Concerns with National Human Rights Commission

What is the issue?

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- The Protection of Human Rights (Amendment) Bill, 2018 was recently introduced in the Lok Sabha. Click here to Know more
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- Also, with the National Human Rights Commission (NHRC) marking its 25th anniversary this year, it is important to assess its role.
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What is NHRC?

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- In 1993, the UN General Assembly adopted the Paris Principles on Human Rights.
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- This led to the constitution of national human rights institutions in almost every country.
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- India’s human rights agency, the NHRC draws its mandate from the Protection of Human Rights (PHR) Act 1993.
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- The NHRC has witnessed many controversies since its formation.
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What is UNHRC's role in NHRC?

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

affiliated to the UN Human Rights Council (UNHCR).
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- The Commission’s compliance to the Paris Principles is ascertained in this process.
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- Better the grade, higher the benefits; if India gets an A-status, the NHRC has some privileges.
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- It can play a pivotal role in the decision-making processes of the UNHRC and other important international bodies.
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Why is the amendment now?

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

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

members, the committee is dominated by the ruling party.
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- It consists of the PM, home minister, Leaders of the Opposition in both houses, the Speaker and the Deputy-Chairman.
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- There is thus a need to diversify the selection committee.
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- **Process** - The selection process is ambiguous as the criteria to assess candidates is not specified.
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- Very often, the government does not publicise vacancies in the Commission.
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- As a result, appointments to the NHRC have, for long, been fraught with disputes.
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- **Judiciary** - The strong representation of the judiciary in NHRC is said to create trustworthiness, especially in the eyes of the government.
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- It has also often been defended on the ground that NHRC's work is quasi-judicial.
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- However, this is pertinent to only one of the 10 functions of the NHRC, as described in the PHR Act.
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- **Investigation** - Police officials investigating for the NHRC are sent on deputation by their forces.
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- Their allegiance lies with their home cadre to which they return after their tenure at the Commission is over.
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- This conflict of interest restricts the scope of their work.
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- It's because they often are charged with investigating abuse of power by law enforcement personnel themselves.
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- Adding officials of the Intelligence Bureau to the mix may not give desired results as
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i. they are not answerable to anyone

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ii. there is no parliamentary oversight on their functioning
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iii. they do not owe financial accountability to the Comptroller and Auditor General
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iv. they have often been accused of human rights violations themselves
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- The NHRC does have powers to conduct its own investigation when the Centre or state government do not respond within the stipulated time.
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- However, the Commission has rarely used this power.
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- Besides these, there is long pendency of the Commission’s requests for additional funds.
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What could be done?

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- The government must take steps to ensure greater transparency in the selection process.
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- The much-needed diversification could be realised through the inclusion of civil society members.
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- Academicians with proven track record in the improvement of human rights can also be roped in.
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- The NHRC could certainly benefit from the grass roots level experience and widespread community outreach.
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- Also, the NHRC urgently requires officers of its own to carry out independent investigations. The government should provide resources for this.

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Source: The Hindu

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