

'NHRC failed to protect human rights'

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NGOs submit report to accreditation body, point out how the body set up to act in the interest of public remained a silent spectator in the face of gross violations by the State



The NGOs listed out cases of human rights violations in the country and NHRC's action, or the lack of it, in the report. Representation pic

The National Human Rights Commission is failing to protect human rights of the people by being a mere spectator, alleged NGOs from across the country. They have come up with a showing how the [NHRC](#) failed to act proactively when cases like protests over the Citizenship (Amendment) Act, National Register of Citizens broke out or during the Delhi riots case, [Elgar Parishad case](#), as well as the death of father Stan Swamy, police firings and killing of protestors in Tamil Nadu.

The report is crucial as NHRC is due for its accreditation in March 2023. This will be the NHRC's fifth round of accreditation. The NGOs, on the eve of Human Rights Day on December 10, demanded that the rating of NHRC be brought down from an A* listing.

"The civil society has performed the role that is expected of it by submitting its report to the Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA) on October 1, 2022. Indian civil society calls for an upgraded NHRCI that is professionally qualified, so that its leadership and examples are followed by over 170 national and state human rights institutions.



Henri Tiphagne

The "Mother of Democracy" that is hosting the G20 presidency, a country that is concerned about global welfare definitely has the necessity to show that its own institutions are accessible, diverse, independent, pluralistic, and transparent," said Henri Tiphagne, executive director of Madurai-based People's Watch.

Assessment

He added, "The report has been prepared by a collective of civil society to highlight key issues and concerns relating to the functioning of NHRC. We hope it will help the SCA in its review. While the focus of this report is the performance assessment, it also provides background and context on developments related to NHRC in the five-year period since its last assessment."

"The report begins by giving a recap of the SCA's recommendations in 2011, 2016 and 2017. It summarises the findings and recommendations of two separate independent assessments of the NHRC conducted in 2018. Amendments to the Protection of Human Rights Act, 1993 were passed in the year 2019 and have been briefly analysed for compliance with the Paris Principles. It also presents data that reveals trends in the NHRC's complaints-handling," he said.

"This report also highlights endemic human rights challenges in India over the last five years, characterised by rampant violations and difficulties in redress, to situate the

environment and urgent need for a responsive national human rights institution. Lastly, it documents specific case studies of NHRCI interventions in cases related to the rights of minorities, extrajudicial killings, deaths in custody and custodial violence, the rights of freedom of assembly and association, and systemic violations in the context of Kashmir. Unfortunately, this report is underpinned by the disappointment of civil society with the NHRCI's abject failure," he added.

A Drastic failure*

Dr M G Devasahayam, former chief secretary of Haryana government and chairman of People-First, said, "NHRC and SHRCs have failed drastically to protect basic human rights of citizens. The office-bearers are handpicked to ensure that the charter of human rights remains merely on paper."

"NHRC is meant to protect the rights of the citizens and instead they are covering the violations of the government. Why should they be funded by taxpayers' money? It is better they shut down. They are more into announcing compensation than giving justice and forgetting that the compensation money is also taxpayers' money, instead of recovering such compensation amounts from violators.

Unfortunately, these organisations, which are supposed to question wrong-doers, have failed miserably and remained silent spectators," said Devasahayam.

"The State is the main violator of human rights, as per their data regarding the complaints. But there is no effort by the NHRC for the rule of law. For instance, has the NHRC made any statement on anybody's arrest, whether Delhi riots conspiracy case or say Bilkis Banos accused getting remission? Hate crimes against Muslims galore, dissenters are being attacked all the time, but the NHRC is silent," said Kavita Srivastava, national secretary of People Union for Civil Liberties.

"Shouldn't the movement on the making of a law or a jurisprudence for the protection of human rights defenders and saving the constitution be led by NHRC? Even the debating topics for Human Rights Day are detrimental. The body which was supposed to act as a mechanism to protect human rights has lost its soul, so what is the point of having it, if this be the case?" she concluded.

<https://www.mid-day.com/amp/mumbai/mumbai-news/article/nhrc-failed-to-protect-human-rights-23259873>