

A 'Rights' Issue

Faced with a collapsing democratic facade and a government that is failing to meet the basic needs of its people, a growing number of semi-autonomous institutions are organising to develop solutions. The campaigns are diverse and wide-ranging, but they all share a sense that things can't get much worse. In many ways the National Human Rights Commission (NHRC) is a unique democratic institution with little democratic space to manoeuvre. Ex-facie it has enormous powers and yet it can do very little when it is the question of protecting human rights by way of punishing the guilty responsible for violation of human rights and rehabilitating the victims. NHRC has taken up an ambitious plan of educating India's notorious police forces on human rights, hopefully to give the law and order machinery a human face. In collaboration with the Indira Gandhi National Open University [IGNOU], NHRC will jointly formulate and conduct three types of courses on human rights awareness for police personnel at cutting edge level. The three courses to be developed under the arrangement will include basic course for constables and sub-inspectors, advance course for middle level police officers and trainers' training course. The course will broadly cover different aspects of human rights including custodial justice, human rights complaint best practices in policing and case studies. In reality the idea sounds ludicrous in a situation where custodial death has become a norm, rather than an exception. Quite expectedly the Directors General of Police in different states lauded this initiative by NHRC as they showed willingness in implementing such courses at district and range level for their officers and other personnel.

Strangely enough, no human rights group was invited to participate in the NHRC sponsored exercise on human rights awareness campaign for the police. The hard fact is that the very existence of NHRC is the result of sustained movement by different human rights and civil liberties organisations since the days of emergency in the mid-seventies.

But the role of NHRC in highlighting human rights violation and forcing the government authorities and agencies that are involved in violation, to obey law and respect rights, has hardly crossed the border of tokenism. During the six sittings of the full Commission and eighteen sittings of Divisional Benches in January, 2010 only 213 cases were taken up for hearing and in most cases they recommended some monetary relief and finished their duty. Ironically, there is no mechanism to monitor whether the NHRC order on monetary compensation or something else would be implemented on time. Nor does the Commission enjoy mandatory powers to prosecute the guilty without which it would be business as usual for the custodians of law and order. As of now the number of cases under consideration before NHRC, including fresh and old cases is 16347 as per their newsletter. It only illustrates among other things the gravity of the problem. But it does hardly speak about the enormity of the problem because the poor and downtrodden, living in backward areas have no access to these bodies. If anything human rights movement is still basically urban-centric.

'Disappearance' is a growing phenomenon that deserves serious attention by NHRC. If the arrested persons, even on concocted charges, belong to the maoist party or any of the terrorist outfits operating in the Northeast and Kashmir, they

may not be treated as human beings. The victims in many cases are not produced before court within stipulated time and yet the security establishment does hardly show any respect to the existing law of the land, not to speak of high ideals of human rights.

As for the maosits, they recently resorted to 48 hours bandh mainly in protest against the Operation Green Hunt. And one of their demands was production of one of their state-level leaders before the court. His disappearance coupled with guarded silence of the authorities has ominous signs.

Despite endeavours by NHRC the police will continue to do wrongs because they are traditionally trained to violate human rights. They are more interested in learning from the manual of the School of Americas, not special curriculum to be developed by NHRC and Indira Gandhi Open University. □□□