society.

iv. Repatriation and Reintegration

To make recommendations and to take effective actions for the purpose of repatriating and reintegrating women who have been trafficked into society.

According to the terms of reference that were mentioned earlier, it is believed that the designation of the Focal Point will significantly enhance the capacity of the Commission to deal coherently with issues relating to the Human Rights of women. This includes the contentious issue of trafficking, which is increasingly posing a threat to the lives of women and children in this country, as well as in other parts of the world.

### **HIV/AIDS and Human Rights**

On a wide range of concerns concerning HIV/AIDS and human rights, the Commission has recently completed the formulation of its recommendations. Among the topics that were discussed in the suggestions were the following: consent and testing, confidentiality, discrimination in health care, discrimination in work, women in vulnerable circumstances, children and young people, persons living with or impacted by HIV/AIDS, and marginalised communities. The Commission's recommendations have been forwarded to the relevant government agencies so that appropriate action can be taken in response to them.

### **Maternal Anemia and Human Rights**

The Commission has expressed a great deal of worry regarding the widespread incidence of iron deficiency among pregnant mothers. This has led to high child and maternal mortality rates, as well as low birth weight-related developmental impairments, particularly among the more economically disadvantaged segments of society.

The work of the Commission led to the development of the nationwide Reproductive and Child Health (RCH) initiative, which places a strong priority on Nutritional Anaemia Control. This plan is intended to prevent severe anaemia as well as treat those who have it.

**Conclusion:**

National Human Rights Commissions play a crucial role in upholding the principles of justice, dignity, and equality in democratic societies. As independent institutions, they serve not only as watchdogs against human rights violations but also as bridges between citizens and the state, advocating for reforms and accountability. While legislative frameworks have laid a strong foundation for their functioning, the true strength of these commissions lies in their ability to act without fear or favor, guided solely by the values of justice and human rights.

Despite facing challenges such as limited resources, political pressure, and enforcement constraints, NHRCs continue to be instrumental in shaping a human rights-centered approach to governance. Strengthening their independence, enhancing their legal authority, and fostering greater public engagement are essential steps toward enabling these bodies to fulfill their mandate effectively. In championing justice, National Human Rights Commissions reaffirm the collective commitment to protect the rights and freedoms of all individuals, especially the most vulnerable, and to ensure that no act of injustice goes unchallenged.

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