



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

NATIONAL SECRETARIAT

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November 11, 2016

To,

Shri Pranab Mukherjee,
Hon'ble President of India
Rashtrapati Bhavan
New Delhi 110 004

**Subject: AiNNI - Memorandum -Urgent Concerns to Ensure Non-Political
Appointment in NHRC - Appointment of Mr. Avinash Rai Khanna, Vice-
President of BJP –Safeguarding Independence of the NHRC**

Your Excellency President of India Shri. Pranab Mukherjee,

All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI) is a national forum of individuals and organisations from across the country to monitor and strengthen the functioning of human rights institutions.

We write today to express serious concerns with regard to the news of the appointment of Mr. Avinash Rai Khanna, Vice-President of Bhartiya Janta Party (BJP) as the member of the National Human Rights Commission (NHRC). As mentioned in our 28th November memorandum to yourself, the post has been vacant since March 2014. We are dismayed that after this long while the post is sought to be filled by a person with clear political party affiliations.

Appointment of Mr. Khanna, an office-bearer in the current ruling political party and a former member of the Upper House of the Parliament, sends a wrong message to the people of India and challenges the independence of NHRC which the Global Alliance of National Human Rights Institutions (GA-NHRIs) through its Sub-Committee on

Accreditation (SCA) highlighted in 2011. This appointment is contrary to the universally accepted human rights standards evolved under the aegis of the United Nations. It is also detrimental to the functioning and reputation of the NHRC and such measures lead to the formation of a serious trust deficit in the institution itself. It will erode the public faith in the institution, which has been declining steadily over the past ten years.

Any candidate who is a part of the political party forming the government, should not be appointed a member of NHRC, as this institution is responsible to examine complaints of rights violation by functionaries of the government. Appointing a member of the ruling political party to the NHRC would also affect the very integrity, credibility and authority of the institution meant to protect human rights of citizens.

AiNNI believes that the appointment of the new Member in a non-transparent and non-consultative manner directly contradicts the UN Paris Principles that provide the guidelines for appointments in national human rights institutions. Independence, diversity, impartiality, and fairness are the main pillars set out in the UN Paris Principles for NHRC's operations. Two of the six key elements of the UN Paris Principles require NHRC to be autonomous and independent of the government in all their functioning. As per Protection of Human Rights Act 1993 (PHRA), this position has to be filled by 'those having experience and knowledge of human rights'. Never in the past 23 years has there been a civil society representative appointed in this position. The last woman member in the NHRC had completed her term in 2004. It has been more than 12 years since NHRC has had a woman member on board. This goes against the principles of plurality and diversity in composition as mentioned in the UN Paris Principles.

We humbly request you to urgently intervene in this matter through your powers of assent and accordingly direct the appointment committee to ensure that due process of appointment to NHRC is followed. We are now informed that the members of the Appointment Committee were never informed in their last meeting a few days ago that the candidate that they selected was an office bearer of the ruling party. We also request that such an appointment respect the fundamental principle of transparency and adherence to the accepted international standards and norms as laid down in the UN Paris Principles 1991. Through you we urge that the Appointment Committee should take into consideration the contributions to human rights made by each of the eligible candidate being considered for the post of NHRC Member. It would be desirable that the allotment for this vacancy is fulfilled through a public announcement that calls for applications/nominations. There is also the need for definite criteria/indicators to be put in place to evaluate each of these eligible candidates which then forms the basis of selection by the appointing committee. It would be apt that for

the present vacant post, the appointment committee considers a woman from civil society, preferably from dalit, tribal or minority community, who has substantial knowledge and experience in the field of human rights. This will also ensure that India abides by the principles of pluralism as laid down in the UN Paris Principles and also the May 2011 SCA's recommendation to India. NHRC India is scheduled for its periodic review for its accreditation by the SCA of the GA-NHRIs on 22nd November 2016 in Geneva.

Thanking you for your patient reading of this memorandum and hoping for your kind and urgent intervention.

Yours sincerely

AiNNI Advisors

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