

WRAP Exams · wrapexams.com

Prelims PYQ, Mains model answers, and copy evaluation. Write to the desk for this paper, a doubt, or the AI waitlist.

ask@wrapexams.com · +91 85951 84903 · wrapexams.com

Q12

Though the Human Rights Commissions have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analyzing their structural and practical limitations, suggest remedial measures.

UPSC Civil Services Mains 2021 · GS II · 15 marks · Governance and Policy

Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Core demand of the question

- Though the **Human Rights Commissions** have contributed immensely to the protection of human rights in India, yet they have failed to assert themselves against the mighty and powerful. Analyzing their structural and practical limitations, suggest remedial measures
- Honour the official stem. **Use the Protection of Human Rights Act** and NHRC practice
- Keep the explanation within a 15-mark length

Revision summary

NHRC and **State Commissions** have documented custodial harm, bonded labour and prison conditions, and recommended relief.

The **Protection of Human Rights Act** keeps them largely recommendatory and often dependent on borrowed police.

Armed-forces procedure, one-year limitation, vacancies and political appointments blunt action against the powerful.

The **2019 amendment** widened membership but did not create enforcement teeth.

- **Remedies:** time-bound implementation of core findings, a civilian investigation wing, charged finances, diversity, and **Paris Principles** independence.

Introduction

The **National Human Rights Commission** and the **State Commissions** have given India a standing address for custodial violence, bonded labour, and delay in rights cases. The **Protection of Human Rights Act, 1993**, however, built them as recommendatory bodies. Against the mighty - police leadership, armed forces, and sitting executives - that design often fails to assert.

Body**Contribution that is real**

- NHRC fact-finding, spot inquiries, and compensation recommendations have made custodial deaths and encounter killings harder to bury in a district file.

- Interventions on bonded labour, mental hospitals, and prison overcrowding created a public record that courts and the press could use.
- **State Human Rights Commissions**, where they function, shorten the distance for a poor complainant who will never reach New Delhi.
- **Paris Principles**-style publicity and annual reports have kept human rights inside the official vocabulary even when governments are impatient.

Structural limitations in the Act

- The **Protection of Human Rights Act, 1993** (amended 2006 and 2019) makes NHRC recommendations non-binding; a powerful ministry can note, delay, or dilute them.
- Investigation often depends on police on deputation, so the Commission is structurally shy of indicting the force that staffs it.
- **Section 19**-type limits on the armed forces - a report-seeking procedure rather than a full independent probe - weaken the Commission precisely where State violence is most insulated.
- The **2019 amendment** widened the pool for chairperson and members (no longer only a former Chief Justice of India as chair) and allowed persons from other fields; critics said this could dilute judicial weight even as vacancies were the older disease.
- Jurisdiction over cases older than one year, and a crowded cause list, shut out slow-burning violations that the powerful prefer to wait out.

Practical limitations against the mighty

- Delayed appointments, acting chairs, and understaffed **State Commissions** make the institution look optional to a Chief Minister or a Union Home ministry.
- Political appointees and post-retirement incentives can blunt inquiry into the government of the day.
- Complainants against large corporations, security laws, or ruling-party cadres face the same recommendatory ceiling: shame without sanction.
- Poor coordination with the **National Commission** for Women, SC/ST commissions, and the courts produces forum-shopping and dropped files.

Remedial measures

- Give selected NHRC findings - custodial death, proven torture, wilful non-cooperation - a statutory duty to implement within a fixed time, subject to judicial review, so the mighty face more than a letter.
- Build an independent investigation wing of forensic and civilian investigators, not only borrowed police.
- Align the armed-forces procedure with a time-bound, reasoned public order, and let the Commission approach the Supreme Court as of right when the Union stonewalls.
- Fix a six-month rule for filling vacancies, gender and minority diversity on the bench, and financial charge on the Consolidated Fund to protect the budget.
- **Recommendation:** **Paris Principles** compliance in law, not only in the annual report - independence of appointment, own investigative capacity, and enforceable follow-up.

Flow diagram

Protection of HR Act 1993 -> NHRC and SHRCs
NHRC and SHRCs -> Inquiry reports compensation
Recommendatory police-dependent s.19 limits -> Failure against the mighty
NHRC and SHRCs -> Failure against the mighty
Binding follow-up independent wing -> Assertive commission

Conclusion

Human Rights Commissions have contributed immensely as recorders, visitors, and recommenders. They fail against the mighty because the **Protection of Human Rights Act** left them recommendatory, police-dependent, and weak on the armed forces, while practice added vacancies and political timing. Remedies are statutory bite, an independent probe wing, time-bound appointments, and court-backed enforcement - assertion by design, not by the courage of a particular chair.

Facts & figures

Protection of Human Rights Act, 1993

Parent statute of the NHRC and **State Human Rights Commissions**, amended in 2006 and 2019.

Recommendatory mandate

Core structural limit: governments may accept, delay or ignore findings without automatic contempt.

Section 19 procedure (armed forces)

Restricted inquiry path that weakens the Commission where security forces are accused.

2019 amendment

Widened eligibility for chairperson and members; critics feared dilution of judicial stature.

Paris Principles

International benchmarks for independent national human rights institutions - appointment, mandate and resources.

WRAP Exams · Write. Read. Analyse. Practice. · <https://wrapexams.com/upsc/mains-answers/gs-2/2021/though-the-human-rights-commissions-have-contributed-immensely-to-the-protection-of-human-rights-in-india-yet-they-have-failed-to-assert-themselves-against-the-mighty-and-powerful-analyzing-their-structural-and-practical/> · ask@wrapexams.com · wrapexams.com