

Locating National Human Rights Commission within the Human Rights Discourse at the Grassroots in Rural India*

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CIVIL, POLITICAL, ECONOMIC, CULTURAL AND SOCIAL SPACES have been the sites of contestation of human rights for centuries. At the same time, these are also the spaces which have the potential of ensuring human rights to each individual. As the material resources within a society contract, these spaces become the source for either restricting or completely taking away the basic rights of individuals which accrue to them by virtue of being human. These restrictions and violations seek their justification from innumerable sources. Countries across the world have seen a surge in the violation of the human rights. Consequently, freedom of speech, right to have a dignified life, rights of indigenous communities, women, children, minorities (be it ethnic, religious or sexual or persons with special needs) have tended to get short changed in the process. India is unique in the sense that its Constitution ensures a number of rights to its citizens. Yet, India has seen a surge in the cases which are a violation of basic human rights. The victims of such violence are mostly people on the periphery of society such as the tribal communities, poor, *Dalits*, religious and sexual minorities, children and women. The marginalized often find it difficult to access the system which can ensure a life of dignity to them and often are not aware of their rights and mechanisms of redressal of their grievances.

Diverse countries such as India have a long history of indigenous rights. Civil society organizations and human rights defending agencies are working together to bring these rights under the umbrella of universal human rights devised by the Constitution of India and the Universal Declaration of Human Rights (UDHR) (Heitmeyer, 2014). Merry (2006) argues that for

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human rights to be effective, they have to be translated into local terms and situated within a local context. When we talk about protecting human rights at the grassroots and identifying the grievance redressal mechanisms, it becomes vital to understand how people at the grassroots perceive human rights and the interrelatedness of their indigenous rights with the universal human rights. One finds that the context within which human rights are situated and violated often makes it a challenge for individuals and communities to decipher whether their rights have been violated. Mechanisms that they often use to make sense of these violations find justification in either destiny or self-blame. These justifications consequently put an end to the desire of an individual to seek out and ensure justice.

Understanding People's Perspective on Human Rights

An understanding of the local context is crucial in gauging the interpretation which people give to these rights. Therefore, the research has taken cognizance of the grassroot realities of the places where the study was undertaken. The outcomes of the research have interdisciplinary relevance and shall be useful to people working in the field of human rights, sociology, political science, civil society, and to social workers besides the policymakers and those with legal background. This research gives a push towards understanding peoples' subjective interpretation of human rights and identifies the spaces which have the potential to be the sites of human rights violations. An understanding of the awareness of human rights at the grassroots shall ultimately help in devising appropriate intervention and in identification of mechanisms for better human rights education. The study has been aimed at the following objectives:

- To understand the meaning of human rights from the perspective of the people at the grassroots;
- To understand the nature of human rights violations with respect to the research area;
- To delineate formal and informal systems of grievance redressal employed by people at the grassroots level in case of human rights violations;
- To identify the level of awareness about NHRC among people at the grassroots;

- To locate the role of National and State Human Rights Commissions in addressing the violations of human rights and the context within which such violations occur from the perspective of the people at grassroots;
- To propose interventions and mechanism for raising awareness regarding the role of the National Human Rights Commission (NHRC) at the grassroots level.

Research Design

The project adopted a mix of qualitative and quantitative research methods in the study. The study report is descriptive in nature.

Selection of States and Villages

The three states where the research was undertaken were selected because of their human rights violation records and the familiarity of researchers with the local language. The following table lists the States with highest number of human rights violations reported by NHRC.

Table 1: States with highest number of human violations registered with NHRC from 1 April 2015 to 31 March 2016

State	Human rights violation cases registered with NHRC from 01/04/2015 to 31/03/2016
Bihar	4,019
Haryana	11,518
Odisha	16,215
Rajasthan	3,169
Uttar Pradesh	49,323

The state of Uttar Pradesh was selected for a number of reasons. Uttar Pradesh has shown the highest number of human rights violation cases, raising up to 44 percent of the total cases lodged by NHRC in the 2015-2016 period (Nath, 2016). The number of cases from Uttar Pradesh was more than the total number of human rights violation cases in the other four states, namely, Haryana, Odisha, Bihar, and Rajasthan. Uttar Pradesh has many kinds of human rights violations both reported and unreported. For instance, according to National Crime Records Bureau (NCRB) report 2016,

the number of cases of atrocities against Scheduled Caste was 10,426 and 25.6 percent of the total cases reported under this category belonged to Uttar Pradesh. Atrocities against the Scheduled Castes (SCs) in Uttar Pradesh has increased over the years with 8,066 cases in 2014, 8,357 in 2015 and 10,426 in 2016. According to the same report, Uttar Pradesh was positioned at number one in 2017 based on its total share in the given three categories - crime against women, crime against children and atrocity against SCs. Among the metropolitan cities, Lucknow stood at number one in the category of crime against women and children.

In the month of January 2018, News 18 reported that Uttar Pradesh received around nine notices from NHRC on issues such as the one related to death of children in Gorakhpur hospital, Banaras Hindu University molestation scandal, fake encounter cases, and many more (Ahmad, 2018). The cases of communal violence have also registered an upsurge in Uttar Pradesh from one hundred thirty-three in 2014 to one hundred sixty-two in 2016 as reported by the Home Ministry (Dubbudu, 2017).

The states of Haryana and Rajasthan have also been selected for similar reasons. Haryana has shown a spurt in the cases of communal conflicts and Rajasthan has been in the news for inter-community suspicion and rifts leading to some of the worst cases of lynching in India.

From these states, five villages were purposively selected; three from Uttar Pradesh and one each from Haryana and Rajasthan. The following table lists the villages selected for the research.

Table 2: List of villages selected for study

Name of Village	District	State	Nature of violence
Phugana	Muzaffarnagar	Uttar Pradesh	Communal
Khudadadpur	Azamgarh	Uttar Pradesh	Communal
Umbha	Sonbhadra	Uttar Pradesh	Tribal atrocity
Dangawas	Nagaur	Rajasthan	Dalit atrocity
Jassia	Rohtak	Haryana	Jat Reservation Movement

Another reasons for selecting these particular villages (aside from familiarity with the language and availability of gatekeepers) was the diverse nature of incidents that have happened in these villages. Dangawas village of Rajasthan had seen Dalit atrocity or caste conflict between Jats and Dalits whereas Jassia from Rohtak district of Haryana was one of the epicenters of Jat agitation for reservation in government jobs that took place in 2016.

It witnessed several cases of human rights violations. In the three villages of Uttar Pradesh, Phugana was one of the most affected villages during the communal riots of Muzaffarnagar, which is seen as one of the worst riots in the recent history of Uttar Pradesh. Umbha in Sonbhadra district of Uttar Pradesh has recently witnessed massacre of eleven Gond tribals and injuries to more than thirty people over a land dispute in July 2019. Khudadadpur is the village of a very communally sensitive district of Azamgarh which experienced communal tensions between Muslims and Dalits over a small dispute between two boys of these communities.

This diversity of context and issues has helped in building an understanding of the violation of human rights, awareness about rights and NHRC at the grassroots level in a better way.

Assumptions in the Study

The research study was based on the following assumptions:

1. These districts have high instances of caste-based and communal violence that show violations of human rights of various kinds at various levels;
2. People in these communities are well aware that losses accrue to the communities and people of the area where violence occurs and therefore engagement with these communities would help understand their interpretation of these issues.

Consequently, the study has focused on delineating the villages which have high instances of caste or communal violence or tribal atrocities.

Sources of Data Collection

Primary sources of data collection were used in the research. Primary sources included all the participants in the study. The secondary data for the study was collected from research articles and research papers published in journals, newspapers, digital newspapers, and magazines and from the records related to NHRC.

Sampling Technique

The sampling technique was non-probability and the number of villager-participants was decided using quota sampling.

Main Participants of the Study

The main participants of the study were the people at the village level who were selected using non-probability quota sampling. These participants were selected according to gender, caste, religion and age.

In addition, the following participants as other stakeholders were also interviewed:

1. Village leaders/opinion makers
2. *Panchayat* (village council) members
3. Caste and religious leaders
4. Members of existing local groups
5. School teachers and principals, Journalists/ Lawyers
6. Non-governmental organization (NGO) personnel
7. Administrators/ bureaucrats
8. Human rights activists
9. Officials at State Human Rights Commission
10. Local Members of Legislative Assembly (MLAs)/ Members of Parliament(MPs)/ Politicians
11. Police personnel.

Sample Size

The research study has a total sample size of three hundred eighteen in which fifty participants from each village were initially decided to be interviewed. From this number the sample size of two hundred fifty was taken. However, the number of respondents exceeded in two villages. Therefore, the total number of respondents from the community was two hundred sixty.

Table 3: Sample size of respondents

Name of Village	Sample size
Phugana	53
Jassia	50
Umbha	50
Khudadadpur	50
Dangawas	57
Total	260

Out of the total respondents of three hundred eighteen, the sample size of the other stakeholders was fifty-eight which includes police personnel, village leaders, *panchayat* members, etc. The details of the stakeholders are given in Table 4.

Table 4: Sample size of stakeholders

Participants	Sample size
Village leaders/ opinion makers	2
<i>Panchayat</i> members	8
Caste and religious group members	5
Local group members	3
School teachers / principals /journalists / lawyers	10
NGO / human rights activists	11
Government staff – Block Development Officer (BDO), local police, revenue officers, District Magistrate, Superintendent of Police	16
MLA/MP/Politician	2
NHRC/ SHRC1 members	1
Total	58

Methods of data collection

The following methods were used in data collection:

- Semi-structured interviews ;
- In-depth interviews on a few selected cases of human rights violations;
- Focus Group Discussions to seek the opinions and suggestions on human rights violations and understanding about NHRC and human rights.

Analysis of Data

The analysis of data of this study used the Statistical Package of Social Science (SPSS). The interviews used both open-ended and closed-ended questions. The responses to open-ended questions have been codified and entered into the data tables. The output of the data has been presented in the “frequency-based distribution format” of all the variables. The data has been presented in tabular form along with the required description of the same.

Ethical Considerations

This study has adhered to all ethical standards of social research. The data for the research has been collected with the informed consent of the respondents. The principle of confidentiality has been maintained.

Consequently, the names of the participants have been withheld in the report. Before doing the interviews, the introduction to the research study, affiliated institution, objectives and rationale of the study were explained to the respondents. Voluntary participation of the respondents in the research study was taken and transparency was maintained.

Major Findings

During the field visits to the five villages to understand the grassroots discourse on human rights, we found that only 8.8 percent of the total people interviewed knew about NHRC. Also, only 6.5 percent of these people knew about the functions of NHRC. This shows lack of knowledge about NHRC in matters related to human rights at the grassroots level. Again, very few people know that there is a well-defined arrangement in place to hear out the matters/complaints related to human rights violations.

The above facts depict the information vacuum related to human rights in the villages. Hence an all-round effort to promote the crucial role of NHRC and human rights for a peaceful and just society is the need of the hour.

The respondents were first asked to enumerate which rights they consider as human rights.

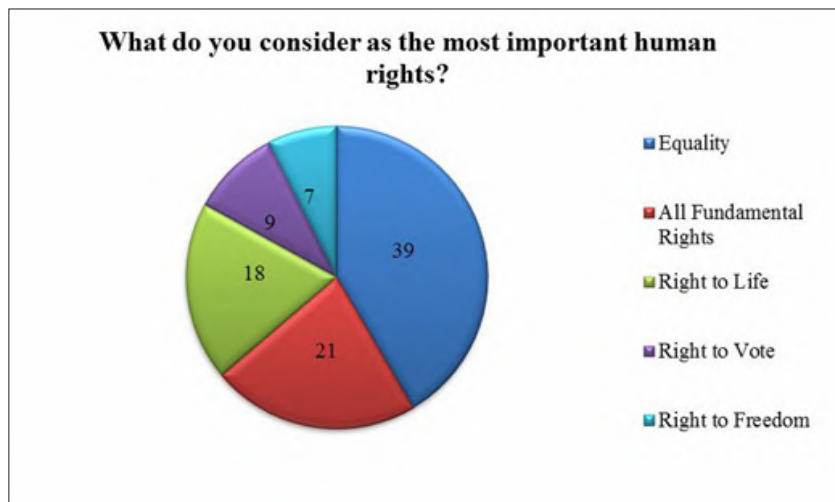
Table 5: Responses on the constituents of basic human rights

Rights	No. of Respondents	Percentage
Right to Equality	39	15.0
Right to Vote	11	4.2
Right against Discrimination	2	.8
Right to Freedom	3	1.2
Right to Life	21	8.1
Don't know	167	64.2
All Fundamental Rights	17	6.5
Total	260	100.0

Majority of the respondents, one hundred sixty-seven (64.2 percent) were found to be unaware of what constituted human rights. However, at Dangawas, the respondents specially the victims are making themselves educated and informed about their Constitutional Rights so that they could present their case before the court as well as protect themselves from un-toward incidents in the future. Many respondents mentioned that before

this violence in their village they were in complete ignorance about their constitutional rights. But when political leaders and social activists associated with prominent NGOs visited them after the incident, they started to learn about the rights guaranteed to them by the Constitution of India. They also know that Scheduled Caste/Scheduled Tribe Commission is there to safeguard their interest. Consequently, there were ninety three (35.8 percent) respondents who mentioned that they have an understanding of various Constitutional Rights. It was observed that the knowledge about Constitutional Rights was not dependent on the educational qualification of the respondents. Some respondents despite having low educational qualifications knew their rights whereas some having relatively higher education were ignorant.

Out of the ninety-three (35.8 per cent) respondents who had mentioned that they had an understanding of the rights provided to them by the Constitution of India, thirty-nine (41.93 percent) respondents mentioned “Equality” as the most significant right. Eighteen (19.35 percent) respondents considered “Right to life” and twenty-one (22.58 percent) respondents were of the view that all the Fundamental Rights are Equally Important. There were nine (9.67 percent) respondents who mentioned “Right to Vote” as the most important right and the remaining seven (7.52 percent) respondents chose “Right to Freedom of speech, association and expression.



Pie Diagram No. 1: Feedback on the most important human rights

The section below analyzes the responses of people on the select statements related to human rights.

Statement 1: Each individual should be treated equally in India.

Almost all the respondents agreed to this statement.

Out of the total two hundred fifty-six respondents who viewed that everyone should be treated equally, one hundred forty-two (57.03 percent) respondents considered this statement as “Important” whereas, ninety-seven (37.89 percent) respondents categorized it as “Very Important”. However, a sizable number of respondents who thought “Equality” should prevail in the society were also of the opinion that they were not being treated equally, because they belonged to scheduled castes, scheduled tribes or were Muslims. The feeling of “being other” was mostly observed among the victims of communal riots in Phugana and Muzaffarnagar. Majority of the participants shared that the provisions enshrined in the Indian Constitution are being ignored deliberately and the rights were being denied to the marginal communities.

Table 6 gives the responses of the participants with respect to the statement that each individual should be treated equally are given below.

Table 6: Each individual should be treated equally in India

Response	No. of Respondents	Percentage
Yes	256	98.5
No	4	1.5
Total	260	100.0

Statement 2: There should be no inequality on the basis of religion.

Out of the two hundred sixty respondents, two hundred fifty-five (98.1 percent) respondents agreed to the statement that there should be no “Inequality on the basis of Religion”. Out of the total two hundred fifty-five respondents who agreed to the statement, one hundred forty-one (55.29 percent) respondents viewed this “Important”, ninety-six (37.64 percent) respondents considered this right as “Very Important”. Some respondents mentioned that they were being treated unequally due to their belief in a particular religion. They added that at present, those in power were deliberately targeting a particular religious community for vote bank politics. They

maintained that in reality, things were very different from the provisions in the Constitution. Those who believed that in practice people were being treated unequally mostly belonged to the villages where communal riots had taken place. Even after so many years, they feel the pain of being treated differently by the government.

Table 7 gives the responses of people on the statement that there should be no inequality on the basis of religion.

Table 7: There should be no inequality on the basis of religion

Response	No. of Respondents	Percentage
Yes	255	98.1
No	5	1.9
Total	260	100.0

Statement 3: There should be no inequality on the basis of gender, color and creed

On this statement the respondents were in favor of equal treatment to everyone irrespective of gender, color and creed (religious belief of anyone). Two hundred fifty-six (98.5 percent) respondents shared that inequality should not prevail in society and everyone should get equal treatment. However, there were respondents who believed that despite a clear mandate for the government to treat everyone equally, those in power differentiated people on the basis of identities such as gender and creed. Women respondents particularly in Jassia, clearly stated that there should be equality for everyone but added that in practice things were very different.

Out of two hundred fifty-six respondents who viewed that equality must prevail in the society, one hundred forty-six (57.03 per cent) consider this as an “Important” right and ninety-one (35.54 per cent) consider it as “Very Important”.

Table 8 gives the responses of people on the statement that there should be no inequality on the basis of gender, color and creed.

Table 8: There should be no inequality on the basis of gender, color and creed

Response	No. of Respondents	Percentage
Yes	256	98.5
No	4	1.5
Total	260	100.0

Statement 4: We all have the right to freedom of speech/expression/association.

With regard to the above statement, one hundred sixty-two (62.3 per cent) respondents mentioned that they enjoy “Right to freedom of speech/expression and association.” However, there were ninety-eight (37.7 percent) respondents who shared that even though they are free to speak they hesitate to express their opinion freely fearing a backlash from the establishment and people with whom they have difference of opinion. Those respondents who denied having the right to “freedom of speech/expression and association” mostly belonged to religious minority and disadvantaged caste groups. In places where communal riots had taken place, the minority community felt hesitant to speak, fearing a backlash by the majority. The respondents from Phugana (Muzaffarnagar) and Khudadadpur (Azamgarh) shared that the contemporary social milieu is so communally charged that even when an untoward incident happens with the minorities (especially Muslims), no one is bothered. The respondents also shared that those who exhibit courage to question the divisive politics of the government, face problems. The government does not tolerate criticism, and punishes its critics. They opined that the government machinery along with the biased media is working hard to frame Muslims and other disadvantaged groups in criminal cases and continues to show them in a bad light.

It was observed that all those who were victims of human rights violations were having a shared feeling of discomfort with the present-day context where people were being labelled “anti-national” if they disagreed with the functioning of the government.

The respondents of Phugana shared that when the communal tension erupted in their village in the wake of Muzaffarnagar riots in 2013, they heard anti-Muslim slogans being raised by their fellow villagers, who threatened them to leave the village if they wanted to save themselves and their loved ones.

Table 9 gives responses of the people on statement that we all have the right to freedom of speech/expression/association.

Table 9: We all have the right to freedom of speech/expression/association

Response	No. of Respondents	Percentage
Yes	162	62.3
No	98	37.7
Total	260	100.0

With regard to the level of importance attached to the Right to freedom of speech/expression/association we find that one hundred-two (39.2 percent) respondents considered this right to be “important.” Seventy-three (28.1 percent) respondents considered this right as “very important”.

Statement 5: All kinds of exploitation should be punishable under the law.

With regard to the above statement, we find that two hundred fifty-three (97.3 percent) respondents agreed with the statement. Those who did not agree with the statement could not provide any reason for their disagreement. However, no respondent could cite any case in which punishment had been meted out to those who had exploited someone. The respondents also did not know whom to approach in case of exploitation.

The victims of Phugana (Muzaffarnagar riots) who are now settled in the neighbouring village, Loyi shared that rape cases had been registered during the riots. With the passage of time, those cases were resolved through mutual agreement. In some cases, the accused paid money to the victims. There were also cases where the accused had exerted political pressure on the victims to take their cases back. Victims were even threatened to take back their cases or face consequences. One respondent shared with the researcher that her child was kidnapped by those who had raped her so as to force her to settle the case outside the court. She had to withdraw the case and only then she got her child back. Nonetheless, the victim now wants to file the case again but does not know how to proceed further. The respondents who have faced sexual exploitation even while agreeing that “exploitation of any kind should be punishable under the suitable law” were apprehensive of the criminal justice system. They were convinced that getting justice against those in power was not easy as they manipulate the law as per their convenience. To prove their point, the respondents cited cases of powerful people who were “rape accused” but no action was taken against them.

Table 10 depicts the responses of people on the statement that all kinds of exploitation should be punishable under law.

Table 10: All kinds of exploitation should be punishable under the law

Response	No. of Respondents	Percentage
Yes	253	97.3
No	7	2.7
Total	260	100.0

Statement 6: Each cultural, religious and linguistic group has the right to conserve and protect its heritage.

Two hundred thirty-nine (91.9 percent) respondents agreed with the statement that “each cultural, religious and linguistic group has the right to conserve and protect its heritage.” Twenty-one (8.1 percent) respondents disagreed with the statement. Those respondents who disagreed with the statement were mainly from Phugana. In their view, they were being denied the right to protect their culture and religion. They felt that their religion and language were being targeted by the government.

One hundred twenty-six (48.4 percent) respondents considered the above-mentioned statement as “important” and one hundred ten (42.5 percent) respondents categorized this statement as “very important”. The following table gives the responses of people on the statement that each cultural, religious and linguistic group has the right to conserve and protect its heritage.

Table 11: Each cultural, religious and linguistic group has the right to conserve and protect its heritage

Response	No. of Respondents	Percentage
Yes	239	91.9
No	21	8.1
Total	260	100.0

Statement 7: Each individual irrespective of caste, creed, sex, age, has the right to education.

Almost all the respondents agreed that “an individual irrespective of their caste, creed, sex, age, etc. has the right to education.” Two hundred fifty (96.2 percent) respondents stated that the educational facilities must be provided to every person in the country no matter which caste, creed, sex and age they belong to. Only ten (3.8 per cent) respondents disagreed with the statement. It is noteworthy that while the majority of the respondents agreed with the statement, they opined that it is not only education but “quality education which should be made accessible to all which is not the case at present.

Table 12 below gives the responses of people on the statement that each individual irrespective of their caste, creed, sex, age, etc., has the right to education.

Table 12: Each individual irrespective of caste, creed, sex, age, etc. has the right to education

Response	No. of Respondents	Percentage
Yes	250	96.2
No	10	3.8
Total	260	100.0

Statement 8: Violation of the above rights should be punishable under the law

Majority of the respondents thought that “violation of Constitutional Rights should be punishable under the law.” Only four (1.5 percent) respondents thought otherwise. Even these four respondents, though agreeing with the statement in principle, were of the opinion that those who violate the rights of others go unpunished because they are powerful. The respondents lamented that there is a difference between “what should happen” and “what actually happens.” In fact, many respondents who were victims of violence were upset that the perpetrators of violence were roaming freely in the village and enjoying life. In Dangawas, the victims narrated that all the accused had not been arrested even after four years.

Table 13 gives responses of the people to the statement that the violation of rights should be punishable under law.

Table 13: Violation of the above rights should be punishable under the law

Responses	No. of Respondents	Percentage
Yes	256	98.5
No	4	1.5
Total	260	100.0

Statement 9: Of the rights mentioned above, has any of them been violated at any time?

With regard to the above statement, it was found that one hundred eighty-eight (78.5 percent) respondents had faced violations of some of their rights at some point in time, whereas seventy-two (21.5 per cent) respondents de-

nied facing any violation. Those who agreed with the statement were either victims of human rights violation or members of the families whose rights had been violated. All those who agreed with the statement were directly associated with episodes of violence in the village in the recent past. The following table provides responses of the people on whether any of their rights had been violated anytime.

Table 14: Of the rights mentioned above, whether any of them been violated at any time

Responses	No. of Respondents	Percentage
Yes	188	78.5
No	72	21.5
Total	260	100.0

Statement 10: Do you know that there are provisions in the Constitution of India for the protection of your human rights?

The Constitution of India gives all its citizens certain fundamental rights. However, one hundred sixty-seven (64.2 percent) respondents were found to be unaware of the rights mentioned in the Constitution of India for the protection of their human rights. The remaining ninety-three (35.8 percent) respondents were aware of the rights provided to them by the Constitution of India.

Table 15: Knowledge about provisions in the Constitution of India for the protection of their human rights

Responses	No. of Respondents	Percentage
Yes	93	35.8
No	167	64.2
Total	260	100.0

Statement 11: Whether informed about protection of Human Rights Amendment Act, 2006 to protect the human rights of complainant /victim

Barring two, none of the respondents was aware of the existence of the “Law of Protection of Human Rights Amendment Act, 2006. When the tool of data collection was being framed, the literature review suggested that we must ask the respondents about their knowledge regarding legislation re-

lated to the protection of human rights. This question was significant in the context of these villages. Since they had witnessed cases of violation of human rights in their village, it was assumed that in their fight for justice, they may have made use of the available laws. Unfortunately, our assumption was wrong as only two respondents were found to be informed of this Act. The data reveals that even the educated respondents (including Master's degree holders) did not know about this legislation. Table 16 gives the responses of people on whether they knew about the existence of law for the protection of human rights.

Table 16: Whether informed about Protection of Human Rights Amendment Act, 2006 to protect the human rights of complainant /victim

Responses	No. of Respondents	Percentage
Yes	2	0.8
No	258	99.2
Total	260	100.0

Statement 12: Do you know that there are mechanisms for the protection of human rights of the complainant/victim?

With regard to the above statement, the majority of the respondents did not know how to file a complaint if their human rights were violated. Two hundred forty-eight (95.4 percent) respondents did not know about the available mechanisms for protection of their human rights. Only twelve (4.6 percent) respondents had information related to the mechanism available for the protection of human rights. For most of them "Police" and "Courts" were the two mechanisms to protect their human rights. The responses of the people are given in the table below.

Table 17: Knowledge about mechanisms for the protection of human rights of the complainant / victim

Responses	No. of Respondents	Percentage
Yes	12	4.6
No	248	95.4
Total	260	100.0

Statement 13: Is there sufficient awareness concerning the protection of human rights?

Barring two, all the respondents (two hundred fifty-eight) admitted that “sufficient awareness is not there concerning the protection of human rights.” The respondents further shared that they have never been approached by any institution/agency to impart information or knowledge on human rights. The data was also collected from the respondents who were educated (including graduates and post graduates), and even they did not have awareness on human rights. The following table gives the responses of people on the awareness concerning protection of human rights.

Table 18: Whether there is sufficient awareness concerning the protection of human rights

Responses	No. of Respondents	Percentage
Yes	2	0.8
No	258	99.2
Total	260	100.0

Statement 14: Are you aware of NHRC?

With regard to the awareness level of the respondents regarding National Human Rights Commission (NHRC), it was found that two hundred thirty-seven (91.2 percent) respondents did not know about NHRC, and had never heard about the Commission. Here, it is important to mention that some of these respondents were degree holders, and many were found to be functionally literate. But even they were not aware of NHRC. Twenty-three (8.8 percent) respondents knew about NHRC whereas seventeen (6.5 per cent) respondents had knowledge of its functions and roles as well. The following table gives the awareness of people about NHRC.

Table 19: Awareness about NHRC

Responses	No. of Respondents	Percentage
Yes	23	8.8
No	237	91.2
Total	260	100.0

Statement 15: Have you or anyone you are aware of has approached NHRC/ SHRC for any support?

With regard to this statement, it was obvious that since the majority of the respondents were found to be unaware of NHRC, they would not have approached it. Majority of the respondents i.e., two hundred fifty-three (97.3 per cent) had neither approached NHRC nor knew anyone who might have approached NHRC for any purpose. Only seven (2.7 percent) respondents shared that they know some people who have approached NHRC/SHRC to get support in registering their cases. When the respondents were asked about the outcome of their efforts, it was found that in five cases, judicial proceedings had been initiated and were underway, while in two cases, they were awaiting reply from NHRC. The following table gives the responses of people on approaching NHRC.

Table 20: Whether you or anyone you are aware of has approached NHRC/ SHRC for any support

Responses	No. of Respondents	Percentage
Yes	7	2.7
No	253	97.3
Total	260	100.0

Statement 16: Is there a need for creating necessary awareness in this regard?

Whether there is a need for creating necessary awareness with regard to the functioning of NHRC, two hundred fifteen (82.7 percent) respondents admitted that there is a need for creating awareness regarding NHRC, its role and process of redressal. Following table depicts the responses of the people in this regard.

Table 21: Whether there is a need for creating necessary awareness in this regard

Responses	No. of Respondents	Percentage
Yes	215	82.7
No	45	17.3
Total	260	100.0

It was found in the study that the majority of people living at the grass-roots were not aware of their rights and the constitutional provisions meant

to protect their interest. However, majority of people surveyed believed that “equality” should prevail in society and all religious, linguistic and cultural groups should be allowed to protect their culture and heritage. Nevertheless, there were a number of respondents, mostly belonging to minority communities who believed that they were not being treated equally, and were being denied the right to protect their culture and religion. The study also found that the presence of the NHRC at the grassroots in rural areas is weak. People are not aware of the purpose and role of NHRC, and hence, NHRC needs to work on creating awareness at the grassroots.

Recommendations

Following recommendations are being given with regard to generating awareness about NHRC at the grassroots and sensitizing people about its role.

1. Grassroots Awareness

India resides in its villages. Considering that majority of our population lives in villages and the low level of awareness regarding human rights that has been found through the research study, creating mechanisms for sensitization and awareness at grassroots level becomes imperative:

- A representative of NHRC can be appointed at the *panchayat* level or at the level of cluster of *panchayats*, who can document the cases of human rights violations happening at the ground level, and can monitor the progress and convergence of line departments at district level on the issue of human rights. These documentations can further help NHRC as well as SHRC to come up with concrete steps to curb these instances in the future. This representative can be trained on these aspects or can even be from an NGO working in the area;
- Toll-free numbers of NHRC should be advertised at the village level, through meetings of *Gram Sabha* (general assembly of all the people of a village), local *panchayat*, Self Help Groups (SHGs), etc.;
- Cadres such as Swachh Bharat Prerak and Swastha Bharat Prerak have been established at the grassroots level to spread awareness about cleanliness and nutrition respectively. Similarly, human rights cadres can also be established for cluster of villages or at

district level. These trained minds can work to generate awareness and educate people about their rights and about the Constitution and the idea of inclusive India. NHRC may explore the possibility of funding the training of local youth for this work or can take them as interns for specific time periods;

- When we talk about violation of human rights in rural India, the root cause of the problem is not only the particular instance of violation rather the deep-rooted issues like caste, religion and land. So, it is necessary that NHRC develops a comprehensive plan along with the other state machineries such as police, judiciary and executive who can work on these issues. It must also take the non-state actors such as the NGOs and human rights activists on board;
- It has also been found in the study that the awareness level among women is comparatively less than the men of the studied households. Women generally do not play a pivotal role in the cases of their human rights violations and their redressal. In fact, it was found during data collection that women's agency was often denied to them. Often, men did not allow them to come out and discuss issues related to human rights. Therefore, a comprehensive gender sensitization programs under the broader theme of "human rights should be designed specifically for women at the grassroots level. These programs can be implemented by *Aanganwadis* (rural child care centers), *Gram Panchayats* (village councils) and appointed human rights cadres;
- The NHRC should launch internships, fellowship programs to execute its objectives at the grassroots level. These engagements of young brains with ground reality related to human rights can be helpful for both NHRC and the interns. These interns can be taken from various states on the basis of the number of complaints coming from the states. For example, in 2017-2018, the NHRC received the highest number of complaints from the state of Uttar Pradesh so maximum number of interns and fellows can be taken for Uttar Pradesh;
- Similar instructions about appointment of grassroots fellows and interns should be given to various SHRCs as well;
- Seminars, workshops, training programs, human rights fairs should be organized at every possible level from schools, *gram panchayat* office to *anganwadi* centers to educate and make people become

aware about NHRC and about human rights. Learning can be made attractive by using digital media, videos, photos and other interesting methods.

2. Academic Level Interventions

Education empowers masses to lead a happy and sustainable life. Education not only helps the individual in his/her own life but also enhances acceptance and understanding of the rights of fellow beings. This ultimately helps in active citizenry and lowering of human rights violations. It constantly works to create a conscious environment where people are well aware of the rights of others. And for a democracy like ours to thrive, basic education of the Constitution is essential. Therefore, NHRC must stress on imparting human rights values among the masses with the help of education:

- Information about NHRC, its roles and functions, the mechanism to approach NHRC in case of human rights violations, developing an understanding of human rights, fundamental rights and Constitution have to be integrated within the education system right from the school itself. For this, NHRC can collaborate with The National Council of Educational Research and Training (NCERT), State Council of Educational Research and Training (SCERT), University Grant Commission, and Ministry of Education;
- Topics related to Constitution, Human Rights and National Human Rights Commission should be mandatorily made part of the curriculum in the school. It should be done structurally in consultation with the educators and social scientists. Depending on the age of the student, teaching Constitution, its themes and values should be made more practical; problem solving and case-based, and should revolve around asking critical questions. Signs, symbols, monuments or any other historical material related to human rights, NHRC and Constitution could be taught in a hands-on, project-based manner. This would allow students to understand the link between the knowledge that they are getting in the classroom to the things happening around them;
- Initiatives such as “Human Rights Classes” or “Constitution Classes” can be implemented at the school level. In these classes, different constitutional themes, justice mechanism and rights can be discussed as also the mechanisms through which these rights

can be ensured. To make the subject attractive, use of latest technology can be made. Games or exercises where students become legislators, Prime Minister or activists, make laws, take decisions on drawn up cases and take them to logical conclusion will help. This can also be done through different means such as Youth Parliament, debate, speeches, quiz and role plays. This will not only enhance their understanding but also prepare them to be active citizens of India;

- It is important to stress the role of teachers in the whole process. Teacher must understand the need and should be well-oriented and trained to teach the subject-matter. Changing curriculum will be futile if teachers are not equipped enough to use pedagogies in a better manner. Also, efforts should be made to make human rights and role of NHRC a part of teacher training program such as by collaborating with District Institute for Education and Training, Bachelor of Education program as also the orientation programs for the university teachers;
- Imparting knowledge of human rights, Constitution and NHRC should not be restricted to schools alone. Given the woeful lack of awareness, it should be extended, in small and well-crafted modules for technical and higher education too;
- National Cadet Corps (NCC) and National Service Scheme (NSS) can be used in an effective manner in spreading awareness about human rights and the NHRC.

3. Interventions Using Media

Media has become one of the most powerful tools of communication and information these days. Because of its outreach and influence, it has become a force behind many changes in the society. Be it social media, print media or broadcast media, they play their respective roles in the society in spreading information, creating awareness and act as change agents. Therefore, the NHRC can use social media as means to educate and raise awareness among people:

- We are living in the age of smartphones where Facebook, and Twitter provide lot of information to the people. NHRC can also plan and execute different Social Media Campaigns on the rights, the NHRC, cases undertaken and justice delivery mechanism. This

will not only be helpful in spreading awareness but also be helpful in reinforcing and building trust on the NHRC;

- From the past few years, Twitter has become a powerful medium to reach out to the authorities, file complaints or report the injustice. The Ministry of External Affairs, Ministry of Railways, Police Department have been very active in delivering services to people using these means. The NHRC can also take it as a way to reach out to the masses and ensure effective delivery of justice to people. These will also help people to know about NHRC and its role;
- The NHRC should document its success stories, landmark cases in which it has played a prominent role as an advisory body and the prominent case studies in the form of magazines, small booklets in Hindi, English and regional languages. These case studies should be published and distributed;
- Small newsletters of four-six pages having information on rights, functioning of the NHRC, monthly activities, outreach of NHRC, cases undertaken recently, case of suo-moto cognizance, etc. should be printed in every possible language (especially the regional ones) and can either be distributed physically or through social media. Social media could also be used for taking feedback from the public.

4. Collaboration with Civil Society

Civil society organizations play an important role in the promotion and protection of human rights. They enable individuals to work towards checking human rights violations and holding those responsible to account. Therefore, in order to spread awareness, NHRC needs to network with the civil society:

- There needs to be a robust collaboration between the NHRC and civil society. NHRC can give such groups effective channels to make their claims. NHRC requires independent inputs from civil society in order to be effective and accessible. Although NHRC organizes consultations with NGOs, it needs to be far more proactive and independent in its collaboration with civil society. Civil society representation in NHRC through prominent independent scholars, NGO personnel, lawyers and researchers is critical in giving it greater

depth and strength. These civil society groups can thus become a bridge between rural communities and NHRC;

- NHRC can create a nation-wide network of NGOs or organizations working on the issues of human rights. It could nominate one organization per district or the clusters of districts for a defined period of time, responsible for carrying out awareness and reporting of human rights violations. These organizations should be in direct communication with State and the NHRC. In this way, the NHRC can increase its direct reach to the grassroots level;
- Civil Society Organizations working in the field of human rights should be given responsibility to work at the grassroots level to educate and create awareness among people about NHRC and facilitate them to lodge their complaints if needed.

5. Initiatives with Police

Law enforcement agencies such as police play a vital role in proper enforcement of law and order to prevent any kind of violation of rules and regulations and in the protection of the rights of citizens. Apart from having considerable power in maintaining law and order they have a number of responsibilities, accountability to the state and public at large. The protection of human rights and their realization also depend on the behavioral pattern of the police. As a law enforcement agency the attitude, ethics, and moral conduct of members of the police play an important role in the promotion of human rights.

But it is unfortunate that the police, being the law and order enforcing agency, has been seen to misuse its power in matters related to human rights. As per the narratives collected from all the five villages of the study, the role of police was found to be questionable in relation to human rights violations.

Therefore, it should be the top most priority to sensitize the police personnel on human rights and NHRC. Being a vital agency that mediates between state and public, the police could take a lead role in promotion and protection of human rights guaranteed to citizens and spreading awareness about the NHRC:

- This study reveals that members of the police at the lower rung of hierarchy and thus likely to be more in contact with the people had low level of awareness about human rights and NHRC. Sensitization

of all police personnel is required for efficient protection and promotion of human rights. This can be done through workshops and training programs;

- There are some suggestions from the field which though not forming part of the objectives of this study, need to be documented since these suggestions were received with lot of emphasis. These are given below;
 - In the cases of the investigation of complaints sent to NHRC, the role of police should be minimized. Especially in the cases where complaint is against the police authorities, the police should not have any role to play because this leads to manipulation and dilution of the complaints and cases and hampers the justice system. Rather, NHRC along with SHRCs must look into the possibility of setting up a few independent and autonomous committees to investigate the complaints;
 - The department of police deals with a lot of stress on daily basis and at the same time they deal with heavy workload, shortage of human resources in the department. Therefore, there is a need for police reforms which will ensure efficiency in performance of their role, thus ensuring the rights of people.

Capacity Building and Training of the Stakeholders

There are multiple stakeholders involved in the implementation of human rights all over the country. These are local representatives, ex-MPs, MLAs, leaders at *gram panchayat* level, caste and religious groups, teachers as also the group of influential people who work for the common cause such as the lawyers, journalists and social activists. Conglomeration of such people and their capacity-building and sensitization regarding human rights will ultimately help the community to understand the crucial role of human rights in their daily lives. Through the help of civil society, lawyers, doctors, teachers and NGOs, such awareness programs should be conducted for promoting human rights.

The NHRC is urged to forge newer and more comprehensive partnerships with various sections including key stakeholders such as the judiciary, police personnel, government officials, media, representatives of NGOs and

civil society organizations, and academia (including students), most notably through its coveted internship programs, publications, seminars, workshops, training, consultations and other such means. It must also build network with the lawyers collectives such as bar councils as well for spreading awareness in rural areas about human rights.

Reforms at other Levels

- The NHRC has the authority to make interventions in court proceedings relating to violation of human rights with the approval of court. It needs to do it more vigorously so as to develop a strong image of being the protector of the poor, marginalized and vulnerable groups. This will also spread awareness about NHRC and its role since the beneficiaries of the NHRC intervention would spread positive words about its functions and roles as also its interventions;
- “NHRC takes Suo-moto cognizance of cases based on media reports and not through its on-field work at the grassroots level,” but it is not always necessary that all cases of human rights violation get media attention. In order to ensure its effectiveness, NHRC needs to develop a mechanism at the grassroots level through different channels so that the institution can fulfil the objectives and aims of its formation;
- If NHRC is looking forward to spreading awareness at the grassroots level, it will also need to deal with the infrastructural issues in order to facilitate effective justice mechanism. It is obvious that with greater awareness, more people will approach NHRC for protection of their human rights. Thus, there is a need for a robust and active workforce in NHRC. Section 11 of the Act makes it dependent on the government for its manpower requirements. Therefore, NHRC lacks the required infrastructure to fulfil its mandate. Almost 50 per cent of the NHRC staff is on deputation from other services. These officers keep changing. Absence of adequate staff along with other structural issues impact the complaint redressal mechanism of NHRC. Data for the last ten years (2007-2017) show that the NHRC has a high rate of disposing complaints on procedural grounds which is nearly 50 percent or more (Annual Report of NHRC, 2016-2017).

6. Gender and Violence

The research study has pointed towards the disturbing condition of women with respect to their human rights. The violations of their human rights take place at various levels. The fact that the menfolk in the family take a decision on matters such as whom the women of their family can talk to denies agency of the women. In villages, men did not permit their women to speak to the researchers on the ground that women will not have any additional material to contribute to the study. They also did not want the women of their families to speak to the outsiders. Thus, the number of women respondents is less in comparison to the men. Secondly, the body of women was used as means to settle scores. There were instances where women were raped during the riots. The multiple identities carried by these women made them more vulnerable to the crimes committed during the riots. Thus, a Dalit or a Muslim woman had greater chances of being molested on account of the skewed power relations in the society. There were women who had lost their husbands and sons and being home makers did not have many options to earn their livelihood. Often illiterate they were not aware of the procedures and legal systems associated with the cases and compensation. This increased their dependence on others for help. NHRC may like to take a special cognizance of the vulnerability of women during such violent episodes and ensure a sensitive and empathetic approach towards their cases.

Conclusion

The world has reached a level where people irrespective of which country they live in, which caste, creed and religion they belong to, which language and dialect they speak in and which gender they belong to can enjoy human rights. Before proceeding further, human rights need to be understood well. Human rights are a distinctive and special category of rights. Human rights are those rights which every human being is entitled to on account of being a human. There are international institutions like the United Nations which aim to provide an opportunity to the people of the member countries to enjoy human rights. The United Nations has come up with a number of declarations and human rights conventions to which India is a signatory.

The Constitution of India is a powerful document through which India is providing its citizens certain Fundamental Rights, which are very much aligned with human rights. The Constitution has various provisions to pro-

protect human rights of the identified marginalized groups including women, children, elderly, and people belonging to scheduled castes, scheduled tribes and minorities. Despite having such an empowering Constitution, these social groups are facing challenges. Their human rights are being violated regularly. Due to low education and lack of awareness, people living in rural areas face many hardships. The socio-cultural context makes it difficult for the marginalized caste groups/communities to delineate whether their rights are violated or not. Instead of taking a rights-based approach, they often rationalize the prevailing condition by putting blame on themselves or on their destiny. These irrational and needless justifications often put an end to their will to fight.

The NHRC, established in 1993, is an institution which is meant to protect the human rights of people. Since its inception, NHRC has been performing its roles as per the mandate. Through this study, NHRC has aimed to know the level of awareness about NHRC at grassroots in rural India. The research was conducted in five villages spread across three states in India, namely, Uttar Pradesh, Rajasthan and Haryana. Data was collected from three villages in Uttar Pradesh, namely Khudadadpur in Azamgarh; Umbha in Sonbhadra and Phugana in Muzaffarnagar. One village was selected each from Haryana and Rajasthan. These were Jassia village in district Rohtak in Haryana and Dangawas, Merta City, District Nagaur, Rajasthan. In the study, a total of three hundred eighteen respondents were interviewed. Of these, two hundred sixty respondents were from the community and fifty-eight stakeholders belonged to various fields including professionals, bureaucrats and NGO personnel.

Major findings of this study are as follows.

1. In most of the villages, perpetrators belonged to the dominant caste or religious groups. The victims were largely the marginalized community of that area composed of scheduled castes, tribes or religious minority group (Muslims). Economic spaces are the major sites of human rights violations be it in the form of land or livelihoods. Existing prejudices about the groups (be it for the members of low caste or a religious minority) create a context within which it becomes easy to justify the violation of other's human rights. These prejudices coupled with dominance of certain communities which are economically, socially, politically and numerically powerful provide a fertile ground for human rights violations. Lack of knowledge about basic human rights, about the rights enshrined in the Constitution and about NHRC and

other institutional arrangements for human rights adds to the lack of positive discourse on human rights at the grassroots level. Political opportunism plays a role in either inciting violence or in ensuring assistance to the victims. The other machineries and mechanisms which are meant to uphold rights are not proactive during the flare ups. Thus, they add to the existing negative discourse on the human rights at the grassroots.

2. The informal groups play a vital role in assisting the victims of any human rights violation. It was shared by communal riots victims of Muzaffarnagar that the informal groups had provided major assistance to them. This was also observed in Dangawas incident where the victims were helped by the caste groups. Jat reservation movement of Jassia and the ensuing violence also affected scores of people. Resultantly, hundreds of protesters and supporters of the movement got arrested. People were also booked under serious acts such as National Security Act. However, the caste groups and groups supporting the movement provided assistance to those who were booked and arrested. The caste groups also made sure that the families of the deceased did not face financial or any other problem till they got assistance from the government. However, these caste groups provided support to people of their own caste only. This itself can be problematic in villages where certain castes are economically dominant.

3. The role of police was questioned by many respondents who were unhappy with its role during and after the riots. Many participants were of the opinion that the police acts under the influence of the powerful (mostly perpetrators) and takes sides. The victims of Dangawas, Phugana, Jassia and Umbha were of this view. The participants shared that the moment police comes to know that the victims are from scheduled caste/tribes, religious minorities or are helpless, it acts against them. The victims believe that the police acts neutral only if political pressure is exerted upon it or if the media gives coverage to the case.

4. The participants had similar views about the role of judiciary. They were of the opinion that the judges and advocates also work under pressure from powerful people.

5. It was found that the views of the participants regarding the role of governments (center and state) during riots were mixed. Some of the respondents were satisfied with the government intervention and relief as they had been provided with monetary and other assistance. The riot survivors of Phugana village, Muzaffarnagar were very happy with the then govern-

ment, which had given monetary assistance to the riot victims. It was from this monetary assistance that most of the respondents were able to purchase land in a new place and build a new life. At the same time, the Jat respondents from the same village were unhappy with the government's role. They considered the then government to be biased towards one community. The victims of Dangawas, Jassia, and Umbha neither criticized the government nor praised it. However, in Umbha, the government offered land and monetary assistance after the case got media coverage and pressure was exerted by the opposition parties. Thus, we find that the positioning of the people on the role of state in these situations is dependent on the competing expectations of the victims and perpetrators from the governments of the day.

The role of the government is thus often not interrogated from the prism of fairness and justice by the perpetrators who expect the government to either help them on account of their power (be it economic or political) or to ignore the victims. The government's slow response during such situations also does not invoke confidence in the victims. The other instruments of state such as the police and judiciary are also seen as weak institutions by the victims who are made to go from pillar to post after facing violation of their human rights.

6. The NGOs have played a vital role in almost all the cases of human rights violations. Various NGOs have assisted the victims through means such as legal assistance, creating awareness among the marginalized groups through legal awareness camps, acting as pressure groups and giving financial and psychological support.

7. The awareness level of the respondents on the constitutional provisions for the protection of their human rights was found to be very low. Majority of the respondents were not aware of their fundamental rights enshrined in the Constitution.

8. The awareness level regarding the existence of NHRC was also found to be low. The respondents did not know the function of the NHRC and how it can help them in protecting and furtherance of their human rights. Out of the total respondents from the community, only two were found to be aware of the existence of NHRC/SHRC. However, other stakeholders in the research were aware of the existence as well as the functions of NHRC and the role it plays. Nevertheless, they were of the opinion that NHRC needs to work more to make itself accessible and known at the grassroots. They suggested that the institution needs to organize awareness generation camps

at the grassroots in rural areas, educate the communities and open centers, appoint officials who are willing to offer help to the people in remote areas.

9. As a result of this study there are multiple recommendations to improve the grassroots awareness about NHRC as well as human rights. The first and foremost recommendation is to make the Constitution, human rights and NHRC a mandatory part of the syllabus from school to college level in collaboration with UGC, CBSE, State boards, etc. For the grassroots awareness, NHRC should start collaboration and networking with the civil society organizations working in the field of human rights. Organizing training programs, seminars, workshops at the village level will not only educate people but will also ensure awareness about NHRC at the grassroots of India. By launching different fellowships and internship programs for field-level work, deploying trained NHRC cadres, capacity-building of stakeholders, and effective use of social media will ensure grassroots awareness about NHRC.

Endnote

- 1 State Human Rights Commissions