CHAPTER - II
REVIEW OF LITERATURE

Not much research data pertaining to systematic analysis of human rights violations by police in India is available. However, some of the globally available studies/viewpoints related to the present study are as follows:-

Shourie (1980)\(^1\), in his study, reveals that poverty has relationship with vulnerability to victimization of custodial violence. In majority of the cases investigated by the writer, victims of human rights violations were arrested in minor offences, such as theft. It has been further revealed that in majority of the cases, victims have been inflicted with severe physical injuries. The study also highlights, a casual approach, on the part of State Governments, with respect to investigation of cases related to custodial violence. Even political or social organizations lack required sensitivity to these kinds of incidents.

Stohl et al (1986)\(^2\), writes that to improve state’s Human Rights behaviour, there is an urgent need of rigorous analysis of determinants and effects of human rights violations. They highlight existing weaknesses, of existing system of human rights information and measurement, quantity and quality of which is inconsistent across nations. Referring to the position assumed by Amnesty International, regarding rigorous measurements, they contend that existing indicators, at a given point of time, may not be reliable indicators of the absence of the Human Rights violations. It has been argued that efforts to improve human rights information and to treat human rights violation as multi-dimensional phenomenon, are very complex, thus their success is not certain. They further make a case for simple indicators of different aspects or dimensions of human rights violations. For this purpose, they emphasize on adoption of standard based assessment, of human rights violations, in place of event based data collection, in the short run.

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Mitchell and McCosmick (1988), demonstrate that human rights abuses by the governments are commonplace. The state authorities no doubt enlist the support of the police and the armies in tackling crises situations or for various kinds of development projects. But these forces become convenient tools in the hands of their political masters in committing all kinds of excesses like illegal arrests, torture and in extreme cases even elimination. This aberration cuts across all kinds of national, ideological, economic and political identities. Writers support their argument with illustrations of Iraq in the Middle East, Guatemala in Central America, Camroons and South Africa in Africa, Burma (now Mayanmar) in Asia, and Northern Ireland in Western Europe. They, however, contend that the degree of these abuses varies from nation to nation. They pointed out that the most unstable countries would be those where social and political unrest prevail due to economic disparities and these tensions would encourage the growth of repressive regimes in such places. Their survey indicates that countries with low per capita income are more prone to incidents of torture. Writers also find that countries those are more involved economically with advanced capitalist countries, have less respect for human rights. Writers further noted that although arbitrary imprisonment does compromise with the self respect of any individual, yet the cases of systematic torture must be dealt with even priority.

Renteln (1988), writes that the contemporary notion of human rights may be the offspring of natural rights, there are some differences between them too. Most pronounced difference is of universality of natural rights and human rights. He gives example of Locke’s assertion of natural right to property. The validity of which was taken for granted in England, but which might require argumentation in some socialist countries. To him all attempts to provide solid philosophical foundations for human rights have failed. According to him, human rights theories lack solid rational foundation and in the absence of an acceptable consensus, the theorists end up projecting their thesis as axioms beyond the scope of any healthy debate. He finds it hard to apprehend how the claims over issue like universality continues to endure without being subjected to critical questioning. Different moral perceptions in both political and social spheres rendered various global human rights instruments controversial and have frustrated all attempts to arrive at a consensus in the international arena, not only in political realm but in social life also.

Noorani (1989)\textsuperscript{5}, gives an exposition that the image of our country stands grievously compromised by complaints of police torture and in some cases even custodial deaths. On the basis of documented report published by Amnesty International, he has emphasised that ‘disappearances’ are not frequently reported in India. He shows concern that the few cases that have occurred do not set a trend. Taking a clue from documents of international bodies, he highlights the importance of keeping detailed records of all arrested persons and prosecution against the police or other members of security forces who are involved in or are responsible for ‘disappearance’ under ordinary proceedings of criminal law.

Sahani (1989)\textsuperscript{6}, in her study on under-trial women prisoners in custody, finds that these prisoners have been victims of human rights violations in respect to their arrest, detention and the treatment given during detention in the custody of police. No gender related considerations have been observed on the part of police during interrogation, even if the under-trial is pregnant. The study also finds psychological problems amongst the victims of human rights violations, due to insults meted out on them frequently and they have been treated unfairly at par with serious offenders. They have also been victim of exploitation. The victims feel that they have not been given adequate opportunity to be heard. The writer further observed that poor women are more prone to victimization.

Roht-Arriazza (1990)\textsuperscript{7}, pleads for an international law whereby states can be made accountable in cases relating to disappearances and killings by death squads and are obliged to investigate incidents of such serious human rights violations and thus punish the perpetrators. Such a law should bring under its ambit the acts of omission and commission of previous governments too. He highlights that legal and policy aspects are crucial to the issue of human rights violations. Though there are numerous international instruments based on the conventional law, the record of respect of human rights, on the part of governments world over, is not very encouraging. The writer finds it inspiring that customary international law recognises the need for action against torture and arbitrary detention. For him it was heartening to see growing intolerance among the global communities against governmental abuses. In face of worldwide criticism of such misdeeds committed by states, the

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governments tried to cloak their questionable acts behind the veneer of disappearances and killings by death squads.

In his opinion, the states must evolve systems which come down hard on such human rights violations and redress such grievances by restructuring their armed and police forces and by taking strict action against the wrong doers by straight away dismissing them or withdrawing their pension rights. Apart from this, financial reliefs can also be extended to the victims, as a part of post-adjudicatory redress. Finally, the writer argues for resting the responsibility of enforcing international human rights laws on the domestic institutions. Such steps, he observes, will go a long way in allaying the fear in the minds of the victims and their families.

Gill (1992)\(^8\), views that in post-militancy period the question of human rights in Punjab was very complex. The situation itself was anti human rights – where approach to the debate on human rights issue became surcharged with strong biases because of threat of violence and sympathies with contending parties, responsible for violation of human rights of various sections of the society. Acts such as NSA, TADA, ESMA, Disturbed Area Act provided unprecedented powers to the security forces to search, arrest, detain and even kill persons suspected to be terrorists. Common man was victim of human rights violation both at the hands of government and militants. Organisations working for human rights came under attack from both sides. This crisis had contributed to make the political process fragile in character that had further disturbed the equilibrium of life and resulted in gross violation of human rights in the state.

Amnesty International (1993)\(^9\), revealed that custodial deaths are on rise in India and most of the victims belong to the underprivileged section of the society i.e. members of the SCs and STs, tribal women in the north-east, migrant workers, landless labourers. They are tortured in order to extract a confession or further information about crime. Very often the inhuman torture methods on the victim results in his/her death. Sometime dalits and tribal’s, who organize themselves for redressal of grievances, are implicated in false cases at the behest of influential political persons. Information about the death is suppressed by the guilty policemen to escape prosecution. The facts about the cause of the death are falsified.

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The book also reveals lack of earnestness on the part of successive governments to devise proper measures to bring to book guilty police men. No serious efforts have been made by the governments to check custodial violence. It is stated that the ‘main reason why torture continues to be practiced on such a wide scale throughout India is that police feel themselves to be immune’. This book establishes the complicity of the government in custodial violence and the police work as an armed wing of the party in power.

Sebastian (1993)\(^{10}\) while evaluating the National Human Rights Commission in India, points out that ‘human rights’ defined in the Protection of Human Rights Ordinance 1993, do not expand or deepen the rights which already exist in India. The writer contends that effective functioning of the Commission can be ensured only if it has its own prosecutors and legal staff to proceed against violators with no need of prior sanction of the government. Since public order is a state subject, Human Rights Commission at state level can play an important and effective role. He also projects the need for effectiveness of the National Human Rights Commission with respect to military and para-military forces like BSF and CRPF.

Singhal (1993)\(^{11}\), in his study on custodial deaths, tries to identify reasons for this malaise. He finds that custodial torture is one of the major reasons for deaths in police custody. The writer observes a marked lack of sensitivity, on the part of police officials, from bottom to the top. He highlights the need for attitudinal changes, among police officials, particularly at supervisory level. Accountability, on the part of police, is pre-condition for respect for human rights. He further suggests measures, related to organization and infrastructure, in this regard.

Gehlot (1994)\(^{12}\), writes that in India, the Constitution has accorded human rights a fairly high status by making provision for fundamental rights and empowering the Apex Court and the High Courts to enforce these rights, under prescribed conditions and also ensure that state authorities respect these freedoms. Writing in a wider perspective, he opines that the Asian approach to human rights today largely differs from the Western concept of

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human rights. Less developed countries take a plea for a distinction of priority between civil and political rights as well as economic, social and cultural rights. Political and civil rights must come after economic development, without which human rights standards cannot be universalized. These countries also stood up against attempt at undue politicization of the issue of protection of human rights. Writer reveals that the findings of the Amnesty International and the Asia Watch Group have damaged India’s prestige in the world community. The findings of the Amnesty International have projected India as a ‘lawless state’. India has been held guilty of a number of arbitrary killings, widespread arbitrary arrests in some states, giving excessive powers to the security forces to kill suspected law-breakers and the failure to bring to trial a number of alleged police offenders. To the writer there are organized attempts to isolate India on human rights abuses so as to bring her under western pressure. He finds that there is laxity in efforts and inadequate professional skill on the part of India, as far as the rebuttal of allegations of human rights violations in Punjab and Kashmir are concerned.

Mukhoty (1996)\textsuperscript{13}, writes that torture at the hands of the police, para-military forces or army is all pervasive and a daily routine in all the states, in India, despite repeated reports by journalists and human rights organizations and interventions by judicial courts. It is irrespective of political dispensation belief of the party in power. He has made exhaustive references of various reports while highlighting the grim situation with regard to human rights violations all over India. This situation is prevailing notwithstanding the fact that India has pledged support to the International Covenant on Civil and Political Rights, which prohibits acts of torture and acts of cruel inhuman treatment or punishment. Writer shows concern that there is gross violation of human rights even when India has a wonderful Constitution and is officially committed to the Charters and Covenants of the United Nations. He is rather pessimistic as far as the hope for improvement is concerned due to persistent failure of the government to acknowledge the prevailing practices in this regard.

Suresh (1996)\textsuperscript{14}, highlights the need for sensitization of personnel of the criminal justice system on the issues of human rights. By referring to statements issued by senior


police officials, he reveals the prevailing attitude of personnel that undermine the humane aspects of criminal justice laws. In his view, there is a general feeling amongst the police and the administration that ordinary laws are not adequate to control the existing situation in the country, which is inflicted with law and order problems in general and violent organized crime in particular. The police also believes that the courts are either liberal or callous in punishing or granting bail to the criminals. He writes that a belief that only a draconian law can protect law and order is to betray lack of faith in the rule of law. Harsher laws are threat to liberty and human dignity. He also highlights the flaws inherent in investigation process of the police where the police arrest a person with a conviction that they have caught the right person. However, the police have no right to pre-judge. In his opinion guidelines issued by the Supreme Court of India would remain meaningless if police officers continue to resort to inhuman methods to extract confessions. Inadequate provisions of law are the main reason behind this situation. For instance, under the prevailing law, cases of custodial deaths due to torture are investigated by senior police officers who themselves are the executive. Only way out to enforce UN declarations, Supreme Court guidelines in letter and spirit is to adequately sensitize the police personnel.

Chande (1997)\footnote{M.B. Chande, *The Police in India*, Atlantic Publishers, New Delhi, 1997.}, opines that major reasons for violations of human rights of the people, by the police personnel, are the nature of functions they perform and the manner in which these functions are performed. The nature of the function of the police implies a direct interface with citizens with respect to basic human rights of life and liberty. He regrets that though police is custodian of law and order and protector of rights of the people, it often transgresses human rights of the people and has little respect for these. The police often ignores the direction and guidelines of the Supreme Court of India and National Human Rights Commission. The writer raises question mark on procedure of investigation, where the proof of burden is on the prosecution. The system of training of police personnel, at lower echelons, is not up to the mark. Due to societal influence, an average police official does not have required sensitivity for human rights and the present training system is not equipped to cope with the problem. The burden of this malaise, is also shared by the society at large, as a decline can be observed in social values.
**Deshpande (1997)**\(^\text{16}\), writes that there were heated exchanges between votaries of anti-terrorists state action in Punjab and the upholders of human rights. While the former defend certain officers of the Punjab Police who seem to have violated the Indian Constitution in the discharge of their duties against terrorism in the state, the later justifiably opined that the police is not above the rule of law even in the most extenuating circumstances.

**Krishnamurthy (1997)**\(^\text{17}\), has revealed a causal relationship between poverty and human rights violations. In his study on custodial deaths, in police custody, in the state of Karnataka, he informs that poor are more prone to custodial violence. He finds various cases of custodial death as custodial torture, suicides, accidents inside and outside the police custody, homicide by other inmates and natural death. It has been revealed by the writer that in majority of the cases, incidents of human rights violations have been examined by executive itself. He has proposed a number of recommendations, to check human rights violations, due to custodial violence, which range from procedural reforms to institutional upgradation. Majority of these have found place in various measures, directed by the apex court of India and the National Human Rights Commission.

**McCormick and Mitchell (1997)**\(^\text{18}\), on the basis of their empirical study find that human rights breaches differ not only in types but also in regard to the degree of the gravity of the lapse. So one single yardstick will not serve the purpose of categorising the seriousness of the wrong committed. For example, detention or incarceration is not of the same nature as torture or killings are. They go on to write that universality of human rights violations is a myth and also harmful. On the basis of evidence, the writes reveal that the governments may prefer “disappearing victims” than killing them, as it is likely to invite higher external costs. Further, as per the writers, there may be different benefits attached to the use of torture or imprisonment. There may be possibility of what might be called ‘entrepreneurial repression’ where police forces act independently, to use their coercive powers corruptly, for their personal interests.


Vadackumchery (2000)\textsuperscript{19}, highlights the need for behavioural changes in police, if it has to build an image of people friendly organization. It has to develop a positive concept about itself that it is an organization to serve, rather than a force, in a democracy. In his observations, in initial years of implementation of guidelines, of the National Human Rights Commission, the milieu was of inhibitions to adopt people friendly strategies. As an officer in the department of police, the writer has first hand experience in this regard. He believes that people friendly approach, of police officials, brings better results as far as maintenance of law and order is concerned. On the basis of his research, he reveals that most of the human rights unfriendly police officials, suffer from a hidden lack of self-esteem. They are readily influenced by politicians or persons, who have influence in the society. He opines that a defective system of training of police and inculcating of defective values to police officials, make defective superegos in police functionaries. Thus, value-oriented training is need of the hour, to create a human rights friendly police. Taking a cue from the sub-culture prevailing in the police, he informs that a new entrant in the police organization sees the effect of human rights violations in making people submit to police desires. Some police officials see human rights violations, as short-cut methods, to get quick results. The writer also tries to find reasons for this problem, in the sub-culture inherited by the police, from its colonial past. He points out that retributive approach of the police towards criminals is also a manifestation of retributive attitude, prevailing in the public towards criminals.

Sen (2002)\textsuperscript{20}, has very significantly brought out the concerns of some of the agonies and ecstasies of law-enforcement officers- the police working in regard to human rights in the society. He also observed that our country witnessed an unfortunate decline in the quality of policing and law-enforcement, coupled with blatant misuse of power by the police and the politicians while violating human rights of the people.

Singh (2002)\textsuperscript{21} explores the issue of pardon to police officials accused of human rights violations in Punjab during the days of militancy. Writer informs that cases of human rights violations against Police officials in Punjab were viewed by them as politically motivated and based on concocted evidence. Police officials believe that human right


practices in India have been transformed into populist platform and are being exploited by some organizations to harass the police and to promote the objectives of terrorists. The writer has discussed this issue in context of prevailing political discourse. On the basis of the analysis of the survey conducted by the CSDS in February 2002, the writer brings to light the new trends in the public perception of police force that demonstrated diminishing public hostility towards police. However, the people were averse to any move to grant pardon to the cops accused of human rights violations without trial. The debate on the issue became so complex that the concepts of human rights and national security appeared to be working at cross-purpose during those days when Punjab came under the shadow of terrorism. He further contends that it is erroneous to assume that the concepts of national security and human rights cannot co-exist. There is a need to see the two positions sharing common grounds of constitutional democracy.

Thakur (2002)\(^{22}\), has also attempted to explore the indispensable necessity of POTA and other human rights laws in the face of growing human rights violations and terrorist attacks in India. The plea of the author is that POTA has come under sharp criticism at the hands of civil rights groups, scholars, lawyers, media, political class, religious and secular bodies as the law undermines a number of due process rights, provided by the Indian Constitution and various international legal instruments. But it was justified by the government that the leading countries of the world like UK and USA have enacted similar laws to prevent terrorism and it cannot do away with stricter laws simply on the apprehension that these will be misused. It has provided adequate protection for its citizens by instituting stern penalties for police officers acting in a mala fide manner.

Banerjee (2003)\(^{23}\), while analyzing the working of National Human Rights Commission writes that the Commission is a toothless and inept institution due to deliberate refusal of the government to vest the commission with adequate authority and resources. To him, the NHRC remains a crippled child as the Indian government has severely restricted the scope of its reach and power. To the writer, the judiciary has been an indirect party to this state of affairs, where there is hardly any accountability for undermining human rights and global humanitarian laws. He underscores the failure of an effective institutional working

\(^{22}\) L.K. Thakur, Essentials of POTA and Other Human Rights Laws, Authors Press, Delhi, 2002.

relationship between NHRC and the judiciary. He further contends that monetary compensation is no substitute for an end to the arbitrariness of the law enforcing agencies.

**Fatima (2003)**\(^{24}\) has attempted to highlight incidences of custodial violence by Indian police and laws and important decisions given by judiciary and National Human Rights Commission in regard to protection of human rights. Police violence has been an issue of great concern to the society. The incidents of custodial violence as well as other atrocities affect the law and order fabric, peace, tranquillity and the life pattern of the mainstream population. Police crimes associated with violence dampen the common man’s feeling regarding safety and security of the society. Repeated occurrence of heinous crimes has wider impact in people’s mind. The author also recommended that the problem of custodial violence is deeply rooted in India and can be eliminated with the help of police officials, after making necessary reforms and modifications under the Police Act.

**Patil (2003)**\(^{25}\), has dealt with the issue of violation of human rights of people in South Asian countries. Almost all South Asian countries have laws that do not respect essential notions of due processes, often resulting in arbitrary arrests, assault and killing of innocent people by government officials especially by the police. Violation of human rights, whatever be the level, is a heinous crime against society and hence a grave problem which concerns the entire human race. The author very significantly pointed out that the South Asian governments or the media there, ignores the human rights abuses with scant regard for important ideas of due processes, which often lead to unlawful arrest, assault and elimination of innocent people by government officials, particularly the police.

**Rao (2003)**\(^{26}\), explores the efforts made by the National Human Rights Commission, in India, to check custodial violence, prevalent in almost all states of the country. The Commission considers the individual complaints. It calls for reports from state governments and also get inquiries conducted by its own investigation division, on the basis of *suo motu* cognizance of the matters related to human rights violations. The compensation and action against the violators are recommended, after a prima-facie case is established. A process of mandatory reporting of custodial rapes and deaths, within 24 hours by concerned authorities,

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has been initiated by the NHRC. This effort of the commission has gone a long way in ensuring in systematic documentation of custodial violence in India. The Commission has also recommended that all post-mortems in the cases of custodial deaths, must be video recorded and be sent to the Commissions, along with written reports. The writer notes an observation of the Calcutta High Court in this regard: “The tape was incomplete. After showing the body of Budhan in the cell, there was a discontinuity of about 33 seconds. The next shot had no link with the first......There was the evidence of tampering as the tape was found to be cut and joined with an adhesive between the two shots. This incomplete and edited video tape suggests that not only the post-mortem was improperly concluded but also that inconvenient part of the tape was obliterated... just as shadily as the police put together their various affidavits.” “There is an evidence”, wrote Justice Ruma Pal, “that the documents maintained by the police have been tampered with and fabricated. There is also prima-facie evidence that the victim (Bhudan) suffered injury while in the police lock up. There is also evidence that the police have acted in violation of the law in effecting the arrest and detention of that victim (Bhudan)”.

The writer further notes that the doctors who are experts in forensic medicine have commented to Amnesty International that using video to access the accuracy and impartiality of post-mortems is unrealistic. Thus, the Commission needs to rework for improvement in the quality of post-mortem reports and their scrutiny. The NHRC has taken initiative to develop Model Autopsy forms to standardize the procedure of inquest. However, the Commission needs to ensure that these procedures have been followed strictly while conducting inquiries into custodial deaths. It further makes a case for Human Rights Courts at the district level and Human Rights Cells in police departments of all states, to monitor investigation and to supervise the prompt reporting and ensuring the implementation of directions of the Commission. It has also standardized its procedures and processing of complaints of custodial deaths and constituted internal mechanism, which deals with cases of custodial deaths exclusively. It has also set up Special Rapporteur and Special Representatives to appraise the Commission of concrete situation.

Singh (2003), has also very successfully touched upon the issue of human rights violation from international point of view. The author has brought out that the perception of violation of human rights largely depends on the attributes and attitudes as “one man’s meat is another man’s poison”.

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Bhattacharjee (2004)\textsuperscript{28}, has also examined the development and functioning of criminal justice administration in India from historical point of view, with special reference to protection of human rights. The criminal justice administration was envisaged with an impressive intent. These rules have been used in ancient India and have also fashioned the modern Indian mind set by introducing the concept of adjudication of the cases which are punishable by law, with the aim of minimizing such crimes or offences in the Indian society. The belief that property and law were twins, which shall die together, is only half truth. Property may be the cause of many crimes but it is not the sole procreator of all crimes. There are many crimes unconnected with property.

Kirby (2005)\textsuperscript{29}, while listing indicators for implementing human rights observes that it is hard to define and measure an entity as intangible as idea of freedom. So human rights practitioners tend to accord different weight-age to different aspects of the rights depending on the situation. He terms the establishment of the framework for international human rights law as one of the greatest achievements of the United Nations. The basic objective of the international human rights is to prevent states from degenerating into an instrument of tyranny and autocracy. He writes further that the task of identifying the indicators conclusively is controversial, as the observance of human rights is inherently a matter of debate and of varying opinions. The perception about the indicators concerning observance of human rights is related to family values, legal and social setting and experiences of life. Despite all difficulties in identifying mutually acceptable indicators to evaluate performance regarding human rights implementation, it is possible to suggest some indicators for this purpose.

Neumayer (2005)\textsuperscript{30}, examines the implementation of human rights protection laws, by the states, with respect to international treaties i.e. does the ratification of international treaties indicate an enhanced concern for human rights in the countries pledging support to the treaty’s provisions? While developing a theoretical perspective on the issue, the writer shows that neither (neo) realist nor institutionalist viewpoint would lead one to expect much

of international human rights treaties. Some approaches such as liberal theory, the transnational legal process model offers an optimistic outlook. For international human legal rights instruments to be effective, what is needed is a vibrant public opinion about the rights as well as a proper infrastructural support. The practitioners of liberal theory want an effective democratic system in place for satisfactory implementation of the rights. In any democratic setup, political regimes can ill-afford to remain a silent spectator to the public outcry over the violation of human rights as the force of sheer public opinion will pressurise the governmental concern to bow unto the demands of its subjects. According to the advocates of the transnational theory, the success of their system will depend upon an active civil society with strong institutional link-up. In absence of such a network, the international systems can be counter-productive. The treaty ratification become an important indicator of the measure of implementation of human rights in a genuine democratic system. The proactive role of the NGOs, backed by strong social awareness in general and a sensitive political regime in particular, facilitate the delivery systems on the ground level.

O’Rawe (2005)\(^{31}\), sees policing as the main delivery vehicle on the human rights front in a society. To him, the concepts of policing must be dynamic and should be able to quickly adjust to the changing needs and demands of the public. For this, paradigm shift in the basic attitude of the police force towards the people and quality of overall political culture and the subcultures which flow from it, the writer holds the training programme as the key factor. The reform process must be planned with active participation of all the stakeholders. It is essential to bring about an attitudinal change in the minds of law enforcing agencies. The need for human rights must be understood both at the cognitive as well as at the level of heart. To convert the training principles into a palpable living reality, the police force and the civil society must get into a sustained interaction, with due regard to the sensitivity of each other on various issues.

Ahmen (2007)\(^{32}\), expounds the thesis that the presence of a democratic regime in a society is no guarantee against violation of human rights. He cites the example of Brazil in this context where he says the existence of democratic system has failed to put a check on the


incidents of police violence. On the contrary, the pro-order political coalitions have succeeded in effectively stalling moves to clip the wings of the police force there. He closely examined the rate of police killings in context of the electoral politics and concluded that partisanship remains a major factor in calculus of the rate of police killings. The writer is of the opinion that presence of democracy only is not enough as the charter of political systems is further determined and shaped by underlying forces of social conflicts.

Blan et al (2007)\(^{33}\), consider the much-debated difference between the human rights breaches and humanitarian law violations, as more or less groundless. He observes that the human rights violations are as serious a crime as crimes against humanity. To them, the human rights violations are profoundly linked to communities, NGOs, schools, religious and non-religious bodies, public authorities and various government officers as a social phenomena. So the writers look at such violations as punishable crimes as they observe that it is the bounden duty of the communities concerned, business entities and states to uphold the sanctity of these laws, in order to promote a feeling of general wellbeing among all and the vulnerable sections in particular. They plead that any denial of such rights be seen as a criminal act under the jurisdiction of an international authority and accountability be fixed on individuals and entities concerned, for upholding human rights standards. To them, the state and the societies together are responsible for promoting and protecting human rights.

GAP IN THE EXISTING LITERATURE

The literature on the topic is replete with studies on growth of the concept of human rights and its violations at the national & international level. These studies cover almost all the aspects of human rights. However, the existing literature on human rights violations in Punjab is mostly journalistic in nature or based on reports of international organisations and its scope is limited to the period of terrorism in the state. There is a lack of systematic and coherent study on human rights issues in post-normalcy Punjab. The present work is an attempt to fill the gap in the existing studies, especially of human right violations in Punjab.