

**National Human Rights Commission**  
Manavadhikar Bhawan,  
Block-C, INA, New Delhi-110023 INDIA

**CIRCULAR**

F.No.2(1)/2015-Coord.

Dated: 27<sup>th</sup> April 2016

Subject: First Secretary Level Meeting of National Commissions held on 25.02.2016 at 11.00 A.M. in the Conference Room (Room No.508) of the Commission.

Sir,

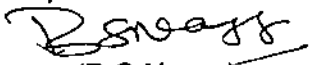
The First Secretary Level meeting of the National Commissions under the chairmanship of the Secretary General, NHRC was held in the National Human Rights Commission on 25<sup>th</sup> February, 2016 at 11.00 A.M. in the Conference Room No.508, Manav Adhikar Bhawan, New Delhi.

2. A copy of Minutes / Record of the discussion held during the First Secretary Level Meeting of Deemed members of the NHRC India on 25.02.2016 in the NHRC is forwarded herewith for information and necessary action by the concerned Divisions / Units of the Commission.

3. It is requested that the action taken report on the above Minutes / Record of discussion may please be sent to the Coordination Section at the earliest.

Encl: As above.

Yours faithfully,

  
(B.S.Nagar)

Under Secretary (Coord)

To

1. Registrar (Law)
2. JS(P&A)
3. DIG
4. Director (A)
5. JR(law)
6. JD(R)
7. DR(Law)
8. DD(M&C)
9. SSA
10. SRO(T)

Copy to:

1. Secretary General
2. JS(T&R)

**RECORD OF THE DISCUSSION HELD DURING THE FIRST SECRETARY-LEVEL MEETING OF DEEMED MEMBERS OF THE NHRC, INDIA ON 25.02.2016 IN THE NHRC CONFERENCE ROOM, MANAV ADHIKAR BHAWAN, NEW DELHI**

The First Secretary-level Meeting of the Deemed Members of the National Human Rights Commission (NHRC), chaired by the Secretary General, NHRC, Shri S N Mohanty was held at Manav Adhikar Bhawan, New Delhi at 11.00am in the Conference Room (No.508) on 25 February 2016.

Smt Smita Chaudhri, Joint Secretary, National Commission for Scheduled Castes (NCSC), Shri Santosh Kumar, Joint Secretary, National Commission for Scheduled Tribes (NCST), and Shri T M Skaria, Director, National Commission for Minorities (NCM) participated in the Meeting.

Shri Nishith, Assistant Director represented the National Commission for the Protection of Child Rights (NCPCR) at the Meeting.

Despite confirmation of attendance, the Member Secretary, National Commission for Women (NCW), Ms Preeti Madan could not attend the Meeting.

**A list of participants is at Annexure**

The Secretary General, NHRC, Shri S N Mohanty welcomed the Officers representing the various Deemed Member National Commissions to the Meeting. He stated that the work of various Commissions can be depicted through intersecting circles. Accordingly, there is need for collaboration and convergence. We can decide about areas of convergence, collaboration and also various human rights issues.

Secretary General, NHRC informed the participants that the **decision to organize the First Secretary-level Meeting of Deemed Members of the**

**NHRC; was taken during the last Statutory Full Commission Meeting held in February 2015, with a view to realize such convergence and sharing of good/best practices by all National Commissions. The basic aim of this First Secretary-level Meeting is to broadly identify the issues on which all National Commissions can collaborate and work together through mutual consent and that these could be further discussed for finalization in the subsequent Statutory Full Commission Meeting.**

**Agenda I: Inter-linking the CMIS of the NHRC with the National Commissions**

Secretary General, NHRC stated that the key reason for the proposed inter-linking of the Complaint Management and Information System (CMIS) of the NHRC with other National Commissions, is to ensure that the work and efforts of the National Commissions are not duplicated, and if cognizance of a particular complaint has been taken by one National Commission, then the same is not taken up by another Commission.

Secretary General, NHRC informed that the NHRC had developed its CMIS nearly a decade ago, and in the period since, had shared this software with several State Human Rights Commissions (SHRCs). The CMIS has worked well because of the coding used in the software, which enables the Commission to categorize complaints according to various human rights themes/issues and are thus, easily retrievable. The system may thus, be useful for other National Commissions not only in their own work, but also in ensuring that there is no duplication of work among the Commissions.

Assistant Director, NCPCR stated that while the NCPCR earlier had the CMIS, it had now graduated to an 'Online Complaint Registration' system.

Secretary General, NHRC stated that the two systems are mutually enabling. While the 'online complaint registration system' enables the receipt of complaints, the CMIS helps slot/compartmentalize these complaints into various categories as per codes. He further added that money/finance was a secondary issue, and the most important task at hand was for all Commissions to come to an agreement to carry forward the task of inter-linking the CMIS of the NHRC with their respective Commissions. For this purpose, system analysts from each of the Commissions will have to come together, understand each other's requirements, and work in tandem.

Secretary General, NHRC stated that the CMIS will have to be discussed threadbare by all concerned, and, invited Officers from various National Commissions to share their views on the inter-linking of the CMIS.

Joint Secretary, National Commission for Scheduled Tribes (NCST) stated that the NCST and for that matter all National Commissions are independent bodies and are not under the NHRC, India. He expressed strong reservations about the proposed inter-linking of the CMIS of the NHRC with all National Commissions, stating that the proposed exercise appeared to be an attempt by the NHRC to exercise some form of control over the other National Commissions and to perhaps, review their performance.

Director, National Commission for Minorities (NCM) stated that the NCM has its own Complaint Management System (CMS) and that the complaints received are processed in accordance with the Commission's own rules, powers and functions. He added that only those complaints which are relevant to the mandate and jurisdiction of the NCM are taken up for consideration.

Joint Secretary, National Commission for Scheduled Castes (NCSC) stated that the advantage of and need for inter-linking the CMIS of the NHRC

with all National Commissions was not understood by the NCSC. She added that there did not appear to be much of an overlap in the work of the NCSC and other Commissions. In addition, the NCSC has faced problems in adapting the CMIS, and even the NIC seemed to have been unable to reconcile the CMIS to the NCSC's system of working, and, therefore, the whole exercise of inter-linking the CMIS, may be one in futility.

**Secretary General, NHRC clarified in unambiguous terms that the impression that the proposed exercise to inter-link the CMIS of the NHRC with all National Commissions, was a means to exercise control over and/or to review the working of other National Commissions by the NHRC, was grossly erroneous, and added that all National Commissions must stand assured of the NHRC's unequivocal respect for each Commission's independence and autonomy.**

**Secretary General, NHRC added that all the National Commissions have been established with the common aim of safeguarding and promoting the rights of the Indian people and it is their responsibility to not only discharge their individuals mandates effectively, but also closely work with each other towards achieving the larger objective of the upliftment of the common people from the clutches of poverty and other human rights violations as well as to create a human rights culture in the country. He added that there must not be any reservation on the part of the National Commissions in this regard, and, underscored that by collaborating on issues of mutual concern, the National Commissions would only be discharging their duties, as provided in their respective Acts, and fulfilling the purpose for which they have been established.**

The purpose/intent of the proposed exercise, clarified the Secretary General, NHRC, was simply to provide a common platform to all National

**Commissions**, to ensure that if a certain complaint had already been taken up by a particular National Commission, it would not be taken up by any other Commission. He added that it would be useful to explore this further and to perhaps devise a system through which all Commissions could benefit from each other and share information. To this end, all system analysts with domain knowledge, from various Commissions, could come together to discuss the pros and cons of inter-linking the CMIS.

On the question of whether the NHRC could help the NCST with its problem of manpower deficiency, Secretary General clarified, that it would be the NIC which would have to provide requisite manpower for operating the CMIS, and not the NHRC.

Joint Secretary (P&A), NHRC stated that the NHRC receives a wide range of complaints relating to social, economic, civil, and political rights, and that the idea underlying the inter-linking of the CMIS is to simply ensure that there is no overlap in the work of the National Commissions. Thus, if a complainant has approached various National Commissions with the same complaint, there must be some software or mechanism through which it can be ensured that no duplication of complaints takes place.

Joint Secretary, NCST stated that all complaints received by the NCST go through a process of scrutiny, and that any complaint which does not pertain to the jurisdiction/mandate of the NCST, is sent to the concerned National Commission. He added that there has never been any instance or case where there has arisen a question of an overlap in taking of cognizance of complaints by various National Commissions.

Secretary General, NHRC again clarified that the decision to hold a Secretary-level meeting to discuss the proposal for inter-linking the CMIS of the NHRC with all National Commissions, **was not an arbitrary decision**

taken by the NHRC; but was a decision which had been taken by all Members of the Statutory Full Commission (SFC), including the NCST, during the last SFC Meeting held in NHRC in February 2015. The aim was to discuss the areas in which the National Commissions could together achieve better results in view of the cross-cutting themes handled by them.

Joint Secretary, NCST stated that the NCST was not in agreement with the proposal of inter-linking the CMIS of the NHRC with other National Commissions.

Secretary General, NHRC requested each of the Officers representing various National Commissions to convey the decision of their respective Commissions on the issue of the inter-linking of the CMIS of the NHRC with their National Commissions, in writing to the NHRC, on priority.

**DECISION:**

*Since inter-linking of the CMIS of the NHRC with other Commissions was the decision of the Members of the Statutory Full Commission, it was decided that each of the National Commissions would convey the decision of their respective Commissions on the issue of the 'inter-linking of the CMIS of the NHRC with their National Commissions', to the NHRC, India on priority so that the same could be placed before the Statutory Full Commission for its consideration at its next meeting.*

**Agenda II: Strengthening the Convergence/Collaboration between NHRC and National Commissions**

Joint Secretary (Training and Research), NHRC stated that during the last SFC Meeting held in February 2015, it had been decided that the Secretaries of all National Commissions would meet to discuss ways in which

the Commissions could collaborate and work together on various areas of mutual concern/interest, including research, administrative matters etc. The idea underlying the decision was to strengthen the overall rights protection framework within the country through greater convergence and strengthening of the collaboration between all National Commissions.

Secretary General, NHRC stated that the idea was to know and share information about the research being carried out across National Commissions, so that not only could important human rights concerns be brought to light, but any kind of duplication in the area of research could also be avoided. Explicating the point, Secretary General, NHRC stated that if for instance, the NHRC were to receive a research proposal on 'Scheduled Tribes in Chhattisgarh', and it was aware that the NCST was also engaged in a similar research study, then both Commissions could compare notes and assess whether the new proposed study would be a repetition of the study being done by the NCST or if it would bring to light newer dimensions/aspects which were perhaps not being undertaken by the NCST.

Joint Secretary, NCSC stated that it would indeed be useful to share information on the research being carried out across National Commissions. The NCSC would be especially keen to know what research is being undertaken by the NHRC on issues concerning Scheduled Castes. She suggested that the NHRC, when carrying out a study on Scheduled Castes, could perhaps involve the NCSC on the said study so that the NCSC could provide its expertise and inputs on the concerned subject. In addition, Joint Secretary, NCSC added that all National Commissions could point out to the NHRC important aspects of the human rights of Scheduled Castes, Scheduled Tribes, Minorities, Women, Children etc. which could then be taken up by the NHRC as research studies.



Secretary General, NHRC welcomed the suggestion and stated that some form of collaboration and cross consultation would be of great value to all Commissions in enhancing the quality and relevance of the research studies carried out by the National Commissions. To this end, Secretary General, NHRC suggested that a six-monthly meeting of all National Commissions to discuss common areas of research could be organized. He further stated that it would be useful to compile a list of research studies on domain areas, such as, Scheduled Castes, Scheduled Tribes, minorities, women, and children which have been undertaken by various National Commissions.

Joint Secretary, NCST stated that it may perhaps be better to start with a quarterly correspondence between various National Commissions regarding the research studies being carried out by each of them, and maybe subsequently, yearly and not half-yearly meetings could be held to discuss the same. He added that as far as research on 'Scheduled Tribes' is concerned, the Government of India has set up Tribal Research Institutes (TRIs) across the country, which conduct research on a broad range of issues concerning Scheduled Tribes, and attempts are presently underway to upgrade and further strengthen the research capacities of these Institutes.

Joint Secretary, NCST further stated that the NCST has not been provided any budget for 'research' per se and as a result, the NCST had not been able to carry out full-fledged research. He expressed hope that starting next year, the NCST would perhaps be able to undertake more focused and rigorous research activities.

Joint Secretary, NCSC informed that all the study reports of the NCSC are submitted to and placed before the Parliament. Thus, even if the NCSC has prepared a research report, it would not be able to make the said report public or share the contents of the report with others.

Joint Secretary, NCST added that since 2004-2005, the NCST has submitted eight (08) reports of which only five (05) reports have been placed before the Parliament so far. He also pointed out that the 'Socio-economic Research Unit' of the NITI Aayog will be the right platform to know what kind of research is being carried out across India on important human rights issues.

Joint Secretary, NCST and Joint Secretary, NCSC were of the opinion that given the constraints in sharing research studies and other reports of the two Commissions – NCSC and NCST, with other National Commissions, perhaps, the NHRC could share its own reports and research studies with the other National Commissions.

Joint Secretary (Training and Research), NHRC stated that all the completed study reports of the NHRC are available on the website of the Commission, that is, [www.nhrc.nic.in](http://www.nhrc.nic.in), which may be seen by the National Commissions.

Secretary General, NHRC stated that information on the research studies which are presently being carried out by the NHRC can also be shared with the other National Commissions. He re-iterated the need to have a common platform wherein all research work on human rights could be shared not only among all National Commissions, but also be disseminated further, to all concerned stakeholders, including governments and civil society.

**DECISION:**

*It was decided that information on the research studies which are presently being carried out by the NHRC will be shared with all other National Commissions.*

*It was further decided to place before the Full Commission the idea to have either six-monthly or yearly secretary-level meetings to discuss the*

*research work being carried out by each National Commission and to deliberate on ways to further strengthen the quality and relevance of the research on human rights issues.*

**Agenda III: Framework to Monitor the Implementation by the Government of India of the Recommendations it accepted at the Second Universal Periodic Review (UPR-2)**

Secretary General, NHRC stated that during the Second Universal Periodic Review (UPR) conducted by the UN Human Rights Council in respect of India, the Government of India had accepted 67 recommendations towards better protection of human rights in the country. The recommendations relevant to each National Commission were shared with them by the NHRC.

Joint Secretary (Training and Research), NHRC stated that it was decided in the last SFC Meeting that the National Commissions would study the recommendations accepted by the GOI following the Second UPR process, particularly those relevant to their respective Commissions and would examine ways in which the National Commissions could contribute to monitoring the implementation of the said UPR recommendations by concerned Government Departments. It was also decided that a meeting of all Secretaries of all National Commissions would be organized to discuss the issue of the monitoring of the implementation of the Second UPR recommendations by all National Commissions.

In response to queries from Officers representing various National Commissions, Joint Secretary (Training and Research), NHRC stated that the list of recommendations of UPR-2, accepted by GOI, had already been sent to all National Commissions.

Joint Secretary, NCSC requested that both, soft and hard copies of the said UPR-2 recommendations may again be sent to the National Commissions by the NHRC.

Additional Secretary, NCM enquired whether the UPR-2 recommendations had been earmarked separately for each National Commission.

Secretary General, NHRC stated that each National Commission would have to scrutinize the said recommendations to see which of them are relevant to their respective Commissions.

Joint Secretary (Training and Research), NHRC informed that during the Universal Periodic Review, the Government of India submits its own country report and the NHRC, India prepares and sends its own separate fact-finding report on the human rights situation in the country.

Joint Secretary, NCSC enquired whether it would be valid or acceptable for a Commission like the NCSC, which is part of the Ministry, to be associated with such a process?

Secretary General, NHRC stated that the NHRC's reports prepared for the UPR are not adversarial in nature and are not intended to show the GOI in poor light. The effort of the Commission is merely to prepare a report independent of the GOI and highlight important human rights issues that come to its notice.

Joint Secretary, NCSC requested NHRC to share the key issues and recommendations which emerged from the regional and national meetings/consultations being organized by the NHRC for the preparation of its UPR country report.

In response, Joint Secretary (Training and Research), NHRC stated that in addition to a copy of the UPR-2 recommendations accepted by GOI, the NHRC would also send to each of the National Commissions, the NHRC, India's UPR-2 country report.

Joint Secretary, NCST stated that after going through the UPR recommendations, the NCST would provide written comments on the said recommendations.

**DECISION:**

*It was decided that the NHRC will send soft and hard copies of the UPR-2 recommendations, which were accepted by the Government of India, to all National Commissions. Further, the NHRC will also send copies of the UPR-2 Country Report prepared by the NHRC, to all National Commissions.*

**Agenda IV: Continued Cases of Violence against Women and Effectiveness of the Changes in Laws (Criminal Laws Amendment Act, 2013) carried in 2013**

Joint Secretary (Training and Research), NHRC stated that it had been decided to organize a joint meeting between the NHRC and NCW to identify the recommendations of the Justice Verma Committee and Justice Usha Mehra Commission Reports, which are yet to be implemented and to identify ways to move forward for better protection of women. However, the NCW was not represented in the Meeting.

Secretary General, NHRC added that even though the primary role would be that of the National Commission for Women (NCW), since the protection of women's rights is a cross-cutting issue, it would be useful to get the views of all National Commissions on how to move forward in this regard.

Joint Secretary, NCSC raised the issue of NHRC having been consulted by the GOI regarding the Rules being prepared under the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015*. The amended Act is more stringent and comprehensive, with new categories of crimes against women having been added to the Act. She suggested NHRC to give its inputs on the Rules.

**DECISION:**

*It was decided that this issue regarding the recommendations of the Justice Verma Committee and Justice Usha Mehra Commission Reports and to identify ways to move forward for better protection of women could be further discussed in the Full Commission when NCW would also be represented.*

**Any Other Issue with the Permission of the Chair**

Joint Secretary, NCST stated that National Commissions have very limited writ. The NCST is largely a grievance redressal body/Commission and apart from having limited infrastructure, it does not have the power to recommend compensation; it is merely an advisory body.

Joint Secretary, NCSC concurring with the views expressed by Joint Secretary, NCST, stated that not only do the NCST and NCSC have no power to recommend compensation, but even in cases where the NCSC calls upon public officials to provide evidence, they approach the Courts to challenge the decisions/orders of the NCSC.

Joint Secretary (Training and Research), NHRC requested all present to refer to Agenda 7 of the Minutes of the last SFC Meeting held in February 2015 wherein it had been decided that all National Commissions would send their suggestions regarding infrastructural and other requirements of National Commissions for more effective discharge of their mandates, which would

then be compiled and subsequently taken up for discussion with the Prime Minister.

Secretary General, NHRC stated that the PHR Act, 1993 accords the NHRC the power to recommend compensation. However, its recommendations are not accepted in all cases. Its recommendations are complied with in at least 90-95 per cent of the cases. However, the cases where state authorities have been reluctant to accept the NHRC's recommendations are few and far between. He added that all National Commissions must send their recommendations regarding strengthening of National Commissions to the NHRC so that the same may be compiled and taken up for discussion, on priority, with the Prime Minister.

**DECISION:**

*It was decided that all National Commissions would send their suggestions regarding strengthening of National Commissions, in writing to the NHRC, regarding the agenda items to be discussed during the meeting with the Prime Minister, to enable the NHRC to compile these suggestions and prepare a concrete agenda for discussion with the Prime Minister.*

The Meeting concluded with the Secretary General, NHRC thanking all Officers from various National Commissions for their active participation in the Meeting.

**List of Participants**

**National Human Rights Commission**

- **Shri S N Mohanty, Secretary General [Chair]**

**National Commission for Minorities (NCM)**

- **Shri T M Skaria, Director**

**National Commission for Scheduled Castes (NCSC)**

- **Smt Smita Chaudhri, Joint Secretary**

**National Commission for Scheduled Tribes (NCST)**

- **Shri Santosh Kumar, Joint Secretary**

**National Commission for Protection of Child Rights (Special Invitee)**

- **Shri Nishith, Assistant Director**

**OFFICERS OF NHRC**

- **Shri J S Kochher, Joint Secretary (Training and Research)**
- **Dr Shri Ranjit Singh, Joint Secretary (P&A)**
- **Dr Ms Savita Bhakhry, Joint Director (Research)**
- **Shri B S Nagar, Under Secretary (Coordination)**
- **Shri Sanjeev Sharma, Senior Systems Analyst**
- **Shri Haridas, Section Officer (Coordination)**
- **Ms. Sonali Huria, Research Consultant (Coordination)**