

National Human Rights Commission: An Analysis

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After the end of the Second World War with the defeat of Nazism, Fascism and Japanese militaristic nationalism, and with the world-wide shock and horror caused by the Holocaust, the world became increasingly aware of the capacity of nation-state governments to implement violent and brutal policies of oppression against its citizens in the name of religion, nationality or ethnicity. This led to an unanimous decision at the United Nations to adopt an Universal Bill of Rights that would act as a check against coercive policies of the states. Then came the Universal Declaration of Human Rights. This, along with many other mainly regional documents and conventions on the principle of non-discrimination and the right of free association etc., led to universal acceptance of Human Rights (HR) as a global norm. In addition, the concepts of 'minority rights' and 'cultural rights' gained widespread acceptance. HR has gained further legitimacy in the wake of the recent universal acceptance of democracy, as the most acceptable system of governance all over the world in the post-cold-war context.

Since the end of the Cold War, democracy based on liberal values and principles has gained an unprecedented popularity. Today more countries enjoy a democratic regime than ever before. This has brought in an accompanying sensitivity towards human rights at the global level, because democracies have been traditionally responsive to issues concerning HR. In this context, human rights, which were embedded formally at the United Nations as a great international priority, 52 years ago- by means of the December 1948 Universal Declaration of Human Rights- have gained prominence as a universally recognised set of norms and standards that increasingly inform all aspects of human relations as individuals and as collective members of groups, within communities and among nations.¹

In line with the global trend, in recent years, human rights assumed special importance in the fabric of Indian society too. It is also widely admitted that the observance of basic human rights is the corner stone of peace, security and prosperity. There has been a flurry of efforts made by the government to develop at a national, and at state level for the protection and promotion of human rights institutions throughout India.

The establishment of NHRC in India

India, the "largest democracy in the world", does not have a clean human rights record. If one goes by media reports, every year, thousands of people are imprisoned for political reasons, often without charges or trials. Torture and ill treatment are common, and hundreds die in custody. Hundreds more are victims of extra-judicial executions or forced "disappearances". Armed groups commit grave human rights violations, including killings, tortures and rapes, with impunity. Human rights violations have a tendency to occur throughout India against a backdrop of political instability. The socially and economically weaker sections of society continue to be particularly

vulnerable to human rights abuses. Attacks, often with the apparent connivance of police and local authorities, on dalit communities, tribal people and religious minorities are commonplace. Women continue to be particularly vulnerable to abuse in these contexts. Access to justice for these victims of human rights abuses remains problematic and those engaged in protecting the rights of the most vulnerable groups also come under increasing pressure, often themselves becoming the victims of abuses. Armed conflicts in north-eastern states and in Jammu and Kashmir claimed and continue to claim the lives of hundreds of civilians.

However, in such a country where potential for violation of HR was high, there was no institutional mechanism to protect the human rights till early 1990s. It was only in the 1993, in the forty-fourth year of the Republic of India, that an Act to provide for the constitution of a National Human Rights Commission was established and enacted by the parliament.

The Protection of Human Rights Act, 1993 extends to the whole of India and it came into force on the 28th day of September 1993. Under this act the “human rights” was defined as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. This was in a way an official recognition of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on 16 December, 1966.

In this act several steps were taken such as establishment of a National Human Right Commission, Human Rights Court, National Commission for Minorities, National Commission for the Scheduled Castes and Scheduled Tribes, National Commission for Women (constituted under section 3 of the National Commission for Women Act, 1990) and various State Human Rights Commissions.

Functioning of NHRC

The NHRC consist of a Chairperson who has been a Chief Justice of the Supreme Court; one Member who is or has been, a Judge of the Supreme Court; one Member who is, or has been, the Chief Justice of a High Court; two Members appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights; the Chairpersons of the National Commission for Minorities, the National Commission for the Scheduled Castes and Scheduled Tribes and the National Commission for Women, apart from the deemed Members of the Commission for the discharge of functions.

The Commission performs all or any of the following functions, namely:

Inquire, suo motu or on a petition presented to it by a victim or any person on his behalf, into complaint of

- a) violation of human rights or abatement thereof or
- b) negligence in the prevention of such violation, by a public servant;
- c) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;

- d) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;
- e) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- f) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- g) study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- h) undertake and promote research in the field of human rights;
- i) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- j) encourage the efforts of non-governmental organisations and institutions working in the field of human rights; and
- k) such other functions as it may consider necessary for the protection of human rights.

The Commission while inquiring into the complaints of violations of human rights can call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it. The Commission submits an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report. It is also made imperative by the act for the Central Government and the State Government, as the case may be, to lay the annual and special reports of the Commission before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

Under the Human Rights Act provision were also made for the Constitution of State Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission. A State Commission may inquire into violation of human rights only in respect of matters related to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution.

The State Commissions can also submit an annual report on any matter of such urgency or importance, which it feels, should not be deferred till submission of the annual report. Like in the previous case, the State Government shall cause the annual and special reports of the State Commission to be laid before each House of State Legislature where it consists of two Houses, or where such Legislatures consists of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendations of the State Commission and the reasons for non-acceptance of the reactions, if any.

The Achievements and Limitations

Since its formation, the NHRC has widely dealt with issues relating to application of human rights and international human rights instruments in India, in various fields relating to political murders, disappearances and torture; death penalty; discrimination based on race, sex, colour, ethnic origin, political or religious belief; the status of women; bonded and child labour; and, the treatment of human rights groups by the state.

During its very short period of existence, NHRC has established its reputation for independence and integrity. This has been expressed most dramatically in the ever-increasing number of complaints addressed to the Commission seeking redressal of grievances. In last six years of its existence, the NHRC has received more than 120,000 complaints of which some 40,000 were registered in 1998. Till 31 March 1999, all but 20,000 complaints had been considered and dealt with. In case of Bihar and Uttar Pradesh, they together account for 65 percent of the nearly 50,000 complaints received annually by NHRC.

Without going into the specific cases dealt by NHRC, it will be useful to mention here that the NHRC has been constantly launching various programme and establishing human rights cells in all States in order to make it more responsive to the problems facing the people on human rights of this country. This is done in more evolutionary ways. The NHRC is also co-operating with SHRCs and international conventions and other countries human rights commission and NGOs. The NHRC is in a state of creating awareness about human rights and also by checking their gross abuses. So far only ten states have set up similar commissions.

Police and Prison Reforms

The Commission has urged the Government to act with “conviction and without further delay” upon certain recommendations of the Police Reforms Commission. The Commission has also strongly urged the Centre as well as the States to pay immediate attention to the matter of accession to the 1984 UN Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment of Punishment. In regard to the protection of human rights in areas of terrorism and insurgency, the Commission has urged for renunciation of terror, the rule of the gun and all forms of violence in the settlement of disputes, particularly since constitutional possibilities provide peaceful ways of resolving disputes in a democratic country like India. Further, the Commission has observed that security forces must act in close coordination with the civil administration, as violations of human rights are far less likely to occur when the rights and the responsibilities of the civil authorities under the law are fully respected.

Regarding prison reforms, the Commission has recommended that legislative action be undertaken to replace the Indian Prisons Act, 1894 on the basis of a Model Act being prepared by the Commission in consultation with all concerned. Meanwhile, it has called for specific actions to improve the situation in the jails of the country, particularly for reducing over-crowding and for special arrangements for women and juveniles. The Commission reiterated in the last report, the urgent need for systemic reforms to improve prison conditions.

The Commission has taken special note of the rising incidence of custodial violence in India. The Commission, during the last 6 years, has undertaken visits to a large number of prisons all over the country, enquired into numerous complaints regarding the violation of human rights of prisoners and highlighted the need for prison reforms in its orders and reports.

It has reported in its last annual report that it received reports of custodial violence from all parts of the country. During the year 1996-97, 188 deaths in police custody and 700 deaths in judicial custody were reported to the Commission. In the year 1997-98, however, the figures reported to the Commission were 193 deaths in police custody and 819 deaths in judicial custody. In fact, the number of deaths in police custody showed a decline in a number of States. But the figures in Bihar, Kerala, Orissa, Madhya Pradesh, Punjab, Rajasthan, Tamil Nadu, West Bengal and Delhi showed notable increase, with the increase being marginal in Assam, Karnataka and Pondichery.

Rights of the Disabled

The Commission has also been sensitive to the rights of the disabled. In its recent annual report, it expressed dissatisfaction with the organisational structure that was to be set up under the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which had been delayed, and observed that the will to undertake the effective implementation of the Act was not visibly manifest. It strongly urged the Central as well as the State Governments to give the required level of attention to the full and proper implementation of the Act.

Anti-Terrorism Acts

As has been hinted earlier, the Commission is empowered under Section 12(d) of the Protection of Human Rights Act to “review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation”. In regard to those detained under TADA, the Commission has urged that the Review Committees, set-up in individual States, to meet regularly and interact with those States, where the periods of detention were the longest and numbers of detainees were the largest, urging an increase in the number of trial-counts. Although the Government is keen on enacting a new law to tackle cross-border terrorism and insurgency, recently the NHRC expressed its strong disapproval of the proposed Prevention of Terrorism (POT) Bill 2000, by the government, which is supposed to replace the infamous TADA, seen by NHRC as a ‘draconian law’. The Commission had in 1995 reviewed the TADA and stated that the ‘draconian law should be removed from the statute book as it has no place in a democracy.’

In the present context, the Commission has said that the Government should view the Bill not from the point of view of constitutional validity and its provisions, but in the light of the past experience with the TADA. As has been mentioned earlier, the Commission had in 1995 examined all aspects of the TADA Act following receipt of complaints regarding its “arbitrary and abusive”, use. In 1995, when TADA expired, the Commission recommended to Parliament that it should not be renewed, on the ground that it was “incompatible with India’s cultural tradition, legal history and treaty obligation”. The NHRC’s decision has come as a shock to the Government, which has approved the introduction of the Bill in the monsoon session of Parliament. The Bill has also been approved by the Law Commission.

The Commission has stressed the need to strengthen the machinery to implement and enforce existing laws, particularly the functioning of the entire criminal justice system and the provisions of international conventions to which the country was signatory. However, the Government has said that normal criminal laws were not enough to deal with terrorist activities, which have their bases across the border. It has, in the meanwhile, said that the proposed POT 'strikes a "nice balance between the requirements of combating terrorism and safeguarding the territorial integrity and sovereignty of the country and protecting the essential human rights of the accused.'" It has said that despite the caution sounded by the NHRC it will go ahead with the bill. At the moment it is trying its best to build a general consensus on the bill through consultation with states, union-territories and all political parties before presenting the bill before the parliament.

Women and Children Rights

In spite of governmental efforts, about 63 million children in the age group 6-14 years are illiterate in India. Despite various forms of legislation banning child labour, children are still widely employed in the glass-works, slate, match and fire-works industries. While recognising the value of present governmental schemes to eliminate child labour, the Commission has observed that the problem of child labour would persist including possibly in the hazardous industries until the reality of free and compulsory education for all up to the age of 14 years is realised. It also called for a serious debate on this issue within and outside the Parliament. As regards to child marriages, the Commission recommended that highest importance should be accorded to the introduction of a system requiring the compulsory registration of marriages, as this could impede such marriages.

The Commission also recommended that the Government should take early action on a draft Marriage Bill prepared by the National Commission for Women and the Department of Women and Child Development. The Commission recommended that well-co-ordinated steps be taken to act upon the Declaration and Programme of Action adopted at the Fourth United Nations Conference on Women, held in Beijing in September 1995 and also to oversee the implementation of the commitments of India under the Convention on the Elimination of All Forms of Discrimination against Women. The Commission has suggested further operational steps to include human rights in the curriculum of schools, colleges and in the institutions meant for distance education. The Commission has also called upon those States which have not yet set up State Human Rights Commission, Human Rights Courts and District level Committees to do so for swift, inexpensive and decentralized complaint redressal mechanism.

The NHRC has been organising conferences and symposium from time to time on issues relating to primary education and children rights from time to time. The NHRC, along with the Department of Women and Child Development (DWCD) and UNICEF, organised a symposium on 20 November 1999 to commemorate the 10th Anniversary of the Convention of the Rights of the Child. Addressing the symposium, Chairperson, Mr. Justice J.S. Verma, said that the protection of children from exploitation and the promotion of their human rights should be given top priority, as they constitute the future of the nation.

The NHRC, in its meeting on 1 May 2000 has made far-reaching recommendations to the Government of India on the issue of Health and Human Rights. These recommendations are based

on the reports of the Workshop, organised by the Commission to deliberate upon the problem of Maternal Anaemia. The Commission has directed that the legislation should delineate the duties of the State for the provision of relevant services to enable the citizen, especially women and girls, to access the services. It should also specify the standards for health care to be offered by the State. Minimum health standard measures to realise them should also be formulated.

Rights of the Refugees

The NHRC has taken number of steps for the protection of refugees and asylums seekers in collaboration with domestic NGOs and the United Nations High Commissioner for Refugees (UNCHR). India has not so far ratified the 1951 United Nations (UN) and 1967 Protocol relating to the Status of Refugees. Nonetheless, it provides shelter to over 300,000 refugees from neighbouring countries and nations such as Sri Lanka, Tibet, Bhutan, Burma, Bangladesh and Nepal, (apart from the huge number of internally displaced persons), in India.

Annual Review of HR situation

The Annual reports prepared by the NHRC reveal the sense of independence and concern with which the Commission has been working since its inception. It has freely taken the government and administration into task and has acted as the conscience keeper of the nation. The very fact that it is being recognised as some kind of an apex body in matters concerning HR violations, which is evidenced from the rising complaints it receives year by year, has given it a genuine sense of legitimacy. In the years to come, one hopes fervently, that NHRC will emerge as an institution of pre-eminence, that would facilitate the development and growth of civil society, apart from acting as a check on the abuses of power by the government.

Recently, the Annual Report of the National Human Rights Commission for the year 1997-98 was placed on the floor of the Rajya Sabha on 1 March 2000 and of the Lok Sabha on 8 March 2000 by the Central Government, together with the Action Taken Report.

In the Report, the Commission called for good governance and a firm commitment to policies of equity and justice. This reiterated the Commission's conviction that there was an integral relationship between the proper promotion and growth of civil and political rights and the furtherance of economic, social and cultural rights.²

The Report added that one-third of the world's poor were Indian, who lacked clean drinking water, basic sanitation and minimum standards of health care, food and nutrition and took the view that the persistence of such a situation constituted a failure of governance, which had to be urgently remedied.

The Report noted that there had been a dramatic rise in the number of complaints received by the Commission, which rose from 20,800 in 1996-97 to 36,800 in 1997-98, an increase of nearly 77 percent. As against 16,823 cases considered by the Commission in 1996-97, it considered 27,289 cases in 1997-98, an increase of 62 percent. In the same period, the Supreme Court of India remitted to the Commission certain complex issues, having serious human rights implications. The Commission reiterated its recommendation that the para-military forces and the army should

report directly to the Commission any instance of rape/death that might have occurred to a person in their custody.

The NHRC mentioned in its report the failure of the Government to implement the suggestions made by it in the previous year. It said that the Memorandum of Action taken, presented by the Government of the Parliament with the Commission's Annual Report of 1996-97, did not deal with this specific recommendation of the Commission. That is why the Commission reiterated this recommendation which, it felt, would add to the credibility and transparency of the armed forces in the conduct of their operations and also discourage unwarranted and propagandist charges against them. If one looks into the annual reports, one finds that the baggage of NHRC has steadily expanded over time. From custodial deaths to forcible HIV tests of sex-workers, the NHRC has constantly enlarged its area of probe to include every possible field prone to human rights violation.

NHRC and SHRCs

From the last several years' experience, one can find out that for effective coordination and cooperation between the centre and state the NHRC has been assessing the performance of SHRCs from time to time and stressing the need to develop healthy conventions and an appropriate division of functions between the National and State Commissions. At the 1996 meeting, it was decided to set-up a Coordination Committee of NHRC and SHRCs to facilitate fuller communication and the sharing of views and experiences between the Commissions.

Cooperation with HRCs of other countries

The NHRC has been cooperating with human rights commissions from other countries too. For example a seminar was held in New Delhi on 1 July 1999, as part of an Indo-British Project on Prison Reforms, which was being undertaken jointly by the National Human Rights Commission, the British Council, the Bureau of Police Research and Development and PRAJA, an NGO.³

Mr. David Spring, Director General, Canadian International Development Agency (CIDA), visited the Commission on 5 July 1999. Welcoming him, Mr. Venkatachaliah, Chairperson of the Commission said that NHRC has always maintained excellent relationships with the Canadian Human Rights Commission (CHRC) and was looking forward to cooperation in many more areas of common interest especially in the fields related to primary and non-formal education, the justice delivery system-both criminal and civil- and the honing of skills of investigators. Mr. David Spring said that universal respect for human rights was the concern of all nations and CIDA would be happy to be a catalyst in developing close relationships between India and Canada.

Similarly, the Australian Government has decided to fund a Human Rights Project in India, under the Australian Human Rights Fund Small Grants Scheme, which seeks to provide assistance to developing countries for promoting and protecting human rights at a function organised by the National Law School of India, Bangalore on 9 July 1999. This fund will be utilised for a project whose other collaborators will be the National Institute of Human Rights Education, Research and Development set up by NHRC in the NLSIU in Bangalore, and the State Judicial Academy of Andhra Pradesh and Karnataka.

The National Human Rights Commission of India is a founder member of the Asia Pacific Forum of National Human Rights Institutions. It organised the 2nd Asia Pacific Forum Workshop in New Delhi in September 1997. India proposes to bring together all the Asia Pacific countries to set up a joint human rights commission in the region. The decision comes in the wake of frequent criticism of the Asia Pacific countries' human rights record by the United Nations Human Rights Commission, the Amnesty International and Asiawatch.

The NHRC has been trying its best to impress upon the Asia Pacific countries including Pakistan, Sri Lanka and Philippines that such an institution could help expand the mutual support and cooperation between them.

Cooperation with NGOs

The work of non-governmental organisations is essential to the empowerment of civil society and promotion of human rights. NGOs are vital actors in human rights advocacy: representing and protecting victims, providing expertise, collecting and disseminating information and encouraging human rights education. NGOs and other representatives of civil society, such as academic institutions and citizens' groups have been crucial to the NHRC's work on human rights in India. The strength of non-governmental human rights organizations lies in their ability to mobilize public opinion, disseminate information and pressurise Governments to conform to national and international human rights standards. The sheer diversity⁴ of their areas of activity is regarded as an advantage for NHRC to work through them and expand its reach.

It is for this reason that the NHRC is called upon by the Protection of Human Rights Act, 1993 [Section 12 (I)] to "encourage the efforts of non-governmental organisations and institutions working in the field of human rights." In order to promote this objective more comprehensively, the Commission is setting-up an "NGO-Liaison and Service" under its Projects and Programmes Division. The Programme, which will be under the direct charge of a Member of the Commission, will be implemented with the help of a Special Rapporteur. The Special Rapporteur will work in collaboration with other Special Rapporteurs of the Commission and with State Human Rights Commissions. He will prepare a state-wise list of NGOs engaged in the field of civil liberties and in the field of economic, social and cultural rights. He will convene workshops, seminars, symposia, conferences and meetings of NGOs with the objective of strengthening civil society and promoting the networking of like-minded NGOs working in common areas of service and specialisation. He will also devise ways and means in which the Commission could encourage the efforts of these NGOs and also prepare an "Information Directory" of existing programmes of the Union and State Governments, as well as National and International Funding Agencies, that give financial support to NGOs.

Role in Peace-making and humanitarian assistance

In the 1993 World Conference on Human Rights affirmed the crucial connection between international peace and security and the rule of law and human rights, placing them all within the larger context of democratisation and development. The NHRC is increasingly combining efforts to prevent or end conflicts with measures aimed at reducing human rights abuses in situations of

internal violence. Special emphasis is placed on ensuring the protection of minorities, strengthening democratic institution, realising the right to development and securing universal respect for human rights. Recognising that human rights violations are frequently the root causes of conflict and humanitarian crises, the NHRC is making efforts towards strengthening its early warning capacity and response to conflicts by integrating human rights monitoring into conflict-prone area, thus enhancing its ability to deal with allegations of human rights violations.

The NHRC is currently leading efforts to establish minimum humanitarian standards, seeking to identify fundamental rules of human rights and humanitarian law that can be applied in all circumstances. These efforts aim at providing the human rights framework necessary to find long-term solutions to the root causes of conflict and to prevent the excesses that make reconciliation so difficult. The human rights framework can also help to set the parameters and rules for the delivery of humanitarian assistance— ensuring the non-discriminatory treatment of those in need, and paying due regard to the special needs of women and children.

Problems of Implementation of HR Instruments

Although there are about one hundred International Covenants, Conventions, Declarations and Regional Human Rights Instruments, human rights are still being violated with impunity all over the world. Provisions of the United Nations Covenants on Civil and Political Rights are far remote from the actuality of civil and political life in many newly independent states of the third world. There are certain drawbacks, which inhibit the implementation of human rights. Like UNHRC in the International field, the NHRC has also inherent weaknesses.

Since it is clear that the greatest onslaught in the implementation of human rights comes from the state parties, various states have to grow sensitivity towards issue concerning HR. In order to implement human rights, states have to take appropriate measures. So far, only ten states in India have established SHRCs. Sometimes, lack of SHRCs itself act as an obstacle in the field of implementation of human rights. Weakness of inter-state complaint system stands as another barrier in the way of implementation of human rights. In various human rights instruments, the inter-state complaint system is applicable only on those states who have recognised this system.

The National security doctrine at the national level is creating problems in the field of implementation of human rights. Often in India, in the name of national security or stability, political parties and political activities are prohibited and the former ruling elite is disposed of in many states. Misuse or improper use of national security doctrine creates obstacles in the path of implementation of human rights.

Strengthening the human rights machinery

In the wake of gross violation of human rights around India, the NHRC has intensified efforts to refocus its human rights programme, shifting its main concern from standard setting to implementation with the collaboration with other national institutions, NGOs and international agencies. The NHRC is thus enhancing its human rights programme by integrating a human right

focus into the entire range of other socio-economic activities. Considering the drawbacks and problems, some recommendations are given below:

Only the state machinery can implement human rights in its territory with commitment and sincerity. Human rights need protection by national institutions, which in turn can only grow and sustain in an atmosphere where fundamental democratic norms are respected at the unit (provincial) level. Therefore, all State governments have to establish human rights institutions.

The NHRC is in an evolutionary process to implement human rights in India. The jurisdiction of the existing human rights machinery, the budget and official staff for human rights programme should be enhanced.

Some states have become party to human rights act, purely for cosmetic reasons. But they have rendered themselves doubly delinquent not only by continuing to violate human rights, but also by their failure to comply with the minimum supervisory mechanism of such instruments. The NHRC noted that a number of states parties to the National Human Rights Act have failed to submit their periodic reports to the NHRC. Thus, States parties should comply with the act.

Engaging the NGOs in human rights activities can contribute significantly in creating human rights norms by taking research and publication programmes. In this contexts NGOs' role should be extended to social, economic, and cultural as well as civil and political rights with the partnership of government, and other international agencies.

The implementation of human rights requires integrated efforts of all such as governments both at centre and state levels, and civil society. The government is required to be more responsive to the public opinion regarding the laws in India. Misuse of laws by the law enforcing agencies is often the root cause of HR violations. So, the weakness of laws should be removed and those laws should be amended or repealed, if they run contrary to human rights.

Monitoring human rights violations locally, to provide real picture of India will contribute significantly to the implementation at national level. Minorities' communities often need national action to protect their rights.

Conclusion

The implementation of human rights is a dynamic process. Although NHRC is initiating various efforts to promote respect for human rights and to realise them, but in fact, human rights are still being violated. One should keep in mind that protection of human rights of the people is much more difficult than either defining them or adopting declarations, bill and conventions, concerning human rights. The major problem is that neither the NHRC, nor any other organisation in India has power or force to honour all the rights of their citizens. The implementation of human rights laws depends on the most part on the general social awareness.

The implementation of human rights is yet to reach its destination, even though in its very early existence, the NHRC continues to reorient its human rights programme to respond more effectively to today's challenges. However, it is nationally recognized that the prime responsibility

for the promotion and protection of human rights remains with the central government. And it is heartening to learn that in order to strengthen human rights at the state level, the Centre has greatly expanded its human rights work in the field. Through the Office of the NHRC, the focal point for all system-wide integration of human rights activities, the Centre assists State Governments and other national and international partners, and NGOs in their promotion and protection of human rights. All these complementary approaches advance and enhance the NHRC efforts to create a national culture of human rights.

The NHRC should increasingly turn its attention to the need of States to be provided with advisory services and technical assistance to overcome obstacles to securing human rights by all. At the same time more emphasis should be put on the promotion of economic, social and cultural rights, including the right to development and the right to an adequate standard of living. For a vast majority of human race in general and in India particular the slogans for democracy, human rights, globalization and market economy have been becoming either empty words or detrimental to their basic rights. Ignoring this aspect in the process of materialisation of human freedom, liberty, dignity and fundamental rights would render the campaign for HR protection barren. Therefore, increasing attention should be given to the protection of the rights of vulnerable groups in society, including minorities, indigenous people, rights of the children and of women, which seems to be the most important challenge facing the NHRC at the moment. NHRC seems to be advancing well with poise and determination to face this challenge.

Notes

1. Many critics would say that even if all this has been possible through the process of globalization, which is creating new patterns of interaction among people and States, promising unprecedented opportunities for material progress and larger freedom, it is also threatening to compound many existing challenges before the international community while deepening the economic marginalization of those most vulnerable. Economy and information exchange is gaining global dimensions, rendering national borders either meaningless or, at least, porous. On the other hand, ethnocultural and religious groups are asserting the distinctiveness of their identities and they are trying to separate themselves from the larger national units of which they were considered indivisible parts. All these trends and changes are forcing the governments to re-examine their policies toward ethnocultural minorities. As such, the issues of national-territorial security of the states have also come up as an important theme of international discourse. Establishing or maintaining national cohesion and national security continues to be a very basic goal and principle for every national government, and this has led to widespread HR violations world-wide, from Bosnia, Afghanistan, Indonesia to Chechnya. This argument exhibits an extreme sensitivity to the issue of Human Rights. However, if one looks around one finds that even if assault on Human Rights have increased, so has the response of the international community to these assaults. Nobody can deny the fact that the principle of Human Rights has assumed an universal legitimacy now as never before.
2. The Report has observed, "It greatly diminishes the dignity and worth of vast numbers of the people of India as long as the situation is allowed to persist where the numbers of those afflicted by illiteracy increases each year, to a point where it now exceeds the population of the country at the time of independence, a situation in which over 60 million children between

the age group 6-14 years do not attend school but in which many lose their youth- and often their lives- in child labour.”

3. Speaking on the occasion, Mr. Justice M.N. Venkatachaliah, Chairperson of the Commission, advocated the need for privatisation of various prison management systems. He said that the National Human Rights Commission, in its ‘Custodial Justice Programme’ has been highlighting areas in prison administration that need immediate attention if the prisons are to shed the stigma of being ‘warehouses’ and ‘penal dustbins’.
4. There is great diversity among these NGOs. Some are defending all human rights in general, while others protect the specific rights of particular vulnerable groups, such as women and children, or deal with urgent human rights issues, such as torture, enforced disappearances or the treatment of prisoners. Among human rights NGOs, women’s groups are among the most active in India today, playing a vital role in the advancement and empowerment of women by increasing awareness of women’s issues, as well as educating women in their human rights. Many other NGOs have an indirect role in defending human rights. They focus primarily on other issues but have incorporated human rights into their activities and, by offering legal assistance to vulnerable groups, advance the cause of human rights.