

STATUS OF HUMAN RIGHTS: A STUDY OF BODOLAND TERRITORIAL AUTONOMOUS DISTRICTS

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DECLARATION

I, Gojen Daimari, hereby declare that the subject matter of this dissertation is the record of word done by me, that the contents of this dissertation did not form basis for the award of any previous degree to me or to the best of my knowledge to anybody else, and that the dissertation has not been submitted by me for any research degree in any other university/ institute.

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CERTIFICATE

This is to certify that the Dissertation entitled “**Status of Human Rights: A Study of Bodoland Territorial Autonomous Districts**” submitted to Sikkim University in partial fulfillment of the requirements for the degree of **Master of Philosophy** in Political Science is the result of bona fide work carried out by **Mr. Gojen Daimari** under my guidance and supervision. No part of the dissertation has been submitted for any other degree, diploma, associate-ship and fellowship.

All the assistance and help received during the course of the investigation have been duly acknowledged by him.

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Abstract

The human right, which is a socially construed concept or the reality in virtue of existence, has naturally and legally become the urge of justification as indispensable to defend what we concern for not only the dignity but the very structured governance system of democracy. Every aspect of lives linking the very standard of living has found to be counted in valuing the essence of what we say rights. In fact, the human right, ever since the institutional recognition beneath the strategy of the United Nations Organisation, has progressively become the regional, national as well the global parameter in determining the status quo of the State governance and its commitment to the welfare of the humanity. The advent of a global institution like UNO could provide the space of exercise for the international peace and security and thereby to ensure the rights of every individual remain protected and promoted. However, the intellectual thought and the revolution of materialising the universal codification of human right and as a common standard language of acceptance has without any doubt become the global issue of contestation. The vision, under which the global community is assured of dignity in recognition from the violation of human rights, has never been successful to date. In no contrasting the experienced mass extermination of the first few decades of the 20th century, as a reaction of which the global assurance to the humanity rooted, could however, do nothing to prevent the slaughter and genocides of the recent passed in Rwanda, Bosnia, Ethiopia and the existing right deficit generated by the fundamentalist groups and organizations worldwide. Such recurrent of events of devaluing the normal standard of lives, and threatening the very existence of being could draw the international attention for revisiting the jurisdiction of human right principles and the governance of implementation. Similar is the case, which is supposed not to be in a country like India where a constitutionally entrenched democratic system is the base of justice, equality and freedom for the people. Despite the best constitutional arrangement, India is found accommodating the seeds of hatred and source of generating human right catastrophe. The status of a human right, more especially in a democratic State should be of high value. However, the value of human right in India is being under constant threat especially from the point of view of internal security analysis. Similarly, the understanding of the right situation in the Bodoland Territorial Autonomous Districts, a satellite region in India would show the extent of desperate rights situations. The region is identified by the fact of fratricidal killings, ethnic conflict(s), and militancy acts of terror and frequent unleash of fear-psycho also by the governmental forces. Not in clandestine, the

state agencies are often alleged in contributing the crisis applying its apparatuses meant for internal security and civil aids. Peoples' perception to count the clash(es) is of diverse. It also, remain the home to many insurgent groups representing different ethnic groups and adopting different means to the extent of even killings, kidnapping, ransom. Besides, there are many issues pertaining to the question of tribal rights, identity assertion and protection of minorities. Thus, the victim to the human right violations in the region would be difficult to comprehend to any single factor or community as a victim. Therefore, this study is sought to understand from the very constitutional basis of human rights to the existing situation of violation in India and concerned area of research. In support of the present study, efforts are being made to examine the different issues of rights in India and more especially as to what led the violation of rights in Bodoland Territorial Autonomous Districts, what are the different afflictions being generated and also attempted to understand the role of State and its security mechanism, Students Organisations' role to meet the challenging state of affairs pertaining to human rights environment. At the same time, the study has emphasized to recommend what is found reliable to overcome such evil course and source(s) of rights violation. In fact, the present study could find where different category of people inclusively the rights of the marginalised, minorities, the slum dwellers, women, children and the transgender are being under the threat regime of civil and arm wars and conflicts and more of so, becomes globally the soft target of rights exploitation. The understanding of human rights in India which although gets the constitutional basis of recognition has, however, under constant crisis in the exercise of democratic as well the very constitutional assurance of rights to the citizens of the country. The similar is the case, where the rights regime in the targeted research area Bodoland Territorial Autonomous Districts (BTAD) is found to be almost gloomy. The situation of the human rights has been the desperate where people belonging to different caste and religion failed to have adequate security of lives, and property. Different sort of home-grown evil activities- to the extent of generating community hatred, the ethnic clash(es), the militancy problem and often by the governmental agencies have remain the prime generator in eclipsing the tenets- justice, equality and freedom, and the right to live a normal standard with dignity and harmony. Thus, on the whole, the findings on the human right situation could summarise the despicable state of affairs and so of undeserving for the survival of humanity. In view of such, of the requirement, cautious recommendations are attempted for remedy if not, at least could be the space for further research.

Acknowledgements

The idea on human right as a problem of the research study is due to the influence of roding status quo of the rights exercise globally as well persisted relevancy in the research area specified. It has been the self query for long, the remedy to work particularly coming across different but situational violations of human right in Bodoland Territorial Autonomous Districts. Therefore, to utilize my vision of working, despite having the constraints of being nascent in the research field took up the present work on *Status of Human Right: A Study of Bodoland Territorial Autonomous Districts* under the supervision of Dr. Durga Prasad Chhetri. Without his thorough and effective guidance, at best deploying his effort the work would not have been materialized. So I owe worthy obligation of respect to him. I am equally grateful to Dr. Om Prasad Gadde, Mr. Budh Bdr. Lama, Mr. Bidhan Golay, Dr. Amit Kumar Gupta, Swastika Pradhan and Mr. Dinesh Shahu (warden Teesta Boys Hall, SU) who provided me the free space to seek suggestion at different ups and down of my work. I am similarly indebted for the sources to the Teesta Central Library and the librarians.

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Acronyms

- AASA-Assam Adivasi Students' Association
- AASU-All Assam Students' Union
- ABSU-All Bodo Students' Union
- ABMSU-All Bodoland Minority Students' Union
- ACHR-Asian Centre for Human Rights
- ADRs-American Declaration of Rights
- AFSPA-Armed Forces (Special Powers) Act
- AIUDF -All India United Democratic Front
- BLTF-Bodoland Liberation Tiger Force
- BSU-Bodoland Students' Union
- BTAD-Bodoland Territorial Autonomous Districts
- CEDAW-Convention on the Elimination of All Forms of Discrimination Against Women
- CSPV-Centre for the Study of Political Violence
- ICCPR-International Covenant on Civil and Political Rights
- ICESCR-International Covenant on Economic, Social and Cultural Rights
- IDPs-Internally Displaced Persons
- ITPA-Immoral Trafficking (Prevention) Act
- NCRB-National Crime Records Bureau
- NDFB-National Democratic Front of Boroland
- PCDR-Peoples' Coordination for Democratic Rights
- POTA-Prevention of Terrorist Act
- SHRC-State Human Rights Commission
- SJAM-Sanmila Janagosthiya Aikya Mancha
- SoP-Suspension of Operation
- TADA-Terrorism and Disruptive Activities (Prevention) Act
- UNAMIR-United Nations Assistance Mission for Rwanda
- UNICEF-United Nations International Children's Emergency Fund

List of Tables and Figures

Tables

Table: 2.1 Showing the series of genocides after UNO's foundation	44-45
Table: 3.1 National Crime Data on Crimes against Scheduled Castes	92-93
Table: 3.2 National Crime Data on Crimes against Scheduled Tribes	93-94
Table: 4.1 Categorisation of the respondents on the basis of Sex	117
Table: 4.2 Categorisation of the respondents on the basis of Age	118
Table: 4.3 Categorisation of the respondents on the basis of Religion	119
Table: 4.4 Categorisation of the respondents on the basis of Occupation	121
Table: 4.5 Categorisation of the respondents on the basis of Language	122

Figures

Figure: 4.a Classification of the number of respondents and percentage (%) on the basis of Religion	119
Figure: 4.b Bar graph showing the classification of the percentage (%) of Male and Female respondents on the basis of Religion	120
Figure: 4.c Pie graph showing the figure of responses about what respondents perceive to the situation of rights in BTAD	123
Figure: 4.d Pie graph showing the classification of the number of respondents having different Opinion on the generator of right violation	125
Figure: 4.e Categorisation of the responses of the respondents on the affliction and changes generated by different rights violation	135
Figure: 4.f Bar graph showing the level of respondents' choice of opinion	141
Figure: 4.g Bar graph showing the level of respondents' choice of opinion	144

Contents

Declaration	
Certificate	
Abstract	i-ii
Acknowledgements	iii
Acronyms	iv
List of Tables and Figures	v
Chapter 1: Introduction	1-15
Statement of the Problem	1
Relevance of the Study	3
Survey of Literature	4
Research Objectives	11
Research Methodology	11
Plan of Work	12
Chapter 2: Human Rights: Conceptual Framework	16-66
Introduction	16
Basic Understanding on Right	18
Contentious development on rights	23
Evolution of Human Rights	26
Human rights and the Universal Declaration of Human Rights	35
Human Rights: Universal Codification and its Discontent	38
Conclusion	55
Chapter 3: Human Rights: Understanding in the context of India	67-113
Introduction	67
Human Rights Idea: Indian Perspective	68
Constitutional basis of the human right in India	75
Fundamental Rights and its practicability	80

Directive Principles of State Policy	82
Human Right issues in India	85
Right issue concerning Children	86
Right issue concerning Dalits or the STs and SCs	90
Right issue concerning the Minority	95
Issues of the Militarization and the Security threat to rights	98
Conclusion	102

Chapter 4: State of Human Rights in Bodoland Territorial

Autonomous Districts: Lessons from the field	114-149
Introduction	114
Bodoland Territorial Autonomous Districts	114
Analysis and Interpretation of data	116
Composition of the Respondents	116
Structure of the respondents on the basis of Sex	117
Structure of the respondents on the basis of Age	118
Structure of the respondents on the basis of Religion	118
Structure of the respondents on the basis of Occupation	120
Structure of the respondents on the basis of Language	121
Analysis and the Interpretation of data based on the perception of the respondents	122
Respondent's sensitivity to the rights situation in Bodoland Territorial Autonomous Districts	123
Respondent's Identification of 'actors' and 'reasons' generating the rights crisis in the area	124
Respondent's perception on the Ethnic conflict(s)	125
Indirect affliction caused by the ethnic clash(es)	128
Respondent's perception on the Militants' act of terror	128
Respondent's sensitivity on the role of State forces and the military deployment	130
Respondent's perception on the rights of Women and Children in Bodoland Territorial Autonomous Districts	132

Respondent's perception on social, economic and political transformation afflicted by different sorts of rights violation	135
Respondents' Perception on Social change	136
Respondents' Perception on Economic change	137
Respondents' Perception on Political change	139
Respondents' perception on the role of the deployed governmental forces during conflict as well any types of terror acts created by militant(s)	141
Respondents' perception on the role of the Students' Organisation(s)	144
Conclusion	146
Chapter 5: Conclusion	150-163
Summary of the Findings	150
Recommendations	157
Implications for Future Research	162
Limitations	162
Bibliography	164-168

Chapter 1

Introduction

Statement of the Problem

The human rights, which can have no jurisdiction of its persistence, not knowing how a region is leveled in economic term, how powerful or impotent the country, and who irrespective of religion, caste, class or sex, has to be justified as the valid common ground of source, existed for justice and humanity. In fact it can be projected as the backbone of democracy where the values of justice, equality and freedom which are the tenets of human rights become the essential elements of democratic governance. It is the backbone where the question of exercise of democratic principles lies in the very fulfillment of rights recognition with no grounds for discrimination. However, the contemporary human society or the present civilization what they commonly exercise is the experience of injustice to humanity in the light of gross, globally circumvent violation of rights. Violations of rights have reached every nook and corners of the globe trespassing every spiritual or the moral values of almost of the entire world conventional traits of beliefs. The world is running the human right deficit which is no wrong of identifying under the shadow of what is popularly accepted as best in the democratic governance.ⁱ The world actors who shouldered the responsibilities to instill democratic guidelines for uniformity themselves are in disguise to sow the seeds of injustice, human rights crisis. Human society is eclipsed by different sorts of threats and sufferings which these undermines the natural instinct or the capabilities to contribute to humanity. Because of such crisis, perhaps the very fundamental in the spirit of rights has been under constant question. The liberalisation policy under the ray of globalisation or the market-oriented structural-functional process has, to many extend eroded the purity of society and, in fact, such materialistic cum interest driven force has acted as psychogenesis causing the mental illness to forget what are the spiritual and moral values. Not only these but also coming down from the international terrorist organisation to the homegrown insurgent groups started creating panic and frequent chaos serving to dismantle the very social fabric of democracy. The global institutions like UNO for international peace, with agents UDHR wake up to ensure rights of every individual

protected and promoted. However, efforts remained to fail in different phases of human right crisis.

Referring India in the light of the human right situation is best to be identified with its recognition and assurance in the Constitution itself. However, this saying is meant of paperwork as the people's experience shows something contrary. No doubt India lacks no behind any right concerned country in having electoral promises for the right issues, formulating legislation to laws. But no such acts or the constitutional provisions are practiced democratically to date to ensure the dignity of the citizens.

Such way of understanding human rights in Indian context or the state of despair may recur the attention of human rights conditions persistent in BTAD (Assam). Bodoland Territorial Autonomous Districts (BTAD) lies bordering sovereign Bhutan in the North. The region created under the Sixth Scheduled of the Constitution and where the grounds of proposed Bodoland remain the most contradictory in the light of human rights proliferation. The internal law and order analysis may place the region in the disturbed zone. The diversity of ethnic race has wielded the heterogeneity not only in the structure of the society but also in failing to carry out progressive society for peace and solidarity. The region is identified by the fact of fratricidal killings, killings out of ethnic conflict, community clashes often termed as communal clashes. Perception to wind up the clashes is divergent. Some try to view human rights crisis in the region as the corollary of the attempt to eliminate non-tribals by the Bodos, while claiming as an attempt for ethnic cleansing (Choudhury, 2014). While the other section see the roots in the very grant of the Council dominated by the Bodo politics (pro tem). Hundreds of thousands lost their lives. It also remains as home to many insurgent groups representing different ethnic groups. They involve in killings out of which often counter blaming, mistrust emerges, such often acted as inferno to spark the ethnic conflict thereby addition to human rights crisis. Not in clandestine, the state agencies are often alleged in contributing through its apparatuses meant for internal security. They no less create lawless order in the name of law, fear-psycho in the minds of innocents' lives. In the genre, the Asian Centre for Human Rights says *"each time the riots started and spread because of the abysmal failure of the state to enforce laws"*ⁱⁱ Besides there are many issues such as question of protecting tribal lands, illegal immigrants, identity

assertion, demand for reservation, protection of Minorities and Adivasi rights. Thus, the victims to human rights violations in the region would be difficult to look or identified to any single community. This is the ground where people can have the reason to ask whether every successive law framed are meant people friendly or do the existing acts or the laws have any relevancy.

Relevance of the Study

Human society is unthinkable for peace and development unless there is the existence of the exercise of the values of rights. However, human rights in the contemporary world of complexity have invited globally the intellectual and the strategic communities for debate on its value degradation. Not only is of value eroding but also the complexity of not having the common way of conceptual framework meant for the people globally acceptable. Such conditions of human rights both in the theory and the practical aspects has always been the matter of counter-understanding with varied thoughts of literature on right contributed and the implications in reality. The deteriorating right in India despite the fact of numerous constitutional provisions and acts of assuring, the exercise has not so far free from worry. The diversity based fragmentary society has to face the very evils submerging the rights of the people. In the genre, the proposed area for work had has the experiences of the different sorts of rights violation; say the innocent killings, extra-judicial killings, encroachment to tribal rights, crisis in the rights of Adivasi, Minorities and other small ethnic groups. The democratic set up meant to address the diversity has always turned questionable and, therefore, peoples' experiences, aspirations in the functioning of the state, and laws to protect lives and security may hold grounds in the work. Instead of assured constitutional provisions, state sponsored like violence, interference has continued to be under allegations. There has also been the continued allegation against the involvement of state agencies like police, militarization, and terror created by different insurgent groups. The enjoyment of rights inevitably for peaceful living, individual and social progress remained questionable in the aforesaid area. This necessitated the studies to contain as to what led the violence of rights in BTAD? Whose rights are violated? What are the different allegations, demands and to what way the democratic state is responding in deepening the values of right and its reach to the common people of the region. Thus, the

region's experience in the gross violation of rights has unquestionably necessitated the research work.

Survey of Literature

The present work is sought to undergo reviewing some available literature which however might not solely be relevant for the proposed area of research. However, it may provide the valuable grounds to understand and help in examining the status quo of human rights in general and in BTAD. Therefore, attempts are being made for basic conceptual, theoretical and problem understanding of what human right is, how it evolved and the different issues examined by the different layer of thinkers and authors.

Anand and Afonso (2011) in the work *Human Rights in India* tries to focus on the theory and practice of rights in India. However begins the work with the early development of human rights, its values to human lives. The work also highlights the discourse on different issues relating to the rights of indigenous, the marginal citizens, the Adivasis and also with regard to the human right policy in the conflicting zones like Northeast India. Although the work could give broader aspects of understanding human rights, however could stand little reliable since no space in drawing the rights crisis especially in the BTAD region of the Northeast.

Corradetti (2012) in the work *the Philosophical Dimensions of Human Rights* highlighted the complexities of human rights exercise in the plurality oriented cultural traditions. It also tries to work out whether the philosophical justification of human rights deserves a place or the reasons if need stands inevitable. Even the work could contribute showing the ground reality of ethno- based politics where the consequences are supposed to be borne by the plurality society. The more the minorities are deprived of rights the more is the chance of the existence of ethnic politics. In this context, the work could suggest for new political strategies which inclusively can accommodate the ethnic differences.

Ishay (2004) in her *The History of Human Rights* tried to focus on the conceptual development of human rights i.e. not only from the ethical point but also from diverse

aspects like Liberal, secular and globalization perspective. And also talk the position of human rights in the 21st century and the need to promote.

Lyons (2003) in the work *Stating the Problem of Group Rights*, has shown human rights as a global concern. It assigned the states the obligation bound authority to implement the rights provisions assured or guaranteed by the International declarations or the Covenants. The work also identifies the weakness in sustaining the obligations. Two problems are being drawn- one such the government, who contravenes the rights obligations and the other being the controversy involved Group rights. The divided identities, minorities or the group rights have to be addressed by the process of democratization. Further, drawing the significance of political –rights demand i.e. autonomy for the indigenous could go not as a threat to state sovereignty, nevertheless transgress the space of minorities in the domestic arenas of politics. Also tries to deal finding the authentic grounds where the community deserves the humanitarian right intervention-the time when State(s) meet the failure in representing the rights crisis to exercise.

Morgan and Turner (2009) in the co-edited book *Interpreting Human Rights* attempt to examine and explores the various aspects of rights such as issues concerning democratic rights, health right, indigenous rights, the United Nation, the question of human right within the domain of corporation like institution.

Morsink (1999) in the *Universal Declaration of Human Rights* try to find out the controversial counter contestation surrounding the discourse on the universal codification of human rights. The debate centered East Vs West, Secular Vs Religious ideological grounding the foundation of secular nature of human rights. It is not they who are critics rather the representatives for the final codification in the UN General Assembly that took the stand of critics claiming the declaration being unable to produce beyond ethnic centric document. Many, especially from the Muslim world, viewed the declaration somewhat of western ideological centered product. They questioned the very logic behind coding human right as universal in the world of diversity. Controversy engulfed the inclusion of certain principles of Articles in the declaration like Article 16 and 18; (i) Equal marriage rights (ii) to change religion or belief which they argued contravene the Islamic doctrine or principles. The Arab world charged, the author quoted the view of Jamil Baroody, who says the draft

declaration had apparently for most taken into consideration only the standards recognized by the western ignoring the other more ancient civilizations. Not only the Arab world but the Communist countries, the African world abstained from voting the universality recognition since they felt unaddressed to their proposals. The author, however transcending the contestation stood for the acceptance of universal declaration of human rights and even discarded the charges of ethnocentrism by terming as a misconception of the ground reality.

Despite the existence of different ideological or the regional differences, East/West, Secular/Religious perspectives of elaboration on the declaration one cannot defy the commonality of values or the rights claim of other fellow beings. Recognition cannot be a great deal where the priority should be how to implement the principles, how to make the utility of enforcement reach beyond any sorts of difference discarding presence of dual like citizens of rights.

Noorani (2012) in his book *Challenges to Civil Rights Guarantees in India* has tried on different issues, often created by the governmental policies to violate human rights. He took the concern where the constitutionally assured rights are being challenged by the state policy such as the issue of extra-judicial killing, anti-terrorist laws-AFSPA like draconian laws degrading the right values. He significantly examined the established imbalance between the rights guaranteed and the state power, directly intervening the constitutional provisions of rights.

Sen (2010) in his *Human Rights and Inhuman Wrongs* comprehensively discusses the various issues concerning the law enforcing agencies like police administration, the wrongs in the counter-terrorism policy, outlines the role of NHRC and good governance. The writing displays his insightful observation with regard to different issues pertaining to the human right violation.

Senarclens (2003) in the work *the Politics of human rights* has spawned the fact and grounds of the crisis in upholding the virtues or the need to protect the human rights. There is no consensus as regard the conditions necessary to uphold the protection of human rights. In the intervening years of globalisation, the world community, independents states, the governments are reluctant to overcome the divergent ideas and ideologies of acceptance and rejection of what the principles in the declaration.

Human rights are not sought to be conceived as mere abstract principles or the ideals rather system of rights with values of obligations that necessitates political order rooted in sound democratic institutions. Since there is the absence of commonly accepted world society or the platform it is the State(s) with the responsibility to subsist the implementation and promotion of rights principles. The work also justified the need of conditions of socio-economy from the Declaration-human rights framework. In addition, the authors entail the obligations as protector of security and promotion of not only the rights of individuals in the states but also the delivery of social justice. The purview on human rights discourse also put it as impetus influencing the political order and good socio-economic policies.

Sharma (2010) in his work, *Hindu Narratives on Human Rights* tries to highlight the discourses on human rights. The debate on the roots of human rights is often centered somewhere as the western offshoot. Some argued human rights as the logical corollary of the natural rights that is found a common belief of origin in the west. While some thoughts advocated the idea of rights origin in the Law, arguing human rights basically conferred on us by Law. There is the other school of thought, who believed in the contribution of human dignity with the logic where the concept of human dignity legitimizes one to intermesh rights and duties. They grounded the emphasis on the human dignity defending that only it can interconnect the generations of rights discourse. The book also significantly makes out India's perception of rights in the west. It is commonly believed in the west that India and the Asia, in general, cannot claim the possession of the conception of rights which however to them holds only the concept of duty. However, the author tries to defend arguing that ancient Hindu literature even did not fail to carry the idea of human rights, vividly he says especially in its political and civic shade of meaning.

Introducing Human Rights (2014), by the South Asia Human Rights Documentation Centre has tried to provide an understanding as to what the human rights are, outlining the rights in the light of Indian Constitution, its significance for the existence of human as being. The work also focuses on the movement meant for realising human rights.

Weller's (2003) work *Human Rights in Weak, Divided, & Threatened States* could project human rights as a global thought-provoking phenomenon. The author in the

light of ethnically driven rights violence, crisis in the administrative state structures advocated the idea that necessitates the reconstruction of community values. It is the states who are to act throughout the policy framing and implementation to short out the crisis of regional interest of right exercise. With regard the human right crisis, the author has put three dimensions precisely to understand the states vis-à-vis rights service. They are as weak states, divided and the threatened states. It is found that a state with the identified dimensional features may invite the international interventions to promote and sustain the values of human rights. Although the talk goes globally, the author's analytical citing of ethnically divided states, where showed the consequence of violations, dominant groups overlapping the rights of minorities, opponents could gain regional relevance in addressing the regional right crisis out of divergent conflicts.

The United Nations High Commissioner for Human Rights (2007) significantly in the work Good Governance Practices for the protection of Human Rights could provide the reliable policy impact oriented instances drawing the experiences of the trouble-torn regions around the globe. The good governance which is the precondition to realise the human rights lies in the democratic delivery of policy service by the States. The transparent government intervention is inevitable in the promotion of rights principles. It entails in human rights the effectiveness in influencing the policy framework of the legislature or the government and similar other measures upholding the rights standards. Even admits the good governance without which the delivery or the protection of rights is unthinkable. Further, it is the process which can provide the democratic space for the communities in the divided or the fragmented societies of decision making and thereby could help to redress their grievances that impede their rights. Not only the government but the citizens of the country equally hold the obligations to contribute in the preservation of rights values. Peoples' participation could help change or frame people oriented policy reaching the rights recognition of the socio-economic and cultural. Keeping the object in view, the work also provide the ideas of transparency to make policy corrupt free. Significantly also cited the emphasis where the indigenous Norwegian community-Sami could preserve and progress distinct traditional identity within the space of political representation of the community i.e. in the Norwegian political system.

Franck (2001) in his authored article *Are Human Rights Universal* took a critical stand in the implementation of codified secular principles. Centering women for discussion he identified many regions where the principles are yet to get fulfill. Women are no safe; they are debarred from exercising rights based on their ability or of being part of humanity. He cited the example where women cannot drive a car; leave their home unless accompanied by family male members or to have free education in public. So is that right to claim the rights universal where some remain deprived or say under certain harsh conditions. In fact, the title to question the very idea of universal is based on the ground reality of experience. Therefore, the declaration could have been accompanied by layers of arrangement to deal with the contingency of hindrances that we see.

Freeman (2004) in his work *The Problem of Secularism in Human Rights Theory* significantly tries to deal with the problems of the secularisation of human rights. The debate and dialogue between the secularists and religious believers with regard the universality nature have been the central focus. Especially confining to the critics from Islamic thought there has been lots of counter argument taking the declaration as a challenge to Islamic principles of right enjoyment. The critic opines that the enjoyment of rights in the Islamic society cannot escape the Islamic legitimacy which it becomes difficult to get acquaint with the formulation of secular right concept. Some argued rights to be the product of the west, based on western standards making its way in disguise for imposition in the other world. Even some rises doubt where Muslims and the secular human nature could be in tandem to accept the interpretations of human rights.

Noorani (1989) in *Telling the World about Human Rights in India* took a critical look on the government of India's soft stand towards Human rights conditions in India. He focused on how the government often tries to keep the real human rights situation covert by claiming positive achievement in sustaining human rights status. Significantly through his work, he tries to substantiate what the government of India does is the contrary, instead of putting effort to achieve the working of human rights in true sense. Even he highlighted the issues of 'Disappearance', misuse of certain constitutional provisions and the role of Amnesty International in reminding the government to preserve the values of human rights.

Gilbert (2011) in *Humanist and Political Perspectives on Human Rights* talks of human rights conception both from the perspectives of Political and Humanistic or the Naturalistic lenses. On one hand the political or the practical perspective looks the relevance of structures like institutions or the judicial arrangement for the impartiality rights deliberation. While it is the naturalistic thoughts which consider rights exercise natural by good worth of being. It holds no justification claiming rights from any sorts of external forces. Contending the former views, the latter holds that institutional impartiality cannot be discarded since it is the instinct of humanity to desire to be treated reasonably without unfairness.

However, the conception based on two perspectives does not hold universal grounds of practice. Even the institutions like judiciary who is supposed to deliver justice fairly, injustice, inequality, exploitations are making its equal stands in human society. There are certain rights in the society whose exercise is unthinkable without governmental supports but in many cases, they remain a failed state.

Hahn (2011) in the noted article *Justifying Feasibility Constraints on Human Rights* significantly drew the different aspects of social human rights. As in the sense –at what condition to exercise, and where to constraint is inevitable. To justify the practical feasibility is not absolute; Hahn brilliantly advocates the argument where in one sense shows the exercise should not be contravening the economic, political or the domestic circumstances. He further justifies the feasibility constraints where he sees, the right requires the normative idea of appropriate implementation. Not only this but also thought provokingly argue to have such theory of human rights the one having the force of work, to counter the unavoidable constraints of the non ideal world. In the genre, he defended for having the feasibility of constraints within the very theory of human rights itself. In the sense, the good normative workable theory can be the sound ground for justifying human rights and its feasibility and where to remain as infeasibility in practice.

Tharoor (1999/2000) in *Are Human Rights Universal* takes the critical stand on the very idea of human rights as universal in nature. He highlighted where one part of the world is celebrating, boasting the codification while the critics representing the other world is strongly in opposition. Therefore, the author wants such objections, differences be taken seriously. Even he put questions whether the international

covenant could recognize the diversities of tradition, religion & socio-cultural patterns of often unnoticed 3rd world countries. In fact, his idea is thought provoking in claiming the rights as universal which repeatedly witnessing the crisis in the acceptance.

Upendra Baxi (2003) in the work *The Twilight of Human Rights in India* painstakingly tries to convey what the Indians are heading for human rights. He opines that state in India for the sake of making pace with the globalized world of economy and free market or to materialise the economic liberalisation in India has taken the hard stand at the cost of people's right. He finds the status quo of the Human rights in India to be worsening where he sees the state as by stranger of abuse and violations. In reverse blaming the state, he took a say on the civil society where recurrently invokes in bringing the violence of rights. As an instance he forwarded the catastrophe of Bhopal tragedy and Gujarat violence leading to communal violence with sole people's participation.

The survey above shows the relevance of human rights in society. The codified universal character, however, cannot be suggested for universal acceptance for the reason of the need to revisit the effective functioning of human rights. The survey holds relevance when we come across the background -Are human rights universal. The more the human society is in the transitional stage the more the complex in the exercise of human rights exist. The state meant to deliver and distribute justice or to uphold the dignity remains question-begging. Few author's critical look could importantly highlight the current crisis of human rights world-wide. Say for example the talk of anti- indigenous rights, armed laws and its force may also be supportive in the context of the proposed research area. The talk of ethnic-based politics and the suggestion forwarded by few thinkers to overcome the differences, the crisis may be helpful giving a new look to the proposed research problem. Even the humanistic or the practical perspective of human rights may not hold affirmative grounds explaining the human rights situation in the region like Bodoland Territorial Autonomous region. Because the region may be identified where gross violation of rights often in the acts of state or contrary to the naturalistic demand of rights exercise.

Research Objectives

The objectives for the research work are planned as under

- To conceptualize rights vis-a-vis human rights;
- To understand the constitutional foundation of human rights in India;
- To examine the human rights situation in India; and
- To examine the status of human rights in Bodoland Territorial Autonomous Districts

Research Methodology

The methodology for the work has applied the conceptual analysis of human rights. In addition, the qualitative methodology is being taken to help the descriptive method based on practical aspects for analysis. The data for this study is collected from the primary as well the secondary sources. However, inadequacy of the relevance in the secondary sources has made the application of related sources on human right issues are taken to support the research area. The primary sources are inalienably availed to help prove and disprove the proposed objectives. Articles, journals, seminars and the conference proceedings have been considered. In fact, the study has used an unstructured based personal interview taking respondents through purposive sampling method from different communities in BTAD. Targeted respondents have been the common people having the experiences of the rights violation, members of the student organisations, and scholars for collecting reliable data. Again, the analysis of data is considered manually

Plan of Work

The research work is planned under five Chapters. The Chapter 1 will have its introductory part, which basically deals with the Statement of the problem, the relevance of the study, survey of the literature, research methodology for the study.

The Chapter 2 is prepared to conceptualize what the right is within the fold of basic understanding and citing the views of scholars on right and also how shifted to the concept human right, how emerged and evolved under sought to be identified different regional and international conventions to organisations like UNO, UDHR

European regional conventions etc. Significantly, the chapter is intended to find out how the human right has gone codified to stand with universalistic in nature but also the discontent that emerged in the heart of codification for global acceptance.

The succeeding Chapter 3 is planned to have a description on the human right that persist in India. It will examine about how the Indian constitution has elevated the status of human rights with the institutionalised mechanisms of provisions. The other part of the same chapter is to deal with different issues challenging the very democratic fabric and diversity of existence.

The Chapter 4 is planned, briefly the initial half to contain the geographical description of Assam and the Bodoland Territorial Autonomous District (BTAD). The chapter is basically to examine the crisis what acts as determining or as undermining the force of human right status in BTAD, extending how the State is having its democratic role or under the civic aid mechanisms of police, military forces in sustaining or restoring peace as of public claim.

The Chapter 5, the concluding part deal with the summary of the findings, recommendations, and limitations.

Reference

- Anand, A.S., & Afonso, A.V. (2011). *Human Rights in India*. Shimla: Indian Institute of Advanced Study.
- Bajwa, G.S. (1995). *Human Rights in India Implementation and Violation*. New Delhi: Anmol Publication.
- Basu, D.D. (1994). *Human Rights in Constitutional Law*. Nagpur: Wadhwa & Co.
- Baxi, U. (2003). *The Twilight of Human Rights in India*. Source: India International Centre Quarterly. India International Centre Publisher.
- Campbell, P.J., Mackinnan, A. & Stevens, C.R. (2010). *An Introduction to Global Studies*. U.K: Willey-Blackwell Publication.
- Choudhury, H.R.A.(20014). A Report on BTAD violence in Assam. *The Milli Gazette*. www.milligazette.com/hafiz/10600-a-report-on-btad-violence-in-assam.
- Coicaud, J.M., Doyle, M.W., & Gardner, A.M. (2003). *The Globalization of Human Rights*. Tokyo, New York, Paris: United Nations University Press.
- Freeman, M. (2004). *The Problems of Secularism in Human Rights Theory*. *Human Rights Quarterly*: The Johns Hopkins University Press.
- Franck, T.M. (2001). Are Human Rights Universal. *Foreign Affairs*, Vol.80(1), pp.291-204.
- Gilabert, P. (2011). Humanist and Political Perspectives on Human Rights. Source: *Political Theory*, 39(4), 439- 467. Sage Publication.
- Griffin, J. (2008). *On Human Rights*. Oxford: Oxford University Press.
- Kabasaka, A., Zehra, F. (2006). *Human Rights Worldwide*. USA: ABC-CLIO Publication.

- Lyons, G.M., & Mayall, J. (2003). Stating the Problem of Group Rights. In G.M. Lyons & J. Mayall (Eds.), *International Human Rights in the 21st Century* (pp.3-19). New York, Oxford: Rawman & Littlefield Publishers, INC.
- Ishay, M.R. (2004). *The History of Human Rights*. California: University of California Press .
- Iyer, Krishna, V.R. (1990). *Human Rights and Inhuman Wrongs*. New Delhi: BR Publishing Company.
- Kazmi, F. (1987). *Human Rights Myth and Reality*. New Delhi: Intellectual Publishing.
- Kohen, A. (2007). *In Defense of Human Rights*: London: Routledge.
- Morsink, J. (1999). *Universal Declaration of Human Rights*. Philadelphia: University of Pennsylvania Press.
- Noorani, A.G. (1989). Telling the World about Human Rights. *Economic and Political Weekly*, 24 (32), p. 18
- Noorani, A.G. (2012). *Challenges to Civil Rights Guarantees in India*. New Delhi: Oxford University Press.
- Paupp, T.E. (2014). *Redefining Human Rights in the struggle for Peace and Development*. Cambridge: Cambridge University Press.
- Rahman, M.H. (2013). BTAD: The Valley of Violence. *The Milli Gazette*. www.milligazette.com/news/5910-btad-the-valley-of-violence.
- Reddy, M.K.R. (1993). Custodial Violence in India. Source: *Social Scientist*. Social Scientist Publisher, 21(7/8), 104-105.
- Sen, S. (1998). *Human Rights in a Developing Society*. New Delhi: A.P.H Publishing Corporations.

- Sen, A. (2005). Human Rights and Capabilities. *Journal of Human Development*,6(2),
Routledge.
- Sen, S. (2010). *Human Rights and Inhuman Wrongs*. New Delhi: Gyan Publication.
- Senarclens, P. de. (2003). The Politics of human rights. In J.M.Coicaud, M.W.Doyle,
& A.N.Gardner (Eds.), *The Globalization of Human Rights*.(pp. 137-159).
Tokyo, New York, Paris: United Nations University Press.
- Sharma, A. (2010). *Hindu Narratives on Human Rights*. California: Praeger.
- Singhseghal, H.P. (1996). *Human Rights in India Problems and Prospects*. New
Delhi: Deep and Deep Publications.
- Tharor, S. (1999/2000). Are Human Rights Universal? *World Policy Journal*, 16(4),
p. 16.
- Weller, M. (2003). Human Rights in Weak, Divided, & Threatened States. In
G.M.Lyons & J.Mayall (Eds.), *International Human Rights in the 21st Century*
(pp.141-168). New York,Oxford: Rawman & Little field Publishers,INC.

Endnote

ⁱ The democratic system and the governance in the ethos and principles has well been recognized in considering the very tenets of human rights like respect, tolerance having the base of equality, justice and freedom to the best of its service and commitment to the citizens. However the global reality of human rights performance to date has not found to be global citizen friendly. The best cited examples can be the Rwanda genocides of the 90s, Bosnian tragedy and the ISIS open killings to innocents beyond borders.

ⁱⁱ Here the Asian Centre for human rights took the critical stand on the role played by the State Government. It therefore stated that the ethnic conflict of 2012 in Kokrajhar could have been prevented but was not. This was because of abysmal role to die away the events from happening. For further information see the *Assam Riots: Preventable but not prevented* (2012), Asian Centre of Human Rights.

Chapter 2

Human Rights: Conceptual Framework

Introduction

Human Rights are generally the accepted multifaceted idea, and hence are the socially recognized conditions and concepts that have always been the force guiding and determining the every aspect of human lives. Human rights are the rights as claimed to belong to every person of being human and exist irrespective of questions whether they are granted or recognized by legal or the social system (Coicaud, 2003). Naturalistic school of thought would, therefore, suggest human rights as inherent in the individual (Campbell, 2010). Human rights both as a socially construed concept or the reality in virtue of existence has to be justified as necessary to defend what we concern for human dignity. This human dignity inevitably helps in human society to intermesh rights and duties (Sharma, 2010). Significantly, in the age has become the living subject of acceptance both in educational and public arenas. Human society through the pages of annals around the world witnessed the evolution of rights in the form of ‘natural rights’ having its transition to ‘Rights of Man’ and then to what is commonly accepted ‘human rights’. The evolution of such inevitable rights for healthy development of humanity, and personality and above all for peaceful human society has however thrown at the dusk of devolution. The modern world of right crisis, broadly be identified under the two phases of catastrophe – i.e. Pre-Cold war period dominated by the logic of world wars and Post-Cold war period (Phase II since the 1990s) has certainly institutionalized the character of violating human rights. That is to say the subsequent world community; the nation-states are overclouded by the predatory task of the human right inferno. People’s security becomes insecure, that comes under constant threat of human-made like terrorism ranging from regional to global destructive activities, proliferation of fundamentalists’ thoughts and actions.

Human rights violation reminds us the merciless killings of the millions of the billions Jews for the sake of ethnic or the racial superiority exposition, territorial gain, expansionism rendering homeless, the 20th century genocides in Bosnia, Rwanda has left nothing but the reality to accept. In fact, everywhere the cry for human right and values is flourishing in a very vivid way. The hypothetical situation¹, by Thomas

Hobbes, foreseen in the state of nature seems to exist where generations are realizing the absence of respect for others' rights, dignity but for one's selfish ends. This is where one can identify such to be in the state of condition of international anarchy where Hobbesian argued with no superior authority to provide law and order (Coicaud, 2003). The thirst for human pleasure, illicit sexuality has invented the self-contradictory ideas of devaluing rights of the fellow beings. Now the earthly pleasure has broadened the look for opportunity with the sense of egoism. The passage of the time bought the concept of globalisation where competitive materialistic or the market oriented society has rooted the grounds. This earthly-materialistic change, however, led evolve new regime of ideological debate on human rights for the reason such development in one or other way left the impression of domination and exploitation of the rights of the oppressed by the wealthy. The moral or the ethical principles to strengthen the working of democratic society has now been almost eroded. Human rights which are considered the backbone of the democracy have remained a grave concern for the people with no economic background. The Adivasi, Dalits, tribal and the minorities within A democracy are striving for the rights guaranteed to them. Their fight is the fight for asserting their identity, to access social justice or to free themselves from the continued policy of exploitations. The developmental plans and projects many a time brings dispossession, displacement, refugee problems resulting their rights encroached. Therefore, the saying, violation of rights moves beyond what we normally perceive mass killings, genocides, the war crime, rape, torture. The social exclusion policies have retarded the enjoyment, meant for them within the constitution. The democratic countries, where Constitutional provisions are cemented for equality, justice irrespective of different grounds undergo despicable discourse where the practice goes utopia. The floor of democracy often invites revolution to have access to even minimum basic rights- food, clothing and shelter. In most of the politically fabricated countries, the corrupt officials, bureaucrats become the mastery of corrupt practices over social schemes, the political criminals makes their head in depriving the mass of exercising the freedom of choice and voice. There has been the increasing rights movement, for instance, the Gay, Lesbians movement to assert their identity in human society. Women are crying for empowerment, for respect and dignity. The more fashionable saying the 'honor killing' (Cohen, 2006) has still been gaining the open space in certain corners of the globe also like India. The legal documents are filled with many new additions of laws, Acts or Ordinance meant to

protect and preserve principles of assurance to its citizens. However, the reality shows contrary in practice. Having the rights being devalued, in hand series of thought-provoking questions emerges as to why the democratic countries often fail to represent the democracy of equality and justice? Why the land of non-violence (India) contradicts itself violating the rights of the downtrodden section of the society? Is it justifiable to accept the developmental plans, projects at the costs of marginalized rights? What makes the democratic government delay in having prompt action oriented policy meant for social justice in diversity? However, realising the recorded self-human destructive events, Universal Declaration of Human Rights (UDHR) like global institutions, Conventions on rights and Declarations got advent with convincing principles for humanity and solidarity. To reaffirm the dignity of rights in humanity the codification as universal has secured internationally legalization ensuring its reach to every, transcending race, religion, and regions. However complexities existed, where the dreaded world crime events in an under-develop countries like Bosnia and Rwanda has sought the need for global rethinking and reinvention in the working of such inevitable assured institutions. This is where also the fact of human rights may go emptiness of collective consensus in the acceptance of common standard concept or defining per se and also in monitoring the ensured right principles. In the genre of such crisis, some propound the ideas where the universal concept of human rights would have to be rooted in the very notion of different religions and philosophies.

Basic Understanding on Right

What makes human perfect in general or what claims or conditions that justify the lives in a society without desire for interference. These are the basic but common psychological side of the query. Therefore, when we talk of human lives as a condition to support lives with dignity reminds us of certain space free from surroundings and constraints. Every individual is gifted with certain capabilities, strength to decide what needs accept and rejection. Therefore, the fullest exploitation needs freedom from fellow beings in society. The natural instinct which is valid to all human with life is the natural desire to lead a perfect life with the frequency of dignity, civilized live in the rational world. This is where the rights as an idea or a concept get evolve in the minds of thought. Not unlike the subject matter of research

inference in the natural science the very saying 'rights' existed as an unexplored notion or an abstract state of condition. The simple reason might be the lack of wakefulness in the existence i.e. prior to the intellectual revolution of conceptualizing things or the surrounding phenomena. Even some theory of the state of nature had associated the concept that is to say where a kind of submission to the collective assigned body i.e. sovereign is being made. There, the rights in common were not to question the authority rather to hold contravening the very-self conscience. Even the era back to Magna Carta failed to recognize ²what the right in possession of the subject or when being controlled or regulated by the ruler. Nevertheless, these do not hold grounds justifying the absence of rights in the fact of only being eclipsed under unexplored world of knowledge and utility. Therefore the truth in the existence of rights even prior to what we say civilization of codifying rights study in progressive human literature cannot be discarded.

The rights as a claim in the later evolved stages of human society with demarcated norms to serve the society has come to be recognized as to when, what rights to exercise i.e. not inconsistent to the set norms. The rights itself cannot be judged or signify what type, or the forms do it carry unless it is being marked by the frequency of its exercise under what circumstances. The right itself does not hold any connotations to mark what specific right is, in the realm of understanding³. This is where; the identification of rights goes complying its usage and the source from where one derives. For instance, if one is supposed to exercise rights in society in relation to his counterpart fellow the practice of worshipping the animist in belief, the circumstance now to designate the right is clear i.e. he is found to exercise religious right. Likewise, exercising electoral participation or the voting privileges or attempt to contest the parliamentary elections will be deemed identified as political rights. Again in the civilized society where we think for self recognition and interest to achieve we are reminded with the conscience or social virtues influencing not to interrupt in others will. It is here the question of moral rights in the captivity of others comes in. The right which we call natural are said to derive from nature and these in the modern society demands state intervention for protection. For instance, the right to life doesn't necessitate the recognition from either legal process or the social settings since it is natural that begins in birth. In the genre of natural rights, Social Contract theorists had a varied version of opinion. Ardent advocate, John Locke, took natural rights as

the basis to determine the balance deficit in the government to retain the authority which, when fails to protect some amount of surrendered said rights. In the state of nature, some natural rights were found to be elevated to such as apex that helped governed to change the governance for the alternative.⁴ The development in the contract era of the State of nature has its relevancy in today's democratic polity of governance. Indian Democratic Constitution obliged to citizens with a promise to upheld certain scheduled tenets of natural rights say, Article 21 that deals with the 'right to life' and personal liberty. However the exception is due, the procedure established by law, provided the law is the reason, fair and just. Recognizing the value in life as a right the Constitution framers had left no efforts to grant denying the non-citizens. The right to life embraces within its fold the tenets necessity to make life worth living and meaningful. The Supreme Court through its significant judgment in the post-70s of the 20th century had interpreted 'right to life' in a more worth of acceptance. Following the interpretations, now the article 21 of Constitution of India has remained as a cluster of rights. Some of the rights are- right to live with human dignity, right to health, right to free legal aid, right to pollution free water, environment. This implied explicitly the broader meaning of 'right to life' that needs respect and protection from the law authority or else the political strength of public opinion may invite alternative arrangement. So down the advocate of concept natural rights somewhere in the centuries back, value to recognize the purity has remained granted in civilized sovereign like India. May perhaps of its universal relevancy Constitution could well propound to make 'right to life' beyond the jurisdiction of parliament to abrogate even during the crisis of invoking emergency.

The idea of rights may invite one's logic when to exercise and refrain doing the same. This is the ground where circulated phrase 'no rights without duties' emerges. In other words, rights imply duties. Here Mahatma Gandhi had argued that if any rights exist at all, it could only be the result of well-performed duties. Further, he admitted the cruciality of understanding the correlation between rights and duties. In addition, he says, "*I venture to suggest that rights that do not flow directly from duty well-performed are not worth having. They will be usurpations sooner discarded the better*".⁵ Now the question would be whose duty (?) and towards whom. What is the need of such duty to perform? The response might be in the enjoyment of rights which is not found to be an absolute or independent exercise of the other. The respect

and the duty of the other person therefore become inevitable. Gandhi emphasized duty first to rights. He, referring the need of duty of majority towards minority cited the instance where the Hindu being the majority should show the decent and the responsiveness of friendliness treatment to his minority Muslims brethren. He had the notion to suggest that Hindu should befriend Muslim as a man, sharing his joys and sorrows and helping in times of distress.⁶ Only then the former can have the right, he believed of similar treatment from the latter. The rights and duties as a correlative theme of the study had its expression popularly in the influential essays on the rights of the 20s and 30s of the 20th century. Benn and Peters were listed as the supporter of such correlative nature. No one can hope to live and so to exercise is beyond doubt, in isolation. The basic idea of the said correlative concept is that when one has the right against someone (Y), then Y is obliged to duty towards the former, in a position as a right holder. Human nature is to exist in a society with the principles of adjustment and self-accommodation. Hence, the talk of rights and duties is more or less of reciprocal relationship. As of the aforesaid case of right to life, identified as a cluster of rights, where a person X needs free social environment to have right to life enjoy. Here the worth enjoyment depends upon his fellow being say Y how he holds to oblige the duty in support the clusters of rights within the fold of the right to life. If the acts of Y go contravening to what his duty, the enjoyment of rights by X would hold no meaning. However, the right holder is also bound to oblige so that his enjoyment of certain rights do not damage in the privileges of other. The explanation can further be related to two aspects of rights. While one is positive and the other, being the negative rights. Basically, the two links with one's duty towards the other. To understand, we may argue, if X is meant to have negative right to life against Y, later should aware of not trespassing or would mean Y has to mentally prepare in not harming or causing that led life living unworthy. While the same X's positive right to life would draw affirmative action of Y in sustaining the act of X. In the context of the cited the two aspects of obligation remained clear; one being the legal, so the former case when stands contrary may be held legally wrong or offensive. But, the later deserves only the moral or the ethical grounds of explanation since legal claim doesn't exist as norm helping other's life progress. So the obligation against someone's positive right to life by someone would only make acquaint the ethics of what we may say morality or the conscience of doing goodness for the well-being of others. This is what the idea of rights holds the reciprocal way of understanding.

However, such expressions do not hold universal truth since every right may not entail to obligations or the duty on the second person. Let us have the case of a Scholar (K) pursuing the course for the Degree of Doctorate of Philosophy (PhD). Now it is the duty on the part of K to provide the best of her/his ability towards the registered research work or to make the reliable completion of the Thesis in stipulated time. However failing to execute the duty would be the basis for her/him to lose her/his *right to have the degree*. In such a context arguing the duty on the part of the authority to confer the Degree is something not of worth for the reason the legal claim of Degree as right would, therefore, depend on how the Scholar has taken the means to achieve the end (*Degree*).

The right also has the logical grounds for rationality when we talk in the reciprocal sense. If the principle ‘*Man was born free, and everywhere he is in chain*’⁷ hold justified then man have the natural rights but would be in chain i.e. in relation to other being. This would provide, certainly the grounds of social order, which would help ordering the societies and the diversities to say, is in the present social milieu. In the context, the right holders do have every reason to what and when to enjoy which, and with whom, however, can’t discard the need of environment favorable, also meant for the others. The right without environment would be just a myth of thought or in a vacuum, therefore, it requires societal aura, turbulent free and a kind of assurance from the fellow beings. The nature of the environment, however, differs from society to society or country to country. Therefore, it is not the one who can expect the exercise of same right in the alien environment. For example, the customary laws or the norms existed in certain tribal society would be the matter of thought in the society or environment which is much alien to said society or the people with different outlooks. This would mean the environment to be well suited to the specific society. Such condition is nothing but stabilizing, as one may commonly code as a duty. Hence, the right should have the symmetric understanding to duty as for which the fact exist in the recognition of interdependence and interrelated nature. It has no independent existence to liberty. In the sense, every individual or a group can have some sorts of autonomy of liberty in the exercise of certain claim what we say right. However the very liberty in relation to the right may possibly bring the condition to collide each other’s right. Say one’s right to listen to music in a room might interrupt the other’s right action for rest due hard hour-long labour. Such

collision may invite the former's act annulled in the light of other's being sacrosanct. Therefore, to disdain such disorder or to overcome such conflicting nature in society requires understanding the interdependent entity of exercise and obligations towards others. In fact, it makes us understand that one's right over 'what'; 'when', and which the 'what' often remains distinct or common due circumstances and this may inevitably demand respect under obligations. Such kind of norms is essential to mould the social behavior, social order or to uphold maintaining the very social ambiance.

Contentious development on rights

The expression of rights in terms of reciprocal or the duty in the *second person* is somewhat, but common in understanding or belief about what the right is. However, contention existed as to whether to accept right as a claim or entitlement or duty in the second party. Again some scholars do not hold grounds in the reciprocal or correlative idea of rights and duties. Thus, argument to frame the concept or to characterize rights is divergent based on said contentions. Such contentious development with counterexamples had rooted in the scholars like Feinberg, David Lyons, Braybrooke, Singer or say of H.J. Mc Closkey. As said in the few ahead paragraph that right's reciprocal or the correlative study with duties do not hold the universal grounds of acceptance transcending all circumstances, we may further refer Feinberg's idea on right, which basically rooted in the critic to the basic understanding of rights in correlative nature where every rights entail duties. He is the one to cite "*duties without correlative rights*" or rights without correlative duties. His example on Charity in the light of duty has given the elaboration where the first person with a charity to grant in hand is not obliged to any specific or the assigned as the receiver. In such a case of granting his duty in charity can have some discretionary or the autonomy to reserve when to release and that is without knowing who might be the second person or the party to receive or claim. This cited instance signifies the fact which as a learner or as a contrast to the above traditional concept on right we can assume that every duties can't be assured to entail rights or vice versa. Hence, the rights or the duties should not be always limited or confined to relative study.⁸ Further, Feinberg had the notion of claim to explicate the right, based on *claim-to* and *claim-against*.⁹ However he identified certain principles determining the validation of such notion; moral principles of conscience and the other being the legal aspect of

principles. The *claim to* distinguished as valid, to achieve does not, however, involve the question of assigning obligation or the duty, say on the second person. Under certain circumstances, certain claim-to is found to be morally or legally validated. His idea, what he say the ‘manifesto’ right may help clarity, suppose a person, who is in need or in crisis can be assumed to be in a position to make a claim, no matter whether the second party does exist or not to correspond to his or her claim. A step ahead, his *claim-against*, what he preferred identifying as full-fledged right requires the second person or a party entailing the duties.

David Lyons, who is an expert on rights, had advocated the new idea of immunity in the line how Wesley Hohfeld had in his captivity. He, in certain cases considered obligations applicable i.e. in someone’s right to do.¹⁰ But disregard such obligations to be entailed by that right. He further opines for no duty in the act that falls within the jurisdiction of rights. Rather, he would take up immunity as the replacement of duty for correlative right elaboration. His concept goes in rights with immunities (disabilities, lacking in authority) than to duties or the obligations. It is he, who tries to take up the idea or the characteristics of right in the light of immunity for causal generations of implications.¹¹ In fact to his logic, there are certain rights where the question of immunity arises, the time when the quondam gets derive from the sources like the constitution or say of legislation. In the exercise of such legislated or the constitutional rights, there can’t be the point of obligations or the duty to create on the source(s) where the said rights rooted. Rather is to think in terms of disability or how is prevented. In the context of Lyons idea, we may cite the example, where Indian citizens are given certain Fundamental Rights of ‘*Basic Structure*’¹² in nature and so can’t be abridged. In such a case, it is the citizen who can exercise correlatively to the disability or the lack in authority to amend or abrogate by the legislation. Under this notion, therefore, some advocated to create second-party in disabilities or liabilities or say the immunity than to duties. This idea is hope to have practical implication where one can’t always expect to be duty bound in certain governmental agencies or the departments. This is to work when the liabilities or a kind of process to annul if authority goes contrary to what is assigned to function, be correlatively entrenched in the right exercise. However, this would mean no complete rejection in the existence of duties in understanding rights of certain cases. The above elaboration in the light of Lyonian ideas of the right would, therefore, mean to invoke

what is not always true in accepting the logic every right entails duty or the duty in rights. Explicitly, to the line of Lyonian thought, we may further argue the fact where every right does not hold grounds of obligations on the second or the other person might be for the reason, in certain cases the right holders or the statement about rights themselves seems obligated towards the other or become the obligated statement rather entailing as obligation. Therefore, the concept of rights requires an eye to differentiate what right entails obligation in the sense remain restrained in certain cases of rights. For instance, Anil Ambani is the legal owner of billions of resource in his captive. In his field, he deserves every right or the choice where to invest, spend or reserve. Perhaps Feinberg's advocacy of rights without correlative duties holds grounds in arguing the cited instance. In the light, applying rights of action notion, advocated by D. Daiches Raphael we may say that it is Anil Ambani who's right does not deserve to be determined from the standpoint of some other second person alien in having no authority of duty to claim.¹³

Back to the philosophical contribution of rights concept by Feinberg, some contentious argument found to be developed. Feinberg says- a right is a kind of "claim to something & against someone".¹⁴ To the contrast, few thinkers, to say like W.D. Ross preserves the argument saying quite natural that "*a person to whom I have made a promise has a claim on me*", and also "*a person whose distress I could relieve (at the cost of breaking the promise) has a claim on me*".¹⁵ He argued to interpret 'claim' from the standpoint of the second person to whom the first person as the right holder. He, therefore, used the claim to refer to obligation. In the context of Ross's statement, we may elaborate providing such that A promises B to provide something of worth value. In such instance to provide claim the base from the context of second person B will have every claim to receive what has been promised by the former A. However such logic to argue contravening to what Feinberg used claim implying rights would be difficult to understand what the concept right is. Ross, in his very citing of 'promises' to understand claim as obligation orient¹⁶ is somewhat satisfactory or acceptable only in the least circumstances. Because the made promises needs clarity as on what condition, or the grounds to relinquish. Even the extend to what we can argue is that someone's promises may not always imply their rights to make entail claim as an obligation on other. Again it would be difficult to justify if promises are not counted as someone's right to explain second person or the party to

make the claim. Further obligation or the duty is not always to be granted something to claim, receive or fulfill. It would imply two sides; one is an obligation to self-restrain. For instance, since every being has the right to life, everyone to each other has to set that restraining wanton acts to kill or hurt fellow beings is the obligations. Secondly, when someone or a party has the sole right against someone then there cannot be the point to deny the claim and obligations on the part of other to fulfill as a part of the obligation. Thus, in the line of Feinberg, and drawing the logic of legal or the constitutional rights say the case of India, where certain categories of people like ST & SC scheduled in the constitution with certain special provisions deserves every legal claim, say the right-claim to receive. In such a case, the claim does not fall in the hands of other fellow as said by Ross, in society rather would admit in the claim of the stated categories or becomes the obligation to obligate what is granted as per the provisions. Therefore, the claim as suggested by Feinberg can be looked from two vantage points, sometimes from the right-holders & other being the standpoint suggested by Ross. However, the present discussion, by no means an attempt to falsify the contribution made in the field right-concept. Nevertheless, the close scrutiny to the notion of right as 'claim' advocated by Feinberg has got its self-constraint in the sense, right as the claim can never be absolute or true in all the circumstances. Because certain sections of the society like that of the child, insane or say the rights of the fetus would remain futile if counted in the light of Feinberg's conceptualization. Human being, although recognized to have the rights from the very moment of conception¹⁷ some section naturally becomes incapable to claim or to exercise. For instance it is never ever thinkable that a child would claim to have even the mother's milk or they certainly are not in a position to complain when they are denied. Even the Supreme Court's order in India that no children below the age of 14 years be employed to work or as a labour would be utopia unless the civil society, activist(s) or someone on behalf takes the role of a claim for their safety, security and welfare or to act as a reminder. Therefore considering right as 'claim' is the situational urge of the time and space.

Evolution of Human rights

The talk of human rights in terms of its evolution has its varied contested ideas that make difficult to pinpoint the exact eras or the place that had rooted. The

discourse to the concept evolution of human rights has, however, needed a focus from the certain vantage point i.e. Pre-AD contribution, development in the pre-war period and the post war development. The present part of discussion would basically deal with the first two periods, while the post-war contribution would be focused in the later part of universalistic discontent discussion. The scholars in different ages had reserved different opinion with regard to the evolution of human rights. In fact, an effort to find the origin or the evolution of human rights is as much difficult as to demarcate where the history itself begin or the end of it lies.

Prior understanding the modern conception of human rights, would certainly invite one to trace back the ethical or the moral contribution of the different religious and the civilizations. The religious and natural law as the foundation base to human rights has also been the mammoth in understanding the evolution of the conception in some or other way. It is, however, impossible to sum up or to take the particular side of judgment since every religion and the nation carries the notion to regard its customs as superior.¹⁸ For example, Rene Cassin claimed that “the concept of human rights comes from the Bible, from the Old Testament; from the Ten Commandments...we must not forget that Judaism gave the world the concept of human rights”.¹⁹ Notwithstanding every religious text consist to share if not, at least, certain views which are common to the good of humanity. Running from Greek Civilization to great Indian and Chinese Civilization, Buddhism to Christianity and the Muslim world has contributed many ethical values and the principles that entrenched the base-stance as the guidelines towards human society. Hinduism provides the dharma, spiritual values for mankind; Buddhism goes with the philosophical fragrance of selflessness and the path to achieve Nirvana.²⁰ Islam and Christianity have taught the humanity for solidarity and the love for other. This does not, however, can be logical to assume all individual with the equal place and status under any ancient religious text. Again, despite such immense ethical contribution, contestations with regard the superiority over the other do exist.

The genesis of human right, somewhere in the antiquity has many a time been worked out by different scholars. Back to 1754 BC, the historic but the oldest surviving collection of Laws, the handiwork of Hammurabi or what is commonly known as Hammurabi’s Code²¹ narrates something about what we are looking for.

The excavation of the Babylonian Code in the late years could expose to the world about the social system where justice delivery system is of utmost inevitable. The Code of law is harsh, but it was the principles to maintain the goodness and discipline in his empire. It was the principles which give the impression for the humanity, natural to refrain from such heinous acts which were properly planned by Hammurabi himself. It was his attempt to keep the society and Babylonian in the right path or to live with self dignity, assigned by nature. It is reflected when he says, he wants “*to make justice visible in the land, to destroy the wicked person & the evil doer, that the strong might not injure the weak.*”²² It is not that the Code failed to treat equally every Babylonian rather he promoted the sense of fair and impartial treatment, the punishment what one deserves for what acts. To be precise to what modern human rights has women issues in discourse had never been outside the Babylonian Code in providing the justness and dignity, particularly women and the family matters inclusively were granted the rights to deal with property (buying and selling) and of divorce and adoption. The position of women was free and dignified.²³ Women were allowed for divorce, along with the provisions for compensation when child exist, to help her maintain herself, and the child’s good life. They were free to go for action against husband when found guilty, cruelty in carrying the spouse lives. If proved to be true, could achieve the judicial separation and could hope for new life through remarry. Not only this but also the laws to protect the widows and orphans. Adultery, by no means could have the place. Adoption was approved under the Code. It was intended to look after the old days of the parents, however to the contrary when fails to abide the assigned duty the contract might be annulled under the then Code of law. It coded the moral principles or the rules for punishing those who transgress the law, set laws how one could go for marriage, the duties for the physicians, veterinary surgeons, and the work pays for them; also the ways to regulate the wages of the agricultural labourers, and the craftsmen. The *lex talionis* provisions are something to create an environment acting as a deterrent to prevent any sorts of unethical posing dangerous to society and regimes. At the same time, the regime opened the space for slavery system, where he outlined the rules of ownership and the sale of slaves. In one hand, thus the regime had the deficit of fair treatment in the very social system where the masters and the slaves develop the concept of domination over the weaker; superiority over the inferior and a kind of evil mark on the dignity of other being i.e. slaves. However, Hammurabi could maintain provisions that were beneficiary to even

slave community. They were not debarred from right to hold or acquire properties and even allowed to hold other slaves for own. When they could bear a free child and not restricted that they should couple with only slave-girl categorically shows freedom within the restrained societal environment. The antique Greek and the Roman Civilization cannot be sidelined while talking about the base of human rights. It is marked as one of the vantage points about how the question of rights in society evolved and existed. The domain of traditional notion of natural law was something common in the history of Greece and Rome. The Roman law considered all people as equal that are born free and that dignity in possession as natural. They considered nature to be superior where submission to the governance was believed to be natural more than to the state law if ever existed. Unfortunately it was the Roman or the Greek world where a section of the society was never counted as citizens or the part of greater society. In the context, not unlike the Greek civilization, the Roman Empire had complicated the question of membership to the very human race. The Slavery as an institution was adorned as if nature could do nothing in infringing the continuance. Hence contrary to the genesis of human rights, the said civilization had discarded the Citizenship rights, the civil and the political rights in the modern sense of the term. Even Aristotle who is known to have a domain through his philosophical works remained ignorant for the rights of slaves. He believed in the politics where superior in virtue can have the right to rule. Thus, to him, some are by nature propelled inferior who is always subordinate to the rule of politics. To his logic, it is the master with superior virtue to have the mastery over those categorized as slaves as natural and just.²⁴ He placed the slavery in a position as if determined by nature, who are different from the freemen, emphasized that by nature they belong to master; and propounds that the slave is to master the way body to the soul. However, he did not justify every mode of placing the inferior races within the fold of his slavery. Bernays took the opposite stand where he says *'the art of justly acquiring slaves approximates to the art of war or hunting'*.²⁵ Even it was he who shows the difference between men and women which is almost contrary to current human rights discourse.²⁶ In the same eras of BC such institution was also sought to be reformed with the place of dignity for the slaves. Chrysippus believed that *freemen and slaves* by virtue of their being human are equal, and for by nature, no one is a slave.²⁷ Further, he identifies none to be noble by birth rather only those can deserve the free and noble status when acts rightly. Marcus Aurelius, despite the significant power he wielded, did nothing to end the

slavery system of the Roman Empire.²⁸ It was again the Ulpian, with the liberal notion to liberate slavery system provided the grounds that all humans are born equal i.e. by the law of nature. His philosophy of dignity in equality had favored the slavery rights. Slavery to him is something contrary to the law of nature. And therefore, he suggested that slavery and the slaves depend on the customary law.²⁹ Because of his advocacy and well thought for the liberation of slavery system and the rights for, could project him the pioneer of human rights extension to what had then, commonly been discarded. The ancient Roman world, where the institution of slavery was entrenched, however, thus could see the revolution for a system of law to be governed by reasons, utility and equity. It was intended, where the rulers under the Roman law could do something in the interest of restricted citizens.³⁰

The contribution of Hinduism, the philosophy, ancient scriptures or say the Indian civilization towards the development of spirituals and the values of mankind cannot be discarded. The great Epics the Ramayana, Mahabharata; the ancient scriptures the Upanishad, the Vedas has ever since been guiding humanity with every essential idiosyncrasy. The standard believe in the west has been to undermine stating India and Asia in general that are not in a position to claim to possess the conception of rights which, however, has assigned the duty as the value of the Eastern world.³¹ In the light, there can be the challenge to western conception since the concomitance of Hinduism, the philosophy or the scriptures is never grounded or the debt to any European texts or sacred. Hinduism always believed in the sacrosanct to any faith, religious teachings, and institutions what is common in good for humanity and other creations. Mahabharata has taught how to preserve a sense of humanity, to struggle for what one deserves, to stand against injustice. Not restrained to this but also the women who were always elevated with dignity. The best ever cited example for women's dignity was represented when Draupadi, the daughter-in-law of Hastinapur was attempted to disrobe. Such disrobing attempt in the court was not just an insult to Draupadi but to the women community as a whole (Sharma, 2010). It is an instance, where Draupadi put the assembled kings and noblemen in trauma how to provide her right to justice, how to provide justice to her virtuous as women being humiliated. Not only this but also the epic incident provokes the sequence of rights taking back to the Vedic age. The selective instance of Draupadi led her to put the question as to how she being women bought to the Sabha. This stance makes us think beyond the events

of the epic since women in the Vedic were considered pious to attend the assembly or the Sabha. The concept of *Sabhavati*³² existed, where it was the custom, worthy in attending the Sabha. This meant women's space in the body (*sabha*) as a part.³³ The *Sabhavati* concept, when analysed deeply, would imply the situation prior to Mahabharata, where women could have the freedom to exercise the rights of public participation. Space and customs changed gradually by the then epic age of Mahabharata. The instance of Draupadi, her exposition to the court assembled *Sabha* in response to the tragic humiliation meted on her would be more explicit in understanding the prior existence of women in a good and virtuous position, to say in the Vedic period. The humiliated, *Draupadi* in the *sabha*³⁴ says- "*I, who was seen by the Kings on the dais at the time of the Svayamvara ceremony & never since, am now present in this assembly. I was not visible even to the wind & the sun earlier in my own home, & now I am to be seen in the middle of the assembly by the Kurus. The Pandavas, who would not bear to see me touched by the wind, put up now with my being touched by this miscreant. I guess times have changed that even the Kurus permit their bride & daughter to be tormented like this, although she does not deserve it. Again, she says, "I had heard that virtuous women are not led in front of the assembly. The immemorial tradition among the Kauravas apparently perished."*³⁵

The referred episodic exposition, referred to by her thus explicitly could show the subsequent changes that the early Vedic times had. It is the change where women, now then in the Mahabharata age came under the male voice, even for their justice, the stand for right to exercise. It is just an instance about how a right particularly pertaining to women folk was being eclipsed, question in apprise by the inhuman event done by the wretch within the Kurus. In the context, if an event of such ancient epic is looked from the general perspective then it reminds us of the fight between the two antagonists (*Kauravas* led by Dharyadhana and the *Pandavas* on other side), who despite having the one root of origin. It was the fight for the right to possess property, fertile land and the dynasty. The *Pandavas* who are instilled with *dharma* in blood were encouraged, when found reluctance by Lord Krishna to fight for own rights in the name *dharma*, it thus not only the fight for rights but for justice against injustice. Thus could provide the base for humanity to stand against any evils to protect and preserve the rights by virtue of being human. This is, how, the right concept in the human rights discourse has to be looked in Indian traditional episodic context of

changes. Blessed by her ancient virtues, philosophy India could stand for the contribution of rights to the world humanity in the much subsequent centuries of what we stated in the ahead, in the light of Vedic or the Epic times. Right from the enlightened Lord Gautama Buddha, to the Guru Ramakrishna Param Hans and to his disciple Swami Vivekananda the holy thoughts and the messages of human values and the rights disseminated without any sense of geographical restrictions (Nessa, 2007). These teachings had glorified India and the world, much in the field of moral and ethical contribution to the values of rights, respecting and providing other fellow being, the grounds with the realm of obligations to support and preserve the dignity of every life without making any sense of discrimination be it Hindu, Muslim or the Christians or the other believers. They provided us the philosophical and the ethical guidelines to abide by ones duty and thereby making meaningful sense of rights exercise to our brethren being and not forgetting to extend to the whole living creatures. The duties which we talk a priori, is in fact, is to define the exercise of rights when and on what grounds, to be fit to say justified. This is the principle which has led every Indian with universalistic nature to humanity.

No denying the fact, the principles or the essence of human values and to specific in relation to rights like any other teachings do consist in the Buddhism as such in the philosophy and practice. Rightly is claimed by Demien (1995), saying the philosophical justification of human rights is inclusively in Buddhism as has been found in all other philosophies and religions ³⁶(Badge, 2014). May perhaps, to argue the philosophy in a more structured manner have taken the stand for peace messages to the world of rights in crisis circumstances. The more structured is in the sense, the principles coded by the United Nation have much being found to be grounded in the teachings of Buddha. Buddha, the lord himself stood as the symbol of truth under the selfless devotion for enlightenment. The tenets consisted in the teachings of Buddha has taken the much vital place in framing and working of the modern human rights principles under United Charters. Buddhism centers on the strength of Dharma-what is identified by Buddha as the truth and the reality. It has given the world society the thought to ahead and act based on what is reality in existence. His idea on dharma is somewhat that repudiates the concept in practice in Indian tradition which to date holds the continuation in the form of caste/class fold. The believes in the caste functioning makes to interpret 'dharma' in the context of duty binding on the

categories lined in the lower margin of the social status. In fact, it was/is the scene that goes contrary to the teachings that believes in the real dharma which is to be guided by the very ethics of truth in the existence of other fellow human beings with equal status superseding the differentiation on caste or labor lines. The tenets in the philosophy are something which is much for the welfare of humanity. Therefore, anything which is likely to go deviating the man's welfare would mean nothing to be identified with Buddhism. It talks where man should work for man, man is in relation to man and this holds true in the practical implication of Buddha's *Dhamma*.³⁷ As Buddhism is concerned, there is the place of equality, dignity, and the equal treatment and in fact recognises the inalienable rights of all human beings³⁸ (Mane, 2006). The nearness intellectual as for instance who happened to be much influenced was B.R. Ambedkar. He, who was dalit in outer look but cemented with the heart in humanity could not only reform his inner strength through his understanding and physically fascinated for conversion but also making his co-dalits free from the bondage of savagery caste dominance. Based on the principles that he gained, he could stand much for the dynamic leadership to change the history of India working for the downtrodden and for their equality and rights in the then orthodox Indian constructed and ruled caste based society. In fact, the teaching in Buddhism is of much ever relevant to the social settings which seem natural to go through multi-layers of sufferings. In the context, Christopher S. Queen has seen to be strong enough in her argument to provide the term socially engaged Buddhism, where Queen holds the fact in the application of the Dhamma, or the teachings of Buddhism as resolute forces over social problems. She furthers the view by considering the present global issues bound conversation say on entities like human rights, distributive justice, and social progress as factors paving the right path to follow Buddha and his teachings of Dhamma worldwide. In the context of Dhamma which represents the need to maintain the purity of life or say finding the perfection in ones existing life reminds everyone to counter the constrains that impoverish the natural lives for dignity.³⁹ In the material world which is full of sufferings one can be safe, as when can attain the path for purity and righteousness by detaching from the different earthly vices like lust for anything that belonging to other, killing animals, stealing, indulging in intoxicating drinks, speaking what is untrue and so on. No denying the fact, the contributed Noble *Eight Fold* path under the enlightened Buddha would mean something universalistic in its reach to humanity. The Eight fold path may be depicted under the three folds,⁴⁰

(1) *Silakkhandha* representing the moral rights group includes- the right speech, right action, and right livelihood; (2) *Samadhikkhandha* represents the Concentration group, which the group includes-right effort, right mindfulness and the right concentration; (3) Not the least, the third fold *Pannakhanddha* placing the wisdom group takes the right view and the right intention. These rights which need the practical implications are not only the principles but the hidden strength to maximize ones inner capability to bring the ground for a righteous path, reciprocal or relation to man in man. On the basis of its truth, these eight fold path to be confined only to Buddhist faith would be something a kind of negligence to certain but essence to ponder the righteous way to humanity. The guided tenets holding in the context of rights are something basic but are difficult in exercising or in practicing for greater effectiveness.⁴¹ These are the path to enlighten in one's life which is uniquely distinct from the rights we talk or understand in general sense for exercise. It is not the rights which one is supposed to claim/demand rather it is the about the virtues that remind the detachment from selfishness, thirst or the lust, however, alternatively for the purity in mind and the self-strength to cultivate than mere drawing the question of exercise. In the context to make the rights effective in practice, the Eight Loka dharma implying the eight worldly conditions, which are much natural having the negative sides of influence has, by any means the need for rejection. The gain & loss, fame & infamy, praise and blame, & pleasure & pain are those natural that always tries to dominant our feelings and thoughts.⁴² Therefore, only if such can be thrown out of minds and heart there will be the right place for the said rights in practice. Because, these are the vices which always makes man selfish, impure limiting the outer look for so called social welfare. No one can escape from the earthly sufferings but the remedy lies in the detachment from the desire and the self and this will give vices the grounds for Nirvana which in turn will liberate sufferings from freedom⁴³. Therefore Buddhism supra talks of the reality where the solution lies not in external forces rather in us which is rather through the cultivation of virtues, wisdom, concentration and the mental development on the right things. Thus, the Buddhist contribution to the world of human rights is something unique in reality which deserves the universal existence as a savior to human sufferings that acts as retardant to human in commonness from functioning what is assigned for duties and the rights in relation to other beings. With the winds of faith in Buddhism, flourishing in the nook and corners of the globe the entities like equal status, inherent dignity and above all the social messages for

humanity could help project the faith and this more to say is all about practice and hence considered as humanistic in nature and social religion in practice.

The rationality is that every religion of the world is of no less significant to other in the context contributing to humanity. This is where one can find, anywhere in the religious doctrine the eternal spiritual truth which is the core tenet. The Islam, the Christianity, Baha'is and the other has the equal share to the field of human rights. The Islam religion which is inevitably guided by the philosophy enshrined in the holy Quran has all the sense for good life and the welfare of the humanity. It makes no difference between man and man, superiority or the other as inferior. In the Islamic laws each one is equal to each and hence does not preserve the service for slavery and so has negated the very prevalence of so called bonded or the forced labour. It is believed, where Allah, in the holly Quran himself declared that all human beings are born free. The teaching of Islamic religion is quite clear which it considers racial discrimination as unjust, unethical. This is, perhaps strongly being said by Prophet Mohammad himself, *"No Arab has any superiority over a non-Arab, nor does a white man have any superiority over a black man. And further said, you all are the children of Adam & Adam is created from clay"*⁴⁴. For the Islamic believers, they have to accept the social order since it is the belief that man does not have in possession the capacity to make laws to govern the society. In fact, social order is held much an integral part of the religion.⁴⁵ This makes them more responsive to believe in the jurisprudence, guiding what to do, while assigning the secondary preference to what to belief. In the context, Weeramantry had the opinion, saying human rights in Islam, are not all about anything how man asserts his rights against man but about how man discharge his duties towards God in dealing with fellow human beings.⁴⁶ It is understandable now that duties are being given the prominent to rights. Thus the unyielding and the ethical exercise of duty one is obliged would certainly provide the space for rights exercise meaningful. This has been recognized by different holy scripts like Islam.

Human rights and the Universal Declaration of Human Rights

Human rights are all about the jurisprudence of principles, an essence which are with response(s) to the need for the existence of man with man in relation, cohesion for the wellbeing of the society. Human right derived from the very inner

sense of human dignity and virtue to live as being has however gone many phases with exclusive- inclusive nature in concept. An early version of talk was limited with the rights as natural which although human rights itself existed. The 17th and 18th centuries gradually could recognise the notion of human rights being culminated from the concept natural rights founded in the thoughts of John Locke. More the society is heading towards the modernization more the complexities of societies, the dominance of one civilization over the other, the way as means to liberate with war or the counter war has all long been the ground for the international community to stick for a common declaration of rights. The human right which is inclusive today in nature is the amalgamation of diffracted rights. Hence, it can be considered as collective rights in forming the so-called human rights. Moreover, the interwar period had significantly left the deep-intellectual impact for the global thought to effectuate framing the framework for codifying human rights. It was the 20th century where humanity could see the global warfare, fight against exploitative policies like colonialism, a system like the Fascist, and the ideological conflict infusing the then most underdeveloped countries the most sufferers and this at the cost of gross human rights violation. Not unlike the 20th century, the 21st century only in incognito has again been involved in conflicts in the name of war against forces led fundamentalism or to say on democratic logic. In fact the emergence of United Nations (UNs) in 1945 stood remarkable in the modern history of rights. It was for the reason forced by the crisis in humanity left by the recent then World War I and II could find the way in the then newly founded, UNs as a panacea. Accordingly the subsequent year 1946 bought the UNHCR to supervise, strengthen and coordinate the workings of UNs in the fulfillment of finishing the tasks of protecting and promoting the individuals and group rights in the form coding Human rights, generally as standard acceptance to every world being without a sense of disparity of self or the regional belongingness. The latter years i.e. 1948 could grace the world society with the new parental body to keep the rights vigilant in the world wide cross-cultural and civilisations. The body designated as United Nations Universal Declaration of Human Rights and principles wrapped within has since then became the guiding source or the international rights dictionary for interpretation while coming across violations of rights in any parts of the globe. Since the rights now are well being defined and represented in the UDHR, whatever is the central to the understanding of human rights would have its ground in the usages reflected in the UDHR as well in the UN documents. Unlike the pre-wars

period and keeping UDHR aside for a moment human society has today significant organisational strength which are a close ally to UDHR. Notably mention may be made to International Covenant on Economic, Social, & Cultural Rights (1966) and the regional but the most influencing voice of rights has been the European Convention on Human Rights (1950) and the American HRs Conventions (1948). However to all the said organisations in contributing to the rights defining, and importantly its foundational root can be traced back to 18th century which recorded the historic American Declaration of Independence (1776) and the French Revolution for the Declaration of the Rights of Man and of the Citizens (1789). In all the precedent cases of rights attempt, it was in an unorganised position, however, with the birth of new said organisation the concept human rights has been defined, interpreted and included what are essentials and best to humanity. Alternatively, what can be said is the concept human rights received recognition of UN juridical status that demands the vigilance over the working in letter and spirit. Considering as a common standard of achievement for all the peoples and the nations and so since the adoption, keeping the Assembly's guidelines almost all the membership nations set efforts to disseminate, calling respects going beyond the ideological or the political status of differences. However, contestation existed somewhere with certain provisions of human rights in considering it as universal (*see* the next part of contestation). Nevertheless, the rights now have been extended and UNs' mission to provide the universalistic nature of acceptance and existence is almost at the edge in spirit.

For the UDHR to know about why is entrenched to promote and protect human rights, and for whom, is not something difficult task to understand. The usage of 'universal' in the very phrase 'UDHR' reflects the very mission of declaring the rights. In other words, it was a decision to declare 'Human rights' as universal reaching each individual the rights for exercise and to meet the doom of rights and the situation for a standard way of dignified living. The declaration is the moral strength, the standards that possibly invites the respect and abide by the signatories, which itself however, not the law. The Universal Declaration (1948) states Human rights as "*the foundation of freedom, justice & peace in the world*" and upholds the UN charter considering rights as "*Fundamental Human Rights*".⁴⁷ As a precedent to UDHR, the UN charter declared to achieve the international cooperation so as to promote and encourage the universal respect to human rights and for all the fundamental freedoms,

without space for distinction based on race, region, religion or the sex. This, in fact, is advanced in the provisions of the subsequent UN declaration. It is not only the signatory nations but, arguably not even a single nation is at stake in abiding and practicing the provisions included. UDHR is intellectually structured with Articles (30 Articles), without any fail to make it inclusive-rights documents or as the source of rights inspiration' to the states beyond the signatories. Articles are founded to be divided into two categories i.e. the first category consisting of rights that represent and guarantees the Civil and Political rights. It reserves the Articles 1-21. While the second group running from Article 22-30 has been reserved to identify certain rights – Economic, Social, and Cultural rights. The very 1st two articles remarkably positioned all human beings on the same status of equality for the fact it emphasized that all human beings are born free and equal, without distinction in dignity and rights, and set out the basic principles (equality and non-discrimination) as the basis upon which human rights and fundamental freedoms can be enjoyed without any interference. In the light of the declaration, and to provide the practical implication different conventions formed, such as International Covenant on Civil and Political Rights (ICCPR, 1976), International Covenant on Economic, Social and Cultural Rights (ICESCR, 1976) and also its first and second Optional protocols (OPs). However, prior to these, also numerous but significant conventions were founded- the Convention on the Prevention and Punishment of the Crime of Genocide (1948); Convention relating to the Status of Stateless Persons (1954); Supplementary Convention on the Abolition of Slavery, the Slave Trade, & Institutions & Practices similar to Slavery(1956); the International Convention on the Elimination of All forms of Racial Discrimination (1966); the Convention on the Elimination of All forms of Discrimination against Women (1979); the Convention Against Torture (1984); the Convention on the Rights of the Child (1989), etc.⁴⁸These conventions under the shadow of Declaration have acted as the guiding forces to nations worldwide to realise the objective of establishing a violent free society. But the problem is the lack in having the enforcing agency although mandated to keep monitoring upon the working and functioning of the principles. Despite its non legal binding set of rules, it has gained the recognition of international Moral Code of Conduct adopted by the UNs General Assembly. The sovereign nations' Court of Jurisdiction while coming across for decisions needs referring the Declarations. Not an end in the declaration, also the regard must be given to the International

Conventions and the norms while constructing the domestic laws. This became the norms of acceptance especially after 1978.⁴⁹ The worth of Declaration as the Moral Code inspiring and guiding the law jurisdiction was admitted by the Indian Apex Court while dealing the judgment for the *Chairman, Railway Board and others V. Mrs. Chandrima Das*.⁵⁰

Human Rights: Universal Codification and its Discontent

The holocaust of the bygone century, the sufferings meted to the human lives, the intellectual ignorance for the greater humanity has however been under the process of recovering, if not under the wake of United Nations. People's hope, all over the globe has been regaining the momentum since the organization has taken up the world responsibility to meet the ever seen crisis of human rights. Significantly, down the evolution of UNO, and particularly under the UNs Charter unprecedented task to universalize the human rights has been taken up. The record of historical pages, going back to the eras of *Magna Carta* (1215), the 13th century where some try to find the root of human rights concept was never the treaty granting rights universally to every people, hence can be said nothing in per se to claim common good for people's basic freedoms. The event was related to the rights, to concede to certain section so-called feudal lords, who then were left to take up for their rights against the King, John (Woolf, 2005). It was again John Locke, under whose advocacy the world history could record and recalled about the natural rights could provide no justice in asserting rights exercise to every section of the society. It was the time delimited the rights enjoyment only in certain section of the society who are meant to belong to a high class or profile male specified. The exclusion was made to common categories that were found neglected throughout the rights history. The neglected were none but the women, laborer, slaves, with low economic status. Likewise the father of 'on liberty' J.S. Mill also had the notion to exclude based on regions or say on the racial look. In this context, his thought might be detained, by making a glance to what he, once said, "*liberty is a fine thing*", which he meant for the White masters. It can be justified as non inclusive of non-Europeans in the sense when he further quotes "*the Indians in the colony are not competent to have this*".⁵¹ Not only these, but also historic declarations which too failed to make human rights provisions and practice exclusively inclusive were none other than American

Declaration of Rights (ADRs) (1776) and the French Declaration of the rights of Man and of the Citizens (1789). It was not well thought out to make rights and liberties as something easy in exercise. For instance, the *Bill of Rights* conferred by the first Declaration in the US Constitution favored anti on racial-color grounds. The latter declaration, although the phrase went with ‘*Man and of the Citizens*’ women, slaves and non Europeans basically the foreigners were not counted within the fold of such all citizens and common man as the holders of rights and liberties. They are designated within the fold coded as “*Passive Citizens*” with no political rights.⁵² May arguably, the *Declaration of the Rights of Woman and the Female Citizen* (1791) was soon then advocated under the brave women revolutionary Olympe de Gouges.⁵³ Under her and co-leaderships they stood and revolted for gender equality which they were debarred in the “*Declaration of Man*” for rights. Thus, the Declarations which are considered as the foundational force to UDHR have its own fallible mark. Nevertheless, the year 1948 stood as the vantage point which could show the reality of codifying the human rights as universal infusing the good and acceptable tenets in the bygone Declarations. However, controversy erupted with regard the declaration as universal to human rights. It is also important for the historians, the academicians, and the scholars for debate and discourse or to work out whether or not, in reality, the declaration as universal has anything called universal in practice.

There are different complex queries with regard the conceptualization and practical workings of the principles of universal codification. Is the 21st century really safe for human rights universal celebration? How meaningful are the provisions in the declaration for the women, children, and the poor when they are victimized in millions at every sphere? To what extent the International Court of Justice could provide the real justice in the post UN decades of 20th -21st century? Despite the UNs peace keeping missions and global surveillance why there is no end to genocides in different parts and hours of the world? Such are the certain thought provoking issues circulating the international intellectuals’ minds in silent mute rather way out even in the 21st century. David Weissbrodt held that the protection of the International human rights is ‘*the world’s first universal ideology*’⁵⁴(Davis, 1988). Let assume his argument to be strong enough but, the question is who are to hold the implementation force(s) [?] when the countries are still under the cloudy of civilization based ideological differences. No denying the fact, the world especially after the 9/11

event⁵⁵ has been experiencing the tragedy being created in the name of sustaining peace and human rights. So, is it justified [?] to legitimate the fight for human rights at the cost of bloodshed. The contemporary society and the countries when they are mend to pay the said situational price then there would be no point denying the need of hours to justify the universality of rights –in work. Therefore to legitimize the argument, whether or not, the practice of human rights as thought under the universal codification, the two ways of looking be opened. (1) the structural point of view (2) Societal experience point of understanding. Human rights as a concept were made available to all human beings and are the recent outcome that was structured under the universal codification of rights. The drafting decision to declare human rights as universal or as the ideology as acceptable to the world community had has been under constant questioning. The very inclusion of different of the many provisions was questioned as if could, in the long run, have the effect of realistic in functioning of the values. Some external experts in observance to the drafting had identified the ‘*ethnocentrism*’ as a problem for the fact where every being are guided by the cultural aura in which grow.⁵⁶The Anthropologist even cautioned the drafter of the Declaration saying- “*what is held to be a human right in one society may be regarded as anti-social by another people, or by the same people in a different period of their history*”.⁵⁷ Such a prophecy for the future of rights did not go in vain since today’s society could see the materialistically oriented world of divisions, and of civilizations of claiming superiority over the others. Many representatives who preferred the framing of the declaration based on the regional representation of the values, at the edge were found apathy to join the signing of the declaration. The confrontation, therefore, was centering on the very conceptualization of universal of human rights and about the inclusion and exclusion of certain provisions.

The universal contestation centering the demand for inclusion and resistance and rejection against, on the part of other representatives of nations had almost left the debate for discourse that could still see the East Vs West, Secular Vs Religious ideological divisions. From the religious structural point of view the greatest hindrance to the path of universal right acceptance has been the task how to secularize human rights. We are in an ‘*age of rights*’⁵⁸ (Bobbio, 1996) where the responsibility or the accountability rest in the States. The movement for the universalization of human rights has still, however, being not only under the process but also in ‘midlife

crisis' as claimed (Ignatieff, 1999). There had been the perspective of resurgence inclining to incorporate religious dimensions. For instance, the Islamic religion has its own human rights approaches as where the practice of certain provisions comes contradict to the universalistic mission. The drafting of the document itself was contended as observed by the cultural relativists. They hold UDHR as merely the recasts of the values centered in the western capitalist ideology and believe. They could see overlapping the group interests by the individualistic western values which are to the other side of communitarian traditional ideological believe. As evident, the abstention of the six communist states led by the Soviet Union, South Africa and the Saudi Arabia representing the Arab world could provide the message of their resistance, so as to adopt the space for recognizing the cultural plurality in the document.⁵⁹ They are in fact not the critic to demise the very declaration process rather wanted the final document inclusive of all thoughts and interest representing each and every corner of humane as principles. Many, especially from the Muslim world, noticed the declaration as the western ideological centered. They questioned even the logic behind coding human rights as universal in the world of diversity as when remained exclusive in nature. Controversy engulfed the inclusion of certain principles of articles. The Articles are 16 and 18: (i) Equal marriage rights (ii) to change religion or belief which they argued contravening the Islamic doctrines or faith. Jamil Baroody, a Lebanon born Saudi permanent delegate to UN alleged that the draft declaration had apparently taken the most in consideration only the standards recognized by the western while ignoring the other more ancient civilisations (Sharma, 2010). Not only the Arab world but also the equal reaction was voiced by the communists' countries, the African world. They felt unaddressed to the proposals they wanted in framing the universalistic nature of human rights document and for which they sidelined themselves from the passing of final documents. Even today on the grounds of human rights the idea of a clash of civilization, especially between the West and the Islamic nations cannot be discarded. On different occasions, the world readers could see different religious elites charging the flourish of human rights norms as 'western'. They take the notion of looking human rights from the perspective of religious and henceforth believe they can be reached only when analyzed from the religious point of view itself. May perhaps, therefore the 'Muslim response' to the human rights must be deconstructed since the monolithic response is unlikely. The imperialistic nature of global human rights consensus has well been exposed in the

statement delivered by the Chinese delegate to the UNs World Conference on Human rights, Vienna. The reiteration- *The concept of human rights is a product of historical development. Different historical development stages have different human rights requirements. Countries at different development stages or with different historical traditions and cultural backgrounds also have different understanding and practice of human rights. Thus, one should not and cannot think of the human rights standard and model of certain countries as the only proper ones and demand all countries to comply with them*⁶⁰...*To wantonly accuse another country of abuse of human rights and impose the human rights criteria of one's own country or region on other countries or regions are tantamount to an infringement upon the sovereignty of other countries and interference in the latter's internal affairs*⁶¹...The elaboration of his statement would signify the fact where the universal codification should be of such complying with different historical and cultural backgrounds of the countries forming the globe. Or else it would be like an authoritative abuse on the rights of others and a kind of sovereignty interference. He is referring directly or indirectly the Asian values which he and the other likeminded intellectuals favored the distinct from the west that needs special attention or the recognition. However such thought and claim that civil and political rights are the western values which are in contravention to the Asian values received a strong reaction from the experts based Asia. Such orthodoxy has propounded the very concept of the clash between Asia and the West, thought might be in the human rights context. Amartya Sen is the one such to contend the *supra* idea of so-called distinct Asian values to western, claiming the practicality that the more relevant of the need to understand the clash is of the individual citizens asserting their rights and government attempting to repress rights.⁶²In the context of Asia, a new school of thought emerged that considers Asian values to western as less supportive of freedom, and since they believe in the authoritarianism they take political and civil liberties for low priority, less relevant in Asian region. Such regional difference has provoked the Chinese delegation held in Vienna Human rights Conference to provide certain proposals even to suit the Asian.⁶³Inspired by the phenomena, Singapore based the then minister proclaimed, *“Universal recognition of the ideal of human rights can be harmful if universalism is used to deny or mask the reality of diversity”*⁶⁴. This is indicative of the demand or curiosity to make space, accommodative of the so claimed regional differences and interests. Thus, the universalisation of human rights has been under the crisis of acceptance and accommodative so far certain intellectual, faith and

of a certain region is concerned. Down from the drafting of the document controversy seems to be infused in the very structure of giving the universal color to the human rights where the world can observe the regionally differentiated values in the Pandora's Box. The greatest difficulties, even after decades of adoption and declaration, have been how to give secular [?] color to the universality and practice. It is because of the reason the communities of the world are still having the strong faith in own religious practice and in the sense is difficult to think for compromising in the exercise of certain principles of the even declared document.⁶⁵

The universality in practice has to be examined in the context of experiences gained by the world community. In fact, the second contestation in holding and accepting rights as universal can be grounded for justification from the societal experience point of view. Human right as a concept was the result of the reaction to the world experiences of human sufferings and bloodsheds. The thought of giving universal in nature was intended to serve and assert rights of exercise to every human being. If such is the logic for the foundation of human rights as universal it is inevitable to examine the reality. Whatever may be the intention of recognizing rights as universal but the fact is that every man is inclusive in the so-called humanity and, therefore, exercises of rights as being and part of human society there cannot be any legitimate argument to deny them of claiming human rights.

In order to understand the complexities of human rights in the contemporary global world of post-United Nations, we need to address certain issues pertaining to democracy, strategies to entrench democracy, peace and development, global ethnic conflict, migration/immigration and the event of genocides. The pre historic decades of UNs (the international body, intellectually well thought and planned to serve the humanity) was under constant threat of genocides, the recorded holocaust upon the billion of Jews, the racial crime, and crime beneath the expansionist policies of certain colonizers could set the darkest or the gloomy picture of human history. The colonized people were not only deprived of their rights but also the hope to live as human being. Taught by such inhumane events, the world intellectuals clasped their hands together for new hope and aspirations to deliver to the world communities and this was to rectify the greatest set back received by the commoners. The expectations of the people today are really at bay at the disposal of human rights as guaranteed

under the declaration. The dilemma in the rights exercise has to be understood from two different angles. One being the international surveillance system and the other is the government within the own sovereign boundary. The international human rights, universal in character acquired the mandate of supranational reach. However, often it is the regional or the national government's strategic policies that make international rights observance handicap. The Declaration lacks enforcing mechanism and its nonbinding nature too often stands as a barrier in its task. To argue, it is again on the part of regional or the sovereign governments who all always tries to make the international image by hiding the ground realities. Whatever be the action oriented policy, be it pro or anti citizens they legitimize referring as progressive. It is sometimes in the names of power politics; in the name of law and order undermine the values of rights. In the decolonization days, in common to almost underdeveloped and developing countries the external forces equipped with capitalist oriented ideology are trying to trap citizens in the name of development. It is the market forces exploiting, reviving the past colonial exploitative burden a masked in disguise. It is the forces which demand economic growth and development at the cost of human sufferings and rights. The policy of land grabbing, the policy to serve the Special Economic Zone (SEZs), the rise of crony capitalists has been the emerging forces to render landless, even to access the minimum but basic rights to livelihood. Without restructuring the traditionally oriented societies to deal with modernization at the nascent stage would mean the blunder sight of the policy. Such issues of rights are still under the eclipse of international attention.

The genocides, the mass massacre that we heard and learned cannot be reserved as the gloomy events of the past. The core objective 'to maintain international peace and security' and in relation to rights has remained a contested matter and debatable. The just decades after the declaration of UDHR, the world recorded what was not expected under international obligations and guarantees. The Genocides which may be termed as systematic state political sponsored, or the direct action for the mass killings had/has been noticed and this may be highlighted under:

Table: 2.1 Showing the series of genocides after UNO's foundation

SL. No.	Event	country	Death estimated (lowest)	Highest estimated	Year(s)
1	Guatemala*	Guatemala	100,000	200,000	1962-96

	Genocide				
2	Post 30 Sept. Movement**	Indonesia	78,500	500,000	1965-66
3	Nigerian Civil War***	Nigeria	1000,000	3,000,000	1967-70
4	Cambodian Genocide*#	Cambodia	1000,000	3,000,000	1975-79
5	Red Terror Ethiopia*##	Ethiopia	30,000	500,000	1977-78
6	Kurdish Genocide	Iraq	50,000	200,000	1986-89
7	Rwanda Genocide*@#	Rwanda	50,000	800,000	1994-94
8	Bosnian War#*	Bosnia & Herzegovina	90,000	100,000	1992-95
9	Genocide in Darfur##@	Sudan	200,000	400,000	2003-10

Note: collected from different sources, as below

* Truth Commission report–Historical Clarification Commission (CEH) published its findings in 1999 report *Guatemala: Memory of Silence*. It was sponsored by the United Nations to report on the Guatemala Genocide. It had estimated the number of persons killed or disappeared to a total of over 200,000. <http://shr.aaas.org/guatemala/ceh/report/english/default.html>.

**Gellately, R., Kiernan, B. (2003). *The Specter of Genocide: Mass Murder in Historical Perspective*. Cambridge University Press, pp.290-291. Also focused in the ‘Indonesian Killings of 1965-1966’ (2009), Mc Gregor & Katharine E., *Online Encyclopedia of Mass Violence*

***Herbert Ekwe-Ekwe’s ‘The Igbo genocide and its aftermath: The tragedy of Africa’s unlearned lessons’, *Pambazuka News* (February 21, 2012), Issue 571. <http://pambazuka.org/en/category/features/80138>.

*#Report of the Cambodian Genocide Program,1997-1999 (1999), reported by Ben Kiernan, the Director to Henry Luce Foundation, Inc, www.yale.edu/cgp/report_97-99-v3.html.

###Andrew, C.M., & Mitrokhin, V. (2005). *The World was Going our Way: The KGB and the Battle for the Third World*, p.457. Also focused in the Ethiopia: Background Information on the Mengistu Regime during the Red Terror (1999), published by United States Bureau of Citizenship and Immigration Services, UNHCR www.refworld.org/docid/3ae6a6b414.html

*@ *Human Rights Watch: Genocide in Iraq; The Anfal Campaign Against the Kurds* n, A Middle East Watch Reports, Human Rights Watch, New York. www.hrw.org/reports/1993/iraqanfal/ Also in *The Halabja Genocide, An Imani Lee Case Study*, California: Imani Lee, Inc2013 www.imani.com/wp-content/2014/halabja-case-study.pdf.

*@#UN Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda. It was released on December 16, 1999, www.cfr.org/rwanda/un-report-independent-inquiry/genocide_rwanda

*# Ball, P., Tabeau, E., & Verwimp, P.(2007). *The Bosnian Book of Dead: Assessment of the Database (Full Report)*, HiCN, Institute of Development Studies. www.hrdag.org/wp-content/uploads/2013/02/rdn5/

##@ Report of the International Commission of Inquiry on Dufur (2005), Geneva. It was reported to the UNs Secretary-General and pursuant to Security Council 1564 of 18 September 2004. Also in the 'Report on Genocide in Dufur' released by United Human Rights Council www.unitedhumanright.org/genocide/genocide-in-sudan.html

The genocides examined on the basis of data tabled have shown the shocking picture that goes contrary to the UNs and its mission to universalize Human rights under UDHR. The very objective 'to maintain international peace and security' in such a case meets the great failure and this demands the attention of the critics, analysts, academicians, historians all over the globe to make constructive debate for solution. Reverse has been the series of genocides, the organized mass killings, extermination of certain ethnic or the religious groups. The holocaust as stated in the above cited geographical locations has placed those concerned communities or the people to live under the security threat. The idea identified '*poor, solitary, nasty, brutish and short*' to describe the regime with no authority for law and order has been restored back and invoked in the so called progressive world of civilisation. The drastic events against humanity that we see in the series of occurrence of genocides has left deep psychological phobia of extermination for being a part of certain internationally unaddressed marginalized groups.⁶⁶ The last decade of 20th century could record the crimes in Rwanda , the way how the killings in a very systematic or in an organized manner could engulf the deaths of millions in just a few months, provides justification enough to question the very existence of international body something to be called as universal. The ethnic minority the Tutsis were identified barricaded and executed and leaving no excuse even to the moderate Hutus who were pro to Tutsis. The Hutus, the militia backed directly by the then in power could go free hand in carrying out the massacre where the world observers, nations could see no immediate international intervention. Even the ally US to Tutsis, prior, during and after the 1994's event went contrary to the inevitable. Inactiveness of the UNs was visible when the UN's mission UNAMIR (UNs Assistance Mission for Rwanda) deployed (1993-96) to help the opposition parties resolve failed to convince the then few stubborn representatives of the UN although it informed the smell of the genocide seeing inevitable. Killing was not the end where women were targeted seduced and raped. The UN special Rapporteur, Rene Degni-Segui, in the report on Rwanda (1996) had stated that "*rape was the rule and its absence the exceptions*" and further said, "*rape was systematic and used*" by the perpetrators involved in the crime to

genocide.⁶⁷ The report on the systematic sexual violence had estimated that 70% raped survivors; the women were left infected with HIV.⁶⁸ The 1990s territorial interest led conflict over the Bosnia and Herzegovina by the three different ethnic groups Serbs, Muslim Bosniaks and the Croats resulted millions of human casualties and properties.⁶⁹ It is marked as the most devastating conflict in the history of Europe and the first ever since the end of Second World Wars. Women's case, as usual the victims of sexual violence could report the shockingly estimation ranging from 20,000 to 50,000, mostly the Muslim Bosniak in majority that were raped during the hours of conflict.⁷⁰ Such extensive cases of rape to Bosnian Muslim women by Serb forces is enough to comprise a crime against humanity under the International Law, and the rape of Tutsi and moderate Hutu women in Rwanda comprised a form of genocide in the law court of International Criminal Tribunal for Rwanda.⁷¹ In fact, *"rape is used as a tactic of war & genocide because of its physical and psychological consequence on individuals, the families, and the communities"*, argued by Reid Cunningham.⁷² Not unlike every genocides occurred, the Civil War in Guatemala which lasted for almost 36 years left deepest and saddest tragic trauma that had jolted the world pro-peace and people with sense of humanity. It was the government who directly led the despicable organized mass killings upon the civilians and targeting especially the Mayan indigenous. Those on the opponent to counter the government had to face the gloomy days of bloodshed infused by the state armed forces. Exceeded to 200,000 civilians were killed and thousands of lakhs remained disappeared⁷³. Observed and estimated by the Guatemala Human Rights Commission had figured out to almost 20,000 just that, in between 1970 and 1974 as disappeared. Such inhumane act led Human Rights Watch describe as extraordinarily the cruel, carried by the armed forces, mostly against the unarmed civilians. Back to glance the genocides in Cambodia would show how the condemnable slaughter had occurred under the cruel leadership of Khmer Rouge. History will never bury the cruelties, men's killings against men, own brothers, sisters or say own people. These are the acts of genocides, the deterrent to make ideology survived. The genocides in Cambodia had the logic, on the part of the perpetrators for the new ideological entrenchment as a replacement to the then system. In other words, it was the ideologically influenced genocides (Alvarez, 2001).⁷⁴ It was the case where the then Khmer regime thought of Maoist backed policies to transform Cambodia a Communist state. In fact, it was at the expense of millions of deaths. The horrible and

the pathetic days of years of the war period for the survivors were also condemnable based on the UNs principles. Freedom to speech was curtailed, worshipping one's faith, religion was held crime, occupational choice was curtailed, the economic and the consumption also had to go to the dictator's choice or else they should prepare for death.⁷⁵ Since the present work is to see whether the principles assured to the international community under the authoritative of the UDHR, and the legal and moral duty on the part of strong nations of the world could implement. The few instances of genocidal events would probably strengthen our argument so as to project the UNS and UDHR a great failure to their international obligations. The failure on the part of said organizations had left almost directly or indirectly two sets of social implications in the victimized countries. One being the short term directly resulting the deaths of millions of billions. While the other being the enduring, effectuating displacement problems, relocation of the dispersed families, economic restructuring, societal problems and inalienably the psycho-phobia, security concern. The problems of insecurity may further leads to inequality and these again comes under the trap of different anti social entities such as the crime, trafficking, child labor, prostitute profession, recruitment to insurgent or the terrorist bands and further enlarging the human rights violations. Thus it takes the kind of breeding ground for interdependent effect culminating series of other rights violations. In the context, Amartya Sen has rightly described where he takes genocide and persecution as the ground to bring havoc to the lives millions who are vulnerably the survivors, disrupt the enjoyment of basic amenities like public health, education, social and economic lives.⁷⁶ In most of the cases, it is the government in common, who were noted as perpetrators involved in extermination. Again it was the case of Bangladesh in 1970s where despite the government being ineffective to go for independent statehood was permitted under international recognition which it was, ahead at the cost of millions of lives.⁷⁷ Controversy erupted, as the super power US remain mute with situations in Bangladesh while guiding policy to the Georgia to stop human rights disorder for the sake of independent status from the then existing Soviet Union. In every case of conflict and counter conflict that culminates the victimization has certain basic notion for explanation. The close observation to the cited cases of genocides would probably answerable who were/are the victims. To elaborate, the sufferings in common had/have been with (i) certain groups, and certain section of the groups identified as (ii) members within the groups. In the (i) category, the stated certain groups or the

section would represent the minority people who were/are the target of violence and killings. In fact the most in common, the most in victims throughout the world of genocide had/has been the universally marginalized groups who were/ are often to be identified as either minority within the fold of indigenous or the minority in general.. The minorities, in the cited genocidal cases were the worst sufferer. The world community has been lacking in having certain provisions to address the problems faced by the minorities because of the reason the International Law is yet to recognize the protection of minority rights in a collective. The ICCPR is the one and only the global treaty which includes the provision especially meant for the minority rights. As per the International Law and the Article 27 of the ICCPR is concerned the minorities are counted basically on their identities-ethnic, religious, or the linguistics. The Article 27 further reads that the persons belonging to such categories shall not be deprived of the rights with other members of own group, and shall not be deprived from exercising their cultural rights, to practice and process own religion, or to use their language. Nonetheless such recognition in the cannon of human rights has counted only the individual, not the group or collective rights. In such a case often becomes difficult to address their grievances in common. The very term minority right is of ambiguity in the international document. It is recognized, but as the rights of the individual, not group or the collective rights.⁷⁸To be precise the Article 27 has stated that the concerned rights are the rights for the persons belonging to the minorities. Because such ambiguous there has been the intellectual divisions while some taking the position for the collective recognition, the other to individual. Those who positioned for collective rights for importance and international recognition hold the arguments that some forms of collective rights are necessary for the realization of human rights.⁷⁹Although most in the recent times the governments are working abiding the standards of international rights for minorities they could have no effective results. The justice delivery for them is still under contestation. This is where Thornberry has rightly quoted- the minority rights are not an end itself, but that end is justice.⁸⁰There had also been the historical records where the Jews the minorities had to lose their group rights at the hands of Nazi regime. In fact in the recent years, there has been the growing critics and the international recognition to the failing on the part of the traditional liberal and its focus on the individual, where they fails to protect the liberty of the members of the groups , to be specific of the

minorities.⁸¹ In the (ii) we may place women and children, who needs to become easy victims under different sorts of atrocities.

Thus, if we scale the vibrancy of human rights would show something which is unexpected, precipitated by the most of the government involved as perpetrators. Human rights in the post 1940s to present with ongoing slaughters by ISIL would certainly reject to uphold the effectiveness be it in the reference of ineffective government. But also many effective, politically marked as stable countries fails to recognize or address the rights related issues, to abide by the UDHR obligations. Here taking India as for instance would be focused in the next Chapter III. The UNS and the provisions of UDHR have much to reach the reality of its practice. Not only have they remained failing to prevent genocides despite often having prior hand the sign of flare but also goes despicable in their post attempt of recovery for justice under different International obligations and protocols. The idea of collective security under the steering of UNs has remained questionable. The Charter to collective security was framed in response to the destructive world wars however the situation since its adoption shows something contrary with series of ethnic conflicts in different parts of the globe, some left unreported, with bloods spilled of the millions has become the reality of concern for the international community. So far the civil wars are concerned there is no such clear-cut per se a prohibition within *jus ad bellum*⁸². This is a kind of legal constraints. The world has witnessed where the civil wars within a sovereign State can go escalate to an international armed conflict. The example at best may identify the case in Yugoslavia and the Great Lakes region of Africa.⁸³ As per the international Law of Justice the states involved in the armed conflict should bound by International Humanitarian Laws or by the Common Article 3 to the Geneva Conventions, 1949. However couldn't succeeded as to the expectation for justice to the millions people who were trapped by the cruelties of exterminations. Because of such failure the threats to security has increasingly been disseminating to beyond borders culminating the worse affect the humanitarian and the international for human rights cooperation. And perhaps so, the saying reiterates since the foundation of UN Charter in 1945 the most numerous incidents of cruelties and use of armed forces been in the context of civil wars or disturbances.⁸⁴

The query of accountability on the part of International Law and treaty or say of Protocols and its implementation also becomes the ground to look or to what extent has been successful in trying to understand the universality of human rights. Democracy, peace and development have also become the criteria in the pretext of which gross violations of human rights are taking place. Democracy as the model of development or the system of governance has been finding the grounds in different corners of the globe. The world community is accepting the transitional stage to democracy. Establishment of democracy remains justified on many grounds and on the basic principles that a free man to live as the citizen of the free community accommodated by good political environment. It is said that democracies, only in relation to humanity do have the intrinsic value. This intrinsic value shall further be determined on the realistic recognition of issues of the right less people, those suffering from the loss of their rights and status in the crime against humanity.⁸⁵ While some countries taking the need for transition are trying for the establishment in certain adamant countries in the pretext of the notion that only democracy is the ground for peace and human rights. But if we examine the methods or the tactic or the way how it has been tried to make others adopt shows some contrary pictures. There were many reports where the leading country/ies justified the attack of the sovereign States often in the context to cease the civil wars while sometimes to operate counter terrorist operation mission. The justification in availability is to restore the principles of democracy or to replace the autocratic rule. In such a case every time the result is at the consequences of human rights violation. The results which at the cost of human rights violation is something which is anti to international humanitarian laws and against the very cannons of human rights guaranteed as universal. But strongly disclaim or denounce to acknowledge their acts of inhumane. In the 21st century challenges to democracy has become the focus of international debate for the international intellectuals and the countries to lead the practicality of policy either through action or making bound for surrender. Even the international has recognized the authority to hold accountable to mobilize for democracy. Instance to be noted is the US in exceptional, often and many a times moved beyond national lines to justify even the action for democracy. In fact such has also been taken as a fatigue for debate to find the rationality behind at the cost of human casualties. The accountability that it hold for action and operation in the countries like Iraq, Afghanistan has still been fresh for debatable or has remain questionable. This is what the democracy in

paradox, vulnerability in actions to assert democracy, the dominant system. The first decade of 21st century noticed the event in the name of fight against instability in Afghanistan, against the Taliban Regime the claim on the part of US invasion. While Russia justified its invasion of Afghanistan claiming to spread peace amongst neighbours.⁸⁶ Russia could also well understand the US supporting for Mujahedeen as anti to Russian mission for peace in Afghanistan. Above all, be it either for peace or stabilizing or liberating from the Taliban's rule or efforts to establish vibrant democracy the country, the people had to suffer the human casualties. Afghan War left deeply mixed and often the confused and highly critical question about how the war was fought. They were found guilty of violating the rights of the people and women in particular. One of the Mujahedeen commanders, joining the mainstream society reiterated that the American troops were involved very arrogantly with no respect to Afghan traditions, most seriously charged of violating the women's privacy while carrying house searches. He further says such acts led American undercut their goals of invasion they claim.⁸⁷ In the context of human rights and the role of America and more especially the Bush Administration has been highly critical, contested and at conjecture. The world could witness America's newly guided beyond border operation policy taking event of September 11, 2001. They began new journey for 'war on terror' which was launched in response to 9/11 incident⁸⁸. They doubted Iraq's involvement led Saddam Hussein directly or indirectly helping the Al Qaida for the acts in America. The Bush administration then determined and also people and their strong believe holding Iraq's role in the attack was mounting than ever. The active communication was made the media in an around America. However, confusing existed even to the post war days to understand what the covert intention of America fighting Iraq was. Why did the Bush people and Administration [?] were adamant in denying the contrary statement provided by David Kay and Hans Blix. The former is the one to lead the allied hunt for such weapons in Iraq while the other being representing to head the UN Monitoring, Verification & Inspection Commission (MVIC) before the war.⁸⁹ The stubborn belief also spurt when they undermined the explicit rejection of Saddam Hussein's involvement claimed by the 9/11 Commission.⁹⁰ It was unclear and still ambiguous whether the war against Iraq was to retaliate strongly guided by the belief they framed against Iraq or to bless the people of Iraq with democracy. British based historian Andrew Roberts claims the reason behind Bush administration and its attack is clear to topple Saddam Hussein's

regime that had been for 35 years of dictatorship. He considered Saddam Hussein and his brutal rule as the central threat to peace in Middle East. Justifying he further says, “with the threat removed, the Bush administration believed the establishment of functional democracy in Iraq” and this result would encourage democracy and peace to have the roots in the Arab world.⁹¹ The Austrian political leader Georg Haider had rejected the American war and action in Iraq and claimed it as “America’s war against civilization”.⁹² Whatever be the hiding reasons the logic to justify either the attack or intervention or the killings is the fight for democracy.

In fact, the present day looking on US, its role as economic liberators and more so in the field of human rights has been sharply divided. Certain group strongly believed in the military and economic strength of America in working as well as to counter the ever growing challenges to humanity like fundamentalists regimes and help build democratic culture in the conflict torn regions. For instance, Niall Ferguson holds his believed in US as the only power that can bring peace, prosperity and human rights in the dividing societies of the hostile world environment.⁹³ The Spartacist group is highly critical of the US role and held them acting as imperialist having the unilateral hegemonic influence in different field of politics, cultural and military campaign. They attacked American policy makers stating that they provide no importance to human suffererings or the humanitarian issues rather they preferred intervention whenever gets rogue regimes. The legitimacy towards holding the commitment for democratization and human rights by US has also been challenged since on different occasions they failed to cease the gross violations of rights in different corners like Darfur, Liberia, and many others of less geopolitical and economic interests. Its military deployment and the military base almost in different parts of the globe has been questioned and termed as imperialist nature of US.⁹⁴ Even the Spartacist⁹⁵ who takes critical on US has challenged the war on terror policy headed by America as process to create surveillance system, system to help access and violate the privacy rights. Again, more in the recent, as of 2015 humanitarian cum refugee crisis in the European world the more debate has been centering US and its direct involvement in resulting the crisis. Millions of people displaced due conflict and wars especially in west Asia and northern African countries. The Syrian conflict which entered the 5th year as of 2015 alone resulted huge margin of 7.5 million Syrians as displaced within home country and estimated 4 billion forced for refugees

outside State. More than 200,000 people in Syria have been killed since the beginning of the war.⁹⁶As of 2015 alone, more than 106,000 children had to claim asylum.⁹⁷Such recent humanitarian crisis drew the attention of the world community, while some even pressurizing certain countries to provide refugee status despite their adamant. In such debatable issue it is the western, the US who are blamed for such ever increasing problems of the millions who are left homeless, wandering for better life and environment. The US and the western world has been the target since it is the result of series of armed conflicts and wars where there is the intervention of the former actors. It is the result of the west led conflicts resulting to the extent of Civil wars and social chaos and the breakdown of economic.⁹⁸This is what the International Laws and institutions are failing in a very worse and increasing manner in practicing the principles guaranteed to the world community and on legal and humanity grounds to fulfill the canons of human rights. Above all and more of the recent, development have been the allegations on the UN Security Council and the members that have failed towards the commitment to human rights as thought by the founder of UNs and the UDHR.

Conclusion

Human rights which are the novel concept as universal has the conceptualization in one or the other way. The very concept human rights imply something which is meant for everyone by virtue of being human. It has been elevated the status of universal in nature which is expected to be the entity for enjoyment irrespective of race, region or the religion. Under the efforts of UNs foundation in the year 1948 and the ideas provoked by the world community had led declare the Universal Declaration of Human Rights in later years of 1948. Now the contemporary global society and more especially after the codification of human rights as universal its practicality remain unrealistic and has been so under constant criticism and target for debate. The ever increasing genocides, millions of displacement in the recent years from the west Asia, and certain parts of African countries has been the vantage point to critically examine rightfulness in holding and adorning the concept universal. Rights of the globally marginalized, minorities, women, and children are under constant threat of civil wars, conflict or more to say the targeted victims in a mass scale. A country like America has been holding the responsibility to meet the human

rights crisis and were/are seen fighting for to restore or establishing democracy worldwide. They adopted different means to materialize the goals and for which they frequently are being trapped under the prison of serious questions of rights violation which often charged in the name of human rights operation, peace and development. The accountability which is unilateral in nature, adopted by America for humanitarian assistance to different crisis-ridden corners of the globe has so far seen to be producing the results in contrary. Especially after the 9/11 attack, American foreign policy is significantly influenced to undergo change, henceforth Security becomes more inevitable than to play the global economic actor. They did different controversial intervention either through direct attack or indirectly reaching the rebels with arms and war tactics. Nevertheless, the strategic efforts globally for human assistance at own price can never be undermined to justify quelling its further action. No denying the fact almost all the country has started taking human rights as serious to put the high place in the national agenda. In the light of crisis, it is much necessary that the world community should think for other areas to address even. The economic breakdown or say the economic stagnant will never ever help the democracy. The vibrant democracy and the sound economy of the country are very much of worth and reliable to push the human rights situation a good place. Therefore, it is suggestible for the countries, to adopt and design economic policies which can provide the space for respect to human freedoms and tenets of human rights.⁹⁹The global economic countries along with the global financial institutions need to have the accountability and the will to reach those regions which are the most affected by underdevelopment and the oppression. They should build the will for investment, to sustain their political and economic instabilities. This, in turn, will help for strong regional economic foundation and growth which is the inevitable criteria to help to deepen the respect for human rights, and international cooperation towards the global security mission. The international Non Governmental institutions developed to work for humanity like Amnesty International, International League for Human Rights, etc should take up the tasks for intensive and rigorous study reaching nook and corners eclipsed by gross violations of rights. The equal contribution towards building the healthy human rights environment should also be borne by respective national governments. The National Human Rights Commissions, the sub-State Commissions should be strengthened and equipped well enough to make effective dealing with cases of violations and advancing the research to meet the unforeseen crisis that may occur. In addition, at the

individual level the efforts how to develop the right living and respect the others rights which are simple but difficult task needs be developed. Therefore, the codification of human rights as universal despite having its conjecture grounds to be criticised would be much meaningful provided every effort are invested in helping each individual or the groups of people enjoy what is guaranteed, freely, equally and in an equity manner. For these, accountabilities rest not only with certain economically or militarily strong countries or global institutions or upon the national countries but also each and every individual, black, white or the yellow must cultivate the thought how to contribute building a sturdy environment for human rights protection.

Reference

- Alvarez, A. (2001). *Governments, Citizens, & Genocide: A comparative and interdisciplinary Approach*. USA: Indiana University Press.
- Angle, S.C. (2004). *Human Rights and Chinese Thought: A Cross-Cultural Inquiry*. UK: Cambridge University Press.
- Bodhi, B. (1984). *The Noble Eight Fold Path the way to the End of suffering* (2nd ed. 1994). *Kandy: Buddhist Publication Society*. The Wheel Publication No. 308/311, p. 12.
- Bohman, J. (2007). *Democracy across Borders: From Demos to Demoi*. Cambridge: The MIT Press.
- Brown, C. (1997). Universal Human Rights: A Critique. *The International Journal of Human Rights*, Vol. No. 1:2, pp. 41-65.
<http://dx.doi.org/10.1080/113642989708406666>
- Brown, W. (2004). Human Rights and the Politics of Fatalism. *The South Atlantic Quarterly* 103:2/3, Duke University Press
- Chu, S. K.H., Brouwer, A. M.de. (2009). *The MEN Who Killed Me: Rwandan Survivors of Sexual Violence*, *Herizens*, 22 (4).
- Chu, S. K.H., & Brouwer, A. M.de. (2011). "Tragedy & Triumph: Rwandan Women's Resilience in the face of Sexual Violence, *Amsterdam Law Forum*, Vol 3:2, 2011, 203-205.
- Coicaud, J.M., Doyle. M.W., & Gardner, A.M. (ed.) (2003). *The Globalization of Human Rights*. Tokyo, New York, Paris: United Nations University Press.
- Dadge, D. (2006). *The War in Iraq and Why the Media Failed US*. Praeger.
- Donnelly, J. (2007). The Relative Universality of Human Rights. *Human Rights Quarterly*.

- Eaton, C. Le Gai. (1985). *Islam and the Destiny of Man*. USA: State University of New York Press, Albany.
- Eckert, A. (2001). Universality by Consensus: The Evolution of Universality in the Drafting of the UDHR. *Human Rights and Human Welfare*, Vol. No. 1:2. A Review of *UDHR: Drafting, Origins, & Intent* by Johannes Morsink. Philadelphia: University of Pennsylvania Press.
- Feifer, G. (2008). *The Great Gamble: The Soviet War in Afghanistan*. United States: Harper Collins, p.278.
- Gandhi, M.K. (1947). *India of My Dreams*. Compiled by R.K. Prabhu. Ahmadabad: Navajivan Mudranalaya Publishing . www.mkgandhi.org
- Garnsey, P. (1996). *Ideas of Slavery from Aristotle to Augustine*. New York: Cambridge University Press, p.130.
- Gilbert, M. (2010). *Rorty and Human Rights*. Lecture at Irvine, University of California, pp.1-9. Retrieved from: <http://eScholarship.org/uc/item/2127z5b4>
- High commissioner's dialogue (2012). *The Buddhist Core values and perspective for protection Challenges: Faith and protection*. www.unhcr.org/50be10cb9.pdf
- Hinto, A.L. (2005). *Why Did They Kill?* Berkeley: University of California Press, p.1.
- Ishay, M.R. (2004). *The History of human rights*. Berkely & London: University of California Press, p.Xvi.
- Johnson, M.G., & Symonides, J. (1998). *Universal Declaration of Human Rights: A History of its Creation and Implementation 1948-1998*. New York: UNESCO.
- Johnson, C. (2004). *The sorrows of Empire; Militarism, secrecy, and the end of Republic*. New York: Metropolitan Books.
- Kant, L. (n.d.). *Indian Polity* 7.13
- Kovacevic, D. (n.d.). International Minority Protection System. Belgrade: *Ethnicity Research Centre*.

- Kraut, R. (2002). *Aristotle Political Philosophy*. New York: Oxford University Press
- Martin, R. & Nickel, J.W. (1980). Recent Work on the Concept of Rights. *American Philosophical Quarterly*, Vol.17 (3)
- Miller, F.D. (1995). *Nature, Justice & Rights in Aristotle's Politics*. New York : Clarendon Press: Oxford
- Morsink, J. (1999). *Universal Declaration of Human Rights: Drafting, Origins, & Intent*. Philadelphia: University of Pennsylvania Press.
- Nessa,S., Sen, M., & Shangpliang, L.M. (ed.) (2007). *Human rights*. New Delhi: Reliance Publishing House.
- Olympe de gouge: Declaration of the Rights of Women* (1791), Fordham University; New York: The Jesuit university. <http://legacy.fordham.edu/halsall/mod/1791degouge1.asp>
- O'Nions, H. (2007). *Minority Rights Protection in International Law- The Roma of Europe*. London & USA: Ashgate Publishing Limited, European Research Centre on Migration & Ethnic Relation.
- Othman, M.C. (2005). *Accountability for International Humanitarian Law Violations: the case of Rwanda and East Timor*. Berlin: Springer.
- Pal, J. (2010). *Human Rights and Development: Issues and Challenges*. New Delhi: Serials Publications.
- Powell, C. (1999). Introduction: Locating Culture, Identity and human rights. *Columbia Human Rights Law Review*, pp-201-224. Retrieved from: http://ir.law.net.fordham.edu/faculty_scholarship-/412
- Raic, D. (2002). *Statehood and the Law of Self Determination*. Hague: Kluwer Law International, Vol. 43, p.402.
- Rathore. A.S., Verma.A. (ed.) (2011). *B. R. Ambedkar: The Buddha and his Dhamma*. New Delhi: Oxford University Press

- Ross, D. (2002). *The Right and The Good*. New York: Oxford University Press.
- Sait, S., & Lim, H. (2006). *Land, Law and Islam: Property and Human Rights in the Muslim World*. London & New York: Zed Books.
- Sangharakshita. (2007). *The Essentials Teaching of Buddha*. New Delhi: New Age Books.
- Sen, A. (1997). *Human rights and Asian Values: Sixteenth Morgenthau Memorial Lecture on Ethics and Foreign policy*. New York: Carnegie Council on Ethics & International Affairs, pp.9-10.
- Sen, A. (1999). *Development as Freedom*. New York: Anchor Books.
- Sen, A. (2007). Global Inequality and Human Security. In Baldev Raj Nayar (Eds.), *Globalization and Politics in India* (pp. 117-121). New Delhi: Oxford University Press.
- Sharma, A. (2010). *Hindu Narratives on Human Rights*. California: Praeger.
- Sharma, R.S. (1968). *Aspects of political Ideas and Institutions in Ancient India*. Delhi: Matilal Banarsidass, p.97.
- Shemtob, Z. (n.d.). *Human Rights and Wrongs: A critical Overview of Contemporary Human Rights Skepticism*.
- Sinha, P.C. (2002). *Encyclopedia of Human rights*. New Delhi: Anmol publishers, Vol-1.
- Rorty, R. (n.d.). *Human Rights, Rationality and Sentimentality*, pp.167-185.
- ‘Why America Invaded Iraq’: Historian Recaps Saddam Hussein’s Lunatic Adventure’ & Reason Why Bush Took Action. [http://www theblaze.com/stories/2015/09/why America-invaded-irap](http://www.theblaze.com/stories/2015/09/why-America-invaded-irap).
- Woolf, L. (June 15, 2005). Magna Carta; a Precedent for Recent Constitutional Change. London: University of London. <http://www.mgnacarta800th.com/wp-content/uploads/2011/10/Precedent-Recent-Constitutional-Change.pdf>

Wood, E.J. (2004). *Sexual Violence during War: Explaining Variation*. New York University, Presented at the Order, Conflict & Violence Conference at Yale University, April 30-May 1, 2004

Yildiz, K. & Breau, S. (2010). *The Kurdish Conflict International Humanitarian Law & Post Conflict Mechanism*, New York: Routledge.

Endnote

¹ The condition of the state of nature in the absence of lawful authority as was foreseen by Hobbes. He tried to depict the reality of the state of nature ordained by the absence of authority which to him is a place for no norms, conventions of respect to other humanities rather negates the reasons for peaceful existence. He projected the gloomy picture of the state of nature where freedom would be the natural rights of the stronger over the weak for owning the rights over basic but common in needs. As being identified with the hypothetical situation, state of nature would be something to imply the absence of no trust and fairness that is unlike the little hope that can at least be expected in the present world of humanity.

³ Ones claim over what or the right over which he or she is having the option for exercise will be determined by the situation or the thoughts encircled by his/her conscience. Also see Human Rights and Development Issues and Challenges by Jagat Pal.

⁴ It basically goes with the logic provided by ardent advocate of natural rights John Locke who had the notion considering certain natural rights subject to surrender on the pretext that could be well protected by the state. However he hold the grounds to reject the state activities for change when it be not in a position to comply with protecting man's surrendered rights such rights as hoped by him.

⁵ See for details *India of My Dreams* (1947) by M.K. Gandhi and Compiled by R.K. Prabhu, Published by

Jitendra T Desai, Ahmedabad: Navajivan Mudranalaya. www.mkgandhi.org

⁶ Ibid.

⁷ *Enlightenment and Revolution, 1680-1840* (n.d.) by Jean-Jacques Rousseau

⁸ *Recent Work on the Concept of Rights* (1980) by Rex Martin and James W. Nickel, *American Philosophical Quarterly*, Vol.17(3),pp.165-178.

⁹ By this he meant to imply that when someone is *to have a right* is to have a *claim to* something and is *against* someone, which depending on the circumstances is legally recognised by the conscience based on legal rules or the moral principles. For details see Martin, R., & Nickel, J.W. (1980). *Recent Work on the Concept of Rights. American Philosophical Quaterly*, Vol. 17(3), p.168.

¹⁰ Ibid, p.166

¹¹ See the *supra* footnote

^{12c}Basic Structure' provision in the Constitution of India is inclusive of certain tenets or the features that which cannot be abrogated, altered or destroyed by any amendment of the parliament. Also see *Keshavananda Bharti v. State of Kerala Case*.

¹³Raphael, D.D. (1955). *Moral judgement*. London: George Allen & Unwin, pp. 55-78

¹⁴Recent Work on the Concept of Rights (1980) by Rex Martin and James W. Nickel, *American Philosophical Quarterly*, Vol.17(3),p.168.

¹⁵ *The Right and The Good* (2002) by David Ross, Edited by Philip Stratton-Lake, New York: Clarendon Oxford University Press.

¹⁶ *ibid*

¹⁷ It is the American Convention on Human Rights of 1969 with 24 Latin American Countries as the signatories that had recognised human beings to have the rights beginning at the moment of conception. It is the treaty that has distinctly recognised the grant of the rights to fetuses.

¹⁸ For details see *The History of human rights* (2004) by Michiline R. Ishay. Berkely & London: University of California Press, p.17

¹⁹ See the *supra*, footnote, p.19. It is originally contained in the "A Halachic Viewpoint" by Dayan Berkovitz.

²⁰ It signifies the realm which Buddha himself had, and is that in which every living things are free from pain and suffering.

²¹ *The History of human rights* (2004) by Michiline R.Ishay, Berkely & London: University of California Press, p.19.

²² Hammurabi codified the stringent Law meant for sustaining the social order and preventing society from any sorts of evil or anti state activities.

²³ The dignified and the justness treatment towards women got focused in the "*The Code of Hammurabi*" that was translated by L.W. King & Rev. Claude Hermann Walter Johns.

²⁴ See for details *The Politics of Aristotle* (Vol.2) by B. Jowett.

²⁵ *Ibid*, p.22

²⁶ *Aristotle: Political Philosophy* (2002) by Richard Kraut, Oxford University Press.

²⁷ Chrysippus, a great Stoic philosopher had the notion of belief in the existence of difference between slave and a servant. To him freemen are still the slaves, and considered to those who are not released from the ownership as servants. However he did not favour the slavery system of institution and so to him no body is slave by nature. Further understanding can be made referring the "*Ideas of Slavery from Aristotle to Augustine*" (1996) by Peter Garnsy, New York: Cambridge University Press, p.130.

²⁸ See the article *Marcus Aurelius and Slavery in the Roman Empire* (2013)

²⁹ *Ulpian: Pioneer of Human Rights* (2002) by Tony Honore, New York: Oxford University Press, p.130.

³⁰ It is 'restrictive citizenship' where for the reason it was not inclusive of certain sections of the society like slaves, labour,etc.

³¹ In such East and West contestation, John Donnelly had expressed the similar notion, arguing that most of the cultural and the political traditions preserved by the non- western had lacked not only the practice of human rights but also the very concept. And thus he considers human rights as the artifact

of the western world or the civilization. See for details the *Hindu Narratives on Human Rights*. (2010) by Arvind Sharma, California: Praeger, p.7

³² In the *Rig Veda* the female members who happened to attain the *Sabha* (assembly) were named as *Sabhavati*. This reminds the fact where women in the vedic days had the respect to attain the assembly. However it was the kin-based assembly.

³³, For details see *Aspects of political Ideas and Institutions in Ancient India* (1968) by R.S. Sharma, Delhi: Matilal Banarsidass, p.97.

³⁴ Here the *sabha* denoted is of latter- Vedic days which were basically characterized by the presence of rajas, maharajas, dicing and the gamle.

³⁵ See the verse made by Draupadi in the *Hindu Narratives on Human Rights*. (2010) by Arvind Sharma, California: Praeger, p.17

³⁶ Cited in *Essential elements of human rights in Buddhism* (2014) by UttamKumars Badge, Journal of Law and the Conflict Resolution.

³⁷ *Dhamma or dharma* in the Buddhist philosophical contexts represents the righteousness and the ethical conduct, love towards humanity and the concern for other living creatures. Thus the dharma concept here is different from that of Hindu tradition of dharma that basically had the notion of practicing the classified functions on caste lines.

³⁸ Laxman Mane, who himself belonged to low caste Kaikadi had the experience of ill treatment. He had the notion where kaikadis were left helpless with no education, liberty, equality and identity. Thus finding those elements in Buddhism he and his followers got converted.

³⁹ For details see B.R. Ambedkar: the Buddha and his Dhamma (2011) Edited, Introduced and Annotated by Aakash Singh Rathore & Ajay Verma, New Delhi: Oxford University Press

⁴⁰ The Noble Eight Fold Path the way to the End of Suffering (1994) (2nd ed.) by Bhikkhu Bodhi, The Wheel Publication No. 308/311 (Kandy: Buddhist Publication Society, (1984),p. 12

⁴¹ See Supra footnote

⁴² Those are the vices which is natural that tries every human being and the mind and thought to certain unexpected and unethical path of miseries and sufferings. Therefore to lead a perfect & purified life is through salvation from those vices. See for details *The Essentials Teaching of Buddha* (2007) by Sangharakshita. New Delhi: New Age Books.

⁴³ For details see *The Buddhist Core values And perspective for protection Challenges: Faith and protection* (2012) on the High commissioner's dialogue on protection challenges Theme: Faith and protection (12-13 December 2012)

⁴⁴ Cited from *Human Rights in Islam* by Ali Mohammad Bhat, Islamic Studies, Aligarh Muslim University

⁴⁵ Social order which is complicated network of individual and the group loyalties and the obligations is integral part of human society, and this somewhere in the ninth century would have been usurped by the despotic rulers but couldn't for the reason was held legitimate as believed to have governed by the Law of God. Also see P.J. Vatikiotis in *Arab and the Regional Politics in the Middle East* (1984), New York: St Martin's Press.

⁴⁶ Here *Weeramantry* had provided the Islamic argument while dealing with the exercise of *property rights* as human rights. He believed that in Islam not unlike the exercise of other human rights the property rights too are strictly ordered about how one should discharge his duties. For details see *Land, Law & Islam: Property and Human Rights in the Muslim World* (2006) by Siraj Sait and Hilary Lim, London: Zed Books

⁴⁷ See *Encyclopaedia of Human right* (2002)-P.C. Sinha New Delhi: Anmol pubs, Vol-1

⁴⁸ *ibid*

⁴⁹ It is for the reason prior to 1978 the Supreme Court hold the judgement that COI did not recognize any natural or the common law rights except that are expressively conferred in the Constitution. See AIR1976 S.C.1263.

⁵⁰ It was proclaimed in the *Chairman, Railway Board and others V. Mrs. Chandrima Das* judgement. AIR 2000 (1) S.C.265.

⁵¹ It is focused by K.P Saksena in the work “Human rights and wrongs”, in World Focus, Monthly Discussion Journal, *Human rights: violation Continue*, New Delhi, Vol.22. No 1, pp.3-6.

⁵² The French Declaration of the rights of Man and of the Citizens (1789) had exclusively excluded the exercise of rights by certain section of the society whom they put in the list of “Passive Citizens”. It was the “Active Citizens” who were recognized eligible to exercise rights of liberty, equality and fraternity.

⁵³ Modern History Source book: Olympe de gouge: *Declaration of the Rights of Women* (1791), Fordham University. [http://legacy Fordham.edu/halsall/mod/1791degouge1.asp](http://legacy.Fordham.edu/halsall/mod/1791degouge1.asp)

⁵⁴ Weissbrodth,D, “Human Rights: an Historical Perspective” in Davis, P (edited), *Human Rights*(1988), London: Routledge, p1

⁵⁵ The 9/11 event of 2001 is one of the most heinous crime to humanity but still remain a controversial and debated issue since many scientist disagreed the report claiming the handy work of terrorist.

⁵⁶ It was precaution to the drafter of UN Declaration provided by the American Anthropologists Association (AAA). They put in the memorandum submitted to the UNHR Commission to be taken care of *ethnocentrism*, claiming it as hurdle. Because *ethnocentrism is believed to have* the values of one’s own culture as superior to those of other culture (s). See for details *Universal Declaration of Human Rights: Origins, Drafting & Intent* (1999), by Johannes Morsink, University of Pennsylvania Press: Philadelphia, p. ix

⁵⁷ Cited from the *Universal Declaration of Human Rights: Origins, Drafting & Intent* (1999), by Johannes Morsink, University of Pennsylvania Press: Philadelphia, p. ix

⁵⁸ Norberto Bobbio had criticized any notion of “*absolute foundation*” for rights. He had the opinion where he wanted, even the great invention of human civilization represented by the new global ethos of human rights to be considered “*more of a proclamation than an actual achievement*”. This is because of the fact where the rights rigidly proclaimed in international declarations are systematically and more heinously violated in different countries of the world. *The Age of Rights* (1996), Norberto Bobbio and translated by Allan Cameron, UK: Polity Press, Cambridge; also see *Norberto Bobbio: An Age of Rights without Foundations* by Luca Baccelli.

⁵⁹ It is focused in the Universality by Consensus: the evolution of the universality in the drafting of the UDHR; *Human Rights and Human welfare*(2001), by Amy Eckert, Vol.1(2)

⁶⁰ Speech by Liu Huaqiu, delivered at the World Human rights Conference in Vienna (june 1993), quoted in Angle, Stephen C. *Human Rights and Chinese Thought: A cross cultural Inquiry* Cambridge University Press, new York 2003 p.1

⁶¹ Lectured by Liu Huaqiu, World Human rights Conference in Vienna (1993), quoted in Michael C. Davis, *Human rights in Asia: China and Bongkok Declaration*, 2 Buff. Int'l L.215,226

⁶² Cited from the Introduction: Locating Culture, Identity and human rights (1998-1999) by Catherine Powell, *Columbia human rights law review*, p.201 [Http://ir.law.net.fordham.edu/faculty_scholarship-/412](http://ir.law.net.fordham.edu/faculty_scholarship-/412)

⁶³ See *Human rights and Asian Values: Sixteenth Morgenthau Memorial Lecture on Ethics and Foreign policy* (1997)- New York.pp.9-10

⁶⁴ Ibid, p.9

⁶⁵ For instance the ‘problem of ethnocentrism’ naturally affects the universality or the one standard norm where everybody holds the values of one’s own culture as superior to the culture(s) of other. Also see *Universal Declaration of Human Rights: Origins, Drafting & Intent* (1999), by Johannes Morsink, University of Pennsylvania Press: Philadelphia, p. ix

⁶⁶ The lenses of looking genocides worldwide, since the days of holocaust carried by the Nazi dictators the world humanity could uniquely record most of the cases happened/existing with the lives of the minorities who equally either at the individual or the group counts are at the margin of lower strata of exploitation and victimization.

⁶⁷ The statement made by the UN special Rapporteur, Rene Degni-Segui was taken from “*the MEN Who Killed Me: Rwandan Survivors of Sexual Violence*” (2009) by Ka Hon Chu, Sandra, Anne- Marie de Brouwer, Vol.22(4)

⁶⁸ Ka Hon Chu, Sandra, Anne- Marie de Brouwer, “Tragedy & Triumph: Rwandan Women’s Resilience in the face of Sexual Violence” (2011), *Amsterdam Law Forum*, Vol 3(2),pp.203-205

⁶⁹ The Bosnia and Herzegovina tragedy came to be the first ever such heinous crime against humanity experienced by Europe world after the Second World War.

⁷⁰See the *Mass Rape: the War against Women in Bosnia_Herzegovina* (1994), by Alexandra Stiglmayer, Lincoln: University of Nebraska Press, pp.82-169.

⁷¹ Such talk on genocide and crime against women was presented at the Order, Conflict & Violence Conference at Yale University by Elisabeth Jean Wood and got published under titled “*Sexual Violence during War: Explaining Variation* (2004), New York: New York University.

⁷² Quoted in *Genocide Studies and Prevention: An International Journal*, Full Issue 3.3, Vol.3/2008, Issue 3/Article 1, International Association of Genocide Scholars (Pub.). <http://scholarcommons.usf.edu/gsp/Vol3/iss3/1>

⁷³ *Guatemala : Political Violence* (S/NF/ORCON/EXDIS) , Bureau of Intelligence and Research ; Current Analysis Series, Central American Highlights, Department of State, RPS/IPS, Margaret P. Grafeld, Dir. February 23, 1984 <https://nsarchive.gwu.edu/NSABB/NSAEBB440/DOC02.pdf>

⁷⁴ Alvarez, Alex (2001). *Governments, Citizens, & Genocides: A comparative and interdisciplinary Approach*, Bloomington: Indiana University Press.

⁷⁵ Hinto, A. L, & Lifton, R.J (2005). *Why Did They Kill?: Cambodia in the shadow of Genocide*, Berkeley: University of California Press, P.1

⁷⁶ Also see how Amartya Sen in the edited book *Globalization and Politics in India* by Baldev Raj Nayar has well thought out where inequality, injustice in society becomes the inevitable security issues of concern.

⁷⁷ See *Statehood and the Law of Self Determination* by, David Raic, Kluwer Law International , 2002. P.402

⁷⁸For details see *International Minority protection System*, Dragana Kovacevic- Ethnicity Research Centre, Belgrade.

⁷⁹ For details see *Minority Rights Protection in International Law: The Roma of Europe* (2007), Helen O’Nions, UK: Ashgate

⁸⁰ Thornberry, P, (nd.)“An Unfinished Story of Minority Rights,” Anna-Maria Biro and Petra Kovacs (eds.),p.25

⁸¹ The Rawls’ Theory of Justice, Which is widely regarded as the corner stone of the liberal political theory, has given the focus purely on justice meant for the individual(s) while providing no space of emphasis for the group(s).-Rawls, John A theory of justice (1973), OUP, Oxford. Also one can refer to *Minority Rights Protection in International Law: The Roma of Europe* (2007), Helen O’Nions, European Research Centre on Migration & Ethnic Relation, UK: Ashgate Publishing Ltd.

⁸² *Jus ad bellum* is a Latin phrase for ‘right to war’. It stands for criteria as to know about the war whether is just and permissible. While the *jus in bello* implies the concern whether a war is conducted justly.

⁸³ The Civil Wars in Africa due to the structural causes like bad governance and the State sponsored violation of human rights and the politics of inclusion and exclusion, poverty, marginalisation has further been greatly impounded by the (external forces) international social, economic and the political milieu to heighten its conflict to international armed conflict.

⁸⁴ Quoted from *The Kurdish Conflict International Humanitarian Law & Post Conflict Mechanism*(2010), Kerim Yildiz & Susan Breau, New York: Routledge

⁸⁵ See *Democracy Across Borders* (2007), James Bohman, Massachusetts Institute of Technology,p.107

⁸⁶ For details see ‘The Great Gamble: The Soviet War in Afghanistan’, by Gregory Feifer. US: Harper Collins lmt.p.278.s

⁸⁷ The invasion of Soviet and USA in Afghanistan was criticized by the world leaders and viewed it as territorial grab invasion and ideological inflicted confrontation between the then two leading giants of Cold war. For further information see *The Great Gamble: The Soviet War in Afghanistan*, Gregory Feifer, Harper Collins lmt, US .P 288

⁸⁸ The event 9/11 where there was the demolition of World Trade Centre happens to be quite controversial and contested amongst analysts, intellectuals, and scientists. There is lot of allegations

against the then Bush administration and the US itself whom many held responsible for that event while denouncing the world publicized terrorist attack.

⁸⁹ Please see for details *The War in Iraq and Why the Media Failed Us* (2006), David Dudge, Praeger.

⁹⁰ *ibid*

⁹¹ It is in the context of Bush administration and its action to invade Saddam Hussain's regime in Iraq justifying the false claim of restoring peace and democracy in the Middle East and Iraq. Also see 'Why America Invaded Iraq': Historian Recaps Saddam Hussein's Lunatic Adventure' & Reason Why Bush Took Action.

⁹² See *The History of Human Rights: From Ancient Times to the Globalization Era* (2004), Micheline R. Ishay, Berkeley: University of California Press, p.xvi

⁹³ See *Colossus: The Price of America's Empire* (2004), Niall Ferguson, New York: Penguin Press

⁹⁴ See *The sorrows of Empire: Militarism, secrecy, and the end of Republic* (2004), Chalmers Johnson, New York: Metropolitan Books

⁹⁵ Spartacists are the protagonist which is derived from the Thracian Spartacus, the imminent leader to head the slave rebellion against the imperialist ruler of Rome. Significantly, the Spartacists today stands for views against authoritarianism, imperialist and the isolationist international view. Even it stands critical to US hegemonic military and economic to cultural and political influence and regime.

⁹⁶ It is estimated by the Global Conflict Tracker by US Council on Foreign Relation. Also check the <http://www.unhcr.org/556725e69.html>)

⁹⁷ UNICEF Report titled *Syria's Children: A lost generation?*-Crisis Report, March 2011-March 2013. www.unicef.org/infobycountry/files/Syria-2yr-Report.pdf

⁹⁸ *Frontline* (October 2, 2015), Parvathi Menon pp.45-51

⁹⁹ See *Development as Freedom* (1999), Amartya Sen, New York: Anchor Books

Chapter 3

Human Rights: Understanding in the context of India

Introduction

The concept human right, which is not fixed in nature, has been under the process of evolution. Therefore, the present conception and the acceptance of human right is the result of the historical process. It is something which keeps pace with the need and changing circumstances of the society. Right implies the enjoyment of any sorts of claim which is something not wrong either morally or legally. It implies the right claim over the right things. However, the claim or the enjoyment is not absolute and hence goes with conditions. Human right is referred as the “*basic rights and the freedoms to which all humans are entitled*” (Houghton and Mifflin, 2006). The so-called basic, often has to be from someone or somewhere. And therefore, rights are often identified or defined using entity ‘claim’ from the second person. Human right is not only the talk or the discourse about rights distinct from the exercise of freedoms. Freedoms stand as the right when it is meant for the individuals or the group. Human right is just a structural homogeneous since in practice is marked and cemented by the multi-layer rights, say political, economic, socio-cultural rights. It is not only counted at the individual but also for the groups, women, children, minorities, indigenous, etc. However, the UN declaration of 1948 showed its individual oriented nature. A step further recognizing rights as group orientation was well blessed by the two subsequent declarations adopted in 1966-one is International Covenant on Economic, Social and Cultural Rights, while the other being the International Covenant on Civil and Political Rights. These three declarations collectively contributed framing the International Bill of Human Rights, thus providing the broad framework of rights exercise. This human rights document can, therefore, be considered a brilliant work that hardly anyone today can see the exclusion of any of the so-called human rights.

More significant in the modern history of human rights evolution was in the birth UN. The UN was advocated with the vision to prevent the human society from the further scourge of wars. Such vision was positively guided by the two destructive world wars. The demise of millions and millions of lives provoked the international

community and the intellectuals of different backgrounds for the need of collective action for common sufferings. This resulted UN and thereby elevated the human rights as an essential tenet to be protected, enriched for the well being and common respect to humanity. To achieve such, different International, regional Conventions and declarations were made; laws to ensure equality exercise of rights through preventing any sorts of hindrances got the new face in the International Court jurisdictions and decrees confining to different world countries. Not only the international laws but the UN and the Charters, Declarations or say the Covenants could provide the ever lasting contribution to the world humanity the essence, the strength to survive with dignity as a human being, the voices for the weak, downtrodden communities. Without the condition for human rights, the people's wish to live a dignified life, the establishment of peaceful environment would be utopia. Hence, peace, development and democracy rooted in the equality and no-discrimination object would be possible only where rights are respected, due treatment and reasonable enjoyment of life are recognized.

Human Rights Idea: Indian Perspective

India, the world largest democratic state had/has been the global role model for most of the third world countries and also for the human rights' recognition, whereby could reserve as a signatory to different global rights Conventions and the declarations.¹The idea of human rights which we talk today and achieve by the citizens in India is as old as Indian civilization.²Hence, there cannot be the sole logic to relate being influenced by European or the international situations for rights recognition. Since time and space immemorial the Indian rooted religions however not unlike the holy scripts of the other world could provide in an own way for understanding and believing about what the right is and for what to exercise. Every religious philosophies and doctrine do commit with the principles in common for humanistic outlook. Therefore, it is believed that tracing the history of human rights would be incomplete without making pace for the historical sources of different but plural religions disseminating the values having universal reach and influences.³The believers in the Prophet Mohammadan, in Christianity, the followers of Buddha's principles of teachings in one or other way but in common for humanistic perspective has the support and recognition of human rights. This is not something untrue with

regards ancient Indian traditions and religious sects and philosophies towards moulding and guiding people's attachment and devotion to the value of rights. When we talk of India, thoughts of heterogeneous society and religious cultural heterogeneity get nearer. However, understanding the idea of rights in Indian perspective needs a look from the lenses of historical sources based on the Hinduism and the other faiths of the late. Buddhism emerged in India as a reaction or as heterodox traditions to certain orthodoxy beliefs or the right philosophy. The 'Dharma' of the ancient Vedic era, and late, the edict of Ashoka (272-231 BC) could provide the truth or the purity of rights for the greater humanity besides guiding India people. Accordingly Indians do have the respect for the individuals, groups, society and the universe as one in common. Cooperation, helping in times of needs, recognizing the worth in other fellow being etc has been the ethos of Indian culture. If we trace back the ancient Indian history possibly the dharma, although contested⁴ at different quarters had headed the centre of spiritual as well as law document providing justice and legal order in the society. It had acted providing the basis of jurisprudence for human rights. Based on such jurisprudence morality, goodness, and truthfulness which are the basic, having universal values for the human society was sustained. It carried the principles for the noble path, also the rights, duties and freedom and justice. Thus, these principles being the core elements of human society get their strong linkage to the ancient religions and philosophies. It helped the Indian religious rooted traditional societies and communities shaping the value systems and ordering the society. Rights cannot exist without sound governance or the social systems and this is where dharma which people took it to be the supreme had provided the basis for law ordering the social order. Accordingly it had acted as the universal guiding document for social values thereby not limiting itself to Indian people and geography. Under the purview of dharma, it was not the king or the kings who could frame the rights and duties for the people but had to go by the principles governing the happiness, harmony and the social stability. It is said that king or the kings were not authorized to adopt new laws or amend the provisions in the *Dharma-Sastras* rather they were bound to abide by the laws guided by the *Dharma-Sastras* itself.⁵ By no means, subjects under the law of dharma were forced to discharge the duties but as a symbol of dignity. Thus, the dharma, integrating the essential tenets civil, moral and spiritual values could provide the reason of impetus grounding root for the development of humanity in the greater sense of the term.⁶ Rig Veda has

defined very clearly where it projects none of the people as superior or the inferior. This implies its devotion for equality and discrimination free society.⁷ Moreover, it considers all to go with the sense of fraternity, brotherhood and should strive for the common interest, thereby to have collective progress. Athar Veda had the notion, proclaiming that all should live in harmony, together supporting one another.⁸ The harmony should be like the spokes of a wheel of the chariot connecting its rim and the hub. This doctrine implies the principles of equality in human society. If we consider wheel as the society, each spoke will represent the individuals having equal of worth value in contributing the smooth progress of the society. It also significantly highlights where no spokes, signifying individuals can claim superiority over the others or others to have space for inferiority complexities. The way spokes in the wheel it also becomes the duty of each individual towards each individual to help sustain the strength or the values of dignity and worth living. This is what the Indian culture guiding the dignity and human values of man, his or her relation with neighbors, other fellow beings and the universe as a whole and the mankind as single species. This pre-historic notion of respect for equality in principles and the entire universe or the mankind as one entity had/has guided the present Indian democratic principles of space and respect to its diversities in existence. Thus, the Vedic references have showed the existence of human rights in ancient India where the Vedas had the proclamation for the liberty of Tana, Skridhi, and Jibhasi.⁹ The another important Holy scripture 'Bhagavad Gita' transcending the bounds of any particular religion or race or the region has become the world source of message disseminating the spiritual message of helping to overcome the vexed problems of mankind for all times. With divine wisdom it helps to liberate all man from any factors, thereby paving the right to enjoy the complete freedom from any sorts of grief, fear and anxiety¹⁰. This holy text provides the ground for thoughts and practical instructions on Yoga, Devotion, Vedanta and Action. Further, the teachings of Gita have the universal reach with the message of solace, freedom, salvation, perfection and peace for all mankind. It has taught the essence of detachment that every individual should cultivate. It projects detachment unlike the attachment as not the result of ignorance and selfishness and for which placed for the position as a divine and wisdom involving as the source for freedom and discipline. Love for the others being can really be happen only when refrains himself/herself from the tenet of attachment. And since the love is pure and divine, it can raise the environment of respect, cooperation

towards the dignity and purity of others. Significantly, the Gita proclaims, “*he who has no ill will to any being, who is friendly & compassionate, who is free from egoism & self sense and who is even-minded in pain & pleasure & patient* “ *is dear to God.* It also holds the notion that humanity or the human can be blessed to have the divinity only when certain virtues of non-violence, truth, free from anger, selfishness, freedom from covetousness, gentleness, modesty that the qualities a good human ought to cultivate.¹¹ In the post-Vedic days, Lord Buddha’s enlightenment had/has encircled human society where could witness the dissemination of holy virtues of what is right and wrongs. A critical but close scrutiny would probably show Buddhist period proving people the equal position and respect in all aspects of their life. After Buddha, Ashoka, the emperor considered champion of civil liberties could elevate the position of human rights to such a height that became the easy reach to every high and low class of people of his kingdom. In fact, he could establish successfully but welfare state with the due place of respect to equality and basic freedoms. He had the concern for the security of life and for which perhaps he prohibited the torture or the inhuman treatment of the prisoners. Such regime had set the instances of the nature of state which basically had the criterion to establish a moral order for to sustain the social order recognizing the equal essence of each individual. Thus, the human rights occupy the paramountcy in Indian philosophy and beyond for practice or say in the rich legacy because India believes in the principles of “Vashudhaiva- Kutumbakam” signifying the welfare for all.¹² This principle meant for the welfare of the humanity had/have been much practiced and to say as highlighted in the famous political treatise the ‘Arthashastra’ Kautilya had the devotion for not only the civil or the legal rights¹³ but also concerned for the economic rights. More emphatically Kautilya had his policy proviso for the orphan, aged, infirm and helpless for their goodness. He provides the helpless with subsistence, the expectant mothers and the children they give birth to.¹⁴ In fact, his Arthasatra reserved the sayings “*in the happiness of the subjects lies the happiness of the king, and what is beneficial to the subjects is his own benefit.*”¹⁵ Thus, the ancient post-Vedic Indian State was well having been said less to entrench an enhanced social order than to act in conformity with the moral order.¹⁶

Notwithstanding, the pre-colonial India, especially the height of agricultural societies released every sort of unequal, hierarchical power sharing, and the hereditary occupational positions amongst the diverse groups. Such grounds of inequality had

woven the then existed social relations and fragmented the entire society. Such inequalities on the isolated paradigms of segments such as status-groups, or the castes etc. was legitimized by the so constructed cultural and the religious concepts. So far these, the notion of privileges for some and the disabilities for the other segments of the society were much rampant.¹⁷ Therefore, the critical scrutiny of the ancient Hindu traditions would be imperative to dig the legacy of rights abuse throughout the ages of history. In the context, the understanding of the traditional Hindu based society would basically remind the researcher/s or the reader/s of the two systems that had long been structured the social settings and the internal ordering of the society. They are *Caste* system and other being the *Dharma*. Indian caste system is all about the class structure that is determined by birth or based on hereditary that originated somewhere in the very Vedic days. In fact the Caste system, whose existence is taken for granted, is believed to be nearly 3000 years old.¹⁸ In such a belief, its origin is thought to be the creation of divine i.e. whether in the Purusa hymn of the Rigveda or in some variant figure.¹⁹ With the dominance of Castes, the notions of division and practice in the duties and privileges emerged. It is considered as closed systems of stratification, where a person is identified to which class or the category he/she belongs based on they were born. The very legacy of class hatred and discrimination that it exists in present society is nothing but the rooted in the caste system which obliged to follow as dharma. The Vedic society was represented by the four *Varna* or the social classes namely the *Brahmins*, *Kshatriyas*, *Vaishyas* and *Shudra*.²⁰ The Brahman/ins was represented by Priests and scholars. The Kshatriyas are the rulers and the soldiers, so were considered as the warrior caste, Vaishyas by merchants or the trading caste. The Kshatriya or warrior and the Vaishya or merchant were the two of the varna categories considered as intermediate to the very system²¹ and Shudras to be found at the foot, usually represented by peasants, laborers, artisans and servants. Such classification of the *varnas* is based on the occupation and the ability to contribute to the society in a distinct way. The Varnas remained further divided into sub-caste to be said as *jati*.²² Their progeny could occupy the occupation based on the jati they belong. The Brahmins or the priestly caste in the whole social system takes the high privilege at own disposal and they were the one with authority to frame the texts, norms who should follow what. It was they, who had compiled the Vedic Hindu texts, interpreted and legitimized occupation based classification and the rituals for governing the social order. They developed and formed upper caste Brahman oriented

authors' texts and this had acted perspective of looking at the lower caste people.²³ So is said that the value of the Brahmanas to be considered as philosophical sources is difficult of any accuracy to determine. Further, it is claimed their works to contain the imagination of every successive generation of priests and with no moderation in their conception.²⁴ The Brahman who occupies the privilege of learning and spiritualizing the people were the one with traditions to receive the honour and presents, and were by virtue exempted from any sorts of oppression and the death penalty.²⁵ While the Shudras or the serving caste who had not even counted within the ranked caste were always placed at the bottom of social stratification with filthy, polluted woven occupations. Again for the low but besmirched status of occupation they were considered as untouchables²⁶ and with no say or claim for their even basic needs. They were even counted as the children of the Asuras or of non-existence.²⁷ The caste system had generated a kind discrimination whereby the Shudras were categorically barred from having the right to education but also debarred from having the Vedas or the holy scripts for even to read or touch. The orthodox Hindus considered those skills of learning and acquiring education as most appropriate meant only for the higher caste²⁸ and as sole generator of caste 'writers' They were excluded, also from the jurisdiction to enjoy the rights to free thought, express or the assemble rights.²⁹ This systematic & well ranking had produced the unequal system of resource distribution in the society. These resources were/ are wealth, income, power, position and prestige. Therefore, the caste system is wholly incompatible with the idea of human rights³⁰, and perhaps, so often seen as the chief force abusing the human rights in India. The Caste system, the most ingenious social structure of social deprivation and discrimination, has persisted for the last five thousand years and more. The Vedas hint at it, the Bhagavad Gita talks about it, the Ramayana and Mahabharata present its agonizing illustrations, the Manu Smruti (*sic*) justifies it.³¹ Thus, religion has played the push factor for this stratification system for centuries down to the present in the form of discrimination, violation, segregation, injustice and inequality. It is Hinduism in the sense has influenced the daily lives and beliefs of the Indian categorically to those having faith in the Hindu traditions³². The 'Idea of Pollution' is very much associated with the caste system.³³ In the context of India, it emerged in the practice of the priestly ceremonialism and in the belief of its purity while considering the place for untouchable to exist. In fact the 'idea of pollution' had taken the characteristics of the caste system in India in so far had the religious flavor in a woven.³⁴

In conjunction with the caste system, there was the existence and the practice of what is known as *Varna Dharma*. *Dharma* was counted on the basis of what benefited the so called Brahmin or the upper class within the fold of caste categorization. According to the theory of *Varnashrama dharma*, dharma refers to the duties of each individual in accordance with specific distributed caste and age.³⁵ The very basis of formulation of dharma lies in the recognition of the members of the society based on differentiating on the caste lines. This differentiating is nothing but directly a kind of discrimination to a certain category of lower caste people infusing only the pain and hardship. Dharma basically is the foundation to protect the *varna* based social system. It was the most significant and popular amongst the followers of the Hindu traditions. Based on the division of occupations on the caste lines the duties also had the specification. The dharma lies in the exercise of functions or the works assigned to. The question of violations of dharma emerges when one, who is assigned to the function, fails or does contrary to what is expected. The strict social entrenched norm to defend the dharma was not to deviate from what is assigned by any means. Each caste must do its duty or dharma.³⁶ It is the King who is hailed as the guardian of the Dharma.³⁷ The stringent vigilance was to deal with '*dandaniti*.'³⁸ The state, at any cost was supposed to enforce the dharma on the part that is obligated. For instance, it was both the Manu and the Kautilya's political system that had reserved for *dandaniti* as primary for to use.³⁹ Despite nature and the involvement of practice of dharma placing certain categories within the degraded class position to go with miseries and sufferings it was considered as the basis of the ancient jurisprudence of human rights⁴⁰ and even as gracious for the universal legal order. It was not only the man-made treaties to declare the practice of dharma through stern means, in the sense certain Hindu religion text like *Bhagavad Gita* seek people to perform their caste duties and that perfection and the *moksha* can only be attained by those who do their duty; indeed, it advises that it is better to do one's own duty poorly than doing another's duty well.⁴¹ Indologists, therefore, have the interpretation to define caste as what they projected as restricted to *Varna* or the ritual status and viewed in terms of established brahmanical culture.⁴² In the line, Celestin Bougle defined Caste as more pertinent to *jati*- which he termed as hereditary groups arranged hierarchically, with unequal rights, a separation based on food habits, customs and taboos and resistance to unification with others. It is said that when Caste and religion are coagulated or linked close to each other becomes the hurdle for economic change.⁴³ Thus, the caste

system not only affected the social harmony keeping fellow beings especially of the lower caste aside but also had stagnated the economy transformation, change or the equal share and distribution of valued resources. The orthodoxy of dharma which basically meant for the existence of *varna* system and that had the elevation of the Brahmins at the apex, therefore, resulted the heterodox traditions of beliefs representing the caste-less social relationship with equal status to each individual and advocated and encouraged the good hope of elevating women to higher status in an equal footing to her counterpart male. Henceforth to the predominance of caste orthodoxy and oriented limitations to rights exercise some alternatives thoughts to be termed as heterodox traditions like Buddhism, Jainism or the Bhakti movement as a reaction for reformation made its head. Such alternatives took the notion of denying the existed caste system while giving equal space irrespective of caste and the class or sex. The rise of such faiths and the philosophical doctrines were certainly the reactions against deterioration of the moral order that could see rights as a privilege in the hands of few upper classes. To be more precise, while overcoming the contradictory analysis of Hindu caste-based traditions and different aspects pertaining to rights, mention may be made where the emphasis was on the duties while limiting the authority of rights exercise in the few pockets of upper caste in heredity. May perhaps, even though further researchable, the common believes in the West goes that India and the Asia, in general, cannot claim the possession of the conception of rights which however to them holds only the concept of *duty*.⁴⁴ The rigid caste system that had the hereditary genesis, however, in the present Indian society has diminished if not to a great extent. The relationship between caste and the hereditary occupations has turned less significant now and fewer restrictions on the social interaction among castes, especially in the urban areas⁴⁵ (Sekhon, 2000). In fact, the modern Indian society is playing the most ever expected politics of inclusive of all without any sorts of discrimination. Nevertheless, contributions of the ancient Hindu texts to the field of human rights idea and development cannot be rejected and more especially in its political and civic shade of meaning.

Constitutional basis of the human right in India

The present day India has well been recognised as the largest democracy and the fact of ideal paragon for different develop, developing and underdeveloped states

distinctly for the inclusive nature to embrace penetrating the diversities of the billions population. In the context of human rights, India is blessed to be with its ancient contributed idea. However, although believed to have the distinctive legacy rooted in the Vedic society, overwhelmingly needs to face the discourse of rights pertaining to caste influence that had the record of barring the free enjoyment of rights. Coming down to the modern understanding of rights, and particularly under the domains of Colonial rule in India would be momentous, providing the thoughtful discernment about what did the Constitution had woven the rights for the citizens. India is said to have the modern version of human rights jurisprudence throughout and only by the verity of British rule.⁴⁶ The British colonial period led human rights crisis since they hijacked almost all the rights of the Indian. The territorial expansion and economically motivated colonial regime and of politically subjugating the native Indians had the adverse affect in the functioning of human rights and democracy. The civil, economic and political rights were the hard-edged subject matter of concern making even defeated of hopes of living as civilized. They also equally exploited the natives' cultures and spiritual sentiments. Thus, in every sphere of lives Indians were humiliated and discriminated. They had even the notion of racial purity for which they were unable to treat Indians on an equal humanity basis. The British regime and the precedent East (English) India Company debarred Indians from holding any post of status and high offices equally and also with them in the field of political, social and economic affairs of rights. They could properly and systematically exploit the logical pronouncement made by J.S. Mill that '*liberty is a fine thing*' but added saying 'the Indians in the colony are not competent to have this.'⁴⁷ The Jallianwala Bagh like tragedy, the Patharukhatar Ran⁴⁸ (Battle of Patharughat) event was also the one of the hundreds instances where blood had to shed while claiming the legitimate rights. The repressive measures or the inhumane policy of hatred and exploitation had led the common ground for Indian masses coming across nook and corners of the country to raise the strong voices for the Independence. The fight for independence, thus, was not only to gain the political independence but to liberate social darkness or to remove the eclipsed rights and freedom under the colonial shadow of the regime. In fact, the experiences gained under the said regimes could draw the attention of every Indian to fight for civil liberties and justice. The non-violent struggle led by Mahatma Gandhi for self-government was sounded by the advocacy made by Bal Gangadhar Tilak, who had called the freedom as the 'birth right' of the Indians and for which he say,

they have to fight to achieve. The annihilation on the natives led the demand for fundamental freedoms and self-determination.⁴⁹ Mahatma Gandhi, who had the core noble fight for independence, also had devoted for social reform campaigning and urging for the acceptance of the Untouchables by the Hindu upper caste. Through the tactics of campaigns, he struggled for the Untouchables,⁵⁰ to have the rights to enter the door-closed temples⁵¹, and the acceptance for them in the hotels and restaurants. While Ambedkar, a leader of humanity had the opposing notion keeping aside the assimilation urging or the campaign to liberalise upper caste towards the Untouchables, and for which he advocated the demanded for the Separate Electorate (SE)⁵² for the said imposed degraded class. It was however sharply denounced by the former. With such political arrangement, Ambedkar contemplated of giving the rightful place, for uplifting the future course morally and spiritually in the rigid caste ridden society. He felt the need for such advocacy due to uncompromising caste basis of the Hindu society.⁵³ Therefore, to meet such humanitarian crisis of rights for the Untouchables had rested his sole believe in the alternative guarantees to be demarcated within the constitution. Nonetheless the differing advocacy between Gandhi and Ambedkar cannot be claimed to be the end itself rather the close scrutiny would almost certainly show in one and other way the move for the Untouchable problems to be dealt with.

However, the Colonial regime, in a certain aspect of rights for the native Indians did the laudable contribution. The colonial period is therefore not merely a period of shame and servitude. In a peculiar way, it is a period in which India stepped into modernity. In fact is the period of social and political upheaval, leading the emergence of national community and the ideology of nationalism and finally the India as an Independent nation-state. The political awakening of the different sections of the society and especially the nationalist movement from the perspective of economic to the socio-cultural congruence of change had resulted not only the formation of the new national political community but also fuelled the united fight for the rights and freedoms of the citizens of the country.⁵⁴ The humanitarian contribution based on universalism, and individualism was taken up in different aspects by the said rulers. This moral and intellectual rejuvenation steps on humanism grounds to Indians was the banning the legal rights on the slavery practice (1843), the *Sati partha*,⁵⁵ which was the evil and anti-women practice was abolished (1829) and of infanticide

in 1875. They also restored the freedom of widows⁵⁶ to go for new family life and also provide the advancement of education and many security policies for the forest dwellers and tribals⁵⁷ in India. Such promulgation of ideals for social rights in India and thereby to bid a send-off to anti humanity practice had the greater acceptance of educated Indians. Thus the fact was the period of freedom struggle, against the alien rule, had recorded the rise of social movement distinctly meant for social and cultural reformation. The impact of westernization and the orthodoxy of the caste based traditions could influence the likeminded for the native Indian cultural fragrance. Raja Rammohan Roy, heading the Brahma Samaj Movement had denounced the caste system, opposing the code of Manu had advocated the notion of equality of all individuals. Such individual movements, however having the social as a base could advocate for the eradication of certain evil practices then existed within the fold of Hindu social customs say the Sati tradition, female infanticide and the practice of child marriage. The instance of such a socio-cultural movement for the reformation, restoration and the rejuvenation of the rights of the natives could leave an unfathomable impact on the British policy makers.⁵⁸ Nevertheless, on the whole of dark experiences and provoked by their inhumane policies of acts the educated and mass Indians could well realize the loss of their rights and freedoms and so of their being subjugated and exploited, denied they determined to mobilize everyone to fight against the colonial masters for the common cause and interest. This accordingly could weave the Indian Constitution with varied but inalienable rights for the present Citizens. Thus, the modern root of ideals of human rights in India lies in the collective struggle for independence and against the foreign rule.

The long cherished demand of the freedom fighters for every child and generations of mother India became true by the mid night Friday of August, 1947. The holistic and full-blown success of the hopes and aspirations that was being eclipsed and denied by the alien rule was however experienced through the full rights woven lengthiest Constitution of the world. The Constitution of India which came to effect in the fifth decade of the twentieth century could deliver the modern ideals of human rights and with democratic space for exercise and exposition. In fact, Indian Constitution the united document of the best principles of the world Constitutions can be termed as one of the best rights based Constitutions in the world. The very Preamble which is the gate way to the heart and spirit of the Constitution could well

depict the luminous arrangement of tenets that are basic and incontrovertible for individual to live as a human. Such mechanism within the preface of the law document is well enough to understand the inclusive nature of respect and devotion to the human rights and freedoms meant for the Indian Citizens. The Preamble begins with a promise for constituting India a *Sovereign, Socialist, Secular and Democratic, Republic*. Being the sovereign democratic country it reserved the mechanism inclusively for the noble principles like Justice, Liberty, Equality, and Fraternity. In contravention to the ancient caste customs, mechanisms to accommodate the diversities with no space for discrimination differentiating on caste, religion or professions or occupations of livelihood has found to be demarcated with ethos and essence of secularism. The stated four ethical doctrines in the Preamble to the Constitution elaborately reads- Justice in every aspects of social, economic and political; individual is free to exercise liberty in every aspect of thought, expression, belief, faith, and worship; Equality in the eye of law of status and opportunity; and the Fraternity assuring individual of their dignity, the unity and integrity of the nation. Not only the assurance that has granted for rights and liberty but to deals effectively the exercise, the self-governing mechanisms like independent judiciary for impartial judgment of adjudication, a vibrant press and media has been given the Constitutional mark of guarantees. In the context, the Supreme Court has admitted in having its special responsibility “*to enlarge the range and the meaning of fundamental rights and in advancing the jurisprudence of human rights.*”⁵⁹ On the line the independent India especially in the 90s of the 20th century established Human rights institutions like National Human Rights Commission (NHRC) and with sub Commissions State Human Rights Commissions (SHRCs) in the states. These institutions are meant to vigilant over the functioning of rights exercise in the country. Public Interest Litigation (PIL) is another vibrant and well thought out mechanism to address issues concerning the public interest. Usually and more in common, maximum people rooted with the traditional based society, the weaker and subjugated sections and people eclipsed by the shadows of illiteracy are unable to approach judiciary, and to seek the justice they usually lose the hopes, and therefore there cannot be the question while standing on behalf. In such a case it is always just and appropriate to precede and stand either in the form of someone, say second or the third person representing the issue of public interest to the door of the judiciary. In India PIL has been providing such grounds of approaching the Court. Again the independent India could show the

deep respect for the ideals of human rights having its foundational basis on the Democracy and Secularism. These two concepts establishes the realistic notion of delivering justice and the rightful place for an individual development with recognition of free and full exercise of belief and faith or to live with a conscience. The Secularism, protected by the democratically woven Constitution can, therefore, provides the citizens holding different multi-religious faiths the nondiscriminatory social, political and the cultural aura to profess, and operate and to promote keeping unity and integrity of the nation intact.

Fundamental Rights and its practicability

More to be explicit, the laudable contribution to the citizens have been the provision of Fundamental Rights and the welfare provision of Directive Principles of State Policies (DPSP). The Part III of the Constitution of India had the reserve for the Fundamental Rights, consisting of the Articles extending from 12 to 35. And the DPSP contained in the Part IV and which has reserved the Articles from 36-51 was planned by the framers of the Constitution of making it as an effective mechanism of social revolution. Along with the absorption of different valued principles enunciated in the UNs Declaration, the proviso to include Fundamental rights in the Constitution was settled. The need of such recognition was intended to support the ever existed problem of minorities and thereby to pledge their future with the fullest protection of their rights and livelihood with dignity.⁶⁰ The Fundamental Rights are absolute in nature in the sense is one of the 'Basic Structure' that by no means can be abrogated or damaged by removing its originality from the very place of the Constitution. Therefore, it is more of value worth which is positioned superior to any law, ordinance or the usage and customs or the administrative orders of the land. For the fact of this known established, any law, when found to be violative of fundamental rights would be declared void. Hence, the framers of the Constitution could deliberately preserve the uniqueness of self-existence of fundamental rights by keeping away from any sorts of infringement by the legislative legislation, executive or the judiciary. And significantly it is enforceable in the court of law. The apex judiciary, the Supreme Court has defined appropriately the fundamental rights many a time while coming across complexities of fundamental rights in different situational capabilities. To date the Supreme Court has maintained the status of fundamental

rights not differing from the human rights and significantly proclaimed it to be the modern name of what is traditionally or the conventional talks of *natural rights* existed.⁶¹ A similar way of opinion was placed by the Chief Justice Patanjali Shastri, where did say fundamental rights explicitly those as great and basic rights that are recognized and guaranteed as the natural rights which are inherently meant for the citizens of a free country.⁶² Fundamental rights conferred in the Constitution are the cluster of rights exclusively the inclusive of civil, political, and economic and the cultural, religious rights. More significantly, the close scrutiny of the provisions within the Articles like Article 14, 16, 17, and 19 would be revealing its uniqueness which is in contravention to the rigid caste Hindu traditions and differentiation. Article 14 deals, providing the *Right to Equality*. The right to equality has two sub notions of understanding. While one being the equality before the law and the other, equal protection of the law. The very Article 14 declares that '*the state shall not deny to any persons equality before the law or the equal protection of the laws within the territory of India.*'⁶³ This, in fact, provides the idea of equal justice. Here the phrase 'any person' which is being used in Article 14 is to imply the availability of exercise by any person inclusive of any company, association or body of individuals. Further, the exercise is also open to non-citizens, natural as well to legal persons.⁶⁴ However, the absolute exercise is curtailed which is due exceptions to the 'Rule of law' and say under the provision of '*reasonable restriction*' reserved in the Constitution.⁶⁵

The mindful thought that absolute granting of rights exercise might generate the chaos, henceforth the alternative arrangement of balancing or to deter such, has remain specified in the form of *reasonable restriction*.⁶⁶ Again the fundamental rights which are absolute in the structure remained demarcated flexibly so as, also to accommodate the enjoyment by the non-citizens, however, differ in the legitimate exercise by the authentic citizens of the land. Thus the Constitution of India has categorised fundamental rights into two, i.e. for the citizens and the non-citizens. The first category of fundamental rights meant for the citizens is inclusive of all specified in the Constitution that extends from Article 12 to 35, however, subjected to the situational judgement of the Court of Law.⁶⁷ Referring the fundamental rights meant for the non-citizens, the Supreme Court has specified that those could not claim fundamental rights that are under Article 19⁶⁸ covering the *right to freedoms*. The similar pronouncement was delivered in the *Hans Muller of Nurenburg V.*

Superintendent Presidency Jai stating that Article 19 applies only to the citizens⁶⁹ of the country. However, in accordance with the need of sustaining the Constitutional reservation of fundamental rights for the non-citizens, the Apex Court, in one of the significant verdict, has observed that fundamental rights are available to all the persons of this country. This version, in addition, specified mentioning those who come in India in a different capacity of good purpose, are entitled to guarantees of protection under the Constitutional provisions. The Court further says of their right to life with dignity equally with the citizens⁷⁰. While certain rights like Article 14, dealing with the *right to equality* is basically also opened to the non-citizens and by virtue of guarantees they are free to have the benefit of the provision of equality before the law and the protection of all laws equally without any sense of discrimination. Besides, many articles in the Constitution are to the non-citizens. They includes Article 20, under which they can have the protection against conviction for offences; Article 21 which deals with the life and personal liberty⁷¹ and the extended 21A Article, categorically meant for the education of all the children of 6-14 years is inclusive of children of the non-citizens residing in India. The Article 22 which held the provision of protection against the arrest and detention and the article dealing with the freedom of religion (Article 25-28) are available to all specified 'persons'.⁷² Here the Constitution has uniquely reserved the word 'persons' so as to make inclusive or to make certain rights also available to the so called non-citizens. Thus it holds the general nature of applicability of exercise while not restricting only to the citizens. This further, implies the significant commitment of valuing the human rights of individual irrespective of regions or the country.

Directive Principles of State Policy

The thought of deepening India a welfare state had provoked the founders of the Constitution to preserve the provision of Directive Principles of State Policy (DPSP). Democratic or say the socialist or any kind of progressive system of entrenchment of a country is not of worth while keeping aside the guiding principles of the State. The achievement of economic democracy would rest on how the State functions or the competence to inquire the working agencies. In this context the Constitution framers without making a slip reserved a provision of DPSP, so as to make the proper use of the constitutional guarantees meant for the citizens and all

persons in good faith and capacity. Besides it is also to work out when the hour and situation provide the demand of need for greater interest permissible under the Constitution or the Court jurisdiction. Accordingly the Constitution of India has devoted Article/s 36-51, contained in Part IV to solely embody the said DPSP, which in an appropriate way signifies the policies directing the States to work out for the welfare of the citizens, society and the country. These Directive Principles are meant to entrench a social order. Rousseau acknowledged social order as a unique and sacred right, serving as a foundation for all others.⁷³ This social order as a right cannot be expected from the nature to come rather he believed in the convention, which to us would mean the convention of recognizing under the Constitution. Thus, it has the function to act as an instrument for social and economic revolution. However, it is not legally binding or enforceable under the court of law or say an individual is not assigned the legal rights for remedy when finds an inconsistency with the 'Directives' and, therefore, the success lies in the pledge granted by the States responsively and under the conscience of liability. Article 37 of the Constitution of India has precisely noted the significance of DPSP, stating it as "*fundamental in the governance of the country*" and it "*shall be the duty of the State to apply these principles in the making of laws.*"⁷⁴ The directives are positive mandates meant for the welfare in diverse aspects and because of which, it is worthy to consider inevitable part of the human rights provisions of the Constitution. It acts, also as a reminder of the variety of rights promotion and suggesting the necessary remedy. The assenting interference made by the Supreme Court, more especially from the late 70s of the 20th century has remained an overarching in the practice of the 'Directives'. The democratic country, where we live and boast of is also the home for millions of billions poor residing in slums having no exercise to even the basic needs. In such circumstances the significant decision was taken up by the Apex Court, which it has directed the local institutions⁷⁵, making them obligatory under Articles 38, 39 and 46 have assigned the task of implementing the principles of providing the *right to residence* to the poor.⁷⁶ Article 38 assigns the State to secure a social order mint with justice, economic and the political, strive to eliminate all inequalities. Exclusively, the article 39 reads under its sub sections-article 39(a), meant for the State is to secure for "all men and women equally" the right to an adequate means of livelihood; 39(b) states for the equal distribution of ownership and control of the community resources, at best serving the community good; 39(c) deals with directive to prevent the concentration of wealth

and the means of production that is detriment to common interest; 39(d) that the equal pay for equal work, for both men and women are practiced; 39(e) to make sure that the health condition of the workers is not abused; 39(f) is related to the child and the youth meant for their development, good health and prevention from any sorts of abuse; 39A deals to ensure exercise of free legal aid. The value of this article is immense for the reason it had/has been the instance for interpreting the fundamental rights.⁷⁷ Again emphasizing the need of local governance and devolution of power and structure article 40 is being set forth. Hence, this Article categorically specified the Village Panchayats. The functioning of such local institution is always encouraging to meet the local wants and helps people exercise the rights of representative and the right to voice pertaining to grievances. In fact, Gandhi's notion of democracy at the grass root level may have its realistic only in the proper and decent functioning of such enshrined article. Article 41 is the directive to the State on its economic vibrant to take up the modalities for granting the right to work, education and the public assistance in circumstances of unemployment, to support the old age, sickness and in any other cases of want. Article 42 and 43 basically deals providing the directives that are beneficial for the workers. It is to secure minimum wage living for the workers, congenial and humane conditions of work, the leisure, decent standard of life and also the opportunities in social and cultural aspects. Such directives to deal with the issues pertaining to education and economic interest and thereby to secure the promotion of the aforesaid that of subjugated sections of the society like SC and STs and other weaker sections article 46 has been reserved. Article 47 assigned the duty to secure three important amenities i.e. to achieve and raise the level of nutrition, maintain the standard of living and the improvement of the public health; recognizing the agricultural bonded societies and means to maximum for livelihood the article 48 has been enshrined, giving the special emphasis on agriculture, animal husbandry, and the prohibiting the slaughter of Cow.⁷⁸ And the Article 51 is of international significance i.e. to help promote the international peace and security. Thus the DPSP are of much part and parcel of the human rights and especially making fundamental rights more meaningful. In the context the Supreme Court bench headed by Hegde and Mukherjea, JJ in the famous Case of Keshavananda Bharti v. State of Kerala, AIR 1973 SC 1461 at 1641, held that "*the fundamental rights and the Directive Principles constitute the conscience of the Constitution ...*" further observed that there can be no anti-thesis between the two *...and are supplements the others.*"⁷⁹ Likewise, the most

of the recent judgement in the significance of the Directive Principles and the relationship with fundamental rights has been the Supreme Court in the Case *Ashok Kumar Thakur v. Union of India*, AIR 2008 SC. In the Case, the CJI, Balakrishnan says that there can be no distinction and be made between the two sets of rights. Further, he adds, fundamental rights represents the Civil and Political rights and the Directive Principles signifying the Social and the Economic rights, and categorically confining with the Directive Principles he says the mere non-justifiable of the Directives by the judicial process of law would be worthless to count or to denote that they are of subordinate importance.⁸⁰ The strength of DPSP is that in certain cases, to implement the directives even fundamental rights are mandated to be amended. Again the close scrutiny of article 21 would provide the fact where the judiciary stepped to draw all the principles of the DPSP that are essential for a 'life with dignity'. Because of the judicial interpretation and drawing principles to the fundamental rights, many of the directives or the principles now are flexible to enforceable.

Human rights issues in India

Human rights which are inevitably recognized, assured and guaranteed under different provisions of the Constitution of India has not only acted as rights but become the life line how to lead and adopt the progressive way of development. Development goes vis-a-vis human rights practice. Development can never be separated or thinkable without providing a place of recognition to different aspects of rights. The common parameters to determine the lives of every human being depends on how the concerned government takes up aspects like the dignity, livelihood, and the apposite conditions for realizing the resourceful potentiality in each and every citizen of the land. And more in the globalised world of terrorism and nuclear weapons, the question of security has become the discernible issue of concern. The country like India with the vastness of territory and the diversified cultural and racial composition is always under the threat of fragmentation or often, itself acting as forces contributing the breakdown of the social fabric. The hunger, poverty is another inevitable factor that weakens the very hopes of living as being or the capacity to subsist the normal lives. Therefore, it is the government who should be sensitive towards the citizens and the situations responsibly to protect the human rights. It is India however, overhauling the Protection of Human Rights Act, 1993 the Protection

of Human Rights (Amendment) Bill, 2005 was introduced in the Rajya Sabha. It is more to enhance the working of the National Human Rights Commission which is a fact-finding body. Significantly the fourth decades of the last 20th century could endow with the new hopes under the newly emerged Independent India woven with democratic promises of welfare policies of principles. Nevertheless, the succeeding or the post independent years to present days has been engulfed by the different issues but common, concerning the rights of citizens in India. Thus, the Dalits, SC/STs, the Minorities, women, poor and people in common has been passing under the eclipse of darkness constraining the free exercise of democratic or the guaranteed constitutional rights. Even the rights discourse in India could hardly, and only in the recent years could extend the transgender rights. The Supreme Court of India, in the mid of April 2014 had pronounced the landmark judgment with new hope for the transgender. It declared recognizing their rights and them as 'third gender'.⁸¹ However, the political recognition of acknowledging their claims as rights is still to be anticipated. Taking all those rights issues for practice we counter two aspects of political development. It is the politics of oppression and the other, being the politics of the oppressed as a weapon to deter the acts of the former from actualization. In the reaction, the current India society could witness different heightened scale of mass movement under the placard of oppressed sections. This has indicated the realm of rights crisis in varied fields of political, social, economic and cultural rights. This needed the urgent consciousness on the part of political agents or the government to reinforce peoples' dignity providing the space in the aforesaid fields. Thus, in the context of current scenario of human rights, we may come across many issues of multi-faceted influence. Of the many, however, selective issues would be the effort of focus.

Right issue concerning Children

In the contemporary world of complexities, one aspect i.e. Right to children has much to do in determining the future environment of peace and security. The knowledge journey which is power to conquer the world for dignity and respect could not be practiced unless the children are considered special for treatment. No denying the fact they are the future, they are the thought and nation builder. This needs to begin with the child in the centre pole by implementing those child Rights meant for recognizing their status of special in the greater human society. Internationally the

recognition has well been emphasized through the provision of rights enshrined and assured through different International Conventions and Declaration. Despite that Children had have been largely the victims of the present day gross violation of rights and so the urgent need of the hour, to address globally is to rescue in the light of guaranteed rights to them. The aspect of right especially the Children's Right to Education has to be fulfilled at any cost. Emphasizing the need of education for the children in India 'The Education Commission Report' (1964-66), headed by Prof. D.S. Kothari carried the sub-title Education and National Development and the report further says – the destiny of India is now being shaped in her classrooms.⁸² The report clearly outlined the need of Education for development and emphasized it to begin through the classrooms. The Nobel laureate Kailash Satyarthi, the champion of Child Right urged the Government around the world to make investment more on Education so as to eradicate and protect Children from different evil practices like child labor, etc. He foresees the peaceful society only through the lens of Education reaching to each Child around the globe.⁸³ In fact, Indian Government keeping International guidelines of Conventions passed an Act called Right of Children to Free and Compulsory Education, 2009. There were/are different rights Laws for the protection of children in India. Significant of them are the Immoral Trafficking (Prevention) Act, 1986, The Offences against Children's Bill, 2006, The Child Marriage Prohibition Act, 2006, The National Commission on Children, 2007 and The Juvenile Justice (Care and Protection of Children) Acts, the Educational mission designated as *the Sarva Shikshya Abhiyan (SSA)*.⁸⁴ They are framed and passed as antidotes to evils suppose to have the multi-layer affect on the children in India. Despite the multi security mechanisms the disease affecting the rights of the child has never come to an end in India. In the context, the international institution the UNs International Children's Emergency Fund (UNICEF) (2005) had reported about children in India under the title "*Childhood under Threat*", where it states that millions of Indian children are equally deprived of their rights to survival, health, nutrition, education and safe drinking water.⁸⁵ Further says, "*72 million children in India between 5 and 14 years do not have access to basic education.*"⁸⁶ They even found the girl child being the worst victim as she is often neglected and discriminated against because of the preference for a boy child. It is a matter of concern since more young children remain vulnerable. Kofi Annan says- over half-a-billion children in developing countries are struggling to survive on less than \$1 per day. Therefore, he admits, "*The*

*principle of 'all children, all rights' is still much too far from being a reality.*⁸⁷ Such research output by the external world institution cannot be rejected to hide the realm of children's rights in India. The Independent India is not almost successful to root out the problems faced by the children. In fact, the most threatening to the future of the children in India comes under the identified issues in common but one of the biggest challenge even how to overcome faced by the policy/law makers of the country. These issues are children's educational rights, Child labour, health and nutrition, child trafficking, child abuse, and exploitations and categorically the issue concerning the lives and future of the girl Child. It is a great challenge for a developing country like India with regard how to provide the education, nutrition, health care for the child. Not only how to provide, also the loopholes in the functioning of the implementation carried by the governmental agencies has always been the obstacle. For the reason it has become the important issue having political and the legal matter of concern. They have to become the victims of forced Child labour, victims of trafficking, for the sex industry, etc. The fact lies where India is still an agrarian society where millions of people live on agriculture, often facing the crisis of draught, calamities resulting the economic deficit and so is the case of suicides by the farmers. Those families under such economic conditions never bother assigning their children the economic tasks of earnings. Such conditions of the economic problem in India has thus resulted the Child Labour issue, and day after day in addition to the numbers of Child working as bonded labour. Therefore, it is identified as the real manifestation of violation of varied rights of the children and for which it is very serious and complex social problem.⁸⁸ In the context it is said "*Bonded labor in India is not just an economic issue but a social issue linked with caste.*"⁸⁹ This child bonded labor has the caste affect since children identified as bonded labor are mostly from the hunger ridden low caste, extremely poor while the other side of authority to employ are from a higher caste, wealthy and the powerful sections or the members of the society.⁹⁰ Again the report has published showing 86.6 percent bonded labours from the downtrodden sections like SCs and STs.⁹¹ The Dalits, and child from the Muslim community are found in the silk weaving and sari making factories in large, however, the report has produced the fate of Muslim child labour who are pushed back from some areas like Varanasi due communal violence and attacks on Muslims.⁹² Even the children belonging to those downtrodden sections of the society, the minorities, the Dalits, and street children need to face police

abuse.⁹³ Thus, the moment child is employed for work in an industry as a labour, he/she automatically loses other rights of exercise meant for them. Even the pledge under the law of providing education for children employed in industry has never been materialized. When remain employed they cannot have free and nutritious supplement for health, no space for educational rights, leisure and play, space for mental and personality development or the environment for proper physical growth. Thus, the very idea of labour employment has the disastrous trickledown effect. The close inspection would show the picture where still exist many children who even, have no turn for school and rarely have time to play like the children of the high-class family. They receive no proper care or the nutrition and hence denied the very right for them to feel if they are the Children in real. More categorically, confining to the girl child, they are the one who still occupies a lower status of rights and the benefits compared to boys in India. Often, also the report of such that when a married couple is unable to have boy child to a girl then domestic violence occurs, women need to be the victims, and it is more to be true of reality with the certain illiterate but rigid orthodox society. Women are happen to be abused, tortured or killed for the reason failing to produce sons. According to UN report, India and China are said to eliminate more female infanticides than the number of girls born in the US each year.⁹⁴ Girls child vulnerable to war or the conflict zone is the often becomes victims or the target of sex trafficking. The economic crisis also makes the easy lure with a promise of jobs, however in turn only the racket of sexual industry or the act as prostitutes. Despite the reality, being encountered by such socio-economic scenario in India, the Constitution had compromised on the complete child labour abolition. Hence, the Article 24 of the Constitution of India has provided only the partial restriction in the employment of child as labour.⁹⁵ The concerned article prohibits the employment of the age below 14 years. Besides, below 14 are protected by the Child Labour (Prohibition & Regulation) Act, 1986, which prohibits the hazardous work and regulates in the non-hazardous task of occupations. Further, they are also prohibited under the Factories Act, 1948.⁹⁶ Even the Apex Court of India has directed the complete prohibition of employment in any factory or the mining industry or of hazardous employment. In the context the Supreme Court has passed the judgement assigning the responsibility on the Centre, State or any other governmental agencies dealing with the operations of any contracts or the construction project has to ensure to abide the obligations as directed regarding the employment of the Child.⁹⁷ Moving

a step ahead the Congress ruled PM's cabinet in 2012 had decided to legislate, the complete prohibition of work under 14 years of age and drawing under-18 age from the involvement in any hazardous works.⁹⁸ Despite that India has the high record of Child labour in the agriculture and manufacturing sectors. Even the laws have been alleged in the failing to include a vast section of the children involve in the unorganized sectors. The Census of India, 2001 had showed 12.26 million Child labour of age group of 5-14 years exceeding 11.3 million of 1991. This had shown the increasing trend in the child labour employment. For instance, in Himachal Pradesh, the Census of 2001 has 8.6 percent which it was 5.5 in 1991.⁹⁹ The failure on the part of the Government of India in documenting the exact data of the numbers of bonded or the child labour has well been depicted by the Human rights watch, 2003. It is stated that the central government since do not have the reliable data or how the working of the States whether failed or succeeded has to rely completely on the data provided by the state officials. Even the rights watch happened to encounter official of Ministry of Labour who denied the existence of bonded labour in India so as to rehabilitate.¹⁰⁰ Therefore, the close scrutiny on the varied issues pertaining to Children and the failure on the part of the government provides the disgraceful scenario concerning livelihoods of the children.

Right Issue concerning Dalits, SCs and STs

The free India could do well providing the Constitutional mechanisms for the rights recognition pertaining to diversities. Despite that or just making a glance the scenario of the dignity of the downtrodden sections of Indian society prior to Independence was also the shocking which still continues to exist. The social suppression, economic exploitation has been the legacy where history had recorded the negligence, discrimination under the shadow of orthodox Caste traditions. Records existed and will happen to continue when they were considered the Asuras, uncivilized, the time when failed to comply with the culture, traditions of those people who are superior and the advanced in every societal affairs. The Dalits, who are also known as Scheduled Castes identified at the margin of the society have always been the target of the Hindu caste system for the centuries.¹⁰¹ In reaction to such offensive treatment, Dr Ambedkar took up the issue and so was the voice for the downtrodden sections, the Dalits, SCs, and STs to make realize the provisions entrenched within the

Constitution of the Country. The politics of thought centering the Dalits even was different between nation builders like Dr Ambedkar and Mahatma Gandhi. Gandhi coined the novel term the '*Harijan*' for the Dalits meant to replace the so-called 'Untouchability'.¹⁰² He had the liberal notion of an evangelical approach to strengthen the social status of the Dalits. He advocated bringing the Dalits integrated within Shruddha of the four-fold caste provided by the Vedas. He thought to condemn only the harmful effect like untouchability, and not the caste system itself. While it was Ambedkar having the then all the dreadful and appalling practices and consequences of Caste thought in conflicting to what Gandhi had. Hence to the contrast Ambedkar wanted the entire system of Caste be abolished¹⁰³ for the reason, he saw the system of any sorts of discrimination and injustice to Dalits in the society. He thought of Caste reform through means of Secular, political and by legislative means; however the secular approach was opposed by Gandhi. By this he thought to remove the exploitative relationship of the untouchables to other Caste based Hindus. In condemnation to Gandhi's support for caste, Ambedkar said, "*Mahatmas have come and Mahatmas have gone but untouchables have remained untouchables.*"¹⁰⁴ Despite such complexities, the newly adopted Constitution could give a humanitarian ray of hopes and aspirations to the weaker sections of the society. Article 46 of the Directive Principles of State Policy (DPSP) more comprehensive and straightforwardly talk for the benefits of the weaker sections of Indian society. It reads, "*The State shall promote with special care the educational and economic interests of the weaker sections, of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and protect them from social justice and all forms of exploitation.*"¹⁰⁵ To comply with the guaranteed welfare State the Constitution could provide one of the significant Articles i.e. Article 17 in which it is promised to abolish the practice or the legacy of 'Untouchability' the mother of any sorts of discrimination. To make the practice of the provision the Parliament had enacted certain laws viz. the denoted Untouchability (Offences) Act, 1955 and was amended in 1976 with the vision to make it more stringent. Accordingly came to be known as the Protection of the Civil Rights Act, 1955. The Parliament in the subsequent years when found unaddressed to the issues pertaining to the atrocities against the SCS and STs had enacted the Act, which since then came to be existing under the name The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. While to make the act function the Government of India on March, 31 of 1995 notified the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Article 15 (4) enjoins and empowers the State to make and carry any special provisions for the advancement of socially and educationally backward classes. To strengthen it the Parliament, by the 93rd Constitutional Amendment, 2005 had introduced significant Article 15 (5) of the Constitution. It is specially the educational related article meant for the OBCs, SCs and STs. It is intended to promote the education of the said backward sections of the society helping in matters of admission in the *unaided* educational institutions other than the minority institution for the purpose. To promote higher education inclusively the professional education amongst those socially and educationally backward sections the Parliament, on the 5th of 2007 had passed the Central Educational Institutions (Reservation in Admission) Act, 2006.¹⁰⁶ Related to service security certain specific articles like Article 16 (4), 16 (4A), 335, 320 (4) are being reserved for those sections. For instance, the Article 16 (4) has categorically stated that the State shall make *“any provision for the reservation in the appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the State.”* Again to make their voice reach and participate the decision making of the country seats for political representation are reserved. For instance Article 330 reserves the seat for SCs/STs in the Lok Sabha, while Article 332 in the State Assemblies (Vidhan Sabhas). In 2012, the Supreme Court in compliance with the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ruled that a person who is charged under the Act would not be entitled to anticipatory bail and hence debarred all Courts from entertaining the pleas for relief. The judiciary bench pronounced the significance of section 18 of the Act, 1989 which it created a bar in granting the anticipatory bail. The bench further says, *“When an offence is registered against a person under the provisions of SC/ ST Act, no Court shall entertain application for anticipatory bail.”*¹⁰⁷ Despite all the assured and guaranteed provisions, there is still the existence of discrimination and prejudice, unfairness against Dalits in India. As of today, more than 160 million¹⁰⁸ Dalits lives in misery despite every national and the international guarantees of protection. They still undergo sufferings on the basis of caste, which although remain abolished under the Constitution. They are the subject to atrocious violence including for women to be raped and killed. The very mindset against Dalits has gone rampantly and the inhuman treatment is on the peak. The case of Haryana in a village Pabnava, when the news of a boy of Dalit tying the knot with a higher caste

girl of Rod-Maratha spread, the immediate Caste-Panchayati was called to get the divorce. However when the attempt was failed, the upper caste led armed mob ransacked the hundreds of dalit houses, damaging properties and even threatening the further consequences if dare to challenge the social customs preserved by them.¹⁰⁹ Series of the cases of crimes are recorded from the state Haryana. Shockingly in the month October of 2012, cases of 19 Dalit girls being raped was reported.¹¹⁰ The year followed the 101 cases from across the country and within a few months rose to 180 of cases. Again 212 selected cases of varied nature such as assault, atrocities, rape and murder but in common against the Dalit women got added to the previous records.¹¹¹ Sexual violence has been used as a tool to suppress the progress of Dalit women or a girl. It is said that not unlike the past Dalit women have to face the consequences of sexual abuse repeatedly and violence as a punishment¹¹² to retard them and their progress through school and college education for the fact of being looked as the challenge to the established order. The crime committed against the persons belonging to SCs has recorded the increase of 17.1% in the year 2013. Such cases which were of 33,655 in the year 2012 increased to 39,408 cases in the year 2013.¹¹³

Table: 3.1 National Crime Data on Crimes against Scheduled Castes

(During 2013-All India Crimes 39,408)

Sl.No.	State	Rate of Crime in %*	No. of Crime Against 39,408**
1	Rajasthan	52.98	6475
2	Goa	47.15	12
3	Bihar	40.57	6721
4	Odisha	36.06	2592
5	Gujarat	29.2	1190
6	Madhya Pradesh	25.96	2945
7	Jharkhand	24.54	978
8	Karnataka	24.50	2,566
9	Andhra Pradesh	23.56	3270
10	Sikkim	21.22	6
11	Uttar Pradesh	17.11	7078
12	Assam	.36	8

Source: Crime in India, NCRB, Ministry of Home Affairs.

N: B- The Rate of Crime against Scheduled Castes denotes the number of crimes against the Scheduled Castes per one lakh population of STs. The National Crime Records Bureau (NCRB) has calculated to those crimes records based on 2011 population census.

Note:

* All India Rate of Crime=19.57

***Incidence of Crimes against all India 39,408

The Bureau Records of Data on Crime against SCs in India during 2013 has shown Rajasthan with the highest crime rate of 52.98 against all India average of 19.57, followed by Goa the small State but with 2nd ranking in the crime rate i.e. 47.15. Bihar the 3rd with 40.2 crime rate, Odisha with 36.1, followed by Gujarat 29.2 has set the records against all India average of 19.57. In the context of such crime rate records against the SCs, the States of the North-East exception to Sikkim with 21.22, and Tripura (7.33), Manipur (1.03), Assam (.36)¹¹⁴ rest do not turn to commit the same. While in the context of the records of incidence of Crimes, against all India average of 39,408 Uttar Pradesh recorded the highest with 7078, followed by Bihar (6721) and Rajasthan (6,475). Andhra Pradesh with 3,270 and the next near to it is Madhya Pradesh (2,945).

Table: 3.2 National Crime Data on Crimes against Scheduled Tribes

(During 2013-All India Crimes 6,793)

Sl.No.	State	No. of Crime Against 6,793*	Rate of Crime in %**
1	Rajasthan	1651	17.87
2	Madhya Pradesh	1296	8.46
3	Odisha	791	8.25
4	Andhra Pradesh	672	11.36
5	Karnataka	535	12.59
6	Maharashtra	415	3.95
7	Jharkhand	396	4.58
8	Chhattisgarh	331	4.23
9	Gujarat	224	2.51

10	Kerala	135	27.84
11	Assam	N.A.	N.A.
12	Sikkim	17	8.24

Source: Crime in India, NCRB, Ministry of Home Affairs.

Note:

**Incidence of Crime against all India 39,408

** All India rate of Crime=6.51

N: B- The Rate of Crime against Scheduled Tribes denotes the number of crimes against the Scheduled Tribes per one lakh population of STs. The NCRB has calculated to those crimes records based on 2011 population census.

Thus, according to the Bureau Records on Crime against Scheduled Tribes Rajasthan recorded the highest of 1651 cases against average India of 6,793, followed by Madhya Pradesh with 1296 of crimes. Odisha (791) was followed by Andhra Pradesh (672). While it is the Kerala with the high rate of crimes i.e. 27.84 of the average India rate 6.51. It is again the North-East where the States remain out from the Bureau Records from such crimes rate however only a few exception to Sikkim (17) and Tripura (2).¹¹⁵

Right issue concerning the Minority

The very term ‘minority/ies’ reminds the need for the mechanism of protecting and strategies for their welfare. Minorities are in general marked by their socio-economic and political marginalization in the light of majority¹¹⁶ rule of a country or a society. They may be the result of multi cemented factors which as such be due territorial conquest, colonialism, restructuring of the State boundaries, political rule, genocides, land encroachment or alienation and other or say a combination of these factors. Minorities do not have the permanent nature of existence, but they are the changing social units¹¹⁷ which are always flexible to change or disappear with time and circumstances. When we say a country or a society the land of diversity, those countries or society may naturally be marked by the people belonging to different caste, race or religion. In such a context, minority will be defined based on structures they continue to exist. However, they may also be identified in terms of their margin of participation in different tasks or say in the politics of the country. If such is the situation with no equal political say or in the decision making of the country they can

be termed as 'politically subjugated minority.' The term 'minority' however is still a debated and contested. Despite that the common in acceptance as determinants has been the linguistics, culture, religious, and ethnic. Francesco Capotorti has noted that "*Groups numerically inferior to the rest of the population of a State, who in a non-dominant position, whose members being national of a State possess ethnic, religious or linguistic characteristics differing from those of the rest of the population ...*"¹¹⁸ Such kind of restrictive definition of a minority in terms of statistical quantity would rather make the concept inoperative in the international law. The Article 27 of the Covenant on Civil and Political Rights (1966) has carried the provision of protecting the rights of the minority. Accordingly Article 27 says, any person of any State belonging to defined minorities based on ethnic, religious, or linguistic minorities shall not be denied the rights, also within a community or with other members of their group, enjoying own culture, profess and practice own religion or to use their own language. Such restrictive use of the term provides the grounds to exclude varied categories of existence that comes within the ambit of the minority. Again the recognition differs from country to country. For instance, Pakistan recognizes religion only the basis for the minority. Whereas Bangladesh do not granted the constitutional recognition for the language, religion, or the ethnic groups as the basis for minority identification. In the context of the minority in India, the Constitution has nowhere defined what the minority is/would mean. However, the Constitution has referred only the minorities based on religion and language as the basis. Accordingly India identifies the community belonging to the five religions (i.e. Muslims, Christians, Sikhs, Buddhists, and Paris).¹¹⁹ Now as of 2014, Jainism was granted the sixth community the status of minority.¹²⁰ The Constitution of India begins with a promise to provide the equal status of exercise of justice, social, economic and political to all the citizens. Even it had reserved the provisions for the religious and the ethnic minorities and those within the ambit of disadvantaged classes socially and economically. They are SCs, STs and the OBCs. Constitution of India has devoted of respect to every religion by means of 'Secular' provision. This is what the special having relevance to religious minorities in India. Under this provision, they cannot be deprived of their exercise despite their being numerically small with always fear of subjugation and domination. Article 25 which carries the provision of freedom of religion strengthens the minorities without any fear to exercise their own religion and also to profess and propagate it. However it is under the surveillance of 'reasonable

restriction' that cannot transgress the public order or as lawfully defined. State intervention may exist when they are found propagating or forcing someone against their conscience to convert the religious faith. Article 29 is open to all the religious, linguistics or the ethnic minorities who they can freely without discrimination exercise the right to admission in any educational institutions run or funded by State. In addition Article 30 (1) was provided for the rights of all religious and linguistic minorities to establish and administer educational institutions of their choice. However are subject to State regulation in view to check the mismanagement. Despite all the well assured and protected provisions within the Constitution of India for the restrictive minorities, there has been the series of problems being faced by them. The very birth of India as a free and Independent State has the record of bloodshed grounded by the majority-minority¹²¹ based violence for Partition. The partition had led the lives and security of the minorities under threat and psychophobia on both opposite sides of the then newly drawn sovereign borders. And the post independent India in the name of recognition to certain categories of communities based on aforesaid determinants as minorities some are constitutionally left out from such special recognition. For instance, other than six recognized religions under Section 2 (c) NCM Act, 1992 there are hundreds of thousands of religion which do not fall in any of them. In India State's endeavor to legitimize the homogeneous Hindu identity itself contributed the complexities of acceptance where for the fact has excluded numerous communities having faith in the multi religious from the exercise of religious minority status. For instance, the religion *Bathou/ism*¹²² practiced by the Boro community has the unique name of God and Goddesses professed and practiced since their ancestors. However, there is no such recognition for the said status to it and to such hundreds of religion who are hidden from recognition. In the sense, they are deprived of what is granted the rights categorically under the '*Separate domain*'¹²³ of rights. Again there are thousands of ethnic groups who hold distinct language but with numerically small with speakers. They are always under the threat of linguistic chauvinism intended to make forcibly assimilate and the subsequently the loss in their origin. In the sense, they are in need of special care for the protection and the preservation for their own future generations. However, we do not see provisions implemented for those in an endangered position. They failed even to get recognition in the constitution which is a must for its existence. The problem of minorities within the minorities has been the new floating threats. The linguistic

minorities are sometimes can well be addressed under the mechanism of granting autonomous or by way of devolution of power since they mostly found to be concentrated in one or the other compact areas or the region. The situation of domination within arises when a section within the community becomes politically the legitimized. Whereas in the case of religious minorities it is unthinkable due they remain dispersed all over the territories of the region or the countries. Hence physically difficult to draw a boundary based on contiguous of the populace. Besides, the minorities in India which they had to continue facing the problems in common have been due no recognition by the constitution to the minority group rights. Again, that small populace living in different slum areas or say of the new nomadic of country wide urban has been deprived of no recognition even to have their basic needs. In fact, in India, the minorities have to endure the threats of other of explicit kinds. These are the identity-related issue and the Security issues. The distinct history, traditions and the socio-cultural practice of the minority within the minorities have always been under the threat of assimilation which they never think of compromise. This often advocates the problems about how to make the adjustment with the majority where they are living. Again, it is natural for them to take the fear of security of lives and assets for the reason of their being numerically small and such sense of security threat or the obsession emerges when the majority in rule creates hatred and the environment of deprivation of their exercise of legal or the Constitutional rights. However, it is not to legitimize that minorities who are small in statistical strength are always to be marked by non-dominance and powerlessness nature. Sometimes the majority also happens to be subordinate or non-dominant in position while to the contrast we may find a situation where numerically may small but do have every opportunity¹²⁴ of superseding the majority ranging from social, economic or in political fields.

Issues of the Militarization and the Security threat to rights

The foremost or say the primary duty of the State or the Centre is to provide security to the life and assets of the citizens of the country. The security of life, assets and the rights which we are talking about is always to be from internal as well without any fail to deter the external belligerence in the form of intimidation to the very integrity of the country. Therefore, the Law and Order mechanism is always

demanding to be eye-catching in the budgetary allocation. Such budgetary allocations have had never been subject to criticism as of why so rocketing amount. It is the citizens who can well understand the very provisions that assured every authentic citizen of their safety and the security. This is where the value of protection of a varied form of rights becomes the primary obligations on the part of the Government. Nevertheless, the problems be positioned somewhere, in a very clandestine but are only in addition to the unconcealed events of human rights violation. In the context, the eminent Indian Economist, Amartya Sen has rightly opined that there is hardly any country in the world in which argument involving human rights have not been raised in one context or another in contemporary political debates (Sen, 2005). This is what the floating issues concerning the rights deficit from different nook and corners of the country. In fact, the contemporary threat to the common citizens has been the frequent pandemonium created by the militants. The militants who persist with no crystal-clear identity may hold any sorts of means to realize the ends. This is where they are always found to be violent, targeting the innocents and creating social disorder. The genuine factors that led the authentic citizens to take arms against the government call for an in-depth study. However, the Government of India (GOI) through different parliamentary legislation has legislated different controversial draconian laws. They are such as the Armed Forces (Special Powers) Act (AFSPA), Terrorism and Disruptive Activities (Prevention) Act, The Prevention of Terrorist Act (POTA), National Security Act (1980, amended 1984 and 1987), The Assam Disturbed Areas Act, 1955 and many others. The human rights scrutiny in India is very critical of those laws for the reasons it has acted as the basis of killing the thousands of innocent country wide. The most controversial law if ever existed is the aforesaid AFSPA. It has since been the decades creating the hurdles in sustaining the normal standard of lives. To be more specific, the in-depth study of its experiences in the North-East and the Jammu & Kashmir would provide the real scenario of rights violation. It is the most controversial, which is often condemned as black law provisions granted to the military forces in the said regions. The intention although is the security of the citizens, the problem lies in the immunity granted on the forces. It helps them shield to escape their wrong doings even when proved. It gives them the power to shoot, detain without a warrant on mere suspicion even to comrades of lower rank. If this is, then why can't the Government think [?] about how dangerously without any check may go contrary. This, in fact, encourages the forces deployed in

the declared 'Disturbed Areas' to go free hand killings. It is also the Act that annuls the very spirit of the International Covenant on Civil and Political Rights (ICCPR) to which India is the signatory. The ICCPR through its Article 7 reads, '*No one shall be subjected to cruel, inhuman or degrading treatment or punishment*'. This makes India identify maintaining the dual stands with provisions to kill mercilessly if when circumstances demand. Further, it proves that the Government of India through its parliamentary power of law has maintained for the sustenance of so called extra-judicial killings side by side of the guaranteed Constitutional provisions of rights. The North East (NE) ever since the independence been countering and suffering the violence, destruction of property, killings of human lives several by insurgent outfits and vis-à-vis the ruthless counter activities by the armed forces and often by the States domestic police forces. The region North-East happens to be the home for more than 100 insurgent groups. As of August 2011, the Central government had reported of 79 armed insurgent outfits in six of the eight North-East States.¹²⁵ The government therefore to retaliate the activities of the outfits justified the imposition of AFSPA. Thousands of extra-judicial killings and reports of disappearances has occurred in Manipur, Nagaland and Assam, they are not just the militants but also of political leaders, activists and the civilians. The same has been continued to day. In 2009 the media and the human rights organizations based Manipur had reported the extra-judicial killings of more than 300.¹²⁶ Such reports can have the base of evidence when one present a minute of share to the decade's long sufferings borne by Irom Chanu Sharmila. She individually has been protesting for the cause of humanity raising her voice to revoke the draconian law the Armed Forces (Special Power) Act. The year 2004 had shocked the humanity where could witness the barbaric killings of night bed 32 old women. The report says, she (Manorama Devi) was killed with bullets running from her chest, buttocks and more shockingly left no untouched to shoot on her sex organ. This incident has shocked the conscience of the people country wide.¹²⁷ This is brutality against humanity and is unthinkable if we are to consider India and ourselves as a civilized with democratic spirit of justice and equality. Her instance is just only a case for understanding the morass and ruthless situations. The extra-judicial killings have escalated in different nook and corners of the region for the fact in Assam, Nagaland excepting the considered peaceful State, the Sikkim. Besides fake encounter or say the extra-judicial killings the counter-insurgency or sometimes the all out operation against the insurgency in the North-East have resulted in the widespread

abuse of human rights including torture, mass rape, forced disappearance, detention without trial and restrictions on the freedom of assembly and the expression and the movement.¹²⁸ The issue of rights abuse under AFSPA has also been threatening and creating the fear psycho/ phobia in the minds of children and women.¹²⁹ Because Women, Children and youths are often victims of indiscriminate killings and abuses by security forces in their operations against armed opposition groups.¹³⁰ The Government of India when submitted the report to the Committee on the Rights of the Children (appointed to monitor under the CRC) pertaining to the implementation of Article 38 related to the Children in the armed conflict has highlighted the impact of the conflict on the children of only Punjab and the Jammu and Kashmir. The government report could provide no space of mentions about the fate of children in the North-East¹³¹ which they, since the imposition of such repressive inhuman armed law been suffering. The undemocratic and uncivilized policy on the part of Indian parliamentarians who are adamant to revoke and invalidate despite struggle scarifying thousands of lives provide nothing but only the circumstances for social disorder, mental trauma, stress disorder to the generations decades after decades. The same is the case of rights violation in Jammu and Kashmir since the date of draconian law was imposed in 1990 as per the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990. Killings, abduction, custodial deaths, fake encounters, of youths, children in that trouble torn region has become the regular news of acceptance. Such acts are the attribution of the terrorists as well the armed forces of the government. Thousands of children were killed and hundreds of women were left widowhood lives, many children orphan. It is said that 120 women were turned to widows and 400 children as orphans in the village Dardpora having a population of 2000.¹³² It is also said that hardly a day passes where the killings either at the hands of militants or the security forces do not come. Peoples in the region are mindful of the pending unresolved Kashmir issue where the question of freedom is ever since the independence of India is floating, even reaching the international attention for remedy. The deployment of armed forces may have the justification on the part of the government to curve the menace of terrorist activities, to counter voice of freedom and to guard the international border sharing Pakistan. There was more than enough ground of justifying the innocent killings by the security forces. It was the case of early 20th of January, 1990 when the huge procession was accepted by men, women and children shouting slogan '*azadi*' (freedom), the deployed armed and police forces

indiscriminately started firing as of which 14 people death. Followed by the incidence of 1991 where the security forces had allegedly fired the interment gatherings taking the lives of 15.¹³³ This is not the end story. The massacre of the funeral procession of Shaheed-I-Millat, indiscriminate killings of Kashmiris at Kadal, Chota Bazar, Doda are only a few instances where hundreds of thousands had to face the burning bullets. Again the worst killing of humanity by the Indian force would probably be justified highlighting the cases of (1999) cold blooded murder of Md Ashraf Bazaz (by designation was Bank manager) and his pregnant wife Samia, of age 30. It is said that the duo who were for doctor consultation were stopped by the Border Security Force personnel and letting them out of auto fired in the head from the point blank range and then the driver was asked to carry the body to the nearby police station.¹³⁴ Hundreds of additions to the pages of the regional history of deaths and atrocities by the armed forces and the terrorists are making the heads of records. The close scrutiny of those incidence thus disheartens ones and emboldens to question whom the Indian government is killing, who has authorized to take the innocent lives in today's world of human rights jurisdiction. Often it detracts the very commitment in the spirit of the Constitution which preserved no such feeler to distinguish people based on region or religion. Their actions would, however, mean to justify as if the Kashmiris and the people from the North-East are perpetrators to the laws of the country. The continuation of such inhuman acts and activities against humanities would definitely demolish the self-respect for freedom, and the respect towards the country. Therefore the talk of human rights internationally, grounding massacres or the genocides of killings somewhere in the Rwanda, Bosnia, Congo would be the only part of rights massacre in the said regions of India. The worst type of human rights violation under the nose of Constitution can thus, be experienced in India.

Conclusion

The human rights which are well been recognized as universal under the advocacy of United Nations have influenced Indian Constitutional makers, at least, to make space respecting rights in the Constitution. However the reality of human rights violation in India has provoked human rights activists, civil society workers, educated and many intellectuals of the country. Contrary to the promises of different rights provisions the government of India many a times or often ruthlessly involves

devaluing the very spirit of dignity and humanity. We say that the idea of human rights in India is as old as Indian civilization.¹³⁵ But the practice leading the common people to suffer in fact is that of post Independent mindset of the policy makers. In the name of integration and unity, thousands after thousands of lives in India are pushed to the graveyard journey. There are millions of billions who still making their stay just below the open sky, the slum areas without any humane treatment. They have no opportunity even to access the basic needs or the rights assured to the citizens. More so is that they even fail to understand who exactly they are. Their progenies are deprived of food, nourishment, healthy growth and shelter to rest and leisure. Right to starvation, death naturally becomes the only gateway or the hopes for them. The women, children, the minorities, the beggars are the most sufferer and the easy targets of rights violations. Therefore, it is the policy planners of the country with the decent mindset, in-depth research to remedied ones for all to bid a farewell to such atrocities and abuses. Or else the democratic vision through the constitutional rays of hopes and aspirations for the welfare of the society touching each individual irrespective of region, ethic and religion would be utopia. The reality of human rights events has in fact in the recent years become the yardstick of determining the success of the nation in different aspects of socio-cultural, economic in contributing the justice, equality and liberty. Preservation and security of the cluster of rights of the citizens are paramount since rights are the strength to survive with dignity as a human being, the voices for the weak and downtrodden communities. Without the condition for human rights, the people's wish to live a dignified life, the thought of establishing a peaceful environment would rather be a failure. Hence, India can boost of success in delivering the peace, development and democracy only by nurturing the right space for the rights to be respected, and where due treatment and reasonable enjoyment of lives are recognized.

Reference

- Aloysius, G. (1997). *Nationalism without a Nation in India*. New Delhi: Oxford University Press, pp.22-56.
- Ambedkar, B.R. (1916). *Castes in India: Their mechanism, Genesis and Development*. Lecture delivered before the Anthropology Seminar, New York Columbia University; Punjab: Patrika Publication.
- Attar, C. (1985). *Politics of Human Rights and Civil Liberties. A Global Survey*, Delhi: UDH Publishers.
- Buultjens, R. (1980). Human Rights in Indian Political Culture, in *The Moral Imperative of Human rights: A world Survey*, edited by Kenneth W. Thompson, Washington D.C.: University Press of America, 1980, p.111.
- Charsley, S. R. (1996). Untouchable: What is in a Name? *Journal of the Royal Anthropological Institute*, New Series, Vol. 2(1), pp.1-23.
- Crime in India (2013). National Crime Records Bureau, Ministry of Home Affairs.
- Deshpande, A. (2000). Does Caste Still Define Disparity? A Look at Inequality in Kerala India”, *American Economic Review*, 90:2,322.
- Deshpande. M.S. (2010). *History of the Indian Caste System and Its Impact On India Today* .California: California Polytechnic State University.
- Dhyani, S.N. (1992). *Fundamentals of Jurisprudence: The Indian Approach*. Allahabad: Central Law Agency, p.79.
- Freeman, M.(2011).The value and values of Children’s Right. In Invernizzi Antonella (Eds.), *The Human Rights of Children*.UK: Ashgate Publishing Ltd.
- Goswami, K.G. (n.d.). *Dharma-Sastras: The Cultural Heritage of India*. Vol.V, p.72.
- Hanchinamani, B. (2007). *Human Rights Abuses of Dalits in India in Human Rights Brief*, pp.8-15.

- Hussain, F., Dar, G.R., & Hanief, A.K. (1999). *Can You Deny It? Human Rights Division*, All Parties Hurriyat Conference.
- Haye, B. (n.d.). *The Other Burma? Conflict, Counter-insurgency and human rights in Northeast India*
- Inqilabi, A. (2004). *Quest for Friends Not Masters*. New Delhi: Globe Offset Press, Vol.II
- Iyer, V.R. Krishna. (1999). *The Dialectics and Dynamics of human rights in India*. Kolkata, New Delhi: Eastern Law House.
- Jha, M. (1996). *A Study of Human Rights Organizations and Issues in India*. UK: University of Glasgow, Thesis.
- Jois, M.R. (1990). *Legal And Constitutional History of India..* Bombay: N.M. Tripathi Pvt. Ltd. Vol. I. p.13.
- Jordens, J.T.F. (1975). Hindu Religious and Social Reform in British India. In A.L. Basham (Eds.) *A Cultural History of India* (pp.365-382). Oxford: Clarendon Press.
- Kashyap, S.C. (2001). *Our Constitution: An Introduction to India's Constitution and Constitutional Law* New Delhi: National Book Trust, pp.94-151.
- Massey, I.P. 2002). *The Minority Rights Discourse in India*. Shimla: Indian Institute of Advanced Study, p.25.
- Mohanty, M., Saxena, K.B., & Sebastian, G.(2011). *Weapon of the Oppressed: An Inventory of People's Rights in India*. Council for Social Development, Delhi: Danish Books,P.31.
- Mwchahary, B. (2012). Philosophy of Traditional Bathou Religion of the Boro community. *Global Research Methodology Journal*, Vol. II (7), 2012-13. PP.1-7.

- Gadkar, P.B.G. (1965). *The Historical Background and Theoretic Basis of Hindu Law-The Cultural Heritage of India*. Bombay: Asia Publishing House, Vol. II .p.421.
- George, S.J. (2011). North-East India: Issues of Human Rights and the State Policy. In A.S. Anand & A.V. Afonso (Eds.), *Human Rights in India: Theory and Practice*. (p.317). Shimla: Indian Institute of Advanced Study.
- Mitra.K. (1982). Human Rights in Hinduism. *The Journal of Ecumenical Studies*, Vol.19 (3), spring, p.77.
- Narwani, G.S.(2011). *Atrocities Against Scheduled Castes and the Scheduled Tribes*. New Delhi: Rawat Publications.p.35
- National Human Rights Commission (2012) *A Hand Book on International Human Rights Conventions*, New Delhi www.nhrc.nic.in/Documents/Publications/A-Handbook-on-International-HR-Conventions.pdf
- Nizami, Z.A., & Paul, D. (1994). *Human Rights in the Third World Countries*. New Delhi: Kirs Publication.
- No Anticipatory Bail in Cases under SC/ST Act: Apex Court, *Pratiyogita Darpan*, November, 2012, p.474.
- O'Hanlon, R. (1985). *Caste, Conflict, and Ideology: Jotirao Phule and Low Caste Protest in Nineteenth-Century Western India*. London: Cambridge University Press.
- Radhakrishnan, S. (1958). *The Bhagavadgita*. London: George Allen & Unwin, p.276.
- Ramaiah, A. (2013). Growing crimes against Dalits in India despite special laws, *The London School of Economics and Political Science (LSE)*.
- Rape as Atrocity in Contemporary Haryana (October 31, 2015). *Economic and Political Weekly*, Issue No. 44, pp.47. It was the effort of WSS (Women

Against Sexual Violence and State Repression). www.epw.in/.../rape-atrocity-contemporary-haryana.html

Saksena, K.P. (2001). Human Rights and Wrongs. In *the World Focus Monthly Discussion Journal Journal*. Vol. 22(1), pp.3-6.

Sekhon, J. (2000). *Modern India*. Boston: McGraw-Hill.

Sharma, A. (2010). *Hindu Narratives on Human Rights*. California: Praeger.

Sharma, V.(2012). Indian Human Rights Regime-Lessons for the World democracies & globalised world. International Political Science Association, Madrid.

Sinha, P.C. (2002). *Encyclopaedia of Human rights*. New Delhi: Anmol Pubs. Pvt. Ltd, Vol.1.

Sivananda, S. (2000). *Bhagavad Gita*. Terhi-Garhwal, UP: Divine Life Society, p.vi.

Subramanian, S. (1997). *Human Rights: International Challenges*. New Delhi: Manas Publication, p. 57.

Thapar, R. (2002). *The Penguin History of Early India: From the Origins To AD 1300*. London: Penguin Books.

Transgender Rights in India. (2014). *The New York Times*, Editorial Board, April, 25.

Varma, S. (2011). Terrorism and Violation of Human Rights in Jammu and Kashmir. In A.S. Anand & A.V. Afonso (Eds.), *Human Rights in India: Theory and Practice*. (p.329). Shimla: Indian Institute of Advanced Study.

Verma, P.S. (1994). *Jammu and Kashmir at the Political Cross Roads*. New Delhi:

Vikas Publishers.

Weber, M. (1958). *The Religion of India*. New York: The Free Press, pp.55-100.

Zelliot, E. (2005). *Gandhi & Ambedkar: A study in Leadership*. Pune: Jambhala Books.

Endnote

¹India besides the rights philosophy at home showed its commitment by signing different International Conventions. Hence it is the signatory to different Conventions and declarations as to note UDHR, International Convention on the Elimination of all forms of Racial Discrimination (ICERD, 1968), International Covenant on Civil and Political Rights (ICCPR,1966), International Covenant on Economic, Social and Cultural Rights (1966), Conventions on the Rights of the Child (CRC,1989), Convention on the Elimination of All forms of Discrimination against Women (CEDAW,1979), Conventions on the Rights of Persons with Disabilities (CRPD, 2006), Forced Labour Conventions, 1930 ratified in 1954 , Abolition of Forced Labour Convention, 1957 ratified in 2000, International Convention for the Protection of All persons from Enforced Disappearance (ICPAPED, 2006) SIGNED IN 2007 however yet to ratify it, and many other conventions.

² Indian dharma or the period of Vedic not unlike the Babylonian Laws of Hammurabi or the Assyrian laws of the Middle East could place India as Champion to human rights throughout the civilization of mankind.

³ For details see *The Dialectics and Dynamics of human rights in India* by V.R. Krishna Iyer.

⁴ It becomes, at the same time the source of contestation when the so-called dharma is found lying in the much divided functional operations by the category of people based on caste line.

⁵ Referred Justice Rama Jois: *Legal and Constitutional History of India*, p. 13.

⁶ See *Dharma-Sastras: The Cultural Heritage of India* by K.G.Goswami, p. 72.

⁷ Noted in *Indian Human Rights Regime-Lessons for the World democracies & globalised world* by Vandana Sharma, International Political Science Association, Madrid, 2012

⁸ *Ibid*, p.3

⁹ Tana is implying the body, Skridhi to dwelling place, and Jibhasi to life. These references in the Vedas imply that human right was not unknown to ancient Indian Civilization. This is a kind of recognition to civil liberties.

¹⁰ See *Bhagavad Gita* by Sri Swami Sivananda, p.vi.

¹¹ See *The Bhagavadgita* by S. Radhakrishnan.p 276

¹² Quoted in the “Human Rights in the Third World Countries” edited by Z.A. Nizami & Devika Paul, p.107.

¹³ It was here that Kautilya took up to elaborate the rights formulated by Manu.

¹⁴ See *Human Rights : International Challenges* by S. Subramanian.

¹⁵ Here the quoted statement in the Arthasastra itself indicates the rightfulness towards duty implying the moral or the legal obligations of the King/s i.e. meant for the welfare of the subjects.

¹⁶ See ‘The Historical Background and Theoretic Basis of Hindu Law-The Cultural Heritage of India’ (1965) by P.B. Gajendra Gadkar. Bombay: Asia Publishing House, Vol. II .p.421.

¹⁷ For details see ‘*Nationalism without a Nation in India*’ (1997) by G. Aloysius. New Delhi: Oxford University Press, pp.22-56.

¹⁸ Cited in the “Does Caste Still Define Disparity? A Look at Inequality in Kerala India” (2000) by A. Deshpande, *American Economic Review*, 90:2,322.

¹⁹ *The Religion and Philosophy of the Veda and Upanishads* (1925) by Arthur Berriedale Keith, London: Oxford University Press.

²⁰ *History of the Indian Caste System and Its Impact On India Today* by Manali S. Deshpande California Polytechnic State University, 2010.

²¹ The best general introduction to such hierarchical position based on religion was highlighted by Max Weber, in his work *The Religion of India* (1958), the Free Press, New York, pp.55-100.

²² The stated four castes in practice have numerous sub-castes. *Jati*, which may be translated as caste are usually derived from the occupations with hereditary nature of belonging to one of the four varnas. However the The caste and *jati* here did not annul each other, rather had different origins and functions. Also see *Human Rights in Hinduism* by Kana Mitra, in the *Journal of Ecumenical Studies*, Vol.19, no, 3, spring 1982, p.77.

²³ For details see *The Penguin History of Early India: From the Origins To AD 1300* by Romila Thapar (2002).London: Penguin Books.p.10.

²⁴ *The Religion and Philosophy of the Veda and Upanishads* (1925) by Arthur Berriedale Keith, London: Oxford University Press, p.440.

²⁵ *Ibid*,p.481

²⁶ See *Untouchable: What is in a Name?* by Simon R. Charsley, in the *Journal of the Royal Anthropological Institute, New Series*, Vol. 2., no. 1, 1996,pp.1-23.

²⁷ See *supra*, footnote 70,71.

²⁸ Here education was meant only for the upper caste with no provisions for the lower caste categorically the shudras. For details see *Caste, Conflict, and Ideology: Jotirao Phule and low Caste protest in Nineteenth-Century Western India*, (1985) by Rosalind O’Hanlon, Cambridge University Press, and London.

²⁹ See *The Penguin History of Early India: From the Origins To AD 1300*, by Romila Thapar. London: Penguin Books.p.36.

³⁰ For details see “Human Rights in Indian Political Culture”by Ralph Buultjens., in *The Moral Imperative of Human rights: A world Survey*, edited by Kenneth W. Thompson, Washington D.C.: University Press of America, 1980,p.111.

³¹ See “A Study of Human Rights Organizations and Issues in India” by Munmun Jha, Thesis, University of Glasgow, UK, 1996.

³² It is categorically specified in the *History of the Indian Caste System and Its Impact On India Today* by Manali S. Deshpande California Polytechnic State University, 2010.

³³ Mr Senart uses the “Idea of Pollution” while defining Caste.

³⁴ *Castes in India: Their mechanism, Genesis and Development*. Lecture delivered by B.R. Ambedkar before the Anthropology Seminar, New York Columbia University on 9th of May, 1916.

³⁵ Basically it is referring to the situation where man’s life was said to be divided into four stages such as benning with bramacharya, grihasthya, vanaprastha, and the last stage sanyasa. For details see Romali Thapar’s work.

³⁶ Human Rights in Indian Political Culture by Ralph Bultjens (1980), in *The Moral Imperative of Human rights: A world Survey*, edited by Kenneth W. Thompson, Washington D.C.: University Press of America, 1980, p.112.

³⁷ See *supra*, endnote 70,71, & 73

³⁸ Dandaniti implies the punishment policy arranged for those who violate or deviate from functioning the assigned task. However this practice under *dandaniti* differs from one caste group of people to other that is to say more stringent and fearful punishment for those who are within the fold of lower caste, say Shudras.

³⁹ The Penguin History of Early India: From the Origins To AD 1300.Londonby Romila Thapar (2002), Penguin Books.

⁴⁰ Dharma while referring to the duties to be performed by the lower class seems to be injustice in the light of nature of occupations assigned for them. In such a case it is unthinkable to consider dharma with such discriminatory principles as the model of moral order or for humanity. See 'Fundamentals of Jurisprudence: The Indian Approach' (1992) by S.N. Dhyani. Allahabad: Central Law Agency.p.79

⁴¹ *ibid*

⁴² See *The Penguin History of Early India: From the Origins To AD 1300* ,(2002)by Romila Thapar.London: Penguin Books.p.9.

⁴³ The concept is well focused by Max Weber in his study of the religion of India, focusing Hinduism.

⁴⁴ For details refer *Hindu Narratives on Human Rights* (2010) by Arvind Sharma. California: Praeger.

⁴⁵ See *Modern India* (2000) by Joti Sekhon published by McGraw-Hill, Boston.p.55.

⁴⁶ See *Indian Human Rights Regime-Lessons for the World democracies & globalised worl* (2012), Vandana Sharma, Madrid: International Political Science Association (IPSA).p.4

⁴⁷ When J.S. Mill penned down for his 'On Liberty' he had the pronouncement to exclude not only the backward nations and women from the rights to exercise liberty but held it as something as fine thing which is not competent for the Indians under the colony. This implies the colonial masters or the communities as the only sole authority to enjoy liberty.

⁴⁸ Pataharughat is a revenue circle within Darrang District of Assam. In 1894, in the said place more than 140 peasants, protesting the imposed high revenue were killed indiscriminately and left hundreds injured. This incident is recorded as Patharughatar Ran and the place, hence later called as Assam's Jallianwala Bagh.

⁴⁹ Here the quest for Self-determination was inclusive of political, civil, economic and the cultural freedoms and so for self governance.

⁵⁰ Mahatma Gandhi loved to call Untouchables with the name "Harijans" exposing as the 'sons of the God.'

⁵¹ The time was there when the Untouchables were considered impure and so unfit to enter any Hindu temples governed by the higher caste Hindus.

⁵² SEs was sought to be exclusively of the Untouchable voters that would be electing the representative from the Untouchable to the legislature.

⁵³ *Emancipation of the Untouchables* (1972) by B.R. Ambedkar. Bombay: Thacker& Co., Ltd.pp.55-56.

⁵⁴ For details see ‘*Nationalism without a Nation in India*’ (1997) by G. Aloysius. New Delhi: Oxford University Press, pp.22-56.

⁵⁵ It was the established horrendous customs prevailed for the widows to go for immolation within the funeral pyre of the husband.

⁵⁶ Under the Widow Remarriage Act of 1856, the Widows were provided the rights for new or the restoration of lives holding family.

⁵⁷ For instance they reserved the policy of Assam Land and Revenue regulation Act, 1886 for the hill states and plain tribals in Northeast Assam.

⁵⁸ See ‘Hindu Religious and Social Reform in British India’ by J.T.F. Jordens, in *A Cultural History of India* (1975), edited by A.L. Basham, Oxford: Clarendon Press.pp.365-382.

⁵⁹ This significant admittance was declared in the case *Ajay Hasia v. Khalid Mujib*, AIR SC 1981 487 at 493

⁶⁰ For details see *Our Constitution: An Introduction to India’s Constitution and Constitutional Law* (2001) by Subhash C. Kashyap, New Delhi: National Book Trust, pp.94-151.

⁶¹ This was referred by the Chief Justice Subha Rao in the famous verdict of *Golak Nath V. State of Punjab*, AIR 1967 S.C. 1643 at 1656.

⁶² The Chief Justice Patanjali Shastri had opined such status of fundamental rights while coming across the judgement for *State of West Bengal V. Subodh Gopal Bose*, AIR 1954 S.C. 92 at 96.

⁶³ *The Constitutional Law of India* (2011) by J.N. Pandey, Allahabad: Central Law Agency.p.77

⁶⁴ *Ibid.* p.79

⁶⁵ In the light of rule of law difference may wake up for instance public officials like the police officers can exercise to execute the power of detaining and arrest permitted by law but private citizens cannot think of discrimination of their being debarred. For *reasonable restriction* see endnote (infra 65).

⁶⁶ The *reasonable restriction* implies the limit set in the full exercise of rights so that it might not infringe in the right of others. In other words the rights exercise cannot be the absolute.

⁶⁷ Since the exercise of fundamental rights are not absolute, sometimes the Court of law may debarred the excessive exercise for instance for the greater Public interest or sovereignty, and interest of the specified categories of peoples like STs and SCs.

⁶⁸ It was provided in the judgement of the Apex Court. See for details *Anwar V. State of Jammu and Kashmir*. AIR 1971 S.C. 337

⁶⁹ AIR 1955 S.C. 367

⁷⁰ It is observed in the *Chairman, Railway Board and others V. Mrs. Chandrima Das* judgement. AIR 2000 (1) S.C.265

⁷¹ Here the ‘Personal Liberty’ has the widest meaning and it includes variety of rights.

⁷² It is in compliance with the International rights recognition and assurance of rights against arbitrary arrest, killing, inhuman treatment, slave, forced labour, child labour ; right to equality; freedom of religion and belief and many more assured rights and freedoms for the Non-citizens. For details see *The Rights of Non-Citizens* (2006), Office of the UNs High Commissioner for Human Rights, United Nations, New York: Geneva. And also see *Our Constitution: An Introduction to India’s Constitution and Constitutional Law* (2001), Subhash C. Kashyap, New Delhi: National Book Trust, pp.94-151.

Also see *Our Constitution: An Introduction to India's Constitution and Constitutional Law* (2001), Subhash C. Kashyap, New Delhi: National Book Trust, pp.94-151

⁷³ For details see *Enlightenment and Revolution, 1680-1840* (n.d.) by Jean-Jacques Rousseau.

⁷⁴ *The Constitutional Law of India* (2011) by J.N. Pandey, Allahabad: Central Law Agency

⁷⁵ The local institutions like Panchayat, Zilla Parishads and the Municipalities has to rise fund at own disposal meant to serve the poor families of the locality.

⁷⁶ See *Laxmi Kant v. Union of India*, AIR 1987 SC 232.

⁷⁷ Was referred in the *Kesavananda Bharti v. State of Kerala*, AIR 1973 SC 146

⁷⁸ The directives under article 48 is to prevent the slaughter of varied, therein specified categories of animals, namely the cows, calves and the other cattle. Also for details see *Mohd. Hanif Quareshi & Others vs the State of Bihar*, SC 1958. In compliance with the Directives in article 48 the Supreme Court in the Case, *State of Madras v. Smt. Champakam Dorairajan* had reiterated that the ban on the slaughter of cows even on the day of slaughter did not mean violating the fundamental rights of the petitioners under Article 25. The Court held that the sacrifice of a cow on that day was an established obligatory overt act for a mussalman to exhibit his religious beliefs and idea

⁷⁹ See the Supra, footnote-121, p.1491

⁸⁰ Ibid,p.1491-1492.

⁸¹ The Supreme Court denounced the Section 377 of the IPC, finding it to be gender discriminatory. With the Court's judgment transgender will be treated as the third gender as identity. Accordingly they are now free to go beyond the option of male or female. See The New York Times under heading Transgender Rights in India, April, 25, 2014.

⁸²Barooah Debo Prasad:Understanding of Knowledge and Quality Education.“Basiram, the legendary Hero”, published by BSS.

⁸³ Sikkim Express,31-oct-2014

⁸⁴ Government of India adopted in 2001-2002.

⁸⁵ Unicef Report 2005 on Children.

⁸⁶ ibid

⁸⁷ Kofi Annan, in “*The Progress of Nations 2000*”

⁸⁸ See the Child Labour Always right in front of you but Why constantly hidden from your view?, Prognosys e Services Pvt. Ltd, 2012

⁸⁹ This statement is provided by Kiran Kamal Prasad, the director of JEEVIKA, the NGO involved in the free rehabilitation of the bonded labourers and also training the officials for the purpose.

⁹⁰ To understand the connection of bandage and the caste in details, see *Human Rights Watch, Broken People*, pp.139-52. <http://www.hrw.org/reports/1999/india/India994-09.htm>.

⁹¹ See the report of the Ministry of Labour, GOI, *Annual Report 2000-2001*, p.181.

⁹² See Human Rights Watch (2003), January, Vol.15 (2 C).p.41.

⁹³ See the Human Rights Watch, “Epidemic of Abuse: Police Harassment and the outreach workers in India”.

⁹⁴ It is from the article titled “It's a Girl: The three deadliest words in the world” by Ram Mashru.

⁹⁵ For details see *M P Jain: Indian Constitutional Law* (2010) (6th ed.) by Justice Ruma Pal & Sama Raditya Pal, Gurgaon: Lexis Nexis Butter Worths, p.1312.

⁹⁶ It prohibits in all the factories under 14, however based on medical fitness report, children of age of 14 and 15 are free to work in factories. They are, like all other workers covered by the Bonded Labour system (Abolition) Act, 1976. See Human Rights Watch (2003), January, Vol.15(2 C), p.82

⁹⁷ Ibid, p.13

⁹⁸ It is however, yet to be passed by the subsequent government. 2014 Findings on the Worst Forms of Child Labor, reported by the Bureau of International Labor Affairs, India

⁹⁹ See the Child Labour Always right in front of you but Why constantly hidden from your view? ,Prognosys e Services Pvt. Ltd, 2012

¹⁰⁰ See Human Rights Watch (2003), January, Vol.15(2 C), pp.49-51.

¹⁰¹ Growing crimes against Dalits in India despite special laws, A. Ramaiah, *The London School of Economics and Political Science (LSE)*, 2013

¹⁰² In the *Harijan*, 'Jan' is devoted to 'People', while' Hari 'represents the 'God'. In other words represents the Dalits to mean them the *people or the sons of God*

¹⁰³ See for more knowing the "Gandhi & Ambedkar: A study in Leadership" (2005), by E. Zelliott, Pune: Jambhala Books.

¹⁰⁴ See *Attrocities Against Scheduled Castes and the Scheduled Tribes* (2011) by G.S. Narwani, New Delhi: Rawat Publications.p.35.

¹⁰⁵ *The Constitutional Law of India* (2011) by J.N. Pandey, Allahabad: Central Law Agency, p.417. Also see for details the *Weapon of the Oppressed: An Inventory of People's Rights in India* (2011), by Manoranjan Mohanty, K.B. Saxena & Gilbert Sebastian, Council for Social Developmen, Delhi: Danish Books. P.31.

¹⁰⁶ For details see *M P Jain: Indian Constitutional Law* (2010) (6th ed.) by Justice Ruma Pal & Sama Raditya Pal, Gurgaon: Lexis Nexis Butter Worths,p.1301, 1302.

¹⁰⁷ No Anticipatory Bail in Cases Under SC/ST Act: Apex Court, *Pratiyogita Darpan*, November, 2012, p.474.

¹⁰⁸ See *Human Rights Abuses of Dalits in India*(2007) by B. Hanchinamani, Human Rights Brief,pp.8-15.

¹⁰⁹ Katulkar, R. (2013). Atrocities Against Dalits: The Pabnava Incident. *Economic and Political Weekly*, Vol.XLVIII No.28, july 13.

¹¹⁰ Rape as Atrocity in Contemporary Haryana (2015), *Economic and Political Weekly*, October 31, Vol. L (44).pp.47

¹¹¹ It was recorded and released by the *Peoples Media Advocacy and Resource Centre (PMRC)*, the Dalit media Watch group in the month of July, 2015.

¹¹² WSS 2014

¹¹³ Crime in India 2013, National Crime Records Bureau, Ministry of Home Affairs

¹¹⁴ For more information see Crime in India 2013, National Crime Records Bureau, Ministry of Home Affairs.p.108.

¹¹⁵ For more information see Crime in India 2013, National Crime Records Bureau, Ministry of Home Affairs, p.114.

¹¹⁶ Here the 'majority' is used to indicate the single community or the ethnic groups who is in majority.

¹¹⁷ For further information see Towards Understanding Ethnicity by P. Sen Gupta in the Ethno nationalism: Indian Experience (1991) (ed) by Arun Ghosh.

¹¹⁸ See for details The Minority Rights Discourse in India (2002) by I.P. Massey, Shimla: Indian Institute of Advanced Study, p.25.

¹¹⁹ These five religious communities were given the status of minority under Section 2 (c) of the National Commission for Minorities Act, 1992.

¹²⁰ As of 2001 census they had the population of 0.4% (42 lakh) and in 2014, 30th January the GOI had granted the status of 'minority religion' as proposed by the Congress led cabinet and was as per Section 2 (c) of the National Commission for Minorities Act, 1992.

¹²¹ Here the 'majority' and 'minority' denotes the 'Hindus' and the latter the 'Muslims' who had the counter revolt to have distinct but sovereign land.

¹²² *Bathou/ism* is the traditional religion of the Boro community, the autochthon in the land of Assam has since time immemorial continued to practice *Bwrai Bathou* as the supreme and infinite with *Sijou* plant as the living symbol of soul for worship. Here the Holy word *Bathou* is composed of two words 'Ba' and 'Thou' and hence 'Ba' implies 'five' and 'thou' means 'deep' and this exposes the meaning the deep faith/ thought in the five spiritual entities. In fact the religion is based on the philosophy of five principles. These five spiritual elements are *Ong (Sky)*, *Hring (Earth)*, *Khling (Water)*, *Fwt (Fire)* and *Che (Air)*. For information see Philosophy of Traditional Bathou Religion of the Boro community by Barhungka Mwchahary, *Global Research Methodology Journal*, Vol. II (7), 2012-13.

¹²³ Basically the COI has recognized two sets of rights. One is 'Common domain' and the other being 'Separate domain' of rights. the former categories of rights is meant for all the citizens of the State. Whereas the latter sets of rights are specially meant for the religious and the linguistic minorities.

¹²⁵ See for details Ben Hayes' The Other Burma? Conflict, Counter-insurgency and human rights in Northeast India.

¹²⁶ See Independent Citizen's Fact-Finding Report to the Nation, Nov. 2009. *Democracy 'Encountered': Rights' Violations in Manipur*, p.20

¹²⁷ North-East India: Issues of Human Rights and the State Policy In A.S. Anand & A.V. Afonso(Eds.), *Human Rights in India: Theory and Practice*. (p.317). Shimla: Indian Institute of Advanced Study.

¹²⁸ Asian Centre for Human Rights (2010). *India Human Rights Report 2009*. Also see the Report of UN Special Rapporteur on Extrajudicial Execution to the UN Human rights Council A/HRC/4/20/Add.1 (Para. 18).

¹²⁹ It was reported by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child 2000. Also see *Brief insight on Indigenous Children and Youths detention in selected region of Asia* by Jiten Yumnam. Forum for indigenous Perspectives & Action/ Asia Pacific Indigenous Youth Network

¹³⁰ For details see Amnesty International Report, India: Operation Bluebird, A case study of torture and extrajudicial executions in Manipur, Oct. 1990, AI Index ASA 20/17/90. Also see *Manipur: The Silencing of Youth*, the Amnesty International, May 1998. AI Index ASA 20/05/98

¹³¹ *Manipur: The Silencing of Youth*, the Amnesty International, May 1998. AI Index ASA 20/05/98

¹³² Terrorism and Violation of Human Rights in Jammu and Kashmir, in A.S. Anand & A.V. Afonso(Eds.), *Human Rights in India: Theory and Practice*. (p.329). Shimla: Indian Institute of Advanced Study.

¹³³ See Jammu and Kashmir at the Political Cross Roads (1994) by P.S. Verma. New Delhi: Vikas Publishers.

¹³⁴ *Can You Deny It? Human Rights Division (1999)*, All Parties Hurriyat Conference. Prepared and compiled by A.K. Hanief, G.R.Dar and Fida Hussain. Srinagar, December, PP.5-7

¹³⁵ Indian dharma or the period of Vedic not unlike the Babylonian Laws of Hammurabi or the Assyrian laws of the Middle East could place India as Champion to human rights throughout the civilization of mankind.

Chapter 4

State of Human Rights in Bodoland Territorial Autonomous Districts: Lessons from the field

Introduction

Human right which knows no region/al barriers or say caste or the community differences has however been escalated by different sources to such an extent of eroding the very nature of its existence meant for the humanity in the true sense of the term. In the context, the question of human rights in Bodoland Territorial Autonomous Districts (BTAD) which of no exclusion to other parts of the North-East (NE) remain thought provoking concern that requires visit and rethinking over the grown crisis. The post independent India could hardly do anything for the sustenance of people's rights in the region. The region had succumbed with the frequency of violations of rights, and the experiences of the humiliation of dignity and the normal lives. The general public here runs with no adequate security while the treatment to them in neighbour cities shows no difference. Human right, justified as natural, inherent and universal is indispensable for the community and regional development. Reversely, the many fold issues- corruption, insecurity, socio-economic and political crisis, unrest, exploitation, discrimination left no untouched infringing the rights and normal lives of people in the North-east. The very foundation of civilized India requires the practice complying with the spirit of freedom, equality, and justice. In fact, citizens are assured under the written Constitution, the highest law of the land. The materialization therefore, will justify what type of State India is or is that in compliance with the democratic vision of the Constitution makers. The contrary would send our lives back to the savage state of nature predicted by philosophically based theorist Thomas Hobbes.

Bodoland Territorial Autonomous Districts

Bodoland Territorial Autonomous Districts (BTAD) lies to the extreme foothills of Northern Himalayans, bordering Bhutan and is the region ever since the creation to date being dominated by the Bodo politics. It was founded amending the

sixth Schedule of the Constitution of India and demarcated the shape under an Accord.¹ The region is presently composed of four districts.² The governing assembly of the area is named as Bodoland Territorial Council. The Composition of the Council runs with 46 number of members with the acronym MCLA and of which six are reserved to be nominated by the State Governor. Again of the 40 seats, 30 are reserved for the Scheduled Tribe candidates while other being the open. So far the populace of the area is concerned it is estimated nearly 32, 00,000 (approximate) within the geographical arrangement of 8,795 sq/km, running with density of 326 sq/km.³ Boro speakers are the single largest group followed by Bengali Muslims in BTAD. BTAD is the autonomous region carved out of the existing districts of Assam and the arrangement of such was made by amending the provision of the Sixth Scheduled of the Constitution of India. The region which is claimed to be the heartland of Bodos and where the grounds of proposed Bodoland lies remained one of the most 'disturbed zone' in the context of internal security, law and order situation. It is the autonomy, ruled by the Bodo dominated politics (pro tem) but the jurisdiction of home affairs responsible for policing rested with the Assam State government. Since decades the region had the experiences of becoming the valley of hatred and the ethnic clashes. Thousands lost their lives out of stated conflict (s); numbers of recorded and unrecorded innocents were killed by the militants. But the government is resting where to put the political card. Delivering justice is still awaiting while the records of such heinous acts are in addition. When people resolute for justice, and seek the political change the every subsequent government happens to advocate extra- judicial killing, veiled killing as a deterrent. Thus in the regime of controversial politico- ideology and laws, the idea of human rights practice, meant for 'highest aspiration' of the common people remained just a utopia. Noted Indian Economist, Amartya Sen rightly say that there is hardly any country in the world in which argument involving human rights have not been raised in one context or another in contemporary political debates (Sen, 2005). In the genre, the rights situation in BTAD deserves the status of the despicable state of functioning. The pages of current day history, when looked, will suggest where the people in the said regions had to undergo injustice, hardship, revolution after revolution even to have the basic minimum needs- roti, kapra and makan. Still the region has been the ground for fights in the name of identity, land, reservation, minority protection and so on. Diverse sections of people from the region are discriminated also by none but the

government of India and respective states. The colonial stereotyped model of exploitation over shadowed the justness and even sowing the seeds to arm themselves against meted injustices and often fighting against each other. As the fact goes reflected the historical records of militancy emergence.

Analysis and Interpretation of data

The present study has been made to understand the perception and the sensitivity of the people based on their experience and knowledge on human rights situation in BTAD. This attempt is made based on the data collected through structured interviews/schedules as well unstructured ways. Data was collected using variables like sex, age, religion, occupation, and language and place of residence(s). Similarly, perception(s) of respondents on ethnic relation at their areas, the number of ethnic conflicts they have experienced, experiences during such conflicts whether they are directly or indirectly affected are some of major variables. An attempt is made to understand whether any changes are brought by the ethnic conflicts and other sorts of right violation and more specially in the social, economic and political life of the people residing in BTAD. The effort has also been made to understand the role of the government and its institutions like police, and also role of army in deployment, activities of militant(s) and also the role of Students' Organisation(s) towards the society in BTAD. On the basis of the variables therefore, the chapter has attempted to find the situation of rights and its impact on the lives of people. However, the analysis and interpretation are planned to undergo based on the respondents' perception.

Composition of Respondents

The respondents is composed of 100 interviewees however only 90 samples could be taken into account since rest 10 interviews with the respondents remain shortened due to inescapable circumstances. The selection of the sample size is prepared taking certain variables like- number of male and female (sex), variation in age, religion, occupation and language. The respondents were from the four districts of BTAD. However, due to time constraint and vastness of the area each and every corner of the four districts couldn't be covered. Nonetheless, in addition having the respondents from the area of easy reach special focus was made to cover the respondents from affected areas of violence generated ranging from ethnic conflict(s),

militancy to atrocities committed by army and police forces. During the field work, every precaution was being taken to include different speakers (Bodo, Assamese, Bengali speakers, Nepali and the Hindi speakers) as respondents to obtain their perception and the views pertaining to their personal experiences and comments on the prevailing situations. The area covered are- Bhagatpara, Udalguri, Tangla, Paneri (Udalguri district); Gossaigaon, Serfanguri, Charaibil (Kokrajhar); Bijni, Runikhata, Garubhasa, Bengthol (Chirang); Mushalpur and Kumrikata (Baksa). During the survey, few workers from different organisations like All Bodo Students' Union, All Assam Students' Union, Assam Adivasi Students' Association, All Bodoland Minority Students' Union, Bodoland Students' Union, All Koch Rajbanshi Students' Union and All Assam Gorkha Students' Union were interacted. Also, the members of Adivasi literary body and Bodo Sahitya Sabha were found to be noteworthy.

Structure of the respondents on the basis of Sex

The total sample population comprised of 55 males and 35 females. Putting the emphasis on Sex their way of understanding and the experiences they have had in the field of rights exercise in different situations is thought to be counted. A difference in perception between male and female respondents was clearly visible. Female respondents were often encouraged by male members to participate in the interview. However this doesn't mean that all the male respondents didn't hesitate to response to all the queries. In fact many were not ready to respond given the sensitivity of the issue. Notwithstanding, the work however, could show some valuable perceptions to analyze the situation.

Table: 4.1 Categorisation of the respondents on the basis of Sex

Sex	Number	Percentage (%)
Male	55	61.11
Female	35	38.89
Total	90	100.00

Source: Fieldwork, November-December 2015

Structure of the respondents on the basis of Age

The age of the respondents was diverse. Maximum emphasis was given to respondents above the age of eighteen. The number of respondents of the age group between 18 to 50 was predominant. It was as high as 50 percent. In scrutinizing the age groups, respondents of the age of 18 years are taken in the lower limit with an interval span of 12 in the table. Respondents of the age above the 61 years are counted in the lowermost interval column.

Table: 4.2 Categorisation of the respondents on the basis of Age

Age Groups (Years)	Male	Female	Total	Male %	Female%	Total %
18-30	12	10	22	13.33	11.10	24.45
31-40	09	13	22	10.00	14.44	24.45
41-50	13	08	21	14.45	8.88	23.33
51-60	12	02	14	13.32	2.22	15.55
61-70 and above	09	02	11	9.10	2.22	12.22
Total	55	35	90	60.20	38.86	100.00

Source: Fieldwork, November-December 2015

Structure of the respondents on the basis of Religion

The respondents were categorised within the fold of four religious groups inclusive of the traditional religion 'Bathou' practiced by the Boro community and 'other' option of religion. In the division and distribution of respondents on religious ground, 35.56 were found to practice the Bathou religion (of the total percent of the total respondents). Again 28.89 per cent Muslims against 27.78 percent practicing Hinduism which is also against 5.55 percent Christians and 2.22 per cent respondents from the 'other' option provided. The number of female respondents from the Bathou religion is comparatively little more to Hindu and Muslim background of faith. While much less was found comparatively amongst the Christian female respondents to the

male counterpart respondents. However, religion was not measured as a criterion to choose the sample size.

Table: 4.3 Categorisation of the respondents on the basis of Religion

Religion	Male	Female	Total	Male%	Female%	Total%
Hindu	14	11	25	15.56	12.23	27.78
Bathou*	20	12	32	22.22	13.34	35.56
Muslim	17	9	26	18.89	9.99	28.89
Christian	3	2	5	3.33	2.22	5.55
Other	1	1	2	1.11	1.11	2.22
Total	55	35	90	61.09	38.86	100.00

Source: Fieldwork, November-December 2015

*N:B Here 'Bathou' represented the main religion of the Boro community which they do not want to be identified within the fold of Hindu. However many of respondents from the said community is also within the fold of Hindu and Christianity (religious conversion).

Based on above (Table 5.1) the Quantity (number) of Respondents and the Percentage (%) of the Male and Female is shown separately under the sub Pie and Bar graph.

Figure: 4.a Classification of the Number of respondents and Percentage (%) on the basis of Religion

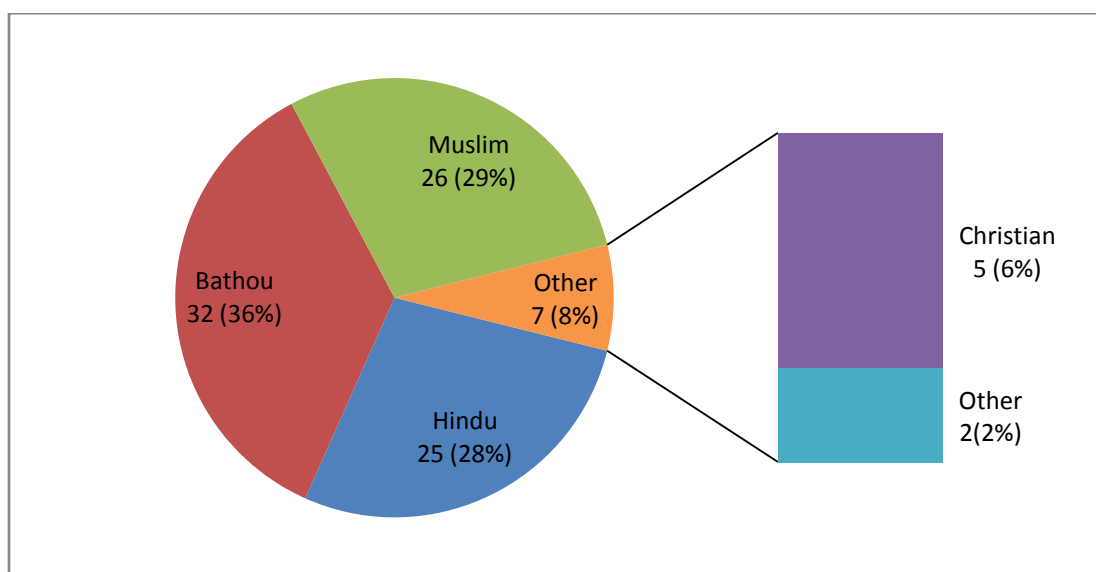
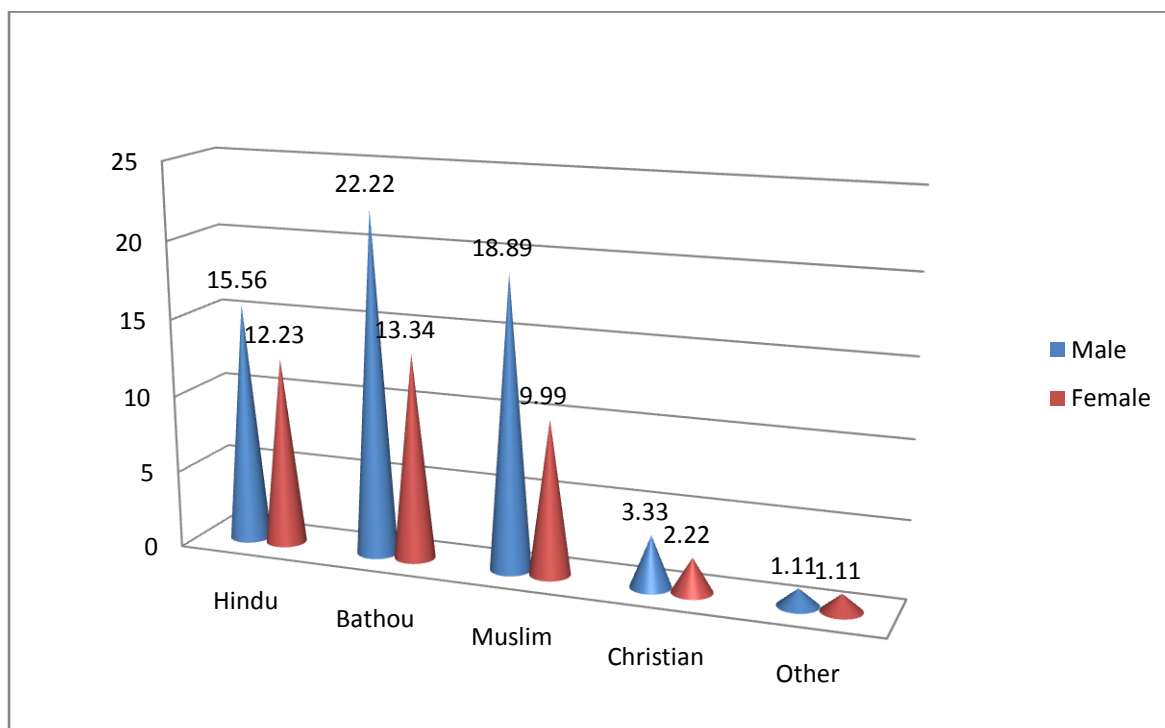


Figure: 4.b Bar graph showing the classification of the Percentage (%) of Male and Female respondents on the basis of Religion



The Bar graph in figure 2.1 has shown the highest number of percentage (%) of respondents figuring 22.22 % of male with Bathou[ism] as faith. It is followed by the second highest percentage (%) of respondents belonging to Muslim male category (18.89).

Structure of the respondents on the basis of Occupation

Thirty-three respondents of the total were found to engage in agriculture and other related works. Twenty respondents had teaching profession. Of them, ten were engaged in primary schools, five in upper primary schools, three in high schools and one lecturer in junior private college and the other being in the provincialised college. Six respondents were the security personnel serving as Indian army, CRPF, SSB and police. Nineteenth of the total respondents were engaged in small scale business like tea stall, stationary shop, vegetable vendors in daily and weekly markets and few were the milk men. Three of the respondents were found to be engaged in the private sector. And the rest nine respondents were the students studying in different government and private colleges.

Table: 4.4 Categorisation of respondents on the basis of Occupation

Occupation	Male	Female	Total	Male%	Female%	Total%
Farmers	22	11 [#]	33	24.44	12.22	36.67
Private labourers	03	00	03	3.33	00	3.33
Small scale businessmen	10	9	19	11.11	9.99	21.11
Security personnel	05	1	06	5.6	1.11	6.67
Teachers	11	09	20	12.22	9.99	22.22
Students	04	05	09	4.44	5.55	10
Total	55	35	90	61.14	38.86	100

Source: Fieldwork, November-December 2015

#since the eleven female respondents are found to engage in agriculture related farm works they are counted in the category of farmer.

Structure of the respondents on the basis of Language

The respondents have been divided on the basis of language speaking categories of people. They are Bodo, Assamese, Bengali, Nepali, and Hindi speakers. No single community was taken to be of priority as respondents to understand their victimization of human rights violation. Rather attempt was made to involve every speaker as respondents for an in-depth interview through structured as well unstructured mode of the questionnaire. Peoples position and their role during the ethnic conflicts as well victimization of the acts militants and militarisation or say the atrocities of police acts. Inclusively some key intellectuals, leaders of political parties, civil society, and advisers of certain militant groups under Suspension of Operation (SOP) were interviewed. Equal emphasis was being made to have Bodos, Adivasis, Bengali-speaking Hindus, Muslims, and the Gorkha community for the interview.

Table: 4.5 Categorisation of respondents on the basis of Language

Language of the respondents	Male	Female	Total	Male%	Female%	Total %
Bodo	29	19	48	32.22	21.10	53.33
Assamese	08	4	12	8.9	4.44	13.33
Nepali	03	3	6	3.33	3.33	6.67
Bengali	11	8	19	12.22	8.9	21.11
Hindi	04	1	05	4.45	1.11	5.56
Total	55	35	90	61.12	38.88	100.00

Source: Fieldwork, November-December 2015

Analysis and the Interpretation of data based on the perception of the respondents

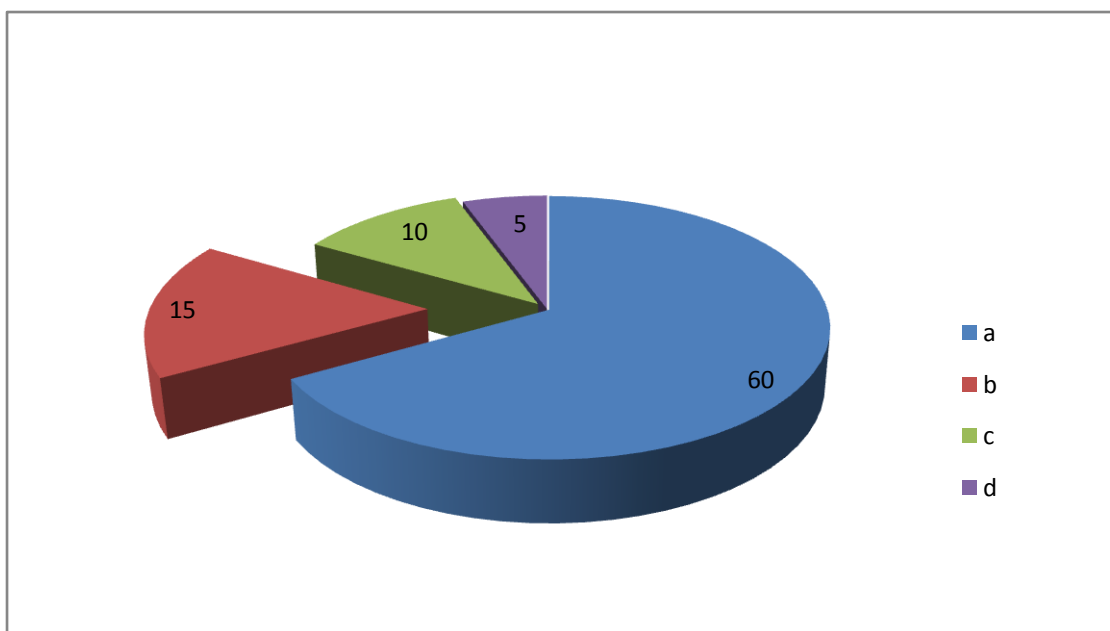
Based on the specific sample, an effort has been made to understand the respondent's perception with regards human rights situation keeping in mind their observation and experiences. To make the logistic understanding, different but correlated variables are being arranged and deployed also to acquaint whether the respondents experienced the violations of their rights, victims to any sorts of sources of human rights violation in the area. Of the many variable certain sub units on respondents perception on militancy ridden acts of terror on daily lives and rights, ways of understanding the ethnic conflicts; how they perceive and for what reasons to the extent of violating the rights of the common people in the area. Understanding on women and children's rights status would be another variable from the respondent's point of view and more especially during the conflicting situations and the critical inquiry on the support from the State mechanisms. More significantly, deploying the separate sub-units attempt has been made to see the responses of the respondents on the role played by the State, regional⁴ as well the Central government. It arranged to

understand from the security agencies deployed in the conflicting situations, and in times to curb the menace of militancy. It is to find their idea about the role of government, civil society and State humanitarian agencies in the area. The alike arrangement has also been made to see, if they had observed in the area from the respondent's perception on the impact or say the changes on the social, economic and the political rights due to ethnic conflicts and other related forces generating rights violation. The views of the respondents which found predominantly to be qualitative in nature of expression are placed to quantification provided limited criteria for the respondents to communicate their views and experiences.

Respondent's sensitivity to the rights situation in Bodoland Territorial Autonomous Districts

The data available on this specific right situation sought to know appears to suggest the negativity of its status of existence. The deplorable state of conditions of rights is focussed when put to analyse the data provided by the respondents. Out of 100, 90 respondents turn out throughout the survey. It is shown below-

Figure: 4.c Pie graph showing the figure of responses about what respondents perceive to the situation of rights in BTAD



Nature of choices represented by a, b, c and d.

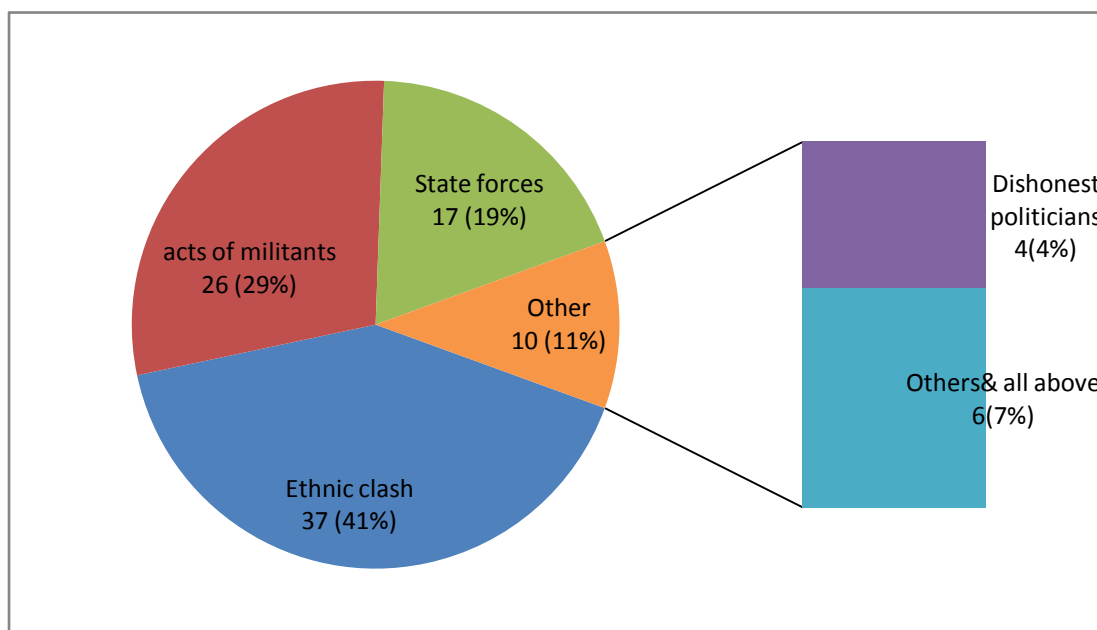
- a-very worse
- b-worse
- c-good
- d-can't say

The respondents are provided with the four choices to strike out to indicate their observation of rights situation in BTAD. The choices are good, worse, very worse and can't say. Deploying this arrangement the data was collected which these can be quantified based on their nature of views. Here in the figure 1, (a) represents 60 numbers of respondents of the total 90 who argued the rights situation in the area as very worse; (b) 15 numbers of respondents indicated good; (c) 10 numbers of respondents indicated the scenario as good; however it is (d) 5 numbers of respondents who had the choice to strike 'can't say'. Among the highest 60 respondents 37 numbers were male followed by 23 female as respondents to have claimed the rights situation as very worse. Those respondents were from diversified communities holding different economic and social status and positions. In the interaction one respondent says⁵ *“human rights situation in BTAD has reached to such a height of eroding the very values of life and survival as a human with free movement and works.”* Interestingly most of the respondents who had the option for 'good' situation deny providing any justification to their stand. The variable put to understand the nature of existence of rights state of affairs has therefore found to be brutal and unacceptable to the majority of the respondents of the total 90.

Respondent's Identification of 'actors' and 'reasons' generating the rights crisis in the area

The respondents of the total 90, 37 had the option for the *ethnic conflict* as the major source generating the violation of rights in BTAD. 26 respondents alleged the acts of terror created by the militant group as the major force violating the rights of normal lives. 17 numbers of respondents didn't hesitate to claim security forces indicating army when deployed as violators of rights. Dishonest politicians were the other target group of 4 respondents identified in the arena of instigating and fuelling the rights deficit in the area. The rest 6 respondents stood for the 'other' option.

Figure: 4.d Pie graph showing the classification of the number of respondents having different Opinion on the generator of right violation



The *Figure 4.1* has shown the number of respondents in relation to the opinion provided identifying the actors/reasons generating the frequent violation of people's rights in the area. During the interview majority of the respondents i.e., 37 of the total respondents 90 didn't hesitate to strike ethnic clash as the major source inflicting the violations of rights. This ethnic clash in possession as a factor is further put to analyse below.

Respondent's perception on the Ethnic conflict(s)

The data in possession from the field appears to help project respondents' perception that ethnic clash has become the source of generating rights' violation. Also holds the opinion that it annihilate the inter community relations and the environment for common societal development. They feel that ethnic clash provides the ground of sharp lines dividing the ethnic groups; the political functioning in the area and every comes to be counted on ethnic lines which are the apex stage of conflict and counter conflict making rights violation enduring. Of the 37 (41%) respondents, who stood identifying the ethnic conflict(s) as a source of rights' deficit 25 are happened to experience the situations.⁶ Of the one respondent says, "*Ethnic clash cannot be end up with the mere saying or bucketing water when needed. Because of such acts on the part of government there is no end of such eventuality.*"

Permanent solution lies in finding the roots not in the force deployment to shoot either the side not abiding the instructions controlling the flare up situations. It is the ethnic conflict further says, not only brings loses of rights of holding material properties but also the right to live a normal life as being. We are afraid what and when our children may go victim to such clash". Next respondent, himself physically the victim of the affected area says, *"I saw men being killed like animals, I saw my house and neighbours' being burned down. I lost my live earning possessions, my dear ones, my moveable property burned down, destroyed; cow, cattle of not knowing where reached, and who deed?."* When interviewed what they think factors contributing such clash between the ethnic communities one of the respondents says, *"a minor quarrel, physical affected fight for personal matters between individuals of two ethnic groups may any time sharpen the tension between the ethnic groups they represent. Rumours have always been the ingredients driving the force to flare the communal tensions. Affect in one part of the region takes no time reaching the other parts to counter act without finding alternatives to send the message of normalising the situation".* Respondents also opted to say that at any point of time a small spark may bring communal hostility. It has also been argued, where they say *"in many cases there was the involvement of the third party, which came to light but no proper action or the legal procedure, found to arrest. This further aggravates the situation."* His opinion is to the fact of reports related to the incident of 30th June, 2012 where two persons belonging to Muslim labourers had to face the bullet attack. This incident which happened at Sapkata under Gossaigaon Police Station was taken to be the handy work of Bodo insurgents but in no time police inquiry could reveal the involvement of Adivasi armed groups.⁷ Likewise, the killing of two Muslims by identity on 6th July 2012 has worsened the clash between Bodos and Muslims on the supposition of Bodos involvement. However, the investigation could show the involvement of the third party– the Kamatapur Liberation Organisation (KLO). This report was placed on the floor of Rajya Sabha, which on the report the then Union Home Minister Sushil Kumar Shinde, has stated that *"On July 6, Kamatapuri Liberation Organisation terrorists fired indiscriminately at Muslimapara Gaon under Gossaigaon Police Station killing two persons belonging to Muslim Community and injuring three persons. KLO terrorist was arrested in connection with the case registered in this regard. Though this was communicated to the Muslim people of the area, it was not believed by them and they strongly suspected the hands of Bodo miscreants in the*

incident.”⁸ During the conflicts, the tension and bitterness deepen in such a way that nobody ever thinks that there can be an interaction between the individual of the opposite communities. Significantly they also revealed that soon the clash comes to normal everything between the conflicting parties comes to normal as usual. However reserved to say the fear psycho that last many years and the change of perception to ‘we’ and ‘they’. The respondents who had seen the conflict recalled to narrate the burning of their neighbour’s house, villages, and the mob how they appear with bows and arrows, and swords to demolish and burn down the differing challenger party. One respondent in his old days to die narrated what he had in his reminiscence to say, *“I rescued myself and so I am today...I could manage to escape the burning of the house and the edge of the sharp weapons...you can see the remnants of the burning utensils.”* This narration is his recollection of the events of 2012 Bodo-Bengali Muslim conflict. Of the 27 respondents who happened to witness and experience, 13 were from the district Udalguri where they experienced the bitter taste of Bodo-Muslim clash of 2008. Again of this 13, 8 represented the Boro respondents, four Muslim, and followed by one Adivasi. 7 were from the Kokrajhar district who were the victims of 2012 ethnic clash between Bodo-Muslim. One respondent says, *“it was the clash between the two neighbour communities (Bodo and Muslim) the two sides attacked had left nothing but the loss of lives, displacement in lakhs and with no proper resettlement and rations. Security becomes insecure to serve the greater interest so as to check such happenings in the near future. We are in need of proper security for peace and rebuilding the strain relation so that we and they can hold back to their normal workings.”* This narration of the victim is, in fact, provides the logistic understanding of the post days of the clash. It appears that the ethnic conflicts advocate the multi-layer violation of rights. The respondent talked of certain important outcomes as a consequence of clashes such as displacement in lakhs that deprives the right to hold one’s property, belongings, and a minimum standard of living. When they are in the refugee camp no per health and water services, no enough rations are provided, these, in turn, brings the violation of the right to food, right to live with dignity. Security arrangement is not enough to restore and calm down the burning situations or say after the trouble-torn consequences of events. Even it appears from the perception of the respondent that peace is essential to be restored which to them need be the priority in the hands of State agencies and the government. Whatever be the case inflicting the clash to flare and flame they desire to have back

the usual and rebuilding the lost relations between the involved parties. They wished such so as to gain their economic rights of working thereby to rebuild their economically demolished family and to care their children. Throughout the interview some respondent who pointed the ethnic conflict(s) as a major source were unable to provide the clear picture since they admit of their lacking in knowledge and in having no experience of direct affliction to violence.

Indirect affliction caused by the ethnic clash(es)

It is understandable from the data in hand to the fact, where other than the kind of directly affected (conflicting parties) victims there also appears who happened to become the victim in a different way. Direct affliction involves killings, destruction of properties, resources, business setup, houses and buildings when targeted by the opponent conflicting party. The question and the situation of indirect affliction arise when other than the conflicting parties naturally or forcibly become the victims of the consequences resulted by the conflict (s). Broadly it includes the refugee status out of fear of violence, police atrocities along with the members of conflicting parties. 13 % of the 37 (who took ethnic clash as a factor) numbers of respondents opined that they were directly affected by the conflicts that occurred between neighbour ethnic groups. They had to take shelter in the relief camps when their houses were burned, their business settlements were demolished. It is the respondent hailing from the district Chirang, who argued that in different cases of such conflict they (Gorkhas) were directly affected. One respondent says that they share the common village(s) with the Bodos in different places of the districts where often because of such becomes the target of attack. However, they argue that they were not intentionally the targets of the conflicting ethnic parties.

Respondent's perception on the Militants' act of terror

No denying the fact India as well beyond territory has acquainted with the news airing the acts of terror created by different insurgent groups in the area. BTAD has been the home to many insurgent groups belonging to different ethnic communities and representing ideological differences. The common logic to argue any insurgent or the terrorist group is that they may, at any time opt *means* attempting to achieve even if their *ends* (demands) are of never possible. The whole world

community has had the bitter experiences of inhuman acts and havoc left and created by them. In the context, therefore, attempt has been made to identify and understand the extent of rights violation generated by the insurgent groups in BTAD. This attempt is sought to be understood from people's point and experiences to their undemocratic and violent activities.

Of the total 90 respondents, 26 from different surveyed places had strongly and critically put to blame the acts of different insurgency groups. Of these 26, 15 respondents had the chance to experience the bitter treatment meted by the insurgent groups. One respondent of age around sixty says, *“the future of any community cannot rest on any insurgent groups and on their acts which are always anti-human. Our community experienced the widest setback since there were killing and counter killings amongst BLTF and NDFB, targeted the counter supporters in the 90s of the 20th century. They involved in the killings of different innocent Bodo intellectuals like Bineswar Brahma,⁹ Swmla Basumatary,¹⁰ Mohini Basumatary,¹¹ and Jwhwlaio Baliram Boro. Now on what basis do you think to justify the acts of killings carried by the insurgents?”* Another respondent says that *“no development and peace is possible until there presents is resisted and root out from the society. Contractors cannot involve in any developmental tasks of contract in building bridge(s), roads, etc. They come up with a demand note and until the payment is made they keeps our lives under the threat of killing. Life-threatening sometimes makes us pay but, in turn, becomes security threats from the State forces as regard why we pay, which again is a crime. So what to do [?], the option is with us whether to save our lives or to give up our tasks of contracts. We cannot even think of giving up since we need to think for little earning for the betterment of our children.”* Participating as respondent, who happened to be non-Bodo had argued the injustice done to their neighbour who had the demand of extortion. At the same time, he opined that it is for them in different cases and situations the ethnic relations sharing same roads and rivers and paddy field had to undergo strains and conflicting days. Another women respondent of age category 18 to 30 had her exposition, *“because of extremist groups, their extortions, threats to lives have traumatised us and innocents. Children often listen killings, bloodshed, tears shed by parents –they are much psychologically affected. Don't know when extremist and their activities will die down.”* Another respondent, [district Chirang] had narrated the case of Sonam,¹² who was killed by NDFB on the mere

suspect of being acting spy of the army. The respondent to his knowledge claimed the boy as innocent. Even he narrated how Priya Basumatary, a school going teenager from his neighbour village Dwimugri was killed open calling media agency just on the mere suspect of her to be a spy. Few respondents also took to narrate the incidents of 2014 killings in Ultapani and Serfanguri of Kokrajhar inclusively in the outer BTAD, the Sonitpur district. Adivasis were the target who lost their lives to the bullets of NDFB (S), not only they took the innocent lives of women and children but also rejuvenated the bygone days of strains relation between Adivasi and the Bodos, says the respondent. It is also, however very significant when one respondent who himself was a former militant, now the mainstream argues that it is nowadays very complex who is the real culprit, acting behind the bullet and killings the innocents. He cited the example of the incident that had on May 2012 where the culprit killing 2 innocent Muslims was none but from KLO (Kamatapur Liberation Organisation) that was admitted by the administrator only after everything on both sides of Bodos and Muslims went ashes. It thus appears so from the respondents' sensitivity that militancy have had been acting not only the act of terror violating and taking the rights of the common people in BTAD but also deep psychological distress amongst the normal youths.

Respondent's sensitivity on the role of State forces and the military deployment

It is the Constitutional basis that the State, police and military forces are basically the mechanisms with priority providing the citizen the every possible civil and security aids. It fact the law and order safeguarding mechanisms requires well-planned policy by the State to meet any sorts of violations or threats to the lives of citizens. Guided by this common logic, it has tried to be looked from people's point of view about how they perceived the role of police and army deployment in general and in particular during burning situations like killings of innocent peoples by the militants and ethnic violence. It is tried to understand whether they could rely on their task as honest services and feel safety under their vigilance. It appears from the field where 17 respondent of the total strongly expressed their distress to accept different unethical activities often displayed to action by the army in deployment. One of the respondents says, *"many of the past killed and killings after any sorts of militant left trouble torn situations is in doubt whether killed are really the culprit. Every time*

they killed, they display arms, ammunition in possession, from where does those excess guns, ammunitions comes into the hands of the army.” Another respondent holds the opinion that they feel more insecure when somebody informs, come to know that armies are heading to their village side. He further says, *“we, then become sure that they are here with some smell or with wrong reasons to suspect and to detain innocent youths in the name of militants.”* In the context, there was the case where, in 2012, 21st December three youths were picked up by the army in a civil dress from the daily market. The torture in the Mushalpur army camp led the two death whose body in few days were found from two different area with bullet mark. While the third with the grimmest injury managed to escape the death and so could inform the fact publicly.¹³ Again coming to the role of police during ethnic conflict situation and in the post-conflict period maximum respondents of 50% of total 90 had exposed bitter experiences. They voiced against their failure to protect lives and properties and generating enduring peace in the post-conflicting days. In this context when dealt to know whom the respondents are supposed to blame identifying political party [ies] it becomes problematic to come down to the conclusion since there appeared subjectivity influence in most of the responses and opinions. Opinions from the Bodo respondents pointed without a pause to State government. One respondent even says, *“State government, be it under any party always intended policy of burning down the Bodo areas. When some miscreants attack us, our houses and villages State wakes up and reach to help when everything comes down and burnt to ashes.”* As regard BTC authority maximum respondents from the Bodo community wanted more communal harmony role which, they however accepted BTC administration’s powerlessness to mobilise police forces even when they wanted to meet any sorts of conflicting or rights violating situations. One BPF led political representative when asked regarding how he defends peoples’ critical eye on their role in failing to protect the rights of people of irrespective of ethnic lines in different cases and situations, says there might be political interest behind to tarnish our image and to blame the community as a whole. And further says, *“our party holding in power to administer BTAD is always handicapped to help people for the simple reason we cannot direct or use police mechanism or maintain law and order which is State subject. But it is not that we did not try or sidelined from our services to the people of safeguarding rights in BTAD.”* Again, excepting the few non Bodo respondents, many alleged BTC administration failure complying with to protect lives and properties of the people.

They provided the examples of Udalguri and Kokrajhar communal violence, killings of innocents, extortions, and kidnappings in the nose of BTC administration. It so appears contravening the above views of admittance of the political representative who happened to be a respondent.

Thus, the field experiences show the findings where the democratic state apparatuses meant for the internal security often runs contrary to functions assigned to it. For instance respondents' opinion with the functioning of different agencies like the police, military and their intervention, operation against militants and other anti social elements goes beyond to create fear psycho in the form of open harassment, arresting innocent students, peasants from the field. Respondents' perception therefore holds relevant in the light when R.N. Ravi, the retired IB Chief of the NE region had the thoughtful remark, *"since the year 2000, over 10,000 people have been killed and over 30,000 arrested by the Army and yet Assam does not talk about it..."*¹⁴ On 11th December 2013 Chirang (BTAD) witnessed the mysterious killings of the two innocent students of class 6 and class 10, and the other being seriously injured. The police and army countered the allegations, saying those killed children as trained NDFB (S) cadres with AK 47 rifles so did the encounter.¹⁵ However, the case was moved to the Court for justice. Related to this case one respondent says, *"how can one even think of school going children, whose parents for daily bread needs day long sweats and labour and more to say is that they were of class six and class ten could take up AK 47 weapon against the army as they claimed. Is not that harassment to parents, villagers and to young generations? There are ample of such cases but aggrieved with no justice"*. Thus, the land supported by the respondents' opinion if not for time being is to be considered facing the gross violation of human rights where not only the anti-social elements but the also the role of State/Centre through agencies like police, army, paramilitary forces are examined to have involved in sponsoring the institutionalised violations and fear psycho to the upcoming generations of the society.

Respondent's perception on the rights of Women and Children in Bodoland Territorial Autonomous Districts

Women and children who are equally the part and parcel of the societal progress cannot so be denied its inevitable place in human society. Children are the

potential building of the society and nation. Women can never be discarded from their being the inevitable in contributing the progress of society. The progress of the society on the other side remains in the opportunity and the capabilities provided the space to access without any biases or prejudices. Mahatma Gandhi said, “as long as the women of India do not take part in public life, there can be no salvation for the country.”¹⁶ This prophetic axiom goes for women’s significance indifferently with male the counterpart. However in the contemporary world, where advancement in every sector is visible, they to the contrary in economic, political and cosmopolitan cultural arena are nowhere free from varied structured complexities of injustice. Thus they, in the contemporary could hold core place if not in the political discourse worldwide. In the context, therefore, attempt was being made to see how their rights in different situations in BTAD stands fit of recognisable.

From the respondents where women turned 35 of the total 90 had intricate comment and views with regards women cutting cross societal and ethnic differences. They are/were more prone to conflicting situations that not only harms their rights touching different aspects but also the very dignity and her modesty of living as being. The violence be it in the form of ethnic conflict, say terrorise by the militants or police and atrocities by armies women and children are the most affected having trauma in the society. In the context, there have been lots of reports from the BTAD where women and children often need to become the soft and easy target of any sorts of violence. To the fact of this crisis a study conducted by the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has revealed that women in Assam are the most victims of the ethnic conflicts and other sorts of violence and further, says that such are found to be of regular occurrence in the Bodoland Territorial Autonomous Districts. It also states that “*conflict induced displacement is a serious concern which has both long and short term consequences.*”¹⁷ Specifically pointing to the issue, the body says, “Displacement affects women enormously and causes physical, mental and economic insecurity.”¹⁸ Because of such, they become the easy targets for the trafficker who gets the chance to make them involve in some vulnerable activities like prostitutions and sexual abuse. When the essential needs of women in relief camps are not met, then we may apprehensively say their security of lives and rights are again being directly violated by the concerned government itself. The BTAD has seen series of Internally

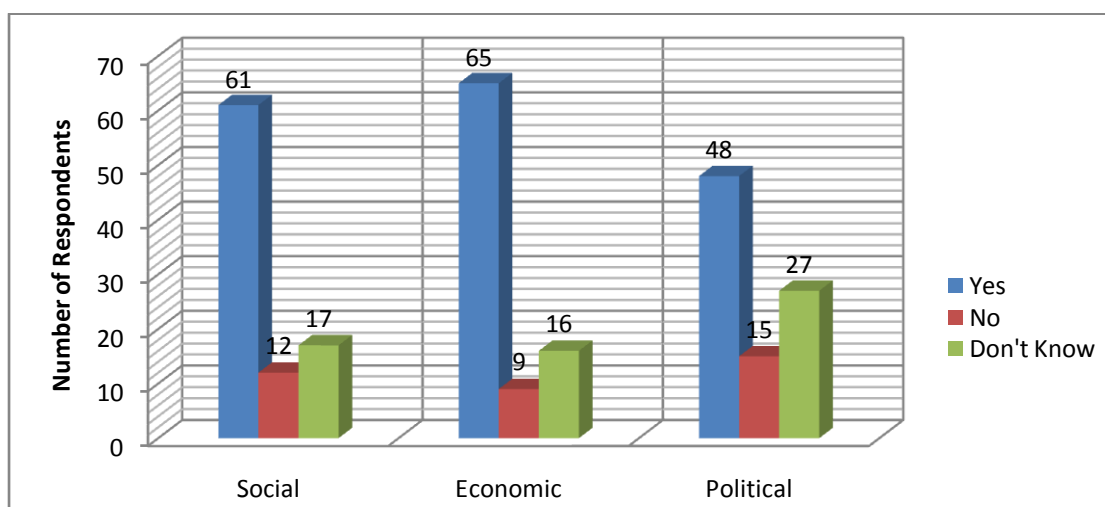
Displaced Persons (IDPs) when they have to settle in the relief camps the pathetic conditions with no adequate facilities or amenities has had thought provoked different organisations and the social activists. More to speak is about women who are the worst sufferers. Respondents' perception one each hailing from Kokrajhar, Chirang and Udalguri provided the same like a version of claims against the government for their negligence for which they could provide no proper motherly service to their children. The health problems, food insecurity they have had to run creates more internal insecure to their lives in the camps. One girl respondent who had the experience of staying in the relief camp held in Kokrajhar during the 2014, December that erupted between Bodo and Adivasi/Santhal due flared by NDFB(S) says that like her there were many girls and children in common who were prevented from having education, and going to schools, their books were burned to ashes. This is where we may add what the Centre for the Study of Political Violence (CSPV) had their report based on field assessment.¹⁹ The report's finding especially on IDPs impact on the women and Children is that the Children were deprived of the special Child Care Programme, inadequate monitoring and services of nutrition meant for Women and Children. Again the women in their due period had to undergo without rights of accessing the provision of specialized care and the same care for the infants. The absence of ASHAs, ANMs in the camps also violates the norms of monitoring the needs of multi functional medicines to the mother and newly born infants. Again to women and children's rights BTAD in the May of 2014 had experienced very tragic and condemnable incident where nearly 30 innocents of whom mostly women and children, belonging to minority were killed with bullets.²⁰ Again the end of month December 2014 had experienced the recurrence of arbitrary killings of innocents by militants so called NDFB(S) where the whole humanity had seen Adivasi being the mark. Unfortunate of the 32 killed it was again 10 women and 13 children.²¹ Interestingly whom the citizen of the country rest for their safety and security in the legal arrangement like different sorts of armed forces are in many found to be involved in violating the modesty of the women. Such example but not the rare where the involvement of two army personnel alleged to rape one pregnant wife of suspected NDFB(S) cadre in the district Kokrajhar was brought to attention for justice in the jurisdiction of the Court and the high enquiry was sought to punish the culprit.²² Here the case of Priya Basumatary (teenage) and of two school children who were brutally killed by militant (former) and army (latter) which is interpreted in the above be

drawn in justifying the extent of rights violation of the two group of society. Not only are they the victims of the institutionalised acts of militancy, often the atrocities of army and police and of the ethnic conflicts but also victims of other sorts of generators of rights violation. One respondent *Hongla*²³ from the Boldigami, under Bijni subdivision, cited the March, 2014 incident about how the two girls, students of Amguri Higher Secondary School were attacked by seven to eight youths, alleged to be Muslim by identity when the two had the finishing indulgence. It is said that first they were gang raped and then throat of one was slitted while the other could manage to escape and inform the villagers and then to police administration. It was thought to bring another 2012 like clash between the two represented communities of the victims and the held. However, the pre-emptive course of action was strengthened. However the respondent showed his displeasure to the injustice provided to the aggrievedly demised.

Respondent’s perception on social, economic and political transformation afflicted by different sorts of rights violation

The understanding of rights’ position in the area of study has further been tried to look from people’s perception how the post days of rights crisis had extended the transformation of the relation between different ethnic groups, and what impact does in the social, economic and political sphere and order.

Figure: 4.e Categorisation of the responses of the respondents on the affliction and changes generated by different rights violation



Source: Fieldwork, November-December 2015

Respondents' Perception on Social change

In the social sphere of change and relationship between the ethnic communities the argument and the perception differs. Mostly it is found that the immediate effect of the ethnic clashes when happens to occur it last for many days or even to year(s) of strain relation. This strained relationship is usually between the involved parties in the war of conflict(s). One respondent opined that in the aftermath of clashes they cannot even hope for sudden recovery or wipe out the burning situation. Of the total respondents, 61 had perceived the changes in the social life of the common people cutting cross section of the region. They held that due to direct or indirect impact or the other grounds connected with ethnic conflict and other sorts of agents generating a violation of rights has brought such changes to the normal lives of the people. They argue that since the eruption of ethnic clashes in different phases and places and more to be specific between the major ethnic groups represented by the Bodos, Muslims (Bengali speaking) and the Santhals. The major change can also be seen in the social demography resulted often by the displacement and isolation made by the government to settle and rehabilitate without settling the crisis of occurrence. In such a context few Gorkha respondents opined that handful of their neighbour had shifted to settle in other Gorkha concentrated areas. This can be noted as internal migration from one place to other place adopted by few Gorkha families of the district Chirang and even claimed to have reached to settle in the near away and other places like Darjeeling and Doars. Provided they say, they argued for which some Gorkha majority villages have grown in the district. Even the Phobia of fear psycho has taken the root in the society. Mostly the respondents from the affected villages had the responses of fear about what would happen to their children and future existence. They reasoned why they worry about the governmental forces is not for the sake of their lives but for the children, generations whom they afraid of torture physically and mentally often in the name of searching militant(s). They afraid since they lack in communicating whereby to convince what they are not as well to counteract unforeseen allegations when any sorts of untoward incident nearby the place happens. It also appears from the field where maximum respondents from the two side affected places revealed as if they feel their free movement in the post conflicting days gets curtail since they cannot move from one place to the other side of rebels' stronghold. A respondent from the conflict area Udalguri district Rantheng²⁴ had said, "*prior to*

2008 we had certain kind of dealings, coming and going and using the same road but now 'our' and 'their' looking conception has rooted." Same like apprehension was made by the respondent Faijul Ali²⁵ of other side community. He opined that they had experienced deaths of their brethren and now although peace has prevailed, fear, doubt remain as stigma and for which 'we' and 'they' is commonly exist. Claiming another factor, one respondent Samsath²⁶ had said that "*it has become more or less difficult to take up any sort of income source. If we cannot take up any work how can (?) we consider managing family and children, their education. Even a small contract we deal, notice of ransom comes, if deny bullets will not let free and even if we, threats from the legal administration, police and army come in.*" Against the 61 respondents of the total 90, 12 had the refutation to see any changes in the social aspects of lives. While the left 17 respondents could articulate nothing so were left out with the option 'don't know' for choice.

Respondents' Perception on Economic change

The highest number of respondents i.e. 65 of the total 90 had firmly argued the change they have witnessed and experienced in the economic life of the people of the region (BTAD). Notably, the economic breakdown is specially the consequences of ethnic violence and, therefore, the field survey could draw the same responses of the people (respondents) who had the firm experiences, alongside were the victim of the fatalities. The respondents had the clarity about how they are suffering in economic lives. Among the economic aspects, the changes in the sources of income have been crucially mentioned by respondents. They say that whenever the wind and fire of the conflict (s) between ethnic groups erupt then drawn in parties, whosoever are the troublemaker need to face the consequences of economic hurdles. They say, ethnic contestation and the clashes has become the rural phenomena where mostly the cases of land, cultivation, from cropping to harvesting turns to a genuine problem. During the survey respondents from the conflicting areas of the districts like Udalguri and Darrang, Runikhata like area in Chirang could show their burnt up things and houses. They say the fruits of sweats and labour they invested to built those lost properties could give them nothing but only the sufferings and pain of thought how to rebuilt and recover while having no source of income. It is utmost to get focus the voices of those suffered the displacement whom literally we say Internally Displaced Persons

(IDPs). When one is displaced and make to settle in the relief camp they cannot be sure in a short span of time to go back to their origin place and village. Different factors determine their returning such as assurance on the part of the government for 24×7 security, their practice of existence, compensation, freezing of rumours etc. One of the victim of 2012 clash, himself hailing from Gossaigaon, Kokrajhar says that if he cared he could have managed to come back home sometimes earlier to seven months of his and family stay in the relief camp. It was disgusting but no way, he reiterated. Further, he says, *“even on security ground we couldn’t return because we were not sure that the attackers will not return and make us live as usual was and since our house was burnt down become helpless without government.”* Thus, when the victims need to pass a year or so more in the resettled and arranged camps more the economic problem arises as to how to get back their lost capitals, insecure to get their cropping lands in distance and beyond to have the distress of managing family and educational facilities. One respondent, citing the example of his native living a distance away from his place said, *“look at my uncle’s family who before 2012 conflict could have a sound economy, car, pacca house, two bakhri²⁷/bhandar, bullocks and buffaloes. Now, everything is swept away and they are struggling to make it back.”* Again in the context of militancy, their acts of terror, threatening to lives many respondents have regarded to say about what they heard and occurred in localities. They say that we are always under threat of kidnapping while we return from daily business work. They also apprehend the fact where ransom checks or say the demand notes may not let them escape. Simultaneously while having sort of general discussion on different issues connected to militants, illegal arms few people had argued that it is very complex to understand the realities who did and who in disguise. Often in the name of militant (s) some bogus people take up the activities of collecting money using illegal means. Hence, they say, whoever they be it creates insecure to their daily earnings and income and so to their lives. Again few respondents from the Gorkha community hailing from Chirang districts nearby places like Gurubhasa had the opinion as regard how their community members and family were ransacked by the fear generated by the anti-social harmony groups and by different phases of ethnic conflicts since prior to the creation of present BTAD. They say that the consequences left by every such incident in the district had the negative impact in the earning sources of Gorkhas. The conventional farming and cattle rearing, chief sources of livelihood seize to be affected significantly.

It also appears from the survey where few numbers of respondents as shown 9 in the bar had the argument claiming no experience of economic change in their lives. It might be the reason since they are far flank from the affected areas and keeping less in touch with the grievances of own people. While, against the maximum 65, 16 had the option for 'don't know'. It might be the reason of little or no knowledge as regard how conflicting situation determines the economic lives of the people and the region.

Respondents' Perception on Political change

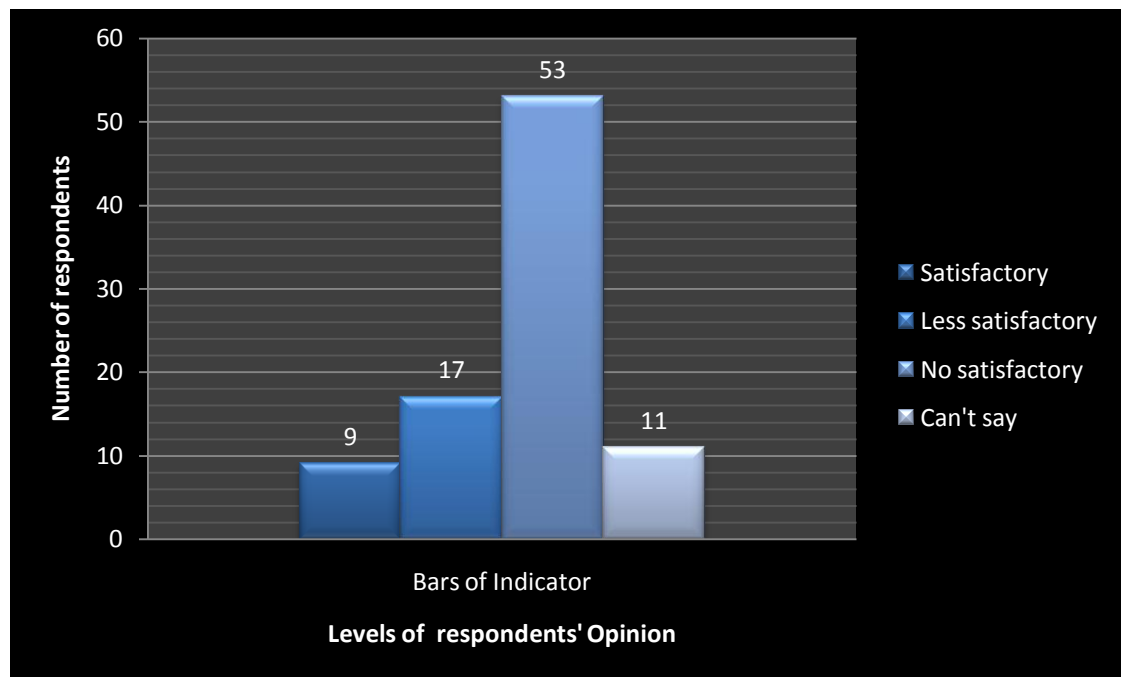
In the context of political change, 48 respondents of the total had confessed what they saw and experiencing of such changes. The changes had has been due to various rights violation as well ethnic conflicts in the region. This set of respondents falls within educated section of the society. Some of those feel that every successive incident provides the momentum to raise the issues either to resolve through dialogue or political change. Day after day due burning situations and the humanitarian crisis in the region, different ethnic groups were left with demand from sustaining distinct identity to political assertion for self determination. In appear that many respondents lost their hopes in the existing political authority governing the BTAD and the State as well. They say that their rights and properties become insecure and for which they feel the need for change in the governance. A new transition has occurred in the recent BTAD politics as well in the parliamentary election for the Kokrajhar Constituency. During the 16th Lok Sabha election, the main issues surrounding the election manifesto raised by the conglomeration of different affiliated ethnic groups so called *Sanmila Janagosthiya Aikya Mancha*²⁸ (SJAM). The candidate Naba Kumar Sarania alias Hira Sarania²⁹, was also backed by organisations like All Bodoland Minority Students' Union (ABMSU), and All Koch Rajbanshi Students' Union led by Hiteswar Barman. Lafiqul Islam Ahmed, the General Secretary of ABMSU in recognition to the candidature says, "*we are supporting Hira Sarania because he is committed to work for the non-Bodo communities which are not feeling secure in BTAD*". He also says, "*we also want the Government to review the Bodo Accord*³⁰ *under which Bodos were given priority over the non-Bodos in BTAD which Hira Sarania has supported our demands to raise*".³¹ Therefore, they did him the support. From the statements, it is quite a crystal clear about why people are trusted for a new shift in the political representation. It is just because for their security, properties and

peaceful environment. They are afraid that they not secured in the BTAD region and so are hopeful with their representation³². To the fact, the candidate could replace the then incumbent parliamentarian Sansuma Khungur Bwisumuthiary (then BPF) down siding the votes of two other self convinced candidates. It is also significant to understand where the whitewashed two candidates excluding the then incumbent also tried with manifestoes concerning peoples' grievances which making allegations of failure by the former to raise on the floor of the parliament. The result was to the expectant for security. Significantly, one respondent who didn't want to be named argues that the representative whom they had with hopes could voice nothing strong on the floor of the house even in a year being passed. Further, he argued that one political representative is not enough for any change and, therefore, building a peaceful society lies also in the hands of people from different communities working together, and understanding the problems of cross sections. The election and the result of the 16th Lok Sabha of the Kokrajhar Constituency had crooked the political scenario of BTAD. Subsequently in the 3rd BTC election Bodoland Peoples' Front (BPF) was not only made to rethink in their workings and functioning the governance but also, as a whole could see the change in the political scenario. New parties like All India United Democratic Front (AIUDF) led by Badruddin Ajmal could share four seats, Peoples' Coordination for Democratic Rights (PCDR), BJP-1 and independent-8 seats. While BPF came short of one seat although could have the simple majority of seats of 20. This change after the two political regime and terms was because of people who were inspired by not only the external manipulation on ethnic lines but also because of sufferings, disorder and humanitarian crisis in the region. In response to such change respondent had the opinion that *"since the creation of BTAD and rule by the specific party we couldn't have the much we expected. Despite being the recognised aborigine of Assam we are not protected by the State as well, our rights over land, our lives are threatened in the nose of own government, reserved tribal belts and blocks³³ are encroached. Therefore political change is the only alternative with our own choice so that we can have politically resolved the issues pending and voices for the settlement of separate State Bodoland."* Based on the views, we may say that due to the different issues in existence the political change has been sought by the people and also by those having a thirst for the political share of seats wake up to manipulate and owe votes providing tough words of promises. In fact, the respondent's opinion could provide the ground to justify the abysmal functioning of

the government and for which went to the extent of supporting the homeland demand. In the context, however, 15 respondents say ‘No’ to their knowledge and the rest of 27 stay away from any comment and, so, better took the choice for the given option ‘Don’t Know’.

Respondents’ perception on the role of the deployed governmental forces during conflicting as well any types of terror acts created by militant(s)

Figure: 4.f Bar graph showing the level of respondents’ choice of opinion



Source: Fieldwork, November-December 2015

It is sought to understand throughout the field interview the peoples’ views using respondents as the representatives. Now using the responses as a parameter we are able to find a certain level of understanding about how the people in the region needs to make lives and perceives the role of the government during conflicting or say any sorts of rights violation generated by different actors. Maximum numbers of respondent as found is 53 who had responded in having no satisfactory at all in the role of the government as well in the deployment of State and the military forces. They say that ministers responsible were/are not responsive to meet any kind of untoward and eventuality situations. They know how to politicize the matter and to turn to vote bank politics. We are afraid from different cases of ethnic conflicts where no appropriate measures were seen to be taken. The lackadaisical on their parts to

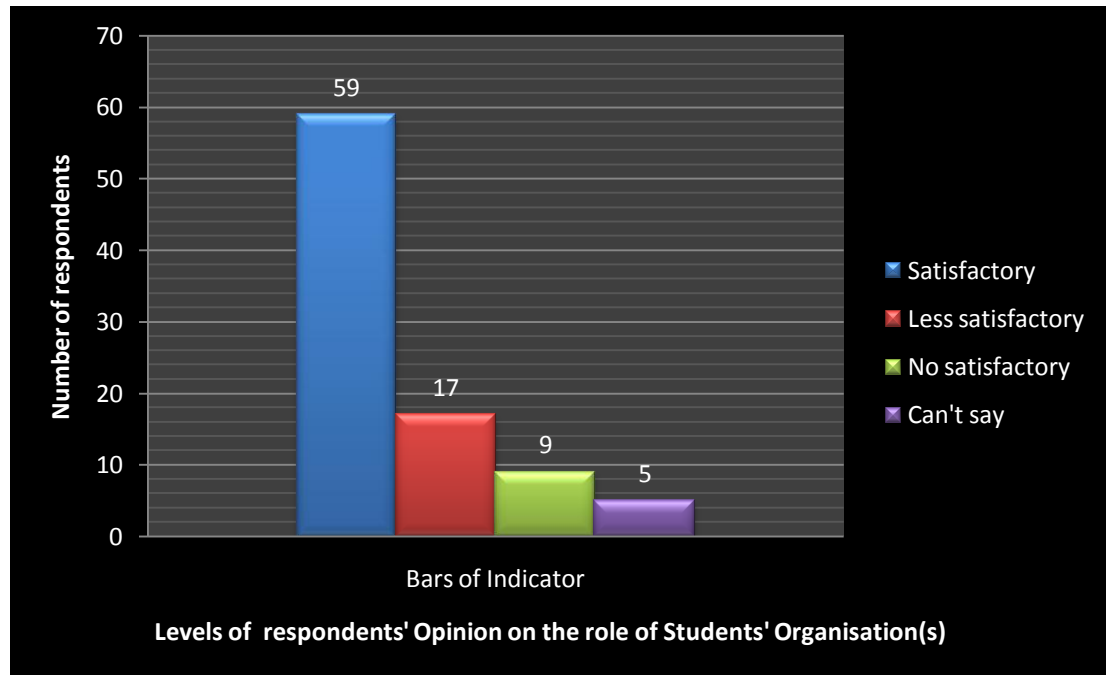
understand the root causing the conflicts has always been the motivating factors to erupt such happenings and the consequences in every possible time only having a break of year (s) or months. The consequences left to the common people and the victims were/are never learnt by those in power. A politician having a core place in BPF has responded saying, *“it is not we were/are who to be blamed for the security failure in protecting the lives and properties that resulted in the past two ethnic conflicts rather it is the State government who is sole responsible for the maintenance of law and order. We can just make an appeal but even then we fail to have quick responses.”* He further added, *“his is our land and the victims were/are our own people, we did/ do what we can but we never expect even for our political gain, so how can allege us, our party to be blamed.”* The system as a whole needs rethinking and the revisit. In the aftermath of 2012 ethnic conflict that had erupted in the Kokrajhar, there was a lot of controversial counter argument between concerned State as well Central authorities as regard why failed and delayed preventing the riots. Chief Minister Tarun Gogoi, who himself is the in-charge of the Unified Command in the State under which already deployed Army in existence operates had hoisted stern questions about why then he couldn't deploy them controlling the sounded situations. However, he couldn't do so since the system requires the approval and directions of Home ministry to the Defence minister. It is found that skipping this formal procedure would not authorize the deployment of those existed army for the purpose other than the counter insurgency operation. Such negligence and procedural game on the part of government is found to be one of the reasons that led Asian Centre for Human Riots (ACHRs) say Assam Riots: Preventable but not prevented. By the time army reached on 25th July of 2012, 44 people were killed and about 200,000 were displaced.³⁴ Again the charge of slipshod role taken by the police forces was focussed in the comments provided by Ranjit Sekhar Mushahary, the former Governor of Meghalaya. He says *“several houses in our village were set ablaze by an armed mob just before noon. Even paddy fields with standing crop were destroyed. This happened despite the presence of a police picket near an LP school in the area. Police have been very ineffective.”*³⁵ This is what the former IPS officer bought up his dissatisfaction against the working of the State administration. Again, discontent over the action of the police was focussed by their ineffective role on 20th July 2012 when the four youths, the ex-BLT members were snatched and lynched by a mob belonging to Muslim community. Therefore, it is found, had they been tightened by the police there would

have no death so as to ignite the opposite party and thus the riots of 2012 would have been protected.³⁶ Quantifying security of lives is not only be measured in terms of the army or the police deployment but also in terms of policy adoption and implementation as post conflict resolution and recovery of the lost economic atmosphere and aftermath hardship. This is where Taposh Murmu,³⁷ who has a high position in the locality and amongst the people from Nagdarbari, Chirang district alleged the failure of the government both in the conflicting as well in the post days. He said that the police authority was/is unable to take action even when they lodge a FIRs against the person (s) identified. This gives them insecure even after the usual position of lives. He also said that the government is not adequately providing the compensation without which becomes the difficulty to bring back what the people had to loss. He says that it is the Assam State government who should with full responsibility on the humanitarian ground need to have an appropriate policy, law and order³⁸ so as to make people live with peace and harmony. Another leader of the area Santush Kisko³⁹ had opined that lacking in the pre conflict security arrangement remains one of the sole causes of insecure of lives and properties. He says that due to no adequate medical supply people in the relief camps needs to face the death which significantly found more than the death in the conflict. However, these two leaders, if not, to some extent exposed satisfaction with the deployment of military forces to curve the menace in the aftermath of inhumane activities carried by alleged NDFB (S) in the year 2014, 23 December. Mostly the respondents who had no satisfaction or little with the role played by the government as well deployment of forces were/are the victims of rights violation ranging from their economic and social hardship left by the conflicting days. Even the respondents took the notion claiming the government responsible of not providing adequate security unless the situation goes out of hand. The temporary security arrangement while often not reaching many interior places becomes the easy target for the anti-social activities. They suggested, therefore, saying only the permanent police picketing, stations can provide the security of normal living. While it appeared that only 9 of the total respondents had responded perceiving the security arrangement as healthy. This category of respondents took the notion of blaming people of failing to cooperate with the security agencies to cease any sorts of incidents. They perceived that mere deployment will act as a deterrent and nothing for resolution unless people, civil society do not proceed for peace understanding and collective efforts of resolving the situations. Of the whole 11

respondents took the option for 'Can't say'. This category be dropped within who do not care what is happening and those in having less or no interest in the suffering of others.

Respondents' perception on the role of the Students' Organisation(s)

Figure: 4.g Bar graph showing the level of respondents' choice of opinion



Source: Fieldwork, November-December 2015

Understanding the role played by Students' Organisation is very important since they are the one who guides and the voice of the community and society at large. Therefore, an attempt was made to analyse how people perceived their role if any in any sorts of the crisis in the region. It is indicated in the bar where maximum respondents 59 had the positive responses on the role being played by them in different cases and situations. They say that in every situation Students' Union stood with us, be it in peace or in any conflicting situations. They are the one to draw the concentration of the State agencies and the concerned authority in times of need for security. They also opined that during conflicting times they get nearer with every possible and different way of helping hands. The respondents who were the victims of Udalguri violence, Bhagatpara area had stated their thankfulness for the generous work contributed by the Students' Organisation like All Bodo Students' Union (ABSU) and allied organisations. They even says that they are the one who reached us

with foods and clothes when they were left with nothing but burning ashes of their houses and gathered crops. It was they who repeatedly to call up police forces for quick security and normalising the situations. The crisis in the relief camps, inadequate water and medical supply were also taken up to higher authority/ies. Another respondent who identified himself as the ABSU worker says, *“the organisation is for the community and so we took and take up the responsibilities to protect our people at any cost and situations. We stand by them, for their cause.”* Again appreciating the Students’ role a respondent from Bengtol in Chirang district argued that it is because of ABSU and other allied organisations the truth behind the fake killings of two innocent school going teenager by the Army could be brought to higher authority for justice or else the illiterate and economically poor family could have no voice and choice for judiciary as well to punish the perpetrator⁴⁰. Coming to the other side of the corner of the region a respondent who is the worker of ABMSU, *Imdadul Haque*⁴¹ had the similarity comment which they stood and stands for the community. He says that it was/is they who raise (d) the different issues suffered by the community. In every case they remain the voices be in public or as representing and pressurizing the government. While respondents next to maximum is 17 who perceived less satisfactory in the workings of different students’ organisations. They believed that the roles of different bodies are/were community centric. For the community centric role durable solutions are unable to be achieved. They say that during and prior the conflicting situations sometimes some Students’ organisation are found to involve in instigating the communal tensions and their workers to communal forces.⁴² They further pointed the ethnic violence of 2012 which was triggered and flare up also by the involvement of Students’ body and for which they believe impartial inquiry to dig the root and punish the culprit having the public mask.⁴³ In the interview, only a few respondents turned up declining to argue with regard the role played by the Students’ organisation(s). From the respondents’ point of view the Students’ organisation(s) on humanity ground at least if not during the bloodshed situations should come forward for durable solution identifying and helping the State agencies. They should rather cooperate through dialogue to pressurize the government and help to investigate systematically without hindering the process. The counter blaming, a war of words however, has almost turned to be norms between organisations, political parties and educated section of the society and if these continues to prevail no society in the region would be able to seize the fruits of

democracy, and peace for reverberation and vivacious development. Their constructive role is always encouraging since the public at large are always found the base of every Students' body.

Conclusion

This chapter has attempted to comprehend the very scenario of the human right situation which thereby to measure the frequency of status of rights conditions in BTAD. To make the purpose success every attempt has been tried to look and cover the analysis based on data collected using respondents as the generator of inputs. Endeavour has been made to understand the respondent's perception on different issues pertaining to the present state of rights violation and the consequences to be faced by the people in their lives. The effort has also been made to find the social, economic, and political changes brought by the ethnic conflicts as well other sorts of rights violation. Throughout the survey, it appears where the people have to suffer different sorts of rights infringement in their lives. By using different but major variables and by interpreting them, the core issue of the research has been addressed although in a limited way. Almost all the districts of the region are adversely facing the humanitarian crisis. It is not only the ethnic groups involved directly in the conflict but also other ethnic groups who need to face the consequences of the social and economic disaster. In connection to ethnic conflict(s), it has come to light where different factors being identified and analyzed. The involvement of the third party which always stands behind the curtain needs a serious understanding before any steps reacting for mayhem causing the bloodshed. It is not only the ethnic conflict(s) but different actors and factors are evenly generating the human right crisis in the region. Respondents are found taking the problem of militancy as a serious threatening their lives, business and to live with dignity. When the militant(s) belonging to a particular ethnic group is found to involve in certain heinous crimes soon the bitter social relations between communities evolves. The more is the case with the ethnic conflict(s) that results in social tensions, disquieting relationships that persist for year or more. It appeared from the survey where peoples are mostly affected in their economic lives. In the context of militancy again, they are the one (time being) in BTAD who involves with different illegitimate and dishonest acts of creating terror in the normal minds of the people. The acts of kidnapping the

businessmen, ransom collection, illegal tax demand and even not sparing the workers at the margin of the society have found to be counted as a very serious destabilising the society. This requires the vibrant and effective policy to streamline those involved in heinous crimes of acts. Not only the militants but also the military or the governmental forces that are found generating fear psycho in the minds of younger generation of certain communities. Their way of harassment, take-away from home on mere suspects or to find the truths are sole responsible contributing equal to State sponsored terror in the exercise of civil rights in free society. Their lacking in communiqué and having common masses to the level of trust and convince and more specifically to say is in the affected areas of any sorts have drawn negative responses towards those security mechanisms. This is by no means a good sign for a democratic society where people are the king makers, where even the single vote of eligible but illiterate voter matters for the society and nation. Throughout the survey, the role played by the State apparatuses like the police are also found negligence on many accounts that has been recorded by the people. The lackadaisical on their part of honest role has many a time being alleged of generating chaos and disorder in the society. The procedural oriented policy of action implementation has found to be faulty that has unenthusiastically set an example of indirectly contributing the bloodshed of 2012 in BTAD.⁴⁴ The law and order mechanism in the region has not been successful in providing security to the lives and properties of the people. As seen from the field where respondents stood to argue of their insecure in different aspects of lives is enough to determine the very status of rights in the region. The role of different Students' organisations is typically happened to be community centric and for which often they are alleged in misusing their public cemented authority. They should rather always be with a productive role to sustain the environment of peace and tranquility in the webbed society of diversity in existence.

Endnote

¹ The BTC Accord was signed between the Bodoland Liberation Tiger Force (BLTF), banned outfit, the Government of Assam and the Central Government on 10th February, 2003. The arrangement was given the final shape amending the sixth Schedule of the Constitution of India.

² The districts which are specified in the Accords are of four. They are Kokrajhar, Chirang, Baksa and Udalguri.

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- ³ See 2001 Census Assam/BTAD. Provisional result for Udalguri, Kokrajhar, Baksa and Chirang
- ⁴ Here 'regional' is used to denote the local government Bodoland Territorial Council (BTC) administration led by the BPF party. It is to see how the people perceived their role in sustaining the rights of diversity based communities and more specially in the conflicting situations.
- ⁵ Respondent was found reluctant to be identified with name due undisclosed reason.
- ⁶ This 25 number of respondents has not been figured in the graph.
- ⁷ See for details Assam Riots: Preventable but not prevented (2012) published by Asian Centre for Human Rights, New Delhi, pp.9-11.
- ⁸ ibid
- ⁹ President of literary body the Bodo Sahitya Sabha was killed in the year 2000 by the NDFB (by then no faction) led Ranjan Daimari. It is what the respondent tries to narrate what experienced.
- ¹⁰ the then president of All Bodo Students' Union.
- ¹¹ the then MLA representing the People's Democratic Front, from Bijni.
- ¹² Sonam Chettry is not the original name as was prevented to be used by the respondent due security reasons.
- ¹³ The three youths picked by the army personnel were from the Mushalpur districts of BTAD. The two being killed were Khwmdwn Daimary and Rajiv Basumatary, while the other who happened to manage was Raj Kumar Rabha. Even on the matter the State High Court had the ordered probe into such open killings in the Baksa District.
- ¹⁴ Silence Over AFSPA Disturbing, *The Assam Tribune*, 2014, March 13. p.1
- ¹⁵ Assam Encounter: Cold Blooded murder, alleged Locals; Cops, Army disagree. <http://ndtv.com/article/india/assam-encounter-cold-blooded-cops-disagree-460239/>
- ¹⁶ See Reservation of seats for women in Legislative Bodies: Perspectives. Occasional Paper Series. Published by Rajya Sabha Secretariat, New Delhi
- ¹⁷ See the report on Women in Assam, 2014, by CEDAW
- ¹⁸ ibid
- ¹⁹ Survey assessment is carried by the institution the Centre for the Study of Political Violence in the district Chirang of Assam and more especially is to find the rounds of impact of IDPs on Women and Children due December 2014 carnage carried by Militant group NDFBs.
- ²⁰ The barbarous carnage took place in Kokrajhar and Baksa districts of Assam on May, 2014.
- ²¹ The incident induced by NDFB (S) in the month of December, 2014 specially concentrated in the Sonitpur the non-BTAD districts and in the Kokrajhar (BTAD).
- ²² The case was happened in the month of August 2015 and the two army personnel allegedly involved were from Moinguri-based camp.
- ²³ Original name has been omitted on his request.
- ²⁴ It is not the original name since the respondent didn't wish to be disclosed.
- ²⁵ Name changed on his denial to be recognized by his origin.
- ²⁶ By line of work he is contractor and victim of life threat. However the name placed is not original name.
- ²⁷ *Bakhri* is the local term used to imply the store house for crops after harvest.

²⁸ This Aikya Mancha represents the conglomeration of different non Bodo organizations of the region BTAD.

²⁹ Naba Kr. Sarania was the contentious candidate who was Ulfa (militant group who supported for sovereign Assam) prior to his BTAD Lok Sabha political carrier.

³⁰ The *Bodo Accord* was signed in 2003, 10th Feb between the Government of India, State Government and the demander the Bodo Liberation Tiger Force (BLTF).

³¹ For details see *South Asia Intelligence Review: Weekly Assessments and Briefings*, Volume 12, No. 44, May 5, 2014.

³² Analysis of the pre poll supporting views who are pro to Naba Kr Sarania.

³³ The *Tribal Belts and Blocks* are the reserved land for the plain Tribals in Assam where more than 1 crore, 25 lakhs and 26 thousand bighas of land are noted. It was the legacy framed by the colonial rulers in the form of *Assam Land Revenue and Regulation Act*, 1886, amended in 1947 to protect their distinctiveness through the protection of land. Chapter X of the *Assam Land Revenue and Regulation Act*, 1886 as amended 1947 specifies the fact that no person other than tribal can own and possess land in the notified tribal areas.

³⁴ See for details *Assam Riots: Preventable but not prevented* (2012) published by Asian Centre for Human Rights, New Delhi.

³⁵ See for details the “Root of Muslim and Non Muslim Violence in BTAD, Assam”- Retrieved from <http://www.haindavaxeralam.com/root-of-muslim-violence-in-btad-assam-hk4935>.

³⁶ See for details *Assam Riots: Preventable but not prevented* (2012) published by Asian Centre for Human Rights, New Delhi.

³⁷ The name mentioned is not the original since the speaker himself denied to be revealed in the write up.

³⁸ He specifically pointed Assam State since he acquainted with the knowledge of law and order maintaining authority in BTAD lies not in the BTC administration rather in the captivity of the former.

³⁹ It is not the original name referred to.

⁴⁰ On 11th December, 2013 two innocent school children were killed by the Army and Police in Chirang while in operation against NDFB(S). The third child was seriously injured. Controversy erupted with differences in opinion as claimed by the local villagers as innocent of age between 6 and 10 of nearby school while contrary was by the Army and Police who charged them hardcore militant with AK 47.

⁴¹ Original name is not focused.

⁴² However the respondent didn't pin point any organizations' name.

⁴³ They refrained from further detailing about who they identify rather randomly took the narrative of the destructive role played.

⁴⁴ For further understanding one can go back to the narration provided about how Assam government in 2012 failed to operate army already in existence in BTAD and this without having the prior permission of the Defence minister and the latter without the approval of Union Home Ministry sitting somewhere in Delhi.

Chapter 5

Conclusion

Summary of the Findings

Right is something to be anticipated in human society having its nature to keep pace with the need and changing circumstances of the society. Right implies the enjoyment of any sorts of claim which is something not wrong either morally or legally. It implies the right claim over the right things. And believed, therefore, the enjoyment of what is by virtue of being. While the human right as a concept is being conceptualized in one or the other way of acceptance. The very connotation implies the reality of its existence meant for the exercise by virtue of human being. The talk and the exercise of it knew no regional, national or the international barrier. Human and right are like the two sides of the same coin having the viability to make perfect the arenas of human lives in society. The early stages of human being with uncultivated savagery way of lives naturally couldn't provide them the space to recognize as well to realize the need of rights. It was the *Magna Carta* of the 13th century that set the first institutionalized paradigm of realizing the needs of something to be recognized by the king. Under that historic *Magna Carta* subjects *claimed* over what they were supposed to have for their service beneath the king/dom. In fact, it was the turning point to the human history to make realize about right and its protection from any eventuality of prevention. However, the significance of rights recognition in the modern times began only in the aftermath of holocaust driven by the two World Wars. The 20th century global bloodshed, the genocides for exterminating one race by the other developed new era of humanitarian crisis and this had become the global trauma and hence genuine challenge before the global intellectuals as how to prevent for greater humanity. This pushed for collective efforts to find a humanitarian solution and in this context global organisation like UNO emerged. This is where the beginning of the recognition and declaration of human rights as universal got rooted in the very foundation of UNO and in its very vision for international peace and security. The declaration and the codification of human rights as universal have however since its nascent of origin been contested and debated worldwide. The concept of human rights which basically the western thoughts,

scholars believed to have contributed to the *rest*¹ has, by and large, remained an unresolved issue. Another issue had/has been the Articles 16 and 18 of the included in the Universal tenets. These Articles, when looked from certain major faith and belief, without any condition being clarified in the document, is found to compromise what is said about faith and belief. Not only the critics to structural complexities but also the functioning to achieve or to sustain the mission in the aftermath of its guarantees has found to be in despair state of condition. The genocides in Rwanda, Bosnia, Iran, Iraq and in many places has kept the world community just a mute spectator. The series of human killings by the different terrorist organization(s) has yet to be counterbalanced. Another loophole is still to define by the UN as to what the terrorist/rism² is and thereby to help actualize the identification and counter operation against those global perpetrators. Human right is again not much matured enough to be considered universally reachable to every section of the society for the reason it exclusively excluded transgender to be recognized from granting rights or their lives under grim. Nonetheless, the world community and the countries submit their faith for global peace and sustaining the exercise of what we say human rights. More significant to say is that human right has become the parameter to determine the functioning or the status quo of a country. The real democratic nature and spirit of a country now happen to be measured by the human right conditions that persist. More the violation of human rights, more will be counted from the humanitarian crisis and which this may invite international interference and subsequently the political and economic instability becomes hard to be avoided. The present world scenario is grim to the human right crisis which time and again the charges of violation are not only upon terrorist but also the world leading countries who in the name of establishing democracy and fighting for human rights advocates the crisis. A country like America who holds the responsibility to meet the human rights crisis or establishing democracy worldwide is found to adopt different means to materialize the goals and for which they frequently are being trapped under the prison of serious questions of rights violation. Therefore, the present research work has attempted to examine the status of right based on determining the frequency of rights situation in the Bodoland Territorial Autonomous Districts.

Throughout the work, it is quite understandable about how the rights of the globally challenged categories of people the marginalized, minorities, women and children are under constant threat of civil wars, conflict(s) or targeted victims. Again

the ever increasing hostilities created by the fundamentalist, millions of displacement in the recent years of European world and somewhere from the west Asia, and certain parts of African countries has been the vantage point to critically examine the rightfulness in very declaration of right as universal. The western world, when shocked by the acts of Al-Qaida, has intensified to shift their foreign policy. In fact the 9/11 carnage has significantly influenced the U.S. foreign policy to undergo a change; henceforth Security becomes more inevitable than to play the global economic actor. The global scenario of rights, therefore, demands the collective efforts to counteract any sorts of generators of rights violation. In the context, it is much necessary that the world community bears the responsibility to address different areas. The areas identified are economic, peace and development. The economic breakdown or say the economic stagnant will never ever help the democracy. The vibrant democracy and the sound economy of the country are very much of worth and reliable to push the human rights situation a good place. Therefore, it is suggestible for the countries, to adopt and design economic policies which can provide the space for respect to human freedoms and tenets of human rights.³ The global economic countries along with the global financial institutions need to have the accountability and the will to reach those regions which are the most affected by underdevelopment and the oppression. They should build the will for investment, to sustain their political and deter the economic instabilities. This, in turn, will help for strong regional economic foundation and growth which is the inevitable criteria to help to deepen the respect for human rights, and international cooperation towards the global security mission.

India by virtue of her historic achievement of democratic status could at best provide the space for rights recognition. India to her uniqueness could carry the legacy of duties and rights somewhere that emerged in the sacred pages of religious texts. Therefore, the idea of human rights that we talk and achieved by the citizens in India is as old as Indian civilization.⁴ Hence, there can be every logic to denounce '*West to the Rest*' in the context of human rights as commonly claimed by the West to have exclusively contributed to the other world. It is also, therefore, inapt to relate India being influenced by the European or the international situations for rights recognition. Since time and space immemorial the Indian rooted religions however not unlike the holy scripts of the other world could provide in an own way for understanding and believing what the right is and for what to exercise. However,

when we talk of a modern version of rights in Indian context different sets of ethics, modalities adopted by the freedom fighters got inscribed in the Constitution and execution. The idea of human rights in modern day India is however significantly influenced by external as well. The international recognition of human rights as universal has greatly influenced the Indian intellectuals who happened to be the Constitutional makers. They contributed every space of respecting the virtue of rights, and the rights reaching to every section, rich and poor of the society and nation. They took up the best provision(s) of numerous world Constitution thereby to suit the people belonging to a different race, region and religious faith. However, the thorough examination of the current situation of rights in India would provide different task of explanation. The rights provisions in the Constitution are more often than not found to be violated. The rights guaranteed would be useless unless government frame policies and implement heartedly as well to defend from any prevention from the exercise. To the fact of this, however, is, by and large, occurring to the contrary where the government of India many times or often ruthlessly involves devaluing the very spirit of dignity and humanity. The State which is the constitutional protector of the citizens and the rights is in no secret manner involves in gruesome killings and harassing the common peoples. The fair inquiry on the security regimes and their violent acts that persist in the North-East and Jammu and Kashmir would almost certainly defy the claim of the idea of human rights as 'old' as Indian civilization. Such nature of unlawful practice making the common people suffer in fact is that of post Independent mindset of the policy makers. There are millions of billions who still making their stay just below the open sky, the slum areas without any humane treatment. They have no opportunity even to access the basic needs or the rights assured to the citizens. More so is that they even fail to understand who exactly they are. Their progenies are deprived of food, nourishment, healthy growth and shelter to rest and leisure. Right to starvation, death is naturally becomes the only gateway or the hopes for them. The women, children, the minorities, the beggars, the Dalits, Scheduled Caste and the Scheduled Tribes are the most sufferer and the easy targets of rights violations. Therefore, it is the policy planners of the country with decent mindset, in-depth research to remedied ones for all to bid a farewell to such atrocities and abuses. Or else the democratic vision under the constitutional virtues attempted for the welfare of the society touching each individual irrespective of region, ethnicity and religion would remain just a utopia. The reality of human right events, has in fact, in

the recent years become the yardstick of determining the success of a nation in different aspects of the socio-cultural, economic and in contributing the justice, equality and liberty. Preservation and security of the cluster of rights of the citizens are paramount since rights are the strength to survive with dignity as a human being, the voices for the weak and downtrodden communities. Without the condition for human rights, the people's wish to live a dignified life, the thought of establishing a peaceful environment would rather be a failure. Hence, India can boost of success in delivering the peace, development and democracy only by nurturing the right space for the rights to be respected, and where due treatment and reasonable enjoyment of lives are recognized.

The research work has basically been planned to study the status of Human right in the Bodoland Territorial Autonomous Districts. Therefore, an effort was made to bring out about what are the conditions and situations under which people in the region need to undergo. The summary of the findings as discussed in the ahead writings could show the dreadful nature of the explosion of human right globally as well in India. The overall scenario of rights in India is also under constant attack from the people in a different level of consciousness. Despite being the signatories to different world Conventions and declarations, India is found to fail to provide justice and equality in the light of the Constitution and guarantees under different provisions. Such has been found to be of no difference when examined the right scenario of the BTAD. To measure the frequency of status of rights conditions in BTAD every attempt has been tried to look and cover the analysis based on data collected using respondents as the generator of inputs. Throughout the work, different sort of right violation and the consequences faced by the people in their lives are found as an output. The insecurity to the lives of the people is one of the serious issues that call for effective policy adoption and implementation. There are many factors in common generating the crisis and affecting the social, economic, and political lives. The different spheres of life are found to be mostly affected by the ethnic conflict(s). By using different but major variables, it is found where almost all the districts of the region are adversely facing the humanitarian crisis. It is not only the ethnic groups involved directly in the conflict but also other ethnic groups who need to face the consequences of social and economic adversity. In connection to ethnic conflict(s), it has come to light where different factors being identified and analyzed. The involvement of the third party which always stands behind the curtain is believed by

many respondents to be one of the causes inflicting the eruption of social tension between targeted communities. Such filthy handiwork has never been tried to understand in different circumstances by the involved parties. Or else recourse could have been possible to prevent the consequences. The ethnic conflict(s) mostly the two events- one in 2008 and the other in 2012 had left the loss of massive magnitude of properties of moveable and immovable and the lives of hundreds recorded as well unrecorded. The post economic recovery also becomes the area of concern for the most who had survived with little resources. The problem of debt as a consequence has also been learnt from the respondents. In fact, the money lending on interest and banks becomes thorny task to get recover. What is more of saying is all about the ramification left in the form of displacement. The conflict(s) that the area experienced has generated the displacement in lakhs, rendering hundreds of thousands homeless. Such is said to be the Internally Displaced Persons (IDPs). Security arrangements of those displaced are always found to be differing to what is needed to be. An adequate supply of food, water, medicines and health services and the special care for the needed in the relief camps are not supporting. It has found to be disclosed by the victims. In fact, this is another area of violation of the rights of the victims. In such a state of condition, they had to struggle the hard lives with no basic rights to sustain of their being citizen of the society. It is even said by the respondent to his knowledge where he claimed of more death in the relief camps due negligence on the part of the government than by the conflict itself. The syndrome of ethnic conflict(s) has been the major issue whenever any sorts of inter community obnoxious events erupts. Therefore, there is the need of a serious understanding before any steps reacting for mayhem causing the bloodshed. It is however not only the ethnic conflict(s) but different actors and factors are evenly generating the human right crisis in the region. Respondents are found taking the problem of militancy as a serious threatening their lives, business and to live with dignity. When the militant(s) belonging to a particular ethnic group is found to involve in certain heinous crimes soon the bitter social relations between communities evolves. The more is the case with the ethnic conflict(s) that results social tensions, disquieting relationships that persist for year or more. It appeared from the survey where peoples are mostly affected in their economic lives. In the context of militancy again, they are the one (time being) in BTAD who involves with different illegitimate and dishonest acts of creating terror in the normal minds of the people. The acts of kidnapping the businessmen, ransom

collection, illegal tax demand and even not sparing the workers at the margin of the society have found to be counted as a very serious destabilizing the society. This requires the vibrant and effective policy to streamline those involved in heinous crimes of acts. Not only the militants but also the military or the governmental forces that are found generating fear psycho in the minds of upcoming generation of certain communities. Their way of harassment, take-away from home on mere suspects or to find the truths are sole responsible contributing equal to State sponsored terror in the exercise of civil rights in free society. Their lacking in communiqué and having common masses to the level of trust and convince and more specifically to say is in the affected areas of any sorts have drawn negative responses towards those security mechanisms. This is by no means a good sign for a democratic society where people are the king makers, where even the single vote of eligible but illiterate voter matters for the society and nation. Throughout the survey, the role played by the State apparatuses like the police are also found negligence on many accounts that has been recorded by the people. The lackadaisical on their part of honest as well legal bound role has many a time being alleged of generating chaos and disorder in the society. The procedural oriented policy of action implementation has found to be faulty that has unenthusiastically set an example of indirectly contributing the bloodshed of 2012 in BTAD.⁵ The law and order mechanism in the region has not been successful in providing security to the lives and properties of the people. As seen from the field where respondents stood to argue of their insecure in different aspects of lives is enough to determine the very status of rights in the region. It is, therefore, the role of the State government towards BTAD couldn't be taken to the extent of peoples' expectation. The electoral motives generated after every incident or often as pre political strategy to woo the votes has been the sensitive sight of issue that never provides the common platform for a solution and identifying the ground realities of the events amongst and between different eroded communities. The involvement of the third party(ies) instigating the communal hatred has never been disclosed publicly so as to create a kind of alertness. Because of such in BTAD it has been happening in such a way as if people had the established mindset, rooted in such a way to identify or allege the perpetrators in a single targeted community. Not only the government but also the role of different Students' Organizations who are typically happened to be community centric are often and many times are alleged in misusing their public cemented authority. This is another ground where we may identify such negative role

as a generator of community hatred and violence in no time. Knowing their social responsibility should therefore not exploit the public sentiments in mobilizing for the erroneous path, with wrong propaganda without having the legal base of justification. They should rather always be with a productive role to sustain the environment of peace and tranquility in the webbed society of diversity in existence.

Recommendations

In the light of the humanitarian crisis in BTAD we have experienced through the findings, the different issue, cause and generators of different multi affected anti-social activities and the consequences that the common people had to engulf with little to live in dignity. Therefore, an attempt is being made to provide certain recommendation so as to find the mode of unraveling the frequency of negated human right state of affairs.

The scene of repeated human right violations itself is enough to count the failure on the part of the government. The State, the Centre who holds the constitutional responsibility of public order and security to the citizens has to be conscious enough of the consequences processed by their negligence. Therefore, the governmental agencies, forces, investigating agencies should be strengthened and put to regular surveillance even in the normal times. For the reason normal times happens for the perpetrators to be the best to use the strategy of inflicting communal hatred and crimes and disordering the society. Therefore, the lackadaisical on the part of Government should be replaced with the duty to formulate laws and policies that stand for people. However, the governments are reluctant in looking at different issues from long term perspective (Marwah, 2003). The think for temporary peace, in the long run, made people pay the consequences.

The ethnic conflict(s) which poses the threat to the human security of the people in BTAD needs to have a permanent solution. The solution lies in the fact finding of the grounds that usually revolves the conflict. The hour demands identification and to resolve the issues of circulation of illegal migrants, encroachment of tribal belt and blocks held in reserve for the tribals and the other notified classes. There is the need of urgent and appropriate policy investigating the matters for the reason every ethnic conflict encompasses such issues. To the fact of the existence of

Assam Land and Revenue Regulation Act, the Assam government should without delay implement oriented policy for protecting and making the regular inspect of the reserved land. Once implemented there can no longer be confusion amongst the people who holds the allegation of inciting the hatred and mistrust amongst the natives in BTAD. The issue of illegal migrants and settlement which still the people of Assam since the Assam movement has been trying to materialize in identifying and deportation should be taken seriously by the State through the Central government's assistance.

The issue in the aftermath of every conflicting situation revolves around the government's role in dealing the Internally Displaced Persons (IDPs) and in providing the democratic space of basic rights to the affected people living in the relief camps. Those who are to live in the camps under resettlement arrangement have to face series of serious problems affecting their lives of living as a normal citizen. Therefore, the government on the legal and humanitarian ground should adopt an appropriate policy, security deployment and agents of delivering services adequately to their needs until the situations calm down. The resettlement without security materialization would rather re-invigorate the conflicting parties. This is what found to happen in 1996 and 1998 between the Bodos and the Santhals. The government and the authority(ies) are often alleged of pushing back to their places of home even though the situation does not welcome the returning. Therefore, it is suggestible that the government should on priority basis make the security arrangement strong enough to wash the feelings of insecure in the minds of the affected and that the culprits were identified and punished. Or else without any security, the returning would only resurface the conflicting event(s).

The zero tolerance policy towards the militants and their anti-social activities should be inconsiderate enough to halt down their strength and the very base of the foundation. In BTAD, there are many ethnic-based insurgency groups with their own objectives. Their killings to the innocents, harassments to the common people, in the business, contracts, and normal works should be dealt with an iron hand. The militants under the Suspension of Operation (SoP) to have a dialogue with the government should be taken care of so as to make them incapable going free hand killings the innocents in disguise of underground militant(s). The government should take the

precaution while signing any agreement with any group of militants that nothing has been kept aside to instigate raise of further faction. It is true to the case of Assam where many factions of the surrendered are making heads to a humanitarian crisis. The negligence on the part of the government to have long term settlement policy is found to be the ground of further polarization in factions. Again the surrendered militants should compulsorily be resettled with the certain task of productivity, engagement to their capability.

The deployment of Army and security forces to the field of operation against the militancy is not free from public scrutiny and criticism. The task of public harassment, picking on mere distrust and illegal detention cannot be denied. In the name of security and civil aid they are held to generate fear and mistrust in the minds of the public. They involve in killing innocents which is not always untrue while analyzing the case of BTAD. Therefore, the government to the honesty of people and on humanitarian grounds should always put their activities to examination under the independent authority of legal recognition. In this context the government must put surveillance and the speedy trial on the extra-judicial killings or say the fact encounter activities. The government must end the process of internal reward and promotion to rank. Rather they must instead be legalized for indemnification and prosecution for the violation of rights they have committed. The legalization of strict punishment by an independent agency is needed because the society has witnessed the cruelties perpetrated equally by those governmental agencies despite they meant for the civil aid. In the context we may cite, '[G]overnments...reward policemen or paramilitary personnel, who actually encourages such [encounter] killing' (Noorani, 2012). The government or the authority should help establish the Civil Forum. Importantly the deployment of Army and forces for the counter operation in any area of public residence should be guided and in consultation with the Civil forum of the intellectuals of the cross section. This will certainly remove the fear in the minds of innocents and in fact will encourage their cooperation identifying the culprits. Again the reluctance on the part of judiciary should be removed. The judiciary must proceed with the killings of encounters. However, only a few State High Courts took up the matter but sometime remains stayed at the Supreme Courts dragnet. For instance, Assam Guwahati High Court in the 1990s wake up to challenge the constitutional

validity of such Acts degrading human values but kept stayed at the Apex Court's net (Navlakha, 1997).

Again the impunity granted by the parliamentarian mandated Laws, which in the form of draconian and Acts like Armed Forces (Special Powers) Act (AFSPA) remains the most contested and controversial in the public view. The influence of such in operation cannot be denied of its bitterness of experience by the people in Assam which inclusive of BTAD region. It helps them shield to escape their wrong doings even when proved. It gives them the power to shoot, detain without a warrant on mere suspicion even to comrades of lower rank. This encourages the forces deployed in the declared 'Disturbed areas' to go free hand killings. Therefore, there is the need to visit and rethink over such paradoxical Laws. Such laws be revoked for the reason democracy and human right violation cannot go hand in hand. It is also not justifiable of legalizing the killings in the name of protecting the security, order of the country. Human security, the dignity and individual freedom, fundamental and core value of civilization can only be guarded in the absence of such atrocities resulted by the State intervention which is legalized by corrupt Parliamentarians.

The role of different student organisation, political party(ies), leaders inciting any communal hatred and speech, mobilizing public at large on false propaganda be strictly dealt with. And the guidelines should be clear to prohibit the institution(s), leader(s) in public space who are not obligatory to societal harmony and order.

To understand and disseminate the value of the human right, to sustain the ethnic relations, cooperation in developmental areas, peace building efforts for dialogue amongst intellectual, community leaders, and general masses needs inevitably be encouraged. Seminars, Community voice exchange programme, Communal harmony speech, debate be organized frequently in the affected places. The efforts should be encouraged for community services and more to engage the youths, students. Permanent Peace-building Coordinated Committee from each ethnic group on membership rotation basis should be encouraged by the government or the proposal should be send to the government for such steps. But such Coordinating Committee should be under vigilance to be appointed by the government itself. This will help people of the cross section to be intact for peace in the region.

The role of the Press and Mass Media must play the role what is assigned by the reality of their institution being the fourth estate of democracy. The news of one part reaches to other parts on their display. Therefore, the mass mobilizing power of the media should work within the limitation they should be. Still education has not reached the minds of each people therefore general public at large believe in what they see rather analyzing the facts of the situation. The objects of the dead body displayed by the media house are enough to help stimulate the emotions and anger of those people despite in far flank but having the close ethnic or the religious affinity. The interpretations they do in the media house could easily affect those in the margin of education and thinking. They should avoid certain interpretation such as 'you are the target today and they will be the next', such negativity at different hours of time are witnessed on media display. Such kind of role may rather bring mistrust and hatred amongst communities. Therefore, the media must play the neutralize role and the role of critique on the media-debate show when any one is found to involving in having certain communal voices against another ethnic group. It is they who by their constructive role can help society entrenched in harmony and peace.

In the light of crisis, it is much necessary that the people of other part should think for the areas affected. The land crisis, the slow economic progress or say the economic stagnant will never ever help the development of the region. The vibrant democracy and the sound economy of the country and the region are very much of worth and reliable to push the human rights situation a good place. Therefore, it is suggestible for the State, to adopt and design economic policies which can provide the space for respect to human freedoms and tenets of human rights.⁶ The government should come forward with initiatives for investment, to sustain their political and economic instabilities. This, in turn, will help for strong regional economic foundation and growth which is the inevitable criteria to help to deepen the respect for human rights, and intern cooperation towards other communities.

The criminal (s) and the corrupt individual (s) should be prevented from the political exercise of being policy makers, or as peoples' representative (s). In fact, the rapid rise of crony capitalism, nexus between corrupt and developmental task led degrading the very foundation of Indian democracy and the Constitution. It has threatened the very question of security and survival. Likewise, we have seen the rampant crisis in the good governance, and politics of the State Assam and BTAD, destructive interest driven role, unparliamentary languages on the floor reflects

nothing but lacking in CDS- Commitment, Devotion and Sacrifice. We are in need of 'Netas' who can devote for the country and people of the region selflessly, we are in need of rule of justice, humanity not the mere rule of majority as saying goes when majority says you have to accept the martial laws in North-East so what we are today compelled to accept the consequences. Therefore, the hour demands the cross ethnic group and peoples of BTAD to re-examine the challenges rather getting trapped by the false propaganda, mistrust, hatred mindset for the restoration of peace and tranquility and development.

Implication for Future Research

The present work which is framed in the specified area Bodoland Territorial Autonomous Districts has many other scopes for the future research. Researcher can go for in-depth study on different issues pertaining to human right violations and its course of implications in different aspects of peoples' lives in the region. The political shift within the formation of new political arrangement within the Sixth Schedule of the Constitution of India can further be examined so as to justify what position do existing system in the region or if different quarters of allegations of rights violations on the foundation would be a crystal clear. In the light of human right situations, the relation between communities can comparatively be investigated taking pre and post days of BTAD establishment. Research on women and children, their conditions during the conflicting situations, and militancy and the counter military operation(s) from the standpoint of the sociological and the psychological impact on their lives hold reserve for further query. The problems of land issue, public outrage for the encroachment of Tribal Belts and Blocks (Chapter X of the Assam Land and Revenue Regulation Act 1886, as amended in 1947), issue of illegal immigration and settlement in the BTAD from the near abroad country(s) based on parliamentary comments, debates, media report or say strategy built by the All Assam Students' Union (AASU) in the late 70s of the 20th century can be the ground for further research. Again, the role of Student organization(s), Political parties which time and again seen to be alleged and reported by the government, human right activist(s) in inciting the situational crisis can be taken up for further academic work. Further, the area like the vote bank politics cutting across the different political party in the region (Assam) as well national political race how they adopt legal as well the illegal

immigration as a source in gaining the majority and sustaining their incumbent seats be it in the parliament or in the State Assembly. It is to see how such acts of political party led impound the congenial atmosphere of human right in the BTAD. These identified grounds for further academic inquiry would help finding the genuine base of devaluing the normal lives in the region and the remedy for the society and the forthcoming generations.

Limitation(s)

The study of the human right situation in BTAD has especially been analyzed from the peoples' point of view. Respondents throughout the field survey appear to be cooperative. However many challenges had to be faced; many respondents were hesitant to speak the truth elaborately and expose the names. Again the exposition about the facts committed by the Army and militancy had to be achieved only after repeated convincing. With regard to the role of militants they took every care what to disclose and not, for the reason they admitted of their reluctance on security grounds. Again the security reason, time and money had stood as inexorable constrains that made me incapable from covering wider areas and respondents. For the said limitations, interviewing the governmental authorities and other administrators couldn't be held. Nevertheless, within the framework of limited time and space every care was being taken to achieve the data in support of the task of research in an unbiased manner of being abided by the research ethics.

Endnotes

¹ It is said that most of the non western and their traditions lack not only the practice but also the very concept of human rights and further, considered human rights as an artifact of the modern western civilization. This is the argument provided by John Donnelly. For details see *Hindu Narratives on Human Rights* (2010) by Arvind Sharma; Praeger publishing.

² In resonant to terrorist activities, Narendra Modi, existing Prime Minister of India had reacted UN's inability to define terrorism. He says, "*if defining takes so much time, then how many years will it take to tackle terrorism.*" For details see *The Assam Tribune*, September 29,2015

³ See the discussion in Sen. A, Development as Freedom (1999), New York: Anchor Books.

⁴ Indian dharma or the period of Vedic not unlike the Babylonian Laws of Hammurabi or the Assyrian laws of the Middle East could place India as Champion to human rights throughout the civilization of mankind.

⁵For further understanding one can go back to the narration provided about how Assam government in 2012 failed to operate army already in existence in BTAD and this without having the prior permission of the Defence minister and the latter without the approval of Union Home Ministry sitting somewhere in Delhi.

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Bibliography

- Akbarzadeh, S., & Mac Queen, B. (2008). *Islam and Human Rights in Practice: Perspectives across the Ummah*. London: Routledge.
- Amnesty International (1998). *Manipur: The Silencing of Youth*, AI Index ASA 20/05/98.
- Angle, S.C. (2004). *Human Rights and Chinese Thought: A Cross-Cultural Inquiry*. UK: Cambridge University Press.
- Attar, C. (1985). *Politics of Human Rights and Civil Liberties. A Global Survey*. Delhi: UDH Publishers.
- Bajwa, G.S. (1995). *Human Rights in India Implementation and Violation*. New Delhi: Anmol Publication.
- Basu, D.D. (1994). *Human Rights in Constitutional Law*. Nagpur: Wadhwa & Co.
- Bauman, R.A. (2000). *Human Rights in Ancient Rome*. London: Routledge.
- Baxi, U. (2007). *Human Rights in a Posthuman World*. Oxford: Oxford University Press.
- Bedi, S.R.S. (2007). *The Development of Human Rights Law by the Judges of the International Court of Justice*. USA: Hart Publishing.
- Brown, C. (1997). Universal Human Rights: A Critique. *The International Journal of Human Rights*, Vol. No. 1:2, pp. 41-65. <http://dx.doi.org/10.1080/113642989708406666>.
- Charsley, S. R. (1996). Untouchable: What is in a Name? *Journal of the Royal Anthropological Institute*, New Series, Vol. 2(1), pp.1-23.
- Chu, S. K.H., Brouwer, A. M.de. (2009). *The MEN Who Killed Me: Rwandan Survivors of Sexual Violence*, Herizens,22 (4).
- Falk, R. (2000). *Human Rights Horizons: The Pursuit of Justice in a Globalizing World*. New York: Routledge.

- Follesdal, A., & Pogge, T. (2005). *Real World Justice: Grounds, Principles, Human Rights and Social Institutions*. Netherland: Springer.
- Franck, T.M. (2001). Are Human Rights Universal. *Foreign Affairs*, Vol. 80(1), pp. 291-204.
- Freeman, M. (2004). The Problems of Secularism in Human Rights Theory. *Human Rights Quarterly*: The Johns Hopkins University Press.
- Gandhi, M.K. (1947). *India of My Dreams*. Compiled by R.K. Prabhu. Ahmadabad: Navajivan Mudranalaya Publishing . www.mkgandhi.org.
- Garnsy, P. (1996). *Ideas of Slavery from Aristotle to Augustine*. New York: Cambridge University Press, p.130.
- Gilabert, P. (2011). Humanist and Political Perspectives on Human Rights. Source: *Political Theory*, 39(4), 439- 467. Sage Publication.
- Hasan, S. (2012). *The Muslim World in the 21st century: Space, Power and Human Development*. Springer.
- Hussain, F., Dar, G.R., & Hanief, A.K. (1999). *Can You Deny It? Human Rights Division*, All Parties Hurriyat Conference.
- Independent Citizen's Fact-Finding Report to the Nation, Nov. 2009. *Democracy 'Encountered': Rights' Violations in Manipur*, p.20.
- Ishay, M.R. (2004). *The History of human rights*. Berkely & London: University of California Press, p. xvi.
- Jha, M. (1996). *A Study of Human Rights Organizations and Issues in India*. UK: University of Glasgow, Thesis.
- Johnson, M.G., Symonides, J. (1998). *The Universal Declaration of Human Rights: A History of its creation and Implementation 1948-1998*. It was published by the UNESCO on the fifteenth of UDHR foundation.
- Kazmi, F. (1987). *Human Rights Myth and Reality*. New Delhi: Intellectual Publishing.

- Keane, D. (2007). *Caste-based Discrimination in International Human Rights Law*. Ashgate.
- Kent, G. (2005). *Freedom from Want: The Human Right to Adequate Food*. Washington, D.C: Georgetown University Press.
- Kohli, A.(1987). *The State and Poverty in India: The Politics of Reform*. Cambridge: Cambridge University Press.
- Kovacevic, D.(n.d.). *International Minority Protection System*. Belgrade: Ethnicity Research Center.
- Kraut, R. (2002). *Aristotle Political Philosophy*. New York: Oxford University Press.
- Miller, F.D. (1995). *Nature, Justice, and Rights in Aristotle's Politics*. Oxford: Clarendon Press.
- Morsink, J. (1999). *Universal Declaration of Human Rights: Drafting, Origins, & Intent*. Philadelphia: University of Pennsylvania Press.
- Narwani, G.S.(2011). *Atrocities Against Scheduled Castes and the Scheduled Tribes*. New Delhi: Rawat Publications.p.35.
- Nash, K. (2009). *Cultural Politics of Human Rights: Comparing the US and UK*. Cambridge: Cambridge University Press.
- National Human Rights Commission (2012) *A Hand Book on International Human Rights Conventions*, New Delhi www.nhrc.nic.in/Documents/Publications/A-Handbook-on-International-HR-Conventions.pdf.
- Nizami, Z.A., & Paul, D. (1994). *Human Rights in the Third World Countries*. New Delhi: Kirs Publication.
- Noorani, A.G. (2012). *Challenges to Civil Rights Guarantees in India*. New Delhi: Oxford University Press.
- O'Nions, H. (2007). *Minority Rights Protection in International Law- The Roma of Europe*. London & USA: Ashgate Publishing Limited, European Research Centre on Migration & Ethnic Relation.

- Othman, M.C. (2005). *Accountability for International Humanitarian Law Violations: the case of Rwanda and East Timor*. Berlin: Springer.
- Pal, J. (2010). *Human Rights and Development: Issues and Challenges*. New Delhi: Serials Publications.
- Paupp, T.E. (2014). *Redefining Human Rights in the struggle for Peace and Development*. Cambridge: Cambridge University Press.
- Ramaiah, A. (2013). Growing crimes against Dalits in India despite special laws, *The London School of Economics and Political Science (LSE)*.
- Rathore. A.S., Verma.A. (ed.) (2011). *B. R. Ambedkar. The Buddha and his Dhamma*. New Delhi: Oxford University Press.
- Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.
- Reddy, M.K.R. (1993). Custodial Violence in India. Source: *Social Scientist*. Social Scientist Publisher, 21(7/8), 104-105.
- Rehman, J., & Breau, S.C. (2007). *Regional, Human Rights and International Law: Critical Examination of Islamic State Practices*. Boston: Martinus Nijhoff Publishers.
- Ross, D. (2002). *The Right and The Good*. New York: Oxford University Press.
- Rowe, P. (2005). *The impact of Human Rights Law on Armed Forces*. New York: Cambridge University Press.
- Runzo,J., Martin, N.M., & Sharma, A. (2003). *Human Rights and Responsibilities in the World Religions*. England: One world Publications.
- Saksena, K.P. (2001). Human Rights and Wrongs in *the World Focus Monthly Discussion Journal Journal*. Vol. 22(1), pp.3-6.
- Sen, S. (2010). *Human Rights and Inhuman Wrongs*. New Delhi: Gyan Publication.
- Sen, A. (1999). *Development as Freedom*. New York: Anchor Books.

- Sen, S. (1998). *Human Rights in a Developing Society*. New Delhi: A.P.H Publishing Corporations.
- Sharma, A. (2010). *Hindu Narratives on Human Rights*. California: Praeger.
- Sharma, R.S. (1968). *Aspects of political Ideas and Institutions in Ancient India*. Delhi: Matilal Banarsidass, p.97.
- Shattuck, J. (2005). *Freedom on Fire: Human Rights Wars and America's Response*. Cambridge: Harvard University Press.
- Sinha. P.C. (2002). *Encyclopedia of Human rights*. New Delhi: Anmol publishers, Vol-1.
- Singhseghal, H.P. (1996). *Human Rights in India Problems and Prospects*. New Delhi: Deep and Deep Publications.
- Subramanian, S. (1997). *Human Rights: International Challenges*. New Delhi: Manas Publication, p. 57.
- Swain, J., French, S. & Cameron, C. (2003). *Controversial Issues in a Disabling Society*. UK: Open University Press.
- Taylor, P.M. (2005). *Freedom of Religion-UN and European Human Rights Law and Practice*. Cambridge: Cambridge University Press.
- Tharor, S. (1999/2000). Are Human Rights Universal? *World Policy Journal*, 16(4), p. 16.
- Varma, S. (2011). Terrorism and Violation of Human Rights in Jammu and Kashmir. In A.S. Anand & A.V. Afonso (Eds.), *Human Rights in India: Theory and Practice*. (p.329). Shimla: Indian Institute of Advanced Study.
- Vincent, A. (2010). *The Politics of Human Rights*. Oxford: Oxford University Press.
- Wilson, R.A. (2005). *Human Rights in the 'War on Terror'*. New York: Cambridge University Press.
- Yildiz, K. & Breau, S. (2010). *The Kurdish Conflict International Humanitarian Law & Post Conflict Mechanism*. New York: Routledge.