

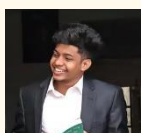
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When the guardian falters: What the NHRC downgrade means for the Indian masses

The downgrading of NHRC captured perfectly the many qualms civil society has had with how the institution has been run for several years. It is also a reflection that concerted, organised efforts by civil society actors on the international stage can be productive in holding our institutions accountable, especially the ones meant to rein in state excesses.



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THE NATIONAL HUMAN RIGHTS COMMISSION ('NHRC') HAS FINALLY BEEN DOWNGRADED by the UN-linked body, the Global Alliance of National Human Rights Institutions ('GANHRI'). After the [All India Network of NGOs and Individuals Working with National and State Human Rights Institutions](#) ('AiNNI') sent its civil society [reports](#) to the GANHRI regarding NHRC's non-compliance with the Paris principles, the NHRC 'A status' was deferred

thrice, in 2016, 2023, and 2024, all because they failed to implement the [recommendations](#) of the Sub-Committee on Accreditation ('SCA').

The consequence of the Downgrade

As it is finally recommended to be [downgraded](#), the NHRC would face multiple diplomatic consequences in its engagement with the United Nations. It would not be able to vote in the United Nations Human Rights Council and will lose its power to participate in the Universal Periodic Review. A reflection on this sad status reminds us of NHRC's screeching silence on the death of Fr. Stan Swamy and Prof. G.N. Saibaba, on the fate of hundreds of political prisoners incarcerated following the CAA protests and the Kashmir unrest and on the Manipur riots. It also reminds us of the tragedy of the NHRC remaining headless for almost half a year until its new chairperson was appointed arbitrarily earlier this year.

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The downgrade would surely discourage the NHRC, but it has appealed the decision under Article 12.1(ii) of the GANHRI statute. In addition, the recommendation to downgrade does not take effect immediately and will give NHRC a year's time to still try and prove that they comply with the Paris Principles.

The major concerns by the SCA include the involvement of police officers in investigation, non-independence in the appointment of the Secretary General (retired IAS), lack of pluralism in composition of members, non-independence in selection and appointment of members and chairperson, lack of intervention in human rights violations and their non-cooperation with civil societies. All these concerns highlight matters that affect the day-to-day lives of the Indian citizens. In a political climate where human rights are disregarded in India, such a move from an international body will further affect the faith of Indians in the NHRC.

When it was about to be downgraded, knowing that the bad news was waiting around the corner, NHRC was involved in some unethical practices by interfering in the review process. This was noted by the SCA, "The SCA also notes attempts by the Indian national authorities to engage members of the SCA relative to the accreditation process of the NCHR, including the involvement of various foreign missions. The SCA emphasizes that the GANHRI accreditation system is a peer review mechanism which requires NHRIs to maintain their independence." Such an exercise further rots the already spoiled fruit. This is no different from the manipulation of the election outcome by the Indian political parties.

What is the good part?

For the first time since its inception in 1993, the NHRC has made efforts in the recent past to revamp its total machinery because its integrity is being questioned on the international platform. The SCA noted this, "The SCA acknowledges that the NHRC has recently taken steps to address previous concerns of the SCA and has provided some information in relation to the above-mentioned issues, in both its interview and written submission. The SCA considers these steps and responses either insufficient or not yet implemented." Although this is a critical situation, the acknowledgement made by the SCA that the NHRC has made significant efforts to improve its work is a positive sign for India.

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This means that we can expect the NHRC to investigate human rights violations independently at some point, without any interference from the state police. We can hopefully see an NHRC that makes itself plural and diverse, have greater representation of women members, members from the Dalit communities, minorities, LGBTQ, and other vulnerable sections. This also means that the NHRC will, at least from now on, start boldly intervening in major human rights issues in India that go unaddressed.

We can hopefully expect the NHRC to keep the executive at bay. In addition, the civil society, which consistently tries to protect the civil liberties of the commoners, can soon hope that the NHRC as per the recommendations of the SCA, would actively engage with the civil society to carry forward its mandate. This is not only the recommendation of the SCA, but also a legal mandate of the NHRC under the Protection of Human Rights Act, 1993.

All said, this is indeed a victorious moment for the civil society organisations in India, who had long been critical of the NHRC for its inactions. The continued and coordinated efforts of various civil society actors have materialised, and the NHRC must now decide whether it is ready to step up. Despite several acts of reprisal against human rights defenders in India, this is a testament that committed, coordinated, and consistent public work will yield results, even if not immediately.

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