



During your tenure, the Commission came up for two reviews from the Global Alliance of National Human Rights Institution's (GANHRI) Sub-Committee on Accreditation (SCA). It was the first in Commission's history that while the Commission retained the 'A' accreditation status after the second review, it opened the door for reforms. We would also like to place on record our appreciation for the Commission's openness to an independent capacity assessment exercise jointly undertaken by the Commission, Asia Pacific Forum of National Human Rights Institutions (APF), United Nations Development Program (UNDP) and Office of High Commissioner for Human Rights (OHCHR). This was the first time such an exercise was undertaken in India and we only hope that your successor will be able to review and implement the recommendations from this exercise.

We also welcome your initiative to establish the system of Special Monitors in the Commission, opening doors for civil society actors to engage closely with the Commission. While this process was started by your good self, today it stands dormant and needs a proactive approach from the Commission. We also appreciate your efforts to continue the outreach exercises undertaken by the Commission, specially the public hearings.

We take this occasion to write to you that the 'reforms' brought in by the government through amending the PHRA significantly started hampering the Commission's compliance to the Paris Principles. We from AiNNI had expressed through several submissions our concerns and sought the Commission's view on the said amendments which remain unknown. It is pertinent to note here that similar amendments were proposed and rejected by the Standing Committee during the last amendment in 2006.

Also, we were taken aback when you had stated publicly that the Commission is a 'toothless tiger' this, while maybe true in some sense, there are several instances from the past history of the NHRC which contradict this perception. We believe that over the recent years the Commission chose to be toothless and it missed the opportunity to regain the lost ground when it failed to submit its views during the amendment to its founding law.

One of the key functions of the Commission is to review laws and their impact on human rights. However, we express our deep concern on the Commission's decision not to review laws like the Unlawful Activities Prevention Act (UAPA), Foreign Contribution Regulation Act (FCRA), National Investigation Agency Act (NIA), Citizenship Amendment Act (CAA) etc. We recall that a letter endorsed by almost 14,000 citizens and organisations was placed before your good self, seeking the Commission to review CAA but the same went not only unanswered for 8 months but was closed as dismissed in limine. With the UN Special Rapporteurs expressing concerns over UAPA, CAA and other laws, and civil society on multiple occasions highlighting challenges of the FCRA, the Commission potentially could have done better, as it did in its founding decade.

Your comment on the Commission being 'toothless' has held credence because of its inaction in some of the serious cases of human rights violations which also include non-compliance to Commission's own guidelines. We only hoped for the Commission upholding and asserting its powers in such cases – killing of protestors in Tuticorin, arrest of renowned human rights defenders in the Bhima Koregaon case, incarceration of students, defenders and protestors because of peacefully opposing the CAA, plight of migrant workers during the lockdown, etc. While the Commission intervened in cases like serious rights violation in Kashmir post Article 370 abrogation and custodial torture in Bhopal jail, such interventions continue to lie in a state of limbo and victims continue to long for justice.

We take this opportunity to recall here what late Advocate and Former President of the PUCL, K.G. Kannabiran had expressed at the time when the Commission was being established in India, that such institutions would only be used to provide clean chit to the government in the international forums. An institution self-admitting to be 'toothless' testifies to its decaying.

We do not wish that this process of decaying continues in any form. In spite of our very critical positioning on occasions, we re-assert at this point of time that the NHRC belongs to the people of this Country and hence our speaking to the senior functionaries of the NHRC has always been representing the cause of victims of human rights violations or HRDs and never personally. It was always to uphold that our Commission becomes more independent, diverse, effective, transparent and co- operating with vibrant India civil society. We always believe that it is the NHRC that paves the model for another eight NHRIs in India to follow and over 160 SHRIs throughout the states and UTs to follow.

Wishing you all the best for your post retirement journey and with a hope together one day we can collectively reflect on the reforms our institution needs.

Warm Regards

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath.

(Henri Tiphagne)

National Working Secretary

AiNNI