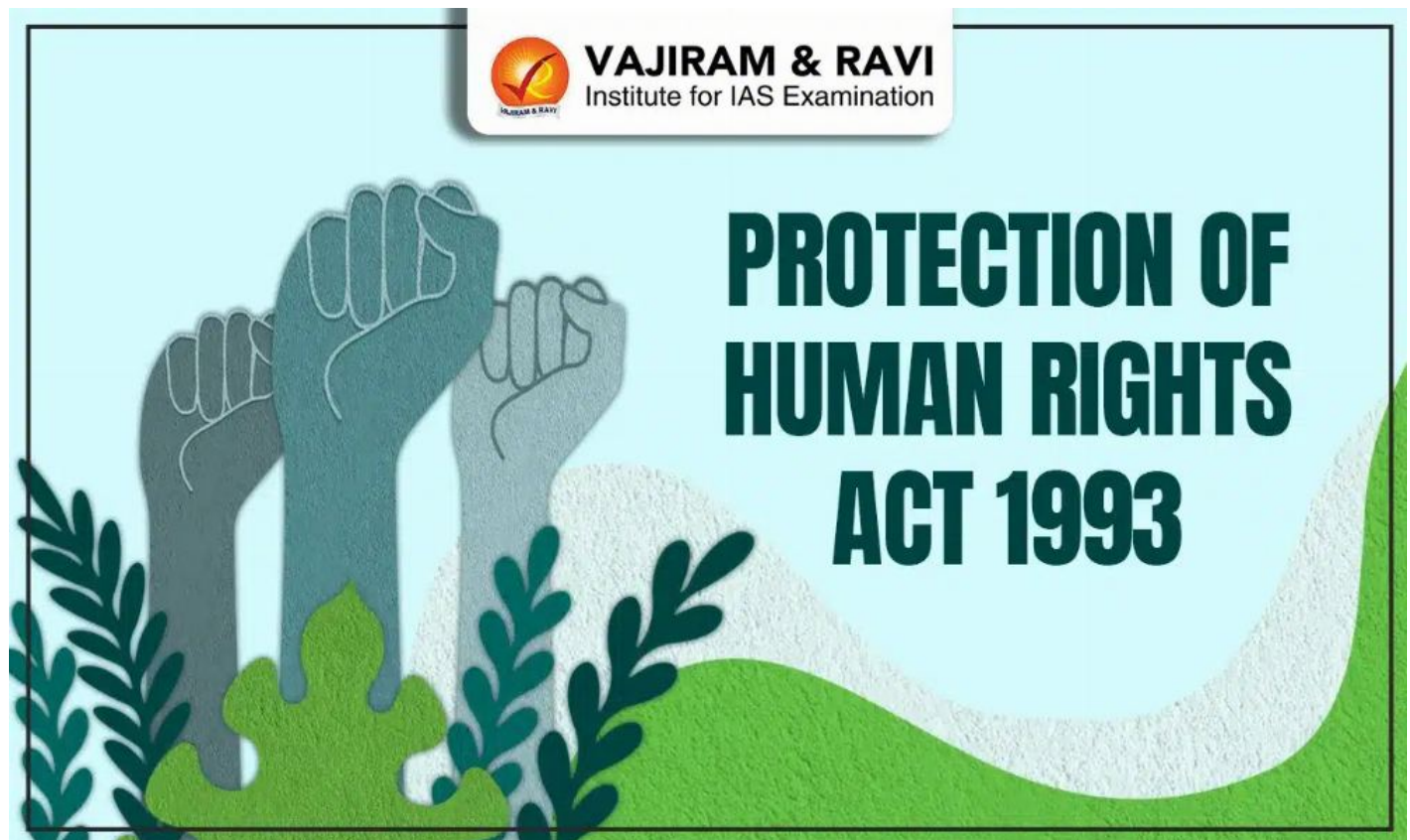


Protection of Human Rights Act 1993, Objective, Provisions, Structure

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The Protection of Human Rights Act, 1993 aims to create institutional mechanisms to safeguard human dignity, freedom and equality in India. It provides for the establishment of the National Human Rights Commission (NHRC), State Human Rights Commissions and Human Rights Courts so that violations of rights guaranteed by the Constitution can be addressed formally.

Protection of Human Rights Act 1993

The Act (Act No.10 of 1994) was passed by Parliament and came into force on 28 September 1993. It defines human rights as those relating to life, liberty, equality and dignity of the individual, guaranteed by the Constitution or embodied in international covenants and enforceable by courts in India. The PHRA thus provides a statutory basis for the NHRC and State Commissions to investigate human rights violations, and to promote human rights awareness and legal redress mechanisms across the country.

Protection of Human Rights Act Objectives

The major objectives of the The Protection of Human Rights Act are:

- To protect the fundamental rights and human rights of all individuals in India.
- To establish independent human rights institutions (NHRC and SHRCs) for investigation of violations of rights.
- To promote awareness of human rights among public servants and citizens.
- To ensure coordination between national, state and local level agencies for human rights protection.
- To align India's statutory framework with international human rights commitments (such as the UDHR, ICCPR, ICESCR).

Need for the Protection of Human Rights Act 1993

Before 1993, India had no dedicated legal body to handle human rights violations. With increasing custodial deaths, police brutality, discrimination, and social inequality, there was a strong demand for a national-level institution. The Protection of Human Rights Act 1993 was introduced to:

- Establish independent human rights commissions.
- Investigate complaints and recommend action.
- Strengthen democratic accountability and social justice.

Protection of Human Rights Act Structure

The PHRA is organised into eight chapters and 43 sections, covering definitions, constitution of the NHRC, State Human Rights Commissions, Human Rights Courts, procedure for inquiry, and other connected matters. The key institutional frameworks it provides are:

1. **The National Human Rights Commission (NHRC)**
2. **State Human Rights Commissions (SHRCs)**
3. **Human Rights Courts (for speedy trial of human rights violation cases)**

National Human Rights Commission (NHRC)

The NHRC was established under Section 3 of the PHRA and began functioning from 12 October 1993.

- **Composition:** The composition of the NHRC includes:
 - Chairperson: A former Chief Justice of India or Judge of the **Supreme Court**.
 - One Member: Who has been a Judge of the Supreme Court.
 - One Member: Who has been a Chief Justice of a High Court.
 - Three Members: Appointed from among persons having knowledge or experience in human rights, with at least one woman.
 - Additionally, the Chairpersons of the National Commissions for SCs, STs, Women, Minorities, Backward Classes, and Child Rights, along with the Chief Commissioner for Persons with Disabilities, serve as deemed members for certain functions.
- **Appointment:** As per Section 4, the Chairperson and Members are appointed by the President of India based on recommendations from a high-level Selection Committee consisting of:

- The Prime Minister (Chairperson)
- The Speaker of **Lok Sabha**
- The Home Minister
- Leaders of Opposition in both Houses
- Deputy Chairman of **Rajya Sabha**
- **Tenure:** Their tenure is three years or until the age of 70 years, whichever is earlier, with eligibility for reappointment (Section 6).
- **Resignation and Removal:** Under Section 5, the Chairperson or any Member can resign by submitting written notice to the President. They may be removed only by the **President of India** on grounds of proved misbehavior or incapacity, following an inquiry by the Supreme Court.
- **Headquarters and Staff:** The NHRC's headquarters is located in New Delhi, and it may establish regional offices with government approval (Section 3(5)). A Secretary-General serves as the Chief Executive Officer, overseeing administrative and financial matters (Section 4(4)). The Commission is supported by officers and investigative staff provided by the Central Government, including officers of the rank of Director General of Police for investigation-related tasks (Section 11).
- **Functions and Powers:**
 - Inquiry into complaints of human rights violations or negligence by public servants.
 - Suo motu powers based on news, media, or public reports.
 - Inspect jails, observe living conditions, take action to safeguard rights of detainees.
 - Review safeguards and laws protecting human rights; recommend improvements.
 - Promote research, spread human rights literacy, coordinate with NGOs and state agencies.
- **Achievements:**
 - The NHRC states that since inception over 23.79 lakh cases have been handled as of October 2025.
 - It has recommended over ₹263 crore as monetary relief to victims of human rights violations (as of October 2025) across 8924 cases.
 - Accredited "A" status by GANHRI under the Paris Principles, reflecting compliance with international standards.

State Human Rights Commissions (SHRCs)

Under Sections 21-29 of the PHRA, each State and Union Territory may establish a State Human Rights Commission.

- **Composition:**
 - Chairperson: Former Chief Justice of High Court.
 - Members: Two individuals with human rights or legal experience.
- **Functions and Powers:**
 - Investigate complaints of rights violations within state jurisdiction.
 - Review State laws, safeguards, and execution of human rights policies.
 - Visit jails and other institutions, promote research and awareness locally.
- **Implementation status:**
 - Many states have formed SHRCs; however, reports indicate significant vacancies and lack of manpower in several states.

- Challenges persist in timely disposal of cases and infrastructure.

Human Rights Courts

Section 30 of the PHRA allows the State Government, in consultation with the High Court, to designate a Court of Session in each district as a “Human Rights Court” for the trial of offences arising from human rights violations. In practice, the designation and functioning of such special courts has been uneven across states, limiting the full potential of this provision.

Protection of Human Rights (Amendment) Act, 2019

The Protection of Human Rights Act has been amended by the Protection of Human Rights (Amendment) Act, 2019, which came into force in August 2019. Key changes include:

- Eligibility for Chairperson extended to any retired Supreme Court judge (not just CJI).
- Mandatory inclusion of at least one woman member in NHRC and SHRCs.
- Reduction in tenure from five years to three, while permitting reappointment.
- Expansion of ex-officio membership to include Chairperson of National Commission for Backward Classes and National Commission for Child Rights.
- Explicit provisions for Union Territories.

Protection of Human Rights Act Achievements

The achievements of the Act and the Structure has been listed below:

- Institutionalised human rights protection in India, providing formal redressal channels.
- Promoted accountability of public servants and improved oversight of detention centres, jails and institutions.
- Enhanced awareness: NHRC and SHRCs conduct campaigns, collaborate with NGOs, hold seminars and publish reports.
- Brought India’s domestic human rights system closer to international norms (Paris Principles, UN treaties).
- Data shows large volume of complaints registered (over 23 lakh) and significant relief recommended (₹256.57 crore) to victims.

Protection of Human Rights Act Government Initiatives

To strengthen The Protection of Human Rights Act, following initiatives have been undertaken by Government and several institutions:

- Digital Human Rights Portal (2022): Enables online registration of complaints to NHRC/ SHRCs.
- Human Rights Education Programme: Collaboration with NCERT/UGC to integrate human rights modules in school/college curricula.
- NHRC-UNDP partnership: Capacity-building programmes for police, prison officials and judiciary.
- Model Guidelines on Custodial Deaths (2021): Issued by NHRC to all states for reform in police and prison practices.

- Integration into SDG India Index: The NITI Aayog includes human rights/justice indicators to strengthen governance focus.

Protection of Human Rights Act Legal Framework

These linkages reinforce the domestic protection framework with global human rights standards.

- **Constitutional basis:** Articles 14-21 (right to life, liberty, equality, dignity), Article 51(c) (respect for international law) and Directive Principles (Part IV) anchor the PHRA's vision.
- **International commitments:**
 - NHRC established to conform to the UN-endorsed Paris Principles, adopted October 1991 and endorsed by UN GA in Resolution 48/134.
 - India is party to treaties such as the ICCPR, ICESCR. PHRA defines human rights to include rights embodied in these covenants.

Protection of Human Rights Act Challenges

The Protection of Human Rights Act's impact is constrained by several systemic issues:

- Lack of binding power: NHRC's recommendations are not legally enforceable, relying on state compliance.
- Resource constraints: Many SHRCs operate with inadequate staffing and budget.
- Delay in redressal: Backlogs remain; for example thousands of cases still pending with NHRC.
- Jurisdictional limitations: NHRC has limited direct jurisdiction over armed forces and some other sectors.
- Awareness gap: Many marginalized victims remain unaware of the institutional mechanisms or fear stigma in approaching them.

Way Forward:

- Grant NHRC and SHRCs stronger enforceable powers, including follow-up mechanisms for compliance of recommendations.
- Upgrade data systems and transparency: publish real-time dashboards of complaints, dispositions and resource allocation.
- Increase funding and staffing especially for SHRCs, ensuring full functioning across all States.
- Expand human rights education and outreach: ensure awareness among rural, marginalised and vulnerable groups.
- Broaden scope of human rights protection: include digital rights, environmental justice, rights of persons with disabilities, and rights of older persons under PHRA framework.
- Strengthen coordination between NHRC, SHRCs, judiciary and police for effective implementation.

Protection of Human Rights Act UPSC

In recent years, the NHRC has modernized its working structure as discussed below. The Commission also plays a crucial role in reviewing government laws for compliance with India's constitutional principles and international obligations

- Launched online complaint portals and e-HRCNet system.

- Increased monitoring of custodial violence and human trafficking cases.
 - Actively engaged with UN Human Rights mechanisms.
 - Conducted national awareness campaigns on gender equality, child rights, and disability rights.
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