Extrajudicial executions are those executions that fall outside the purview of the judiciary. Such executions are carried out voluntarily by state forces and are prohibited. Setting the research hypothesis for the study as "section 4 (a) of Armed Forces (Special Powers) Act, 1958 has permitted extrajudicial execution with immunity in a state of non-proclaimed public emergency in order to maintain 'law and order' in the 'disturbed areas' by injudiciously empowering the armed forces with wide unwarranted discretionary power to use lethal force which over a protracted period of time has resulted violations of the international, regional and national human rights standard protecting right to life in the states of Assam, Nagaland and Manipur", the topic 'A Study of Extrajudicial Execution under Section 4(a) of Armed Forces (Special Powers) Act, 1958' was selected after careful examination of the wide scope and relevance, keeping in mind the historical and political history of conflict in north east India and application of AFSPA for last 50 years. A critical evaluation of the use of wide discretionary power under section 4(a) of AFSPA will definitely unfold whether right to life is guaranteed under the section or not, whether section 4(a) constitute extra-judicial execution or deprives arbitrarily right to life or not.

Prohibition of extrajudicial execution and protection of right to life is a prime duty of the state. This duty arises out of acceptance of international human rights standards and national constitution guaranteeing right to life. India has ratified the International Covenant on Civil and Political Rights (ICCPR) 1977 and is obliged to guarantee Right to life (Art 6), Prohibition of Arbitrary Detention
(Art 9), Freedom of Movement (Art 12), Freedom of Expression (Art 19), Peaceful Assembly (Art 21) and Freedom of Association (Art 22) etc. Article 4 of the ICCPR has put a strict obligation on India not to suspend certain rights like the right to life guaranteed under the Covenant. This non-derogation article is binding on India ‘in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed’ and when ‘strictly required by the exigencies of the situation’ and cannot be inconsistent with other international law obligations nor ‘involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.’

Further, Article 21 of the Indian constitution guarantees right to life and personal liberty and Article 20 guarantees criminal justice to any person. Article 21 and 20 cannot be suspended even during the proclamation of emergency. Right to life under article 21, a supreme right and is protected by the guarantee of right to remedy in case of violations under article 32 and 226 of the constitution. India has also signed the Convention against Torture, 1984 on 14 October 1997 but still has not ratified the treaty. The AFSPA has been enacted without an official proclamation of emergency and hence it is necessary to see if it violates Article 4 of ICCPR.

In the above context it is important to critically examine the section 4(a) of AFSPA in the light of the international human rights and the constitutional obligations of the Government of India to check if it permits extrajudicial execution by arbitrarily depriving right to life. An in-depth examination is carried out to verify its constitutionality, legality and legitimacy both in theory as well as in practice and its continuous enforcement over a protracted period of time.
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It is declared here that the research is the result of an original investigation. Research papers related to the topic has been published in different ISSN/ISBN journals/books/reports as follows:
• ‘People’s Conversation and Narrative on Truth, Justice and Reparation’, in Eastern Quarterly, New Delhi, March 2012 [ ISSN No 0975-4962 (print)]


• ‘Extrajudicial Execution In North East India’, in Gauhati University Law Journal, Guwahati, 2011 (ISSN 2277-2545)


• ‘Situation of Women in armed conflict situation in North East India’, Women in Governance (WinG) Network, Delhi, December, 2012

• ‘Case was filed. I don’t know what happened to that’, report on sexual violence and impunity in Assam, Women in Governance (WinG), Delhi, December, 2012

Further it is declared that the thesis has not been submitted either as whole or in part, for any other degree or diploma to any other institution or university.

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(Anjuman Ara Begum)
B.Sc, LL.M