

NATIONAL HUMAN RIGHTS COMMISSION - AN EVALUATIVE STUDY

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The thesis is presented in six chapters. Introduction containing the details relating to the statement of the problem, review of literature, objectives of the study, methodology of the study and plan of the study forms the first chapter. The concept and its evolution of human rights are provided in the second chapter. In the third chapter an attempt has been made to analyze the organization and functions of Human Rights Commission in the context of the Protection of Human Rights Act, 1993. In the fourth chapter an attempt has been made to analyze the complaints reported, considered and disposed by the National Human Rights Commission from 2000-2001 to 2004-2005. In the fifth chapter an attempt has been made to evaluate the performance of National Human Rights Commission from 2000-2001 to 2004-2005. Inferences drawn in the body of the thesis are provided in the final chapter.

Statement of the Problem

Human right is a global phenomenon. Rights are inherent in nature and have come up in our society over the years. Human rights refer to the fundamental freedoms and basic liberties without which men, women and children cannot live with respect and dignity. All men and women are equal partners in society. They live and grow up here. Members of a society depend upon one another. All human beings are motivated with reason and conscience. The concept of human rights has emerged out of mankind's reasoning and conscience. Everyone has the right to life, liberty and security of person. This means that everyone has the right to live and to live in freedom and safety. The societies are governed by political systems which exercise control over the actions of its members, institutions, and organizations both formal and informal. The responsibility of every government is to ensure and protect the human rights of its citizens. Since the right to life, liberty and security of a person are the fundamental rights of human beings, a government must ensure these rights for all citizens irrespective of their religion, caste, creed, colour, sex, race and place of birth. In India in order to protect the human rights, Protection of Human Rights Act was enacted during 1993. This Act has provided for the constitutional National Human Rights Commission and State Human Rights Commission to protect the vulnerable sections of the people. So far no attempt has been made to assess the role of human rights commission in the protection of human rights. A research study on this topic could help to identify the factors that stand in the way of the working of the Human Rights Commission and rectify them. Therefore, the researcher thought it appropriate to take up a research study on National Human Rights Commission.

Objectives of the Study

The important objectives of the study are:

1. To analyze the organization and functions of Human Rights Commission in the context of the Protection of Human Rights Act, 1993;
2. To analyze the complaints reported, considered and disposed by the National Human Rights Commission from 2000-2001 to 2004-2005; and
3. To evaluate the performance of National Human Rights Commission from 2000-2001 to 2004-2005.

Methodology

The main focus of the study is to evaluate the National Human Rights Commission. Therefore, the scope of the study is limited to the evaluation of the National Human Rights Commission.

The primary purpose of the study is not the testing of any hypothesis. Being an exploratory-cum-descriptive study, its basic thrust will be to gain familiarity and insight into the evaluation of the National Human Rights Commission. Descriptive and analytical methods have been made use of to analyze the data

The data for this study has been collected both from primary and secondary sources. The primary sources of data have been collected from the primary records maintained in the Office of the National Human Rights Commission. The secondary sources of data have been collected from the Books, Articles, Reports, Acts, Manuals and Monographs.

Human Rights - The Concept and Its Evolution

The concept and its evaluation of human rights is provided in the second chapter. The present research study is on National Human Rights Commission which has been created to protect the human rights. Therefore it is necessary to explain the various aspects of human rights. In this chapter an attempt has been made to explain the details relating to the Theories of Human Rights, Classification of Human Rights, Declaration of Human Rights by the United Nations, International Covenants on Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Declaration of the Rights of the Child, National Charter for Children, 2003, Indian Constitution, Directive Principles of State Policy (Part IV) and Human Rights.

Organization and Functions of Human Rights Commission

In the third chapter an attempt has been made to analyze the organization and functions of Human Rights Commission in the context of the Protection of Human Rights Act, 1993. This Chapter explains the organisational structures, their powers and role in the protection of human rights. The various provisions of the Act are also detailed in this chapter.

In the fourth chapter an attempt has been made to analyse the Complaints Reported, Considered and Disposed in the National Human Rights Commission during 2000-2001, 2001-2002, 2002-2003, 2003-2004 and 2004-2005. The various types of cases registered in the Commission during the period under investigation have been classified and analysed.

In the fifth chapter an attempt has been made to evaluate the performance of National Human Rights Commission from 2000-2001 to 2004-2005 in terms of its disposal and follow up of the cases taking into account the delays in delivering justice and other limitations in its normal functioning.

A year after it was established, the annual report of the Commission observed: "The Commission cannot begin to assert that its efforts have transformed the human rights ethos in the country or that it has as yet adequately developed a capacity to defend the least powerful of the citizens of India. But it can assert that its efforts have begun to strengthen the hands of the just and the compassionate, of whom there are legion in this country, in all States and in all walks of life." That statement remains substantially true even today. But in the course of the past decade, despite its inadequacies of which it is acutely aware, the Commission has - in the public estimation - evolved from being a body that was initially viewed with unconcealed skepticism to one that is widely viewed as an instrument of good governance, on which increasing reliance can and is being placed by the citizens of India to ensure the defence of their rights and the verities of the Constitution of their Republic.

Conclusion

Those who strive for the promotion and protection of human rights can never be satisfied with their endeavours. The struggle to ensure respect for the dignity and worth of the human person knows no end, whether in this country or anywhere else in the world. Despite this elusive quality, however, the tireless pursuit of this objective is essential to the creating of society of equity and justice, a society in which peace can prevail, in which all of its people, in all of their diversity, can feel included in the great adventure of nation-building.

It is true that we may never be able to eliminate all social and economic injustices or to provide equality of opportunity to all people. But we certainly can take a few practical steps to make our society a little more compassionate, a little more humane. In each of the succeeding years since it was established, this, in essence, has been the effort of the Commission. And, not unexpectedly, with each successive year, the Commission has widened the areas of its concern, in order to ensure that the most vulnerable do not remain the least protected, the least respected. For instance for the first time since its establishment, the Commission made the decision to intervene in the wake of a vast natural calamity - the super-cyclone in Orissa - in order to make sure that the human rights of often marginalized groups, widows and orphans, the destitute, Dalits and Tribals were not ignored in the aftermath of the catastrophe, but kept in the centre of the focus of all

involved. To the continuing challenges of dealing with the protection of civil liberties; of proposing systemic reforms in the police, prisons and criminal justice system; of reviewing laws and treaty obligations; and working for the promotion of human rights, literacy and awareness, the Commission thus added an increasing and deeper range of measures to protect and promote the rights of the most vulnerable; women and children, bonded labour, persons displaced by mega-projects, denotified and nomadic tribes, members of minority groups, and those challenged by disabilities, or denied access to proper education, health and nutrition, to mention but a few areas of intensified concern.

The Commission received a wide range of complaints relating to human rights violation from the various parts of the country. The complaints included cases alleging custodial deaths, torture, police high-handedness, violations committed by security forces, prison conditions, rights of women and children and other vulnerable sections, bonded labour, negligence of public authorities etc.

The Commission has registered nearly 350,000 cases during this five year period 2000-2005 under study. The ever-increasing number of complaints provides evidence of the growing awareness and determination of the people of India to defend their rights and their faith in the instrumentality of the Commission to do so.

It is worth noting that, since its establishment in October 1993, the Commission has ordered compensation in nearly 700 cases and the total amount of compensation that has been ordered till now amounts to nearly Rupees 15 crores.

The Complaints Management System (CMS) of the Commission created with the assistance of the National Informatics Centre (NIC), has been extremely beneficial to the victims as it provides information on the status of complaints before the Commission through internet.

Likewise, the information and facilitation counter of the Commission has also been very effective in providing assistance to persons approaching the Commission to obtain information regarding its functioning and/or the status of the complaints they had submitted alleging the violation of human rights

In order to deliver timely decisions, the Commission has often urged, both the Central and State Governments to respond promptly to its requests for reports and to act without delay on its varied recommendations on individual cases. The Commission also has been urging them to adhere more carefully to the various guidelines issued by it from time to time, as this would help the Commission to dispose of cases promptly and better fulfil the responsibilities entrusted to it under the Protection of Human Rights Act, 1993.

The Commission's recommendations, opinions, directions and guidelines must thus be seen in the deeper context of the objective for which it was established, which was to ensure the 'better protection' of human rights in the country. It was to serve this objective that Section 12 of the Protection of Human Rights Act 1993 set out a wide range of functions and powers for the Commission. The positions that the Commission has taken, the

views that it has expressed, and the guidelines it has issued have all had the central purpose of ensuring that the authorities of the State, and all public servants, act more effectively to 'better protect' constitutional guarantees and international human rights norms, as interpreted under the judgements of the Supreme Court of the country.

References

1. Aakash Singh Rathore and Alex Cistelecan, *Wronging Rights?: Philosophical Challenges for Human Rights (Ethics, Human Rights and Global Political Thought)*, Routledge India; 1 Edition, April 26, 2011.
2. Adi. H. Doctor, *Issues in Politics*, Sterling Publishing Private Limited, New Delhi, 1985.
3. Best, J.W., and Kahn, J.V., *Research in Education*, 9th ed., Prentice Hall of India, New Delhi, 2007.
4. *Caste-based Discrimination in International Human Rights Law*, Ashgate, September 30, 2007.
5. Ghanashyam Talkdar, *Role of United Nations in World Politics*, Anmol Publications, New Delhi, 1993.
6. Kumar Vijay, *Human Rights Dimensions and Issues*, Anmol Publication Ltd., Delhi, 2003.
7. Patil, V.T., *Value Education and Human Rights Education*, Gnosis Publishers of Educational Books, Delhi, 2008.
8. Sen Indrani, *Human Rights and Sexual Minorities*, Isha Books, Delhi, 2005.
9. Thrivedi, P.R., *Refuges and Human Rights*, Authors Press, Delhi, 2000.
10. Yadav, J.P., *Human Rights and Social Security*, Anumol Publication and Private Limited, Lucknow, 2004.