

Hindustan Times

Human rights and the State

<https://www.hindustantimes.com/editorials/human-rights-and-the-state-101634218131852.html>

At the 28th foundation day of the National Human Rights Commission (NHRC), Prime Minister (PM) Narendra Modi critiqued what he saw as the selective and political use of human rights, and said this harmed democracy and tarnished the nation's image. He traced the idea of human rights to the freedom movement, and outlined his government's steps, particularly with regard to welfare delivery, as aiding the rights of marginalised. For his part, the NHRC chair, Justice (retired) Arun Mishra, echoed the PM's critique of selective deployment of the idea of human rights, claimed terrorists must not be defended in the name of rights, and hailed the government, especially home minister Amit Shah, for steps in Jammu and Kashmir and Northeast.

Hindustan

सूचना न देने पर सूचना आयोग में डीजी हेल्थ तलब

<https://www.livehindustan.com/uttar-pradesh/hathras/story-dg-health-summoned-in-information-commission-for-not-giving-information-4828863.html>

महानिदेशक स्वास्थ्य एवं परिवार कल्याण को सूचना का अधिकार अधिनियम के अंतर्गत सूचना उपलब्ध नहीं कराना महंगा पड़ गया है। राज्य सूचना आयोग द्वारा उन्हें नोटिस जारी कर आगामी 22 अक्टूबर को तलब कर जवाब मांगा है। जवाब से संतुष्ट न होने पर उन पर कार्रवाई हो सकती है।

शहर के सादाबाद गेट स्थित लाला वाला पेंच निवासी आरटीआई एक्टिविस्ट गौरव अग्रवाल एडवोकेट द्वारा सूचना का अधिकार अधिनियम 2005 के अंतर्गत मुख्य चिकित्सा अधिकारी कार्यालय हाथरस से बीते दो साल पहले जिले के चंदपा क्षेत्र के गांव कछपुरा में डेंगू व बुखार से हुई मौत को लेकर कुछ सूचनाएं मांगी थी। जवाब में सीएमओ कार्यालय से अवगत कराई गई सूचना में उन्हें बताया कि डेंगू व बुखार से कछपुरा गांव में किसी भी व्यक्ति की कोई मौत नहीं हुई है। इस पर आरटीआई एक्टिविस्ट द्वारा सीएमओ कार्यालय से प्राप्त सूचना का जवाब व कछपुरा गांव में बुखार व डेंगू से हुई मौतों को लेकर समाचार पत्रों में प्रकाशित खबरों की छायाप्रति लगाकर राष्ट्रीय मानवाधिकार आयोग व महानिदेशक चिकित्सा स्वास्थ्य एवं परिवार कल्याण में शिकायत दर्ज कराकर कार्रवाई की मांग की थी। उक्त प्रकरण को लेकर बाद में आरटीआई एक्टिविस्ट गौरव अग्रवाल द्वारा महानिदेशक चिकित्सा स्वास्थ्य एवं परिवार कल्याण कार्यालय से कार्रवाई के संबंध में सूचना मांगी थी, लेकिन इसके बाद भी उन्हें सूचना उपलब्ध नहीं कराई गई। अब इस पर राज्य सूचना आयोग द्वारा डीजी हेल्थ को 22 अक्टूबर को तलब कर जवाब मांगा गया है।

28 Years of NHRC: A Look at the 'Achievements' the Rights Body Boasts Of

<https://www.thequint.com/voices/opinion/28-years-of-nhrc-a-look-at-the-achievements-the-rights-body-boasts-of>

As the National Human Rights Commission (NHRC) turns 28, it's important to assess the 'achievements' the Commission boasts of on every possible occasion. The Global Alliance of National Human Rights Institutions (GANHRI) accreditation is also due next year, and the NHRC is straining every nerve to regain its barely saved 'A' status.

On Human Rights Day 2020, the Commission boasted of having registered 19,50,695 cases while disposing of 19,32,533 cases. It also paid close to ₹2 billion to victims of human rights violations across various state agencies on the recommendations of the Commission. On its 28th Foundation Day, the Commission took pride in the fact that it has disposed of 20 lakh cases and awarded ₹205 crores to the victims of violations.

Full Capacity, Dismal Performance

With the appointment of Justice Arun Mishra as the Chairperson of the Commission and three other members, the NHRC today is working at full capacity. However, in the short four-month tenure of the Commission working at full strength, the watchdog remains as toothless as before with, in fact, an increase in pendency (32.75%) and a decrease in disposal (8.35%).

Under Section 12(1) of the Protection of Human Rights Act, 1993, one of the primary functions of the NHRC is to handle complaints received from individuals against public servants alleging human rights violations. The Commission has received over 84,000 cases every year on an average in the last five years, which are categorised as per the nature of the incident. A closer data analysis, along with rising allegations of fading autonomy and increased interference, reveal serious issues about its contribution to the human rights framework in the country.

Drop in Suo Motu Cases

The declining registration of complaints at the NHRC is no surprise as the data are updated monthly on its website. However, in the long term, from a total of 96,267 complaints registered in the year 2016, the figure fell to 75,064 in 2020, recording a sharp decline of 32.78%.

28 Years of NHRC: A Look at the 'Achievements' the Rights Body Boasts Of
(Data: www.nhrc.in)

Other than improved access to the Commission, the rate of suo motu cognisance of cases is also dismal. The number of suo motu cases taken up by the Commission has almost halved, with a reduction rate of 46.32% between 2012-16 and 2016-20.

The downswing in the registration of complaints is a cause of worry when seen with state-wise representation. As highlighted on the website of the Commission, 38.1% of the complaints are from Uttar Pradesh alone.

Besides Delhi, Odisha, Bihar, and Tamil Nadu, which form the top five states, all the other states are covered under the 34.6% bracket. When it comes to taking suo motu cognisance, Uttar Pradesh also seems to be on the Commission's priority list, as 50% of such complaints are from that state.

A decrease in registration with a subsequent increase in pendency is also worrying, as it questions the efficiency of the complaint handling mechanism. As of September 2021, the Commission recorded a pendency of 20,806 cases.

A Pattern of Impulsive Disposal of Cases

The data also reveal a pattern of impulsive disposal of complaints. In 2020 alone, a total of 68,130 cases have been disposed of, where disposal would not necessarily mean deciding on merit.

It is appalling to note that last year, of the complaints received, 97% were dismissed even before being afforded a preliminary hearing on merits. For the mere 3% cases that the Commission takes up, there are varying reasons for the closure, developed out of practice.

It is noteworthy that almost 45% of these complaints are "dismissed in-limine" on procedural grounds. Approximately 34% of these complaints are disposed of with directions to the concerned public authorities, which are often the same that are complained against. The Commission maintains no data on compliance with these directions. Out of total disposals, around 18% of the cases are closed after being transferred to the State Human Rights Commissions (SHRCs).

28 Years of NHRC: A Look at the 'Achievements' the Rights Body Boasts Of (Source: Data received through RTIs)

In furtherance of the statutory position under Section 36 of the Protection of Human Rights Act, 1993, the NHRC does not "inquire into any matter which is pending before a State Commission or any other Commission". The absence of functional State Commissions has been underlined by activists now and then. Most of the SHRCs are understaffed, which directly impacts how complaints are handled. Due to non-intervention on the part of the national institution, the accountability of State Commissions is negligible. One of the commonly used grounds for disposing of complaints is that the "matter is sub judice before a court/tribunal". The flawed interpretation of considering matters under investigation as sub-judice has led to the Commission overlooking innumerable cases of violations.

A Tardy Framework

The statute empowers the Commission to enquire into complaints in which the public authorities fail to take the required action. However, as per the data, it seems that the

Commission has failed to make use of this power, as is evident from the reduced number of interventions. In the year 2016-2017, the number of investigations taken up was 7,865. This has halved in 2020-2021 and stands at approximately 3,000 cases.

As stated by Justice Dattu, camp sittings are a way to strengthen the partnership between the Commission and society as they facilitate speedy disposal of cases. However, the numbers are in direct contrast with the ideology of the ex-Chairperson, as only 15 such sittings have been instituted by the body in the last five years.

In light of the structural issues regarding the complaint handling mechanism, there is a dire need for the Commission to undertake reforms.

The need is to ensure qualitative disposal of complaints rather than closing them on a procedural basis. Further, the NHRC alone can't save the human rights situation in the country — Parliament has an equally important role to play. It's high time that the Procedure Regulations proposed by the Commission see the light of the day.

The Wire

Justice Arun Mishra Needs a Lesson on Peace and Human Rights in the Northeast

<https://thewire.in/politics/justice-arun-mishra-needs-a-lesson-on-peace-and-human-rights-in-the-northeast>

These are the concluding paragraphs of Assam-based writer and graphic novelist Parismita Singh's powerful title story from her first anthology of shorts, *Peace Has Come*. The book, published in 2018, encompasses seven short stories hinged on the strife-torn Bodo areas of Assam contiguous to Bhutan, in addition to a three-part story I have quoted from, from which the anthology also derives its title, *Peace Has Come*.

When Arun Mishra – the retired Supreme Court judge who now heads the National Human Rights Commission – began his speech to mark the NHRC's 28th foundation day by eulogising Union home minister Amit Shah and his 'efforts' to usher in 'a new age of peace' in the Northeast (and Kashmir). Parismita's book immediately came to my mind.

Her three-part short story 'Peace Has Come' explains strikingly how peace has so far been delivered to most parts of the Northeast by successive governments.

The character Riswgi from the first part of the triptych is a rural Bodo woman, wedded to a Nepali man, introduced to us as Bir Bahadur. Jonki, who asks Riswgi about Dwimalu's return in the opening paragraph of this write-up, is their young daughter.

Dwimalu is Riswgi's brother, who, like several 'boys' from that belt, had joined an underground outfit. No peace deal has been able to guarantee their return home; no price on their head can either.

Riswgi's family holds on to the hope that Dwimalu will return home, as do other families, after being convinced that 'peace has come' thanks to the success of the latest 'talks' between some outfit or the other with New Delhi. But their fraught life chugs along unaltered. They are forever fearful of both state and non-state actors violating their human rights (of which Justice Mishra is the official upholder in India) in an area where the Armed Forces (Special Powers) Act (AFSPA) is in force; always grappling with the possibility of an unforeseen situation dropped on them without notice – several times smeared in blood, violence and panic involving either an 'insider' or an 'outsider'.

This is what happens to Riswgi and Bahadur one night, when, unable to sleep, they sit under the dark sky, longing to be back in "some forest village, with no schools and roads" only to at least "sleep at peace". An exhausted man seemingly fleeing from something or somebody darts into their yard. The man appears too scared to speak. What is his name? Is he an 'insider' or an 'outsider'? Who is he fleeing from?

The stranger turns out to be a Hindi speaking man who had scurried towards the direction of their village from the highway to escape a murderous attack on a public bus by a set of vigilantes baying for the blood of 'outsiders'. Overnight, the villagers nurse

him; somewhat soothe his nerves and then leave him by the highway at daylight – hoping that the military finds him and his life is saved. By doing so, the villagers were also protecting their identity – from both state and non-state actors. They hope the exhausted man would not recognise the village where he found his saviours.

In congratulating the Union home minister for ushering in a ‘new era of peace’ in the Northeast, Justice Mishra was merely repeating a promise that the likes of Riswgi had heard before from New Delhi, that ‘Peace Has Come’ to them.

Mishra was perhaps referencing the peace accord signed by Shah in January 2020 in New Delhi with some new players from the Bodo areas – the Union home ministry’s third such deal since the 1990s. While the two accords signed in the Congress era had failed to usher in permanent peace in that region, Mishra seemed to have placed his faith in the present BJP leadership at the Centre and believes that unlike before, not only that ‘peace has come’ to the people this time but that it is the beginning of ‘a new era of peace’ in the region.

The unending saga of ‘peace’ in Bodoland

It turns out that the NHRC chairperson’s optimistic assessment is merely a reiteration of what Shah already said in a January 2021 speech at Kokrajhar on the occasion of the first anniversary of the latest accord. “Peace has returned to Bodo areas due to the accord. There used to be killings and abductions here, but I can assure that in a few years, this region will become the most developed part of Assam,” the minister said.

There is no doubt that after a long era of the Bodo People’s Front (BPF) rule, one that was mired in corruption charges and allegations of nepotism, the signatories of the new accord – led by former All Assam Bodo Students Union president Pramod Boro – are beginning their innings with good intentions in the disturbed area and hope to make life better for the likes of Riswgi. But unlike Mishra and his certitude, Boro – a man rooted in reality – must only be hoping at this point that the new dispensation succeeds in ensuring peace to the people once and for all.

This is also an opportunity to remind Justice Mishra that the BPF founder, Hagrama Mohiliary, was a signatory of the second accord with the Congress-led Union government in 2003. With Shah as the BJP national president, the BPF allied with the saffron party and fought the 2016 assembly polls in Assam, later becoming part of the state government. In other words, did the BJP under Shah not indicate earlier that peace had come to the region under the BPF? Indeed, Prime Minister Narendra Modi’s first election rally in Assam prior to the 2016 assembly polls was in Kokrajhar, alongside Mohiliary.

This relationship of convenience, based on electoral gains, was broken by the BJP prior to the 2021 polls, only because it no longer served any electoral purpose.

The NHRC chairperson may be gung-ho about the dawning of acche din in the Northeast under Shah. However, even a year after peace officially came to that belt, local news carries reports of either the 'surrender' of some motley group to the Assam government (in tandem with the decades-old Congress-era practice of sending a message to the public that peace has come); or about the formation of a new underground group in that strip of the state even after peace officially came.

Meanwhile, elsewhere in Assam...

It is also worthwhile to remind the NHRC chief that elsewhere in Assam, peace has yet to come. Even in purely formal terms.

While the MHA's parleys with the pro-talks faction of the United Liberation Front of Asom (ULFA) have been continuing since 2009 without an accord and multiple changes of interlocutors, the cadres have been housed since 2008 onwards in several safe houses in upper Assam on the claim that peace will eventually come and they will suitably be rehabilitated.

Meanwhile, they are on a monthly stipend from Shah's ministry, a policy that applies to all Northeast underground groups under suspension of operations (SOO) since the Congress era. During Modi's first term, when this correspondent sought data from the MHA on how much money the Union government has spent on these stipends for peace to finally come to the region, the information was denied citing 'security reasons'.

Meanwhile, as per news reports, peace has now officially come to Assam's Karbi Anglong region after Shah signed an agreement in September with six little known armed groups. "The accord will bring lasting peace and all round development in Karbi Anglong," he said.

Even if nothing changes on the ground, the optics of such agreements, even with small groups, certainly work in favour of the Union government, conveying the message to the larger public (and to Justice Mishra) that peace has come to the Northeast.

Peace or no peace, AFSPA is there to stay

Meanwhile, the fate of peace talks with the Kuki outfits of Manipur, which too have been on since June 2016 with multiple changes of interlocutors by the MHA, is the same as those with the ULFA. In limbo.

Hoping for peace to come, voters in the Churachandpur belt of Manipur, along the Myanmar border, had pressed the lotus symbol in the 2017 assembly polls. Needless to say, the absence of a peace accord means the extension of AFSPA in these states; and the extension of the government's ceasefire agreement with these SOO groups too. Even after the last peace accord was signed under Shah's leadership, the Bodo areas remain under the ambit of the draconian Act.

Here is a quick reminder to readers that during the 15-year term of the Congress's Tarun Gogoi in Assam, common citizens, particularly in the urban pockets, indeed felt that peace had come finally after the dark days of the Prafulla Mahanta government. An acknowledgement of this feeling was seen when thousands of people, from across political lines, came to pay their last respects to Gogoi when he died in November 2020. Still, while the Gogoi era saw the Guwahati skyline incorporate five-star hotels, AFSPA continued to be clamped on the city that is considered the gateway to the Northeast – to help maintain the delicate peace. Thus, Guwahati became a unique example of an emerging Indian city that had high rises, malls, and AFSPA. The saga continues.

Given that the NHRC chairperson's mandate is to ensure that citizens' human rights are protected – and not to always agree with the government of the day – Justice Mishra might also like to take note of the fact that in the Kangpokpi area of Manipur, villagers this August sat on dharna for many days, demanding justice for a young villager who they said had died from the bullets of an army major after he was picked up from his home. The major is protected by AFSPA. As are the killers of Manorama, the young woman whose 2004 killing rocked the state for years.

Elusive 'peace' in Nagaland

Perhaps Mishra could have at least waited for the Naga peace talks to culminate in an accord before complimenting Shah for ushering in a 'new era of peace' in the Northeast. This would mean Shah – unlike his predecessors – successfully convincing the NSCN (Isak-Muivah) to bring the curtains down on the oldest insurgency in the Northeast. Ironically, Mishra's premature praise comes weeks after the Modi government removed Naga talks interlocutor R.N. Ravi most likely because peace had not come to that state yet as envisaged. Remember that Ravi had been appointed Nagaland's governor to push peace.

Prime Minister Narendra Modi witnessing the exchange of the peace accord text by interlocutor R.N. Ravi and NSCN(I-M) leader Th. Muivah in New Delhi on August 3, 2015. Photo: PTI

Mishra's praise also comes at a time when the people of Assam and Mizoram have yet to overcome something they had not witnessed in recent history – their longstanding boundary conflict catapulting into such an ugly crisis that the police of the respective states fired at each other, resulting in an FIR against a state chief minister. Mishra must be reminded that the fiasco occurred just days after Shah, in a meeting of Northeastern chief ministers in Shillong, had directed them to sort out their border disputes with Assam and usher in 'a new era of peace'.

The NHRC chief should also be reminded about the three unarmed youngsters who were gunned down on their way home from an anti-Citizenship Amendment Act (CAA) protest in Guwahati in December 2019, apparently hours after a senior police officer was sent to the state by Shah's ministry to 'maintain law and order'. That incident was a

rude reminder to the Assamese public about the dark days of insurgency in the 1990s, when no one was safe on the streets.

Maybe Mishra needs to be reminded that the present BJP government in Assam has instructed the state police force to shoot at any person fleeing from them. If only Justice Mishra could tell us which section of the Indian Penal Code grants the police such powers; or what he, as the NHRC chairperson, intends to do to end this impunity.

Waiting for the fruits of 'peace', the Bru and Meghalaya too

Let's also remind Justice Mishra that in neighbouring Meghalaya, this past August, a former militant leader, apparently aiding the government in bringing an outlawed group (HNLC) to the table for a peace talk, was gunned down at his residence in a Shillong neighbourhood while he was sleeping. The people had not seen such a killing in the heart of the capital in recent history and took out huge protests. The BJP is part of the government in that state too.

In January 2020, New Delhi reached a second agreement with representatives of the Bru refugees of Tripura, as per which they would now be settled in that state itself, instead of Mizoram from where they had fled in the 1990s. In 2019, the first agreement signed by the Modi government proposed to resettle the refugees in Mizoram. But they refused to be shifted out, as they were not being resettled in their original areas. The MHA even shut the supply of ration to the camps in Tripura several times as a pressure tactic, forcing some refugees to agree to resettlement in the new areas in Mizoram. In April this year, the process of settling them permanently in Tripura has begun, even as the real challenge to reintegrate those who have gone back to Mizoram with the majority Mizo community looms over Shah's ministry and the state government.

In the last segment of her 'Peace Has Come' triptych, Parismita introduces readers to two non-Bodo men – teachers Pradip and Dwipen – passing by an army checkpoint on a bike. One of them is caught by an army officer and taken to an adjacent room. Panic struck, he is asked to read a letter in the Bodo language written in the Devanagiri script (the Bodo language is written in the Devanagiri and Roman scripts).

Pradip, a teacher, is considered safe because he was not a 'local', and was thus somebody the army officer could trust. Trying to save his life, Pradip reads and re-reads the letter, nearly memorising the words. He realises it is a confidential letter written in formal Bodo language, not the kind he knows.

Unwilling to admit his lack of knowledge of the language, he tells the army man, "Sir, but I don't know any Hindi, sir. You will be able to read it."

The officer, disgusted at wasting his time on a 'non-local' who didn't even know the formal Bodo language, eventually allows him to leave. Both Pradip and Dwipen quickly depart.

At a safe distance, Pradip tells Dwipen that the letter seemed confidential and though he couldn't understand it, he remembers the words written in the Hindi script. Since Dwipen is better at Bodo, Pradip has the urge to write the words on paper. They stop by the road.

After reading out the string of words, Dwipen slaps Pradip on the back and bursts out laughing. He said, "Peace has come and those guys, they don't know it because they can't read the language!"

"Pradip stared at him for a moment, and joined in his laughter. They were both laughing so hard, they had to hold each other and the bike for support, snot flowing from their noses, tears flowing from their eyes."

Parismita's story – and book – end with these lines: "Peace had come to this land, and they were the only ones to know."

May be like Pradip and Dwipen, the NHRC chief, sitting in faraway Delhi, in the company of Modi and Shah, knows something most of us don't.

National Herald

NHRC chairperson's comments affirm how Modi govt has denuded constitutional institutions of their essence

<https://www.nationalheraldindia.com/opinion/nhrc-chairpersons-comments-affirm-how-modi-govt-has-denuded-constitutional-institutions-of-their-essence>

The Modi government has been undermining all the institutions under the Constitution and denuding them of their essence. This was on display in the event to observe the 28th foundation day of the National Human Rights Commission (NHRC).

ADVERTISING

The anniversary meeting was attended by both prime minister Narendra Modi and home minister Amit Shah. The prime minister, in his speech, gave his own slanted version of how human rights should be viewed. He said, "Some people have started interpreting human rights for their own angle as per their selfish interests" and "The biggest infringement of human rights takes place when they are seen from the prism of politics and political profit and loss".

It is, indeed, this selective approach to human rights that marks the Modi regime. Human rights are seen from the prism of majoritarian politics. It is this blinkered approach that makes the ruling set-up complicit with, or, blind to the violations of human rights of the minorities, particularly of Muslims, and of Dalits and Adivasis.

The test of a democracy is how it protects the rights of various minorities – religious, linguistic or ethnic. But under the Hindutva regime, it is only the rights of the majority that matters.

There can be no other explanation for why mob lynchings, physical assaults, deprivation of livelihoods and denial of elementary rights go on unchecked and unquestioned. In BJP-ruled states such as Madhya Pradesh, the home minister himself justifies such attacks on minorities. The latest instance is the arrest of four Muslim students and youth for participating in a garba event organised by a college in Indore.

So, when Modi talks about the "biggest infringement of human rights" taking place when they are seen from the "prism of politics and political profit and loss", this charge fully applies to the BJP government and the centre and the states. It is narrow Hindutva politics that seeks to gain from communal polarisation at the expense of the rights of ordinary Muslims.

That the present head of the NHRC is in complete alignment with the ruling establishment was made clear by the speech of the chairperson, Justice Arun Kumar Mishra, who credited the "untiring efforts" of home minister Amit Shah for "fostering a peaceful situation in Jammu & Kashmir and the north-east" and which has "ushered in a new age".

If there has been the maximum violation of human rights in terms of both scale and intensity in the recent period, it has been in Jammu & Kashmir, particularly after Amit Shah initiated the scrapping of Article 370, breaking up of the state and the clampdown. The situation in J&K drew the attention of the United Nations High Commissioner for Human Rights, Michelle Bachelet, who, at the 48th session of the Human Rights Council on September 13 said in a speech that “Restrictions on public assembly and frequent communication blackouts continue in Jammu & Kashmir, while hundreds of people remain in detention for exercising their right to the freedom of expression and journalists face ever-growing pressure”.

She also noted the “worrying” usage of the UAPA in India and said that Jammu & Kashmir had “among the highest number of cases in the country”.

These views were, of course, refuted by the spokesperson of the Indian government. But it is evident that the chairperson of the NHRC also endorses the government’s stand as in his speech Justice Mishra said: “It has become common for external forces to level fake allegations against India of human rights violations and these should be opposed”. For Justice Mishra, the United Nations human rights body is also an external force that levels false allegations.

With such a man at the helm, what can be expected of the NHRC to uphold the basic human rights of Indian citizens? The reality is that under the Hindutva authoritarian regime, there is a systematic and large-scale violation of all the basic rights of citizens and the NHRC too has become a victim of this regime.



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बी ते 12 अक्टूबर को राष्ट्रीय मानवाधिकार आयोग का 28वां स्थापना दिवस था। इस अवसर पर अपने सम्बोधन में प्रधानमंत्री मोदी ने मानवाधिकार पर दोगले आचरण को लोकतंत्र के लिए नुकसानदायक क्या माना कि कांग्रेस ने अतीत के मानवाधिकार उल्लंघनों का पिटा हा ही खोल दिया और यहां तक टिप्पणी की कि प्रधानमंत्री को खुद के दोगलेपन पर शर्म आनी चाहिए। कितनी बौखलाहट और खीझ है कांग्रेस के भीतर? बुनियादी मुद्दा मानवाधिकार का है, जो संविधान देश के आम नागरिक को भी प्रदान करता है, लेकिन यह ताकत और मौलिक अधिकार सिर्फ किताबी है। आम आदमी जिंदगी के लिए जद्दोजहद करेगा या मानवाधिकार की लड़ाई के लिए अदालतों में धक्के खाता रहेगा? अहम सवाल यह भी है। ऐसा भी नहीं है कि ये सवाल कोई नया है। देश की आजादी के समय से ही देश में चुनी हुई चुप्पियां और चुना हुआ विरोध व्यवस्था का हिस्सा रहा है। प्रधानमंत्री ने तो बस विपक्ष और चुनिंदा विरोध करने वाली जमात को आईना भर दिखाने का काम किया है। वर्तमान समय में देश में जिस तरह का माहौल आए दिन देखने को मिलता है ऐसे में मानवाधिकार और इससे जुड़े आयामों पर चर्चा महत्वपूर्ण हो जाती है।

चुनिंदा और एकतरफा मानवाधिकार के खतरे

प्रधानमंत्री मोदी ने अपने उद्बोधन में कहा, मानवाधिकारों का बहुत ज्यादा हनन तब होता है जब उसे राजनीतिक रंग दिया जाता है, राजनीतिक चरम से देखा जाता है, राजनीतिक नफा-नुकसान के तराजू से तौला जाता है। इस तरह का चुनिंदा

व्यवहार, लोकतंत्र के लिए भी उतना ही नुकसानदायक होता है। उन्होंने कहा कि एक ही प्रकार की किसी घटना में कुछ लोगों को मानवाधिकार का हनन दिखाता है और वैसी ही किसी दूसरी घटना में उन्हीं लोगों को मानवाधिकार का हनन नहीं दिखता।

देखा जाए तो आजादी के बाद अब तक ऐसे असंख्य मामले गिनाए जा सकते हैं, जिसमें एकतरफा और चुनिंदा मानवाधिकार का शोर-शराबा इस देश में मचाया गया। मौजूदा संदर्भ यूपी के लखीमपुर खीरी का है। वहां चार कथित किसानों को वाहनों से कुचल कर मार दिया गया, लेकिन भाजपा के चार कार्यकर्ताओं की भी पीट-पीट कर हत्या कर दी गई। पत्रकार रमन कश्यप भी उस हिंसा का शिकार हुए और जिंदगी खो बैठे। इस कांड को लेकर कांग्रेस और सपा सबसे अधिक आक्रामक और आंदोलित हैं, लेकिन भाजपा कार्यकर्ताओं की हत्या को 'क्रिया की प्रतिक्रिया' करार दिया जा रहा है। ऐसा क्यों है? क्या सभी नागरिकों के मानवाधिकार एक समान नहीं हैं? भाजपा

कार्यकर्ताओं के इंसान की लड़ाई क्यों नहीं लड़ी जा रही है? वे कांग्रेस और सपा-बसपा के कार्यकर्ता भी हो सकते थे! साफ लग रहा है कि पूरी राजनीति 'अछूत भाजपा' और सिख किसानों के मद्देनजर की जा रही है। प्रधानमंत्री

ने इसी 'चुनिंदा सियासत' पर अफसोस जताया था और सभी के मानवाधिकार पर चिंता व्यक्त की थी। उन्होंने मानवाधिकार हनन की ऐतिहासिक घटनाओं को नहीं गिनाया था। 2020 में दिल्ली में हुए दंगे के दौरान भजनपुरा इलाके में भीड़ ने आईबी कर्मी

अंकित शर्मा को घेरकर उनकी हत्या कर दी थी। महाराष्ट्र के पालघर में पुलिस की मौजूदगी में साधुओं की हत्या देश भूला नहीं है। मुंबई में अभिनेत्री के साथ महाराष्ट्र सरकार के व्यवहार का मामला भी कोई पुराना नहीं है। अभिनेता सुशांत सिंह राजपूत की मौत के मामले भी बॉलीवुड की चुनिंदा चुप्पी किसी से छिपी नहीं है। ताजा मामला शाहरुख खान के बेटे का ड्रास मामले में गिरफ्तारी का है। शाहरुख खान के बेटे की हिमायत में बॉलीवुड से लेकर राजनेता तक अपने-अपने तर्क देकर उसे मासूम और निर्दोष होने का प्रमाण पत्र देते दिखाई दे रहे हैं। ये वही बॉलीवुड है जिसने न तो सुशांत सिंह की मौत के बारे में मुंह खोला और न ही कंगना के साथ हुई दुर्व्यवहार के समय उसका मौन टूटा।

मानवाधिकार का प्रश्न तो सबके लिये समान होना चाहिए, लेकिन हमारे देश में सियासत के हिसाब से मानवाधिकार का रोना गाना गाया जाता है। जो पक्ष अंकित शर्मा, पालघर के साधुओं, सुशांत सिंह और कंगना के मामलों में मुंह बंध करके बैठ जाता है। वो पहलू खां से लेकर लखीमपुर खीरी तक की घटनाओं पर जोर-जोर से छाती पीटता दिखाई देता है। प्रधानमंत्री ने इसी दोहरे रवैये को अपने उद्बोधन में प्रकट किया था। बीते अगस्त में देश की राजधानी नई दिल्ली के नांगल गांव में नाबालिग बच्ची की कथित रेप के बाद हत्या के मामले में पीड़ित परिवार न्याय की मांग कर रहा था। जिस जगह पर पीड़ित परिवार विरोध कर रहा है, वहां कांग्रेस के पूर्व अध्यक्ष राहुल गांधी भी पहुंचे। भाजपा के नेता संबित पात्रा ने राहुल गांधी पर मामले में राजनीति करने का आरोप लगाते हुए कहा था कि, रेप के मामलों में अगर राजनीति करने की कोशिश की जाए तो यह राजनीति का सबसे न्यूनतम स्तर होता है, विषय को आगे बढ़ा, इसपर कोई आपत्ति नहीं, मगर सिलेक्टिव होकर किसी राज्य में हुए रेप पर विषय पर चिंता प्रकट करना और किसी राज्य में नहीं करना, यह देखते हुए कि किस राज्य में किसकी सरकार है, यह भी अपने आप में जघन्य अपराध है, रेप रेप होता है, चाहे दिल्ली में हो चाहे राजस्थान में चाहे छत्तीसगढ़ में या फिर चाहे महाराष्ट्र में, अगर इसमें किसी प्रकार का मतभेद किया जाए कि कांग्रेस शासित राज्य के बलात्कार के विषय में और वहां जो राजस्थान छत्तीसगढ़ और महाराष्ट्र में दलित बच्चियां हैं, वहां की चिंता नहीं करेंगे लेकिन दिल्ली की चिंता करेंगे तो मन में सवाल तकलीफ होती है और कुछ सवाल भी जगता है।



Human rights and the State

The government, political parties, and the NHRC need to value all kinds of civil liberties

At the 28th foundation day of the National Human Rights Commission (NHRC), Prime Minister (PM) Narendra Modi critiqued what he saw as the selective and political use of human rights, and said this harmed democracy and tarnished the nation's image. He traced the idea of human rights to the freedom movement, and outlined his government's steps, particularly with regard to welfare delivery, as aiding the rights of marginalised. For his part, the NHRC chair, Justice (retired) Arun Mishra, echoed the PM's critique of selective deployment of the idea of human rights, claimed terrorists must not be defended in the name of rights, and hailed the government, especially home minister Amit Shah, for steps in Jammu and Kashmir and Northeast.

It is important to go back to first principles. One, indeed, there must be no selective application of human rights — the right to life, liberty, equality, dignity, religion, privacy, free speech, free movement, free association, among others, must apply to all citizens, irrespective of caste, religion, region, gender or any other criteria, subject to reasonable restrictions as constitutionally stipulated. Two, it is the job of the State to protect and preserve these rights for all, and it is the job of human rights organisations to critique the violation of these rights, be it by the State or a political party or a vigilante group or a terror outfit. Three, given the fact that the State is the only actor which has a legitimate monopoly over force, there is a tendency for its coercive arms to exercise these powers beyond what the rule of law permits. It is, then, natural that the State will have a somewhat adversarial relationship with human rights groups. Indeed, this distance is important, and human rights commissions should never lose sight of the fact that their primary job is to comfort the afflicted and hold governments accountable. And four, all rights — political and civil rights, and social and economic rights — are crucial.

Given this framework, Indian democracy would be best served if the executive, political parties, activist organisations, and human rights bodies internalise that rights must apply to all, that violation of rights by any actor is wrong, that the State has a special responsibility to protect rights and must be challenged when it fails to do so, and that socioeconomic progress and political liberty are both important.

अलग-अलग मानवाधिकार

मा नवाधिकार आयोग के अठाइसवें स्थापना दिवस के अवसर पर प्रधानमंत्री नरेन्द्र मोदी ने मानवाधिकारों के संबंध में कुछ महत्वपूर्ण बिंदुओं पर बर्बा की। उन्होंने कहा कि मानवाधिकारों को राजनीतिक चरम से नहीं देखा जाना चाहिए और इसके संबंध में हितसुकूल चुनिंदा रवैया नहीं अपनाया जाना चाहिए। प्रायः देखा जाता है कि एक ही प्रकृति की दो घटनाओं के संबंध में कथित मानवाधिकारवादी एक घटना में तो मानवाधिकार के उल्लंघन को देखते हैं, और उसे जोरशोर से अपने मंचों से उठाते हैं, लेकिन उसी तरह की दूसरी घटना को नजरंदाज कर जाते हैं, या जानबूझकर चुप्पी मार जाते हैं। भारत में यूं तो मानवाधिकारों की परिभाषा बहुत विरल है, विभिन्न समूह अपने-अपने सामाजिक, राजनीतिक या धार्मिक विचारों के आधार पर



मानवाधिकारों के हनन को तय करते हैं। अपने देश में ऐसे सैकड़ों उदाहरण मिल जाएंगे जहाँ एक ही प्रकृति की परिघटना पर विभिन्न समूहों की विभिन्न दृष्टियाँ सामने आती रही हैं। भारत में सक्रिय हिंसा प्रेरित समूह 'जैसे कि कश्मीर में', किसी के लिए स्वातंत्र्य सेनानी हैं, और उनके द्वारा की गई हिंसक घटनाएँ निन्दनीय न होकर सराहनीय हैं, दूसरी ओर ये हिंसक समूह अन्य समूहों के लिए घृणिता

आतंकवादी और निर्दोष लोगों के हत्यारे हैं जो मानवाधिकारों का गंभीर उल्लंघन कर रहे हैं। ताजा उदाहरण किसान आंदोलन का है। आंदोलन करना किसानों का मानवाधिकार है, लेकिन यही किसान जब लाखों करोड़ों लोगों के लिए जानमाल संबंधी तथा अन्य प्रकार की कठिनाइयाँ पैदा कर रहे हैं, तो किसान समूह इसे मानवाधिकार का उल्लंघन नहीं मानते, जबकि आंदोलन से परेशान जनता की नजर में यह उनके मानवाधिकारों का गंभीर उल्लंघन है। इसकी वरम विसंगति लाखीमपुर की घटना में नजर आई। वहाँ से कुचले जाकर मरने वाले किसानों की मौत को वीभत्स हत्या करार दिया गया यानी इसे किसानों के मानवाधिकारों का गंभीरतम हनन माना गया, लेकिन किसानों ने जिन्हें पीटमिट कर मार डाला उनके बारे में ऐसी चुप्पी साध ली गई जैसे कि किसानों द्वारा किया गया यह कृत्य भी उनका मानवाधिकार है। छत्तीसगढ़ और पंजाब की सरकारों ने मृत किसानों के लिए तो भारी अनुदान घोषित किया लेकिन किसानों द्वारा जित्त लोगों की हत्या की गई, उन पर घृणात्मक चुप्पी साध ली गई। जहाँ व्यक्तियों की मृत्यु पर इस तरह का मानवाधिकारवादी नजरिया अपनाया जाता है कि वहाँ वस्तुतः किसी के भी मानवाधिकार की सुरक्षा नहीं हो सकती। मानवाधिकार को जाति, धर्म, राजनीति से परे जीवन का अधिकार रखने वाले एक नागरिक के संबंध में ही देखा जाना चाहिए, फिर चाहे वह जिस वर्ग या विचारधारा से आता हो। मानवाधिकारों पर चुनिंदा दृष्टिकोण अपनाना सामाजिक छेनेबाने के लिए भी घातक है और देश की आंतरिक शांति और सुरक्षा के लिए भी।

मानवाधिकारों पर आज एक गंभीर बहस की जरूरत है ताकि मानवाधिकारों को व्यापक परिप्रेक्ष्य में देखा और समझा जा सके। मानवाधिकारों के मामले में सरकार हो या विपक्ष, दोनों को ही अतिवादी दृष्टिकोणों से हटकर व्यापक समन्वयवादी, शांतिपूर्ण, सुरक्षित और सर्वाधिकारी सामाजिक व्यवस्था की निर्मिति की दृष्टि से देखना चाहिए और इस मामले पर एकमत होना चाहिए।

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अलग-अलग मानवाधिकार

मा नवाधिकार आयोग के अठाइसवें स्थापना दिवस के अवसर पर प्रधानमंत्री नरेन्द्र मोदी ने मानवाधिकारों के संबंध में कुछ महत्वपूर्ण बिंदुओं पर चर्चा की। उन्होंने कहा कि मानवाधिकारों को राजनीतिक चश्मे से नहीं देखा जाना चाहिए और इसके संबंध में हितानुकूल चुनिंदा रवैया नहीं अपनाया जाना चाहिए। प्रायः देखा जाता है कि एक ही प्रकृति की दो घटनाओं के संबंध में कथित मानवाधिकारवादी एक घटना में तो मानवाधिकार के उल्लंघन को देखते हैं, और उसे जोर-शोर से अपने मंचों से उठाते हैं, लेकिन उसी तरह की दूसरी घटना को नजरंदाज कर जाते हैं, या जानबूझकर चुप्पी मार जाते हैं। भारत में यूं तो मानवाधिकारों की परिभाषा बहुत विरल है, विभिन्न समूह अपने-अपने सामाजिक, राजनीतिक या धार्मिक विचारों के आधार पर



मानवाधिकारों के हनन को तय करते हैं। अपने देश में ऐसे सैकड़ों उदाहरण मिल जाएंगे जहां एक ही प्रकृति की परिघटना पर विभिन्न समूहों की विभिन्न दृष्टियां सामने आती रही हैं। भारत में सक्रिय हिंसा प्रेरित समूह 'जैसे कि कश्मीर में', किसी के लिए स्वतंत्रता सेनानी हैं, और उनके द्वारा की गई हिंसक घटनाएं निंदनीय न होकर सराहनीय हैं, दूसरी ओर ये हिंसक समूह अन्य समूहों के लिए घृणित

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मानवाधिकारों पर आज एक गंभीर बहस की जरूरत है ताकि मानवाधिकारों को व्यापक परिप्रेक्ष्य में देखा और समझा जा सके। मानवाधिकारों के मामले में सरकार हो या विपक्ष, दोनों को ही अतिवादी दृष्टिकोणों से हटकर व्यापक समन्वयवादी, शांतिपूर्ण, सुरक्षित और सर्वहितकारी सामाजिक व्यवस्था की निर्मिति की दृष्टि से देखना चाहिए और इस मामले पर एकमत होना चाहिए।

Tamil Nadu

NHRC should be independent body

The 1993 law that brought the National Human Rights Commission as well as the State Human Rights Commissions into being is crystal clear about their role: Inquire into violations of human rights or negligence in prevention of such violations by a public servant, and intervene in legal proceedings for the same. This is how regulatory checks on power work in a democracy, with one institution ensuring accountability of the other.

— Vandana, Chandigarh

Human rights and the State

The government, political parties, and the NHRC need to value all kinds of civil liberties

At the 28th foundation day of the National Human Rights Commission (NHRC), Prime Minister (PM) Narendra Modi critiqued what he saw as the selective and political use of human rights, and said this harmed democracy and tarnished the nation's image. He traced the idea of human rights to the freedom movement, and outlined his government's steps, particularly with regard to welfare delivery, as aiding the rights of marginalised. For his part, the NHRC chair, Justice (retired) Arun Mishra, echoed the PM's critique of selective deployment of the idea of human rights, claimed terrorists must not be defended in the name of rights, and hailed the government, especially home minister Amit Shah, for steps in Jammu and Kashmir and Northeast.

It is important to go back to first principles. One, indeed, there must be no selective application of human rights — the right to life, liberty, equality, dignity, religion, privacy, free speech, free movement, free association, among others, must apply to all citizens, irrespective of caste, religion, region, gender or any other criteria, subject to reasonable restrictions as constitutionally stipulated. Two, it is the job of the State to protect and preserve these rights for all, and it is the job of human rights organisations to critique the violation of these rights, be it by the State or a political party or a vigilante group or a terror outfit. Three, given the fact that the State is the only actor which has a legitimate monopoly over force, there is a tendency for its coercive arms to exercise these powers beyond what the rule of law permits. It is, then, natural that the State will have a somewhat adversarial relationship with human rights groups. Indeed, this distance is important, and human rights commissions should never lose sight of the fact that their primary job is to comfort the afflicted and hold governments accountable. And four, all rights — political and civil rights, and social and economic rights — are crucial.

Given this framework, Indian democracy would be best served if the executive, political parties, activist organisations, and human rights bodies internalise that rights must apply to all, that violation of rights by any actor is wrong, that the State has a special responsibility to protect rights and must be challenged when it fails to do so, and that socioeconomic progress and political liberty are both important.

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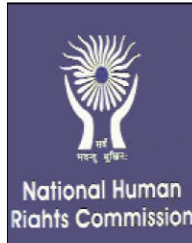
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