Chapter VI

Conclusions

The Chapter on Conclusions pinpoints three things:-

i) I have surveyed the main findings of the foregone Chapters;

(ii) I have examined the relevance of the hypotheses, in the sense that, which hypothesis has been tested in which Chapter and found verified;

(iii) I have contributed my personal observation and suggestions on the issue.

Human Rights, simply speaking, are those rights related to the basic needs of human beings. Human Rights are those minimal rights which are available to every human being without distinction of language, religion, sex, caste, nationality and social or economic conditions in the society. Human Rights are based on mankind’s increasingly demand for a life in which the inherent dignity and worth of each human being will receive respect and protection. These rights enable individuals to fully use their intelligence, talents and conscience to satisfy their spiritual and other requirements. Thus, it follows that human rights denote a bouquet of fundamental rights to which every man inhabiting any part of the world should be deemed entitled by virtue of having been born a human being.
The Protection of Human Rights Act, 1993, defines Human Rights as rights "relating to life, liberty, equality and dignity of the individuals guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India."

Human Rights have the following implications:

First, they are the claims made on society by individuals or groups;

Second, they are the rights of individuals or a group of individuals;

Third, these rights are inalienable and human beings are entitled to them by them;

Fourth, it is a universal and legal concept;

Fifth, these rights promote human dignity, equality, liberty and fraternity for all.

Sixth, these rights are the basic minimum requirement for survival of human beings in society;

Last, but not the least, these rights can be executed only within society and are protected and enforced by the authority of the State at all levels.
Arun Kumar Palai in his book "National Human Rights Commission of India: Formation, Functioning and Future Prospects" started his discussion with the idea of Human Rights as "the series of often disparate rights and freedoms asserted by many to be universally accepted and essential prerequisites for peoples' enjoyment of a life based on the centrality of human dignity." He also identified some proponents of human rights who regarded them as being inherent, inalienable and universal in the sense that they are the birth-right of all human existence and nobody can snatch them. and these rights are applied to all persons regardless of their group identities.

(i) My research work has been divided into six Chapters:-

The First Chapter of my research work i.e., Introduction, deals with the scope or area of Human Rights in the contemporary societies and the purpose or interest of choosing this area. In fact, my research interest is on Human Rights, but the focal point of my research is the scenario of West Bengal where we find the massive violation of human rights of the people and in this context, I have discussed the function, process and functions of the West Bengal Human Rights Commission. I have discussed in detail, the importance of selecting the State of West Bengal and after discussing all these, I have gone through the effectiveness of WBHRC so far as the promotion and protection of Human Rights are concerned. In this Chapter I have tried to mention the methodologies which have been followed
by me. I have adopted Literature Survey Method, Analytical Method, Interview Method, etc. and also have analyzed a number of books, journals, articles, annual reports, etc., necessary for the protection and promotion of human rights.

The Second Chapter deals with the conceptual aspects of the Rights and Human Rights. It is naturally very important to discuss the idea of Rights and also Human Rights before going to other area relating to these concepts. After mentioning the area or scope of this particular Chapter, I tried to quote from various thinkers like Laski, Bosanquate, etc. and from some declarations, such as, Universal Declaration of Human Rights, UNO Charter, etc. After discussing the concept of Rights and Human Rights, I have tried to discuss the origin, different types of Rights and the relation between rights and human rights. This Chapter also deals with the necessity of human rights in spite of the Constitutional guarantee of rights by different Countries, different dimensions of Human Rights, such as - Universalistic, Relativist, Traditional-Statist, Cosmopolitan, Feminist and Marxist.

India played an important role during the Universal Declaration of Human Rights (UDHR) in 1948 by the General Assembly. The Third Chapter deals with the evolution of Human Rights in India in the light of the independence and the UDHR. In this Chapter I have tried to show that India was very much sympathetic to adopt the provisions declared by UDHR through Preamble, various Articles of the Constitution and in the early part of 1990s, due to the national and
international pressure, it was necessary for India to establish Human Rights Commissions both at National and State levels. I have tried to make a comparison between each and every article of UDHR and the relevant provisions of the Indian Constitution.

The Fourth Chapter mainly deals with the provisions incorporated in The Protection of Human Rights Act regarding the West Bengal Human Rights Commission (WBHRC). The focal point of my research area is the scenario of West Bengal where protection and promotion of human rights has gained a question mark and in this context the structure, functions and activities of the WBHRC. I have discussed in detail the structure, functions of the WBHRC according to The Protection of Human Rights Act, 1993 (Amendment Act, 2006) and the actual structure, functions of WBHRC. To discuss the actual picture I had to depend on various articles, newspapers, etc.

The success of any organization lies, indeed, not only in its structure, functions and processes according to the Act, but also in its activities performing in the society it exists. The Fifth Chapter of my research work deals with the “West Bengal Human Rights Commission— in action” from its formation. I have picked up some cases enquired and recommended by WBHRC from every annual reports published by the Commission to discuss the nature of the cases. I have also made a chart of the overall functioning of the Commission containing the number of
cases, number of recommendations made, number of cases disposed of, etc. I have tried to focus the relation between WBHRC and various state based NGOs working in the field of protection of human rights, the cases transferred by the NHRC to the WBHRC relating to the violation of human rights, the cases where the process of enquiry is going on, etc. and at the end of this Chapter, I have touched upon the effectiveness of the WBHRC in this regard.

(ii) The First hypothesis is that—

*Human Rights as a concept is both old and new, the thrust areas have been changed over the years.*

The second Chapter of my research work deals with the conceptual sides of the Rights and Human Rights. In fact, each and every movement of rights is closely interlinked to the movement of establishing human rights. But through the international platform of General Assembly of UNO, the concept of Human Rights has now taken a definite and concrete shape and has become a world subject after the Declaration of Human Rights on 10th December, 1948. In my Third Chapter also I have discussed this. After discussing the concepts of both Rights and Human
Rights, in the Second Chapter I have explained the question 'Why Human Rights' and the natural transformation from Rights incorporated by the Constitutions to Human Rights. I have also tried to show the different phases of Human Rights. Now this concept has been entering into the modern era in the light of globalization.

Second hypothesis, that is,

"The main objectives of National Human Rights Commission and the West Bengal Human Rights Commission; to identify the areas of violation of Human Rights by individuals, groups, political parties and the State and to take proper remedial measures."

I have mentioned earlier that the Third Chapter deals with the evolution of Human Rights in India especially after the Declaration of Human Rights and independence. In this Chapter, the purpose and objectives of establishing Human Rights Commissions both at the national and the state levels in the early 1990s. I have described the structure, functions and processes of the WBHRC according to the Protection of Human Rights Act, 1993 in detail in my Fourth Chapter. I have shown that not all the cases violation of human rights are the area of Human Rights Commission, but only the cases violation of human rights by public servants or Government Officials or by the State Government are the jurisdiction of the Commission. The Fifth Chapter mainly deals with the activities of the WBHRC relate to take proper remedial measures.
The Third Hypothesis, i.e.,

"Ideologically the West Bengal Government under the Left Front has been quite alive and sensitive to the promotion of human rights of the masses, but in practice the records of the State are not at all satisfactory."

The Fifth Chapter of this research work exclusively deals with the activities perform the WBHRC for the promotion and protection of human rights of the people in the society of West Bengal. In the first part of this Chapter explains the scenario of West Bengal where violation of human rights is very common nowadays and the Left Front Government has not been able to protect and promote of human rights of the people all the times. To explain the scenario of West Bengal I have mentioned various cases of violation of human rights in Singur, Dinhata, Barasat, Dum Dum, etc. from various records and newspapers. In the Fifth Chapter, I have also discussed in detail the cases inquired by the WBHRC and recommended to the West Bengal Government and also the steps taken by the State Government in this regard.
The Fourth hypothesis -

"The State Human Right Commission has been quite ineffective in enforcing human rights and sometimes the NHRC are directly taking up the cases from WBHRC."

The last part of the Fifth Chapter deals with the effectiveness of the WBHRC. The reflection of the functioning of WBHRC is the publishing of the annual reports every year. But the last and latest annual report (13th Annual Report) of the Commission has published in the year of 2006-07. Due to this gap the people of West Bengal is in total darkness about the nature of complaints received by the Commission and the recommendations and the steps taken by the Government, in fact, the overall functioning of the WBHRC whereas we have been facing massive violations of human rights for the last five years. There is no instance of Human Rights Courts for the speedy trial the cases in West Bengal according to Chapter VI of The Protection of Human Rights Act, 1993. In this part I was more or less critical to the functioning of the WBHRC. But there is no such cases I have found from the official records or otherwise that the NHRC has directly or indirectly taken up the cases from WBHRC. Rather, I have mentioned some cases from the official records where the NHRC transferred to the WBHRC according to the Chapter III(6) of the The Protection of Human Rights Amendment Act, 2006.
The Fifth hypothesis is that-

"Despite failures there are some cases where the WBHRC has been able to enforce human rights through the participation of NGOs and positive action of the Government."

I have selected mainly the scenario of West Bengal and my thesis revolves around the roles of the WBHRC and State bases NGOs to protect and promote of human rights. In the Fifth Chapter, I have also discussed cooperation and coordination between the activities of the WBHRC and the NGOs in this regard. I have mentioned in this Chapter the cases the Commission received from various NGOs. But sometimes the Commission is also critical to the activities performed by some NGOs. All these have discussed in the Fifth Chapter in detail.

(iii) According to the Human Rights Act, various State Human Rights Commissions (included WBHRC) as well as National Human Rights Commission have been constituted under a legislative Act with a view to protecting individuals against discrimination and the protection of civil and other human rights. The most important point is to explore as to how far the recommendatory powers of the WBHRC can effectively address the question of human rights violations in a complex and plural society like West Bengal.
As a watchdog body, the WBHRC has so far done a credible job not only in promoting human rights in the country, but also in raising the image of the nation in the community of State of West Bengal. It is empirically found that 90 per cent of the WBHRC's recommendations have been accepted by the concerned public authorities. Through various Seminars and journals, the WBHRC has made a remarkable contribution towards creating awareness for the protection of human rights. It has successfully maintained the image of objectivity, impartiality and integrity and, in fact, has assured the role of a model institution that will act as catalyst, keeping the State Government to stick to their tasks.

So far as the functioning of the WBHRC is concerned, some of the shortcomings are needed to be point

We witness the violations of human rights everyday both in the domain of the State and the civil society. But the Act confines itself to addressing the human rights violation only by the State institutions and, therefore, it ignores human rights violation at various other levels, outside the domain of the State. The Act can be more effective if its area of concern will appropriately focus on this point.

It is often said that the delay of justice is, indeed, the denial of justice. The protection of human rights by the WBHRC is a long time taking process. WBHRC accepts the complaint, enquiry into it, takes decisions and ultimately recommends to the Government. The whole process takes more than 3 or
Therefore, certain necessary suggestions are made for better functioning of the WBHRC. The future prospects of the WBHRC, it is hoped, lie in these suggestions:

Through the amendment of the Protection of Human Rights Act, the membership of the Commission should be widened because there is a lack of representations from various sections of the society so far as the structure of the WBHRC is concerned. The persons who are human rights activists, particularly from non-governmental organizations, should be included in the membership of the Commission because they have been working since long for the cause of protection and promotion of human rights in our society. Experienced academicians should also be included in the membership of the commission for spreading human rights literacy and research on human rights throughout the society. Even eminent journalists and constitutional experts should also be included in the membership of the Commission to strengthen its work and better coordination.

In the Protection of Human Rights Act, there is a provision of establishing human rights courts for the speedy trial of the cases. This provision should be implemented for giving justice to the people as early as possible.
The staff related to the WBHRC should be imparted mandatory course on human rights so as to get technical knowledge and information on human rights. Attempts should also be made to sensitizing the judiciary, the bureaucracy, the police, and other government officials about the norms and principles of human rights.

Most of the formal discussion on human rights has been concerned primarily with the political, and to some extent the legal spheres; that is, the state. We should broaden our thinking about human rights to the economic, social and cultural fields. We need to be aware, at least, of the multitude of human rights violations which occur outside the state sector.

Recently, a lot of grievances has been received by the Grievance Cell of new Cabinet of Ministers of West Bengal on the ground that the Judges cannot be able to judge the allegations properly according to the 'Family Prevention Act.' It is required a special training to execute the said Act. Same can also be said regarding the judges of the WBHRC for the speedy and proper judgment of the cases.
It cannot be said, with any amount of certainty, that the Commission has achieved something miraculous or extraordinary in the field of promoting and protecting human rights ethos of our society, or that grievances of violations have ceased to occur. But one can honestly agree upon the point that it has brought a fresh hope to those who seek redressal of their grievances. And there is an awareness now, unprecedented earlier, of the meaning of the human rights in the society.

The human rights situation in the world is still far from perfect. Therefore, it should be everybody's responsibility to make an effort to improve the situation, it is a matter of everybody's concern—government officials, parliamentarians, human rights activists, lawyers, journalists, students, teachers, social workers and the like.

Now, the new Government, led by Mamata Banerjee, has been actively taking initiatives to solve the allegations of the people everywhere in the society. While replying to a question, The Law & Judicial Minister of the present Government, Moloy Ghatak said that the human rights courts have set up in each Districts of West Bengal for the speedy trial of the cases of violations of human rights. But it must be noted that these courts are also recommendatory bodies, it is the State Government to take the final decisions. (9th September, 2011, Anandabazar Patrika).