



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

Republic of India

Joint Submission to the UN Universal Periodic Review

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Report on Response of the National Human Rights Commission of India (NHRCI) in civic space issues

Submitted by: All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI) with co-sponsorship of additional 2699 organisations and 1457 individuals (full list available in annex 1).

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About the submitting organisations:

A. All India Network of NGOs and Individuals Working with National and State Human Rights Institutions (AiNNI) is a forum of individuals and organisations from across the country to monitor and strengthen the functioning of human rights institutions like the National Human Rights Commission, National Commission for Women, National Commission for Minorities, National Commission for Protection of Child Rights, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, Central Information Commission, Commissioner for Persons with Disabilities, National Commission on Safai Karamcharis and their state counterparts for their compliance to Paris Principles and their founding law and to activate them to better equip themselves for the protection and promotion of human rights. AiNNI is also a member of the Asian Network of NGO's working with National Human Rights Institutions (ANNI), and ANNI is known to work in close collaboration with the Asian Pacific Forum of NHRIs (APF) of which National Human Rights Commission of India (NHRC) is a founding member since 1998. AiNNI is the only national network engaging with N/SHRIs in India and is mandated to engage them through trainings, consultations, studies and advocacy for adherence to the Paris Principles. AiNNI undertakes national level studies,

advocates with the law makers, engages with judiciary and the International Coordinating Committee on NHRI's (ICC) and in collaboration with ANNI strives for the establishment of a South-Asian and Asian regional human rights mechanism.

- B.** This joint submission is endorsed by additional 2699 organisations and 1457 individuals, including 2219 organisations and 1032 individuals that have opted to stay anonymous for fear of reprisals (full list available in annex 1).

Response of the National Human Rights Commission of India (NHRCI) in civic space issues

1. Introduction

- 1.1. This submission examines the effectiveness of the National Human Rights Commission of India (NHRCI) as an institution and its contribution to, and engagement with, pressing civic space issues since the last UPR (third cycle) in 2017. This report was prepared based on research from credible sources of information including the government, international organisations, media reports, academic publications drawn from the public domain. In addition, inputs from experts and human rights defenders from all over India were sought through an online national consultation that was jointly conducted by FORUM – ASIA and HRDA on October 18, 2021, held for the purpose of this submission. Around 90 participants, all experts who have been engaged with NHRCI at various levels, took part in the consultation and many inputs and remarks were consolidated during this process for drafting this report.
- 1.2. India witnessed several serious issues raising concerns over shrinking civic space. These include protests against the Citizenship Amendment Act; historic protests by the farmers against the three amended farm laws which were later withdrawn by the State; clampdown in Kashmir post the abrogation of Article 370 of the Constitution of India. These protests were met with violent reprisals, prosecution and persecution of protesters. The response of NHRCI to these issues was found lacking. NHRCI's silence and failure to intervene in crucial human rights crisis facing India has led to legitimate doubts that the Commission is now a diminished institution and that it is no longer an independent watchdog capable of holding the State accountable for violations of human rights.

- 1.3. This submission intends to showcase and highlight findings from the consultation that NHRCI as an institution is facing a crisis of credibility; that civic space is under duress; and that the NHRCI has not played a meaningful role in addressing these concerns in India.

2. National Human Rights Commission of India (NHRC): Mandate

2.1 The NHRCI has been established under the Protection of Human Rights Act (PHRA), 1993 as an independent institution.¹ The Act was amended in 2006 and 2019. The NHRCI has a wide mandate to conduct inquiry into complaints of violation of human right,² intervene in any proceeding involving allegation of violation of human rights, review laws and other factors that may inhibit enjoyment of human rights, visit jails and other custodial institutions of the State, and recommend measures for effective protection of human rights.³

3. NHRC: Compliance with Paris Principles

3.1. The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI)

3.1.1. The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) in 2016, deferred the re-accreditation of the NHRCI to the second session of 2017. Whereas NHRCI held an 'A' status from its earlier reviews, certifying full compliance with Paris Principles, the SCA recommended further re-consideration and deferred the decision of accreditation owing to concerns on the selection criteria process for appointment of members, political appointments to the NHRCI, backlog of cases, lack of pluralism and gender representation⁴ amongst its members and staff.⁵ Despite the concerns raised by SCA, NHRCI was able to retain its 'A' status. The

SCA reiterated its concerns that the legislative framework and its functioning may not be fully compliant with the Paris Principles.⁶ In 2021, the Asian NGO Network on National Human Rights Institutions (ANNI) called for a special review of NHRCI to the SCA of GANHRI, although the request was rejected, continued efforts have been made by CSOs to address the failure of NHRCI to comply with the Paris Principles.

3.2. *Appointments and staffing*

3.2.1. The SCA raised concerns that the selection process to the membership of the NHRCI is not ‘sufficiently broad and transparent’ as it does not require advertisement of vacancies, establish clear criteria for selection, or specify how broad consultation in the appointment process can be achieved.⁷ It has also highlighted that there are concerns about the lack of pluralism in the composition of the body.

3.2.2. The SCA had expressed its concern that the requirement of the Chairperson to be a former Chief Justice of the Supreme Court of India restricts the pool of candidates and especially affects representation of women in the institution. The PHRA was amended in 2019 to the effect that at least one member of the NHRCI should be a woman, and that any person who has been a Chief Justice of India or Judge of the Supreme Court of India can be the Chairperson.⁸ This amendment is not sufficient enough to ensure pluralism in NHRCI’s composition and does not facilitate representation of diverse communities in groups in NHRCI’s leadership.

3.2.3. PHRA provides for deemed members drawn from thematic national human rights institutions ostensibly to ensure pluralism in the composition of NHRC.⁹ The Paris Principles state that political representatives, including members of parliament, should not be members of national human rights institutions (NHRI) for the sake of

independent functioning and if their participation is necessary, it should be only in an advisory capacity.¹⁰ These deemed members were appointed to the National Commissions by the ruling government and are political appointees, thereby affecting the actual and perceived independence of the institution.¹¹ Further, it has been observed that they are absent for most proceedings and do not play any significant role in the functioning of the NHRCI.¹²

3.2.4. The Secretary General and the Director General of Investigations are civil servants seconded to the NHRCI by the central government. Appointment of government officials to high positions in NHRCI raises concerns regarding the capacity of the NHRCI to act in an unbiased manner and impacts ‘actual and perceived independence’ of the institution.¹³

3.2.5. Appointments to the NHRCI are made by a committee where the majority of its members are drawn from the ruling government. Since the position of the Leader of Opposition of the Lok Sabha, the upper house of the Parliament is vacant from 2014, this gap is further widened.¹⁴ Member of the Committee and Leader of Opposition of the Council of States (lower house of the Parliament), Mr. Mallikarjun Kharge, suggested the appointment of a member belonging to Dalit or Scheduled Tribe (indigenous) community to the post of Chairperson or members, which was not considered.¹⁵ Appointments to the NHRCI have been highly controversial and critiqued on the basis that partisan persons favourable to the ruling dispensation have been appointed to the body.

3.2.6. In June 2021, Mr. Rajiv Jain, former Director of Intelligence Bureau¹⁶ was appointed as a member of the NHRCI. The appointment of a former police officer in the decision-making body of the Commission violates the spirit of the Paris Principles. Mr Jain has not made any notable contribution to the field of human rights to otherwise justify his appointment.¹⁷

3.2.7. Amendment of PHRA in 2019 was criticised by civil society that it allows the government to cherry-pick Chairpersons who are favourable to the State especially in light of the appointment of Justice Arun Mishra, former Judge of the Supreme Court, to the position of Chairperson. He had a controversial tenure as a judge, having sided with the ruling party on several occasions, and has made public statements praising the Prime Minister Mr. Narendra Modi.¹⁸ Since his appointment, Justice Mishra has also made a statement that “there is a new tendency to accuse India of human rights violations at the behest of international forces”.¹⁹

3.3. Engagement with civil society

3.3.1. The PHRA provides that two persons with knowledge and experience on human rights shall be appointed as its members. This could include representation from civil society organisations or human rights defenders; however, such people are rarely appointed. If appointed, they are from organisations affiliated to the ruling political party.

3.3.2. NHRCI has come under consistent criticism that it does not sufficiently engage with civil society organisations or human rights defenders. The NHRCI has constituted Core/Expert groups for this purpose, but these mechanisms are not functioning effectively.²⁰

3.4. NHRCI’s complaints handling process

3.4.1. The complaints handling process of the NHRCI suffers from backlogs and other infirmities. As on January 2022, NHRCI reported pendency of 25,472 cases.²¹ NHRCI has claimed that inquiries are severely delayed on account of the body being understaffed.²²

3.4.2. In the last available annual report, the NHRCI has reported that in the year 2017-2018, a total of 86,187 cases were handled.²³ Out of these

cases, 33,290 cases were dismissed in limini (38.6%); 21,652 cases were transferred to the State Human Rights Commissions (25.1%) and 15,364 complaints were disposed of with directions to appropriate authorities for remedial measures (17.8%). It can be seen that a significant majority of the complaints were disposed of summarily and the NHRCI did not deal with them on merits.

3.4.3. NHRCI has reported in its Annual Report for the year 2017-18 that it recommended monetary payment of Rs 22,69,80,000/- to the victim/next-of-kin in 757 cases (only 0.9% of cases registered). Out of these 757 cases, only 151 have been complied with and Rs.5,67,75,000/- was disbursed as compensation which amounts to 25% of the total compensation recommended. The NHRCI reported that it was awaiting compliance report in 606 cases. It had recommended disciplinary action against errant public officials in 38 cases and recommended prosecution of public servants in 2 cases. There is a tendency to treat complaints as routine and recommend nominal monetary compensation to victims of violation of human rights. The NHRCI does not monitor implementation of the recommendations in a meaningful manner and the Commission itself has called itself a 'toothless tiger'.²⁴

4. Evaluation of performance of NHRCI since 2017

4.1. Review of laws and law reform

4.1.1. During this UPR cycle, there has been a rampant misuse of counter-terrorism legislations such as the Unlawful Activities Prevention Act (UAPA), the National Security Act (NSA) and the Jammu & Kashmir Public Safety Act (PSA) to persecute human rights defenders, journalists and persons critical of the Government. In addition to these special legislations, provisions of general criminal laws such as Section 124A of the Indian Penal Code on sedition and Section 144 of the Code of

Criminal Procedure are used to curtail freedoms of individuals. Under Section 12(d) of PHRA,²⁵ NHRCI has a statutory responsibility to review the constitutional safeguards, laws and recommend measures for their effective implementation. Despite civil society drawing attention to the repeated misuse of these legislations, NHRCI has not made any recommendations to minimise their adverse impact.

4.1.2. In the past, NHRCI has taken proactive stands in the past years to protect human rights interests in the context of special security or anti-terror legislations. For example, NHRC scrutinised the Terrorist and Disruptive Activities (Prevention) Act (TADA), 1987 and in the year 1995, recommended that TADA should be allowed to lapse.²⁶ NHRCI opposed the Prevention of Terrorism Bill, 2000 stating that “would have the ill-effect of providing unintentionally a strong weapon capable of gross misuse and violation of human rights which must be avoided particularly in view of the experience of the misuse in the recent past of TADA and earlier of MISA of the emergency days”.²⁷ After Prevention of Terrorism Act was enacted in 2002, NHRCI noted that it was being misused and insisted that more safeguards were required in the Act to protect human rights.²⁸

4.1.3. UAPA was amended in the year 2008 and further in 2013 and 2019. ‘Unlawful activity’ is defined vaguely and the Act dilutes important procedural safeguards in the interests of ‘national security’. Under this Act, the State is accorded wide, virtually unbridled powers to detain persons with little scope for bail.²⁹ Several human rights defenders, academics, lawyers and prominent persons have been implicated under the UAPA and detained for long periods of time. The Office of the High Commissioner of Human Rights, United Nations, expressed its concern over the ongoing use of UAPA as ‘worrying’.³⁰ Eight UN Special Rapporteurs have sought thorough review of UAPA.³¹ However, the NHRC has remained silent on this issue despite intense scrutiny at the national and international levels on the abuse of UAPA.

4.1.4. Two years since Article 370 of the Constitution of India was abrogated and the status of Jammu & Kashmir was changed, the situation in the region continues to be concerning.³² The region witnessed the longest-ever internet shutdown in India.³³ Opposition political leaders, human rights defenders, journalists were subject to arbitrary detentions, raids and harassment. The arrest of human rights defender Khurram Parvez by the National Investigation Agency (NIA) under UAPA is the latest example.³⁴ As per data from the National Crime Records Bureau, in 2020, nearly 36% of the cases under Unlawful Activities (Prevention) Act have been registered in Jammu & Kashmir.³⁵ Interventions made before the Supreme Court of India challenging the Jammu & Kashmir Reorganization Act and related matters are yet to be heard and are pending. The NHRC has not intervened in this issue or dealt with allegations of violation of human rights.

4.1.5. Armed Forces Special Powers Act 1958 (“AFSPA”) and Armed Forces (Jammu and Kashmir) Special Powers Act 1990 (“AFSPA J&K”) authorise the Indian armed forces to maintain public order in ‘disturbed areas’. For the maintenance of public order in notified disturbed areas, armed forces are granted special powers including power to arrest and enter premises without warrant and shoot to kill.³⁶ AFSPA has enabled large scale violations of human rights including rape, torture and extra-judicial executions in these notified ‘disturbed areas’.³⁷ AFSPA is modelled on a colonial law which aimed at controlling the Indian independence movement and was re-enacted by the Indian government in 1958 amidst opposition calling it a “lawless law”. The Supreme Court has upheld the constitutionality of AFSPA issuing guidelines to prevent human rights violations which are routinely ignored.³⁸

4.1.6. In 2009, UN Commissioner for Human Rights Navanethem Pillay remarked that AFSPA was a “dated and colonial-era law that breaches contemporary international human rights standards” and called upon India to repeal the law³⁹. In 2012, the UN Special Rapporteur on

extrajudicial, summary and arbitrary executions, Christof Heyns asked India to revoke AFSPA, saying it had no place in Indian democracy and that it should be scrapped. He called AFSPA “a symbol of excessive state power” that “clearly violates international law”.⁴⁰

- 4.1.7. NHRCI in its submissions during the 2012 Universal Periodic Review of India, observed that the AFSPA laws confer impunity that often leads to the violation of human rights.⁴¹ However, since the Supreme Court upheld constitutionality of AFSPA, NHRCI maintains that it is up to the government to repeal the law and that it has not pursued the issue as a priority.⁴² The failure of NHRCI to further recommend and work towards repeal of the AFSPA is a matter for concern.
- 4.1.8. India enacted the Industrial Relations Code 2020⁴³ which makes large-scale changes to labour laws in the country which affects the right to collective bargaining. The Code significantly restricts the scope of effecting a strike in all industrial establishments.⁴⁴ NHRCI has failed to review this Code from the perspective of human rights, collective bargaining and rights of workers.
- 4.1.9. The Citizenship Amendment Act 2019 has been challenged in over 140 petitions before the Supreme Court.⁴⁵ The Court is yet to hear the petitions and it has been kept pending for over 2 years. The UN High Commissioner for Human Rights, Ms. Michelle Bachelet expressed her concern that the CAA was fundamentally discriminatory in nature and that it undermines India’s commitment to equality before the law enshrined in the Constitution of India, and ICCP and CERD to which India is a State Party. However, the NHRC has remained silent over the constitutionality of the CAA and its conformity with its international human rights standards.⁴⁶ A letter, endorsed by nearly 14,000 individuals and organizations across India, led by Indian Social Action Forum (INSAF), HRDA and UAH (United Against Hate) and supported by People’s Union for Civil Liberties (PUCL), was submitted to the NHRCI in December 2019, to exercise its powers under Section 12(d) of

PHRA to review the CAA and its implications on human rights. This public appeal was taken on file by the NHRCI after seven months on 29.07.2020, was treated as a complaint and "dismissed in limini" on 09.08.2020.

4.1.10. Under Section 12(f) of PHRA,⁴⁷ NHRCI is required to study international human rights treaties and make recommendations for their effective implementation. India has not ratified the UN Convention Against Torture, Convention Against the Protection of All Persons from Enforced Disappearances, 1951 Refugee Convention and its Additional Protocols, ILO Freedom of Association and Protection of the Right to Organise Convention 1948 (No. 87) and Right to Organise and Collective Bargaining Convention 1949 (No. 98), among several other important international instruments. The NHRCI has not taken sufficient steps to ensure implementation of these human rights treaties in this UPR cycle.

4.2. Intervention and Inquiry

4.2.1. Under Section 12(b) of PHRA,⁴⁸ NHRCI may intervene in any proceeding involving any allegation of violation of human rights pending before a Court. The NHRC has not used this enabling provision sufficiently and intervenes only sporadically in pending litigation involving allegation of violation of human rights. An example is the intervention of the NHRCI in June 2020 in a *suo motu* litigation initiated by the Supreme Court on the plight of the migrant workers during the COVID-19 lockdown. The NHRCI intervened in this petition and suggested "short-term and long-term measures" to alleviate the plight of migrant workers who were stranded across the country upon imposition of the lockdown.⁴⁹ However, the NHRCI has chosen to remain a silent spectator in several crucial proceedings before Courts concerning human rights and protection of civic spaces.

4.3. Suo Motu Inquiry

4.3.1. As per Section 12(a) of the PHRA, the NHRCI can inquire into allegations of violation of human rights, *suo motu* or on an application made before the body. Whilst news media reported a drastic increase in instances of violations of freedom human rights and issues relating to civic spaces which even propelled the international community to react, the Commission has failed to use its *suo motu* powers effectively. The number of *suo motu* complaints entertained by the NHRCI has reduced noticeably. In the year 2019, 85 *suo motu* complaints were registered by NHRCI⁵⁰ whereas in 2020, the Commission only took up 36 *suo motu* cases.

4.3.2. In September 2020, NHRCI took *suo motu* cognisance of a news item, “Amnesty says India Operations shut”. Even though more than one year has elapsed since then, there is no reported progress in this regard.

4.3.3. The NHRCI took *suo motu* cognizance of the Thoothukudi Police Firing incident in May, 2018 where the police shot and killed 16 persons who were part of peaceful, ongoing protests against expansion of Sterlite copper smelter plant run by Vedanta Corporation. The NHRCI closed⁵¹ the *suo motu* case solely on the basis of the report of the state government that adequate compensation had been paid to the victims and that a judicial commission was looking into the issue. The Madras High Court took cognisance of this issue and directed the NHRCI to submit its report.⁵² However, the NHRCI submitted its report in a sealed cover. A civil society organisation had to file a writ petition in W.P.(MD)No.10526 of 2021 before the Madurai Bench of the Madras High Court seeking a copy of NHRC's report. The allegation in the said Writ Petition was that the closure of this case resulting from police action (firing) has been carried out without reference to NHRCI's own investigation team's report.⁵³

4.4. Institutional Visits

4.4.1. Under Section 12(3) of the PHRA, the NHRC is required to visit jails and other detention centres under the control of the State and make recommendations on the living conditions therein. The NHRCI has been seized of the issue of jail reforms since its inception. The Supreme Court in its order dated March 23, 2020 directed the State to take steps to reduce overcrowding in jails. The NHRCI issued an advisory in this regard.⁵⁴ However, it has not taken sufficient, proactive steps to ensure human rights of prisoners, particularly human rights defenders and political prisoners, who were detained under UAPA and special security legislations.

4.5. Research

4.5.1. Section 12(g) of PHRA⁵⁵ deals with research and NHRCI is required to undertake or promote research in the field of human rights. In December 2021, the NHRCI invited research proposals on a list of themes. It is pertinent to note that none of the “thrust areas/themes” relate to crucial issues of civic spaces, fundamental freedoms, police or state excesses or violation of human rights by state institutions.⁵⁶ NHRCI reported 30 ongoing research projects as on August 17, 2021. None of them relate to civic space issues; very few relate to critical themes such as status of prisoners or custodial deaths raising issues of state accountability.⁵⁷

5. NHRCI on key issues post-2017

5.1. Cases regarding Human Rights Defenders (HRDs)

5.1.1. HRDs are facing serious challenges in their line of duty including false criminal cases, torture, disappearance and killing. NHRCI created a

Focal Point for HRDs in the year October 2010 was for many years handled by an officer of the rank of a Joint Registrar of the Commission. Thereafter, it was replaced by a lower ranking official in the rank of Deputy Registrar. Later on, the position was further downgraded by appointing an Assistant Registrar. At present, NHRCI has designated a Joint Registrar as the Focal Point for HRDs. Thus, there have been lot of changes happening whereas the former UN Special Rapporteur on the situation of human rights defenders Ms. Margaret Sekaggya, after her official mission to India on her report (A/HRC/19/55/ADD.1), recommended in 2012 that the Focal Point for HRDs should play a proactive role and should be a “member of the Commission, and have a human rights defender background to fully understand the challenges faced by defender”.⁵⁸ Despite this recommendation made nearly 10 years ago, NHRCI has not made a Member of the Commission the Focal Point for HRDs.

- 5.1.2. NHRCI is required to encourage the efforts of NGOs and institutions working in the field of human rights. The NHRC has not intervened meaningfully to analyse the amendments to the Foreign Contribution Regulation Act (Amendment), Act, 2020 (FCRA), which restricts access to resource of civil society, especially foreign funding. NHRCI also has not intervened in incidents of cancellation and non-renewal of FCRA registration of thousands of NGOs, which directly impacts the rights to freedom of speech and freedom of association.
- 5.1.3. In cases where the body has responded to complaints or taken *suo motu* cognisance of threats to HRDs, there has been no or very little notable impact.
- 5.1.4. Father Stan Swamy, a noted activist was charged under UAPA and arrested in October 2020 when he was 84 years old in the Bhima Koregaon case, in which 15 other HRDs are incarcerated. His health was reportedly fragile and he was not able to take care of his daily, basic needs.⁵⁹ He was denied bail on multiple occasions; he was denied use of

a sipper and straw for more than a month despite his application before a court.⁶⁰ The NHRCI did not take *suo motu* cognisance despite prominent reportage of this issue. The NHRCI received a complaint on May 16, 2021, that Fr. Swamy was not vaccinated against COVID-19 and that he was denied medical facilities. The complaint raised concerns that majority of the jail staff had tested positive for COVID-19 and that Fr. Swamy was at risk. The NHRC issued a notice to the state authorities and did not take any other decisive action. Fr Swamy tested positive for COVID-19 and was transferred to a hospital only after the intervention of the Bombay High Court. While his application for bail for medical reasons was pending before the Bombay High Court, he succumbed to illness and died on July 5, 2021. The NHRCI issued a notice to the State “to ensure every possible medical treatment” on July 4, 2021, a day before his death. A petition on his custodial death is still pending at the NHRCI with no response from the state authorities.

5.1.5. Vara Vara Rao, a poet, was arrested under UAPA in August 2018 for his alleged involvement in the Bhima-Koregaon case. He was 78 years old when he was arrested and detained in jail. His health deteriorated over the course of two years when he was languishing in prison. The NHRCI opined that his declining health is a “serious issue of violation of human rights” and directed the State to submit a detailed report and also constitute a Medical Board to analyse the health condition of Mr. Rao. Meanwhile, Mr. Rao contracted COVID-19 and was found to have co-morbidities. The NHRCI directed the State to admit Mr. Rao to the “best possible treatment” at a private medical facility.⁶¹ He was granted medical bail in February 2021 by the High Court. The NHRCI has not commented on the necessity of incarceration during the COVID-19 pandemic or recommended that activists detained for long periods of time under UAPA be released on bail.

5.2. *Freedom of Speech and Expression*

- 5.2.1. Persons supporting the farmers protests were arrested and prosecuted. An example is that of a climate change activist Disha Ravi who was arrested on February 13, 2021 for sharing a ‘toolkit’ on Twitter on mobilisation over farmer’s protests. She was arrested for sedition and detained in jail for 10 days before being released. The NHRCI has not undertaken review of this human rights crisis where peaceful protests and voices critical of the Government are silenced through criminal action.
- 5.2.2. The Chairperson of NHRCI, Mr. Arun Mishra, speaking on the occasion of Human Rights Day remarked that while freedom of speech is a fundamental right that has to be protected, it cannot be an ‘unruly horse’ that violates sovereignty, integrity of the country, public order, decency and morality (grounds specified in Article 19(2) based on which reasonable restrictions can be imposed by law). This speech⁶² made in December 2021 when the country was reeling from the assault on freedom of speech and right to protest seemed to indicate that the NHRCI was siding with the government rather than protecting citizens against a vindictive and repressive State.
- 5.2.3. During the anti-CAA protests, student activists particularly from Jamila Millia Islamia University and Jawaharlal Nehru University were arrested and booked under UAPA, sedition and other criminal offences. HRDA and other organisations filed an urgent appeal to the NHRCI to enquire into these illegal arrests with reference to constitutional and legal standards. NHRCI did not undertake such inquiry stating that such enquiry is the subject matter of courts.

5.3. Freedom of Assembly and Association

- 5.3.1. In September 2021, NHRCI issued notices to 4 states (Delhi, Uttar Pradesh, Rajasthan, Haryana) and Union of India asking reports on adverse impact of farmers agitation on industrial units and on

commuters.⁶³ The NHRCI directed the Institute of Economic Growth “to submit reports on the adverse impact of the farmers' agitation on industrial and commercial activities/production and disruption of transport services on commercial and normal consumers including inconvenience and additional expenditure etc” and the Delhi School of Social Work to conduct a survey and submit a report “assessing the disruption of livelihood, lives of people, impact on the aged and infirm persons due to protracted agitation by farmers”. Notably, the NHRC has not attempted to undertake any study on the impact of the Farm Bills. Neither has it attempted to study the overall status of the right to protest peacefully in India. The reference made by the NHRCI seems partisan and undermining the very mandate of the Commission to uphold and protect the right to life and civil liberties.

5.3.2. In the mass protests against passing of the Citizenship Amendment Act, thousands of protesters were arrested throughout the country. News reports state that at least 31 persons died due to violence at the protests.⁶⁴ The State of Uttar Pradesh recorded 22 deaths due to violence during the anti-CAA protests in December 2020 alone.⁶⁵ The NHRCI has not reviewed the law for conformity with human rights, or undertaken a serious view of the conditions of protests throughout the country. Several protesters were arrested and detained; permission to conduct protests in public places were denied by the State authorities giving rise to public debate on shrinking civic spaces in India. The NHRCI ignored these issues and missed an opportunity to meaningfully develop guidelines upholding the right to associate and assemble.

5.3.3. The NHRCI in the year 2016, when they were about to undergo their reaccreditation process at GANHRI, took *suo motu* cognisance of the case on alleged FCRA violations by the Centre for Promotion of Social Concerns (CPSC), as they considered it as an attack on the freedom of association. The NHRCI issued a notice to the Ministry of Home Affairs (MHA) to submit responses on various queries from them.⁶⁶ The

NHRCI rejected the first two responses from MHA, finding them unsatisfactory. However, once the NHRCI was reaccredited with 'A' status back in November 2017 by the SCA of GANHRI, they displayed a change in their 'tone' to the case and made a stand that the Commission does not want to interfere in a case which is "pending adjudication before the High Court of Delhi in WP No.10527/2016" and thus awaits the final order from the Delhi High Court (DHC), whereas the PHRA empowers them to do both – intervene independently and intervene in the said matter in the DHC. NHRCI officially closed the case⁶⁷ in January 2021, letting down not only CPSC but also all the human rights defenders across the country fighting for the right to associate.

5.3.4. The Central Bureau of Investigation (CBI) conducted a raid on the premises of CPSC – People's Watch on January 08, 2022 after registering a criminal case on January 06, 2022⁶⁸ alleging violations under FCRA. HRDA sent an urgent appeal⁶⁹ to the NHRCI soon after the said raid, on January 21, 2022 raising four points for their re-examination and action. However, the NHRCI dismissed it in limini and stated that as per the Regulation 9 (xii) of the National Human Rights Commission (Procedure) Amendment Regulations, 1997 "the Commission may dismiss in limini complaints of the following nature: matter is covered by a judicial verdict/ decision of the Commission. Therefore, the complaints are filed and the cases are closed".⁷⁰ The NHRCI has again shown total hesitancy in performing as per its mandate and fulfilling its function.

5.4. *Extra-judicial killings*

5.4.1. NHRCI's record on intervention in extra-judicial encounter killings has been unsatisfactory. It has framed guidelines and led reform on extra-judicial encounters in the country. A study of 17 cases of extra-judicial encounter killings in the State of Uttar Pradesh which took place

between May 2017 and March 2018, which were probed by the NHRCI, revealed that the Commission had decided 14 cases and gave a clean chit to the police in 12 cases. In one case, the body found that the police had acted in an illegal manner, but closed the same recommending monetary compensation to the victims. The study found that the NHRCI had ignored serious lapses in procedure and violations of human rights whilst probing into these cases.⁷¹

5.4.2. NHRCI sought ‘action taken report’ from the Assam police acting on a complaint alleging 28 deaths in extrajudicial killing by the police in the State.⁷² There is no progress reported since then.

5.5. Torture

5.5.1. India has not ratified the Convention against Torture. Its stated efforts in enabling enactment of a comprehensive anti-torture law and ratification of the UN Convention are inadequate. In individual cases of torture, NHRCI’s intervention has also been found lacking.

5.5.2. A petition was submitted to the NHRCI on December 24, 2019, highlighting instances of custodial torture, illegal arrests, brutal police actions on peaceful protesters, targeting of HRDs, blanket use of Section 144, internet shutdown etc. during the anti-CAA protests in Uttar Pradesh. NHRCI took no action until October 2021 when investigation teams were dispatched.

5.5.3. Jeyaraj and Bennix were taken into custody and tortured by the Tamil Nadu police brutally and they succumbed to injuries. This incident, of June 2020, received widespread attention from civil society organisations and international institutions.⁷³ NHRCI has sought report from the Tamil Nadu police on the allegations of torture, but no further progress has been reported since then.⁷⁴

6. Recommendations:

- 6.1. Amend the Protection of Human Rights Act 1993 in accordance with Paris Principles and in accordance with the recommendations of the Sub-Committee of Accreditation of the Global Alliance of National Human Rights Institutions in 2011, 2016 and 2017.
- 6.2. Ensure that the appointments in NHRCI reflect the diversity of the Indian society and ensure representation to all minorities, by ensuring publicising of vacancies, selection of persons from different sections of society and ensure gender balance.
- 6.3. Refrain from appointing retired bureaucrats, security officials and members of organisations associated with political parties in power as Members of the NHRC.
- 6.4. End the practice of deputing police officers to NHRC's Investigation Division, particularly in circumstances where the alleged perpetrators are the police.
- 6.5. Ensure the NHRC to lead a consultative process of developing National Action Plan on Human Rights, National Protection Law and Policy on Human Rights Defenders and Guidelines on ensuring free assembly, association and expression.

¹ The Protection of Human Rights Act, 1993, Available at: https://www.indiacode.nic.in/bitstream/123456789/11184/1/the_protection_of_humen_rights_act_1993.pdf

² 'Human rights' is defined in Section 2(d) of the Protection of Human Rights Act as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of India or embodied in the International Covenants.

³ Section 12, The Protection of Human Rights Act, 1993, Available at: https://www.indiacode.nic.in/bitstream/123456789/11184/1/the_protection_of_humen_rights_act_1993.pdf

⁴ As on 2017, only 20% of the staff of NHRC are women. The SCA has noted that the NHRC has not ensured pluralism and diversity in its staffing.

⁵GLOBAL ALLIANCE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS,

‘Report and Recommendations of the Session of the Sub-Committee on Accreditation, November 2016, available at: <https://ganhri.org/wp-content/uploads/2019/11/SCA-Final-Report-Nov-2016-English.pdf>. See also,

‘Why the Global Alliance of National Human Rights Institutions Has Deferred the Re-accreditation of India’s National Human Rights Commission’, The Caravan, February 22, 2017, Available at: <https://caravanmagazine.in/vantage/why-ganhri-deferred-the-reaccreditation-of-nhrc>

⁶ GLOBAL ALLIANCE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS,

‘Report and Recommendations of the Session of the Sub-Committee on Accreditation, November 2017, Available at: <https://ganhri.org/wp-content/uploads/2019/11/SCA-Report-November-2017-ENG.pdf>

⁷ GLOBAL ALLIANCE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS,

‘Report and Recommendations of the Session of the Sub-Committee on Accreditation, November 2016, Available at: <https://ganhri.org/wp-content/uploads/2019/11/SCA-Final-Report-Nov-2016-English.pdf>. The SCA has recommended the following to bring in transparency and participation in the appointments process: 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 institution they represent.

⁸ GLOBAL ALLIANCE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS,

‘Report and Recommendations of the Session of the Sub-Committee on Accreditation, November 2017, Available at: <https://ganhri.org/wp-content/uploads/2019/11/SCA-Report-November-2017-ENG.pdf>

⁹ Chairpersons of the National Commission for Minorities, National Commission for the Scheduled Castes, National Commission for the Scheduled Tribes and the National Commission for Women were deemed to the Members under the PHRA. After the amendments in 2019, chairpersons of the National Commission for Backward Classes, the National Commission for the Protection of Child Rights, and the Chief Commissioner for Persons with Disabilities are also included as members of the NHRC.

¹⁰ The SCA expressed concerns that “...*government representatives and members of parliament should not be members of, nor participate in, the decision-making organs of an NHRI*”. Despite this observation of the SCA in 2017, chairpersons and members of National Commissions of Minorities, Scheduled Castes and Scheduled Tribes were all appointed thereafter and presently hold positions as ‘deemed member’ of the NHRC and enjoy full voting rights.

¹¹ “Report on National Human Rights Commission India Submitted by SAHRC” (2017), Available at: <https://ainni.in/wp-content/uploads/2019/07/AiNNI-Joint-Report-with-SAHRDC-on-NHRC-2017.docx>

¹² “Mission Report on the Performance of National Human Rights Commission of India (NHRCI)”, Asian NGO Network on National Human Rights Institutions (ANNI), July 2019, Available at: https://www.forum-asia.org/uploads/wp/2019/07/2019_ANNI-India-Mission-Report_Final1.pdf

¹³ The SCA has expressed its concerns that police officers or former police officers are appointed as Director (Investigation) responsible for investigation into instances of human rights violations where the alleged perpetrators are police personnel.

¹⁴ Ravi Nair, ‘NHRC Appointments: Hindutva Deep State Expands Armoury’, The Leaflet, June 5, 2021, Available at: <https://www.theleaflet.in/nhrc-appointments-hindutva-deep-state-expands-armoury/>

¹⁵ ‘Justice Arun Mishra takes over as NHRC chief, Congress leader opposes his appointment’, Scroll.in, June 2, 2021, Available at: <https://scroll.in/latest/996461/justice-arun-mishra-takes-over-as-nhrc-chief-congress-leader-opposes-his-appointment>

¹⁶ National Human Rights Commission India, ‘Mr. Rajiv Jain, former director of Intelligence Bureau, joins as member, NHRC, India, Jun 2, 2021, Available at: <https://nhrc.nic.in/media/press-release/mr-rajiv-jain-former-director-intelligence-bureau-joins-member-nhrc-india>.

¹⁷ Ravi Nair, ‘NHRC Appointments: Hindutva Deep State Expands Armoury’, The Leaflet, June 5, 2021, Available at: <https://www.theleaflet.in/nhrc-appointments-hindutva-deep-state-expands-armoury/>

¹⁸ ‘Controversial Judge Who Praised Modi will head National Human Rights Commission Now’, June 1, 2021. Available at: <https://thewire.in/government/controversial-judge-who-praised-modi-to-be-nhrc-chief-opposition-leader-dissents>. See also, Ravi Nair, ‘NHRC Appointments: Hindutva Deep State Expands Armoury’, The Leaflet, June 5, 2021, Available at: <https://www.theleaflet.in/nhrc-appointments-hindutva-deep-state-expands-armoury/>

¹⁹ ‘New norm to accuse India of Human Rights Violations’: NHRC Chair and Ex-SC Judge Arun Mishra’, October 12, 2021. Available at: <https://thewire.in/rights/new-norm-to-accuse-india-of-human-rights-violations-nhrc-chair-and-ex-sc-judge-arun-mishra>. See also, Times of India, NHRC’s remit: Human Rights body has an incredibly important job. Praising govt is not part of that’, October 13, 2021, Available at:

<https://timesofindia.indiatimes.com/blogs/toi-editorials/nhrcs-remit-human-rights-body-has-an-incredibly-important-job-praising-govt-is-not-part-of-that/>

²⁰ GLOBAL ALLIANCE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS,

‘Report and Recommendations of the Session of the Sub-Committee on Accreditation, November 2016, Available at: <https://ganhri.org/wp-content/uploads/2019/11/SCA-Final-Report-Nov-2016-English.pdf>.

²¹ ‘Monthly salient Statistics of Cases Registered/Disposed by NHRC During December 2021’ Available at: https://nhrc.nic.in/complaints/human-right-case-statistics?field_date_value%5Bvalue%5D%5Bmonth%5D=&field_date_value%5Bvalue%5D%5Byear%5D=

²² S.R. Darapuri was arrested illegally in December 2019 in relation to the anti-CAA protests and he later on lodged a complaint with the NHRC. The NHRC dealt with this complaint belatedly and made a visit to Uttar Pradesh after two years in October 2021. It sought to justify the delay stating that NHRC is understaffed and that its personnel are insufficient to address the number of complaints they receive across the country. See, India Today, ‘Anti-CAA protests: Sadaf Jafar, SR Darapuri, 10 others granted bail’, January 4, 2020, Available at: <https://www.indiatoday.in/india/story/anti-cao-protests-sadaf-jafar-sr-darapuri-10-others-granted-bail-1633960-2020-01-04>.

²³ National Human Rights Commission India, ‘Annual Report 2017-2018’, Available at: https://nhrc.nic.in/sites/default/files/NHRC_AR_EN_2017-2018.pdf

²⁴ ‘Need more power to become a ‘toothful’ tiger: NHRC Chief HL Dattu’, February 14, 2020. Available at: <https://indianexpress.com/article/india/need-more-power-to-become-a-toothful-tiger-nhrc-chief-hl-dattu-6267161/#:~:text=The%20National%20Human%20Rights%20Commission,H%20L%20Dattu%2C%20said%20on%20Thursday.>

²⁵ Section 12(d), The Protection of Human Rights Act, 1993, Available at: https://www.indiacode.nic.in/bitstream/123456789/11184/1/the_protection_of_humen_rights_act_1993.pdf

²⁶ ‘Prevention of Terrorism Bill, 2000: NHRC’s Opinion’, Available at: <https://nhrc.nic.in/press-release/prevention-terrorism-bill-2000-nhrc%E2%80%99s-opinion>

²⁷ ‘Prevention of Terrorism Bill, 2000: NHRC’s Opinion’, Available at: <https://nhrc.nic.in/press-release/prevention-terrorism-bill-2000-nhrc%E2%80%99s-opinion>

²⁸ Annual Report of the National Human Rights Commission 2003-2004, Available at: <https://nhrc.nic.in/sites/default/files/AR03-04ENG.pdf>

²⁹ Section 43D(5), Unlawful Activities (Prevention) Act 1967.

³⁰ ‘Ongoing Use Of UAPA Throughout India Worrying: UN Human Rights Commissioner’, September 14, 2021. Available at:

<https://www.livelaw.in/news-updates/ongoing-use-of-uapa-throughout-india-worrying-un-human-rights-commissioner-181625>

³¹ The Special Rapporteurs on the Promotion and the Protection of Human Rights and Fundamental Rights while Countering Terrorism; Promotion and Protection of the Right to Opinion and Expression; the Rights to Freedom of Peaceful Assembly and Association; the Situation of HRDs; the Independence of Judges and Lawyers; Minority Issues; Right to People's Freedom of Religion and Belief and the Vice Chair of the Working Group on Arbitrary and Detention took note of the situation and wrote to the Government of India on 6 May 2020 seeking review of UAPA. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25219>

³² Money Control, 'Two years after revocation of Article 370, militancy still a fact of life in J&K', September 4, 2021, Available at: <https://www.moneycontrol.com/news/trends/current-affairs-trends/two-years-after-revocation-of-article-370-no-let-up-in-militancy-in-jk-7427941.html>

³³ The Indian Express, 'Decoding India's dubious distinction as world's internet shutdown capital', December 4, 2021, Available at: <https://indianexpress.com/article/technology/tech-news-technology/india-ranks-highest-in-internet-suspensions-7654773/>

³⁴ Aljazeera, 'India arrests prominent Kashmir rights activist under terror law', 23 November, 2021, Available at: <https://www.aljazeera.com/news/2021/11/23/india-kashmir-khurram-parvez-arrest-human-rights-uapa-terror-law>.

³⁵ The Kashmir Walla, '287 UAPA cases filed in J-K in 2020 out of total 796: NCRB', September 17, 2021, Available at: <https://thekashmirwalla.com/287-uapa-cases-filed-in-j-k-in-2020-out-of-total-796-ncrb/>.

³⁶ Section 4, Armed Forces Special Powers Act 1958.

³⁷ Amnesty International, *Briefing on the Armed Forces (Special Powers) Act 1958*, 2005, accessed October 7, 2021, Available at: <https://www.amnesty.org/en/documents/asa20/025/2005/en/>.

³⁸ Naga People's Movement of Human Rights v. Union of India, (1998) 2 SCC 109 (Supreme Court); "India: Repeal Armed Forces Special Powers Act," Human Rights Watch, October 28, 2020, Available at: <https://www.hrw.org/news/2011/10/19/india-repeal-armed-forces-special-powers-act>. The Supreme Court of India held that a set of 'Do's and Don't's' elaborated by the Armed Forces regarding use of force is mandatory law and that they constitute sufficient safeguards. The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions noted that these guidelines do not conform to international standards and that AFSPA remains in violation of international law. See, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns*, Available at https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-36_en.doc (accessed October 4, 2021).

³⁹ <https://news.un.org/en/story/2009/03/294902>

⁴⁰ Nita Bhalla, "U.N. Says India Should Scrap AFSPA in Kashmir," Reuters (Thomson Reuters, March 30, 2012), Available at: <https://www.reuters.com/article/india-kashmir-security-idINDEE82T0CA20120330>.

⁴¹ Satyabrata Pal, "What Amnesty International Missed in Its Kashmir Report," The Wire, July 3, 2015, Available at: <https://thewire.in/rights/what-amnesty-international-missed-in-its-kashmir-report>.

⁴² "Record of Discussion of the Interaction between NHRC, India and the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions held on 22.03.2012", Available at: <https://nhrc.nic.in/sites/default/files/Record%20Note-%20UN%20Spl.Rapporteur%20on%20Extra-Judicial%20Powers.pdf>

⁴³ The Industrial Relations Code, 2020, Available at: <https://prsindia.org/billtrack/the-industrial-relations-code-2020>.

⁴⁴ Accordingly, no unit shall go on strike in breach of contract without giving notice of 60 days before the strike, or within 14 days of giving such a notice, or before the expiry of any date given in the notice for the strike. Prior to the Code, under the Industrial Disputes Act

1947, only ‘public utility’ services needed to provide prior notice before strike.

⁴⁵ The Hindu, ‘140 pleas against Citizenship Amendment Act hang fire in Supreme Court’, December 6, 2020, Available at: <https://www.thehindu.com/news/national/concern-over-delay-in-hearing-pleas-against-caa-in-sc/article33264290.ece>

⁴⁶ The Wire, ‘UN Human Rights Chief moves to intervene over CAA in SC, India Objects’, March 2, 2020, Available at: <https://thewire.in/diplomacy/un-human-rights-chief-intervention-application-supreme-court-cao>

⁴⁷ Section 12(f), The Protection of Human Rights Act, 1993, Available at: https://www.indiacode.nic.in/bitstream/123456789/11184/1/the_protection_of_humen_rights_act_1993.pdf

⁴⁸ Section 12(b), The Protection of Human Rights Act, 1993, Available at: https://www.indiacode.nic.in/bitstream/123456789/11184/1/the_protection_of_humen_rights_act_1993.pdf

⁴⁹ Times of India, ‘SC permits NHRC to intervene suggest measures to deal with the plight of migrant workers’, June 5, 2020, Available at: <https://timesofindia.indiatimes.com/india/sc-permits-nhrc-to-intervene-suggest-measures-to-deal-with-plight-of-migrant-workers/articleshow/76220741.cms>

⁵⁰ National Human Rights Commission India, ‘List of cases registered Suo-Motu during 1/04/2018 to 31/01/2019’, February 14, 2019, Available at: https://nhrc.nic.in/sites/default/files/suomotu_2019_01.pdf

⁵¹ NHRC closure order, Available at: [https://drive.google.com/file/d/1jftsdxZ02ktUP8ckw7Tpyqfgm3v9U6QT/view.\(n.d.\)](https://drive.google.com/file/d/1jftsdxZ02ktUP8ckw7Tpyqfgm3v9U6QT/view.(n.d.))

⁵² ‘Thoothukudi Firing: NHRC, TN Govt in Madras HC’s line of fire’, The New Indian Express, June 26, 2021, Available at: <https://www.newindianexpress.com/states/tamil-nadu/2021/jun/26/thoothukudi-firing-nhrc-tn-govt-in-madras-hcs-line-of-fire-2321597.html>

⁵³ NHRC Investigation Team’s Enquiry Report, Available at: <https://rb.gy/hyj5tj>

⁵⁴ ‘Human Rights of Prisoners and Police Personnel During COVID-19’, October 5, 2020. Available at: https://nhrc.nic.in/sites/default/files/Advisory%20on%20the%20Rights%20of%20Prisoners%20and%20Police%20Personnel_0.pdf

⁵⁵ Section 12 (g), The Protection of Human Rights Act, 1993, Available at: https://www.indiacode.nic.in/bitstream/123456789/11184/1/the_protection_of_humen_rights_act_1993.pdf

⁵⁶ The themes listed by NHRC, for the latest round soliciting research proposals are:

1. Covid-19: effects on human rights concerning employment and business.
2. Well- being / quality of life of persons living in old-age homes.
3. Nutritional care of children below 5 years of age: challenges and way forward.
4. Issues of Refugees from human rights perspective.
5. Human rights ethos in Indian culture.
6. Human trafficking: issues relating to legal framework and its enforcement.
7. Protection of human rights of the abandoned widows.
8. Victim Compensation Schemes under various statutes: challenges and way forward.
9. Ashram Schools (boarding school for tribal girls and boys): functioning and effectiveness.
10. New age bondage: a study of iniquitous Bonds in education and employment.
11. Shelter homes for women and children: functioning and challenges.
12. Promotion of Human rights in the Local Self Governance.
13. Disparities in equal access to education in "Aspirational Districts".
14. Medical ethics and laws with specific reference to clinical trial of drugs.
15. Government residential schools for weaker sections: functioning and effectiveness

⁵⁷ Available at: https://nhrc.nic.in/sites/default/files/Ongoing_Projects_as_on_18082021_1_0.pdf

⁵⁸ ‘Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya’, February 6, 2012, A/HRC/19/55/Add.1, Available at: <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/A-HRC-19-55-Add1.pdf>

⁵⁹ “Mandates of the Special Rapporteur on the situation of human rights defenders; the

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on minority issues” 11 June 2021, Available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26468>.

⁶⁰ Arvind Gunasekar and Saurabh Gupta, “For 20 Days, Stan Swamy, 83, Has Been Asking for a Straw and Sipper,” ed. Divyanshu Dutta Roy, NDTV.com (NDTV, November 26, 2020), Available at: <https://www.ndtv.com/india-news/stan-swamys-wait-for-a-straw-and-sipper-extended-not-till-december-2330570>.

⁶¹ ‘NHRC decides to refer jailed poet activist Mr. Vara Vara Rao’s medical report send by Maharashtra State government to its expert panel’, August 21, 2020. Available at: <https://nhrc.nic.in/media/press-release/nhrc-decides-refer-jailed-poet-activist-mr-vara-vara-rao%E2%80%99s-medical-report-sent>

⁶² <https://www.newindianexpress.com/nation/2021/dec/11/freedom-of-speech-cant-be-an-unruly-horse-nhrc-head-2394338.html>

⁶³ The NHRC sought explanation from the States stating “since the agitation involves the issue of human rights whereas the right to agitate in a peaceful manner is also to be respected. The Commission needs to take care of various human rights issues.” It stated that it had received several complaints that commuters were affected by road congestion and that 9000 industrial units were affected by the farmers’ protests.

⁶⁴ ‘Data | How many people died during anti-CAA protests?’, January 6, 2020. Available at: <https://www.thehindu.com/data/data-how-many-people-died-during-anti-cao-protests/article30494183.ece>

⁶⁵ ‘22 people died in violence during anti-CAA protests: UP govt to HC’, February 19, 2021. Available at: <https://indianexpress.com/article/cities/lucknow/22-people-died-in-violence-during-anti-cao-protests-up-govt-to-hc-6275092/#:~:text=A%20TOTAL%20of%2022%20persons,the%20violence%2C%20the%20report%20said>.

⁶⁶ The first response from the Under Secretary (FCRA), Foreign Division, MHA was found undetailed as well as vague by the NHRCI. Further, the second response from the Under Secretary, FCRA II, MHA was submitted which was also found unsatisfactory by the NHRCI and asked the Secretary (Home), MHA, Government of India to submit response to their queries in more detail. Available at: <https://rb.gy/bpqzai>

⁶⁷ NHRCI Closed Order on the CPSC Case, Available at: <https://rb.gy/bpqzai>

⁶⁸ CBI FIR registered on 06 Jan, 2022, Available at: <https://rb.gy/bm02to>

⁶⁹ HRDA Urgent Appeal, Available at: <https://rb.gy/5ezew3>

⁷⁰ NHRCI Response to the HRDA UA, Available at: <https://rb.gy/aelq8l>

⁷¹ Youth for Human Rights Documentation, ‘Extinguishing law and life: Police Killings and Cover-up in the State of Uttar Pradesh’, October 2021, Available at: <https://yhrd.in/documents/wp-content/uploads/2021/10/up-final-export.pdf>

⁷² ‘NHRC seeks action taken report from Assam DGP on fake encounters within a month’, First Post, September 15, 2021, Available at: <https://www.firstpost.com/india/nhrc-seeks-action-taken-report-from-assam-dgp-on-fake-encounters-within-a-month-9965671.html>

⁷³ ‘UN chief wants custodial deaths of father-son duo in TN to be probed’, The News Minute, July 12, 2020, Available at: <https://www.thenewsminute.com/article/un-chief-wants-custodial-deaths-father-son-duo-tn-be-probed-128448>

⁷⁴ ‘NHRC notice to TN DGP, Thoothukudi SP in Jayaraj-Bennix case’, DT Next, July 1, 2020, Available at: <https://www.dtnext.in/News/TopNews/2020/07/01165115/1238859/NHRC-notice-to-TN-DGP-Thoothukudi-SP-in-JayarajBennix-.vpf>