



**All India Network of NGOs and Individuals working with
National and State Human Rights Institutions (AiNNI)**



**AiNNI – ANNI Joint Submission to the
Global Alliance of National Human Rights Institutions (GANHRI)
Sub Committee on Accreditation (SCA) along with Endorsees**

Submitted on October 01, 2023

**By
All India Network of NGOs and Individuals
working with National and State Human Rights
Institutions (AiNNI)**

And

**Asian NGO Network on National Human Rights
Institutions (ANNI)
Along with Institutional & individual Endorsees
(to be sent)**

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I. Introduction:

The National Human Rights Commission of India (NHRC) is due for its next review and accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) in March 2024. This will be Indian NHRC's fifth round of accreditation following past processes in 2006, 2011, 2016, 2017 and 2023. Both in 2016 and 2023, these have both ended in deferrals by a year in the past. Although a comprehensive amendment to the Protection of Human Rights Act (PHRA) 1993 was assured during the 2017 process, the few amendments came only in 2019 and did not incorporate the much-repeated recommendations of the SCA.

This report presents a performance assessment of the NHRC – India [NHRCI] for the consideration of GANHRI's Sub-Committee on Accreditation [SCA]. It has been prepared by a collective of civil society organizations in India to highlight key issues and concerns relating to the functioning of the NHRCI, which, it is hoped, will help the SCA in its review. A full list of individuals and organisations endorsing this report will be provided subsequent to the report's dispatch on 1 October 2023. While the focus of this report is only the performance assessment, largely after its last deferral in March 2023, it also provides background and context on developments related to the NHRCI in the one-year period since its last assessment. It begins by giving a recap of the latest SCA's recommendations in 2023.

It is disappointing to note that the NHRCI website, even on 1st October 2023, reads, ***"The National Human Rights Commission, India has retained its 'A' status of accreditation with the Global Alliance of National Human Rights Institutions, GANHRI for the fourth consecutive term of five years. It is given to those NHRIs, which, after a rigorous process of review every five years, are found fully compliant with the UN-mandated Paris Principles. Mr. Justice H.L. Dattu, Chairperson, NHRC was, presented the certificate to this effect on the occasion of the ongoing annual meeting of GANHRI in Geneva, Switzerland, from the 21st to 23rd of February 2018. NHRC Member, Mr. Justice P.C. Ghose and Secretary General, Mr. Ambuj Sharma were present on the occasion."***¹ Why is it that the deferral of March 2023 is being hidden? Is this a frank disclosure that civil society expects from its own NHRCI?

¹ Available at [SCA Accreditation | National Human Rights Commission India \(nhrc.nic.in\)](https://www.nhrc.nic.in/SCA-Accreditation)

Unfortunately, this report is underpinned by the long disappointment of civil society with the NHRCI's abject failure to live up to its mandate despite efforts by civil society. This disappointment is more acute with the rapid deterioration in the protection of human rights in India.

II. Our contribution in October 2022 to SCA along with ANNI:-

In March 2023, the SCA stated that it received a "third-party submission raising concerns about the failure of the NHRC to exercise its mandate in relation to reviewing laws regarding civil liberties and fundamental rights. This includes on the Foreign Contribution (Regulation) Act 2010, Citizenship (Amendment) Act 2019, Unlawful Activities (Prevention) Act 1967."²

The third-party submission expressed further concerns that the NHRC has not taken sufficient action in protecting the rights of marginalized groups, including religious minorities. The submission also expresses concerns about the high number of complaints apparently dismissed by the NHRC at the very first stage. The SCA acknowledges that NHRC reports that it has considered all cases of human rights violations, including cases on HRDs. However, the SCA notes that the NHRC did not provide sufficient information with regards to how it implements its full mandate to monitor, promote, and protect the rights of everyone, including religious minorities and HRDs.³

Our report of October 2022 highlights the following:

Appeal by AiNNI and civil society organisations on NHRCI's accreditation of 'A' Status in 2017, assessments of the NHRCI in 2018, Protection of Human Rights (Amendment) Act, 2019, Appeal for Special Review in 2021 to SCA, overview of the human rights situation in India 2017-2022 and there was a section on NHRCI's Performance in which contains: -

1. NHRCI Establishment and Independence
2. Composition and Pluralism
3. Deemed Members
4. Staff Appointments

² GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 32.

³ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 33

5. Relationship with Civil Society
6. Annual Reports
7. Complaint's handling
8. Case studies
9. Half Measures and Foregone Opportunities to Protect Human Rights

The result of asking for a Civil Society report 6 months prior to an accreditations process allows the institution under review, after having access to our report through their own sources, to be able to correct at least on their websites pending issues/matters that have not been done 4 years at a stretch between the last accreditations granted in 2017 and the report that we submitted in October 2022.

Thereafter, the SCA had its sitting and, through their wisdom, recommended as follows. We give below a table containing the recommendations and what has happened to each of them and the earlier similar recommendations of 2011, 2016, and 2017, if they refer to the same, in the past 6 months, i.e., from April to September 2023.

S. No	Issue	Year	Recommendation	Implemented Yes / No
1	Involvement of Police officers in Investigations	2023	SCA recommends that the NHRC advocate for amendments to the PHRA	Not undertaken, and no public discussion on the same.
		2023	Amend its investigative structure to remove the capacity for the government to second police officers. To act as investigative staff, ensuring that the NHRC can independently appoint suitably Qualified staff to such positions.	Not undertaken, and no public discussion on the same.
		2017	SCA encourages NHRC to continue efforts that ensure civilian involvement and oversight in investigations involving allegations of Human rights violations against the police or security forces, with a view to strengthening the independence and impartiality of these investigations.	Not undertaken and no public discussion on the same.

		2017	SCA further encourages NHRCI to diversify the composition of its investigative team beyond police officers.	Not undertaken and no public discussion on the same.
		2017	NHRCI advocate to amend the PHRA 2006 to remove the requirement that its Director of Investigations be seconded from the Government, and to provide for an open, merit-based selection process	Not undertaken and no public discussion on the same.
2	Compositions and Pluralism	2023	The SCA recommends that the NHRC advocates for the completion of the appointment process to fill remaining vacancies in its leadership body	Not undertaken at all.
		2023	Further amendments to the PHRA, to ensure a pluralistic balance in its composition and staff, in particular by ensuring that diversity of Indian society is represented, including, but not limited to religious or ethnic minorities.	Not undertaken and no public discussion on the same.
		2016	Political representatives on NHRIs – Where government representatives or members of Parliament, or representatives of government agencies, are included in the decision-making body, the NHRI’s legislation should clearly indicate that such persons participate only in an advisory capacity. In order to further promote independence in decision-making, and avoid conflicts of interest, an NHRI’s rules of procedure should establish practices to ensure that such persons are unable to inappropriately influence decision-making by, for example, excluding them from attending Parts of the meeting where final deliberations and strategic decisions are made. The participation of government representatives or members of parliament, or representatives of government agencies, should be restricted to those whose roles and functions are of direct relevance to the mandate and functions of the NHRI, and whose advice and cooperation may assist the NHRI in fulfilling its mandate. In addition, the number of such representatives should be limited and should not exceed the number of other members of the NHRI’s governing body.	Not undertaken and no public discussion on the same from 2016 till date.

		2017	NHRCI to continue these efforts, in particular, by ensuring that diversity of Indian society is represented including, but not limited to, Dalits and other religious or ethnic minorities.	Not undertaken and no public discussion on the same from 2017 till date.
3	Selection and Appointment	2023	NHRC advocates for the formalization and application of a process that includes requirements to: <ul style="list-style-type: none"> a) Publicize vacancies broadly; b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications; c) Promote broad consultation and / or participation in the application, screening, selection and appointment process; d) Assess applicants on the basis of pre-determined, objective and publicly available criteria. 	Not undertaken and no public discussion on the same.
		2017	SCA Recommends review the selection process currently enshrined in the PHRA is not sufficiently broad and transparent. and therefore again encourages the NHRC to advocate for the formalization and application of a process that includes requirements to: <ul style="list-style-type: none"> a) Publicize vacancies broadly; b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications; c) Promote broad consultation and / or participation in the application, screening, selection and appointment process; d) Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and e) Select members to serve in their individual capacity rather than on behalf of the organization they represent 	Not undertaken and no public discussion on the same from 2017 till date.

		2016	<p>The SCA is of the view that the selection process currently enshrined in the Act is not sufficiently broad and transparent. In particular, it does not:</p> <ul style="list-style-type: none"> ▪ require the advertisement of vacancies; ▪ establish, clear and uniform criteria upon which all parties assess the merit of eligible applicants; and ▪ specify the process for achieving broad consultation and/or participation in the application, screening, selection and appointment process. 	Not undertaken and no public discussion on the same since 2016 till date. .
		2016	<p>The SCA encourages the NHRCI to advocate for the formalization and application of a process that includes requirements to:</p> <ol style="list-style-type: none"> a) Publicize vacancies broadly; b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications; c) Promote broad consultation and / or participation in the application, screening, selection and appointment process; d) Assess applicants on the basis of pre-determined, objective and publicly-available criteria; and e) Select members to serve in their individual capacity rather than on behalf of the organization they represent. 	Not undertaken and no public discussion on the same since 2016 till date.
4	The Appointment of Secretary General	2023	NHRC advocates for amendments to the PHRA to remove the capacity for the Government to make a senior civil servant available for the position of Secretary General, to empower the NHRC to independently recruit candidates for the position.	Not undertaken and no public discussion on the same till date. Though a Secretary-General has now been appointed.
		2017	Secretary General be recruited through an open, merit-based selection process	Not undertaken and no public discussion on the same from 2017 till date.

		2017	In the interim, the SCA encourages the NHRCI to pursue policy and/or administrative measures to provide the NHRCI with greater control over the process, including by setting the selection criteria and by participating in the evaluation of candidates	Not undertaken and no public discussion on the same from 2017 till date.
		2016	Secretary General be recruited through an open, merit-based selection process;	Not undertaken and no public discussion on the same from 2016 till date.
		2011	NHRCI advocate to amend the PHRA 2006 to remove the requirement that the Secretary General and Director of Investigations be seconded from the Government, and to provide for an open, merit-based selection process	Not undertaken and no public discussion on the same from 2011 till date.
5	Cooperation with other human rights bodies	2023	NHRC takes additional steps to ensure constructive engagement and cooperation with civil society and HRDs, and that this should include regular modes of collaboration outside of the Core/Expert Groups	Not undertaken and no public discussion on the same. attended.
6	Addressing the human rights issues	2023	NHRC addresses all violations of human rights and to ensure effective follow-up so that the State makes the necessary changes to ensure that human rights are clearly protected	Not undertaken and no public discussion on the same.
		2023	NHRC ensures that its positions on these issues are made publicly available, as this will contribute to the strengthening of the credibility and accessibility of the institution for all people in India.	Not undertaken and no public discussion on the same.

At the outset, we are surprised that the Civil society is required to submit its alternative report 6 months prior to the consideration of this deferral of March 2023 of the NHRCI accreditation when the GANHRI SCA Report March 2023⁴ clearly mentions that the deferral would be taken up one year later or after two sessions. The first session of

⁴ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 29

SCA was held in October 2023, and the second session is to be undertaken in March 2024. On a careful study of the March 2024 session, it is seen that it is in two parts. The first part of the session will be from 25th to 29th of March, and the second part of the session will be from 29th April to 3rd May.⁵ We are also told that NHRCI figures in the SCA process of the first session in March 2024⁶. In that case our report will have to be undertaken by the 1st of October, 2023. We register our respectful disagreement with this. NHRCI is being considered for the deferral before the completion of two sessions; the first was in October 2023, and the second is in March 2024. But instead of being taken up for consideration after the two SCA sessions, we now see we are forced to give our report on 1 October 2023. This we consider contradictory to what the SCA recommendations actually contained. We state this because of our trust in the accreditation process, and we are also aware of the GANHRI's careful review of the SCA accreditations process to make it more transparent, more fair and also respecting the equality between the parties engaged in accreditation, namely the NHRI under review, those from CSOs that come forward to submit a report because we are called upon to do so, and UN bodies, governments and international human rights organizations engaged with NHRIs.

Immediately after the recommendations of GANHRI of the SCA accreditation process of NHRCI was made public, we chose to address a letter to NHRCI, This was the least that a Civil Society platform which has cooperated in the accreditation process of NHRC India, since 2011, again in 2016, again in 2017 and again in October 2022 could do. We thought, and genuinely so, there could be an engagement of a dynamic nature between the NHRCI and AiNNI as a platform of Individuals and NGOs working with National and State Human Rights Institutions across the country to encourage the NHRCI into strategic planning and ensure that these recommendations of the GANHRI-SCA were made to be realised in time for its upcoming deferred review of its accreditation. This is the maximum offer that a civil society organisation can make to an NHRC, not because of the individuals in the Commission but because of the trust we place in the institutions of domestic human rights redressal, not only working on protection but also on promotional issues. We must not forget that India is the only country globally which comprises more than 170 such institutions. Therefore, a good

⁵ Available at [Upcoming sessions of the GANHRI Sub-Committee on Accreditation \(SCA\) | OHCHR](#)

⁶ Available at [Upcoming accreditation sessions - GANHRI](#)

model of an NHRC in India, which is truly Paris Principles compliant, will only serve as a good model for other National and State Human Rights Institutions (thematic) that exist at the national and state levels. Neither the AiNNI nor the Asian NGO Network on National Human Rights Institutions (ANNI), who instituted the last report to the GANHRI-SCA, were ever communicated by NHRCI in response to the letter mentioned above. This, by itself, speaks about the trust deficit that the NHRCI enjoys despite the fact, of the various declarations of GANHRI and APF encouraging NHRIs to work closely and in cooperation with CSOs.

III. Specific analysis of each of the recommendations by the GANHRI-SCA in March 2023:

1. Involvement of Police officers in Investigation:

The Involvement of Police officers in the Investigations of NHRC raises questions about the capacity to fully function independently.⁷

Despite repeated recommendations by the SCA, the NHRCI's investigation team still comprises only police officers on deputation to the NHRC.⁸ Thus, Investigation into cases is being carried out only as a "criminal investigation" by the police personnel in its investigation team rather than as a "human rights investigation". Thus, what the NHRCI had failed to see and implement, right from its recommendations of 2011, 2016, 2017 and 2023, is that its investigation team should comprises of non-police personnel with possessing competencies such as forensic experts, senior lawyers / retired public prosecutors conversant with basic criminal procedure as well as special laws having a bearing on the human rights of different sections of the society. Even veteran human rights activists with decades of experience, or for that matter, the NHRCI's own Special Rapporteurs, are not engaged in such investigations of human rights investigations ordered by the NHRCI.⁹

The most shocking example of a human rights investigation by the NHRCI, is with reference to 16 persons killed due to and subsequent to police action that took place

⁷ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 30

⁸ Available at [Specialized Divisions and Staff | National Human Rights Commission India \(nhrc.nic.in\)](https://nhrc.nic.in). The Investigation Division is headed by an officer of the rank of Director General of Police, assisted by one DIG and three Senior Superintendents of Police. Each Senior Superintendent of Police heads a group of investigative officers (comprising of Deputy Superintendents of Police and Inspectors).

⁹ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 30

on 22nd May 2018.¹⁰ In the city of Thoothukudi in the state of Tamil Nadu, during a people's protest marking the 100th day of their protest against the Sterlite Copper Smelting plant run by the Vedanta Group.¹¹

Though the NHRCI took Suo Moto notice of this case, on 23rd May 2015,¹² other complainants linked to this case that were undertaken by civil society were tagged to the Suo Motto complaint. The NHRC was quick to bring a final disposal to this complaint on 25th October 2018,¹³ solely based on the then Government of Tamil Nadu's response to it dated 26th September 2018.¹⁴

This is a case where 8 UN Special Rapporteurs issued a joint statement as early as on 30th May 2018.¹⁵ Despite several efforts to reopen this case undertaken by the complainant¹⁶ and since no investigation reports of the NHRCI were made publicly available, the complainant was forced to move the Madras High Court in W.P Case No. 10526/2021, and it was only after the intervention of the High Court through its 3 orders, dated 25th June 2021, 09th August 2021 and 13th September 2021, that even the investigation report of NHRC was made public, and that too in a sealed cover to the High Court. The High Court directed that the copy of the same to be handed over to the complainant.

¹⁰ Available at [Sterlite protest in Thoothukudi: Death toll rises to 13 in Tuticorin police firing | Madurai News - Times of India \(indiatimes.com\)](https://www.indiatimes.com/News/India/Sterlite-protest-in-Thoothukudi-Death-toll-rises-to-13-in-Tuticorin-police-firing-Madurai-News-Times-of-India-indiatimes.com)

¹¹ Available at [10 killed in police firing as anti-Sterlite rally turns violent in Thoothukudi - The Hindu](https://www.thehindu.com/news/national/10-killed-in-police-firing-as-anti-sterlite-rally-turns-violent-in-thoothukudi)

¹² NHRC Diary no 87890/CR/2018, Case file No. 907/22/41/2018, Complaint date 23-05-2018.

¹³ Ibid. Pursuant to the directions of the Commission, the Principal Secretary to the Govt. of Tamil Nadu (FAC), Public (Law & Order-D) Deptt., Chennai, vide communication dated 06.09.18, has submitted a detailed report regarding the background of the Anti-Sterlite Protest in Thoothukudi Tamil Nadu and action taken by the Govt. of Tamil Nadu. The Govt. of Tamil Nadu on 23.05.18 appointed Tmt. Justice Aruna Jagadeesan, retired Judge of High Court of Judicature, Madras as Commission of Inquiry to inquire into the causes and circumstances leading to the opening of fire resulting in death and injuries to persons on 22.05.18 and subsequent events at Thoothukudi and nearby areas arising out of law and order disturbances including damage to public and private properties. The Commission of Inquiry has also been asked to examine whether the appropriate force was used as warranted by the circumstances and whether there were any excesses on the part of police officers, and if so to suggest action to be taken. The report further states that the Govt. of Tamil Nadu has also sanctioned financial assistance of Rs. 20 Lakh each for the family of deceased persons and Rs. Five Lakhs each for the severely injured and Rs. 1.5 lakh each for other injured persons. The Govt. has also promised to provide employment to one of the family members of the deceased. Adequate steps have been taken by the District Administration to restore normalcy in the District. The report concluded that appropriate steps have been taken by the State Govt. to bring normal and peaceful situation in a short period of time.

The Commission has considered the report. Since adequate compensation has been paid to the victims and appropriate steps have been taken by the State Government to bring law and order situation under control, and the Judicial Commission is already looking into the angle of use of force/police excesses, if any, no further intervention in the matter is required. Report is taken on record and the case stands closed.

¹⁴ Available at <https://ainni.in/wp-content/uploads/2023/09/Part-1-Legal-NHRC-Sterlite-Compilation-of-all-case-documents-WP-MD-10526-of-2021.pdf>

¹⁵ Available at [UN experts condemn deadly police response to protest against copper smelting plant in India, call for probe | OHCHR](https://www.ohchr.org/en/press-releases/2018/05/un-experts-condemn-deadly-police-response-to-protest-against-copper-smelting-plant-in-india-call-for-probe)

¹⁶ Henri Tiphange, Petitioner and Party in Person, Before Madras High Court W.P(MD) No. 24661/2021.

Despite this order, the NHRC's only effort was to ask its investigation and research division to look into the complainant's applications for reopening of the closed complaint on 23.09.2021, and after receiving their respective reports on 24.09.2021, and without issuing notice to the complainant, once again, despite the High Court petition pending, on 04.10.2021, the NHRCI under the Chairmanship of Justice Arun Mishra decided not to open the closed petition relating to the "Vedanta killings". This single example stands proof today because the hearings, in this case, took place after the SCA meeting in March 23, before the Madras High Court on 12.07.2023, 26.07.2023, 11.08.2023, 28.08.2023, 11.09.2023, 22.09.2023 and 27.09.2023. This is a clear example of the NHRCI's non-adherence to the principles of Business and Human Rights and the Principles of Natural Justice by not sharing reports of its own investigation to persons who had preferred complaints, non-adherence to justice redressal even when peaceful human rights defenders were attacked and even killed and today remaining a mute spectator before a court of law even after a judicial commission of enquiry has specifically indicted 17 named police and revenue officials.¹⁷

This is a case where even the report of police officers in the NHRCI investigation team is kept as a secret after the closure of the case, and only produced in a sealed cover, subsequent to a court order of the Madras High Court passed three years after the report was ready and the case was closed.

The slight change that one would have expected after the deferral of the accreditation in March 2023 would have been some definite steps, at least in cases like this, which unfortunately did not take place.

April 15th 2015, saw the brutal torture and extra-judicial killing of 20 Tamils at the Sheshchalam forests near Tirupathi, which the NHRCI had also intervened in on the basis of a complaint made to it and swiftly passed orders directing the Chief Secretary and Director General of Police (DGP) of the Andhra Pradesh (A.P) Government to appear before it.¹⁸ The Government of Andhra Pradesh rushed to the Andhra Pradesh High Court and obtained a stay order that the NHRCI has not been able to vacate even today after 8 years.¹⁹

¹⁷ Available at [Explained | The Thoothukudi firing inquiry report - The Hindu](#)

¹⁸ NHRC Case No. 475/1/3/2015-AFE

¹⁹ High Court Andhra Pradesh Writ Petition No. 15767/2015

2. Compositions and Pluralism

The appointment of the Secretary-General raises questions about NHRC's capacity to function fully independently. The Current composition of NHRC with **three of the six positions vacant**. Moreover, these three positions are those members who are required to have knowledge of or practical experience in human rights, including the only designated position that must be occupied by a woman. **There is currently no woman in the leadership body of the NHRC.**²⁰ The SCA further notes that, of the 393 staff positions listed by the NHRC as its staff component, only 95 are held by women.²¹

Since the last accreditation in March 2023, three of the six positions, [which includes the Chairperson and five members] in the NHRCI, remain vacant, which includes the solitary women member, a position that has remained vacant for the past one year and five months. Of these existing three seats which feel vacant on September 11, 2021, April 4, 2022, and January 4, 2023,²² one of these has to be a judge or former judge of the Supreme Court and another Chief Justice of a High Court, and the third has to be a non-judicial women member representing civil society.

A very close analysis of the call for applications made from 2018 till today reveals that the NHRCI does not recruit its own cadre of staff but prefers, in more than 75% of cases of recruitments undertaken to be persons deputed from the various existing government institutions. The results of a careful study recently undertaken reveal that of the total no of 78 call for applications (some for more than one position), out of which 46 are calls only for persons by deputation from the Government and the remaining 36 are for persons on a contract basis for very short periods.²³

This is a very serious indicator that the NHRCI only wishes, even today, after the SCA recommendations of 2011, 2016, 2017 and 2023 to continue to rely on former or present government servants seconded to it, not only for all senior positions but for all for other ordinary positions within the NHRCI. The vacancies of the members in the NHRCI that existed in March 2023 continue as of 30 September 2023 without even a single women member on its commission. The Chairpersons on the 7 national

²⁰ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 30

²¹ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 30

²² Available at [Former Chairpersons and Members | National Human Rights Commission India \(nhrc.nic.in\)](https://www.nhrc.nic.in/Former-Chairpersons-and-Members)

²³ Available at [CSO - SCA GANHRI Oct 1st 2023 report - Google Sheets.pdf \(ainni.in\)](https://www.sca.gov.in/CSO-SCA-GANHRI-Oct-1st-2023-report)

thematic commissions on women, minorities, child rights, Scheduled Castes, Schedule Tribes, persons with disabilities and backward classes continue to be connected to the party in power or are Members of Parliament or representatives of government agencies. In 2017, of the 468 staff positions in NHRCI, only 92 (20%) were women and in 2023, of 393 staff positions listed by the NHRCI, only 95 were held by women.

3. Selection and Appointment:

The SCA notes that the selection committee of the NHRCI does not provide for the formal involvement of civil society organizations in the process. The SCA reiterates the concern raised in its November 2017 review of the NHRC that the selection process currently enshrined in the PHRA is not sufficiently broad and transparent. In particular, it does not:

- require the advertisement of vacancies, nor
- specify the process for achieving broad consultation and/or participation in the application, screening, selection, and appointment process.

It is critically important to ensure the formalization of a clear, transparent, and participatory selection and appointment process for an NHRI's decision-making body in relevant legislation, regulations, or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA recommends that the NHRC advocates for the formalization and application of a process that includes requirements to:

- a) Publicize vacancies broadly;***
- b) Maximize the number of potential candidates from a wide range of societal groups and educational qualifications;***
- c) Promote broad consultation and/or participation in the application, screening, selection and appointment process;***
- d) Assess applicants on the basis of pre-determined, objective and publicly available criteria.²⁴***

²⁴ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 31

This is one recommendation that has been made consistently for several years, but there has been no discussion even on the same across the country. When anyone globally can apply for a position of a United Nations Special Procedure mandate holder, it is surprising that a country that claims to be the world's largest democracy still cannot evolve a process of meticulously following this recommendation. This only requires procedural guidelines to be developed for the cause.

4. The Appointment of the Secretary General

Section 11 of the PHRA requires that the Central Government makes available to the NHRI a civil servant with the rank of Secretary to the Government to take the role of Secretary General of the Commission.

In its previous review of the NHRC in November 2017, the SCA emphasized that 'a fundamental requirement of the Paris Principles is that an NHRI is, and is perceived to be, able to operate independent of government interference. Where an NHRI's members are seconded from the public service, and in particular where this includes those at the highest level in the NHRI, it raises the question about its capacity to function fully independently'.

The SCA acknowledges the NHRCI position that this arrangement ensures the necessary expertise for the role of the Secretary-General. The SCA further acknowledges the report of the NHRCI that it selects the Secretary-General from a list of names identified by the Government and, when selected, works under the NHRC's full control.

The SCA continues to be of the view that, notwithstanding the justifications provided, these practices have a real impact on the perceived independence of the NHRI. ***Accordingly, the SCA recommends that the NHRC advocates for amendments to the PHRA to remove the capacity for the Government to make a senior civil servant available for the position of Secretary General, to empower the NHRC to independently recruit candidates for the position.***²⁵

Secretary General Shri Devendra Kumar Singh served in NHRC for one year, one month and twenty-eight days and retired on 30 June 2023. The present Secretary General, Shri Bharat Lal, took charge on June 2023. Even on this occasion, the recommendations of GANHRI-SCA were not followed.

²⁵ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 32

Bharat Lal had the privilege of working with the Hon'ble Prime Minister of India Shri Narendra Modi, since 2001, when he became Chief Minister of Gujarat. Since March 2020, he also worked in the core team formed by the Government of India to manage Covid-19 pandemic caused by Corona virus in the country.²⁶ This is not special qualification to be appointed as a secretary general without following the recommendations of GANHRI-SCA.

5. Cooperation with other human rights bodies

The SCA received a third-party submission indicating that the relationship between the NHRCI and civil society is not effective or constructive, particularly with respect to collaboration through its core group on non-government organisations ('NGOs') and human rights defenders ('HRDs'). The SCA acknowledges the response of the NHRCI that it collaborates with civil society, including conducting open hearings along with HRDs and NGOs. The NHRCI reports that it has now reconstituted its Core Group of NGOs and HRDs.²⁷ The SCA reiterates that regular and constructive engagement with all relevant stakeholders is essential for NHRIs to effectively fulfil their mandates. **The SCA recommends that the NHRC takes additional steps to ensure constructive engagement and cooperation with civil society and HRDs and that this should include regular modes of collaboration outside of the Core/Expert Groups.**²⁸

- 5.1 Though the NHRC's Core Group on NGOs and HRDs was reconstituted just prior to NHRCI accreditation in March 2023 and had its first meeting on 22nd August 2023, and the minutes of this meeting uploaded on the NHRCI website on 25th September 2023. These minutes do not bear witness to how the Asia Pacific Forum's (APF) Action Plan on HRDs released in March 2022,²⁹ particularly the national action plan, will be put to immediate action within the country. This meeting's minutes with the reconstituted Core Group on NGOs / HRDs also bears no reference to the pressing and horrific human rights issues taking place in the state of Manipur since May 2023, though it has reference to lifetime awards and honouring of human rights defenders while most well-known HRDs languish in jail with no intervention whatsoever by the NHRC, despite complaints preferred to it.³⁰

²⁶ Available at [\(19\) Bharat Lal | LinkedIn](#)

²⁷ Re-constitution of NHRC Core group on human rights defenders and NGOs dated 07-11-2022, Available at [Core Groups | National Human Rights Commission India \(nhrc.nic.in\)](#)

²⁸ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 32

²⁹ Available at [Implementation Guidelines for the APF Regional Action Plan on Human Rights Defenders \(RAP\) | Asia Pacific Forum](#)

³⁰ Available at [Minutes of the NHRC core group meeting on HRDs and NGOs_22082023.pdf](#)

- 5.2 On 7 April 2023, in the Bijapur district of the Bastar division of Chhattisgarh, the security forces ordered an aerial bomb attack against the Adivasi (indigenous) people and sent three helicopters to discharge heavy machine gun fire on villagers.³¹ The attacks targeted environmental defenders, and they violated the right to life of indigenous environmental defenders and contributed to widespread environmental destruction.³² There was no action by the NHRCI suo moto or otherwise.
- 5.3 In April 2023, forest rights activist Mr. Wasim Sajad was illegally arrested and tortured by Dhurki Thana Police in Garhwa.³³ There was no action by the NHRCI.
- 5.4 In April 2023, the police arrested 110 Environmental Human Rights defenders in Ratangiri Maharashtra,³⁴ protesting against the establishment of the Ratnagiri oil refinery,³⁵ which poses a threat to an archaeologically significant fragile landscape,³⁶ which contains millennia-old petroglyphs or rock carvings.³⁷ Again, there was no action by the NHRCI suo moto or otherwise.
- 5.5 In May 2023, HRD Damodar Turi, a founding member of Visthapan Virodhi Jan Vikas Andolan, a civil society organisation that fights against forced displacement and land alienation across the country targeted by the NIA officials. The HRDs house was searched and his mobile was seized. A case was registered under UAPA against the HRD.³⁸ There was no action by the NHRCI suo moto or otherwise.
- 5.6 In May 2023, HRD Anil Kansda a founding member of Adiwasi Mulwasi Adhikar Manch, a civil society organisation that fights against displacement and land alienation across the Bokaro. He has been doing programs on the displacement or tribal rights and peaceful movements.³⁹ There was no action by the NHRCI suo moto or otherwise.

³¹ Available at [Alleged bombings on Adivasis in Chhattisgarh raised in European Parliament \(scroll.in\)](#)

³² Available at [Bastar villagers allege aerial bombing by security forces. What is the truth? \(scroll.in\)](#)

³³ NHRC Case No. 430/34/7/2023-AD

³⁴ Available at <https://theprint.in/india/anti-refinery-protests-in-maha-two-activists-arrested/1538919/>

³⁵ Available at [RRPCL - Ratnagiri Refinery And Petrochemicals Limited](#)

³⁶ Ratnagiri's pre-historic rock art: Why a proposed oil refinery has experts worried. Available at [Ratnagiri's pre-historic rock art and concerns with its conservation? \(indianexpress.com\)](#)

³⁷ Available at [In Maharashtra Village, Locals Protesting Against a Refinery Allege Unprecedented Police Action \(thewire.in\)](#)

³⁸ NHRC Case No 621/34/16/2023

³⁹ NHRC Case No 857/34/1/2023

5.7 In July 2023, around 50 land and environmental rights defenders who are members of Jagrit Adivasi Dalit Sangathan (JADS) faced systematic reprisals, registration of cases under fabricated charges, arbitrary arrests⁴⁰ and detention⁴¹ violating their right to peaceful assembly.⁴² There was no action by the NHRCI suo moto or otherwise.

These are just a few examples among many more to indicate that this recommendation has not been put to action by the NHRCI.

6. Addressing the human rights issues

The SCA notes that the NHRCI did not provide sufficient information with regard to how it implements its full mandate to monitor, promote, and protect the rights of everyone, including religious minorities and HRDs. ***The SCA recommends that the NHRC addresses all violations of human rights and to ensure effective follow-up so that the State makes the necessary changes to ensure that human rights are clearly protected. The SCA further recommends that the NHRC ensures that its positions on these issues are made publicly available, as this will contribute to the strengthening of the credibility and accessibility of the institution for all people in India. An NHRI's mandate should be interpreted in a broad and purposive manner to promote a progressive definition of human rights, which includes all rights set out in international, regional, and domestic instruments. NHRIs are expected to promote and ensure respect for all human rights, democratic principles, and the strengthening of the rule of law in all circumstances, and without exception. Where serious violations of human rights are imminent, NHRIs are expected to conduct themselves with vigilance and independence.***⁴³

6.1 The 2023 Hindutva Watch Half Yearly Report: Anti-Muslim Hate Speech Events in India. Highlights the following: “255 documented incidents of hate speech gatherings targeting Muslims in the first half of 2023. Overwhelmingly, 205 (80%) of these hate speech events occurred in BJP-

⁴⁰ Available at [Tribals protest over 'illegal' arrest of forest rights activist in Madhya Pradesh- The New Indian Express](#)

⁴¹ Available at [India: Escalated repression against the Jagrit Adivasi Dalit Sangathan, human rights defenders Madhuri Krishnaswami, Nitin Varghese, Antaram Awase, and community leaders campaigning for forest and land rights in Madhya Pradesh | Front Line Defenders](#)

⁴² Available at [Tribals protest over 'illegal' arrest of forest rights activist in Madhya Pradesh- The New Indian Express](#)

⁴³ GANHRI Sub-Committee on Accreditation Report – February & March 2023 – Page 33

ruled states and union territories. Maharashtra, Karnataka, Madhya Pradesh, and Gujarat, also in Rajasthan, the sole Congress-ruled state in this list - witnessed the highest number of hate speech gatherings, with Maharashtra alone accounting for 29% of such incidents. Seven out of the top eight states with the highest hate speech events are governed by the BJP and its coalition partners. Around 52% of hate speech gatherings in BJP-ruled states and union territories were orchestrated by entities affiliated with the Rashtriya Swayamsevak Sangh (RSS), including the Vishwa Hindu Parishad (VHP), the Bajrang Dal, the Sakal Hindu Samaj, and the Bharatiya Janata Party. Overall, 42% of all hate speech gatherings in 17 states, which includes two centrally controlled territories, were organized by groups affiliated with the RSS. Approximately 64% of the events in BJP-ruled states and union territories incorporated references to popular Hindu far-right anti-Muslim conspiracy theories. Overall, 51% of all the hate speech gatherings in 17 states, which includes two centrally controlled territories, featured anti-Muslim conspiracy theories. A concerning 33% of all the gatherings explicitly called for violence against Muslims. About 11% of events included explicit calls for Hindus to boycott Muslims. Disturbingly, 4% of all the events featured hate-filled and sexist speeches explicitly targeting Muslim women. Nearly 12% of events featured calls to arms. Notably, 33% of hate speech events took place in states that have already conducted or are set to conduct state legislative elections in 2023. Furthermore, over 36% of these events occurred in states slated to hold legislative elections in 2024. In total, nearly 70% of these events were reported in states with legislative elections either in 2023 or 2024". **In none of these hate speech incidents, that have been cited in the Hindutva Watch report, has the NHRCI made its position publicly clear.**⁴⁴

- 6.2 In Maharashtra, the ghastly targeted hate killings by 33-year-old RPF constable Chetan Singh of his superior officer RPF Assistant Sub-Inspector Tika Ram Meena (58), from Sawai Madhavpur, Rajasthan and three passengers, Abdul Qadir bhai Mohammed Hussain Bhanpurwala (64) from Nalasopara in Palghar, Asgar Abbas Ali (48) from Madhubani Bihar, and

⁴⁴ Available at: [2023 Half-Yearly Report: Anti-Muslim Hate Speech Events in India - Hindutva Watch](#)

Sayed Saifullah (43) from Hyderabad, using his automatic weapon, while on duty, on the Jaipur-Mumbai Central Express on July 31, 2023 around 5 a.m.⁴⁵ This was yet another incident where the NHRCI chose to remain silent in the recent past and did not make any public statement on the same.

- 6.3 More than 80 lawyers, including advocates, legal academics and researchers, had addressed the Governor of Odisha, raising concerns about the alarming arrests and illegal detentions of about two dozen persons from the Rayagada district in Odisha in anticipation of the upcoming public hearing for the Sijimali bauxite mine proposed by M/s Vedanta Ltd. The letter, endorsed by legal luminaries such as Prof. Kalpana Kannabiran, Gautam Bhatia, and Prashant Bhushan, among others, calls for an immediate halt to the public hearings to clear 1549 hectares of forest lands lying in areas covered by the Vth Schedule of the Constitution for violating the right to free, prior and informed consent of the affected communities.⁴⁶

This petition, on 25 September 2023, follows NHRC's special session coinciding with APF's 28th Biennial conference hosted by the Indian NHRC, and a special international seminar on business and human rights.⁴⁷ However, in early August, Human Rights Defenders Alert [HRDA] filed Urgent appeals in NHRC Case No 2018/18/6/2023, 2148/18/32/2023, 2117/18/32/2023, 2141/18/32/2023 and 2220/18/8/2023. Despite all this in matters relating to business and human rights, the NHRCI is yet to take a stance and make a public statement on the issues.

- 6.4 This period after the SCA recommendations of March 2023 saw a series of hearings before the Supreme Court of India after nearly four years “**in re Article 370**”. In the very important hearing before the Supreme Court having a large consequence on the human rights of the Peoples of Jammu and Kashmir, it is surprising that the NHRCI did not deem it necessary to even intervene before it using its powers under PHRA 1993 section 12 (b). A very

⁴⁵ Available at [Alarm bells must set off in the country on the hate killings by RPF constable Chetan Singh! - People's Union For Civil Liberties \(pucl.org\)](#)

⁴⁶ Available at » [Lawyers Petition Odisha Governor to Halt Public Hearing for the Sijimali Bauxite Project \(groundxero.in\)](#)

⁴⁷ Available at [28th Annual General Meeting and Biennial Conference of the APF of NHRIs | National Human Rights Commission India \(nhrc.nic.in\)](#)

important issue related to human rights, in addition to many others in relation to Jammu and Kashmir (J&K),⁴⁸ was the winding up of the Jammu and Kashmir State Human Rights Commission (SHRC) with effect from 31 October 2019 by an order of the General Administration Department of Jammu and Kashmir passed on 23 October 2019 where the General Secretary of the NHCRI was directed to transfer all records pertaining to the J & K SHRC to the Department of Law, Justice and Parliamentary affairs. The Association of Parents of Disappeared Persons (APDP), the Asian Federation Against Involuntary Disappearance (AFAD) and AiNNI addressed the NHRC on 24th March 2020 urging its intervention. Though the NHRCI replied on 9th July 2020, the petitioners were only asked to approach the Central Government for an appropriate remedy in respect of the cases highlighted.⁴⁹

- 6.5 The NHRCI did not think it fit, even after its accreditation being deferred in March 2023, to intervene in this Supreme Court hearing “In Re Article 370” to highlight these pending human rights cases before the J&K SHRC that was arbitrarily closed.

Incarcerated Rohingya refugees clashed with police inside a jail turned holding centre in Jammu demanding their freedom and repatriation to Myanmar, in which several refugees and policemen have been said to have been injured despite the allegation that the Jammu and Kashmir police had unlawfully detained 269 refugees without charges in April 2021.⁵⁰ The NHRC has throughout never thought it fit to even raise their issues before the Supreme Court when the Court was hearing in Re Article 370 was being heard.⁵¹ Was this not the responsibility of the NHCRI?

- 6.6 Even in the Elgar Parishad Case, popularly known as the “Bhima Koregaon case” the NHRCI had no role whatsoever in intervening on behalf of many

⁴⁸ Available at: [J&K: Complaints About Human Rights Violations Have Remained Locked for More Than 2 Years \(thewire.in\)](https://thewire.in/jk-complaints-about-human-rights-violations-have-remained-locked-for-more-than-2-years)

⁴⁹ Available at: <https://ainni.in/wp-content/uploads/2020/04/Arbitrary-closure-of-J&Kashmir-SHRC-seeking-that-proceedings-in-132-Final.pdf>

⁵⁰ Funerals in handcuffs, families torn apart, Available at: [Funerals in handcuffs, families torn apart: The cost of the long detention of Rohingyas in Jammu \(scroll.in\)](https://scroll.in/funerals-in-handcuffs-families-torn-apart-the-cost-of-the-long-detention-of-rohingyas-in-jammu)

⁵¹ Available at: [Jammu And Kashmir | J&K Rohingya refugees 'clash' with police, demand their freedom or repatriation to Myanmar - Telegraph India](https://telegraphindia.com/2020/jul/09/jammu-and-kashmir-jk-rohingya-refugees-clash-with-police-demand-their-freedom-or-repatriation-to-myanmar/)

globally acclaimed HRDs such as Sudha Bharadwaj, Anand Teltumbde, Gautham Navlakha, Vernon Gonsalves, Shoma Sen and others,⁵² by utilizing their power of intervention under Section 12 (b) of the PHRA. They have also continuously remained a silent spectator when Teesta Setalvad, a recipient of the Nuremberg International Human Rights award, was arrested pursuant to a judgement of the Supreme Court, where she was accused of fabricating the evidence and tutoring the witness in a 2002 riots case.⁵³ NHRCI's powers, once again under Section 12(b), were not used to protect well-recognised, internationally acclaimed human rights defenders.

6.7 Though Mr Khurram Parvez, of the APDP from Jammu and Kashmir, has been incarcerated since 22nd November 2021 under the draconian Unlawful Activities (Prevention) Act (UAPA) near Delhi and despite their being complaints registered before the NHRC in this regard, the NHRCI has failed to even make a visit to the jail to meet the human rights defender.⁵⁴

6.8 Despite all pleas through complaints made and otherwise, the 90% disabled wheelchair-bound Professor Saibaba continues to be incarcerated in the Nagpur Central Prison without any intervention whatsoever by the NHRCI, even after the Bombay High Court granted him discharge and before the order was enforced the Supreme Court set aside the orders of Bombay High Court.⁵⁵

6.9 The most recent annual report of the UN Secretary-General's dated 21st August 2023, on reports of intimidation and reprisals against individuals and groups seeking to cooperate with the United Nations has a reference in Annexure – II to Mr. Khurram Parvesh of the Jammu Kashmir Coalition of the Civil Society (JKCCS), Mr. Lobo Kishore of the Centre for Social Development Manipur and Mr Henri Tiphange of the Centre for Promotion of Social Concerns [CPSC] (People's Watch) this has neither agitated the NHRC nor its NGO Core Committee on NGOs or HRDs to express solidarity

⁵² Available at : [The Bhima Koregaon 16: Which Activists Were Imprisoned For 'Waging War Against Government Of India'? \(outlookindia.com\)](https://outlookindia.com/story/article/The-Bhima-Koregaon-16-Which-Activists-Were-Imprisoned-For-Waging-War-Against-Government-Of-India-2021-08-11/1)

⁵³ Available at : [SC protects Teesta Setalvad from arrest for a week, stays Gujarat HC order | Latest News India - Hindustan Times](https://www.hindustantimes.com/india-news/sc-protects-teesta-setalvad-from-arrest-for-a-week-stays-gujarat-hc-order-latest-news-india-hindustan-times/story/)

⁵⁴ Available at : [The UAPA Versus Khurram Parvez, an Extreme Law Versus a Rights Defender \(thewire.in\)](https://www.thewire.in/news/india/the-uapa-versus-khurram-parvez-an-extreme-law-versus-a-rights-defender/)

⁵⁵ Available at : [Supreme Court sets aside Bombay High Court order discharging Delhi University ex-professor Saibaba - The Hindu](https://www.thehindu.com/news/national/supreme-court-sets-aside-bombay-high-court-order-discharging-delhi-university-ex-professor-saibaba/article17111111.html)

in any manner whatsoever by addressing the government or even reopening the closed case against the People's Watch initiated in 2016, by the NHRCI when it's then accreditation was due in 2016. The NHRC had kept the case pending throughout 2017 when its accreditation was granted and subsequently closed the case pending before it in 2021 without going into the violation of the Right to Association.⁵⁶ There were similar cases of FCRA denials refusals that have occurred since March 2023 to a host of other NGOs such as Social Awareness Society for Youth (SASY), Common Wealth Human Rights Initiative (CHRI) and several others.

6.10 The Apex human rights body chose to remain silent even when its own national human rights monitor from civil society Mr Harsh Mander, who was running child care homes established by the Centre for Equity Studies (CES) and was targeted by the National Commission for Protection of Child Rights (NCPCR)⁵⁷ it is pertinent to note that Mr. Harsh Mander is also a former Executive Director of India's Action Aid whose present executive director has been inducted into the NHRCI's recently formed National Core Group on NGOs and HRDs. The latter also did not pointedly raise this issue of the targeting of Mr. Harsh Mander, an HRD of international acclaim, in their Core Group's meeting held on 22nd August 2023.⁵⁸

6.11 Ethnic violence has plunged in the state of Manipur as the two largest groups, the majority Meitei and minority Kuki, have been in conflict over land and influence.⁵⁹ At least 160 persons had reportedly been killed, mostly from the Kuki ethnic minority community, and over 300 injured. The conflict also reportedly resulted in tens of thousands of people from the communities being displaced, thousands of homes and hundreds of churches being burnt down, as well the destruction of farmland, loss of crops and loss of livelihood.⁶⁰

⁵⁶ Available at [A/HRC/54/61 \(undocs.org\)](https://undocs.org/A/HRC/54/61)

⁵⁷ Available At: [Delhi Child Rights Body Refutes NCPCR's Allegations on Shelter Homes Associated With Harsh Mander \(thewire.in\)](https://thewire.in/delhi-child-rights-body-refutes-ncpcr-s-allegations-on-shelter-homes-associated-with-harsh-mander)

⁵⁸ Minutes of the meeting of the Core Group on Human Rights Defenders (HRDs) and NGOs held on 22nd August 2023. Available at: [Minutes of the NHRC core group meeting on HRDs and NGOs_22082023.pdf](#)

⁵⁹ Available at [Manipur violence: What is happening and why - BBC News](https://www.bbc.com/news/india-62444444)

⁶⁰ India: UN experts alarmed by continuing abuses in Manipur Available at [India: UN experts alarmed by continuing abuses in Manipur | OHCHR](https://www.ohchr.org/en/press-releases/2023/08/india-un-experts-alarmed-by-continuing-abuses-in-manipur)

The United Nations High Commissioner on Human Rights statement on Manipur in UN Human Rights Council in May 2023.⁶¹ and other United Nation's experts raised the alarm on this issue.⁶² On July 20, 2023, the Chief Justice of India stated, "Using women as instruments of perpetrating violence in a hostile environment is simply unacceptable in a constitutional democracy,"⁶³ **Despite all these, the above calls came later and the peace in Manipur was put challenge on 1st May 2023.**

According to the address of the NHRCI's Full Commission meeting by Justice Arun Mishra,⁶⁴ the NHRCI has failed to discuss the Violence in Manipur⁶⁵ and did bother to upload the minutes of the meeting.⁶⁶ The NHRCI failed to take Suo Motto action despite monitoring the Human rights violations and reporting them daily.⁶⁷

The National Federation for Indian Women (NFIW) conducted a fact-finding from 28 June to 1 July 2023, in Manipur. An FIR has been registered under fabricated charges under sections 121-A (conspiracy to commit waging war against India or against the state), 124-A (Sedition), 153/153-A/153-B: (Provocation with an intention to cause riot, promoting enmity between different groups and imputations prejudicial to national integration), 499 (Defamation), 504 & 505(2) (Insult to provoke breach of peace, false statement, rumour etc with intention to create enmity between different classes) and 34 (Common Intention) of the Indian Penal Code as a reprisal

⁶¹ "In a number of situations, we see the consequences when different groups incite and stoke hatred and division between communities. The recent violence in Manipur, Northeast India, revealed the underlying tensions between different ethnic and indigenous groups. I urge the authorities to respond to the situation quickly, including by investigating and addressing root causes of the violence in line with their international human rights obligations." - Türk: "There should be a UN Human Rights Office everywhere." | OHCHR

⁶² Available at [India: UN experts alarmed by continuing abuses in Manipur | OHCHR](#)

⁶³ 'Constitutional failure': CJI Chandrachud slams 'disturbing' Manipur women video | Latest News India - Hindustan Times

⁶⁴ Available at <https://nhrc.nic.in/media/press-release/nhrc-helm-supported-seven-national-commissions-its-deemed-members-india-has>. the Full Commission of the NHRC is supported by seven National Commissions as its Deemed Members comprising the Honourable Chairperson with members and the chairpersons of the National Commission of Women, National Commission for Protection of Child Rights, National Commission for minorities, National Commission for Schedules tribes, National Commission for Schedule caste, National Commissioner for persons with disabilities and National commission for other backward class.

⁶⁵ Available at <https://nhrc.nic.in/media/press-release/nhrc-helm-supported-seven-national-commissions-its-deemed-members-india-has>

⁶⁶ Available at <https://nhrc.nic.in/gallery/statuary-full-commission-meeting-23052023>

⁶⁷ Available at [NHRC in News | National Human Rights Commission India](#)

for the activism of 3 women HRDs who were part of the fact-finding team.⁶⁸ The Supreme Court intervened and granted interim protection from arrest to the WHRDs,⁶⁹ but there was Not even a single public statement by the NHRCI condemning this action of registering a false criminal case against women HRDs.

A University of Hyderabad Professor, Kham Khan Saun Hausing, was targeted for expressing his views on Manipur.⁷⁰ The advocates representing Professor Hausing in Manipur were attacked by a violent mob.⁷¹ A First Information Report (FIR) was registered against the three members of a fact-finding committee of the “Editors Guild India”⁷² and its President despite being invited by the Indian Army.⁷³ The NHRCI remained silent even in this matter.

NHRC took cognizance of this issue as late as on 20 July, 2023,⁷⁴ and asked the Manipur Government to stop violence and human rights violations and inform on the relief and rehabilitation of the victims of violence.⁷⁵

The Supreme Court appointed a committee of retired judges and an oversight committee to investigate and monitor the violence in Manipur⁷⁶. The Supreme Court transferred the ending cases to the Central Bureau of Investigation (CBI) Assam⁷⁷ and slammed the investigation carried out by Manipur Police.⁷⁸ **The Supreme Court did not think it wise or valuable**

⁶⁸ NHRC case No. 44/14/4/2023

⁶⁹ Available at [Supreme Court Protects Advocate From Arrest In FIR Over Fact-Finding Mission On Manipur Violence \(liveweb.in\)](https://www.liveweb.in/top-stories/supreme-court-protects-advocate-from-arrest-in-fir-over-fact-finding-mission-on-manipur-violence)

⁷⁰ Available at ['Dangerous Precedent': Academics Criticise Criminal Complaint Against Prof Who Spoke on Manipur \(thewire.in\)](https://www.thewire.in/news/academics-criticise-criminal-complaint-against-prof-who-spoke-on-manipur/)

⁷¹ Available at [Four Imphal-based lawyers withdraw from Kuki Professor's case after Meitei threat - The Hindu](https://www.thehindu.com/news/national/manipur/four-imphal-based-lawyers-withdraw-from-kuki-professor-s-case-after-meitei-threat)

⁷² Available at [Bias of Manipur Media Towards a Community, Total Misrepresentation of Facts': Army's Letter to EGI \(thewire.in\)](https://www.thewire.in/news/army-letter-to-egi-bias-of-manipur-media-towards-a-community-total-misrepresentation-of-facts/)

⁷³ Available at [Army requested us to visit Manipur: Editors Guild informs Supreme Court \(indianexpress.com\)](https://www.indianexpress.com/news/army-requested-us-to-visit-manipur-editors-guild-informs-supreme-court)

⁷⁴ Available at <https://nhrc.nic.in/media/press-release/nhrc-notice-government-manipur-mob-taking-away-five-members-family-police>

⁷⁵ Available at <https://nhrc.nic.in/media/press-release/nhrc-asks-manipur-government-stop-violence-and-human-rights-violations-inform>

⁷⁶ Available at <https://www.liveweb.in/top-stories/manipur-violence-judges-committee-seeks-various-directions-for-relief-of-victims-235978>

⁷⁷ Available at <https://www.liveweb.in/top-stories/manipur-violence-supreme-court-transfers-cbi-cases-to-assam-asks-gauhati-hc-cj-to-nominate-judges-236152>

⁷⁸ Absolute Breakdown Of Machinery Of State In Manipur, No Law & Order. Available at <https://www.liveweb.in/top-stories/supreme-court-manipur-violence-absolute-breakdown-of-machinery-of-state-in-manipur-no-law-order-summons-dgp-234099>

to nominate either the Chairperson of the NHRC, its members or even its deemed members in the Manipur intervention process and instead had to look for other retired judges to independently take up the issue⁷⁹ and to supervise violation and mitigation in Manipur.⁸⁰

- 6.12 There is an increase in the reported cases of atrocities against Dalits and honour crimes across the country,⁸¹ and there has been no public statement condemning any of these incidences across the country by the NHRCI even after its deferral of accreditation in March 2023.⁸²

In August 2023, riots spread across Haryana [Nuh] after violence erupted during a procession taken out by Vishwa Hindu Parishad, a quasi-paramilitary organisation which, in its foundation, drew its inspiration from Mussolini's Black shirts targeted 'Meenas' a tribal group of Muslims,⁸³ and the NHRCI chose to remain silent.⁸⁴ At least seven deaths were reported, and there were 200 reported injuries in the clashes, which lasted over a week.⁸⁵ The NHRCI remained silent even in this matter.

- 6.13 The NHRCI has never used its powers to make recommendations for human rights safeguards in national legislation despite repeated calls to amend the Foreign Contribution Regulation Act, 2010 (FCRA). The Government also enacted the Foreign Contribution Regulation (Amendment) Act, which provided justification for the government to cancel and suspend the licenses of certain CSOs/NGOs for receiving foreign funding as prohibited by the law. Through the Amendment Act, the government restricted funding of the 10 international organisations working

⁷⁹ Available at [In Supreme Court's 'healing touch', an all-women committee of three former High Court judges to oversee relief in Manipur - The Hindu](#)

⁸⁰ Available at <https://www.scobserver.in/journal/supreme-court-sets-up-oversight-mechanisms-to-supervise-violence-mitigation-in-manipur/>

⁸¹ Available at: [2022: A Look back at hate crimes against Dalits and Adivasis | CJP](#)

⁸² Available at: [Honour Crimes And Caste-Based Atrocities: DHRD Network's Report On Crime Against Minorities | Feminism in India](#)

⁸³ Available at [Nuh violence: Who are Mewat's Meo Muslims? \(indianexpress.com\)](#)

⁸⁴ Available at [Clashes break out between two groups during VHP procession in Haryana's Nuh: prohibitory orders imposed - The Hindu](#)

⁸⁵ "Muslims are often the target of such attacks, most recently in Haryana and Gurugram, in northern India" Available at [Türk: Human rights are antidote to prevailing politics of distraction, deception, indifference and repression | OHCHR](#)

on climate change, environment or child labour, using the Foreign Contribution Regulation Act.⁸⁶

NHRCI failed to review the Information Technology (intermediary guidelines and digital media ethics code) rules, 2023, which target intermediaries, including social media services, digital new services, and curated video streaming sites. The rules allow greater governmental control over online content, threaten to weaken encryption and would seriously undermine rights to privacy and freedom of expression online.⁸⁷ The NHRCI remained silent even in this matter.

IV. Conclusion and Appeal:

As in March 2023, following the deferral of NHRCI's accreditation, we are deeply pained to note that the deferral of the accreditation in March 2023 has not at all resulted in any qualitative addressing of the recommendations of SCA, most of which are repetitions of recommendations made in 2017, 2016 and some even in 2011.

The Indian NHRC aspiring for an 'A' Grade status should have, if it was serious about really being a model for the many other National and State Human Rights Institutions of the country, taken special efforts to address these recommendations, which are almost all them reminders of those made in the past.

An NHRCI which could muster its support for hosting the 28th Annual Meeting and Biennial Conference of APF in New Delhi on 20 & 21 of September 2023 and invite the President of India to inaugurate the same, and could triple its generous annual contributions to the APF from almost 90,004 US \$ in 2022 to more than 323,770 \$ in 2023, but yet could not managed to fill up its vacancies and that too serve without a women member for the past one year and five months, shows a lot needs to be done in ensuring that the NHRCI to meet the minimum requirements of the Paris Principles, and the critical recommendations of the GANHRI-SCA over the past accreditation cycles. Considering its repeated inaction on several human rights issues of grave concern, the Commission requires further time to upgrade itself to satisfy an 'A' grade status.

⁸⁶ Indian Authorities Tighten Control over Online Content," Available at (blog), accessed July 28, 2023, <https://www.accessnow.org/press-release/indian-authorities-tighten-control-over-online-content/>

⁸⁷ "Indian Authorities Tighten Control over Online Content," Available at (blog), accessed July 28, 2023, <https://www.accessnow.org/press-release/indian-authorities-tighten-control-over-online-content/>.

The NHRCI needs to genuinely believe in the power of civil society engaged in human rights issues on the ground and who engage with human rights defenders.

It is time, therefore, that the Indian NHRC is categorically told by the GANHRI-SCA that it is not in a position yet to consider its accreditation until and unless NHRCI comes out with a very clear time-bound strategic plan with SMART indicators of how and by when each of these actual recommendations will be brought into practice.