

retired woman Judge of the Supreme Court as NHRC's Chairperson, when there were two candidates available, namely, Justice R Banumathi and Justice Indu Malhotra. NHRC in its 28 years of existence has never been headed by a retired women Judge of the Supreme Court. It is also unclear if NHRC Member Justice PC Pant, holding considerable seniority over Justice Arun Mishra and eligible to be appointed the NHRC Chairperson, was considered to head the apex human rights body. With Justice Arun Mishra, whose admiration for the current government was self-proclaimed and his conduct and judgements as a Supreme Court judge in question - as documented by credible media sources, being selected over a galaxy of eligible candidates, cast doubts whether the selection criteria, if any, met the required human rights standards.

Appointment of the former director of the Intelligence Bureau as a NHRC Member – supposed to have the knowledge and experience in human rights – in a country with several credible human rights defenders, comes as a shock. It is unprecedented that a former head of the Intelligence Bureau will be a commissioner of the apex human rights institution. The Judicial Member recommended for appointment, given his present age, can serve this office not more than 19 months. It is to be noted that this post has been vacant for close to three years after the retirement of Justice Murugesan. If human rights experience, record and contribution of the candidates were the criteria, these appointments require serious re-thinking.

AiNNI, on the concern of 2019 PHRA amendments permitting further space for the government to have unfettered discretion in appointments had stated that, *“This will only allow the appointment committee to handpick the most ‘favourable’ judge to head the NHRC which is a matter of grave concern. If the NHRC needs to be headed by a judge of the Supreme Court, in the interest of the institution, it is desirable that it is the CJI, hence restricting the government’s influence on the NHRC and the judiciary. Justice J S Verma opposed a similar amendment with this provision that was proposed in 2006 and the provision was thereafter withdrawn when the bill came to the Rajya Sabha.”*

Looking back at the SCA granting the NHRC an ‘A’ accreditation, following the 2017 review, on promises of reforms through amendments in the PHRA ensuring adherence to the UN Paris Principles, is no less than a mockery. The big question remains whether the NHRC misled the SCA to recover its suspended ‘A’ status, a matter of great significance for India in international diplomacy. Subverting and manipulating the appointment process endangers the credibility of the institution and our democratic credentials as a country.

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SCA Reports –

2011 – <https://ainni.in/wp-content/uploads/2021/06/SCA-REPORT-MAY-2011-FINAL.pdf>

2016 – <https://ainni.in/wp-content/uploads/2021/06/Annexure-02B-SCA-Final-Report-Nov-2016-English.pdf>

2017 – <https://ainni.in/wp-content/uploads/2021/06/SCA-Report-November-2017-ENG.pdf>