Chapter-VIII

CONCLUSIONS AND SUGGESTIONS

8.1. Introduction

The promotion and protection of Human Rights is an International concern. Today, the protection of Human Rights is generally recognized to be a fundamental aim of the modern International law. In recent decades almost every International Organisation, Regional and Global has adopted Human Rights norms and responded to Human Rights violations by opening avenues of redress for individuals against oppressive action by member states. This is because of flagrant and blatant violations of Human Rights by the people in government and non-governmental sectors. The promotion and protection of Human Rights needs conducive and enabling environment, in particular appropriate Regulations, Institutions and Procedures framing the actions of the state. The Rule of Law is indispensable for the exercise of the Government in a way that promotes and protects Human Rights.

Human Rights originate with the birth of the individuals and are essential for the adequate development of human personality and their progress and happiness. A number of Declarations, Covenants and Legislations have been imitated and entered into the National and International levels for the effective promotion and protection of Human Rights. However the violation of Human Rights has been increasing day by day. Hence Human Rights enforcement mechanism has been established to enforce Human Rights at the national and International levels. Today, there is a need of strong society based on the fundamental principles of acceptance of Human Rights both in theory as well as in practice. States play a very important role in the promotion and protection of Human Rights.

The Philosophy of Human Rights and Fundamental Freedoms were incorporated in the Constitution in the Preamble and in the chapters of Fundamental Rights and Directive Principles of State Policy. The Supreme Court of India and state High Courts have broad powers under the Constitution to enforce Fundamental Rights. The establishment of National Human Rights Commission in India has been
quite positive. NHRC had come into existence as per mandate of the Protection of Human Rights Act, 1993, to provide better protection in cases of violations of Human Rights. National Human Rights Commission in India is playing a vital role in influencing the policy making and sometimes even policy initiations, facilitating protection and promotion of Human Rights. NHRC is providing an excellent mechanism for building public opinion and strong alliances and partnerships with Non-Governmental Organisations and other Human Rights activists for influencing the National agenda on Human Rights. In addition to the NHRC, State Human Rights Commissions, and Human Rights courts were constituted for better protection and promotion of Human Rights.

It is the mandatory duty on the part of the state to implement the Human Rights. Strengthening the justice delivery system is the foundation for world peace which is achieved through universal respect for Human Rights. The judiciary has a very significant role in fulfilling the promises of the Human Rights and Fundamental Freedoms. The judiciary not only protected the Human Rights given but created a new positive rights also. Through various techniques like using the new strategy of Public Interest Litigation, the Supreme Court of India had given expansive interpretation to the right to life and personal liberty, protecting prisoners rights, bonded labour abolition, prohibition of child labour, right to clean environment, and creating a new concept of compensatory jurisprudence holding executive responsible for avoiding public duty and requiring transparency in the conduct of public affairs. All these concerned issues were discussed in detailed in the preceding chapters of this thesis. In this chapter the fact findings of the study and suggestions are offered.

8.2. Some Findings on the Human Rights Enforcement Machinery Under International Law:

It was the Untied Nations Charter, which proclaimed the universality of Human Rights at the International level and provided an apparently firm, foundational basis for the development of the International regime of Human Rights. The Universal Declaration of Human Rights, 1948, which was presented as standards to be achieved by all peoples and nations became the source of inspiration and the basis for the United Nations in making advances in standard setting as contained in the existing
International Human Rights Instruments. Together with the Human Rights Covenants, this Declaration proclaimed International Bill of Rights. It was followed by the adoption of a large number of conventions and declarations with specific issues. All these developments constitutes a remarkable International Normative Consensus on the list of Human Rights and the concept of Human Rights now encompass, not only civil and political rights but also even social and economic rights and third generation or solidarity rights.

Another important development has been the establishment of implementation and enforcement machinery at the International and Regional level. The provisions of the UN charter empowered the organs of the United Nations namely General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice and The Secretariat, to adopt measures and create machinery for realising its objectives including those relating to Human Rights and Fundamental Freedoms. One of the purposes of the United Nations is the promotion and encouragement of respect for and observance of Human Rights and Fundamental Freedoms.

The General Assembly and the Economic and Social Council has contributed much for the protection of Human Rights through its various commissions and bodies. The office of the United Nations High Commissioner for Refugees (UNHCR) was established by the General Assembly in 1951 to solve problems of refugees, displaced persons, stateless persons and returnees in accordance with the norms of International Human Rights Law. The creation of the U.N. High Commissioner for Human Rights (OHCHR) in 1993 by the General Assembly can be reckoned as a turning point in U.N. action in the Human Rights. It has rendered a signal service for the better promotion and protection of Human Rights through out the world. The OHCHR in 1994 established a Human Rights hotline, a 24 hour facsimile line which is available to the victims of Human Rights violations, their relatives and Non-Governmental Organisations. It is valuable to those wishing to establish urgent, potentially life saving contact with the special procedure Branch of the office of the High Commissioner for Human Rights.
The General Assembly Resolution 60/251 mandates a Universal Periodic Review of each state's fulfillment of its Human Rights obligations and commitment. The Universal Periodic Review has great potential to promote and protect Human Rights in the darkest corners of the world. The U.P.R is a unique body which involves a review of the Human Rights records of all 192 U.N members states once every four years.

The commission on Human Rights was established by the Economic and Social Council in 1946 for better promotion and protection of Human Rights. It has played an active role in investigating alleged violation of Human Rights. The commission has set up an elaborate machinery and procedures, country oriented or thematic to monitor compliance by states with International Human Rights law and to investigate alleged violations of Human Rights. The U.N commission on Human Rights was often criticized for its system of election. It was not elected by all the members of General Assembly. In order to rectify this criticism the General Assembly decided to replace U.N. Human Rights Commission by the Human Rights Council vide its resolution 60/251 of 15th March, 2006. Accordingly the commission concluded the sixty-second (Last session) on March 26, 2006 after 60 years of work for the promotion and protection of Human Rights.

The Human Rights Council consists of 47 member states. The membership in the council shall be open to all member states of the United Nations. The new Human Rights Council aims to strengthen the world body’s machinery to promote and protect Human Rights and Fundamental Freedoms. At present the New Human Rights council is the best available option for making the United Nations an effective Human Rights defender. The Constitution of Human Rights Council is a landmark in the International Human Rights enforcement mechanisms. The International court of justice repeatedly quotes the Human Rights provision of the U.N. Charter, which paved the way for the development of International Human Rights jurisprudence. But the International court of justice is open to states only. It implies that individuals have no access to the court.
Several U.N. Human Rights treaties establish monitoring bodies to oversee the implementations of the treaty provisions by state parties and examine the reports of signatory nations submitted under the treaty. These include, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the Committee on Elimination of Racial Discrimination, the Committee on the Protection of All Migrant Workers and Members of their families and the Committee on the Rights of Persons with Disabilities. Normally, the Human Rights treaties establish three supervisory procedures (1) A procedure based on the examination of periodic reports submitted by the state, (2) The procedure of Inter-State complaints which a contracting state can set in motion against another party; (3) the procedure operating at the request of the individuals or group of individuals, who may file with the supervisory body a “communication” setting out the violations allegedly perpetrated by a state. These committees are also in charge of issuing. “concluding observations” where they summarize their concerns about certain states and also give recommendations for the future. Without co-operation of state parties to the Covenants, these committees can not perform its functions successfully and effectively. However, these committees have rendered a signal service for better promotion and protection of Human Rights.

At the regional level, Human Rights Enforcement Mechanisms developed independent of the United Nations. The most advanced is the European Human Rights system which gives individual the right to present cases of alleged violations of Human Right to the European Court of Human Rights. The final judgement of the court are binding. The various functions of the system are allotted to committees, chamber of the court and the grand chamber of the court. In Inter-American Human Rights System, the Inter-American Commission of Human Rights and an Inter-American court of Human Rights are playing an important role, although the judicial means at their disposal are not so advanced as those of the European Court of Human Rights. The Inter-American court can judge the cases presented to it by the commission and by the States. Individuals have no direct access to the court. The African Human Rights system is based on petitions which may be presented to the African Commission on Human and People’s Rights. The commission may also subject to certain conditions, consider complaints from individuals. The organisation
of the African unity (OAU) attempted to follow the examples of other systems and establish an African Court on Human and people’s rights, which was adopted by the OAU in 1997, but it has not yet entered into force for want of ratification. In addition to the above the Arab commission on Human Rights was setup as a sub-committee of the League of Arab States to promote Human Rights in the Arab States. The Regional Human Rights Enforcement Mechanism has rendered remarkable service for effective implementation of Human Rights.

Implementation of International Human Rights law depends largely on the voluntary compliance by the states. Hence, the most effective way to implement Human Rights vests within the legal systems of the different states. Domestic law of a state is required to provide an effective system of remedies for violations of International Human Rights obligations. International law has not become that strong so as to enforce and implement Human Rights violations committed by a state. However the United Nations has provided a fertile ground for the development and protection of Human Rights all over the world.

8.3. Some Finding on the Human Rights Enforcement Machinery under the Protection of Human Rights Act, 1993

The protection of Human Rights Act, 1993, established the National Human Rights Commission in India. This NHRC came into existence in the year 1993, to provide better protection in cases of violation of Human Rights expeditiously and to remove the inadequacy of the existing judicial process. The NHRC is a unique and independent institution, which plays an ideal, supportive and supplementary role, to other institutions that are engaged in upholding Rule of Law in Indian Society. The NHRC is necessary in an existing democratic society in the promotion and protection of basic Human Rights. The main purpose of setting up of the commission is to strengthen the machinery for more effective enforcement of Human Rights of the people in India.

Since its inception in 1993, the NHRC has been at the forefront of protection of Human Rights in India. The NHRC has awarded compensation in many cases of custodial deaths and also recommended for prosecution of the concerned police
The commission issued a number of guidelines to the states like mandatory requirement of reporting all custodial deaths to the NHRC within 24 hours, sending Magisterial enquiry reports in all cases of custodial deaths and videography of post mortem in all cases of custodial deaths. These guidelines as well as the investigative mechanisms of the commission had its remarkable effect on checking the menace of custodial deaths.

As per the mandate of the Protection of the Human Rights Act, 1993, the NHRC has reduced powers to investigate violations committed by the armed forces of the Union. Moreover the word “Armed forces” is excessively defined under Sec. 2(1)(a) of the protection of the Human Rights Act, 1993. Because of this definition, Border Security Forces and other paramilitary forces are also excluded from the investigative power of the NHRC, although they are headed by different Ministries and are subject to different policy decision and responsibilities.

Moreover the protection of Human Rights Act, 1993 does not specifically confer Jurisdiction upon the commission to inquire or investigate Human Rights violations by organised groups in the society. The main focus of the Act is to entertain complaints of violation of Human Rights by the public servants. At present certain organised groups such as terrorists, religious fundamentalists, castes and communal groups are considered the greatest threat to the Human Rights.

The NHRC has been effective check on the misuse of power or negligence by the police and other governmental agencies. The recommendations of the commission which are in the nature of recommendatory. The commission’s power to follow-up its recommendations and corresponding statutory obligations imposed upon the state authorities to answer them with action taken, report or proposed to be taken within a stipulated time, would evident that commission’s real authority. It is to be noted that commission has no power to take action directly. It does not have any power to punish the guilty. This position is far from satisfactory.

The functioning of the commission is very much impressive in nature. The implementation mechanisms of the commission makes it abundantly clear that it does not replace the role of the regular courts. Thus, the commission has been functioning
as supplement to the regular courts in cases of violations of Human Rights in providing better protection. Section 12(a) of the PHRA, 1993 provides that the commission shall intervene in any proceeding involving any allegation of violation of Human Rights pending before a court with the approval of such court. It is important to note that the commission has intervened in a number of pending proceedings involving Human Rights issues in different courts including the Supreme Court of India.

Most of the states are failed to constitute State Human Rights Commissions (SHRCs). Especially in the context of increasing violations of Human Rights. It is difficult for any single institution to meet the growing demand for the protection of Human Rights of all persons. In a very short span of time, the NHRC received a large number of complaints of Human Rights violations from all parts of the country. It has received 496 complaints in its first year 1993-1994 and an impressive 100,616 complaints during the financial year 2007-2008. Thus its work-load has increased beyond proportion. Therefore, it is the need of the hour that every state must constitute its own Human Rights Commissions, so as to provide speedy justice to the people and protect them from the violation of their Human Rights.

According to Section 21(1) of the protection of the Human Rights Act, 1993 it is simply optional for the state to constitute State Human Rights Commission. This is a great defect and weakness of the Act, since most of the violations of Human Rights take place in state territories. So far only 18 states Human Rights Commissions have been constituted by the end of September 2010, for effective implementation of Human Rights.

Another great defect in the protection of the Human Rights Act is that, it is not mandatory for the states to create Human Rights courts in each and every district as section 30 of the Act, expressly uses the words the state “may” set up the courts. That is why only few states namely Andhra Pradesh, Assam, Sikkim, Tamil Nadu, Utter Pradesh, Madhya Pradesh, Meghalaya, Himachal Pradesh, Goa, and Tripura established Human Rights courts at district level. Moreover Section 30 of the Protection of Human Rights Act, 1993, which provides establishment of District
Human Rights courts, does not lay down the jurisdiction of such courts. It also does not lay down as to what procedure should be followed by such courts.

It is to be noted that for better realisation of Human Rights, Public must be made aware of their rights and the safeguards available for the protection of those rights. Section 12(h) of the Protection of Human Rights Act, 1993 imposes an obligation on the Human Rights Commissions “to spread Human Rights literacy among various sections of the society and promote the awareness, of the safeguards available for the protection of these rights through publications, Media, seminars and other available means”. Creating Human Rights awareness is considered important and useful for the better protection and promotion of Human Rights. With this view, the Human Rights commissions have been organising seminars, workshops, training programmes, for sensitizing the public on Human Rights issues.

The NHRC has also been co-ordinating the commendable work being done by many NGOs in the field of Human Rights, Particularly in creating Human Rights awareness on various issues, improving the prison administration and penal reform. Thus NHRC can and does play an important role in co-ordinating and monitoring efforts of both civic and public bodies and agencies.

8.4. Some Findings on Judiciary in India

Judiciary in every country has an obligation and Constitutional role to protect basic Human Rights and Fundamental Freedoms of citizens. As per the mandate of the Constitution of India, this functions is assigned to the Superior Judiciary namely the Supreme Court of India and High Courts. The Supreme Court of India is perhaps one of the most active courts when it comes into the matter of protecting of Human Rights.

The Indian judiciary has adopted new approaches, developed new tools and invented new remedies to deal with increasing challenges to basic Human Rights from the government as well as from the centres of power. Over the last sixty years the Supreme Court has been rendering a signal service to the nation by upholding Human Rights in the context of continuing International concern for Human Rights.
decisions of the Supreme Court contributed, tremendously to bring out the essence of Fundamental Rights enshrined in the Constitution. The court has protected the personal liberty against arbitrary invasion by the state.

The judiciary in India on every occasion endorsed basic Human Rights through judicial verdicts and resolved that the state should expand its welfare policies to benefit the people. The major contribution of the Indian Judiciary to the Human Rights jurisprudence have been two fold: (1) The Substantive expansion of the concept of Human Rights under Article 21 of the Constitution and (2) The procedural innovation of Public Interest Litigation.

The greatest contribution of Public Interest Litigation has been to enhance the accountability of the Governments towards the Human Rights of the poor. The Public Interest Litigation by the Indian Supreme Court was a significant phase in enforcement of Human Rights. It opened the door for plethora of cases regarding the violation of Human Rights before the Supreme Court as well as High Courts in the states. Innumerable instances of Human Rights violations were brought before the Supreme Court as well as the High Courts. Public Interest Litigation has undoubtedly produced astonishing results which were unthinkable two decades ago. PIL has rendered signal service in the areas of prisoner’s rights, development of compensatory jurisprudence for Human Rights violations, environmental protection, bonded labour eradication, and prohibition of child labour and many others. PIL has heralded a new era of Human Rights promotion and protection in India.

The judiciary in India has been discharging an onerous duty in protecting Human Rights. The creative role of the Supreme Court is evident in the interpretation of Article 21 of the Constitution. Almost all conceivable Human Rights have been judicially incorporated in this Article. In this process Right to Shelter, Right to Travel Abroad, Right to Privacy, Right to Health and Medical Assistance, Right to Live with Human Dignity and so on emerge as Human Rights. The scope of Article 21 has brought about a vital change in the field of Human Right Jurisprudence. All this ultimately enables us to conclude that Indian judiciary has endeavoured hard to uphold the spirit of the Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights, 1966 and the International

The judiciary in India has been rendering onerous duty in protecting the people from police atrocities. A mere Declaration of Fundamental Rights in the Constitution is meaningless unless they can be enforced by an effective machinery. Being a Human Rights enforcement machinery, the Supreme Court has adopted new approaches, developed new tools and invented new remedies for effective implementation of Human Rights. The Supreme Court and High Courts have used Public Interest Litigation to Protect and safeguard the basic Human Rights of the poor and other disadvantaged section of the society. In India, the Supreme Court is strong independent and creative. Through judicial interpretation, the Supreme Court has widened the sweep and scope of Human Rights in India. It has intervened suomotu, whenever the violations of Human Rights, have taken place and had come to the rescue of the citizens.

The Supreme Court of India has been very vigilant against encroachments upon the Human Right of the prisoners. Article 21 of the Constitution guarantees the right to life and personal liberty and thereby prohibits any inhuman, cruel, or degrading treatment of any person whether he is a National or Foreigner. In DK Basu case the Supreme Court held that the torture by police is against rule of law. Custodial violence has been considered as calculated assault on human dignity, perhaps it is one of the heinous crimes in a civilised democratic society, which is governed by the rule of law. The Supreme Court has laid down the detailed guidelines to be followed by the centre and states investigating and security agencies in all cases of arrest and detention.

In the last few years, the Supreme Court of India through judicial activism, the scope and ambit of Human Rights has been widened. One of the impacts of this new approach of the Supreme Court is awarding of compensation for violations of Human Rights by the state. Judicial Activism has not only protected the Human Rights of the people but it has also led to the granting exemplary compensation to the victims of police atrocities, which resulted in Human Rights violation. The Supreme Court has delivered a series of decisions from Rudul Shah case to D.K. Basu case, which
conferred an enforceable right to compensation for the citizens of India in appropriate cases of violation of Human Rights. The verdicts of the Supreme Court in Nilabati Behara and D.K. Basu are in accordance with the spirit of the National and International Human Rights concern, to secure compensation to the victims of state lawlessness. The Right to compensation for violations of Human Rights by state has been recognised by the Supreme Court through judicial interpretation in accordance with the spirit of Article 9(5) of the International Covenant on Civil and Political Rights, 1966.

In this way, the Supreme Court has imposed “public accountability” for violations of Human Rights. It is necessary to evolve an acceptable and systematic criteria for assessment of compensation. Another new policy evolved by the Supreme Court and the various High Courts is that the quantum of compensation would be recovered from the state exchequer for wrongful acts of individual police personnel. In this direction in Saheli Case, the Supreme Court ordered that the payment of compensation should be recovered from the wrongdoer. It is to be noted that mere granting of compensation by the Supreme Court to the victim is not sufficient, but at the same time there should be a punitive action against the guilty police personnel.

The Supreme Court of India is settled now that the award of compensation against the state is an appropriate and effective remedy for redress of an established infringement of Fundamental Rights by the public servant under Article 21 of the Constitution of India. However, the quantum of compensation will depend upon the facts and circumstances of each case. It is evident that the Indian judiciary has been very sensitive and alive to the protection of the Human Rights of the people.

Acutely concerned with the growing environmental degradation in the country, the higher judiciary, especially the Supreme Court of India, has armed itself with techniques of judicial innovation and setup on the task of confronting these environmental challenges with a new vigour. Though India has an impressive array of Constitutional, legislative and judicial measures, not much could effectively be done in terms of environmental protection until the dawn of Public Interest Litigation. Public Interest Litigation has heralded a new era of environmental protection in India.
The Supreme Court has widened the horizons of environmental protection in India. The Supreme Court made it clear that Right to Pollution free Water and Air, which is implicit in right to live with human dignity under Article 21 of the Constitution. The activist role played by the higher judiciary has been primarily responsible for growth of environmental jurisprudence in a wide variety of cases.

In India Human Rights violations incidence is very high in police and prison departments. Hence, the police personnel and prison personnel training should be re-oriented so as to generate the knowledge on Human Rights promotion and protection, ethics and morals. The Supreme Court of India laid down a number of guidelines in respect of police and prison administration keeping in view of the Human Rights promotion and protection in accordance with International and National Human Rights concern. The Supreme Court has been held that custodial violence or harassment can not always be supported by a medical report or independent evidence on the basis of marks or scars. Every illegal detention irrespective of its duration and every custodial violence irrespective of its degree or magnitude, is outright condemnable and actionable perse. Remedy for such violation is available in civil and criminal law.

The role of the Indian Supreme Court has been quite significant in promoting child welfare. In a number of cases, the Supreme Court directed the government to carryout the measures for the welfare of the child workers in India. The Apex court has given a new dimension to several areas such as Minimum wages, protection of children in flesh trade, prohibition of employment of children in hazardous occupation and many more. The Supreme Court has shown a deep concern towards the protection and welfare of the child labour in India.

The system of Bonded labour is a stigma on human society. The protection of employing Bonded labour has been one of the worst forms of abuse of Human Rights. The Supreme Court of India had played an effective role in eradicating the Bonded labour system. The decision of the Supreme Court in Bandhu Mukti Morcha and Neeraja Chaudary cases has been considered remarkable effect for abolition of bonded labour and rehabilitation of bonded labourers in the country. These verdicts
created a new Constitutionalism to secure the implementation of social or labour welfare legislation through judicial process.

The judiciary has certainly brought into limelight, the administrative lapses and sense of awakening in the public. It is a high time for the administration to take serious note of the directions of the Supreme Court in a positive manner. Indeed, there is a greater need not only to identify and release bonded labourers, but to effectively and adequately rehabilitate the released bonded labourers, then only it can be considered that Human Rights of the bonded labourers are well protected in India. In this way judiciary has been playing a major role in expanding the scope of Human Rights and also in promotion and protection of Human Rights in India.

8.5. Some findings on Constitutional Provisions in India

Indian Constitution is one of the right based and duty oriented Constitution in the world. Human Rights have been synthesized in the Constitution of India by the preambular promises, the Fundamental Rights, Directive Principles of State Policy and the Fundamental Duties, In spite of Constitutional protection granted to the Human Rights, India has been experiencing gross violations of Human Rights in the form of discrimination, illegal detention, custodial deaths, fake encounters, bonded labour system, child labour systems, sexual harassments, communal violence and many more. The promises made in the Constitution are as far from realisation now as ever. It is universally recognised that the right to life, liberty and dignity are inherent in the human culture. The Right to life and personal liberty is one of the basic Human Rights. It is guaranteed to every person by Article 21 of the Constitution and even the state has no authority to violate that right. It is available to all persons irrespective of his status as prisoner, convict, undertrial or detene. The Indian Judiciary has made seminal contribution to Human Rights protection in interpreting Article 21 of the Constitution. The “procedure established by law” used in Article 21 restricts that the court can only check fairness of the procedure and not substance of law in strict sense of terms. The higher judiciary imposes accountability on state with the help of spirit under Article 21 of the Constitution for violation of Human Rights.
8.6. Recommendations and Suggestions

The Human Rights enforcement machinery under International law and in Indian Law has by and large played its role quite effectively and has always upheld the basic principles of Human Rights by promoting, protecting and implementing Human Rights. These mechanisms received number of complaints involving serious Human Rights violations and submitted reports to the concerned governments or states with a number of recommendations suggesting measures to be taken to curb such Human Rights violations. The following suggestions are made in order to ensure the efficacy and efficiency of Human Rights enforcement machinery under International law as well as Human Rights enforcement machinery in India. If these recommendations and others, it is hoped that certainly strengthen the Human Rights enforcement machinery at International level and in India and would go a long way in realising the cherished goal ‘All Human Rights to All’.

1. The International Human Rights law commission should be created through which new Human Rights should be identified and made accessible to individuals. Therefore International Covenants should be strengthened on the recommendations of the International Human Rights Law Commission. The members of the International Human Rights law commission should be elected by the members of the General Assembly. The commission should have coordination with the National Human Rights Institutions for effective promotion and protection of Human Rights.

2. The International Court of Human Rights should be established. Due to the formation of number of conventions relating to Human Rights and thereby generating International Human Rights Law, there is an urgent need to interpret this. Therefore an independent court of Human Rights should be created to which individuals and group of individuals would have access by way of appeals, if available domestic remedies have been exhausted.

3. Strengthen the Human Rights committees constituted under various conventions. These committees may be given the power to conduct independent investigations and to take necessary action against the violations of Human Rights violations.
4. Raising of public opinion is the most important task to implement the Human Rights programme. It can be done by making known to everybody at best those minimum standards of treatment which he or she is entitled and in making known to every person about the violations of Human Rights wherever they may occur. Print and Electronic media should be used to bring the message to the masses. By influencing public opinion, the governments in the United Nations will automatically be influenced. In this way, it would become a political necessity for governments to support the schemes for Human Rights protection.

5. Devising and imparting new skills, training and competencies amongst the policy makers, decision makers and those responsible for executing these policies and Human Rights in discharging their functions.

6. Training, education and sensitization programmes in Human Rights and duties should be regularly imparted to law enforcing agencies, particularly to the police, paramilitary personnel and prison authorities.

7. The principle of universal responsibility for trial of persons guilty of gross violation of the Human Rights should be developed so that, even if such persons are pardoned by their national governments, for the atrocious crimes which they have committed, they may be, if caught outside their countries, be amenable to International proceedings.

8. Creation of public awareness about Human Rights specially towards deprived and disadvantaged sections of the society. It can play a decisive role not only in checking the violation of Human Rights but also in their effective implementation.

9. Human Rights orientation has to be incorporated in the curriculum of schools and colleges in a mandatory form.

10. The Protection of Human Rights Act, 1993 should be amended so as to include the Armed forces within the investigative purview of the Human Rights Commissions.

11. A new provision shall be inserted in the protection of Human Rights Act, 1993 to prevent the Human Rights violations by the organised groups. For this purpose special powers shall be given to the Human Rights Commissions.
12. Section 21(1) of the Protection of Human Rights Act, 1993 should be amended so as to impose a mandatory duty on the State governments to constitute Human Rights Commissions at the state level.

13. Section 30 of the Protection of Human Rights Act should be amended imposing mandatory duty on the states to constitute Human Rights Courts at District Level. Moreover the jurisdiction of these courts and procedural requirements should be specified.

14. A new provision should be inserted in the protection of Human Rights Act, 1993 empowers the Human Rights Commissions to grant compensation or even immediate interim relief to the victims or members of their family, for violations of Human Rights.

15. The regional offices have to be established for the NHRC for the convenience of the general public in India.

16. The National Human Rights Commission may be empowered to observe the decisions of the Supreme Court protecting Human Rights and any failure in the implementation of the decision may be brought before the Supreme Court of India for adequate action.

17. Human Rights Standing Committees may be constituted in all Panchayats, Municipalities and Corporations. The Chairpersons shall be the leaders of the opposition.

18. A new Ministry of Human Rights should be created both at the central and state levels in India, for effective promotion and protection of Human Rights in India. This Ministry would help the government to discharge its various duties relating to Human Rights protection effectively.

19. The judicial innovation of Public Interest Litigation should now be incorporated into the Constitution itself to make it wide ranging and authoritative for enforcement.

20. The right to compensation for violations of Human Rights should be recognised as fundamental right and it should be incorporated in the part-III of the Constitutions of India.

21. Indian Constitution should be amended so as to include all Human Rights strictly in accordance with the changing scenario of International Human Rights law.
22. The expression “Procedure established by law” in Article 21 of the Constitution of India should be replaced by “Due process of law”. The Indian judiciary feels handicapped to further develop the right to life by liberal interpretation of Article 21 due to the presence of phrase “Procedure established by law”, where by courts can only check fairness of the procedure and not substance of law in strict sense of the terms. To check violations of this right and to develop it in its finest form the express procedure established by “should be replaced by “due process of law”.

If these recommendations and others, it is hoped, will certainly strengthen the Human Rights enforcement machinery at International Level and in India and would go a long way in realising the cherished goal ‘All Human Rights to All’.