

28 February, 2020

To
Hon'ble Justice H. L. Dattu
Chairperson
National Human Rights Commission
GPO Complex, Manav Adhikar Bhawan,
C Block, INA, New Delhi,
Delhi 110023

Subject: NHRC's Statutory Duties re Delhi Communal Violence

Dear Sir,

It is with grave concern that we, the members of the Working Group on Human Rights in India and the UN (WGHR), write to you today.

At least five days have passed since the outbreak of communal violence in parts of north east Delhi. From 24th February 2020 onwards, media reportage has highlighted multiple instances of failure of the police to prevent and control the violence, as well as shocking incidents (available on video) of the police participating in communal/political sloganeering, enabling mob violence, and instances of complicity in targeted attack on members of the Muslim community. Even after three days, the death toll continues to rise, with the dead including police personnel, Hindus and Muslims. Many have suffered grievous injuries including permanent disability such as loss of eyesight. The destruction of property and loss of livelihood has crippled many others.

It appears that the NHRC may have to be reminded of its statutory mandate, which amongst other things, empowers the Commission to take Suo Motu action in the face of human rights violations, particularly acts of omission and commission by public servants. It must also be pointed out that the mandate and powers of the Commission are independent of assurances or action that may be being taken by other State actors or institutions.

The NHRC needs to recall its own rich legacy where the institution had proactively responded to situations of human rights violations, including the targeted attacks on Muslims in Gujarat in 2002. The NHRC has in the past played a critical role in securing accountability and justice in cases of communal attacks or State violence. (<https://nhrc.nic.in/press-release/nhrc-issues-notice-government-gujarat>)

In this context we are compelled to ask if the NHRC's working is in keeping with the 'A' status of accreditation accorded by the Global Alliance of National Human Rights Institutions (GANHRI)? Does the NHRC's silence, at this time, not undermine and harm its statutory mandate?

Signed

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National Coalition on SC/ST POA
Housing and Land Rights Network
India Alliance for Child Rights
Citizens for Justice and Peace
Human Rights Alert
Commonwealth Human Rights Initiative (CHRI)
Asia Dalit Rights Forum
Lawyers Collective
Lawyers Collective
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