



Protection and Promotion of Human Rights in India: Role of National Human Rights Commission

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ABSTRACT

Protection and Promotion of Human rights have become priority for governments' across the World. These rights have also become pivotal in lives of human beings because without these basic rights one cannot think to lead respectful and dignified life on this cosmos. At international level, bundle of Conventions, Declarations and Treatises have been formulated to provide adequate guidance to member states' to enact laws in their respective Countries to protect and promote human rights. Having inspired from international mandate on issues of human rights and their increasing violations worldwide vis-à-vis in India, the Government of India has also passed a specific law known as The Protection of Human Rights Act, 1993. This law prescribes for the establishment of National Human Rights Commission and State Human Rights Commissions for each State to further the goal of protection of human rights. The NHRC has been assigned multiple tasks under the Act to defend human rights. The objective of the present paper therefore is to assess the role and performance of NHRC to know to what extent it has succeeded to accomplish the task assigned to it under the Act. The study is non-empirical in nature and analysis of the working and role of NHRC is based on secondary data gathered from journals, newspapers and annual reports of the Commission.

KEYWORDS

Human Rights, Commission, Violation, Vulnerable, Recommendations.

I. Introduction

Human rights are inherent, inalienable and fundamental rights to enjoy dignified life. Human beings are entitled to enjoy certain fundamental rights irrespective of any distinction of race, religion, caste, sex and place of birth, etc. The rights have acquired special status at global level owing to their ubiquitous availability. At international level, plethora of human rights, treaties, declarations and conventions have been formulated to furnish ample guidance to world's governments to bring their municipal laws in tune with global mandate to protect and promote human rights. The government of India has also given due recognition to several human rights in part three and part four of Indian Constitution. The part-III titled 'fundamental rights' and part-IV 'directive principles of state policy' incorporate several civil, political and economic rights respectively. Having inspired from Constitutional obligation to respect and promote human rights and in compliance of international mandate on human rights, the government of India passed specific The Protection of Human Rights Act in 1993 which aims to protect and promote human rights in India. Under the Act, Statutory body known as National Human Rights Commission has been set up to protect and promote human rights. Since the establishment of NHRC is going to complete its 25 years of working in area of protection of human rights, it would be desirable here to assess its performance. Therefore, the objective of the present paper is to assess working and performance of the NHRC to know whether it succeeded to accomplish the task assigned to it under the Act.

II. NHRC as Defender and Protector of Human Rights

Since its establishment the NHRC is dealing with multiple forms of human rights violations. It not only performed several activities to protect and promote human rights in India but at several occasions issued directions to governments and their instrumentalities to respect human rights of vulnerable section of the society. The human rights of women, children, and prisoners, accused and under trials have been given special recognition. Under the following sub-heads the initiatives taken by NHRC in area of protection and promotion of human rights has been discussed.

A. Human Rights of Trafficked Women and Children

In India thousands of women and children are victims of human trafficking. They are trafficked for several sexual and non-sexual based purposes¹ such as prostitution, commercial sexual exploitation, pornography, drug peddling, fraudulent marriages, and illegal transplantation of body parts, illegal adoptions and child and bonded labour, etc. The NHRC in such cases took suo

motu actions and directed governments to rehabilitate them to prevent possibility of their relapsing into business of prostitution and commercial exploitation. The Commission stressed on rescue of women and children engaged in sexual and non sexual based activities. The NHRC pleaded for the abolition of the practice of bonded and child labour and issued several directions to governments to rehabilitate and resettle rescued children found working in tanneries and industries in various parts of the country. Special efforts have been made by the Commission to free the children from the bondage in state of Maharashtra, Punjab, Bihar, UP, MP and Jharkhand etc.

B. Human Rights of Schedule Caste and Schedule Tribes

Schedule castes and schedule tribes are the worst victims of socio-economic exploitation. Take for example, schedule tribes residing in forest areas are often displaced due to developmental projects which amounts violation of their various rights such as right to livelihood, right to live human dignity, right to life and personal liberty, right to education, right to family, right to property, cultural and customary rights and right to carry on any occupation and trade. But large infrastructure projects have resulted into their displacement. The NHRC in various cases of manmade, natural and conflicts induced displacements gave appropriate directions to governments' and project authorities to rehabilitate and resettle them.² The commission ensured that schedule tribes should be rehabilitated in compact block so that they can enjoy their special customs, traditions and usages. The committees of experts constituted by the Commission also visited to schedule tribe's hamlet to see the ground realities. The Commission recommended stern action against those who were found guilty of violating human rights of SC and discriminating in one or the other ground.

C. Human rights of Prisoners and Undertrials

Prisoners accused and under trials are also entitled to enjoy several basic human rights. Like ordinary citizens, they are capable to enjoy human rights such as right against solitary confinement, right against custodial torture, inhuman and degrading treatment, and right to speedy trial, right to free legal aid, right not to be hanged in public place, right to write a book in jail and so many other basic rights.³ But it has been witnessed in India that many prisoners and under trials have become object of exploitation and injustice by custodial institutions. They have subjected to custodial torture, rapes, illegal arrest, detention and other forms of injustice. It is worthwhile to state here that in India custodial torture, harassment by police, custodial deaths, fake encounters, custodial rapes, illegal arrest and detention, inhuman and degrading

treatment of prisoners and under trails have been common. The NHRC in several cases punished and fined erring and guilty police and jail authorities and officers involved in degrading and humiliating prisoners and under trials. The human rights violations by police have also been dealt with iron hands.

D. Human Rights violation by Other State Agencies

It is not only the custodial institutions which are found to be involved in violations of human rights of vulnerable but different other state agencies are also involved in human rights violations. In such cases, the NHRC also condemned actions of public officials. For example, in allegations of death, rape and torture of tribals by joint task force set up by the government of Tamil Nadu and Karnataka to apprehend Veerappan and associates had been dealt with seriously.⁴ The human rights violations cases by security forces such as BSF and other security forces deployed at border areas and in state of J & K have become common and in such cases NHRC recommended exemplary punishment and fine. The killing of two civilians by a BSF Jawan, In District Ganganagar, Rajasthan and death of Vikram by Negligence of RPF in Maharashtra has been some of the cases wherein one can see grave negligence on part of security forces.⁵

E. Protection of Economic, Social and Cultural Rights

Besides above mentioned specific violation of human rights by State agencies and custodial institutions, the NHRC also took bold stand to protect human rights of disabled and HIV/AIDs victims. The Commission paid great heed towards the protection of human rights of fetus, right to health and rights of women in case of sex tourism. The women victims of acid attack are entitled for several human rights.⁶ The Commission showed concern towards the plight of the victims of acid attacks and issued directions to the governments to do the needful for the welfare of the victims. The NHRC emphasized on the need to rehabilitation of marginalized and destitute women in vrindavan. The Commission for the sake of protection and promotion of human rights did not hesitate to visit to mental hospital and other state institutions such as juvenile boards, homes, rain basaira and old age shelter homes, etc in order to monitor the role and approach of governments towards upholding the interests of such people.

F. Other initiatives taken by Commission to Protect and Promote Human Rights

Since its inception in 1993, the NHRC has undertaken several activities in area of protection and promotion of human rights.⁷ The Commission is continuously organizing workshops, seminars, campaigns, nukar natak to make people aware about human rights especially in slums and rural areas. Besides, it is conducting research studies and carrying out projects. It has completed several research projects and some of the projects and research is still going on. The studies which are still going on are on topic of varied nature such as implementation of the Juvenile justice care and protection, current trends in child labour in industries, feminization of poverty and impact of globalization and a study of the human rights status of de-notified and nomadic communities of Delhi, Gujarat and Maharashtra.

In addition, the Commission is incurring huge expenditure on publication of material on human right to make people aware about rights. It is organizing internships programmes for students of different colleges and universities from diverse parts of the country. International co-operation in area of protection of human rights has also been encouraged by the commission. The annual meetings, discussion and conferences with foreign delegates are common whereby the Commission is interacting with representatives of various countries on issues of terrorism, environment pollution problem, communicable diseases and trafficking of women and children. All such problems are trans-boundary in dimensions which also can be tackled with concerted efforts of the world community to prevent so called universal human rights violations.

III. Conclusion and Suggestions

The preceding discussion makes it amply clear that the Commis-

sion is doing wonderful job in area of protection and promotion of human rights. It is taking suo motu cognizance of the human rights violations and issuing directions to the states and their agencies to prevent violations. Likewise, it is frequently entraining human rights complaints from different parts of the country and did not scare from imposing penalties and fines on erring and guilty state agencies. The interests of vulnerable sections of the society such as women, children, and members of schedule caste, schedule tribes and old aged persons have been specifically safeguarded. During its more than two decades working, it has exhibited great role towards protection and defending human rights. The people have been frequently made aware about their human rights through modus of workshops, seminars, symposium and conferences. The regular expenditure on expansion of libraries and other infrastructure in the office of the Commission which is situated at Delhi clearly shows that the Commission is serious in taking and dealing human rights complaints. But despite of its good performance, there are certain hurdles in effective enforcement of human rights on part of the Commission. One of the major impediments is that the Commission is only a recommendatory body and it has no power to punish those persons who defy its orders. Moreover, the Commission has no powers to enforce and ensure the compliance of its orders. It lacks financial autonomy. These are some of the problems which need to be tackled at the earliest to make the Commission a robust statutory body to enforce human rights of the vulnerable.

References:

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