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# Role of Assam Human Rights Commission in Promotion and Protection of Human Rights - An Analytical Study

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#### 1. Introduction

Humanity is above all. In modern days promotion and protection of Human rights become hot topics across the world. Human Rights should consider not as an obligation, but as a way of life. Human rights do not know any religion, caste, creed, sex, name and place of birth. If anybody thinks he is a human being he or she must overcome from all types of narrowlessness. Being human is the sole religion for mankind – Hatred and ignorance to any particular religion, name, gender, itself in a crime against humanity. Gender injustice and behavioural differences in male and female is also inhuman.

Article 15 (I) Reads that, state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Non tolerance is an antithesis of human rights.

The concept of human rights is known as 'Natural Right', 'Basic Rights', Fundamental Rights and other different names at different times.

The Indian History reveals that human rights thinking had started from the Vedic period as a source of justice and equality. Not to use a weapon of war, which could destroy the entire humanity, The king should protect and support all his subjects without any discrimination in the same manner as the earth supports all living, in the happiness of the subject lies the happiness of the king and Vasudhaiva kutumbakam remains India's ideology, the whole world is one family and every human beings is our relative<sup>1</sup>.

The mission of promotion and protection of human rights was formally started on 10<sup>th</sup> December/1948 through Universal declaration of human rights by the United Nation Organization. But non – formally working on human rights started in 1215 which is popularly known as Magna Carta, American declaration of Independence in 1776, French declaration of 1789, and the Bolshevik revolution of Russia of 1917.

Promotion & Protection of Human Rights are the sine-qua-non for the survival of humanity. Promotion & Protection of human rights is an important topic for research. A huge number of legislation from International Level to National and Regional Level shall be valueless if there

<sup>1</sup> The constitution of India, Kautiliya's Arthasastha, Article 15 (I) of the Constitution of India

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will be no mechanism for promotion protection of Human Rights. Promotion & Protection of human rights is the prime duty of every State.

The concept of human rights is based on the assumption that human being are born equal in dignity and rights. According to Durga Das Basu, "Concept of Human Rights is as old as the original doctrine of natural right founded on natural Law". The expression of human rights is of the recent origin and has emerged after the Second World war.

Human Rights are those fundamental, inherent rights without which we cannot live as human beings and protection of human rights are part and parcel of that chapter.

**According to Mr. Justice M.H. Beg, former** chief justice of India. Human Rights implies – "Justice, Equality and freedom from arbitrary and discriminatory treatment".

The philosophy of the development of the notion of natural rights of man was contributed by the stoic philosophers. They first developed the natural law theory and by virtue of it, they explained the nature of <sup>2</sup> human rights for example – which every human being possesses by virtue of being human. Some universal approaches in the development of the concept human rights are as follows:

- i) <u>Magna Carta -1215</u>: Magna Carta set limitations to arbitrary rule and laid the foundation of for the rule of law. The Manga Carta in England could be cited as an important landmark in the development of the concept of human rights.
- ii) American declaration of Independence –1776: The declaration is the landmark in the development of the concept of human rights for which slavery in America was legally abolished.
- iii) The French Declaration of 1789: The French declaration of proclaiming liberty, equality and fraternity for all.
- iv) The Bolshevik revolution of Russia 1917: The revolution emphasis that the social and economic rights are as important and civil and political rights.
- v) <u>Formation of UNO</u>: Universal declaration of human rights was adopted by UNO on 10<sup>th</sup> December, 1948 a landmark for protection of human rights.

### **Establishment of Assam Human Right Commission**

The Assam Human Rights Commission was established in 19<sup>th</sup> March 1996 for the Promotion, Protection of human rights. The commission has disposed hundreds of the cases, imposed fines on the guilty and provided compensation to the victims.

This analysis of the role of the Assam Human Rights Commission in the promotion and protection of human rights, will be an analytical study. The role of the Assam human rights commission in promotion & Protection of human rights is a very important topic having socially important ramifications and hence, a matter of thorough analyses<sup>3</sup>.

<sup>&</sup>lt;sup>2</sup> Universal Declaration of Human Rights, AHRC News Letter October- December/2012

<sup>&</sup>lt;sup>3</sup> French Revolution, ABC of Human Rights

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Promotion of human rights means activities that supports or encourages the action of raising someone to a higher position, a publicity campaign, and advancement. On the other hand the word protection means – State of protecting, a document guaranteeing immunity from harm, preservation, system of protecting.

In exercise of the powers conferred by sub-section (2) of Section 10 read with section 29 of the Protection of Human Rights Act. 1993 (As amended by the Protection of Human Rights (Amendment) Act. 2006 No. 43 of 2006] the Assam Human Rights Commission hereby makes regulation.

### **Constitution of Assam Human Rights Commission**

Chapter 5 of the protection of Human Rights Act 1993 provides for the Setting up of the State Human Rights Commission in state constituting.

- a) A chairman who has been a chief justice of the High Court.
- b) One Member, who is or has been a Judge of a High Court.
- c) One member who is or has been a District Judge in that state.
- d) Two members to be appointed from among persons having knowledge of or practical experience in matters relating to human rights.

The Chairman and other member of the commission shall be appointed by the Governor on the recommendation of a committee consisting of the

- a) Chief Minister (The Chairman)
- b) Three members (i) Speaker of Legislative Assembly (ii) Member in charge of the Department of Home in the state.
- c) The Leader of opposition.

### Functions of the Assam Human Rights Commission are as follows:

- 1. Inquire sou-motu or on a petition presented to it by a victim or any person on his behalf, into a compliant of-
  - Violation of human rights or abetment thereof, or
  - Negligence in the prevention of such violation, by a public servant<sup>4</sup>.
- 2. Intervene in any proceeding involving any allegation of violation of human rights pending before the court, with the approval of such court;
- 3. 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 or lodged for purposes of treatment, reformation or protection, to study the living conditions of the inmates and make recommendations thereon.

<sup>&</sup>lt;sup>4</sup> The Assam Human Right Commission (Procedure) Regulation - 2001



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- 4. Review the safeguard provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommended measures for their effective implementation;
- 5. Review the factors, including the act of terrorism that inhibit the enjoyment of human rights and recommended appropriate remedial measures.
- 6. Undertake and promote research in the field of human rights.
- 7. Spread human rights literacy among various sections of the society and promote awareness of safeguards available for the protection, media, seminar and other available means;
- 8. Encourage the efforts of non-government organizations and institutions working in the field of human rights; and
- 9. Such other functions as it may consider necessary for the promotion of human rights.

### The following Categories of cases registered with the Assam Human Rights Commission-

Custodial death in Jail, Custodial death in Police Custody, Custodial Torture, Custodial Rape, Death in Police Encounters as reported by Police, District Magistrate, Government, Death due to allegedly Fake Encounters as reported by the media / public, Rape<sup>5</sup>, Illegal Detention / arrest, Police Excess and negligence, Jail conditions, Violation of the rights of prisoners, Violation by Health & Family Welfare Dept., Dowry Torture /Death, Indignity to Woman / Sexual Harassment at Workplace, Violation of the Rights of the Child, Violation of the legal right of Mentally Retarded Children, Complaint against Education Dept., Violation of the Legal rights of physically challenged, Mysterious Death, Mysterious disappearance, Abduction, Violation by Public Health & Engineering Dept., Electrocution, Pension, Cases of Pollution, Condition of inmates in relief camps set up during natural calamities, Violation of the rights to religion, Erosion of River and resultant Treat to life, Ragging in Educational Institution, Hill cutting and treat to life, Negligence by Forest Dept., Unlawful eviction by Public authorities, Referred to NHRC, Miscellaneous.

Statement of cases registered and disposed of by the Assam Human Rights Commission since inception till 25<sup>th</sup> January, 2016

Year	Registered	Disposed of	Balance
1996-97	271	741	0
1997-98	1358	1358	0
1998-99	891	891	0
1999-2000	464	435	29
2000-01	Balance case	252	49
	Bought forward = 29		
	Case Registered +272+301		
2001-02	Balance Case	428	0
	= 49		

<sup>&</sup>lt;sup>5</sup> Assam Human Rights News Later July- Dec. /2016

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Forward   Case Registered   2002-03   604   373   231		Dought	+379=428		
Case Registered   2002-03   604   373   231   2003-04   Balance Case   Bought   -231   Forward   +473=704   Case Registered   2004-05   Balance Case   Bought   -389   Forward   +397=786   Case Registered   2005-06   Balance Case   Bought   -381   Forward   +468=849   Case Registered   2006-07   Balance Case   Bought   -556   Forward   +356=912   Case Registered   2007-08   Balance Case   Bought   -585   Forward   +357=942   Case Registered   2008-09   Balance Case   Bought   -500   Forward   +318=818   Case Registered   2009-10   Balance Case   Bought   -509   Forward   +260=769   Case Registered   2010-11   Balance Case   Bought   -397   Forward   +255=652   Case Registered   2011-12   Balance Case   Bought   -397   Forward   +255=652   Case Registered   2011-12   Balance Case   Bought   -386   Forward   +309=695   Case Registered   2012-13   Balance Case   Bought   -396   Case Registered   2012-13   Balance Case   Bought   -397   Case Registered   2012-13   Balance Case   Bought   -397   Case Registered   2012-13   Balance Case   Bought   -396   Case Registered   2012-13   Balance Case   Bought   -396   Case Registered   2012-13   Balance Case   Bought   -329   Case Registered   2012-13   Balance Case   Case Registered   2012-13   Case Registered   2012-13   Case Registered   2012-13   Case Registered   2012-13   Case Registere		Bought	+3/9=428		
2002-03         604         373         231           2003-04         Balance Case Bought					
Balance Case					
Bought   Forward   +473=704   Case Registered			•		
Forward	2003-04	Balance Case		315	389
Case Registered   Balance Case   Bought   = 389   Forward   +397=786   Case Registered		Bought	=231		
Balance Case   Bought   =389   Forward   +397=786   Case Registered		Forward	+473 = 704		
Balance Case   Bought   =389   Forward   +397=786   Case Registered		Case Registered			
Bought	2004-05			405	381
Forward		Bought	=389		
Case Registered   293   556		_			
2005-06         Balance Case Bought Forward H468=849 Case Registered         293         556           2006-07         Balance Case Bought Forward H356=912 Case Registered         327         585           2007-08         Balance Case Bought Forward H357=942 Case Registered         442         500           2008-09         Balance Case Bought Forward H318=818 Case Registered         309         509           2009-10         Balance Case Bought Forward H260=769 Case Registered         372         397           2010-11         Balance Case Bought Forward H255=652 Case Registered         266         386           2011-12         Balance Case Bought Forward H309=695 Case Registered         366         329           2012-13         Balance Case Bought Forward H309=695 Case Registered         297         356			1257 700		
Bought	2005-06			203	556
Forward	2005-00		-391	273	330
Case Registered         327         585           2006-07         Balance Case Bought = 556 Forward +356=912 Case Registered         327         585           2007-08         Balance Case Bought = 585 Forward +357=942 Case Registered         442         500           2008-09         Balance Case Bought = 500 Forward +318=818 Case Registered         309         509           2009-10         Balance Case Bought = 509 Forward +260=769 Case Registered         372         397           2010-11         Balance Case Bought = 397 Forward +255=652 Case Registered         266         386           2011-12         Balance Case Bought = 386 Forward +309=695 Case Registered         366         329           2012-13         Balance Case Bought = 329         297         356		_			
2006-07         Balance Case Bought			+400-049		
Bought	2007.07			227	505
Forward	2006-07		556	321	585
Case Registered   2007-08   Balance Case   Bought   =585   Forward   +357=942   Case Registered		_			
2007-08       Balance Case Bought = 585 Forward +357=942 Case Registered       442       500         2008-09       Balance Case Bought = 500 Forward +318=818 Case Registered       309       509         2009-10       Balance Case Bought = 509 Forward +260=769 Case Registered       372       397         2010-11       Balance Case Bought = 397 Forward +255=652 Case Registered       266       386         2011-12       Balance Case Bought = 386 Forward +309=695 Case Registered       366       329         2012-13       Balance Case Bought = 329       297       356			+356=912		
Bought					
Forward   +357=942   Case Registered	2007-08			442	500
Case Registered       309       509         Balance Case       309       509         Bought       =500       509         Forward       +318=818       2009-10         Balance Case       372       397         Bought       =509       509         Forward       +260=769       2010-11         Balance Case       266       386         Bought       =397       2010-11         Balance Case       366       329         Bought       =386       366         Forward       +309=695       366         Case Registered       297       356         Bought       =329       356					
2008-09       Balance Case Bought		Forward	+357 = 942		
Bought =500 Forward +318=818 Case Registered  2009-10 Balance Case Bought =509 Forward +260=769 Case Registered  2010-11 Balance Case Bought =397 Forward +255=652 Case Registered  2011-12 Balance Case Bought =386 Forward +309=695 Case Registered  2012-13 Balance Case Bought =329  297 356		Case Registered			
Forward	2008-09	Balance Case		309	509
Case Registered       372       397         Balance Case Bought Forward +260=769 Case Registered       +260=769       266       386         Bought =397 Forward +255=652 Case Registered       266       386         2011-12 Balance Case Bought =386 Forward +309=695 Case Registered       366       329         Balance Case Bought =386 Forward +309=695 Case Registered       297       356         Bought =329       356       329		Bought	=500		
2009-10       Balance Case Bought = 509 Forward +260=769 Case Registered       372       397         2010-11       Balance Case Bought = 397 Forward +255=652 Case Registered       266       386         2011-12       Balance Case Bought = 386 Forward +309=695 Case Registered       366       329         2012-13       Balance Case Bought = 329       297       356		Forward	+318=818		
2009-10       Balance Case Bought = 509 Forward +260=769 Case Registered       372       397         2010-11       Balance Case Bought = 397 Forward +255=652 Case Registered       266       386         2011-12       Balance Case Bought = 386 Forward +309=695 Case Registered       366       329         2012-13       Balance Case Bought = 329       297       356		Case Registered			
Forward +260=769 Case Registered  2010-11 Balance Case Bought =397 Forward +255=652 Case Registered  2011-12 Balance Case Bought =386 Forward +309=695 Case Registered  2012-13 Balance Case Bought =329  297 356	2009-10			372	397
Forward +260=769 Case Registered  2010-11 Balance Case Bought =397 Forward +255=652 Case Registered  2011-12 Balance Case Bought =386 Forward +309=695 Case Registered  2012-13 Balance Case Bought =329  297 356		Bought	=509		
Case Registered         2010-11       Balance Case Bought = 397 Forward +255=652 Case Registered       266       386         2011-12       Balance Case Bought = 386 Forward +309=695 Case Registered       366       329         2012-13       Balance Case Bought = 329       297       356					
2010-11       Balance Case Bought = 397 Forward +255=652 Case Registered       266       386         2011-12       Balance Case Bought = 386 Forward +309=695 Case Registered       366       329         2012-13       Balance Case Bought = 329       297       356					
Bought =397 Forward +255=652 Case Registered  2011-12 Balance Case Bought =386 Forward +309=695 Case Registered  2012-13 Balance Case Bought =329  297 356	2010-11			266	386
Forward +255=652 Case Registered  2011-12 Balance Case Bought =386 Forward +309=695 Case Registered  2012-13 Balance Case Bought =329  297 356	2010 11		-397	200	300
Case Registered  2011-12  Balance Case Bought = 386 Forward +309=695 Case Registered  2012-13  Balance Case Bought = 329  297 356					
2011-12       Balance Case       366       329         Bought       =386       50       50         Forward       +309=695       50       50         Case Registered       297       356         Bought       =329       356			1233-032		
Bought = 386 Forward +309=695 Case Registered 297 356 Bought = 329	2011 12			266	220
Forward +309=695 Case Registered  2012-13 Balance Case Bought =329  356	2011-12		_206	300	349
Case Registered           2012-13         Balance Case Bought         297         356					
<b>2012-13</b> Balance Case Bought =329 356			+309=693		
Bought =329	2012 12			207	254
	2012-13			297	356
Forward +322-651		_			
		Forward	+322=651		
Case Registered			•		
<b>2013-14</b> Balance Case 443 248	2013-14			443	248
Bought =354		Bought	=354		
Forward +337=691		Forward	+337=691		
Case Registered		Case Registered			



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2014-15	Balance Case		382	126
	Bought	=248		
	Forward	+260 = 508		
	Case Registered			
2015-16	Balance Case		328	168
	Bought	=126		
	Forward	+370=496		
	Case Registered			
2016-17	Balance Case		190	67
	Bought	=168		
	Forward	+89 = 257		
	Case Registered			

Total Cases registered = 9293 Total No. of Cases Disposed of = 9226 Number of cases under process = 67

# Role Played by the Assam Human Right Commission its role in the promotion and protection of Human Right in Assam. Investigation process and judgement

It is observed that court are not sufficient in themselves in attending rights because of the weak support structure for legal mobilization. The view that courts and existing regional institutions are sufficient to attend to the human right agenda is based on the assumption that support for legal mobilization is uniform throughout.

Coming to the Assam Human Right Commission case study it becomes clear that the commission has been hampered in realizing its full potential by external as well as internal factors. External factors are those, which are controlled by or influenced by the state and its agencies. Some of the external factors are numerated below<sup>6</sup>:-

- The AHRC emphasized the need to set up four clear functioning, but the state government categorically dismissed the commission's proposals
- Dealing with the human rights violations committed by armed force personnel, but the privileged status of armed forces continues and the government has dismissed all such proposals as unnecessary, even case of death and rape while in the custody of armed forces.
- AHRC does not have its own campus. The office has been running from the GMDA Office premises near Guwahati Medical College Hospital, Bhangagarh.
- For last few years the government has not appointed to members.
- At present the post of the chairman and other members are lying vacant.
- IN the area of the child labour, education and other aspects of child welfare the commission has made policy recommendations, but the State Government has not responded to them.

**Notable Cases:** - **AHRC case no-7275/2010;** - It is a case of custodial death of one Putul saikia, a life convict confined in the Sivsagar jail who expired at AMCH Dibrugarh. The cognizance of the case was taken on intimatimation of superintendent District jail, sivsagar received by the

<sup>&</sup>lt;sup>6</sup> Assam Human Rights Commission News Letter Jan to June/2016

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National Human Rights Commission. New Delhi and later forwarded for disposal to the commission. The commission issued notice to the D, C Sivsagar for submitting reports regarding the death of the convict. After receiving the reports, the commission again issued notice to the D.C to collect the chemical analysis report and the histo-pathological report for holding a final opinion regarding the cause of the deceased convict. But such reports were not produced by the D.C on the ground of non collection of the viscera by the police. The chemical report could not be prepared by the medical department. Thus the cause of death could not be ascertained for want of the chemical analysis report. The magisterial enquiry report also failed to provide the probable cause of death of the deceased. The commission decided to close the case on 02.04.2012<sup>7</sup>.

AHRC Case No. 378/12-13; - On 30.04 2012 Assam saw one of its worst boat tragedy wherein a double decked ferry carrying more than 380 passengers being on its way to Madarttari under the Fokirganj police station from Dhubri town sank in the mighty Brahmaputra on Monday after being caught in a severe storm midstream. The tragedy was reported in several newspapers published from Assam. The Assam Tribune dated 2<sup>nd</sup> May 2012 published a news - "Most vessels plying in Brahmaputra flout norms" and an editorial. The Sentinel dated 2<sup>nd</sup> May 2012 also published an editorial under the caption of "Monday's Boat tragedy" in addition to a news report under the caption – "After macabre Tragedy, flaws crystal clear". The commission took so-moto cognizance of the entire issue pertaining to security and safety of the passengers ferrying in the boat run by the lessees under the Indian Water transport Department, Government of Assam, over the mighty Brahmaputra as well other tributaries of Assam. Notices were issued by the chief secretary, the commissioner, and to the secretary of Inland Water Transport asking them to set up separate enquiries into the boat tragedy and update the commission on the following:

- If there are any foolproof guideline/norms to ensure safety and security of the boat/ferry travelers.
- Condition of ferries and boats used in ferrying travelers across the river Brahmaputra and its various tributaries
- Whether the ferries and boats are equipped with lifesaving equipment, life belts in adequate measures and if not, then what are the measures to supervise the safety and security measures.
- Measures taken to prevent overcrowding in the boats and ferries.

AHRC Case No. 435/25/12-13: - The Assam Human Rights Commission took cognizance of a complaint petition regarding the suffering of the residents in the Indo – Bhutan areas of Udalguri District due to non – supply / absolutely inadequate supply of potable water<sup>8</sup>. The residents prayed for issuing order by the Commission to the PHE Department, Government of Assam, to repair the inoperative water supply system in the area. Taking cognizance of the case the Commission issued notice to the Commissioner & Secretary to the Government of Assam, PHE, to cause an inquiry into the complaint. The report submitted by the Chief Engineer, PHE, and the comments of the complaints convinced that scarcity of drinking water in the locality is mainly due to the peculiar geo- physical condition of the locality characterized by thick lear of underground

<sup>&</sup>lt;sup>7</sup> The Assam Human Right Commission New Latter April to June, July to Sept/2012

<sup>&</sup>lt;sup>8</sup> Assam Human Right Commission News Letter – Oct to Dec. /2012



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boulders and that the Public Health Engineering Department is making every effort to improve the water supply situation in the locality.

Considering the facts, the Commission, on 26 Dec. 2012, recommended the PHE Department, Government of Assam through its Commissioner & Secretary, to expedite implementation of schemes to improve the water supply in the locality.

**ARHC Case No. 714/24/13-14:** - Taking serious note about the fact that one Basanti Devi was electrocuted on 09-05-2013 at about 9.30 P.M. at Anil Nagar, Guwahati, while returning home from market after coming into contact with an exposed, live electric wire on the footpath during a heavy down pour allegedly for the neglect of the electrical department, in the main, as widely published in the various Local Daily Newspapers and vividly broadcast through the different T.V. News Channels. The Assam Human Rights Commission (AHRC) comprising its Chairperson, justice Dr. Aftab H. Saikia and Memberm Tarun Phookan, by its order dated 13-05-2013 passed in AHRC Case No. 714/24/13-14 had taken cognizance of the instant case Suo-Motu on the fatal incident and ordered for an inclusive probe into the tragic death of the women to be caused to be conducted by the Chief Secretary, Government of Assam, within a period of 30 (thirty) days for which due notice has been issued to him by the Commission<sup>9</sup>.

**ARHC Case No.** 1602/9/15-16: - A division bench of the Assam Human Rights Commission, on 24-02-2016 issued notice to the Chief Secretary, Assam, calling upon him to cause an inclusive enquiry to be conducted into the incident of leakage of some toxic gas through the concerning technological as well as administrative authorities and submit the report thereof before this commission within 30 (Thirty) days or receipt of the Notice.

The Commission took suo-moto cognizance of a news item which appeared in a number of local news regarding a Mysterious Gas Leakage of some toxic gas affecting a large number of the residents of Navagraha, Silpukhuti, Chandmari and Kharghuli of the metropolis of Guwahati on Friday night and thereafter resulting in nausea and vomiting amongst some of the affected people besides the reported death of an elderly woman. The accusation had been made against the Guwahati Refinery for being responsible for the release of the said gas, which could have triggered a catastrophe like that of the Bhopal Gas Tragedy. It was expected that the best of the technologies be used by the concerned authorities to prevent any further leakage of such obnoxious substances so as to avert and evade any possible disaster being detrimental and deleterious of life and property.

AHRC Case No. 977/9/13-14: - Sri Aditya Lahkar and Sir Pranjal Kumar Sarma, respectively the Secretary General and a Member of the MASS (Manab Adhikar Sangram Samiti) Assam, Guwahati, through their joint complaint dated 26-02-2014, have accused the Government of Assam in the Home Ministry, in general, and the District Administration of Kamrup Metro and especially the Police Authority of the District, in particular, of Sheer negligence and inaction inasmuch as they allegedly failed to take timely action and prevent the tragic death of one Pranab Boro, reportedly an activist of the KMSS (Krishak Mukti Sangram Samiti) Assam, on 24-02-

<sup>&</sup>lt;sup>9</sup> Assam Human Right Commission News Latter – Jan to March, April to June/2013

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2014 at about 10 A.M. in front of the <sup>10</sup>Assam State Secretariat, Dispur, Guwahati, who resorted to self-immolation after setting himself on fire allegedly in protest against the apathy of the State Government in allotting land to the landless persons concerned who have since been fighting therefor.

Since the matter in the complaint involves public interest and apparently there is no authorization made on behalf of the family of the victim to file the present complaint before this Commission, it has been decided to take up the case Suo- Motu by the Commission.

In the Commission's Order dated 26-02-2014 notice was issued to the Chief Secretary, Government of Assam, to cause an inclusive e inquiry to be conducted into the said allegations immediately and submit the report thereof before this Commission within 30 (Thirty) days of receipt of the notice.

### 2. Aims and objects of the study

The Assam Human Rights commission has been working for the promotion and protection of human rights in Assam since 1996. Promotion and protection of human rights and the role played by the Assam human rights commission since its inception is to be assessed.

#### Aims

- a) Focus on the role played by Assam Human Rights commission.
- b) Evaluate Social response.
- c) Assess public benefit.
- d) Review public awareness.
- e) Find out short comings.
- f) Make public awareness.
- g) Find out the causes of violation of human rights.
- h) To analyze the successful and unsuccessful role played by the Assam human right by in the promotion and protection of Human Rights.

#### **Objective**

The objective of this research work is to highlight the role of Assam Human Right protection of Human Right to analyze its success and failure. Finding out its weakness by putting light on the grey area. Other main objectives of the proposed study are as follows

- I) To analyze the legal weakness and technical defect in playing the role to promote and protect life.
- II) To focus on the insight knowledge of the working of the Assam human rights commission.
- III) To discuss the case study method and its effects and social impacts in Assam.
- IV) To discuss the various problem faced by the Assam human rights commission.
- V) To analyze execution of order / judgement of the decided cases by Assam Human Rights commission.

<sup>&</sup>lt;sup>10</sup> Assam Human Right Commission News Latter – Jan to March, April to June/2013

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Under this proposal I want to start researching about the role of Few International covenants also contributes in the protection and promotion of human rights which are

- 1. The International covenant on economic, social and cultural rights, adopted on 16<sup>th</sup> Dec. /1966.
- 2. The International covenant on the elimination of all from of racial discrimination in 1969.
- 3. The convention on the elimination of all forms of discrimination against woman 1<sup>st</sup> Dec. /1979
- 4. The declamation in the elimination of violence against women 1993
- 5. The convention against torture and other inhuman or degrading treatment 1984.
- 6. The convention on the rights of the child 1989.
- 7. The declaration on the rights of persons belonging to National or ethical, religious and linguistic minorities 1992.
- 8. The Vienna declaration and program of action 1993<sup>11</sup>.
- 9. The United Nation Decade for Human Rights Education 1995-2004.

## Key Issues of UN for Human Rights

- 1. Promotion of sustainable Economic growth and sustainable development.
- 2. Maintenance of International Peace and Security.
- 3. Support of the development of Africa.
- 4. Promotion of protection of Human rights.
- 5. Coordination of Humanitarian Assistance effort.
- 6. Nuclear, chemical and conventional weapons disarmament.
- 7. Drug control, Crime prevention and Counterterrorism.

### 3. Research Hypothesis

The main Hypothesis of this research will be visiting of the affected area, meeting of victim persons, review of the workings of the Assam Human Rights Commission till its formation and actual happenings reported of the electronic and print media, personal knowledge and the data already available in the office of the Assam Human Rights Commission Library.

### 4. The Statement of Problems

Lack of awareness, weak implementation part of Assam Human Rights Commission. The problem of collecting data in respect of violation and protection of human rights from reliable so that the compensation awarded by the Assam Rights Commission and the problem of the execution, order of the departmental proceeding and its consequences. Non inclusion of all Human Rights problems etc.

A detailed study in the matter of promotion and protection of Human Rights and also draw a picture about the first generation of Human Rights on civil and political rights, the second

<sup>&</sup>lt;sup>11</sup> The Law of International Human Rights protection by Walter Kalling

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generation of Human rights on economic, social and cultural rights and third generation, press, Assemble, movement, residence, profession, Education, Food, water, privacy, puberty, slavery, compensation, Nationality, strike, trade, vote and to be presumed innocent until proved guilty. And right against un-reasonable search, seizure cruelty, double jeopardy, slavery arbitrary arrest, etc. Promotion & protection an above mentioned human rights are very important to spend day to day life as human beings in the society.

### 5. Research question

How and when human rights are violated and by whom? What are the measures taken by the State authority in respect of protection of human rights? How criminal racket, militant and other forum violates human rights? How Assam Human Rights Commission has been workings for protection of human rights and why machinery fails to protect human rights? What is the role of the Assam Human Rights Commission in promotion & Protection of Human Rights? Further questions are-

- a) Why only a specific institution (Assam Human Right Commission)?
- b) What leads to its adoption?
- c) What are its effects?
- d) Whether it suits the state?
- e) What is its past, present and future?
- f) How can it be improved?
- g) Whether it needs to be replaced?

### 6. Proposed research methodology

An empirical and non-empirical method of study will be adopted in this research, such as-case study method, interview method, questionnaire method, field visit, library study etc.

#### 7. Survey of Literature

Human Rights jurisprudence starts its study from "Nature Right" which is also called birth rights. After the second World War the term Human rights were in use and at present those vital human rights such as the right to life, liberty, equality, security, opportunity, live, food water education becomes human breath. This is one of the untouched areas of research aimed to be unfolded by this analytical study. I have gone through many Literature. No one till date done research on the role of the Assam Human Rights Commission in the promotion and protection of Human Rights. How far the Assam Human Rights Commission remains successful in the promotion and protection of Human Rights in Assam shall be the core subject. This analytical study of the Assam Human Rights Commission in the promotion and protection of Human Rights will hopefully be a socio—Legal Study through which a true message will come out 12.

<sup>&</sup>lt;sup>12</sup> Research Method by J.S. Patil

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### 8. Tentative Chapters

- i. Introduction History and development, structure aims and objective.
- ii. Role and function of Assam Human Rights Commission.
- iii. Procedure of investigation, judgement and its execution.
- iv. Constitutional provisions and Legislatives Measures to promote and protect Human Rights.
- v. Role of Assam Human Rights Commission.
- vi. Promotion and protection of Mechanism.
- vii. Summary, conclusion and suggestions.

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