

Table of Contents

I. INTRODUCTION:	1
II. INDIA'S NHRC: THE BEST CASE IS QUITE WORSE	5
a) Flaws in Functioning	7
i. NHRC endangers those who cooperate with it	8
Harassment of Asian Centre for Human Rights	9
ii. Unfair determination processes and bias towards the State	11
The denial of opportunity to examine the records to the CCRCAP	12
iii. Be your own judge and jury: Investigation processes of the NHRC	15
iv. Lack of transparency	17
v. Inordinate delay in handling cases	17
b) Flaws in the Law:	
Lack of jurisdiction over the army	20
Case 1: Silence on the killing of Thangjam Manorama Devi in July 2004	22
Case 2: Impunity for Bijbehara killings	26
c) Bad clone: Manipur State Human Rights Commission	29
III. CONFLICT AND COUNTERING TERRORISM: ECONOMIC, SOCIAL AND CULTURAL RIGHTS	37
a) The role of NHRIs	38
b) The right to education	40
i) Availability and accessibility	41
Sri Lanka	41
India	42
Indonesia:	43
ii) Acceptability and Adaptability	44
Thailand	44

c)	The right to health	45
i.	Ban on treatment to wounded: Violation of humanitarian laws	48
ii.	The right to health care of the detainees	49
iii.	Post Stress Traumatic Disorder	50
iv.	Embargo on medicines	50
d)	The right to food	51
i.	A case study of discrimination in India: The failure of the India's NHRC	51
ii.	Imposition of food blockade	54
e)	Housing rights and forced evictions	55
i.	Destruction of the houses	59
ii	Occupation of lands and houses for military purposes: ..	61
IV.	MIGRATION IN THE CONTEXT OF THE CONFLICT AND TERRORISM	63
a)	Problems of Semantics	63
b)	Refugees and the Role of NHRIs	65
i.	Detention of asylum seekers and determination of refugee status	65
ii.	Prevention of refoulement	67
	Refoulement of refugees from Achenese	68
	Refoulement of Montagnard refugees from Cambodia ..	69
	Refoulement of Tibetan refugees from Nepal	71
	Handing over of alleged Maoists by the government of India	72
iii.	Role after refoulement	74
	Deported Acehnese refugees	74
	Deported Sri Lankan Tamil refugees	75
iv.	Providing equal access to humanitarian assistance without discrimination	82
	ENDNOTES	86