

## Concerns with National Human Rights Commission

### What is the issue?

\n\n

\n

- The Protection of Human Rights (Amendment) Bill, 2018 was recently introduced in the Lok Sabha. Click [here](#) to Know more

\n

- Also, with the National Human Rights Commission (NHRC) marking its 25th anniversary this year, it is important to assess its role.

\n

\n\n

### What is NHRC?

\n\n

\n

- In 1993, the UN General Assembly adopted the Paris Principles on Human Rights.

\n

- This led to the constitution of national human rights institutions in almost every country.

\n

\n\n

\n

- India's human rights agency, the NHRC draws its mandate from the Protection of Human Rights (PHR) Act 1993.

\n

- The NHRC has witnessed many controversies since its formation.

\n

\n\n

### What is UNHRC's role in NHRC?

\n\n

\n

- Every 5 years the NHRC has to undergo **accreditation** by an agency

affiliated to the UN Human Rights Council (UNHCR).

\n

\n\n

\n

- The Commission's compliance to the Paris Principles is ascertained in this process.
- Better the grade, higher the benefits; if India gets an A-status, the NHRC has some privileges.
- It can play a pivotal role in the decision-making processes of the UNHRC and other important international bodies.

\n

\n\n

### **Why is the amendment now?**

\n\n

\n

- In 2016, the accreditation agency deferred grading the NHRC.
- This was because of the Commission's poor track-record, especially, political interference in its working.
- But the agency was satisfied with government's commitment to introduce necessary changes to NHRC and thus granted the NHRC A-status in 2017.
- The PHR (Amendment) Bill, 2018 is an outcome of this commitment, aiming to strengthen human rights institutions in India.
- But the Bill falls short of its objectives on bringing out substantial changes to the NHRC.
- It seems merely an attempt to save the country's reputation in international human rights fora.

\n

\n\n

### **What are the concerns with NHRC?**

\n\n

\n

- **Selection Committee** - Tasked with appointing the chairperson and the

members, the committee is dominated by the ruling party.

\n

- It consists of the PM, home minister, Leaders of the Opposition in both houses, the Speaker and the Deputy-Chairman.

\n

- There is thus a need to diversify the selection committee.

\n

- **Process** - The selection process is ambiguous as the criteria to assess candidates is not specified.

\n

- Very often, the government does not publicise vacancies in the Commission.

\n

- As a result, appointments to the NHRC have, for long, been fraught with disputes.

\n

- **Judiciary** - The strong representation of the judiciary in NHRC is said to create trustworthiness, especially in the eyes of the government.

\n

- It has also often been defended on the ground that NHRC's work is quasi-judicial.

\n

- However, this is pertinent to only one of the 10 functions of the NHRC, as described in the PHR Act.

\n

\n\n

\n

- **Investigation** - Police officials investigating for the NHRC are sent on deputation by their forces.

\n

- Their allegiance lies with their home cadre to which they return after their tenure at the Commission is over.

\n

- This conflict of interest restricts the scope of their work.

\n

- It's because they often are charged with investigating abuse of power by law enforcement personnel themselves.

\n

- Adding officials of the Intelligence Bureau to the mix may not give desired results as

\n

\n\n

\n

- i. they are not answerable to anyone

- \n
- ii. there is no parliamentary oversight on their functioning
  - iii. they do not owe financial accountability to the Comptroller and Auditor General
  - iv. they have often been accused of human rights violations themselves

\n\n

- The NHRC does have powers to conduct its own investigation when the Centre or state government do not respond within the stipulated time.
- However, the Commission has rarely used this power.

\n\n

- Besides these, there is long pendency of the Commission's requests for additional funds.

\n\n

### **What could be done?**

\n\n

- The government must take steps to ensure greater transparency in the selection process.
- The much-needed diversification could be realised through the inclusion of civil society members.
- Academicians with proven track record in the improvement of human rights can also be roped in.
- The NHRC could certainly benefit from the grass roots level experience and widespread community outreach.

\n\n

- Also, the NHRC urgently requires officers of its own to carry out independent investigations. The government should provide resources for this.

\n

\n\n

\n\n

**Source: The Hindu**

\n

