

**From:** Harsh Mander

**To:** NHRC - Chairperson [chairnhrc@nic.in](mailto:chairnhrc@nic.in)

**Subject:** Letter of resignation as Special Monitor

Dear Justice Dattu,

You had kindly invited me to act as a Special Monitor of the NHRC on the issues of minorities. Given the very difficult situation faced by minorities, and my faith in the mandate of the NHRC in a democracy, I was happy to accept your kind invitation. I believe that human rights defenders should try their best to strengthen the NHRC when the NHRC seeks such support. I have in the past, in the context of the 2002 Gujarat massacre, and for a number of human rights issues related to mental hospitals, bonded labour, right to food and others, supported the NHRC in many capacities, and therefore was happy to accept the invitation as Special Monitor for minorities and communal violence.

In our briefing about this role along with Ms. Maja Daruwala, I was told that the NHRC would from time to time seek my services to look into matters concerning the rights of minorities and communal violence. Ever since my appointment, the NHRC has not reached out to me even once on these issues.

During this briefing, we also said that we would accept this responsibility only if we could also take the initiative to raise questions of concern with the NHRC within our mandate, and if the NHRC felt fit, we could look into these issues. This was accepted. In this context, I wrote to the NHRC about encounter killings targeting minorities in UP and Haryana. Despite many reminders, I did not hear back from the NHRC about my proposal to look into these matters.

The other matter that I raised was about the conditions of persons deemed to be foreigners in Assam in detention camps. Here after several reminders, the NHRC was kind enough to depute me to a mission to the detention centres in Assam of persons deemed to be 'foreigners'. Two officers of the NHRC were deputed to accompany me.

After the visit, I asked the officers about working on a joint report with them. They replied that since I was the expert, I should write the report independently. But while I was working on the report, I was surprised to receive a letter from NHRC that the two NHRC officers had independently of me submitted a report, the NHRC had considered the report, and this was sent for action to the central and state government.

I still worked hard on a carefully researched report, with clear recommendations based on a careful study of national and international law about the treatment of

persons deemed aliens and stateless persons. After the submission of my report, I have sent several reminders seeking details of action taken by the NHRC on my report, but I have received no answer.

In the light of the impending conclusion of the NRC process in Assam, this is a matter of extreme urgency from a human rights perspective. There is the possibility of tens of thousands, maybe even lakhs of Assam residents being declared foreigners. Their fate is a human rights concern of the highest importance at this time.

Because of the continued silence of the NHRC, both in terms of approaching me for investigation or mission on any human rights concerns of minorities and communal violence, for which I had been invited by the NHRC; and on the report I authored on the critical question of persons declared foreigners in Assam, it is apparent that there is no constructive role for the NHRC Special Monitor to play in the NHRC. I therefore feel compelled to answer my call of conscience to resign from the responsibility of Special Monitor NHRC for minorities and communal violence. I take this step with a heavy heart, but it is now clear to me that there is no scope for me to effectively intervene on these issues with the NHRC.

I therefore resign forthwith, so that I can with greater freedom continue to pursue these concerns, including those that I raised with the NHRC of encounter killings targeting minorities in UP and Haryana, and of the legal treatment of persons deemed to be foreigners, in my capacity as an independent human rights defender.

Regards

Harsh Mander

To

Justice H.L.Dattu, Chairperson, NHRC, New Delhi.