

NHRC one-day camp hears 30 pending cases in AP

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The departments were also told to provide compensation worth around Rs 80 lakh to the complainants whose rights are found to be violated.

VIJAYAWADA: The National Human Rights Commission (NHRC) on Wednesday conducted a one-day camp sitting and open hearing to hear the pending cases of human rights violations in Andhra Pradesh.

The camp sitting, presided by NHRC chairperson Justice Arun Mishra and attended by other commission members, including Dnyaneshwar M Mulay, Rajiv Jain and Vijaya Bharathi Sayani, was held in Vijayawada and heard the cases in the presence of secretary general Bharat Lal, registrar (Law) Surajit Dey, and other senior officers of the commission.

During the sitting, as many as 30 cases pertaining to violation of human rights were heard and appropriate directions were passed to officials concerned. The departments were also told to provide compensation worth around Rs 80 lakh to the complainants whose rights are found to be violated. The camp sitting also focused on generating awareness amongst the officials of the State government, its parastatal organisations and non-government organisations (NGOs) defending human rights.

The NHRC passed appropriate directions to the concerned officials. In one hearing the commission clarified that there is no compulsion for medical students to stay in hostels and pay unaffordable exorbitant fees. It also directed the police department to pay compensation of Rs 25,000 to a sarpanch, who was illegally detained. In another hearing NHRC ordered payment of interest on delayed pensionary benefits.

The human rights commission instructed the State functionaries to submit proposals before the POCSO court to recommend compensation for victims of sexual abuse. "The commission asked the department concerned to ensure that payment for compensation under 'Victim Compensation Scheme' is as per the guidelines framed by NALSA," Mishra added.

After hearing the cases, the Commission held a meeting with Chief Secretary KS Jawahar Reddy, Director General of Police Kasireddy Rajendranath Reddy and senior officers of the State government for their sensitisation about human rights. The commission also informed that any individual can file complaints of human rights violations online through hrcnet.nic.in. The chairperson and members of the Andhra Pradesh State Human Rights Commission also participated in the meeting.

The commission asked the officials to submit detailed reports on action taken on various advisories issued by the commission on issues such as mental health, bonded labour, right to food and safety and others.

Vijayawada: NHRC organises camp sitting, open hearing

<https://www.thehansindia.com/andhra-pradesh/international-womens-day-celebrations-held-in-ntr-district-863357?infinitescroll=1>

Vijayawada : The National Human Rights Commission (NHRC) chairperson Justice Arun Mishra said the NHRC is trying to protect the rights of the people of India. The NHRC on Wednesday organised a camp at the police Command Control Room in Labbipet here. The commission members participated in the camp sitting and open hearing and collected representations from the people and issued orders to resolve the problems. NHRC members Dr DM Muley, Rajiv Jain, Vijayabharati Sayani, secretary general Bharat Lal, registrar (Law) Surajit Day and other commission senior members participated in the programme. Later, the commission members held discussion with the police department senior officers.

Speaking to media at the Command Control Room, Justice Arun Mishra said the Commission took up hearing of 30 cases in Vijayawada and gave guidelines and directions to resolve the disputes and cases. Justice Mishra said the hearing was conducted in the presence of state government officials and complainants. He said orders were issued to resolve the medical students' hostels dispute case and imposed a penalty of Rs 25,000 for keeping the sarpanch in police custody and issued orders to pay interest for the late payment of benefits to a pensioner.

Instructions are issued to pay compensation of Rs 80 lakh to the victims at the hearing. He said the NHRC issued orders to the officials to submit reports on the action taken related to the case of bonded labour, suicides in police custody, suicides in judicial custody, food security act etc. Justice Mishra said orders were issued to submit reports early to ensure justice to the victims. He praised the services of NGOs and Human Rights organisations for the protection of human rights in AP and the NHRC encouraged them to continue the services. He said petitioners and complainants can complain to NHRC online logging to hrcnet.nic.in.

The bias that must go



MAJA DARUWALA

Even when women find space in institutions such as police and judiciary, their progress is hobbled

ACROSS THE WORLD, diversity is a hallmark of effective institutions. The inclusion of women is one crucial element in operationalising this value. Institutions tasked with the delivery of justice are particularly obligated to demonstrate their commitment to diversity, including gender diversity. This Women's Day, whether or not there is an appetite to include women is evidenced by the numbers. Data tells its sadly honest story.

The latest India Justice Report (IJR) points out that the gender gap remains wide in each of the subsystems that make up the justice delivery system — police, judiciary, prisons, legal aid, and human rights commissions.

A quick, back-of-the-envelope estimation shows there are only about three lakh women in the justice delivery system. Quotas have helped them get in, but even when they are included, inevitably, women's place remains restricted to the lower echelons: If 35 per cent of subordinate judges are women, the number comes down to 13 per cent in the high courts. In the Supreme Court today, there are only three women judges. According to IJR figures from 2022, from around 12 per cent women at the constabulary level, the number declines to 8 per cent at the officer level. The pathetically few women in prison administration (14 per cent) are almost all stuck in the lowest ranks. No one is rushing to fill the gender gap.

Until now, there has been no woman Chief Justice of India. The first woman judge on the Supreme Court bench was Justice Fathima Beevi in 1989. In the high courts too, in over seven decades there have been only 16 women chief justices. So leading by example is not on the cards.

In all its years of existence, the National Human Rights Commission (NHRC), which ought to be an exemplar of fairness, including gender justice, there has been no woman commissioner. It has only ever had three women members, and never two serving at the same time. What's true for the NHRC is

true for state commissions too. Across the country, these institutions remain unconcerned about their lack of gender diversity. The IJR finds that as of 2022, only six commissions had women as members or as secretaries. There were no women chairpersons and only Kerala, Meghalaya and Punjab had a lone woman member each.

Despite the dire need to bring more women into policing to make it more responsive and humane and despite long-agreed targets to bring their representation up to 30 per cent and more, the percentage of women in police hovers around 12 per cent, with most of them huddled at the lower ranks. Every now and then there are news reports of an "exceptional woman" reaching the dizzying heights of the Supreme Court or becoming director general of prisons or commissioner of police. But these individual beacons of success are not so much emblematic of a culture of open-mindedness as they are evidence that the exception proves the rule.

The truth is that a man, no matter how mediocre, weak or unworthy, moves up the ladder of position and power because of his gender. But a woman must jump through hoops of perception, opinion and judgement to prove exceptional qualities before she can lay claim to a place in the higher echelons. From Justice Ruma Pal to Kiran Bedi to Meera Borwankar, those who made it to the top were simply too talented to be held down and only got what was their natural due.

Numbers count and the poor representation of women in the justice system signals embedded institutional bias. Yet, those with their hands on the tiller too often place the onus on women themselves while remaining unquestioning of institutional structures and cultures that inhibit their entry and retention. Citing "difficulties" in "accommodating" more women into their ranks, they ask plaintively: Where are the women? Where will the on-ground facilities come from? How will de-

mands for flexibility of working conditions be met? Who will protect them in the field — and perhaps even within the walls of these male-dominated institutional sub-cultures?

These are deflections from the real questions: How prepared are institutions of justice to provide all genders with the basic requirements of any workplace and how much is being done to provide for women who are, after all, not men? What is it about my institution that does not welcome the social, cultural and biological realities of being a woman?

Research across the world shows that the induction of women — and indeed other diversities — into male-dominated mono-cultural institutions changes the internal dynamic and public response for the better. Undoubtedly, the pace of inclusion has sped up over the last decade. Yet, policy imagination still rarely goes beyond the aspiration to bring in "more women" or "at least one woman" or reserve places that will bring their share up to 30 or 33 per cent. Equal opportunity and parity — no more than 60 per cent of any gender — is a distant dream. To demonstrate they live by the core values of equality and equity, the administrators of justice must overcome the reluctance to prepare institutions for the inclusion of women, lead by example, re-examine existing practices of recruitment and retention and put in place incentives and disincentives that encourage measurable positive outcomes and discourage discrimination. Justice requires that it is not women who must twist and turn to be more like men to be able to "fit into" institutions. Mono-cultural male dominant institutional sub-cultures must acknowledge that they will always be sub-par when they are gender imbalanced.

The writer is chief editor, India Justice Report and executive director, Commonwealth Human Rights Initiative

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Can a justice system without women bring justice to women?

<https://indianexpress.com/article/opinion/columns/can-a-justice-system-without-women-bring-justice-to-women-9201993/>

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Research across the world shows that the induction of women — and indeed other diversities — into male-dominated mono-cultural institutions changes the internal dynamic and public response for the better. Undoubtedly, the pace of inclusion has sped up over the last decade. Yet, policy imagination still rarely goes beyond the aspiration to bring in “more women” or “at least one woman” or reserve places that will bring their share up to 30 or 33 per cent. Equal opportunity and parity — no more than 60 per cent of any gender — is a distant dream. To demonstrate they live by the core values of equality and equity, the administrators of justice must overcome the reluctance to prepare institutions for the inclusion of women, lead by example, re-examine existing practices of recruitment and retention and put in place incentives and

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The National Human Rights Commission is a Wolf in Wolf's Clothing

<https://thewire.in/rights/the-national-human-rights-commission-is-a-wolf-in-wolfs-clothing>

NHRC office-bearers are handpicked to ensure that the charter of human rights remains merely on paper. Although meant to protect the citizens, the rights body has instead resorted to covering the government's violations.

Democracy, the highest form of human rights, is at peril in India today. The 2023 V-Dem Institute at the University of Gothenburg in Sweden report refers to India as “one of the worst autocratisers in the last 10 years” and places India in the bottom 40-50% on its Liberal Democracy Index at rank 97, below even Nigeria. India also ranks 108 on the Electoral Democracy Index. In 2021, the same institute classified India as an “electoral autocracy”.

In such a decaying democracy, there are several factors that indicate clear and present danger to free and fair elections to India's parliament that are just around-the-corner. People have also opposed the use of electronic voting machines (EVMs) and demanded a return to the paper ballot in particular. The INDIA block of opposition parties has also echoed this demand. At the core of these demands is the scathing criticism of the Election Commission of India (ECI), indicating that many have lost trust in the election watchdog.

UN High Commission for Human Rights has recognised people's right to participate in the conduct of public affairs as a fundamental imperative. According to the commission genuine and credible elections remain the most compelling and effective way for people to participate in governance and have their voices heard. Genuine and credible elections are nourished by a complex ecosystem made up of interlocking human rights protections: the impartial rule of law; and respect for fundamental freedoms and essential rights, such as education, which empower people to make free and informed choices. And this fundamental human right imperative of free and fair election is under grave threat in India.

Volker Turk, UN High Commissioner for Human Rights, in his opening remarks at the 55th Human Rights Council said, “In India, with an electorate of 960 million people, the coming election will be unique in scale. I admire the country's secular and democratic traditions and its great diversity. I am, however, concerned by increasing restrictions on the civic space – with human rights defenders, journalists and perceived critics targeted – as well as by hate speech and discrimination against minorities, especially Muslims. It is particularly important in a pre-electoral context to ensure an open space that respects the meaningful participation of everyone.”

Let's look at what is happening to the farmers. In brazen violation of human rights and liberties enshrined in the constitution, Indian riot police in North-India used excessive force on farmers trying to reach New Delhi to demand guaranteed crop prices. Earlier, the lines of hundreds of tractors have been stalled by fearsome barricades of concrete blocks and lines of razor wire. Police have also ringed the capital on three sides, blocking highways with metal spikes, blocks and steel barricades, while mobile internet services have been cut. In places, deep ditches have been dug to stop the tractors.

On another front, academics from around the world have urged India to cancel a huge construction project on Great Nicobar Island, warning it would be "a death sentence" for the Shompen hunter-gatherer tribals who live there. The \$9 billion port project, planned to transform the Indian Ocean island of 8,000 inhabitants into what has been called the "Hong Kong of India", includes the construction of an international shipping terminal, airport, power plant, military base and industrial park. It will also develop tourism.

In an open letter to the President Droupadi Murmu, 39 scholars from 13 countries have warned that "if the project goes ahead, even in a limited form, we believe it will be a death sentence for the Shompen, tantamount to the international crime of genocide."

There are many more instances of similar nature, including the cold-blooded killing of 12 innocent civilians in Thoothukudi who were demanding the closure of poison-spilling Sterlite Copper smelter. None of these cases of 'murder of human rights' and even 'genocide of tribals' has touched the the National Human Rights Commission of India (NHRC) that is due for its next review for accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) in March 2024. This will be the NHRCI's sixth round of accreditation following past processes in 2006, 2011, 2016, 2017 and 2023.

Fact of the matter is that NHRC has failed to protect basic human rights of citizens. The office-bearers are handpicked to ensure that the charter of human rights remains merely on paper. Although meant to protect the citizens, the rights body has instead resorted to covering the government's violations.

Kavita Srivastava, national secretary of People Union for Civil Liberties puts it bluntly: "The state is the main violator of human rights, as per their data regarding the complaints. But there is no effort by the NHRC for the rule of law. For instance, has the NHRCI made any statement on anybody's arrest, whether the Delhi riots conspiracy case or say Bilkis Banos accused getting remission? Hate crimes against Muslims galore, dissenters are being attacked all the time, but the NHRC is silent... The body which was supposed to act as a mechanism to protect human rights has lost its soul, so what is the point of having it, if this be the case?"

The reasons for the miserable performance of NHRC are not far to seek. Of the six foundational principles (Paris Principles) the composition and functioning of NHRC seriously violates at least three:

(1) Independence: International law recognises that even though NHRI's are State institutions, set up and funded by the State, NHRI's must be independent from government and from NGOs. As one international document points out, NHRI's must have legal independence, operational independence, policy independence and financial independence.

(2) Pluralism: ensuring that the composition of the NHRI's reflects the social forces (from civilian society) who are the targets of social discrimination, inequality and rights violations.

(3) Accountability: The NHRC's are morally accountable to the larger citizenry who is at the receiving end of the brazen rights violations committed with impunity by state forces confident that they are always immune from being held accountable for their actions. While the NHRCs may comply with the legal accountability of placing reports before Parliament, the issue of owning up to their moral and ethical accountability is of utmost importance."

The appointment of the current chairman of NHRC, Justice Arun Mishra, in June 2021, by tweaking the rules is a typical case of deliberate and brazen violation of basic principles of human rights. It was condemned as a "deliberate blow to the constitution" by activists and members of various human rights organisations.

An analysis of his performance as a judge of the Supreme Court revealed that in personal liberty matters, he tended to prefer a hard line, favouring state action over charges of violation of individual liberties. In land acquisition matters, his orders indicated a tendency to favour the state as against individual landowners who challenged the land acquisition. In short, in all politically sensitive cases, he always sided with the Union government or acted in a manner to help some of its top leaders.

The cases where Justice Mishra has appeared to have helped the Union government include the judge Loya case, Sahara-Birla corruption case, Sanjiv Bhat case, Haren Pandya case and bail for activists Anand Teltumbde and Gautam Navlakha – all cases of serious human rights violation.

According to a statement issued by activists and human rights defenders, Justice Mishra seems to have been rewarded for having declared his fealty to Prime Minister Modi in an international conference, calling him an "internationally acclaimed visionary" and a "versatile genius, who thinks globally and acts locally," when he was still a sitting Supreme Court judge.

“How can a person who made an improper and unwarranted statement praising the prime minister in his very presence, be trusted by people to act without fear or favour to protect their human rights violated by the government?” the statement read.

For NHRC, under Justice Mishra, state hegemony and ‘national security’ far outweigh liberty and human rights of individuals. In this he is in tandem with the National Security Adviser Ajit Doval and his dictum that “in the game of power, the ultimate justice lies with the one who is strong,” and his doctrine: “The new frontiers of war, what you call the fourth-generation warfare, is the civil society.” This means that the civil society, including human rights defenders, is an ‘enemy of the state’ and should be treated as such.

It is evident that the NHRC is ‘a wolf in wolf’s clothing’ and should be dealt with as such.

M.G. Devasahayam is former Army and IAS Officer. He is the Coordinator of the Citizens Commission on Elections and editor of the book Electoral Democracy—An Inquiry into the Fairness and Integrity of Elections in India.