

A watchdog without teeth: The problems with the draft NHRC Act



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On May 17, the law ministry unveiled the draft National Human Rights Commission (NHRC) Act, 2026, inviting public comments and feedback. Many have since shared their opinions. Perhaps the most concerning flaw in the draft law is its failure to confer investigative powers upon the NHRC in matters involving the disciplined forces. This omission perpetuates a years-long institutional condition of powerlessness, a deficiency the commission has itself decried and whose correction has been a persistent demand. The government should consider including full investigative powers in the new law, specifically within the proposed Section 20. Failing this, the commission will retain its traditional justification for inaction.

Compared to the current law (NHRC Act, 2009), the draft NHRC Act contains 42 sections and introduces additional penal powers to the commission. These provisions appear not only contradictory to the NHRC's core jurisdiction but also a potential source of conflict with its independence. The government should reconsider the proposed bill following extended discussions with relevant legal stakeholders.

Some of the key concerns regarding the draft act are outlined below:

Section 13 empowers the commission to investigate human rights violations (HRVs) perpetrated by individual actors, as opposed to confining its jurisdiction to the government and public authorities. This expansion raises a significant jurisdictional and doctrinal concern. The criminal justice system, which governs individual liability, requires proof beyond reasonable doubt. By contrast, the NHRC's quasi-judicial mandate is properly grounded in the *prima facie* standard for establishing HRVs attributable to the state and its public bodies. These are parallel but distinct legal frameworks. Accordingly, Section 13 ought to reference "government" and "public bodies" in the place of "individuals" or "accused."

Section 13(b) mandates that the commission establish alleged HRVs through a



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prima facie inquiry followed by a full adversarial hearing between the parties. This framework is problematic on two counts: i) it imposes an onerous and costly burden on the victims, necessitating legal representation; and ii) it departs fundamentally from the non-adversarial, quasi-judicial model characteristic of NHRIs, which typically determine state responsibility on *prima facie* evidence and issue show-cause notices to public authorities. By adopting a court-like procedure, the draft act undermines the accessibility, expediency, and protective purpose of the commission, marking a regressive shift that risks rendering the NHRC procedurally remote and institutionally misaligned with its mandate.

Section 13 of the draft act, which

supersedes Section 12 of the NHRC Act, 2009, requires fundamental reconsideration or outright replacement. The provision as drafted conflates public obligations—those attached to the state and its public bodies—with private obligations arising under human rights law. This conflation is jurisdictionally unsound. The international human rights law primarily regulates the relationship between the state and the individual, holding the state

render the commission a subordinate authority under criminal law. No NHRI under the Paris Principles acts as a prosecutor or arresting authority.

Section 17(5)(b) empowers the NHRC to realise compensation through the Code of Criminal Procedure against individual violators. This provision is likely to be proven impractical. It reduces the commission to a rent collector, forced to follow the

disposed of 70 complaints of enforced disappearance and 53 allegations of custodial torture and death, yet in no instance (except in one) did it establish a violation. Similarly, of the 30 complaints pertaining to corporal punishment and child sexual abuse in schools, none resulted in a finding of an HRV. Either the NHRC misunderstood this provision or it wilfully abused it. Consequently, the following safeguard should be added as a proviso to Section 29: "The NHRC shall not dispose of a complaint on the ground that any criminal or civil case is pending against the complainant or the victim."

Between 2010 and 2021, the NHRC also failed to adopt its complaint handling rules of procedure despite three separate directives from the High Court, demonstrating that the problem lies not with the law but with the commission itself. Moreover, more than 60 percent of the complaints that the commission reported as disposed of have subsequently disappeared from its records. Notwithstanding this, the commission has claimed success on the basis of these very same disposals, a contradiction that raises serious questions about its record keeping and accountability.

To strengthen the commission's accountability, the following additional provisions should be added to the draft NHRC Act, 2026:

First, if the NHRC's recommendations are not implemented within the prescribed time, the commission shall be obliged to file a writ petition with the High Court. Any failure to fulfil this obligation shall itself be treated as misconduct for the purpose of Section 6. Second, the commission shall hold an annual meeting with civil society organisations and Supreme Court judges, disclosing all complaint disposals with its process, outcome, and compliance from the government.

Third, the commission shall submit an annual disposal report to the relevant parliamentary committee for scrutiny within the prescribed time. Any failure to fulfil this obligation shall itself be treated as misconduct for the purpose of Section 6. Fourth, the NHRC shall publish every complaint disposal on its website. Any officer failing to do so shall be deemed in breach of public duties under this act and the government servants and employees rules.

Finally, the commission shall complete its rule-making within six months. Any failure to fulfil this obligation shall itself be treated as misconduct for the purpose of Section 6.

How Burnham's victory is redefining British politics



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SHAKEEL ANWAR

I cannot recall another British parliamentary by-election in recent years that generated such intense media attention. Since prominent Labour figure Andy Burnham won the Makerfield contest in north-west England on June 18, much of the British press has been consumed with analysing its implications, at times giving it greater prominence than major international developments such as the US-Iran peace agreement. Is this media frenzy an overreaction? Perhaps not. Many commentators believe the result represents far more than the election of a new MP.

Burnham's decisive victory has reignited speculation about the durability of Prime Minister Keir Starmer's leadership. More significantly, it has fuelled expectations within parts of the Labour movement that the party may already have found its next leader—and perhaps a future prime minister capable of confronting Nigel Farage more effectively than the current leadership.

As Farage's hard-right, anti-immigration Reform UK continues its rapid rise, Burnham is increasingly portrayed as the only Labour politician capable of containing the populist

wave threatening to reshape British politics, particularly the debate around immigration. Many Labour MPs reportedly view the result as more than a local electoral success; they see it as a referendum on Starmer's leadership style and electoral strategy.

Burnham, the long-serving mayor of Greater Manchester, secured around 55 percent of the vote in what many observers regarded as a high-profile political test. Particularly striking was the fact that Reform UK had performed strongly in the same area during local elections only weeks earlier. Burnham's success demonstrated an ability to reconnect with working-class voters whom Labour has struggled to retain across parts of England.

The result has inevitably increased pressure on Prime Minister Starmer. Several British newspapers and international agencies have argued that Burnham's victory strengthens his position as a potential future leadership contender. Less than two years after returning Labour to power with a landslide victory, Starmer now faces growing unease within sections of his own party over its direction

and political messaging.

The speed with which Starmer's popularity declined has surprised many observers. After winning the 2024 general election, his government faced criticism over difficult economic decisions, controversial welfare reforms, and sluggish economic growth. Labour's concerns were compounded by disappointing performances in May's local elections, where the party lost ground in several traditional working-class areas despite remaining strong in many urban centres. Reform UK made significant advances by capitalising on public concerns over immigration, the cost of living and dissatisfaction with mainstream politics.

Those setbacks reignited debate within Labour over whether Starmer's cautious, technocratic style is sufficient to counter Reform's populist appeal. Many activists and MPs have argued that the party needs a more charismatic figure capable of reconnecting with disillusioned grassroots supporters while winning back voters drifting towards Nigel Farage. Burnham's performance in Makerfield has strengthened that argument.

Labour had reportedly trailed Reform significantly—by as much as 20 points—in the area's recent local elections. Yet, Burnham succeeded in reversing the momentum within weeks and secured a convincing victory. For many within Labour, the result offers hope that the party can still recover despite currently trailing Reform in several national opinion polls. One survey, conducted by More in Common, suggested Labour could receive a substantial boost, by up to eight points, under Burnham's leadership, potentially overtaking

Reform UK in national voting intention.

Starmer has given no indication yet that he intends to step down, although things may change fast, as some British media outlets have indicated. Nevertheless, signs of frustration among sections of Labour's parliamentary party are becoming increasingly visible, and Burnham's growing popularity is likely to encourage further debate about the party's future direction.

Unlike many senior Labour politicians associated primarily with Westminster, Burnham has spent nearly a decade building his reputation as Mayor of Greater Manchester. During the Covid pandemic, he won national recognition by publicly challenging Boris Johnson's government over financial support for regional lockdowns. Since then, he has cultivated an image as a champion of England's regions, arguing that political power and economic investment should be more evenly distributed beyond London.

Ideologically, Burnham occupies Labour's traditional left-of-centre space but is widely regarded as more pragmatic than Jeremy Corbyn's leadership. He advocates stronger public services, greater state investment, expanded devolution, workers' rights and social justice while also attempting to appeal to culturally conservative working-class communities. Many analysts place him somewhere between Tony Blair's centrist New Labour and Corbyn's more radical economic agenda.

This positioning may prove politically advantageous. Burnham is viewed by many Labour members as progressive enough to

unite the party's left and centre while also possessing the communication skills needed to compete with Farage among economically frustrated and culturally anxious voters.

On immigration, Burnham has sought a more balanced approach than either Labour's national leadership or Reform UK. As Mayor of Greater Manchester, he has promoted social cohesion while acknowledging public concerns over border management, housing and public services. Unlike Reform UK's more confrontational rhetoric on immigration and Islam, Burnham has consistently argued that immigration should be managed fairly without stigmatising migrants or undermining Britain's multicultural identity.

That approach has made him an attractive figure for many ethnic minority communities, including British Bangladeshis, who are uneasy about the rise of identity-based anti-immigrant and anti-Islam politics while also recognising the need for credible policies on border control and integration.

Burnham previously held several cabinet positions under Tony Blair and Gordon Brown. However, it is his record as Mayor of Greater Manchester that has convinced many Labour supporters he may offer the party its strongest chance of resisting Reform UK's advance.

Whether he ultimately reaches Downing Street remains impossible to predict. Yet after Makerfield, Andy Burnham has undoubtedly moved from being England's most influential regional politician to one of the most closely watched figures in British politics.

CROSSWORD

BY THOMAS JOSEPH

ACROSS

- 1 Store event
- 5 Boxer's bane
- 10 School events
- 12 Arbitrary stranger, in slang
- 13 Construct
- 14 Praise highly
- 15 Cart puller
- 16 Tire track
- 18 Clumsy one
- 19 Petty officer
- 21 Peach parts
- 22 Grows rapidly
- 24 City square
- 25 Rink wear
- 29 Fancy button
- 30 Chooses
- 32 Ruin

33 Pindar poem

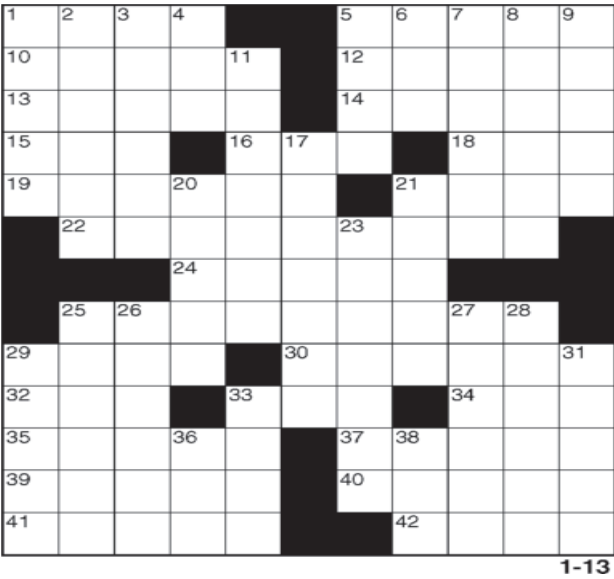
- 34 Film composer Francis
- 35 Patriot Ethan
- 37 Before, in Bordeaux
- 39 Colander's kin
- 40 Confiscate
- 41 Pluto's realm
- 42 Historic times

DOWN

- 1 Aerosol output
- 2 Comes up
- 3 Enters a password, perhaps
- 4 Running bird
- 5 Stew
- 6 Not strict
- 7 Require as a result

8 Takes on

- 9 Sneaker parts
- 11 Stretches out
- 17 Like cookie dough in ice cream
- 20 Scooter's kin
- 21 China piece
- 23 Funnel-shaped flowers
- 25 Roma's land
- 26 Drawn up into a ball
- 27 Bakery treat
- 28 Poem part
- 29 Huge hit
- 31 Locales
- 33 Addition column
- 36 Preceding time
- 38 Geese formation



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