Chapter: 3

Human Rights in India

India is a party to major international human right treaties and declarations. The fundamental rights of Indian constitution ensures various individually oriented rights: right to freedom, right to equality, right against exploitation, cultural and educational right, and right to constitutional remedies. Whereas, directive principles of the constitution is concerned with weaker sections of the society; directive principles work towards collective rights, as they focus on rights of the communities. However, in spite of the above-mentioned constitutional safeguards and various legal measures, human rights violations in India are rampant. This chapter delves into human rights violations of ‘Scheduled Castes and Scheduled Tribes’, however, brief overview of human rights situation in India is discussed in the following paragraphs. The following paragraphs briefly survey selected major human rights violations in India; human rights of under-trials, workers in unorganized sectors, minorities, women, and children.

India has large number of backlog of legal cases, it is reported that 67% of the prisoners are under-trials, they are not able get bail and have served in prison longer than the punishment for the offence they have been accused. Due to lack of political will, poor implementation by law
enforcing agencies, and flaws in judicial prosecutions, justice is delayed for under-trials. Moreover, the prisons are cramped with prisoners in unhygienic conditions. However, few economically strong and politically influential persons get bail.

The workforce in unorganized sectors amounts to 90% of the total workforce of the country. The economic exploitation in unorganized sectors results in long working hours with meagre wages and without any paid leave when compared to organized sectors. This situation of economic exploitation explicitly contradicts the concerns expressed in ‘Universal Declaration of Human Rights’, which aims at providing fair wages, and good working conditions. Consequently, the workers in unorganized sectors are forced to end up in permanent debt, eventually leading to bonded labour. In addition, most of the landless labourers, especially in rural areas do not have work for almost half of the year. Thus, landless labourers are deprived of wages and survival needs. In order to address such grave unemployment scenario, central government launched ‘National Rural Employment Guarantee Scheme’, to guarantee 100 days of work in a year. However, the scheme was not properly implemented because of corruption and bureaucratic inertia. Often the beneficiaries receive only half of the wages and money is siphoned through the intermediaries and contractors.
Article 30, of the Indian constitution aim at protecting interests of minorities by stating that, communities with distinct culture, script, language are entitled to conserve the same. The article also mention that, based on factors like religion, caste, race, and language no citizen is deprived of admission in educational institutions maintained by states or receiving aid from state. However, physical violence and rape on minorities are common, along with attacks on minority educational institutions.

Women are victims of violence, sexual assault, and gender discrimination in different spheres of life. Women are also marred by intense poverty and often found under-nourished. In the first decade of the 21st century CE, it is reported that, around 56% of married women were anemic along with 57% of pregnant woman found to be anemic.1 Along with the above-mentioned constitutional provisions to safeguard the interest of women, various legislations were framed to empower women in different fields. Nevertheless, violations of human rights of women are on the rise in contemporary Indian society. In this context, Devaki Jain, rightly mentions that growing consumerism, increasing criminalization of society, explicit display of violence in media are some

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of the reasons for victimization of women in male dominated Indian society. Further, Jain adds that:

“there are no enough measures to deal with the causes for the violence on women and it is noted that, law enforcement agencies fail to protect the life, liberty, and dignity of women.”

In spite of many legal measures, India is infested with rampant child labour. Article 39, of the Indian constitution explicitly addresses the issue of child labor. To deal with the rights of child, especially to confront the menace of child labour, ‘The National Commission for Protection of Child Rights’ was formed to ensure education of children and states are mandated to provide compulsory free primary education with mid-day meal. Nevertheless, there is considerable amount of school dropouts especially in economically disadvantaged sections of the society. Amidst various legal measures, children are also victims of human rights violation in other spheres of life: child marriage, child trafficking, illegal adoptions, and prenatal tests to abort girl child.

Apart from the menace of child labour, children are denied proper nutrition. ‘National Family Health Survey’ reported that, nearly 49% of the children below three years, amounting to 45 million, are

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malnourished.³ ‘Integrated Child Development Services’ was started by the central government for meeting the nutritional needs of undernourished children, it has been reported that, in 2011 CE, 60% of the annual budget was diverted to some other projects. Malnutrition and Child labour deprive children their rights for education.

**Human Rights of Scheduled Castes**

Caste may be defined as a “collection of families or group of families bearing a common name; claiming common descent from mythical ancestor, human or divine; professing to follow the same hereditary calling; regarded as single homogeneous community.”⁴ The above definition implies that caste is primarily determined on one’s birth, and other secondary factors include tribe, sect, tradition, and locality. The caste system controls its members through social and economic boycotts, and even by violence. Caste plays a decisive role in marriage, diet, occupation, housing and general social associations of the members. In Indian villages, caste is popularly known as *Jati*.

There are thousands of *Jatis* in India. *Jatis* does not operate in isolation, but always placed in relation to one another in hierarchical order, generally within the broader framework of *Varna* System. In *Varna* system, *Brahmins*, the top-most priestly class perform priestly function, *Kshathriyas*, second in

⁴ Herbert Risley, *The People of India*, p.68.
hierarchy are responsible for administration and maintenance of peace, *Vaisyas* involve in trade and agriculture and *Shudras*, the last in hierarchical order are supposed to serve the above three classes. *Jatis* which are not in *Verna* hierarchical order include; *Chamar, Bhangi, Dhobi, Pulaya, Paswan, Madiga, Mala*. These *Jatis* are considered as outcastes, or without caste, and in Indian constitution; they are referred as ‘Untouchables’. British regime in India named untouchables as “Depressed Classes”. The ancient law giver Manu referred untouchables as *Chandalas*, “*Avarna*” (Outside of the *Verna*), *Panchama* (fifth class), *Atishudra* (extreme *shudra*). Later, British government classified untouchables under ‘Scheduled Castes’ category.

The origin of caste and untouchability lie in grim circumferential evidences provided by ancient literature and archeology. Therefore, there are different theories about the origin of caste and untouchability but without any concrete conclusions. Dominant theory for origin of caste is ‘Aryan Invasion Theory’. It is believed that, ‘*Aryans*’ invaded India, with military superiority; they subdued the indigenous people who were considered as culturally inferior by *Aryans*. The conquered indigenous people were incorporated into *Aryan* society as separate community with inferior caste status. Another dominant theory is concerned with Manu, the ancient lawgiver, who systematically elucidated Caste and *Verna* system in his law book *Manushasthra*. According to Manu, the sexual union between the high caste and low caste is prohibited and offspring of such relationship are categorized as *Chandala*, the
untouchables. However, like ‘Aryan race theory’ there are other theories, which do not provide conclusive evidences to the origin of the caste and untouchability.

There are more than 150 million untouchables in India. Untouchable Castes are considered part of the Hindu society but without any social status. They are considered to be permanently polluted because of ‘Purity and Pollution’ concept on which the hierarchical order of Verna system rests. ‘Purity and Pollution’ is both religious and social idiom, as religious idiom the concept of purity and pollution refers to ceremonial purity based on which hierarchy of castes and Varnas are defined. The ceremonial purity is predetermined, based on caste or varna. Therefore, untouchables are considered as permanently impure. Secondary factors on which purity of caste depends include dietary habits, occupation, marriages rules. ‘Purity and pollution’ is reflected in the social distance maintained between different caste, and it is used to negotiate power and status in society, rather than being used just for religious purposes. As a result, untouchables are socially segregated from the castes considered as higher in Varna system.

Based on this concept of ‘Purity and Pollution’ untouchables have been devalued and denied any kind of status in par with the caste considered to be ritually purer. Unfortunately, for centuries, untouchables are forced to internalize the concept of ‘purity and pollution.’ It is observed that, there is a
direct relationship between status of caste and socio-economic development. Untouchables deprived of ownership of resources, rely on professions like skinning animal carcasses, tanning leather, playing in musical bands, butchery of animals, fishing, removal of human waste, washing clothes, brewing of toddy.

Reformers like, Raja Ram Mohan Roy, Jothi Rao Phule, and Dr. B. R. Ambedkar made efforts in socio-economic and political realms to uplift the untouchables and bring them to the mainstream society. In addition, Indian constitution made significant privileges for untouchables, consequently untouchables in small number were benefited by the constitutional privileges, however majority of untouchables still suffer oppression by the dominant castes. Dominant Castes refer to:

“Castes, which wield socio-economic and political power with considerable amount of status in caste hierarchy.” 5

Various sociological research prove that the belief in inherent pollution of untouchables excludes them from the Hindu society even after sixty years of Indian independence. The Scheduled Castes of today are undergoing hardships and are oppressed in different forms in all the fields, as they are the minority especially in villages, and thus become

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soft targets of exploitation. Untouchables, victims of social segregation live outside the villages in clusters without any basic facilities. The degree of segregation is high in rural setting when compared to urban areas. Due to unhygienic conditions, untouchables suffer from diseases like, tuberculosis, malaria, leprosy and other venereal diseases. Untouchables suffer from severe malnutrition and under-nutrition with high level of poverty.

The Scheduled Caste women suffer dual discrimination of caste and gender, and are vulnerable to sexual exploitation. Devadasi system is religiously sanctioned system of sexual exploitation of Scheduled Caste woman in southern states of India. In the above-mentioned system, a Scheduled Caste woman is ceremoniously married to deity before reaching her puberty. Thereafter she is expected to be used for sex by dominant caste members. Devadasi system provides no hope for the future of Devadasi, as female servant of God, she is not supposed to marry and establish a family. Thus, a Devadasi is deprived of her right to marry and establish a family as mentioned in ‘Universal Declaration of Human Rights’. Legal measures have been taken to curb the above-mentioned system, but due to the failure of law enforcing agencies, still the system prevails. Devadasi system is part of the gigantic and

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6 P. Kannappan, Scheduled caste Welfare, p. 41.
dehumanizing discrimination experienced by the untouchables in everyday life.

The Scheduled Caste families are commonly caught in the debt, which passes from generation to generation. It is reported that, 62% of rural Scheduled Caste families are under debt, which is very much higher when compared to general population. In addition, it is reported that because of debt, Scheduled Caste families enslave themselves as bonded laborers. ‘National Human Rights Commission’ in its report published in 2004 CE, mentions that:

There are 40 million bonded labourers in India, out which 15 million are children, and majority of these bonded labourers are from Scheduled Caste or tribal background.\(^7\)

The constitutionally mandated positive discrimination of untouchables in politics, education, and employment was believed to raise the social status of Scheduled Castes, nevertheless, the assumption proved to be partially true. According to census conducted in 2001 CE, Scheduled Castes comprise about 16% of Indian population. Majority of the untouchables are illiterate and live in poverty. Deprived of land ownership, untouchables form almost 50% of total landless agricultural labourers of the country.\(^8\) Therefore, it is observed that, Scheduled

\(^7\) Cited in Center for Human Rights and Global Justice, *Hidden Apartheid: Caste Discrimination against India’s “Untouchables*, p.86.

Castes are first excluded from mainstream society on the basis of caste and oppressed in different spheres of life.

The graded inequality of caste system handicapped untouchables with socio-economic and educational backwardness since centuries. After independence, with constitutional protection, it was thought that untouchables would be transformed in social and economic realms. Article 17, of the Indian constitution safeguards the interests of the untouchables and prohibits the practice of untouchability in any form. Article 335 of the Indian constitution makes provisions for appointment of Scheduled Caste and Scheduled Tribes in state and union government service. Indian constitution mandates reservation of seats in parliament and legislative assemblies of the states for Scheduled Castes and Scheduled Tribes.

The ‘National Human Rights Commission’ reports that funds earmarked for Scheduled Caste development are under-utilized or diverted for some other projects. Above all, schemes for the development of Scheduled Castes are not properly planned and executed. In addition, Scheduled Castes are not taken into confidence in planning and executing of such schemes, many a times Scheduled Castes will be ignorant of such schemes.

The office of the commissioner for Scheduled Castes and Scheduled Tribes, in its twenty-eighth report (1986-87), mentions that recruitment of
Scheduled Castes and Scheduled Tribes in group A and B, (the top and middle level services) of central government is not satisfactory.\textsuperscript{9} However, Scheduled Castes and Scheduled Tribes satisfactorily represent in group ‘C’ and ‘D’ (the lower level services) of the central government, this implies that Scheduled Castes do not have access to decision-making positions in bureaucracy, judiciary, industry, and trade. It is observed that in the educational institutions, Scheduled Caste representation is dismissal and alarming. In the case of judiciary, in 1996 CE, number of Scheduled Caste judges in high court was three, amounting to 7\% of total number of high court judges, but as per constitutional guidelines, it should be 22\%.\textsuperscript{10} The ‘National Human Rights Commission’, in its report published in 2004 CE, mentions that in more than 250 universities and 11000 colleges sponsored by ‘University Grant Commission’, there are only 2\% of Scheduled Caste and Scheduled Tribe candidates in teaching positions, and 75000 teaching positions reserved for these communities are not filled.\textsuperscript{11}

Paradoxically, post reserved for Scheduled Castes remain vacant, on the other side, unemployment among Scheduled Castes is increasing day by day. It is observed that, according to government estimation, in the year 2000 CE, unemployment rate among Scheduled Castes and tribals was double, when

\textsuperscript{10} Ibid., p.137.
\textsuperscript{11} Cited in Center for Human Rights and Global Justice, Hidden Apartheid: Caste Discrimination against India’s “Untouchables,” p.40.
compared to non-Scheduled Castes and non-tribals. The unemployment rate of Scheduled Castes escalated further when the divestment process started and public limited companies became privately owned companies, consequently Scheduled Castes representation in private companies became dismissal.

One of the common excuses quoted for absence of Scheduled Castes in top-level jobs is lack of qualified candidates suitable for the job, which raises several questions; whether reservation policy in educational institutions is implemented effectively. Does a Scheduled Caste child get enough care, security, and dignity in primary and secondary school education? Answer to these questions proves to be grim, for Scheduled Castes are not allowed to educate themselves. Discrimination brings in quite a number of hurdles, which often lead to school drop out of Scheduled Caste children. It is reported that one of the major discouraging factor for Scheduled Caste child to quit the school is the discriminatory attitude of the teachers; Scheduled Caste children are expected to sit in the back seats, segregation of Scheduled Caste children during lunch hours, limiting Scheduled Caste children activities in the class, and giving them extra manual work. Scheduled Caste children are marked with relatively lower grades and often Scheduled Caste children have to face verbal abuses of teachers.\textsuperscript{12} Thus, there may not be explicit denial of education to Scheduled Castes, but the environment created by teachers,\textsuperscript{12} 

\textsuperscript{12} Ibid., p.95.
fellow students, and the dominant community force Scheduled Caste children to forgo education.

The ‘National Commission for Protection of Child Rights’ in its report published in the year 2008 CE, mentions that, more than 70% of Scheduled Caste children drop out of the school, whereas the percentage of school drop in other social group is considerably low.\(^{13}\) On the other hand, ‘National Human Rights Commission’, in its report published in the year 2004 CE, mentions that, there are more than 10 million child labourers, but unofficially the figure may shoot up to 100 million, and it is believed that most of the child labourers are from Scheduled Castes who are deprived of schooling.\(^ {14}\) It seems there is a link between school drop out rate and child labour. Scheduled Castes parents deprived of land, and a good wage in the village, often resort to migration from place to place for work, taking their children along with them, thus discontinuing the school. Consequently, the older children along with the parents join for the labour work thus continuing the cycle of poverty and illiteracy.

The Supreme Court directed all the states that, mid day meals should be provided in all the government primary schools; however, states like Bihar and Uttar Pradesh did not implement the programme though one third of the Scheduled Caste population of the country lives in these states. Many a times,


schools administration shut the above-mentioned schemes under the pressure of dominant castes. Therefore, it can be inferred that denial of midday meals can be one of the reason for soaring school dropout rate amongst Scheduled Caste children who live in abject poverty. Therefore, Scheduled Caste children are deprived of right to education as mentioned in ‘Universal Declaration of Human Rights’. As a result, many prospective bright Scheduled Caste children cannot educate themselves to pursue higher education and professional education. Consequently, majority of Scheduled Castes are suppressed to continue in cycle of poverty by denial of education.

Deprived of basic education, Scheduled Castes finally land up in manual labour often in degrading occupations like manual scavenging, though it is outlawed in India. According to government report between 2002 and 2003 CE, there were almost 10 million dry pit latrines across 21 states of India from which 6,00000 Scheduled Castes remove human excreta and carry it to dumping ground.¹⁵ Manual scavengers are not only employed by private entities but also government organs like military and railways. As manual scavengers are not educated on safety measures they work without any safety masks, gloves, shoes, uniforms, or proper buckets. Therefore, they are vulnerable to diseases like, anemia, vomiting, jaundice, respiratory disease, skin diseases, and some die due to poisoning. News magazine, ‘Frontline’

¹⁵ Ibid., p.83.
reporting the hazards of manual scavenging, quotes manual scavenger from Paliyad village of Ahmadabad district, Gujarat:

“...water mixes with the feces that we carry in baskets on our heads, it drips onto our clothes, our faces. When I return home, I find it difficult to eat food…. However, in the summer there is often no water to wash your hands before eating. It is difficult to say which [season] is worse.”\textsuperscript{16}

Along with social discrimination, Scheduled Castes do not have any ownership of land, consequently they are pushed into acute poverty and exploitation. Majority of the untouchables are illiterate and live in poverty. Government of India, Ministry of Welfare, in its report (1990-91) mentions that, Scheduled Castes are afflicted by the stigma of untouchability in all the areas of life, and it is estimated that, 70% of Scheduled Castes are afflicted with extreme poverty.\textsuperscript{17} Therefore, Scheduled Castes and Scheduled Tribes are more vulnerable and oppressed groups in contemporary India. Consequently, it can be inferred that, reservation policy, and positive discrimination could not break the monopoly of power and concentration of wealth from the dominant castes affiliated with verna system. Even after six decades of independence and constitutional provisions, there are no noticeable changes in the socio-economic development amongst majority of Scheduled Caste population.

\textsuperscript{16} Ibid., p.84.
Traditionally Scheduled Castes are denied ownership of land, which is the primary factor that subjugates Scheduled Castes to dominant castes, even when Scheduled Castes acquire land they are not allowed to enjoy the produce of it. It is reported that, even in 21st century CE, majority of Scheduled Castes are not allowed to own the land or left to use barren land. For instance, in the year 1996 CE, survey conducted in 250 villages of Gujarat, many Scheduled Castes did not have records of their land, and those who had land records, did not have possession of the land.18 Forced eviction of Scheduled Castes from villages and their land, has become a common phenomenon. For example, in the year 2003 CE, 275 Scheduled Castes families were forcibly evicted from Harsola village by dominant castes, with the co-operation of local officials of the government.19 Therefore, it can be inferred that, Scheduled Castes rights to own property are violated.

Small number of Scheduled Castes own little pieces of land, but do not have access to water for irrigation. Out of 466 villages surveyed in 11 states, in more than 150 villages Scheduled Castes have been denied access to irrigation facilities.20 As a result, landlessness hits majority of the Scheduled Castes in India. This clearly shows lack of political will to

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18 Human Rights Watch, *Broken People: Caste Violence Against India’s “Untouchables,”* p.29.
20 Ghanshyam Shah, *Untouchability in Rural India*, p. 104.
implement land reforms legislation that aims to provide land to the tiller of the land. Along with the deprivation of land, Scheduled Castes seldom have comfortable access to drinking water because wells and hand pumps are generally controlled by dominant castes. Therefore, Scheduled Castes have to be at the mercy of the dominant Caste to have drinking water, or tread a long distance to fetch water.

In addition to denial of ownership of land and other means of production, Scheduled Castes are also exploited by non-payment of the proper wages. ‘The untouchability in Rural India’ survey recorded that, out of 466 villages surveyed in eleven states, in more than 167 villages, Scheduled Castes were denied wages and forced to take wages in kind. Consequently, violating the concern expressed in ‘Universal Declaration of Human Rights’ which speaks for just and favorable wages worthy of human dignity to maintain oneself and family.

In contemporary India, atrocities on Scheduled Castes are frequent despite various legal measures. This hints at the criminal nexus of dominant castes and the government functionaries. State actors like police play a vital role in Scheduled Castes human rights violations. ‘National Human Rights Commission’ of India, in its report published in 2004 CE,

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mentioned that, police is the greatest violator of Scheduled Caste human rights. Police force has explicitly involved in discriminating Scheduled Castes from justice due to them. At the outset, police force acts as an agent of dominant caste, always reluctant to register complaints by Scheduled Castes against the dominant caste. Police also involve in recording the First Information Report’ of Scheduled Caste improperly, and not under Scheduled Caste Atrocities Act, consequently oppressors of Scheduled Castes are acquitted or punished with lighter sentence.

Police often carry out illegal raids to loot Scheduled Castes villages on the pretext of offences like smuggling or in the pretext, to find out the culprits of caste conflicts. The recent barbarous act of police was reported from Dharmapuri Districts, Tamil Nadu. District court of Dharmapuri, convicted 215 police officers, forests personnel for raping 200 Scheduled Caste and tribal women. In the above-mentioned nexus of police and dominant castes, it will be very difficult for Scheduled Caste woman to register ‘First Information Report’, to deal with reluctant doctors, police officers, and prosecutors who are often bribed or pressurized by the powerful dominant castes. A Scheduled Caste victim hardly finds a witness who can risk his or her life to testify against the dominant castes and the police.

22 Cited in Center for Human Rights and Global Justice, *Hidden Apartheid: Caste Discrimination against India’s “Untouchables*, p.27.
Along with the police, prosecutors and judges fail to pursue the justice for Scheduled Castes. This has been observed in high rate of acquittals for the oppressors of the Scheduled Castes, which in turn encourages the oppression of Scheduled Castes. Scheduled Caste women, victims of rape and oppression suffer dual discrimination of Caste and gender. For instance, Bhanwari Devi, a grass root worker, reported about the child marriage of one-year girl, and the enraged members of the child’s family gang raped Bhanwari Devi in front of her husband. After the trial in the court, all the accused were acquitted with discriminative judgment, which states that:

“…rape is usually committed by teenagers, and since the accused are middle-aged and therefore respectable, they could not have committed the crime. An upper-Caste man could not have defiled himself by raping a lower-Caste woman.”

The discrimination and lack of judicial will is clearly evidenced by the high rate of acquittals, as observed in Annual Report on the Prevention of Atrocities Act. Government of India stating the failure of judiciary and law enforcing agencies mentioned that, in the year 2002 CE, nearly 2.5% of cases ended in convictions under above said act. The above-mentioned facts clearly point out the discriminative attitude of the judges, prosecutors, and police towards Scheduled Castes, that violate the concerns of ‘Universal

Declaration of Human Rights’, that entitle everyone with equal protection by the law without any discrimination.

As mentioned earlier, rampant violence against Scheduled Castes is often unaccounted and not convicted in the courtrooms due to failure of law enforcing agencies, and judiciary in pursuing justice. The violence against Scheduled Castes include, acts of looting, sexual violence, torture, stripping and parading naked. Central government in its annual report on ‘Prevention of Atrocities Act, 1989’ mentions that, in the year 2001 CE, more than 30,000 cases were registered for atrocities on Scheduled Castes and Scheduled Tribes, and in the year 2002 CE, more than 27,000 cases were registered.\(^{26}\) These statistics prove widespread violence against Scheduled Castes in India. In addition, many violent acts are believed to be unregistered or go unnoticed. Concerning atrocities on Scheduled Castes in India, office of the Special Rapporteur to the United Nations, in its report published in the year 2005 CE, states that:

> “The Scheduled Castes’ homes were reported to have been attacked by upper-Caste villagers using swords and other weapons. Allegedly, inter alia, they pushed the Scheduled Castes to the ground, stomped on them, used degrading Caste names to refer to them, sexually assaulted the women and attempted to pull off their saris. Other specific incidents mentioned were that an 8-month-old baby was thrown against a wall, a 75-year-old man was attacked, and a middle-aged woman was hit on the head as she attempted to protect her son. Close

to 100 houses were said to have been burnt, money and jewels were stolen, and cattle owned by the Scheduled Castes were reported to have been killed. In total, 14 Scheduled Castes were allegedly admitted to the Coimbatore Medical College Hospital. Many Scheduled Castes are said to have tried to escape but were prevented from leaving the settlement. Fears have been expressed for their security.”

The above-mentioned episodes of violence demonstrate the vulnerability of Scheduled Castes due to failure of law enforcing agencies, judiciary and lack of political will; consequently, Scheduled Castes are deprived of their rights to life, liberty and security as guaranteed in article three of ‘Universal Declaration of Human Rights’.

Political power becomes a distant dream for Scheduled Castes, who are victims of vulnerability and violence. Scheduled Castes are politically subjugated by economic and social seclusion by brutal violence of dominant caste with the support of police and judiciary. Violence and intimidation of dominant castes allows Scheduled Castes neither to stand for elections nor to vote, even in constituencies that are reserved for Scheduled Castes. Booth capturing, barred access to polling booths are common tactics used by dominant castes to prevent Scheduled Castes from exercising their political rights. The ‘Untouchability Rural India’ survey found out that, in 70 villages out 565 villages surveyed

27Ibid., p.59.
across eleven states, Scheduled Castes are denied entry into polling booths. Violence and intimidation are used to force Scheduled Castes to withdraw from contesting for elections, and any Scheduled Castes who dare to stand for election is violently attacked. For instance, Scheduled Caste woman, Prabhati Devi was burnt alive in the year 2005 CE, for contesting against dominant caste candidate in Mirzapur, Uttar Pradesh. Therefore, violence and socio-economic hegemony of dominant castes prevents Scheduled Castes to exercise their political privileges guaranteed by constitution of India and ‘Universal Declaration of Human Rights’.

Various instances of brutal violence against Scheduled Castes in above-mentioned report happen with different purposes, especially when Scheduled Castes try to assert their socio-economic and political rights. Deprived of economic and political power, Scheduled Castes are pushed further down by denial of basic facilities for survival. They are denied access to public places like government institutions, health centers, rations shops, post offices, and police stations. These prohibitions force Scheduled Castes to subjugate themselves to dominant castes.

‘The survey stated in ‘Untouchability in Rural India,’ found out that in 27% of the 555 villages, Scheduled Castes were not allowed enter into police stations, in 25% villages, Scheduled Castes are denied from

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28 Ghanshyam Shah, Untouchability in Rural India, p. 71.
29 Ibid., p.65.
entering government ration shop where one can buy food at subsidized rates.\textsuperscript{30} The above-mentioned survey also reports that, in 100 villages, Scheduled Castes are barred from entering into post offices. The privately owned teashop and food stalls dehumanize Scheduled Castes by keeping teacups and plates exclusively for Scheduled Castes. This dehumanizing discrimination has been practiced in 70% of the villages of above-mentioned survey across 11 states. In addition, in 64% of the villages, Scheduled Castes are not allowed to worship in temples.\textsuperscript{31}

The basic human rights are denied to Scheduled Castes by acts of violence, which have become every day affair. The Scheduled Castes, were deprived of land, education, political power and employment, reel under acute poverty and debt, and subjugate themselves as bonded labourers and scavengers. Even after six decades of independence, the pathos of untouchables have not yet changed despite various laws, constitutional privileges and schemes of the government, which clearly highlights the failure of government and lack of political will.

**Human Rights and Scheduled Tribes**

There are 461 tribal groups officially categorized as Scheduled Tribes in India, and these groups are referred as *Adivasis*, the indigenous people. It is estimated that, tribal groups constitute around 8% of total

\textsuperscript{30} Ghanshyam Shah, *Untouchability in Rural India*, p. 70.

\textsuperscript{31} *Ibid.*, p.79.
population of India, amounting 84 millions.\textsuperscript{32} The tribal groups are heavily concentrated in seven northeastern states, and so called ‘central belt’ of India, which ranges from Rajasthan to West Bengal. Tribal groups suffer human rights violation in different spheres. The following paragraphs delve on human rights violations wielded on tribals.

It is reported that, indigenous people suffer criminal acts at every twenty nine minutes; ‘National Crime Records Bureau of India’ mentions that, 5007 atrocities were committed on indigenous people in the year 2005 CE. It is also noted that, there is very less percent of convictions for crimes committed against indigenous people. In the year 2005 CE, it is alleged that, nearly 8000 persons committed crimes against indigenous people, but only 1934 persons were convicted.\textsuperscript{33} Moreover, sexual violence wielded on tribals is alarming, in the year 2005 CE, 640 cases of rape on tribal women were registered, out of which, nearly 300 cases of rape were committed by non-tribals in Madhya Pradesh alone.\textsuperscript{34} Therefore, it can be inferred that tribals in India are denied their rights to life, liberty and security as guaranteed in the constitution of India and ‘Universal Declaration of Human Rights’

Displacement is one of the grave concerns in the human rights discourse concerned with the tribals. Central government enacted ‘Forest

\textsuperscript{32} Sille Stidsen, ed. The Indigenous World 2007, p. 398.
\textsuperscript{33} Ibid., p.405.
\textsuperscript{34} Ibid.,
Right Act’ (FRA) in the year 2004 CE. ‘Forest Right Act’ is aimed at empowering the tribals, to have the rights over the land, which they are cultivating. However, in states like Orissa, Jharkhand and Chhattisgarh, ‘Forest Right Act’ is rarely enforced by the law enforcing agencies. 35 As per the, ‘Scheduled Tribes and Other Traditional Forest Dwellers Act of 2006’, tribals have ownership rights and rights to collect, use, and dispose minor forest produce. Unfortunately, the tribals are charge sheeted under ‘Forest Conservation Act of 1980’, for accessing the same forest produce for which tribal are entitled.

Moreover, due to apathy of the government the tribals suffer evictions. For instance, in the year 2006 CE, under the ‘Forest Conservation Act of 1980’, Tripura government, as per the direction of Supreme court, sent eviction notices to more than 40,000 tribal families to vacate from the forest land which is their traditional habitat. Even though, the forestland in question was allotted to these tribals under the ‘Tripura Land Revenue and Land Reforms Acts of 1960’, but the state government did not act and regularize the above said allotments and failed to give ownership rights to the above-mentioned tribals. Consequently, due to the apathy of State government the tribals need to vacate their traditional habitats. Thus, it can be inferred that, deprival of the rights to use forest produce violate the right to work and livelihood of tribals.

The growing economy of India requires more water and land; therefore, there is an intense competition for the land and resources where tribal groups had traditional community rights. Governments seek to acquire more land especially fertile land with enough water resources, which are often inhabited by tribal groups and other farmers for centuries. It is reported that, tribals constitute 50% of the total population displaced. Above all, the land grabbing by land mafia becomes easy, as the tribals generally do not have any land records. Consequently, the lack of land records on part of tribals becomes obstacle for rehabilitation, when government procures the land. As there is no national law or policy of rehabilitation, different governments adapt policies of rehabilitation, which may not fully meet the just demands of displaced tribals.

The Indian constitution bestows Scheduled Tribes and Scheduled Castes with inalienable rights to land, which are widely violated by governments in tribal dominated states. Moreover, the tribal land and forests, forcibly procured by government for vested powerful interests like business houses, multinational companies, and government projects, benefit few who are not tribals. In addition, when such projects planned on tribal land, neither tribals are consulted nor they are given adequate information about the project. Therefore, the promoters of the projects often fail to safeguard the human rights of tribals being displaced by the project. In this regard, the Supreme court of India, indicted that:
Neo-liberal developmental paradigm adopted by central and various state governments enabled cooperates companies to utilize the natural resources for creating wealth at the cost of tribal communities.\textsuperscript{36}

It is well known fact that local and global corporations, business houses fund the political parties and politicians for personal gain, consequently a nexus of politicians and corporate world is perpetuated. Governments signs ‘Memorandum of Understanding’ (MoU) with above-mentioned companies for lucrative incentives. For instance, Jharkhand government has signed forty two ‘Memorandums of Understanding’ with various companies after it assumed power in the year 2000 CE. As a result, around 50,000 acres of land needed to materialize the above-mentioned ‘Memorandum of Understandings.’ Consequently, around 10,000 tribals are thought to be affected.\textsuperscript{37}

‘People’s Union for Civil Liberties,’ an non-governmental organization, has reported that, in the latter half of the 20\textsuperscript{th} century CE, nearly 7.5 million tribals from the state of Jharkhand have been displaced and nearly 2 million tribals received some kind of rehabilitation benefits. Roy Burman, an anthropologist working on tribal issues rightly mentions that:

\begin{quote}
“there is systematic dispossession of the tribal people from land and forest resources, which they have been holding for generations, the present policy of corporate entry in tribal
\end{quote}

\textsuperscript{36} Ibid.
hinterland would lead to mass dispossession at an unprecedented scale in central and Eastern parts of the country.”

Similarly, government of Orissa state, signed 42 ‘Memorandums of Understandings’ with different companies between the years, 2002 and 2005 CE, the implementation of these ‘Memorandums of Understanding’ will affect the tribals in one way or the other. For instance, South Korean, Pohang Steel Company signed the ‘Memorandum of Understanding’ with Orissa government, with foreign direct investment of US $ twelve billion, and it needs more than 1000 hectares of forestland. Proposed Polavaram, dam on Godavari River, which was cleared by Central government, is expected to submerge more than 200 villages and around 1000 hectares of forest. Consequently, it is estimated that nearly 150,000 tribals will be displaced.

The corporate-political nexus displace tribals from their land often with violence. Corporate companies with the help of security forces, politicians, local administration and criminals wield violence to displace the tribals. For instance, Tata Iron and Steel Company, intended to establish its plant in Kalinga Nagar, Orissa, amidst the opposition of the indigenous people who are dependant on the land. People started to protest, which resulted in violent conflict, claiming one police personnel

40 Ibid.
and fourteen indigenous lives. The political-corporate nexus is strong enough to make governments to breach the existing legal binding to favor the companies. For instance, state of Andhra Pradesh granted 120 acres of land on lease for mining company, the land was located in adivasi village, and according to state legislation, no land identified for the use of adivasi can be sold or leased to non-adivasis. State government did not respond to the protests by the adivasis, but after a prolonged legal battle, in the year 1997 CE, the Supreme Court ruled that, government has no rights to transfer lands identified for adivasis to non-adivasis.  

Activists protesting for the tribal cause are often detained and arrested illegally. Thus government wields its power to suppress the tribals. It is alleged that false cases and complaints are registered against protesting tribal to suppress them. For instance, Medha Patkar, leader of Narmada Bachao Andolan (NBA), a movement to save Narmada river, was arrested illegally by security forces, for addressing more than 250 villagers who were protesting against the construction of Barge Dam in Madhya Pradesh in the year 1996 CE. Though, the protest was non-violent, coupled with fasting, Medha Patkar was arrested. After few days

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41 Study on Institution of Local Self Governance and its Linkages with Tourism, pp.71-72.
of arrest, Madhya Pradesh High Court ruled that her arrest was illegal, and ordered the state to release her immediately.\textsuperscript{42}

The above-mentioned incidents clearly demonstrate that governments do not hesitate for illegal detentions and arrests to subdue the rights of tribals. Forcible displacement of tribals from forests and lands deprives them of their property, and at the same time breaches the concerns of ‘Universal Declaration of Human Rights’ which guarantees everyone to own property, and protects against arbitrary deprivation of one’s property.

In addition to displacement from their lands, tribal groups suffer violence by Maoists, an ultra-left wing armed opposition group. The states where Maoists wield considerable influence are: Andhra Pradesh, Maharashtra, Orissa, Uttar Pradesh, Uttaranchal, and West Bengal. Maoists control tribal areas in fifty eight districts in the above-mentioned states, Indian security force do not have access in these tribal hinterlands, consequently more than 10 million hectares of forestland is under the control of Maoists.\textsuperscript{43} It is reported that, Maoist activities are beneficial to the poor and landless labourers by offering protection against the oppression of rich landowners, police, and government officials. However, it is also learnt that, tribals become victims to Maoist violence


\textsuperscript{43} “Maoists Take Centre Stage In The Jungles,” \textit{Deccan Herald}, 11\textsuperscript{th} April 2010, p.7.
and oppression. The following paragraphs delve on oppression of Maoists on tribals.

Maoists assault and murder tribals whom they suspect to be the informers of police, and they also target village leaders like Sarpanchas, Patels and priests, as these leaders pose the challenge to Maoists activities in the villages. Non-governmental organization, ‘Human Rights Watch’ report that, Maoist extort money for their activities, compel the tribals for food and shelter. It is alleged that, Maoists cannot tolerate individuals who do not co-operate with them and believe in their ideologies. Maoists target the tribals who are members of Salwa Judum—state sponsored counter insurgency group aimed at eliminating Maoists.

In addition, Tribals are suspected and harassed both by Maoists and security forces, for instance, the might of Maoist was suddenly realized when 75 troopers of ‘Central Reserve Police Force’ (CRPF) were massacred on 6th April, 2010 CE, in Dantewada district of Chhattisgarh state. Fearing the revenge from ‘Central Reserve Police Force’, many tribals left their homes, as security forces generally believe that, Maoists thrive on the support of tribals, on the other hand, Maoist suspect tribals as informers of police and harass them.

Along with the violence wielded by Maoists, tribal are tortured and murdered by state sponsored Salwa Judum, which is dominated by

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44 Human Rights Watch, Being Neutral is Our Biggest Crime, p.97.
contractors, middlemen, non-tribals, tribals who own the land, village heads and priests. Along with the security forces, members of *Salwa Judum* raid the villages alleged to be infested with Maoists. During the raid on the villages, houses are burnt; tribals are raped, murdered, and coerced to join the *Salwa Judum*. A villager from Kamarguda, in Chhattisgarh, explains the abuses of *Salwa Judum* in following terms:

“There were around 50 huts in my village and all were burned by Salwa Judum members and police. They also killed three people—slit open their throats. [When we were fleeing] they [Salwa Judum members and government security forces] caught them [others from his village] in the jungle and then took them. Don’t know where. I don’t know where they killed them; may be they killed them in the police station. But later we found their bodies in the Jagargonda jungle. Some of us found the bodies and cremated them. We found Mandavi Podiya’s (age 70), Mandavi Budra’s (age 40), and Mandavi Unga’s (age 30) bodies.”

*Salwa Judum* members expect all the tribal villages infested by Maoists to be evacuated so that Maoists will not find any support from the villagers, and they want all the evacuated tribals to stay in government run camps, and fight the Maoists. Those unwilling to vacate the village or co-operate with *Salwa Judum* are tortured and abused. It seems that more than the Maoists, tribals are oppressed and tortured by *Salwa Judum* members and security forces. It is reported that, because of

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Salwa Judum, 50,000 tribals were already displaced from their homes in Chintagufa of Dantewada district.\textsuperscript{46} Supreme Court declared that the Salwa Judum is unconstitutional and against the human rights.\textsuperscript{47} The violence wielded by Salwa Judum and Maoists rob tribals of their rights to life, liberty and security.

The ‘Armed Forces Special Power Act’ is another source of contention for tribals, especially in northeast India. It is applied in the regions declared, as ‘Disturbed Areas,’ referring to a region, which is in disturbed or dangerous condition requiring the aid of armed forces along with the civil power to bring the situation under control. Generally the state governor or central government is competent authority to declare a region as disturbed area, which cannot be reviewed by judiciary or state government. For past fifty years, ‘Armed Forces Special Power Act’ has been applied to northeast region of India, which is inhabited by tribals groups. This law was intended to help armed forces in combating insurgents, it bestows army with extraordinary powers, the act allows a commissioned officer, or any officer of equivalent rank to shoot even unto death, A target can be a suspect of violating the law and order, carrying the weapons or is in the assembly of five or more.\textsuperscript{48} ‘Armed Forces Special Power Act’ enables the armed forces to arrest without

\textsuperscript{46} “Chhattishgarh Tribes Caught In Crossfire,” \textit{Deccan Herald}, 13\textsuperscript{th} April 2010, p.8.
\textsuperscript{47} “Adivasis At The Cross Roads,” \textit{Deccan Herald}, 9\textsuperscript{th} August 2011, p.11.
\textsuperscript{48} Nandini Deo, Duncan McDuie-Ra, \textit{The Politics of Collective Advocacy in India: Tools and Traps}, p.58.
warrant on the basis of offence committed or suspect who is believed to be committed offence or going to commit offence. In addition the above mentioned law, allows armed personnel to search any premises without any warrant. Above all, ‘Armed Forces Special Power Act’ provides impunity to armed personnel from legal actions in civilian courts; no legal actions can be taken against army personnel without the approval of central government.

Tribals of the above mentioned, ‘Disturbed Areas’ are crushed by armed forces with extraordinary powers on one hand and on other hand autocratic armed insurgents. Consequently, the tribals of the disturbed areas constantly live in an environment of anxiety and terror, suspected both by insurgents and by the armed forces. As a result, tribals are subjected to frequent search operation in checkpoints. Each search operation instills tension and terror in the citizens as it can lead to arrest or detention. ‘Asian Human Right Centre’, in its report published in the year 2008 CE, provides evidence to prove that, armed forces detained persons for weeks and months breaching the ‘Armed Forces Special Power Act’, which mandates the arrested person to be submitted to magistrate within twenty four hours.\textsuperscript{49} During this illegal detention, victims suffered rape, torture, and murder. The above mentioned environment of terror and tension handicaps the development in the

\textsuperscript{49} \textit{Ibid.}, p.63.
region, impairs education, employment, cultural life, political activism, and the atmosphere may prompt youths to join militant outfits.

Tribals of northeast region suffer violence in the hands of insurgents as well. It is alleged that, cadres of armed opposition group, the United National Liberation Front (UNLF) have raped twenty one minor girls belonging to Hmar Tribes in Lungthulien village, Churachandpur district of Manipur state. Consequently as per the instruction of state government, the investigations were conducted under the supervision of the retired Justice SP Rajkhowa. The investigation concluded that there were secondary evidences in the form of trauma, depression and other symptoms to prove that the above-mentioned girls were raped. Therefore, it can be inferred that, the armed groups professing to protect the interests of the citizens, often continue their struggle for their ulterior interests.

In addition, it is reported that, tribals of the ‘disturbed areas’ are subjected to human rights violations like torture, rape, and murder by militants. For instance, in the year 1982 CE, militants attacked military post in Oinam village in north Manipur; and killed fifteen soldiers and seized large quantity of weapons. The army responded belatedly but with terror. The army took control of Oinam village, and the surrounding regions, confined civilians in schools and churches for several weeks,

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including children, elderly and pregnant women. Women were raped and subjected to sexual violence.\textsuperscript{51} Fifteen tribals were killed, and more than twenty six people were tortured by Indian army as an act of revenge. The tribals had to pay with their lives and dignity for the violent acts of insurgents.

The above-mentioned acts of violence by the army often provoke tribals to protest against the army, which has become a predator rather than a protector of human rights. For an instance, in the year 2004 CE, Assam rifles paramilitary division, entered Manorama Thanjam’s house in Imphal, Manipur, and arrested her on the pretext of her being explosive expert, having links with insurgents. The army had beaten her up for three hours outside her house, while her family was locked inside the house. Later, Thanjam’s body with bullet marks was found on the road. It was impossible for the doctors to determine to check whether she was raped, because she had been shot through her lower part of the body.\textsuperscript{52} The incident ignited widespread protest in Imphal, to force the central government to withdraw ‘Armed Forces Special Power Act.’ The frustration among the civilians was raised to such an extent that, five youth attempted for self immolation, and a group of women stripped

\textsuperscript{51}John Parratt “Christianity, Ethnicity, and Structural Violence: The North East India Case,” In \textit{Interpreting Contemporary Christianity: Global Processes And Local Identities}, p. 328.
\textsuperscript{52}Nandini Deo, Duncan McDuie-Ra, \textit{The Politics of Collective Advocacy in India: Tools and Traps}, p.61.
themselves fully naked in front of ‘Assam Rifles Paramilitary Force’ local headquarters, with banner; “Indian Army Come and Rape us.”

Many a times, innocent children become victims for the insurgency of their parents. For instance, in Assam, more than twenty children were deprived of their normal childhood life and were forced to grow up in jails across Assam, and the only mistake of these children is that their parents are suspected as separatists for Independent Assam. In the year 2003 CE, the above-mentioned children were detained by Bhutanese army and later handed over to Indian army. It is also reported that, the unit of Assam Rifles sexually abused detained children:

In the year 2005 CE, a twelve year old girl was raped by member of ‘Assam Rifles’ in Karbi Anglong. And the medical tests confirmed the abuse.53

Similarly, tribals of Tripura, experienced the brunt of ‘Armed Forces Special Power Act’. Indian army became the symbol of oppression, when fourteen tribal girls from Ujanmaidan, were raped by the unit of ‘Assam Rifles’ in the year 1988 CE. Similar incident of sexual violence was exposed in the year 2006 CE, when members of ‘Assam Rifles’ gang raped three tribal women and molested several girls in Dhalai district.54 Another, northeastern state, Meghalaya, enjoys peace at

54 Ibid., pp.10-11.
present, but it has bad memories of atrocities committed by Indian army. During the last decade of twentieth century, under the protection of ‘Armed Forces Special Power Act’, military operation called, “Operation Birdie” created terror in the minds of civilians. In this operation, numerous women were raped and used as a human shield by Indian army. It is also reported that, these atrocities of torture and rape were not properly investigated.

The Tribals of Nagaland, suffer misuse of ‘Armed Forces Special Power Act,’ for more than fifty years. It is reported that, violence, either from insurgents or from army has inflicted pain on almost every family in Nagaland. The frequent violent acts include; rape, abduction, and murder. Horrifying memory, which haunts the people of Nagaland, is the incident which happened in the year 1995 CE, in Kohima city. Soldiers mistook bomb attack for tyre burst, and started indiscriminate firing for an hour, killing seven civilians including children.\(^{55}\) Such incidents are attributed to oversight or mistake of an army, which are not legally binding on them, but tribals are killed.

The ‘Armed Forces Special Power Act,’ masks all the human rights violations done in the name of security by armed forces. Therefore, it has become point of criticism, when India attempts to project its clean human rights record to outside world. In this context, ‘human rights watch’

\(^{55}\) Ibid., p.10.
mentions that, India finds its pride in independent media and judiciary, active civil society and democracy, yet the major human rights violation occur due to laws that provide impunity to human right violators. In legal history of India many laws which can be abused easily have been repealed under pressure and protests from the sections of the society and political parties, laws like; ‘The Prevention of Terrorism Acts’, ‘Terrorism and Destructive Activities Act’ have been repealed. In addition, major amendments were made to other laws: ‘National Security Act’ and ‘Preventive Detention Act’.

Nevertheless, ‘Armed Forces Special Power Act,’ the precursor of all the above-mentioned laws remain unchanged. For it is alleged that, ‘Armed Forces Special Power Act,’ does not affect the majority of the population like other laws mentioned earlier. ‘Armed Forces Special Power Act,’ is in force only in regions with minorities and tribal groups, who are considered to face discrimination at the hands of central government, without much pressure and advocacy for changes. Therefore, the United Nations committee on ‘Elimination of Racial Discrimination’ looks at the abuse of ‘Armed Forces Special Power Act,’ from the perspective of ethnicity, especially in northeast states of India. ‘Armed Forces Special Power Act,’ is

contested by above-mentioned committee as discriminating law against the tribal groups, who are minorities in India.

To review the ‘Armed Forces Special Power Act,’ ‘Reddy Commission’ was formed under the leadership of Jeevan Reddy, former chief justice of Supreme Court. After detailed investigation, in the year 2005 CE, ‘Reddy commission’ recommended to repeal the ‘Armed Forces Special Power Act.’ And mentioned that, it is too vague and can be easily abused because it empowers army to shoot any one who is in the assembly of five or more, or carry a weapon/anything capable of being used as weapon.

The ‘Armed Forces Special Power Act,’ does not define the terms- ‘assembly’ and ‘weapon’, which gives enough room for army to abuse the law. In addition, it robs the right to remedy, which international human rights strongly promote. ‘Armed Forces Special Power Act,’ allows neither state government nor civilian court to hold army accountable for their violation of human rights. Therefore, tribals whose rights are violated do not have any hope of finding remedy in army courts or in central government. So far, there is no conclusive evidence to prove that, army personnel who abused ‘Armed Forces Special Power Act,’ and violated human rights by torture, murder, and rape have been convicted.57

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In defense of ‘Armed Forces Special Power Act,’ Indian army and central government presents their arguments, in this regard, J.J. Singh, Chief of Army staff asserted that:

“ We are fighting an unequal battle…We need some sort of legal protection. Otherwise the army will be dragged to court every second day based on allegations against us.”

On the other hand, national security is the reason quoted for continuation of ‘Armed Forces Special Power Act,’ in northeastern states; these areas are considered as too violent, unstable, and strategic to be lost to the militants. The crucial question, which demands attention from government, is; what did ‘Armed Forces Special Power Act,’ achieve for being in force for more than fifty years in disturbed areas? In this regard, non-governmental organization, ‘Human Rights Watch’ mentions that:

“The AFSPA is a symbol of abuse, oppression, and discrimination. Its application and misuse has fueled a cycle of atrocity,… inflated passions for militancy in various parts of the country. The growth of militant groups under the 50 year application of the AFSPA is evidence that countering armed insurgency with disregard for human rights is ineffective.”

The international human rights corpus, especially, ‘Universal Declaration of Human Rights’ mandates protection from; danger to life, arbitrary arrests, torture and inhuman treatment. ‘Armed Forces Special

58 Quoted in, Nandini Deo, Duncan McDue-Ra, The Politics of Collective Advocacy in India: Tools and Traps, p.64.
Power Act,’ directly violates the above-mentioned basic protections with impunity to violators of human rights. In the year 1997 CE, ‘United Nations Human Rights Committee’ concerned about human rights violations in ‘Armed Forces Special Power Act,’ affected areas, recommended that, impunity to army and requirement to seek central government approval for criminal proceedings to prosecute, need to be abolished. If the army needs to continue in the disturbed areas, there is a need of law where law-enforcing agencies including army are accountable without any impunity for human rights violations, so that victims will have enough remedial measures like reporting, investigation, and prosecution.