

**A STUDY OF
HUMAN RIGHTS VIOLATIONS OF
JAMMU AND KASHMIR**

In partial fulfillment of the requirement for the Award
Of Master's degree in Political science

**BY
AZIM YAQOOB SHAN
(Reg. no) 11510481**

**Under the guidance of
Mrs. Muhmina Mumtaz Jahan. T**

(Assistant Professor)

Department of Political Science



**LOVELY PROFESSIONAL UNIVERSITY
PUNJAB, INDIA
April 2017**

Table of contents

• Chapter I	Page No
Introduction.....	1---21
▪ Chapter II	
International Institutions and organizations for Human Rights...	22---31
▪ Chapter III	
Human Rights Legislation in India.....	30---41
• Chapter IV	
Human rights Violations in Jammu and Kashmir.....	42---53
▪ CHAPTER V	
Conclusion.....	53---58

Abstract

Violations against Human Rights in Jammu and Kashmir one of the states of India, is several times seen as most heated issue known everywhere throughout the world. The State of JK being the most controversial and most debated states, of is a combination of three respective regions of state of **Jammu, Kashmir** and **Ladakh** respectively. The main focus of this research will be on Jammu and Kashmir, and Kashmir region in particular.

Kashmir is the oldest and the most serious dispute between Pakistan and India. The two nations are all times seen busy in resolving the issue of Kashmir. While India is claiming that Kashmir is the Integral part of it, while as Pakistan is claiming that people of Kashmir are willing to join their nation. Based on such reasons there is an armed struggle going since decades as to capture the territory of Kashmir. The use of military and paramilitary forces established there in the state by is several times observed a cause behind human rights violations in order to minimize the freedom movements by the people of Kashmir. While as if we consider the people of Kashmiri they want freedom and separation from Administration of India and in fact from the nation of India and they aim of deciding there future by themselves which is strictly rejected by the Government of India. So, Indian Authorities use the Military forces to end such movements. India and want to decide their political future on their own. This is not acceptable to India and it use force to control Kashmir. Hence, it is because of these reasons a battle/conflict is going on between people of Kashmir and Government of India. And also this is the reason that there is an enormous Violations against human rights observed in the State especially in the Kashmir.

The ongoing struggle between security forces and people in the various forms of freedom slogans, protests, marches, stone pelting's have now became a daily routine over there, resulting several damages to both sides, serious injuries and deaths sometimes and also a huge damage to Government buildings and offices particularly.

The paper will also highlight the following violations faced by the people of Kashmir since decades;

Keywords: abuses, disappearances, rape and sexual abuse, fake encounter, Torture, extrajudicial killings, Mass graves, innocent killings.*

Chapter 1

INTRODUCTION:

The Human Rights which are basically understood as the rights granted to all Human beings as their natural rights in order to live their lives with dignity and pride. The motive behind the enforcement of human rights is to ensure that all civilians should be granted a sense of security and protection by the authorities ruling them irrespective of Caste, Gender, Language, Religion, Region or place of birth etc. These rights existed as main agents for the welfare of humanity and also forced the world states to frame and guarantee human rights legally with the motive of acting as an agency in promoting and protecting civilian lives.

What are Human Rights?

Civil rights basically we can say are being naturally sanctioned which entirely all individuals are granted as their basic or we can their birth rights in order to live and form a society and being a member of it. Many International organizations and institutions are active for promoting and implementing Human rights just for the betterment of citizens and welfare of whole community. Human rights being those Norms that exist in society everywhere with the main aim of assuring a sense of security to person or persons and to avoid various types of abuses, harassments, and violations and to protect civilians universally to get rid of violations against their rights and to protect themselves in order to stop violence's, harassment, abuses whether Social or Political. They exist in several forms of freedoms like free to express ones thoughts, Religious freedoms, to avoid custodial tortures, and liberty of participating in the Political affairs of their respective states. These rights given to citizens everywhere throughout the world in order to protect and ensure them a sense of security and sense being independent. Human Rights are of universal importance because these are same for all irrespective of race, color, sex, language or religion etc.¹ So that each human being can enjoy the at their fullest. It has been accepted by all nations, states and Governments.

¹ Author anonymous, "What are human Rights," *Equality Human Rights*. URL: <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights> (accessed on 22 March 2017).

There is a fundamental need of Human rights instruction as these rights are reason for contributing being developed of their status of being a people an idea of advancement predictable with the pride of Human individual and considers the different sections of society, for example, kids, ladies, racial minorities, crippled people, etc.² For elevating appreciation to these rights, United Nations Organization has broadcasted UDHR, agreement on social, monetary, political, social rights the same number of different issues. The United Nations General Assembly recognized the part of place for human rights in advancement, security and execution of Human Rights. Joined Nations offices like General Assembly, ECOSOC (financial and social board), sub commission of security and advancing Human Rights.

It is universal

Civilians are accorded with respect and dignity in respect to these rights. There are transnational, trans-cultural and trans-faiths. The human rights included in the idea of universality is it gives importance to individuals.

However, some criteria are needed to be fulfilled to understand the universality of human rights. Firstly, suffrage, are held only by citizens of legal age and is applicable only to exercise his franchise in one's own home town. In any case, a few criteria are should have been satisfied to comprehend the all-inclusiveness of human rights. Right off the bat, suffrage, are held just by subjects of legitimate age and is appropriate just to exercise his establishment in one's the place where own grew up. Furthermore, freedom of development may not be appropriate to a man who has criminal history. Thirdly, there is likewise colossal accentuation on the privileges of uncovered gatherings, for example, tribal individuals, ladies, and youngsters.

There is a consensus among all nations, states and Governments accepting these fundamental concepts of rights. Education and Training is one of needs as it backs to an idea of improvement in accordance with the confidence of individual and takes into clarification the various synthesis of individuals, for example, youngsters, ladies including handicapped people. For advancing appreciation for human rights, United Nations has announced UDHR, agreement on social, monetary, political, social rights including other issues.² The UN Assembly recognized the significance of community for these rights in progression, security and execution of HR.

² Commission for Promoting Human Rights of UNO :available at ;www.ohchr.org/english

Symbiotic and inseparable

Every human right are indivisible, regardless and inseparable of whether they are considerate and political rights, for example, the privilege to life, correspondence under the watchful eye of the law and freedom of expression; monetary, social and social rights, for example, the rights to work, social wellbeing and instruction, or aggregate rights, for example, the rights to advance and self-assurance, are conjoined, brought together and associated. The change of one right empowers headway of the others. Moreover, the foreswearing of one right seriously influences the others.

The Human Rights Council

United Nations Human Rights Commission which was a 56 member committee, sanctioned by the UN charter for promoting human rights. The plain motive of this replacement was to double standards and politicization. The plain thought process of this substitution was to twofold guidelines and politicization. The Council incorporate the vital obligations and duties as –to give the regard to security of the individual's rights and the tending to graceless human rights infringement, making supports to the General Assembly, and —responding to human rights crises. The Council's different errands incorporate giving direct guide to UN part states to help them meet their human rights duties. The new chamber comprises of 47 individuals, who are chosen specifically and independently by the General Assembly where participation depends on statistic conveyance. The residency of this board is of 3 years.

The procedures for the membership of is based on keeping countries with high human rights violators off the Commission. Requiring an absolute majority of General Assembly, of 96 votes in a secret ballot the United Nations General Assembly also has the legal power to suspend the members who have not been successfully reduced the Violations against Human Rights? The council is supposed to meet at least three times in a year within a period of not more than ten weeks, with special sessions as may require time to time.

Universal Periodic Review adopted in 2008 is one of the progress made so far. This system acts as a security and evaluates which is worked away by the Council and its staff in which all UN members are mandated once in every four years to report, accept evaluation, and have deliberated in the Council their practices. It also resolves whether a country can be a signatory of any human rights treaties.

Breakthrough steps towards Human Rights

The Cyrus Cylinder;

Cyrus II, king of Persia, began his reign by historical steps taken especially towards the Slaves and exiled persons. He was the one to introduce rights for slaves and also declared that the exiled civilians can return their home lands with proper freedoms throughout the Persian Empire.

Magna Carta- 1215

The charter of Magna Carta is considered as one of the major historical step towards the fundamental guarantees of rights and liberties of citizens. The charter was established to provide the framework for relationship between the rulers (king) and the subjects of that rule (slaves/citizens). The most valuable task of this charter is that it gave all civilians the tag of 'Free Men' and right to liberty and fair and equal distribution of justice.

The petition of Right- 1628

The British Parliament send a petition to King Charles I, in 1628 demanding that King should not Tax people without permission granted by Parliament. And also there should be a valid reason behind imprisonment of a person or group of civilians. The rule of king should be based on proper establishment of laws and rules over his subjects was also included in this petition.

This bill passed in 1689 was considering the setup of civil and political rights, including freedom of expression and to form political associations, and there should not be any interference of King or Queen in such matters.

The French deceleration of civil Rights- 1789

In 1789, French deceleration regarding universal and unchallengeable civil rights was setup for the citizens. It focuses on freedom and liberty and stated that all humans are born without chains and are equivalent. It also provides for Right to speech and private property. Besides this, it also gives right to contribution in civil and political aspects of society.

The U.S. bill of Rights-1789

This bill of rights is included in first ten amendments in the U.S. Constitution. The bill provides for liberty of discourse and expression, freedom of mass media. Independence to form association or assembly. Right to fair trial and claim against unreasonable search were also included in it.

Universal Declaration of Human Rights- 1948

The Universal Declaration of Human Rights (UDHR) is part of the International Bill of Human Rights. The thirty articles cover rights of individual such as the freedom from slavery; political and civil rights such as the liberties of speech and association; and economic, social and cultural rights such as the equal access to education and adequate housing.

Amnesty International- 1961

It is one of the world's major Human Rights Organization. It keeps a close eye on basic Human Rights of civilians throughout the world and is also fighting for their implementation if found missing somewhere. The protection of these rights is the basic motive of this organization. It focuses on the violations against human rights and pressurizes the respective governments to enforce and implement the rules and laws to protect them.

The International contract on Social, Economic and Cultural Rights- 1966

Being a part of International bill of rights and Universal Declaration on Human Rights this agreement covers financial, social and cultural rights such as the right to work for just wages, holiday and leisure time, the protection of the family and the right to adequate food, housing and clothing. New Zealand ratified this covenant in 1978.

Violation against Human Rights

When the citizens of a particular community or state anywhere in the world are not fully secured and are not able to live their lives with prosperous and dignity or face any discriminations or harnesses by rulers of that particular community is termed as violations of their human rights. It additionally incorporates Denial of political rights, Political detainees, Denial of tyke rights, Denial of religious flexibility, Denial of reasonable trial, repudiation of minority rights and ladies right. There exists now an all-inclusive accord which guarantees that all people are qualified for certain fundamental social equality under any circumstances. Which ensure subjects a feeling of certain common freedoms and political rights, the most basic of which is the privilege to life and physical security.

The human rights infringement now and then might be the aftereffect of absence of information about them. Along these lines, states ought to guarantee that individuals get some level of not too bad, accommodating treatment. The spoiling's against human essential rights additionally imply that individual are denied to have their focal good standards and rights. The misuse intends to regard people as though they are not as much as human. The results of such human rights infringement closes as acts normally accepted as "wrongdoings against humankind," including slaughter, enduring, subjugation, assault, constrained cleansing, restorative experimentation, and measured starvation. A few arrangements are infrequently connected by governments, controlling the unhindered energy of the state as an imperative piece of worldwide law. Fundamental laws that preclude the "violations against mankind" is the conviction of non-segregation and the possibility that specific essential benefits apply cross nations.

Importance

Rights for human beings are considered very essential for the existence of the people in the world. The human rights are given the very much and in fact, are having the universal importance in all states for maintaining a neutrality between the government and the citizens. Human Rights claim the individual's needs and ensure their livings with less restrictions and discriminations and makes them conscious about their betterment and wholesome welfare. They make human beings not only survive but make their lives very much better and fully developmental. So, while some are essential for the existence of human beings the others are for the development of their individual status and to live with dignity.

Human rights have universal importance civilians for all irrespective of Caste, Gender, color, Religion. Humans enjoy them being not only a member of particular society or community, but being a member of Human society. Human rights provide a sense of security to the individuals in the various forms of Social, Political, Cultural rights.

Review of Literature

REVIEW OF LITERATURE

A great deal of composed material is accessible about the Human Rights in Jammu and Kashmir and their infringement at a few times. The issue of infringement against human rights in the state has pulled in different writers and columnists to distribute the different books, articles, with respect to the issues, infringement, misuse and deaths which natives are confronting all through decades. Being one of the recalcitrant uncertain clashes on the planet, the Kashmir issue has pulled in consideration of numerous scientists, researchers and creators. Various books and articles have been composed on the Kashmir strife. This survey of writing presents a depiction of some imperative related works.

- **O'byrne (2012)** The author has analysis the idea about the mass destruction which was caused after world war second which causes heavy loss to the lives of humanity. Millions of innocent people lost their lives others became the victims of dictator rulers which were severely causing harassments to the people, immigration, sexual abuses, loss of family and very huge loss of property, causing the then authorities to establish a committee which will prevent the future generations to face as such.

The outcome of all this was the UDHR framed by the UN in 1948, which guarantees the protection to the individuals all over the world. It protects the life, liberty and promotes equal justice and freedom to Human beings throughout the world. According to author the framing of Universal Declaration Human Rights was the landmark to bring the equality among individuals and promote equal protection to human lives.

- **Begum (2010)**, Says that the present world situation which is a matter of serious concern all over the world particularly developing countries like India. In fact, the UDHR in 1948 directs every state to implement the human rights within their respective states to let the individuals live life with dignity. In India the establishment of NHRC in 1993 is also seen as the landmark within the state to protect its citizens. The NHRC defines Civil Rights as the rights relating to life, liberty, equality and dignity of the individual, guaranteed by the constitution and enforceable by the courts in India.

National Human Rights Commission is by an Act of parliament. The commission has authority to monitor implementation of its various recommendations. Be that as it may, Background record proposes that the Indian government was not genuine about setting up this Commission. It set up this commission to enhance the nation's notoriety and as a response to the pundits. It is vital to see if government was looking for only to assuage a worldwide crowd or whether the NHRC has had an autonomous effect.

- **Kapoor & Gupta (2009)**, explain that the endeavors to explain the varied human rights roles played by the tribal, rural to urban Indian population. Somewhat more specifically it is an attempt to discover the range of knowledge attitude practice and awareness of human rights among Indian population. Human rights field has grown more rapidly in recent years and has extended to almost all fields of social rights; enable it to occupy at present a unique central position in anthropology in that it ties together with different disciplines. The need of basic human rights in modern world seems to be the most important need for the development of individuals and society. Following the need of these basic human rights in the country, the Constitution of India was drafted simultaneously with drafting of Universal Declaration Human Rights during the period of 1948-49. The designers of Indian Constitution were impacted by the idea of HR. From that point it ensured different Human rights to its kin as Fundamental Rights (when human rights are ensured in a composed constitution they are called Fundamental rights). They incorporate Right to flexibility, appropriate to subjective capture, ideal to protection and responsibility for, ideal to discourse, instruction, culture and so on, to secure residents from any sort segregation, violence's.
- **Rao (2004)**, Rao watched that the United Nations announced the United Nations decade for human rights instruction (1995-2004) with a specific end goal to discharge the targets of the Universal Declaration of Human Rights (1948) and to regard the call made amid the world gathering on Human Rights (1993). The administration's worldwide association's proficient affiliations all areas of common society and people have been particularly urged to build up organizations and focus endeavors for Human Rights Education amid the decade through the universal arrangement of activity for the decade. By taking after and actualizing the arrangement of activity, every world country put the human rights training on a correct track and it is cruising easily. This book on the United Nations decade for

Human Rights Education introduces a portion of the critical records of the United Nations and the workplace of United Nations High Commissioner for human rights, to make per users mindful of targets and the arrangement of activity of the decade and the means taken by the individual nations in actualizing the Plan of Action. The book is included in the advancement and promotion of Human Rights and Human Rights Education.

- **Kaur (2008)**, says that the Human Rights are of universal importance because these are same for all regardless of race, color, sex, language or religion etc., so that each human being can enjoy the at their fullest. It has been accepted by all nations, states and Governments. Human rights instruction is the need in that it adds to an idea of improvement predictable with the nobility of Human individual and considers the different sections of society, for example, youngsters, ladies, racial minorities, incapacitated people, and so on. For advancing appreciation for human rights, United Nations Organization has declared Universal Deceleration of Human Rights, contract on social, financial, political, social rights the same number of different issues. The United Nations General Assembly recognized the part of community for human rights in advancement, security and execution of Human Rights. Joined Nations offices like General Assembly, ECOSOC (financial and social committee), sub commission of security and advancing Human Rights.

- **Dixit (2014)**, explained that the human rights violations faced by the people of Jammu and Kashmir in various forms in almost every day of life. The state administered by the Government of India mostly known as one of the highest unrest state were people are struggling with Government for their basic Human Rights which they were provided by the United Nations Resolution Act 1948. The only reasons behind almost every unrest is that the people are demanding **Self Autonomy** (means rules applied by its own citizens) which according to them are violated by Indian Government. People also want the removal of **AFSPA** (Armed Forces Special Powers Act) applied in 1990. It is seen as the basic reason by which the Armed forces are violating the human rights over here. The Kashmir locale particularly is enduring each minute demise of human rights. Mass killings, constrained vanishings, torment, assault and sexual mishandle to political constraint and

concealment of the right to speak freely have turned into a vital piece of individuals in this locale in their everyday lives. The Indian focal save police constrain, fringe security work force and different aggressor bunches have been denounced and considered responsible for submitting serious human rights manhandle against Kashmiri regular citizens.

- **Sharma (2011)**, has examination the Violating human rights is a standout amongst the most stressing issues of present day times for the whole world. The reactions to the most exceedingly bad human rights infringement of the twentieth century have made a veritable human rights culture. This book highlights the contemporary difficulties to human rights so as to delineate the ethical legitimization of and cutoff points to security direction, and the need to accommodate rights and group in advanced age. Regard for human rights and human pride is the establishment of flexibility, equity and peace on the planet. Human rights exist with a specific end goal to secure the fundamental nobility of human life. Human rights are moral and additionally lawful and it is their ethical quality that underlines and legitimizes their lawfulness. Human Rights situation in Jammu and Kashmir and as indicated by creator the J&K government and Government of India have neglected to take sufficient measures to smother psychological warfare in the state. Amid 1989 sixteen hundred brutal occurrences including 351 bomb impacts occurred in Kashmir region. Amid the mid-1990s, 319 brutal occurrences, 21 furnished assaults, 114 bomb impacts and 12 flare-up assaults of swarm viciousness occurred in the state Since then the state is at its peak for the demand especially for its freedom and state autonomy and many times it ends with the crucial fights between Indian government and the people of Jammu and Kashmir and Government to control the people there using the armed military forces to suppress the demands of people which sometimes ends up with the crucial harassment with the human rights of the people over there.
- **Ansari (2006)**, observed that how to protect the Human Rights in modern era for the betterment individuality and a better and progressive nation. To protect the nation from any sort of internal or external disturbances it is very basic need to protect the Rights of its Citizens. To protect the Human rights of citizens it is necessary for a nation to avoid all sorts of discrimination within its territory to all sections of society and let any section the

victims of any other section, social group or government rule. The protection of human right means that there should be absolute equal opportunity for both sexes of the society in order to make them especially for the women to fight with any authority for their Rights also to care the children rights. There should not be any regional disturbances like a particular state or region is getting more attraction, funds and care from government while the next is getting ignored which is making them struggle for rights.

- **Sachar (2009)**, Says that which is deliberately raised is about the protection of human rights. The security of social liberties is the fundamental need wherever on the planet. Bread and freedom are the two sides of a similar coin and the hardship of either should definitely harm the texture of other. Flexibility of a person, which is propose of human rights, clearly can have no importance inasmuch as the poor group in the nation don't have their monetary conditions enhanced and will be furnished with all that others appreciate. The current circumstance must make concern every human right activists. The media should also pay extra attention towards the betterment of conditions of the people and safeguarding of human rights of 40% of people living below the poverty line.
- **Subramanya (2011)**, explained that the refugee is a critical and crucial issue causing concern to the international community with Human Rights as the central focus. Human rights of refugees are a complex area with all perceivable perceptions of violations coming into play. There have been migration of people from one part to another around the globe basically because of economic reasons or due to natural calamities. The human rights of refugees have so far been protected by the Indian Judiciary which has taken note of Article 21 which extends protection of the life and liberty of all persons. Historical and analytical methods have been used in the study by the author to present a clear Idea about the basic Violations faced by the refugees.
- **Jan(2005)**, investigated in her research article about the origin and factors which are the responsible behind the establishment of State HR Commission in J&K and finds that the Bill of rights was presented by the National Conference on of the major political party of

state. The graphed gave that the Residents would be entitled with a legitimate insurance of their essential rights through the structure of Laws. Part IV of state constitution manages

the premise of foundation of establishment of human rights. Therefore amid the control of National Conference in 1997, government chose that the changeless body J&K Human Rights Commission would be set up under the insurance of Human Rights Act, no XV of 1997.

The foundation of the Institution was a noteworthy stride taken towards the administration and insurance of Human Rights of the residents and to maintain a strategic distance from the separations inside the state. The critical elements of the commission are to investigation into the objections, audit existing laws, support the NGOs for the advancement of individuals, and to make mindfulness among masses for their prosperous lives.

The creator however uncovers reality that lamentably, the state government is not considering SHRC important, it needs fundamental framework like satisfactory staff members, free research division and exploring organization. Its part has been restricted just looking for reports from Police division J&K.

OBJECTIVES OF THE STUDY

The goal of the review is to exhibit a thought regarding different human rights infringement situations in the Indian condition of Jammu and Kashmir particularly the Region of Kashmir which it is confronting since decades prior. The primary goals of this review are;

- To know the nature and cause of violations of Human Rights.
- To review the various legislation of the human right in Jammu and Kashmir.
- To learn about the various kinds of Human Rights Violations faced by the people of J&K
- To know the awareness of people and Police about Human Right in J& K
- To know the implementation and working of State Human Rights Commission.
- To find out the Solution of the Problem of violence of Human Rights in J&K.

HYPOTHESIS OF THE STUDY

The hypothesis of this research will be the following:

- ❖ The incidents and violations against human rights in Jammu and Kashmir are very rapidly growing in present era.
- ❖ There is a need of proper guidance's for the people of state to avoid violations against their Human Rights.
- ❖ The Indian paramilitary forces and the police forces are generally seen directly or indirectly involved in violating the Human Rights in J& K.
- ❖ The implementation and working of State Human Rights Commission is not seen very much effective.

RESEARCH METHODOLOGY

As we know that 'research' is an orderly, systematic investigation and study of materials and sources in order to re-establish facts and reach newer conclusions. Research methodology is the particular way by which results are found out after specifying particular problem or a specific matter. In methodology, different researchers use different criteria, different sources and different technique for attaining the desired outcomes.

In this research, my focus will be upon the both primary and secondary data to make this research run towards its goal successfully. Primary data is the data which is first hand collected by the researcher through interviews, field surveys, and personal observations while as the secondary data is the data obtained by the already published researches and their final outcomes, it is also in the form of Magazines, Articles, journals, newspapers etc.

Chapter II

INTERNATIONAL INSTITUTIONS AND ORGANIZATIONS FOR PROMOTING HUMAN RIGHTS

There are many international organizations which are dedicating their energies for shelter, promotion and implementation of and to put an end to violations and abuses. These organizations use to make extensive websites to have an access to entire world and to communicate people in order to resolve their issues. One of the major technique used by these organizations is documenting and recording the violations to put them in the consideration of the respective Governments and to call for a remedial action. The success of these organizations is to achieve public support and to condemnation of abuses. Non-Governmental Organizations especially are having a particular and the most significant role in encouraging and defending rights. They use to observe and Monitor the actions of Government and are pressurizing it to act as per the basic principles.

The U.N stated that the HR Education decade (1995-2004) is aiming to release the objectives of the UDHR (1948) and to respect the call made during the world discussion on rights (1993). Numerous partners, for example, government's worldwide associations, proficient affiliations, assortments of divisions of common society and people have been urged to make organizations and think endeavors amid the decade. By taking after and executing the arrangement of activity, every single world country put the human rights instruction on a correct track and it is cruising easily. This book on the United Nations decade for Human Rights Education exhibits a portion of the essential records of the United Nations and the workplace of UN High Commissioner for human rights, to make per users mindful of destinations and the arrangement of the decade and the means taken by the individual nations in executing the Plan of Action.

Some of the main international organizations (Governmental as well as Non-governmental) working for the basic rights for human beings are listed below;

UDHR

As a response for safeguarding rights of the human beings in the world, the UN General Assembly adopted and accepted the UDHR in the year 1948, at Paris. It was based on the basis of observations and horrific experiences from Second World War, which brought about various damages and destructions to human lives and humanity. Millions of lives were disappeared and lost in unknown places.³ It aims to create aspirations, hopes and protection to make World stand on the pillars of Freedom, Justice and Peace.

The idea about the mass destruction which was caused after world war second which causes heavy loss to the lives of humanity. Millions of innocent people lost their lives others became the victims of dictator rulers which were severely causing harassments to the people, immigration, sexual abuses, loss of family and very huge loss of property, causing the then authorities to establish a committee which will prevent the future generations to face as such.

The outcome of all this was the UNDR framed by the United Nations in 1948, which guarantees the protection to the individuals all over the world. It protects the life, liberty and promotes equal justice and freedom to Human beings throughout the world. According to author the framing of UNHR was landmark to bring the equality among individuals and promote equal protection to human lives.

The Deceleration consists of 30 articles which work for the smooth and equal development of social, economic, and political rights of the people across world. It is a set of principles and directions from UN Assembly to its member countries to ensure the efforts to offer all citizens a life of prosperous and self-respect. Over the past 50 years the UNDHR has attained the status of international law as most states treat it as it were a law. However, governments have not applied

³ Cynthia Sahoo, Catherine Albisa and Martha S. Davis (ed.),
Bringing Human Rights Home: Portraits of Movements, Vol.

this law equally especially a difference between the implementation of this Deceleration between Socialist and Capitalist countries is quite different.⁴

Amnesty International, International Federation for Human Rights are among other main organizations which are highly promoting the principles and rules of Universal Deceleration for Human Rights.

Right to Life, Liberty, Freedom of Thoughts, expressions, women's and children's Rights etc. are among other Basic rights framed in the Deceleration of Universal Human Rights.

Nongovernmental Organizations

Non-governmental are those organizations which are not though a part of the Government but are very much active almost everywhere in the world for directly or indirectly with the motive of defending discriminations and violations, promoting rights, war crimes, if found in any states. They directly pressurizes the government of those respective states and highlight the various issues and violations which need to be resolved. A portion of the outstanding and overall perceived Nongovernmental associations are Human Rights Watch, Doctors without Borders, Amnesty International and so forth which are hugely incredible at the worldwide level in the zones of HR, fighting violations, and help. NGOs try endeavors to work together among indigenou and worldwide endeavors for human rights by —translating multifaceted global matters into exercises to be expected by concerned residents in their own particular group. The elements of INGOs incorporate researching grievances, bolster with governments and worldwide administrative associations. Nearby exercises incorporate mindfulness raising, raising asset and instruction. The NGOs don't have any official energy to execute or authorize universal law.

NGOs have a few focal points over state associations in the human rights framework. The fundamental work and elements of these associations incorporates data administration and truth finding, in which NGOs teach individuals about their human rights and gather data with respect to human rights abuses. NGOs attempt to have suitable permission to nearby individuals and associations and are frequently ready to get immediate and circuitous access to critical data. The

⁴ <https://www.humanrights.gov.au/publications/what-universal-declaration-human-rights>

prompt strides taken by these NGOs once they accumulate data, is to configuration battles to teach the worldwide group about these misuse.

The NGOs are all circumstances seen making ventures to backer—asking support for and endeavoring to impact organizations or universal gatherings with respect to specific HR infringement. The advancement of these organizations includes training, influence, and people in general disparaging of violators. They are additionally observed taking an interest wherever in the worldwide human rights framework. The NGOs are ordinarily observed as going to bodies and partaking in the gatherings of UNHR bodies. They give measurements about HR circumstances through their records and declaration. The principle and remarkable accomplishments incorporate the NGOs contribution in the improvement of the UNDHR and the UN Declaration on Torture and Other Cruel, Inhuman or Degrading Treatment. Some other primary NGOs with individuals around the globe other than Amnesty International, Human Rights Watch, are the ICJ, the International Federation of Human Rights, and Oxfam. There are additionally huge neighborhood and national Non-Governmental associations chipping away at rights, social wrongdoings, abuses and different social, political issues and so on.

HRW

HRW is an American NGO which is particularly dynamic in Promoting and shielding Human Rights. It incorporates the issues of capital punishment and separation on the ground of sexual. Human Rights Watch advocates opportunities regarding central human rights, for example, flexibility of religion and flexibility of the press.

The office is dynamic on grounds with the point of distributing study writes about spoilings of universal HR discounts as set by the UNDHR and what it sees to be other overall acknowledged standards. It is likewise utilized as the reason for attracting worldwide thought to mishandlings and compelling governments and universal associations to make strides. It additionally include request and direct truth discovering missions to examine utilizing discretion, keeping in contact with casualties and utilization of media also. Issues brought by HRW up in its reports incorporate social and sexual orientation separation, torment, kid warrior, debasement, mishandlings in criminal equity frameworks, and the approval of fetus removal.

One of the regarded work of Human Rights Watch is the subsidizing for authors around the world, who are being abused for their work. The Hellman/Hammett awards are financed by the home of the dramatist Lillian Hellman in assets set up in her name and that of her long-lasting sidekick, the writer Dashiell Hammett. Notwithstanding it, HRW additionally heightens overall readiness of activists who are being gagged for standing up in resistance of human rights.

HRW is additionally drafting panel of the International Freedom of Expression Exchange, It is likewise fellow benefactor of the Cluster Munition Coalition, which attempted around a universal determination banning the weapons. HRW has near 300 staffs including specialists, attorneys, columnists, social/political activists and works in more than 90 states over the world.

Children's Defense Fund

Originated in 1973 by Marian Wright Edelman, the Children's Defense Fund is the most important international organization, the main and the only motive of which is to ensure the better living of children's in the world. The organization had stated that its resolution is "to ensure every child a healthy start, a head start, a fair start, a safe start, and a moral start in life and successful passage to adulthood with the help of caring families and communities.

Actions

Since its founding, the CDF has lobbied for passing law related to its goals, including the Education for All Handicapped Children Act in 1975 and the Adoption Assistance and Child Welfare Act in 1980. Its legislative interests have also included Head Start, Medicaid, and the Child Income Tax Credit.

The CDF's agendas consist of a modern Freedom Schools program launched in 1993 for child improvement through reading, a Beat the Odds program launched in 1990 that hosts awareness events and awards partial college scholarships, and a Youth Advocacy Leadership Training fund. Few years, CDF funds have gone towards free tax groundwork assistance to low-income families and the generation of plentiful child advocacy reports. These reports range in topic, from minority confinement rates to gun safety regarding children.

International Labour Organization

ILO was founded in 1919 as part of the Treaty of Versailles. In 1946, it became the first specified agency of the UN. The ILO symbolizes a vision of worldwide, humanitarian conditions of labour to attain social justice and peace among states. The modern expression of this vision is the Decent Work Agenda.

The ILO's unique and most significant task has been the development, advancement, and nursing of global labour values. To date, the organization has shaped 189 globally appropriate, legally obligatory Conventions and 202 legally non – binding Recommendations for the directive of labour conditions.

The chief subject parts of the international labour standards include the important rights at work, called as core labour values of the ILO. These are liberty of association and the right to establish; the right to collective negotiating; the abolition of involuntary labour; a minimum age for work and the effective elimination of child labour; the exclusion of workplace discrimination; as well as the mandate for equivalent pay for women and men for work of equivalent value.⁵

This institution contains four fundamental Principles/policies;

- ❖ The right of workers to associate freely and bargain collectively.
- ❖ The end of enforced and compulsory labour.
- ❖ The termination of child labour.
- ❖ The end of unfair judgement among workers.

Influence of ILO

Countries that have appreciated and applied the normative treatments of the ILO and the related policies have shown greater economic and social result and political stability and harmony. Clear indication of the constructive impact of labour strategies that comply with ILO standards on national well - being is sufficiently accessible, as, for example, with orientation to the Nordic European states. The ILO has received much community credit for its effort. On the event of its 50th anniversary in 1969, it received the Nobel Peace Prize. On 7 October every year, the World Day for Decent Work is distinguished on the initiative of the global trade unions. Its determination

⁵ [Baccaro, L., and V. Mele \(2012\): Pathology of Path - dependency? The ILO and the Challenge of >>New Governance<<. MIT IWER Seminar, Cambridge, Mass.](#)

is to attract attention to the ILO's Decent Work Agenda and its part in economic development and the fight in contradiction of poverty and social injustice.

An overall constructive impact in the fight against economic crises and their effects on the worldwide labor force can be accredited to the ILO.

IFHR

International Federation for Human Rights is also among major transnational organizations energetic for the promotion and protection of basic HR globally. Founded in 1922, IFHR is being one of the oldest organizations. The core objective of this organization is to encourage the respect for all the human rights framed out in the Universal Declaration of Human Rights. It supports and coordinates the actions of its member Nongovernmental organizations.

The organization is active in the field with the motto "Keep Your Eyes Open"

Priorities/activities

The organizations is famous and specific for carrying away the following activities;

Monitoring, protecting and promoting Human Rights

It is the core aim and motive of this organization to help, protect and keep monitoring the HR issues in the world. The activities carried away by this organization are to take initiatives and rehabilitation for the victims of war situations, to monitor the abuses against human rights in order to find the ways to resolve them and to aware and educate the civilians about human rights, its uses and protections.

Promote the women, children and Migrants Rights

The promotion of women, children and migrants rights is among the core principles of this organization and is very much concerned and committed towards them. IFHR is aiming to abolish the discriminations and violence's which women is facing against men in the society.⁶ It ease

⁶ [Rodgers, G., E. Lee, L. Swepston, and J. Van Daele \(2009\): The ILO and the Quest for Social Justice 1919-2009. ILO.](#)

women's contact to justice, and fight impunity for perpetrators of sexual crimes committed throughout different conflicts. IFHR also investigates into the matters of Migrants and their various issues and discriminations which they are facing and advocates their legislative and political reforms. It tries to resolve the various issues which are leaving them to live vulnerable to exploitation.

Raising awareness—informing, alerting, bearing witness

IFHR appeals public attention to the outcomes of its missions, its enquiry findings and eyewitness interpretations of human rights violations, press releases, press discussions, open letters, mission reports, urgent appeals, petitions and the IFHR website (in English, French, Spanish, Russian, Arabic, Persian and Turkish).⁷

Summary

All the above International Governmental or Non-Governmental organizations among others are very much loyal and dedicated as well as committed to their works and missions which they are carrying away within the world states with the main motive to safeguard human rights and to make the civilians and societies aware about them. These organizations pressurizes the governments to work as per the wishes of civilians and to assure them a sense of liberty and freedom to live their lives with honor and dignity.

So, it can be said that these organizations are having a major and specific role in upholding and implementing human rights and also abolishing all sorts of discriminations (based on caste, gender, color, language, Religion) having a vast presence in almost all the states of world. To highlight these violations and to put forward before that respective concerned government is of very much appreciation and dignified works carried away by these organizations.

⁷<https://www.escri-net.org/member/international-federation-human-rights-fidh>.

CHAPTER III

HUMAN RIGHTS LEGISLATION IN INDIA

The Government of India is taking many initiatives from time to time to protect the HR of residents of the country. It has set up an organization with the purpose of acting regarding the protection of Human rights violations by constituting National Human Rights Commission under Protection of Human Rights Act 1993.

It was also included as a provision long back during drafting constitution of India that there shall be the special guarantee of safeguarding the civil and political Rights. Directive Principles of State Policy also directs states to ensure the elevation of social, cultural as well economic rights with special provisions regarding feebler sections of society as to convey a better social order.

NATIONAL HUMAN RIGHTS COMMISSION

As a purpose of protecting and looking into the matters of Human Rights and their securities the institution of National Human Rights Commission was set up under the Protection of Human Rights Act, 1993. It is headed by ex- Chief Justice Supreme Court. The basic and key functions of National Human Rights Commission is to receive grievances and initiate investigations into abuses of human rights faced by any person. The commission is required to inquiry into matters regarding complaints as such regarding violation to human rights as brought into its notice and required to start inquiries immediately and should try to bring justice as early as possible. During the year 2007-08, 76,442 cases, including sanction for payment of temporary relief in 86 cases.

The present world situation which is a matter of serious concern all over the world particularly developing countries like India. In fact, the UDHR in 1948 directs every state to implement the human rights within their respective states to let the individuals live life with dignity. In India the establishment of National Human Rights Commission in 1993 is also seen as the landmark within the state to protect its citizens. These rights as defined by NHRC are relating to life, liberty,

equality and dignity of the individual, assured by the constitution and enforceable by the judges in India.

National Human Rights Commission is by an Act of parliament. The commission has authority to monitor implementation of its various recommendations. However, records suggests that the Indian government was not stern about forming this Commission. It set up this commission to advance the country's status and as a response to the decriers. It is very important to discover out whether government was pursuing merely to appease a transnational onlookers or whether the NHRC has had an autonomous influence.

Composition

It was the Human Rights Act, 1993 which prescribes out the rules, regulations and legal outline of the NHRC. The configuration of NHRC is enormous as three out of its five members are judges. The commission contains in it the affiliates of National Commission for Minorities, the National Commission for the Scheduled Castes and Scheduled Tribes (SCST) and the National Commission for Women are all considered (ex-officio) members of the commission. But as there is no synchronization between the NHRC and these other national commission prospects to look into group complaints of minorities, SCSTs and women have been lost.

Functions drafted for the commission

The NHRC is required to accomplish its functions into all or any of the following Incidents;

- a) It inquires on a petition presented before it by a person or a victim into objection of violation of Human Rights or casualness for the deterrence of rights by any public office or person.
- b) It can allow any petition to be examined by a court filed in allegation of violation of rights and allows it to be proceeded before a court.
- c) It ensures proper safeguarding and implementation of various Laws of the Constitution and other laws enforced for the guarding of human rights and recommends their proper and actual implementation.

- d) For evaluation of various social or political aspects including acts of extremism that impede the gratification of Human Rights and recommend suitable and effective removal of such acts or violations.
- e) It makes recommendations of any international treaties or institutions for safeguarding Human Rights and can also implement them in the country which have proven to be very effective and helpful.
- f) It allows various Researches and surveys within times to find the problems regarding Human rights protection and to find the ways or to establish institutions to solve the issues as such.
- g) It function also includes the awareness and education regarding human rights protection through Media, Publications, Seminars etc.
- h) It encourages the efforts various international HR Institutions, NGO working for this field.
- i) It may perform such other functions as may require through times to resolve the issues regarding Harassment with Human Rights.

Human Rights and the Indian Constitution

Following Independence Constitution of India came into existence on November 26, 1950 with 395 articles and 8 schedules is the most explained fundamental Laws adopted by the Nation. The preamble of the constitution clearly declares India as the sovereign, socialist, secular as well as democratic republic. The term democratic signifies that the Government gets its power and authority from the will of people. It also gives a sense of equality among people irrespective of caste, sex, religion, language. Constitution of India ensures its citizens the freedom of liberty, thoughts, expressions, faiths. Justice via Social, economic and political. Quality of rank and of opportunity and community assuring the self-esteem and living standard of all its citizens.

India was one of the immediate signatory to Universal Declaration Human Rights which is a well-known international Human Rights drafting committee. India following this declaration has guaranteed its citizens a number of basic Fundamental Rights in part third.

The charter of basic rights for citizens in India are termed as Fundamental Rights included in part III of Constitution of India. These Rights provide civil rights as guarantee to civilians to live their life with peace, harmony and above all, with dignity.⁸ These rights include equality of all individual before law, freedom of speeches and expression, Cultural and religious freedoms, right against exploitations, and also include seven Constitutional writs in favor of individual welfare, these are Habeas corpus, Mandamus, Quo-warrant, certiorari. Fundamental rights are described as those elementary freedoms that every Citizen within the nation has right to enjoy his/her life with proper dignity and symphonic development of their personalities. These rights are commonly applicable to all citizens notwithstanding of cast, color, language, religion and ensures equal implementation for all residents equally. These rights are enforceable and implemented by the Courts within their respective territories.⁹ The fundamental rights in India have their origin and inspiration from England and United States Bill of rights, Universal Declaration of Human Rights 1948. If there exists any Violations against these fundamental Rights, it result in punishment prescribed in the Indian Penal Code (IPC) and also some other exceptional laws, subject to will of the judiciary body.

6 fundamental rights recognized by the Indian constitution are:

1. **Right to equality:** The Right to fairness is one of the basic human right included Fundamental rights of the Constitution of India. It declares every one equal before law of land without any discrimination on any grounds of Caste, Language, Religion etc. and further provides impartiality of prospect in matters of service in private or public sectors. Article 14-18 of the Indian Constitution provides for Right to Equality.

2. **Right to freedom:** This Right focuses on Individual freedom which includes freedom of Speeches and expressions, freedom to form gathering, associations, free movement, dwelling, and

⁸ Cynthia Sahoo, Catherine Albisa and Martha S. Davis (ed.), *Bringing Human Rights Home: Portraits of Movements*, 2008, Vol. I.

⁹ Menon Krishna (ed.), *Human Rights Gender and Environment*, Delhi, 2009.

right to exercise any profession or occupation, Religion, right to life and liberty, protection in regards to conviction in offences and safeguard against arrest and confinement in certain cases. Within the Constitution Article 19 to 22 are working for the proper ensuring of Right to Freedom

3. Right against exploitation: This right is a reaction to avoid various forms of exploitations existing in various forms in the society. The presence of social crimes like child labor, child marriages, human beings trafficking's. The right to exploitations is mentioned under Articles 23 and 24 of Indian constitution.

4. Right to freedom of religion: The constitution of India provides for the freedom of practice and propagation of any religion without any interference from any section of society. There is freedom to organize religious affairs, autonomy from certain taxes and freedom from sacred directives in certain educational establishments. It is clearly mentioned and framed in Article 25 to 28 of the Constitution.

5. Cultural and Educational rights: India has multicultural regions, here exists diversity in cultures, religions, languages. So, this Fundamental right gives every section of society a guarantee to organize and celebrate their own respective cultural festivals. It also provides various platforms to provide basic Education to all sections of society and provides free schooling up to 14 years of age. This Right works for Preservation of the right of any section of citizens to preserve their culture, linguistic or script, and right of subgroups to establish and manage educational bodies of their choice. Article 29 and Article 30 of Indian constitution are associated with it.

6. Right to constitutional remedies: This Right exists with the aim of application of Fundamental Rights. It is assured under Article 32.

Fundamental Rights are included in the constitution with the motive of working for Humanity and prosperous livings of citizens and to abolish all sorts of discriminations on any grounds within the territory of nation and also intended at upending the disparities of pre-independence social practices. It has been used especially to abolish untouchability and thus prohibit discrimination on the grounds of religion, race, or place of birth.¹⁰ They also are active to reduce prohibit trade in of

¹⁰ Menon Krishna (ed.), *Human Rights Gender and Environment*, Delhi, 2009.

human beings and compulsory labour. They also guard cultural and educational rights minorities by permitting them to preserve their languages and also establish and manage their own education establishments.

Mapping of Human Rights Violations in India

The protection of HR in India is of great and required importance. In the country there is establishment of such Legislations and Institutions as to ensure the safeguarding of these Basic human rights within Regional as well as national levels. But still one can easily observe the various types of violations against human rights in the various ways as mentioned;

Custodial Violence

The various types of violations which are subjects of concern in present era in India are death, torture in custody and custodial sexual abuses have been topics of much alarm. Custodial violence has been on the outline of civil rights groups for over two decades, and reports verifying instances of violence and its systemic occurrence, have been instrumental in the campaigns against custodial violence.

It is hard to evaluate if this has bring about in any lessening in the incidence of custody deaths. There is an increase in such crimes as reported by the NHRC each year. So, it increased reportage and want to reduce the frequency of the crime, however, NHRC declared that it will further keep investigating regarding it. The incidence of custody deaths is making the authorities to demonstrate more irrefutably the brutalization of the processes of law implementation by the authorities. The laws however, will not concern the custodial torture (not resulting in death) is not at the focus of movements to decrease custodial violence.

The Gauhati High Court, has recently reported that it is usually teenagers who are found to have been fatalities of such violence, and in the defence the state have been declaring them as cynical militants. Custodial rape is the main crime that has found a lengthened explanation - in terms of power rape - in the Penal Code, 1860. However, these provisions have hardly been raised.

Land Alienation

The land is one of the main important sources of one's life within the society or community. The loss of land of such communities or such persons is a widespread issue in India and various movements have been active predominantly in the past decade and a half although one can find it decades ago as well.

The problems of land alienation is very much related to tribals groups as they keep changing their native places and are linked with that of displacement, and for such issues concerned, a legal system was used to get an order declaring unauthorized the handover of land from a tribal to a non-tribal done the state. Recent exertions to remove this legitimate protection given in Schedule V of the Constitution are being battled as a denial of basic defense given to tribals, paving the way for their dislodgment and poverty.

Struggle of the separate statehood for Uttaranchal, was based upon one of the main issues of land Alienation. Also in Kerala, the issue is differently positioned. While the groups of these tribal societies have been challenging restoration of alienated land, and as a result the High Court has maintained their position, other human rights advocates continue an uneasy silence since the contest seems to be between two weak peoples.

Sexual harassment at work place

Sexual harassment, rapes, are found in Indian society with a day to day alarming increase and every day thousands of women and girls are becoming victims of such crimes in almost all parts of society. This matter acquired prominence with the decision of the Supreme Court in Vaisakha. The course of setting up a reliable grievance redressed mechanism was reportedly being watered down in the endorsement of a committee to the Delhi University. In Kerala, a Commission of Inquiry was set up after Nalini Netted, a senior official of the Indian Administrative Service, trailed her protest of sexual provocation against a serving minister of the state cabinet - which is seen as a departure from a representative analytical and redressed forum. P E Ushas, in Kerala, faced hostility in her university when she tracked on her objection of sexual harassment. There have

been claims of sexual harassment of women personnel by older persons within institutions working on human rights, and in open-minded books, which too have shown up the lack of the redressed apparatuses.

Rapes and sexual abuses

The rapes or sexual abuses are those kind of crimes where a girl, women are against their wills are forced to have sex and fulfill the sexual desires of Men or a group of men by whom she is illegally forced. In the '80s and into the early 90s. Marital rape was widely discussed. Tukaram *and* Ganapati's case, 21 'power' rape was partly acquainted with into the law. The description of rape, consensus and the prominence of marital rape in law has however not been reformed. Again, while the crusade's gains are observed in the Supreme Court holding that, as a rule, the victim's version should not require legalization and that it should be given credibility. The total amount of crimes in contradiction of women, reported in 2015 including rape, noted by the crime bureau stood at 327,394.

The National Commission for Women (NCW), which is a committee for the welfare of women within the state of India. It was requested by the Apex Court to suggest a outline for establishing Rape Crisis Centers, and for a Criminal Injuries Compensation Board. This is yet to emerge. Women's movement in Rajasthan has got the government to offer monetary assistance to victims of rape, unrelated with trial. Bhandari Devi, in Rajasthan in and around her village, was part of a wider network of women, were very much dynamic and participatory in a state-sponsored programme of enablement. Her involvement to prevent the practice of child marriage in the community around her is commonly acknowledged. The freeing of the suspected rapists, more especially the intellectual of the court, grounded on caste and social arrangement belief, stresses the re-exploiting of the woman.

The small frequency of verdict for rape, and the protest from women's groups, were held out to justify a planned alteration to criminal law to deliver death penalty for the crime of rape. The struggle between provisions of the death penalty and human rights has raised, even if slowly, and the individuals we met, as well as the National Commission for Women, have precluded the offer for death penalty for the wrongdoing of rape.

Death penalties

The global common freedoms development has been continually battling to stop the disciplines of capital punishments. For some time, there were a few segments in the ladies' campaign who were found to have bolstered - either vocally, or by their quiet - the inconvenience of capital punishment for assault. After the period in the mid '80s, when the Supreme Court drew up the 'rarest of uncommon' administer, there has been a descending slide, especially obvious in the 1990s.

The battle against execution of two young people in Andhra Pradesh who had been indicted consuming a transport which slaughtered 23 travelers saw deliberate activity, which brought about their sentence being driven by the President.

The sentence of death worried over ladies is a generally late marvel. Ramashri's sentence was diminished to life by the Supreme Court, even as the court dismisses the privilege of the NCW to intercede. The blamed required in the Rajiv Gandhi death case, Nalini, who was requested to capital punishment has been contradicted by human rights gatherings, alongside the sentence of death allotted to three others in a similar matter.

Meanwhile, the expansion of capital punishment in late statutes, through

- The Narcotic Drugs and Psychotropic Substances Act 1985 (and as corrected in 1988)
- National Security Guards Act 1986
- TADA 1987 (which passed in 1995, however trials under which proceed)
- Arms Act 1950 (as corrected in 1988)
- Indo-Tibetan Border Police Act 1992
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989
- Commission of Sati (Prevention) Act 1987.

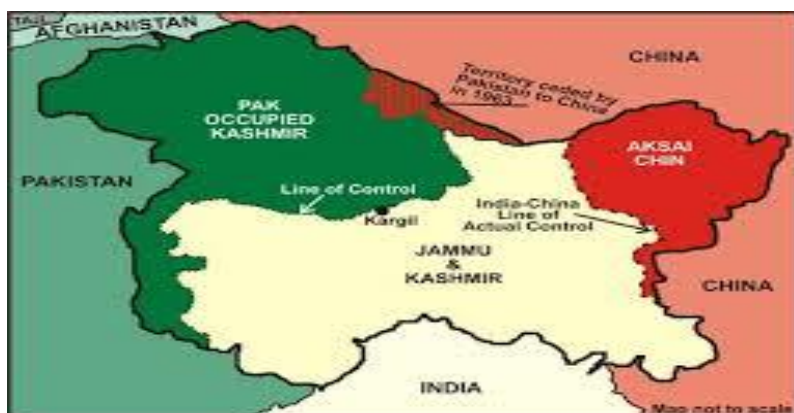
Judicial/Torture killings

Fake encounter killings occur when there is a gun battle going between army police with Naxalites, terrorists and any common innocent civilian loses his/her life during such ongoing encounters. Over India, extra-judicial killings by those police or those security constrains are known as 'encounter killings', intending that those slaughtering happened throughout a furnished experience between the police or security drives and the victimized person. Those murdering by the state constrains is A large portion frequently proclaimed with make defensive, situations about endeavored homicide Furthermore other related offences are enlisted against those victims, and the instances shut without further inspection since criminal instances arrive at an boundary upon the demise of the accused. The victims of such unnatural deaths having being killed, observe no examination succeeds to determine whether the death was in fact in an actual encounter. These crimes regularly occur in Andhra Pradesh, for instance, the naxalites have been the goals, in Punjab, it was the militant, and in Kashmir it occurs during bump into between security forces and terrorists.

CHAPTER IV

HISTORY AND BACKGROUND JAMMU AND KASHMIR

The range usually known as Kashmir will be found in the Himalayas in the north about India and Pakistan, with a eastern segment held Eventually Tom's perusing china. Uneven Also remote, Numerous parts of the Indian state for Jammu and Kashmir are tenuously interfaced by particular case fundamental roadway which runs starting with those winter capital, Jammu, in the south of the sunny season capital, Srinagar, in the north, et cetera parts with run east-west. Those Kashmir or Jhelum Valley, Previously, which Srinagar will be located, may be predominantly Muslim what's more need a populace from claiming around seven million. Jammu need a Hindu and Sikh majority, same time Ladakh in the east will be commanded Eventually Tom's perusing Shia Muslims and Buddhists. Overall, Muslims contain something like two-thirds of the populace over Jammu and Kashmir, settling on it the best Indian state for a Muslim lion's share.



Those clash need its Inception since segment of India done 1947. In spite of the entry for practically seven decades; individuals of the previous Princely state of JK are sitting tight to their straight about self-determination, guaranteed toward united countries.

It may be reasonable with at whatever unconcerned observer, that the extremist done Jammu and Kashmir is those consequence of the alienation of a considerable segment of the populace from

those Indian state. Similarly as the historical backdrop may be great known, Jammu and Kashmir acceded of the Indian union under uncommon condition clinched alongside 1947, with maharaja Hari Singh confronted those dread of region invasion Toward Pashtu tribesmen, sponsored Eventually Tom's perusing Pakistan's administration. To battle for them further more guard the territory, those maharaja necessary those benefits of the Indian guard. With the goal he acceded with domain from claiming India through an instrument flying for Accession.

The individuals from claiming Jammu and Kashmir need freedom starting with Indian accession and the individuals need to choose their political future Eventually Tom's perusing being An separate free national submitted to them Eventually Tom's perusing the umpteenth Resolutions about 1948-49. Indian initiative contests this and utilize energy with squash this request. This need brought about a culprit clash between the Indian powers and the people about Kashmir. India need been utilizing security stronghold on control Kashmir which frequently all the brought about human privileges violations to Kashmir.

The Indian control of Jammu and Kashmir has been the subject of frequently bitter question since the parcel of India in 1947, which started the first of two wars battled amongst India and Pakistan over this range. Inside India-held Kashmir, the issue of freedom has been fermenting with shifting degrees of power for a considerable length of time. Be that as it may, in 1989 an outfitted militancy, battling for freedom, increased specific force, and the region has been in a condition of battle from that point forward. Reports of human rights mishandle by Kashmiri activist gatherings battling to withdraw from India, and by Indian security powers battling a counterinsurgency, have gotten worldwide consideration, with evaluations of the quantity of individuals executed so far extending from 6,000 to 17,000. The circadian loss of life from the insurrection has as of late been assessed at least twelve. Sizably voluminous quantities of Kashmiri Hindus (Pandits) have fled the Kashmir Valley taking after unnerve by Muslim activists, while numerous Kashmiri Muslims have fled too to different segments of India or have crossed into Pakistan, guaranteeing mishandle by Indian security powers.

HUMAN RIGHTS IN JAMMU AND KASHMIR

Like any other state of the country, the denizens of Jammu and Kashmir are withal ensured some fundamental human rights which are in the form of Fundamental Rights which are listed under the

Constitution of India and are equipollent enforceable to the all the denizens of all states within the country.

Human rights contravention is faced by the people of Jammu and Kashmir in sundry forms in virtually every day of life. The state administered by the Regime of India mostly kenneed as one of the highest unrest state were people are struggling with Regime for their rudimentary Human Rights which they were provided by the Coalesced Nations Resolution Act 1948. The only reasons behind virtually every unrest is that the people are inductively authorizing Self Autonomy (designates rules applied by its own denizens) which according to them are infringed by Indian Regime. People additionally want the abstraction of AFSPA (Armed Forces Special Powers Act) applied in 1990. It is visually perceived as the rudimentary reason by which the Armed forces are infringing the human rights over here. The Kashmir region especially is suffering every moment death of human rights. Mass killings, coerced disappearances, torture, rape & sexual abuse to political repression & suppression of liberation of verbalization have become an integral part of people in this region in their day to day lives. The Indian central reserve police force, border security personnel and sundry militant groups have been inculcated & held accountable for committing rigorous human rights abuses against Kashmiri civilians.

HUMAN RIGHTS LEGISLATION IN JAMMU AND KASHMIR

The human privileges issues Previously, state for Jammu and Kashmir will be An real issue not restricted to state, or national level At need dragged those consideration of Practically every last one of noteworthy global Governmental and also Nongovernmental associations which are seen low recurrence animated for pushing and safeguarding human privileges in the state. Exactly real associations working for those execution Furthermore station from claiming fitting following orgs for the improvement for state/society are;

The Jammu and Kashmir Human Rights Protection Act, 1997

As a matter regarding the special status provided to the State of Jammu and Kashmir in the Federal Indian system to effect through passage of laws. It was a basic need concerned to establish Human Rights commissions, courts, as well as similar provisions in the state to protect basic Human Rights of the people within the state. So, it was inevitable to pass the state Act with this regard. As a result, a bill was passed by state legislature after receiving governor consent on May 30, 1997

finally became a law and was declared an Act namely, The Jammu and Kashmir Human Rights Protection Act 1997.

Analysis of the Act

The Act with preamble contains, seven chapters and as many as 29 sections and outlines the powers, functions and Responsibilities of various organs created under the Act. It provides for the establishment of a judicial body named as State Human Rights Commission. It further provides for constitutional appointment, removal, powers and functions of its Members. And the commission as such was constituted under SRO 275 of 1997 by the Government.

This Act defines Human Rights as the fundamental basis relating to the prosperous and dignity of the human Lives, Liberty, freedom and Equality as guaranteed by the constitution as well as embodied in the International institutions like Universal Deceleration of Human Rights (UDHR).

Jammu and Kashmir Human Rights Commission

Major Activities of the Commission

The commission engendered ripples by when it revealed that 2156 unidentified bodies are buried in sundry graveyards across the Districts of North Kashmir region. It authoritatively mandated for the DNA test of those bodies to compare them with the next of kin of people who got vanished. The commission under its Special Investigation Team headed by the Senior Superintendent of Police had revealed some shocking facts that 2731 unknown bodies have been buried in 38 sites in Bandipora, Baramulla and Kupwara districts.

In its 11 member SIT team report the investigation further revealed that those unmarked bodies can be the result of the period of the insurgency which aroused in during 1990s and observed a plethora of revilement as well as sizably voluminous loss human lives because of the armed struggle between military forces and the people of the state.

Subsequently 517 bodies were identified and among them 17 shifted to their native graveyards. The first report about these unmarked graves was submitted by Jammu and Kashmir Coalition of Civil Society (JKCSS), it further authoritatively mandated an investigation by the commission's concerned police department wing across Jammu and Kashmir.

Amnesty International Reports on Human Rights Jammu and Kashmir

Amnesty International is an International Non-Governmental Organization very much kenneled for focusing upon the Rudimental Human Rights all over the world. The rudimentary aim and motive of the Organization is to conduct researches and engender actions obviate the contravention against Human Rights and to authoritatively mandate equity for those who have faced such breaches and to put a cessation to it.

The organization is additionally performing its obligations and responsibilities in the state of Jammu and Kashmir by keeping a close ocular perceiver regarding human rights there and the day to day breaches faced by denizens against them. In a report recently published by Amnesty International twenty five years after imposition of AFSPA (Army Forces Special Powers Act) in J&K, forces perpetuate to abuse Human Rights over here.

HUMAN RIGHTS VIOLATIONS IN JAMMU AND KASHMIR

Human rights issues in Indian controlled Jammu and Kashmir are an unending issue. The misuse extend from mass killings, upheld vanishings, torment, assault and sexual misuse, to political constraint and concealment of freedom of verbalization. The Indian strengths, Indian armed force, focal save police constrain, fringe security powers, and sundry separatist activist gatherings have been implicated and responsible for submitting thorough human rights mishandle against Kashmiri regular folks.

a) RAPES AND SEXUAL ABUSES;-

Sexual abuses or rapes are those shameful or human acts by which a women or a girl is forced to have sex in order to fulfill the sexual desires of the rapist. This is seen as the most common act against the basic rights of women. This is an increasing violations not only in J&K State but also the rest parts of the country as well, and the cases for this violence's are increasing day by day. In the year 2014 the cases reported in J&K state were about 2,000-8,000 while as in the country it was reported that the cases registered in complaints filed by rape victims were about 80,000-1,60,000 a based on the filed FIR reports only. The state of Jammu and Kashmir especially the females of Kashmir region has also been a high victim of rapes and sexual assaults. Kashmir has witnessed many incidents of such hilarious crimes many times since the various insurgencies started from 1990s.

1. Kunan Poshpora incident 1991

This is among the major known incidents witnessed by the Kashmir valley in the year 1991. It occurred in the two villages namely Kunan and Poshpora of the Kupwara district also known by Kunan Poshpora incident since then. It was reported in the incident that between 40-90 women including 20-80 years of age were raped in the middle of the night of 23-24 Feb, 1991 by the 4 Rajputana Rifles of Indian Army. The incident since then has been a part of many Regional, National as well as International debates with the publishing many books and articles by various authors to remember this shameful act. The judicial Inquiry into this incident was also implemented by the Government and also some compensation was also given to the victims. In 2013 the 53 victims of this incident filed PIL in the lower court of Kupwara. The Jammu and Kashmir State Human Rights Commission has also given this incident to its team of investigation in order to trace out the actual happenings and find out the whether the Army has done the act and to put them behind bars under the Indian Penal Code 307.

2. Shopian rape and murder case 2008

The incident came in May 29, 2009 at Shopian one of the districts of south Kashmir where two girls from local village Nelofer and Asiya 22 and 17 years of age respectively, were Raped and Murdered by a patrol party of Indian security forces. Following this incident several protests and demonstrations occurred throughout whole Kashmir and the Shopian district in particular for almost fifty consecutive days. The then Director General of Police Kuldeep Khuda ordered a team of investigation in 2009 based on the directions of then Chief Minister Omar Abdullah.

The Shopian district though has been a victim of many incidents from time to time since the existence of insurgencies from 1990s, among them the basic incident is which occurred in Chak Saidpur a village in this district in 1992 where the Army during the search operation for the suspected militants had caught at least 6-9 girls and raped them. Since the crack down and AFSPA have been introduced and enforced in Kashmir in 1990s, the cases of Rapes and sexual assaults have been increasing frequently.

b) DISAPPEARANCES OF MASSES

The acts of disappearances of masses in Kashmir have rapidly grown since the beginning of Insurgencies in the 1990s. The disappearance of a person means when he is taken away by the

forces to torture, investigations for some reasons and then deny having any information of that person. It is reported that more than 10,000 people since 1989, after their arrests by the law enforcing agencies have disappeared.¹¹ The victims have included boys and men of all ages and all professions, including businessman, lawyers, teachers, laborers without any connection to armed struggle and the disappearances have taken place during the Governors as well as civilian rule imposed in state since 1989 by the Government of India.

c) **FAKE ENCOUNTERS**

This type of violation to Human rights is most violent and major harassment to a citizen rights. It occurs when an Innocent Human being lost his/her life without being involved in any illegal activity but unfortunately got killed in any encounter directly or indirectly may be a street bullet even though by pasted the label of terrorist. This violations of civilians rights is very much concerned for declaring the human rights violations within the state especially Kashmir. Anybody whether man, woman, boy or girl can become its victim and loss life. It is reported by Indian forces that fake encounters may occur where a person is accidentally killed by street bullet because of an ongoing gun battle between security forces and terrorists.

Estimated deaths

Since the scuffle for freedom movement especially in 1990s the total assessed deaths in various insurgent movements were 47,455 (According to Kashmiri-Canadian Council).

d) **Unmarked mass Graves**

The people of Kashmir are also being victims of losing their family or relative members without seeing their dead bodies in order to fulfill the last rites. There are many unidentified dead bodies buried in several unidentified graveyards. Jammu and Kashmir SHRC reports that thousands of bodies hitted by bullets are buried in several unidentified graves. 3702 bodies were uncovered in the four district of North Kashmir viz. Kupwara, Hindwara, Budgam, Baramullah. Among these 572 were identified as the local missing persons, which proved to be against the statement of Indian Government that all the bodies belong to foreign militants.

¹¹ [Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc. A/HRC/16/48, 26 January 2011, Para 233.](#)

e) AFSPA and Human Rights Violations

Military Unconventional Forces Act 1958 [AFSPA] as it will be ordinarily known, need been a subject about compelling examination Also discuss on states of the north east Furthermore Jammu and Kashmir. In Jammu and Kashmir it might have been acquainted throughout the extremist about early 1990s Eventually Tom's perusing the administration from claiming India.

AFSPA gives those accompanying power of the drives On Jammu and Kashmir;

- Under the introduce law the guard could shoot on execute under Section 4

- (a). • the armed force could obliterate property as for every area 4

- (b). • those armed force can capture anyone- without an warrant under area 4

- (c). • under segment 4

- (d), those guard might enter Also hunt without An Warrant with aggravate a capture or with recuperate any property, arms, ammo alternately explosives which need aid accepted with a chance to be unlawfully kept on the premises. This area additionally permits the utilization of power vital for the quest.

On the foundation about these forces the military in the state particularly done parts about Kashmir keep disregarding those human privileges in the Different manifestations of torture, rapes, unlawful detentions and so forth throughout this way, observing and stock arrangement of all instrumentation may be echo. This implies that those AFSPA could make held to a chance to be really on violation about article 21 of the Constitution, those right will Life, fundamental of the essential privileges.

Investigation of the enactment. Those go about with preamble contains, seven sections Furthermore as Numerous Concerning illustration 29 segments What's more frameworks those powers, capacities What's more Responsibilities from claiming Different organs made under the enactment. It gives for those foundation of a Legal particular figure named likewise state mankind's privileges requisition. It further gives to sacred appointment, removal, forces Also works of its parts. And the requisition in that capacity might have been constituted under SRO 275 from claiming 1997 Eventually Tom's perusing those legislature.

Detention under Public Safety Act

Public safety act is an act when someone is detained as detainee poses threat to human life and public property without any trial. Even a detainee is not criminal but he can be booked and charged

under PSA according the charges slapped by the police. In Kashmir, this practice is on its highest peak observed several times when the persons involved in freedom protests are detained unlawfully and kept behind bars.

The government said that 337 people were arrested in Srinagar, 122 in Shopian, 15 in Budgam, 22 in Ganderbal, 70 in Baramulla, 34 in Kupwara, 13 in Kulgam, 10 in Bandipora, and 86 in Pulwama, in the last one year. Earlier in the month, the government said 199 youngsters were arrested in north Kashmir's Palhallan village in the last nine years. Jammu and Kashmir spends an amount of Rs 18.34 crore annually on prisoners in different jails. Since January 2015 and January 2016, a total of 799 people across Kashmir were arrested. All except one person have been released," the government said.¹² The human rights group, Amnesty International, in a recent report has termed the Public Safety Act as a "lawless law" and has advocated for its scrapping. In a recent report, Amnesty said that an estimated 8,000-20,000 people have been detained under the PSA since 1991 in Kashmir.

Character/role of Media

The state similarly as talked about prior is isolated under three areas. Kashmir, Jammu and Ladakh. Muslim number is predominant in Kashmir thereabouts there would All the more Urdu talking and perusing people. That is there are that's only the tip of the iceberg Urdu daily paper here. English Also Hindi daily papers are in the primary part for Ladakh area. Really there would three sorts of networking clinched alongside Jammu & Kashmir - nearby media, national networking Furthermore Online networking.

Neighborhood networking. The nearby networking inside the state may be Additionally dynamic As needs be with its three particular locales such as territorial Doordarshan center, radio Kashmir Also daily papers distributed starting with Jammu & Kashmir Previously, Urdu, English, Hindi What's more Dogri. These daily papers incorporate English dailies more excellent Kashmir, Kashmir Times, Kashmir Observer, early Times; Hindi dailies Amar Ujala, Dainik Jagaran, Dainik Bhaskar; and Urdu dailies Uzma, Ittelat, Rossini. After that there may be national networking on the great holders kept all. National networking is primarily worked from Delhi-NCR Furthermore a few different metro-cities in the nation over. An additional medium from claiming networking

¹² [Amnesty International, India: Punitive use of preventive detention legislation in Jammu and Kashmir \(Index: ASA 20/10/11\).](#)

is social media, which camwood a chance to be accessed starting with anyplace in the reality with those help from claiming web. Media's new form, which may be known as new networking (Social media, web and so forth.) need rose Concerning illustration those A large portion capable medium in this advanced period.

Those circumstances from claiming neighborhood networking need not withstanding enhanced on of the landing of web and e-paper, neighborhood networking may be presently determinedly expressing itself without trepidation. That is the reason every last one of Indeed the human privileges violation (even little ones) occasions are getting noticeable space in the neighborhood networking.

National Media

The national networking houses, operating starting with Delhi What's more different urban communities of the country, need aid arriving at up to Jammu & Kashmir through TV Furthermore daily papers. The brutal and terrorist exercises in the state have been attracting the consideration for national networking Anyway it will be always blamed for not giving addition space of the greatest news from claiming Jammu & Kashmir. The national networking may be additionally denounced that it puts the matter of course picture for Jammu & Kashmir When those universe while similarly as those period passes things need aid always evolving. A percentage neighborhood writers from claiming Jammu & Kashmir Additionally accept that there would a significant number other things which would news, not the polar violent, radical and terrorist occasions. Yet the national networking infrequently provides for thoughtfulness regarding these.

Then again in the previous decade, the national networking need expanded its range toward selecting its correspondents should Different real urban communities about Jammu & Kashmir something like that that news reports of the state could get sufficient space. Every last one of news channels working from Delhi-NCR Furthermore daily papers distributed starting with here over Hindi, English Furthermore different dialects need aid national networking..

New Media/Social Media

Online networking acknowledged as those the vast majority viable acting apparatus for news mediums in available period. It spreads whole news, information's, ideas, Also Considerations to every last one of other kin hosting exceptionally huge entry. Those Online networking like know over those universe is likewise actively helping for the advancement Also insurance of the human privileges Furthermore may be Additionally highlighting those Different issues and issues which

those nationals of the state would confronting in their normal exists. Masters accept that excepting exactly anti-social components who offer pointless information, Online networking may be the practically dependable wellspring from claiming data which gives those ground actuality right away crosswise over those planet without trepidation alternately good.

Recent Insurgency 2016

The recent insurgency of 2016 which is also known by the name post Burhan insurgency in Kashmir was started in the month of July and is very difficult to hold this insurgency in control by both state Government as well as by Government of India. The insurgency began from July 08, when the Hizbul Mujahedeen Commander Burhan Wani by killed by the Indian Army in a gun battle which occurred in the Kokernag area of Anantnag District. The movement it was declared that Burhan is dead the people came out especially the youth to protest against the Government and the military forces in the valley. During these ongoing protests, thousands of people including government forces have lost their lives in various protests, violence's which are still going in Kashmir and are quite difficult to bring under control. The violence's in the various forms of Stone pelting's, Hartals, Demonstrations, which are observed there in day to day life have resulted the loss of around 10,000 lives and it is estimated that 60,000-80,000 thousand people have been injured throughout all the protests which is still not found easy to bring under control.

The Government of the state under the chief Minister Mehbooba Mufti and his team has left no stone unturned to bring Normalcy in the state but are proved to be failed in doing so. However, Government of India is also very much involved in normalizing the situations by implementing various programs and policies but have no positive influence in the proper maintenance of state. Union Home Minister Rajnath Singh has visited two, three times to find out the proper solution to the issue but have failed all times, and the situation was going beyond control and worsen day by day.

Use of Pellet Guns

The state as well as the National Government of India in order to control the protests and masses in Kashmir have introduced a new weapon known as the pellet Gun which was recent invention and is causing severe damage, especially to the human eyes to the Masses whoever comes under its target. It is estimated that 20,000- 45,000 of civilians in the state have become victims of this called Pellet Guns and among them around 20,000 people have severe injuries to their eyes and thousands among them have completely lost

their eye sights.¹³ All the International Human rights organizations like Amnesty International, Human Rights Watch and United Nations Human Rights Commission have strongly opposed and condemned the use of these pellet guns and have strongly demanded to stop the use of this Gun in order to prevent further harm and damage to the civil lives.

Detentions under Public Safety Act

The detention under the law of Public Safety Act is an authority given to police forces to ensure detention of any person whoever is proved to be a cause behind worsening the situation and participating in various protests and violence's against the government and paramilitary forces established there in order to destroy the situation and remove the chances of bringing peace and normalcy in that respective area. In Kashmir this is a regular act done by the police forces, during the 2016 unrest around 5,000-15,000 youths including separatist leaders, protesters, stone pelters etc. have been kept behind bars under this Act in order to normalize the situation.

¹³ *Barry, Ellen (28 August 2016). "An Epidemic of 'Dead Eyes' in Kashmir as India Uses Pellet Guns on Protesters". New York Times. Retrieved 4 January 2017.*

Chapter 5

Conclusion

Summary and Discussion

The issue of Human Rights is very much concerned not only in Jammu and Kashmir but all other states of National and international platforms, And is often very heated debate at regional, national as well as international scenarios. The human rights is very broad term related with the protection of Human lives, welfare of human lives as well as protection of human lives. Talking about the Kashmir region particularly Suffice each minute demise from claiming human privileges. Impostor killings, compelled disappearances, torture, assault & sexual ill-use to political severe & concealment of opportunity of discourse have ended up an essential analytics and only people in this district to their normal exists. For educated spectators of Jammu and Kashmir, and a number from claiming its citizens, minimal of what this report card holds may be new. However a great part from claiming the thing that might appear basic knowledge, especially in the Valley, may be not great known previously, whatever remains of India. We think if those Indian government funded hails on figure it out those degree about human privileges violations in the State, open weight to control such violations will mount. However this report card will be surprising around you quit offering on that one particular check. Dissimilar to The majority mankind's privileges reports, it also depicts Also indicts human privileges violations by the militants. Same time the militants might reject those Indian constitution Furthermore Indian law, they need no ethical or lawful right should abuse those universally perceived canons about universal philanthropic theory. Of the degree they do, they would likewise violators for mankind's privileges furthermore must make condemned in that capacity. This long sufferings from claiming people about Jammu Also Kashmir, they trust for those intense would like that, might help its parasite of the finishing for this catastrophe.

The Kashmir insurgencies emerging since 1990s have grabbed the attention of the world and world social activist Organizations very common. It is many times seen attracting very heated debates at both national and International newspapers, TV channels, Magazines etc. whole world and people of Kashmir particularly are eagerly waiting to get its resolved early as possible.

Data Analysis and Suggestions

The all data for this research paper is mostly gathered from secondary sources available in the form of books, articles, magazines, published research papers etc. the data though is very much informative and is absolutely making the basis of this research paper. The whole data collected for designing this research paper is properly checked, understood, analyzed, and then used for this best outcomes of this paper.

After analyzing this paper, the results are clearly suggesting that the Human Rights implementation as well as protection is the very basic need for the all states and particularly its citizens in whole world in order to live their lives with prosperous and dignity in order to assure the welfare of society and state equally. All the international, national or local Human rights organization that are very much active in this field shared the main and equal goal and motive of implementing and protecting the basic human rights in order to protect and assure the freedom and dignity to human lives.

Human rights implementation and protection is also a very big challenge in contemporary world for the nation states, as many states have failed to protect the basic human rights of its citizens may be due to weak legislation/commission established for human rights protection. These states often observe violations against human rights also huge destructions and loss to human lives due to lack of strong human rights institutions. So, the paper also focuses on the strong establishment and implementation of human rights institutions in order to stop violence's and to assure protection to civilians.

The human rights protection and violations against them in state of Jammu and Kashmir is a very big issues. My views after concluding this research paper will be to suggest the Government of India to try to resolve this serious issue with proper dialogues with the people of state without further bloodshed, loss of human lives and to stop violations against human rights. My suggestion will just and only focus on the dialogues by which the issues will be resolved once for all. The two countries India and Pakistan which are claiming that the state especially Kashmir is part of it nation and claim for its territory should come to a point of resolution of Kashmir. In fact, it depends on the people of Kashmir to decide their own future so, by giving them the authority to choose their own future may be a big achievement to resolve this disputed issue.

At the end, according to me, the solutions to stop the violations in state of J&K cannot be handled by establishing more and more armed forces to control the youths demanding freedom from India, but rather is causing more and more destructions and loss of human lives day after day.

Results/outcomes

The outcomes of this paper is to bring out the issues regarding the human rights and to highlight implementations and violations against them in the state of Jammu and Kashmir. This paper focuses on the various types of Violations against basic human rights which is also against universal human rights law.

This paper highlights all the issues and violations which Government should resolve as early as possible through proper bi-lateral dialogues with consideration of people of Kashmir to save the further destructions and violence's which are proved to be harmful for both people of Kashmir and also the paramilitary forces established over there, because both sides became victims of various protects, demonstrations, Hartals etc. in their day to day life.

It is easy for anyone to declare the J&K a disputed state between Government of India, People of Kashmir and Pakistan as both India and Pakistan are claiming the territory of Kashmir.

BIBLIOGRAPHY

Books

- Human Rights an Introduction (Darren O' Byrne)
- Human rights in IndiaIssues and perspectives (Shankar Sen)
- Human rights in developing societies (Dr S. Mehertaj Begum)
- Human Rights education (Jagannath mohanty)
- Human rights and Insurgency in the contemporary world (A.K Sanatombi)

Articles

- Country Reports on Human Rights Practices for 1993. 1994. United States Department of State. Washington, DC: US Government Printing Office.
- Human Rights Watch Asia (HRWA). 26 August 1994. "Kashmir Abuses Increasing as Pressure on India Eases According to Human Rights Watch Asia."
- Home » Journal » Vol. 37, Issue No. 12, 23 Mar, 2002 » Human Rights in Kashmir by A G Noorani.
- ["India's Unfinished Agenda: Equality and Justice for 200 Million Victims of the Caste System". 2005](#)
- [Laski, Harold Joseph \(1930\). Liberty in the Modern State. New York and London: Harpers and Brothers.](#)
- ["Drafting of the Universal Declaration of Human Rights". Research Guides. United Nations. Dag Hammarskjöld Library. Retrieved 2015-04-17.](#)
- Amnesty International, India: Punitive use of preventive detention legislation in Jammu and Kashmir (Index: ASA 20/10/11).
- Bamzai, P. N. K (1994), [Culture And Political History of Kashmir \(3 Vols. Set\)](#), M.D. Publications, [ISBN 978-81-85880-31-0](#)
- Bose, Sumatra (2005), Kashmir: roots of conflict, paths to peace, Harvard University Press, ISBN 978-0-674-01817-4
- Mukherji KK, Mukherjee S. (2012): Girls and women in prostitution in India Department of Women and Child Development, New Delhi, India

- Menon Krishna (ed.), *Human Rights Gender and Environment*, Delhi, 2009.
- Cynthia Sahoo, Catherine Alissa and Martha S. Davis (ed.), *Bringing Human Rights Home: Portraits of Movements*, Vol. 04
- Alfredson, Gondomar et al. 1999. *The Universal Declaration of Human Rights*. Oslo: Scandinavian University Press.
- United Nations High Commissioner for Human Rights: www.ohchr.org/english
- Barry, Ellen (28 August 2016). "[An Epidemic of 'Dead Eyes' in Kashmir as India Uses Pellet Guns on Protesters](#)". *New York Times*. Retrieved 4 January 2017.
- Amnesty International, India: Punitive use of preventive detention legislation in Jammu and Kashmir (Index: ASA 20/10/11).
- ["The Armed Forces \(Jammu and Kashmir\) Special Powers Act, 1990"](#) Indian Ministry of Law and Justice Published by the Authority of New Delhi, 2010.
- Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc. A/HRC/16/48, 26 January 2011, Para 233.
- ["Mass Rape Survivors Still Wait for Justice in Kashmir"](#). Trust law - Thomson Reuters Foundation. Reuters. 7 Mar 2012. Archived from the original on June 9, 2012.
- Bose, Sumatra (2005), *Kashmir: roots of conflict, paths to peace*, Harvard University Press, ISBN 978-0-674-01817-4

Internet Sources

- <http://www.hrln.org/hrln/jammu-a-kashmir.html#ixzz4dIjR7ttV>
- <http://www.hrln.org/hrln/jammu-a-kashmir.html>
- <http://www.coe.int/en/web/compass/what-are-human-rights>
- <http://www.epw.in/journal/2002/12/civil-liberties-columns/human-rights->
- <http://intoday.in/site/Story/99548/India/Army+orders+inquiry+into+fake+encounter.html>
- <http://nhrc.nic.in/Reports.htm>
- <http://www.beyondintractability.org/essay/human-rights-violations>
- <http://nhrc.nic.in/Reports.htm>
- <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>

