

**MINUTES OF THE MEETING HELD ON 9 AUGUST, 2019 ON
'NATIONAL ACTION PLAN ON HUMAN RIGHTS'**

(Venue: Room No. 114, National Human Rights Commission)

A meeting was held with the Ministry of Home Affairs on 9 August 2019 in the Commission to discuss and resolve the issue of preparation of the National Action Plan on Human Rights (NAP-HR). The meeting was chaired by Dr. D. M. Mulay, Hon'ble Member, NHRC and attended by Shri Jaideep Govind, Secretary General, Shri Prabhat Singh, Director General (Investigation), Shri Surajit Dey, Registrar (Law), Shri Srinivasa Kammat, Deputy Registrar (Law), Dr. M.D.S. Tyagi, Joint Director (Research), Shri A.K. Tewari, Section Officer and Shri Nishith Duklan, Section Officer. Shri Pawan Kumar, Deputy Secretary, Ministry of Home Affairs attended the meeting.

2. At the outset, the Hon'ble Member briefly recapitulated the developments since India was first recommended to prepare a NAP-HR in the Universal Periodic Review-Iof 2008. With acceptance of the said recommendation, NHRC was delegated with the task of preparing the NAP by the MHA. However, the Commission deemed that the task was that of the Government of India and since then, the issue of preparation of the NAP-HR has been juggling between the Commission and the Ministry.

3. Noting the long-standing nature of the issue, the Hon'ble Member stated that it was time to reach a consensus on the way forward i.e. either the Ministry takes the lead (like the Ministry of Corporate Affairs which is preparing a National Action Plan on Business and Human Rights) or it gives the task to NHRC. The Hon'ble Member further added that apart from deciding on the way forward, the deliberations of the meeting must also determine the timeline within which the task is to be completed and the process to be followed for preparation of the NAP-HR.

4. Opening the floor for discussion, the Hon'ble Member asked Shri Pawan Kumar, Deputy Secretary, MHA to share his views on the matter. Shri Pawan Kumar was of the view that it would be appropriate if NHRC prepares the NAP-HR by constituting a Task

Force under the chairmanship of Secretary General, NHRC, and co-opt representatives from Ministries which have grater relation to human rights issues such as Ministry of Home Affairs, Ministry of Social Justice and Empowerment, Ministry of Women and Child Development, Ministry of Health and Family Welfare, Ministry of Labour, etc.

5. Shri Jaideep Govind, Secretary General, NHRC, sharing his views on the matter mentioned that while the Commission should play the nodal role in preparation of the NAP-HR, it should be supported by the Ministry of Home Affairs as the latter would have to adopt it. He proposed that the NITI Ayog may also be involved in the Task Force for NAP-HR as it is the nodal organization in case of Sustainable Development Goals and other pertinent HR issues in the country. He further suggested that NAP-HR of other Nations must also be examined while preparing the draft.

6. Dr. M.D.S. Tyagi, Joint Director (Research), NHRC pointed out the importance of involvement of all Ministries in preparation of the NAP-HR and stated that if NHRC's nodal role in preparing the NAP-HR is accepted upon, MHA will have to play a crucial role in directly involving all concerned Ministries. Further, he submitted that a process similar to that followed by the Ministry of Corporate Affairs (MCA) in preparation of NAP-Business and Human Rights, may be considered, wherein, NHRC is one of the members of the high level committees constituted by MCA which has prepared a Zero Draft and circulated it to all the concerned Ministries seeking their comments/suggestions for preparing the final document after incorporating all the suggestions.

7. Positing the importance of consultation with the NGOs, Civil Society Organizations and domain experts, Shri Surajit Dey, Registrar (Law) suggested that the first draft of the NAP-HR may be prepared in consultation with them. Thereafter, the draft could be sent to MHA for seeking comments from the Ministries. Such an approach, according to him would lead to acceptability at all levels and a holistic perspective on human rights.

8. On insistence of the Secretary General, NHRC, Shri Srinivasa Kammat, Deputy Registrar (Law), NHRC elucidated on the Handbook on Preparation of National Action Plan by the Office of the United Nations High Commissioner for Human Rights (OHCHR) which provides for the steps to be undertaken towards preparation of NAP and the expected outcomes. The ideal approach, according to the said Handbook, is that the Government takes the lead and NHRC supports it as an independent body. The first step is to constitute a National Coordinating Committee or a Task Force with maximum of 10-20 members representing the Ministries, government agencies, civil society organization and interest groups, maintaining gender balance and ethnic representation. The Committee's Chairperson should be an effective spokesperson of the National Action Plan, Human Rights and preferably a political figure, and Vice-Chairperson should be a representative from the Civil Society Organization. According to the Handbook, the outcome of the NAP should be to create a stronger administration of justice, strengthening National Human Rights Institutions, linking human rights with development among others. Shri Kammat opined that following the handbook along with examination of NAP-HR of other nations would be a holistic method of going about the preparation of NAP-HR.

9. Adding a word of caution, Shri Prabhat Singh, Director General (Investigation) expressed that one must be extremely careful in preparing documents of these kinds as such documents may be used unreasonably to pitch against the Country. Noting the point, the Hon'ble Member stated that the document should be prepared in such a way that it only leads to strengthening of social justice system and the democracy.

10. The Secretary General, NHRC thereafter reminded about the draft of NAP-HR which had already been prepared few years ago and opined that it could be used as a base to start the process of preparation of the NAP-HR. He further suggested that a Task Force may be constituted under the chairpersonship of the Competent Authority along with an operational head and a representative from the MHA. On reiteration of the need for support from the MHA, the representative of MHA submitted that after NHRC prepares the first draft of the document, the MHA will take the lead in circulating it among various

stakeholders to seek comments, collating them and sending it back to the Task Force. Thereafter, the Task Force could deliberate upon the comments from various Ministries and send the final document to MHA for adoption.

11. Discussing about the involvement of NGOs, Civil Society Organizations in the preparation of the NAP-HR, the Hon'ble Member expressed his concerns regarding the organizations which are agenda driven and stated that only those organizations which have expertise on human rights should be involved. To this, representative from MHA stated that he could give names of FCRA approved organizations for the same. Registrar (Law) posited that organizations who are regularly engaged with the United Nations may be considered. Furthermore, the Hon'ble Member pointed out that before preparation of the zero draft, consultation at the level of Centre, State and Non-state actors must be undertaken.

12. In the end, the deliberation of the meeting led to the Hon'ble Member concluding that NHRC would take the lead in preparation of the National Action Plan on Human Rights. Pursuant to this, it was decided that a Task Force would be constituted under the chairmanship of Hon'ble Member, NHRC and Special Secretary, MHA with members from Ministry of Social Justice and Empowerment, Health, Women and Child Development, etc. The representation from the Civil Society Organizations in the Task Force could be deliberated upon in the later stages. Further, setting the timeline for the Task Force, the Hon'ble member suggested that it must complete all 3 levels of consultation with Ministries, State and Non-state parties by October and then should submit a Zero Draft by second week of November.

LIST OF PARTICIPANTS

1. Dr. D. M. Mulay, Hon'ble Member, NHRC
2. Shri Jaideep Govind, Secretary General, NHRC
3. Shri Prabhat Singh, Director General (Investigation), NHRC
4. Shri Surajit Dey, Registrar (Law), NHRC
5. Shri Pawan Kumar, Deputy Secretary, Ministry of Home Affairs
6. Shri Srinivasa Kammat, Deputy Registrar (Law), NHRC
7. Dr. M.D.S. Tyagi, Joint Director (Research), NHRC
8. Shri A.K. Tewari, Section Officer, NHRC
9. Shri Nishith Duklan, Section Officer, NHRC
10. Ms. Tania Chatterjee, JRC, NHRC
11. Ms. Devosmita Bhattacharya, JRC, NHRC